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TUESDAY, MAY 23, 1978



highlights

FEDERAL REGISTER WORKSHOPS

DENVER, COLORADO AND SEATTLE, WASHINGTON

FOR: Any person who must use the Federal Register and Code of Federal Regulations.

WHAT: Free public workshop (approximately 3 hours) to present:

1. Brief history of the Federal Register system.
2. Difference between legislation and regulations.
3. Relationship of Federal Register and the Code of Federal Regulations.
4. Important elements of a typical Federal Register document.
5. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in government actions. There will be no discussion of specific agency regulations.

DENVER, COLORADO

WHEN: June 15 and 16, 1978, at 9 a.m.
(Each session identical).

WHERE: Room 269, U.S. Post Office Building, 1823 Stout Street, Denver.

RESERVATIONS: Call Liz Stout, Area Code 303-837-3602.

SEATTLE, WASHINGTON

WHEN: June 16, 1978, at 9 a.m.

WHERE: South Auditorium, 4th Floor, Federal Building, 915 2nd Avenue, Seattle.

RESERVATIONS: Call Patrick Brito or Susan Fuller, Area Code 206-442-4905.

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
DOT/NHTSA	USDA/APHIS		DOT/NHTSA	USDA/APHIS
DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
	HEW/ADAMHA			HEW/ADAMHA
	HEW/CDC			HEW/CDC
	HEW/FDA			HEW/FDA
	HEW/HRA			HEW/HRA
	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

federal register

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FEDERAL REGISTER, VOL. 43, NO. 100—TUESDAY, MAY 23, 1978

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NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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This is a continuing listing of public bills that have become law, the text of which is

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[3195-01]

Title 3—The President

PROCLAMATION 4572

Prayer for Peace
Memorial Day, May 29, 1978

By the President of the United States of America

A Proclamation

We pause at this time of year to remember those who sacrificed their lives over the last two centuries to preserve America's freedoms.

We honor them today for their faith in the principles of liberty and justice which motivated our founding fathers, and must motivate us today.

The highest tribute we can pay those who fought and sometimes died for our country is to strengthen in time of peace those values for which they struggled in time of war.

Let us pray for peace, but let us also vow that, if the test of unavoidable combat should ever come again, we will meet it with courage, and devotion to our country.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby designate Memorial Day, May 29, 1978, as a day for all Americans to join together in prayer for lasting peace. To that end, I designate the hour beginning in each locality at 11 o'clock on the morning of that day as the appropriate time for the American people to unite in prayer.

I call upon the appropriate officials of all levels of government to fly the flag at half-staff until noon during Memorial Day on all buildings, grounds, and naval vessels throughout the United States and in all areas under its jurisdiction and control. I request the people of the United States to display the flag at half-staff from their homes and other suitable places for the same customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.

Jimmy Carter

[FR Doc. 78-14542 Filed 5-19-78; 4:11 pm]

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rules and regulations

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[6325-01]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Energy, Equal Employment Opportunity Commission, Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Energy, Equal Employment Opportunity Commission, and Department of Housing and Urban Development, because they are confidential in nature.

EFFECTIVE DATE: May 11, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 632-4533.

Accordingly, 5 CFR 213.3331(n)(3), 213.3377(m) and 213.3384(a)(45) are added as set out below:

§ 213.3331 Department of Energy.

(n) Office of the Assistant Secretary for International Affairs. * * *

(3) One Confidential Assistant (Secretary) to the Principal Deputy Assistant Secretary for International Affairs.

§ 213.3377 Equal Employment Opportunity Commission.

(m) One Special Assistant to the Director, Office of Systemic Programs.

§ 213.3384 Department of Housing and Urban Development.

(a) Office of the Secretary. * * *

(45) One Special Assistant to the Secretary for Indian and Alaska Native Programs.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-14318 Filed 5-22-78; 8:45 am]

[3410-01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: The delegations of authority of the Department of Agriculture are amended to transfer the authority to coordinate the Department's programs involving assistance to American Indians from the Assistant Secretary for Administration to the Assistant Secretary for Rural Development. The Assistant Secretary for Rural Development will coordinate this area with other Assistant Secretaries who have responsibilities for programs affecting Indians.

EFFECTIVE DATE: May 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Preston Davis, Office of the Assistant Secretary for Administration, U.S. Department of Agriculture, Washington, D.C. 20250, 202-447-3881.

Accordingly, Part 2, Subtitle A, Title 7, Code of Federal Regulations is amended as follows:

Subpart C—Delegations of Authority to the Deputy Secretary, Assistant Secretaries, the Director of Economics, Policy Analysis and Budget, and the Director, Office of Governmental and Public Affairs

1. Section 2.23 is amended by adding a new paragraph (f) to read as follows:

§ 2.23 Delegations of authority to the Assistant Secretary for Rural Development.

(f) Related to Indian affairs. Coordinate the Department's programs involving assistance to American Indians except civil rights.

2. Section 2.25 is amended by revising paragraph (h)(1) to read as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

(h) Related to equal opportunity. (1) Coordinate all aspects of the Department's Civil Rights program.

Subpart J—Delegations of Authority by the Assistant Secretary for Administration

3. Section 2.80 is amended by revising paragraph (a)(9) to read as follows:

§ 2.80 Director, Office of Equal Opportunity.

(a) * * *
(9) Coordinate Department civil rights activities involving assistance to American Indians.

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

For Subpart C, Dated May 17, 1978.

CAROL TUCKER FOREMAN,
Acting Secretary of Agriculture.

For Subpart J, Dated May 17, 1978.

JOAN S. WALLACE,
Assistant Secretary for Administration.

[FR Doc. 78-14343 Filed 5-22-78; 8:45 am]

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lime Reg. 38, Amdt. 1; Lime Reg. 6, Amdt. 2]

PART 911—LIMES GROWN IN FLORIDA

PART 944—FRUITS; IMPORT REGULATIONS

Grade and Size Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action extends the minimum grade and size requirements for fresh Florida limes and for imported limes beyond June 23, 1978, the date current requirements would otherwise end. Such action is needed to provide for orderly marketing of limes in the interest of producers and consumers.

EFFECTIVE DATE: June 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On April 28, 1978, notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 18182), regarding a proposed amendment to the regulation to be made effective pursuant to the marketing agreement and Order No. 911, both as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. The domestic regulation was recommended by the Florida Lime Administrative Committee established pursuant to the marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The amended regulation for imported limes is effective pursuant to section 8e of the act, which makes such regulation mandatory.

The notice allowed interested persons until May 12, 1978, to submit written comments for consideration in connection with the proposed amended regulations. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Florida Lime Administrative Committee, and other available information, it is hereby found and determined that the amended regulations, as hereinafter set forth, are in accordance with the provisions of the

amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of the amended regulations until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because of insufficient time between the date when information became available upon which the regulations are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation for Florida limes at an open meeting and thereafter on the regulations for Florida and imported limes with respect to the April 28, 1978, notice of proposed rulemaking. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

Accordingly, it is found that the provisions of paragraph (a) of § 911.340 (Lime Regulation 38; 43 FR 16149) and paragraph (a) of § 944.205 (Lime Regulation 6; 43 FR 16149) should be and hereby are amended to read as follows:

§ 911.340 Lime Regulation 38.

Order. (a) During the period June 24, 1978, through April 30, 1979, no handler shall handle:

§ 944.205 Lime Regulation 6.

(a) On and after June 24, 1978, the importation into the United States of any limes is prohibited unless such limes are inspected and meet the following requirements:

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated May 18, 1978, to become effective June 24, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-14344 Filed 5-22-78; 8:45 am]

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS

PART 1510—REQUIREMENTS FOR RATTLES

Banning of Hazardous Articles and Establishment of Safety Requirements

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Commission issues mandatory safety requirements for rattles in the form of a regulation banning rattles which do not have ends of a sufficient size. The regulation is designed to address choking and suffocation hazards associated with rattles by ensuring that a rattle cannot project into an infant's throat to a depth that could cause choking.

EFFECTIVE DATE: The regulation is effective August 21, 1978. The regulation is applicable to all rattles introduced into interstate commerce on or after that date.

FOR FURTHER INFORMATION CONTACT:

Elaine Besson, Office of Program Management, Consumer Product Safety Commission, Washington, D.C. 20207, 301-492-6453.

SUPPLEMENTARY INFORMATION:

BACKGROUND

In the FEDERAL REGISTER of November 18, 1977 (42 FR 59511), the Consumer Product Safety Commission (CPSC) proposed for public comment a regulation (16 CFR Part 1510) prescribing safety requirements for infant rattles and a regulation (16 CFR 1500.18(a)(15)) declaring as banned hazardous substances, rattles not meeting such safety requirements. The proposed regulation is intended to address choking and suffocation hazards associated with rattles by ensuring that a rattle cannot project into an infant's throat to a depth that could cause choking.

The Commission proposed the banning and safety requirements pursuant to section 2(f)(1)(D) of the Federal Hazardous Substances Act (FHSA) (15 U.S.C. 1261). Section 2(f)(1)(D) provides for the classification of any toy or other article intended for use by

children as a hazardous substance upon a determination by regulation that it presents a mechanical hazard. In addition, section 2(q)(1)(A) of the FHSA provides that such toy or article is automatically a banned hazardous substance. "Mechanical hazard" is defined by section 2(s) of the act, which reads in part:

An article may be determined to present a mechanical hazard if, in normal use or when subjected to reasonably foreseeable damage or abuse, its design or manufacture presents an unreasonable risk of personal injury or illness . . . (7) Because the article (or any part or accessory thereof) may be aspirated or ingested . . . or (4) because of any other aspect of the article's design or manufacture.

The need for the proposed regulation was demonstrated by injury data and death reports. At the time of the proposal, the Commission staff had identified, through in-depth investigations as well as consumer complaints and death certificates, 8 choking deaths and 10 non-fatal choking incidents involving the lodging of small rattles in the throats of infants. After a review of public comments on the proposal, the Commission staff can now document a total of ten choking deaths dating as far back as 1943, and occurring as recently as 1977. The Commission now has reports of a total of 19 incidents in which infants choked but did not suffocate because the rattle was promptly removed by an adult.

Based upon a review of the injury data, the Commission concluded in the proposal document that certain rattles can cause choking and suffocation in infants because their size or design permits them to be forced (as by an infant falling with its face down) or sucked into an infant's mouth and become lodged in the throat. The Commission studied the requirements and technical rationale supporting a recent Canadian rattle regulation and concluded that the test fixture used in that regulation was a reasonable and appropriate method of addressing the choking hazard. The Commission, therefore, proposed to adopt the dimensions of the Canadian test fixture in its own banning regulation. (A copy of the Canadian rattle regulation issued on June 23, 1977 under its Hazardous Products Act is on file at the Office of the Secretary of the Commission. The technical data supporting that regulation are discussed in the Commission's proposal document and are incorporated herein by reference.)

THE PROPOSAL

Proposed part 1510 consists basically of a definition of a rattle and a test procedure with safety requirements for rattles. In the proposal a rattle is defined as "an infant's toy, intended to be handheld, usually containing

pellets or other small objects and which produces sounds when shaken." The proposed test procedure uses a fixture having a cavity with opening dimensions of 1.968 x 1.378 inches (50 x 35 millimeters). The test procedure provides that the rattle is inserted in this opening, and if any part of the rattle can penetrate and contact the lower plate in the cavity (1.181 inches (30 millimeters) below the opening), the rattle fails the test. The test procedure also provides that the rattle is to be tested after performing several of the use and abuse tests of § 1500.51 of the Commission's regulations under the FHSA. The tests under this section are designed to simulate the use and abuse of toys and other articles intended for use by children 18 months of age or less. The purpose of prescribing these additional procedures before the fixture test is to ensure that no component of a rattle released as a result of the use and abuse tests presents a choking hazard.

COMMENTS ON THE PROPOSAL

The proposal of November 18, 1977, invited interested persons to submit written comments on or before December 19, 1977. This comment period was extended at the request of an interested party until January 3, 1978, by publication of a notice in the FEDERAL REGISTER (42 FR 63899). A total of 21 comments were received: 15 from concerned citizens, 1 from a visiting nurses' association, 1 from a local consumer protection bureau, 3 from manufacturers, and 1 from a retailer.

Nearly all of the commenters expressed support for the banning regulation. Thirteen of the concerned citizen commenters agreed with the proposed ban and eleven mentioned specific choking or suffocation incidents involving members of their families or neighbors as the basis of their support. The local consumer protection bureau and the visiting nurses' association also favored the ban, and the consumer protection bureau noted that it had requested local stores to voluntarily withdraw from sale the rattles covered by the proposed ban.

Two concerned citizens felt that manufacturers should not be required to redesign their infant rattles and that the individual parent should accept responsibility to supervise infant play. One of these commenters suggested that a warning label be required on small rattles indicating that parental supervision is necessary.

The Commission notes that an infant's natural tendency is to put any object in its mouth and that infants may be expected to play with a simple toy such as a rattle without constant, direct supervision. In addition, the Commission points out that the nature of the hazard associated with small rattles is such that it may cause

death to an infant. The Commission, therefore, concludes that nothing short of a ban of hazardous rattles will adequately protect children from the risk of injury.

The comments from the three manufacturers and one retailer indicated support of the intended purpose of the proposed regulation, but noted certain technical and language difficulties. The issues and criticism raised by these commenters and the Commission's responses are as follows:

1. DEFINITION OF A RATTLE

Three commenters requested clarification of the definition of a rattle contained in the proposal, on the basis that it did not accurately describe the range of products which would fall within the scope of the ban. The commenters noted that certain stuffed toys with noisemakers inside, play keys on a ring, or games that contain parts which produce noise when shaken might be considered rattles within the definition. Two commenters suggested that an age range be added to clarify the definition. One commenter recommended that the definition more closely describe the type of rattles which have been involved in the reported incidents.

It was never the intention of the Commission to include such items in the scope of this banning regulation. While the Commission believes that the product category "rattle" has a commonly understood definition which does not include items such as stuffed toys or games, the Commission has decided that to avoid any possibility of confusion, the proposed definition should be revised to add the following list of examples of products which are not covered by the regulation: dolls, stuffed animals, crib exercisers, crib mobiles, pull toys, shoe lace holders, bells (not part of the noise-making component of a rattle), plastic keys, games, puzzles, and musical instruments such as tambourines, castanets, and maracas. (Note: This list is not all-inclusive, but merely specifies the type of products not intended to be included within the banning regulation.) Because the Commission has revised the definition to exclude such products, and the product category subject to the regulation should now be clear, the Commission does not believe it is necessary to specify the intended user of the regulated product. Therefore, the Commission has not included an age range in its rattle definition because the Commission does not believe the inclusion would add any clarity.

As to the suggestion that the definition should more closely describe the type of rattles involved in actual incidents, the Commission recognizes that the proposed ban originated because small telephone, dumbbell, safety pin,

and clothespin rattles were associated with infant deaths and serious injuries. However, the Commission has found that other designs and shapes such as the traditional "lollipop" design present the same hazard. Furthermore, because of the limited information available on the actual mechanism of choking in infants and statistically valid anthropometric data for the infant oral pharyngeal area, the Commission has decided that these requirements should serve to prohibit the sale of any rattle which can project into the throat of an infant, not merely certain previously identified sizes and shapes.

These safety requirements are intended to serve as designing and manufacturing criteria to eliminate this choking and suffocation hazard from future products as well as those current designs available in the marketplace.

The Commission believes that it has responsibility to act in a reasonable manner and at the same time act on the side of safety when establishing requirements for a product which may cause death to the user.

One commenter suggested that pacifiers be specifically excluded from the rattle requirements because the hazards of pacifiers are addressed in a separate regulation. (See 16 CFR Part 1511; 42 FR 33276.) The same commenter noted that the word "usually" is a source of confusion in the proposed rattle definition at § 1510.3, which states, in part, that rattles "usually" contain "pellets or other small objects." The commenter recommended that the word be removed.

The Commission declines to make either suggested change. As to a specific exclusion for pacifiers, the Commission notes that a pacifier cannot reasonably be mistaken for a rattle. The Commission further believes that rattles and pacifiers have sufficient distinguishing characteristics to prevent any confusion as to which set of requirements the product must meet. In response to the second comment, the Commission notes that the intent of the word "usually" in the definition is to include rattles in the ban that may have the noise-maker removed, but still present the same choking hazard as those which contain it.

2. RATTLE TEST FIXTURE

One commenter expressed concern over differences between the proposed rattle test fixture and the test fixture contained in the Canadian regulation. The commenter noted that the opening of the Canadian fixture extends completely through the block, whereas the opening in the Commission's proposed test fixture extends only partially through the block. The commenter stated that the Canadian template with its full opening is more ac-

curate to use than the Commission's because the Canadian fixture could be placed on a flat surface coated with dye and any rattle that picks up a stain could easily be rejected as failing the test. In addition, the commenter noted that the Canadian test fixture would be less expensive to make because it is easier to cut a hole completely through a block rather than milling a "blind hole" to the required 1.181 inch (30 mm) depth. The same commenter also requested that the dimensions on the Commission's test fixture include tolerances such as those listed in the Canadian regulation.

The Commission agrees with this commenter that because the cavity in the fixture contained in the proposal is not a "through hole", there could be instances in which it would be more difficult to determine whether a rattle was or was not in compliance. Therefore, the Commission has changed the fixture which appeared in the proposal so that it contains a through hole (see figure 1 below). As to the issue of tolerances, the Commission believes that such tolerances serve only to introduce a band of uncertainty to the results of a test for compliance. For example, if the size of the entrance to the cavity in the Commission's rattle test fixture is manufactured to the upper limit of a tolerance and the size of a manufacturer's fixture is at the lower limit of a tolerance, a manufacturer could believe his rattles meet the requirements of the regulation while they may, in fact, fail if tested in the Commission's fixture. To avoid such uncertainty in test results, the Commission declines to include tolerances in the rattle requirements. The Commission notes that it will manufacture its test fixture and perform the compliance test in a manner such that any rattle failing the compliance test clearly is not in conformance with the intent of the requirements of Part 1510. The language of section 1510.4 of the final rule is that "the measurements of the opening of the Commission's test fixture will be no greater than those shown in figure 1 and the depth of the fixture used will be no less than that shown in figure 1."

3. STERLING SILVER RATTLES

One commenter, a manufacturer of silver products including sterling silver rattles, stated that the proposed requirements would increase the price of silver rattles from \$5 to \$8 each, from present prices of \$9.75, \$17.50, and \$21.50. The commenter, therefore, requested separate treatment for silver rattles, noting that none of the reported incidents involved a sterling silver rattle.

The Commission points out that a silver rattle was included among the choking incidents reported in the preamble to the proposed regulation, and

a second incident involving a silver rattle was reported by one of the commenters. While the Commission appreciates the cost and price effects of the regulation on manufacturers of silver as opposed to plastic rattles (see the section of this preamble below entitled Economic Considerations), the Commission believes silver rattles present the same potential hazard as other rattles and therefore, declines to exempt the items from the requirements of Part 1510. The Commission also notes that silver rattles are generally purchased as special gift items and may be regarded as heirlooms. Therefore, the Commission believes many purchasers may be willing to buy at higher prices or may substitute other silver gift products such as spoons. As indicated below, the firms which manufacture silver rattles also generally manufacture other silver products, and rattles comprise only a small percentage of their total sales.

4. EFFECTIVE DATE

A retailer requested that the effective date of the final banning regulation be 120 days after publication in the FEDERAL REGISTER to allow for necessary retooling, rather than 90 days as proposed.

The Commission notes that since the Canadian regulation has been in effect for over 6 months and products for both the Canadian and American markets are manufactured by many of the same suppliers, some complying rattles are already part of manufacturers' product lines. Given this circumstance, the lack of supporting evidence to demonstrate a need for a longer lead time and the fact that the nature of the hazard is such that it may cause death to an infant, the Commission believes that the proposed 90 day effective date is appropriate.

The regulation is applicable to all rattles introduced into interstate commerce on or after that date. For purposes of the regulation, introduction into interstate commerce is defined as follows: A rattle manufactured outside the United States is introduced into interstate commerce when it is first brought within a U.S. port of entry. A rattle manufactured in the United States is introduced into interstate commerce (a) at the time of its first interstate sale, or (b) at the time of its first intrastate sale if one or more of its components and/or raw materials were received interstate.

ECONOMIC EFFECTS

1. PLASTIC RATTLES

Manufacturers of plastic rattles are part of the infant products industry and are generally involved in a number of different product lines. The Toy Manufacturers Association (TMA) estimates that 45 million plastic rat-

ties are sold annually, with a manufacturer's selling value of \$9.4 million. These rattles are low cost, high volume items, generally retailing for between \$.26 and \$.69 each. In addition, there are some new, larger designs which retail for \$.79 to \$1.50 each.

The majority of American firms in the rattle business import their rattles from the Orient because of the lower production costs. In the U.S. approximately 5 firms manufacture plastic rattles.

Plastic rattles are manufactured by injection molding. In the Orient, molds have only a few cavities and cost an average of \$3,000. In the U.S., molds contain many cavities and cost approximately \$12,000 to \$14,000 each. The foreign producers of plastic rattles, that supply both the Canadian and American markets have already begun to modify or change their molds to meet the Canadian standard. To comply with this regulation, retooling costs will be incurred by the foreign suppliers for molds which they own and by American firms for foreign and domestic molds they own. In some cases only the mold for the handle will have to be changed at an estimated cost of \$1,000 to \$1,500 per handle mold. In other cases new designs will have to be conceived and additional new molds will have to be made. In addition to design and acquisition costs for new molds, other retooling costs include the costs of equipment for assembling and decorating the rattles. Also small additional costs may be incurred for packaging. Rattle manufacturers may choose to order new packaging so as to distinguish complying from non-complying rattles.

The changes that will be necessary to comply with the new regulation will probably result in increased retail prices for plastic rattles. The Commission staff estimates, however, that in most cases the item price of plastic rattles will only increase \$.05 to \$.10 each. Therefore, most plastic rattles will remain inexpensive. In addition, the increased amount of plastic will not add significant weight and adversely affect the utility of these products. The Commission does not expect that sales of these products will change significantly as a result of price or product changes. While sales of rattles may decrease slightly with increased prices, the Commission believes exposure to rattles will still remain high in comparison to other toys and children's products.

2. SILVER RATTLES

Sterling silver rattles are manufactured domestically. Commission staff have identified 11 firms that make these rattles. The majority of the firms manufacture other fine silver products and specialty items.

Less than one percent of the number of all rattles sold annually are silver. In contrast to the plastic rattles, these products are high cost, low volume items retailing for between \$9 and \$25.

The manufacturing process for silver rattles combines stamping and soldering and requires the use of dies, presses, and striking and trimming tools. Estimates of the cost for new tools and dies range from \$1,500 to \$4,000 per rattle design. Additional costs for development and new capital equipment may also result. As a result of the new size requirements, there will be substantial increases in the amount of silver needed. All of these costs will be reflected in the retail prices.

While a price increase of from \$5 to \$8 per rattle, as estimated by one manufacturer, may cause sales to decline, the Commission believes that many purchasers may be willing to buy at the higher prices since silver rattles tend to be purchased as special gift items or as heirlooms. In any event, the Commission does not believe the economic impact of this regulation will be overly burdensome to most silver rattle producing firms because silver rattles are generally a small percentage of total sales.

The Commission staff economic analysis is available from the Office of the Secretary.

ENVIRONMENTAL EFFECTS

The Commission has concluded that the rattle regulation will have no significant effects on the environment and that no environmental impact statement is necessary. The factors leading to this determination are set forth in an environmental assessment of the regulation which is on file with and available from the Commission's Office of the Secretary.

CONCLUSION

Based on the information available to the Commission, including information contained in the public comments, the Commission believes that the design of certain infant rattles (specifically the size of the rattle ends) enables the rattles to become lodged in the throats of infants, thereby presenting an unreasonable risk of personal injury to infants from choking or suffocation. The Commission finds that such rattles, in accordance with sections 2(s) and 2(f)(1)(D) of FHSA, present a mechanical hazard and should be classified as hazardous substances. Consequently, pursuant to section 2(q)(1)(A) of the FHSA, the Commission finds that such rattles must be banned from interstate commerce. In so finding, the Commission has considered the economic effects of the banning and safety requirements set forth below and has concluded that with respect to plastic rattles, nei-

ther the sales nor utility of these products will be adversely affected. While the retail price of silver rattles may rise substantially, rattles are generally a small percentage of total sales for affected silver rattle-producing firms, and purchasers may be willing to buy at the higher prices since the rattles are generally purchased as special gift items or heirlooms. After considering the severe nature of the risk of injury presented by certain plastic and silver infant rattles, the Commission concludes that this risk of injury clearly outweighs any effects of the rule on the cost, utility, and availability of infant rattles.

Accordingly, pursuant to provisions of the Federal Hazardous Substances Act (secs. 2(f)(1)(D), (q)(1)(A), (s), 3(e)(1), 74 Stat. 1304-05, 83 Stat. 187-189; 15 U.S.C. 1261, 1262) and under authority vested in the Commission by the Consumer Product Safety Act (sec. 30(a); 86 Stat. 1231; 15 U.S.C. 2079(a)), the Commission amends Title 16, Chapter II, Subchapter C by adding a new paragraph (a)(15) to § 1500.18 as follows:

§ 1500.18 Banned toys and other banned articles intended for use by children.

(a) Toys and other children's articles presenting mechanical hazards. Under the authority of § 2(f)(1)(D) of the act and pursuant to provisions of § 3(e) of the act, the Commission has determined that the following types of toys or other articles intended for use by children present a mechanical hazard within the meaning of § 2(s) of the act because, in normal use, or when subjected to reasonably foreseeable damage or abuse, the design or manufacture presents an unreasonable risk of personal injury or illness:

(15) Any rattle (as defined in § 1510.2 of this chapter) that is introduced into interstate commerce on or after August 21, 1978, and that does not comply with the requirements of Part 1510 of this chapter. For purposes of the regulation, introduction into interstate commerce is defined as follows: A rattle manufactured outside the United States is introduced into interstate commerce when it is first brought within a U.S. port of entry. A rattle manufactured in the United States is introduced into interstate commerce (a) at the time of its first interstate sale, or (b) at the time of its first intrastate sale if one or more of its components and/or raw materials were received interstate.

Part 1510 is added to read as follows:

Sec.
1510.1 Scope and purpose of Part 1510.
1510.2 Definition.

Sec.
1510.3 Requirements.
1510.4 Test procedure.

AUTHORITY: Secs. 2 (f)(1)(D), (g)(1)(D), (s), 3(e)(1), 64 Stat. 372, 374, 375, as amended 80 Stat. 1304-05, 83 Stat. 187-89 (15 U.S.C. 1261, 1262); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)).

§ 1510.1 Scope and purpose of Part 1510.

This Part 1510 sets forth the requirement whereby rattles (as defined in § 1510.2) are not banned articles under § 1500.18(a)(15) of this Chapter. The purpose of these requirements is to ensure that certain infant rattles which may cause choking and/or suffocation because their design or construction permits them to enter into an infant's mouth and become lodged in the throat are eliminated from interstate commerce.

§ 1510.2 Definition.

For the purposes of this Part 1510, a rattle is an infant's toy, intended to be hand held, usually containing pellets or other small objects and which produces sounds when shaken. Examples of products which may have similar noisemaking characteristics but which are excluded from the scope of this definition are: dolls, stuffed animals, crib exercisers, crib mobiles, pull toys, shoe lace holders, bells which are not part of the noisemaking component of a rattle, plastic keys or other figures on loops or chains which produce sound by striking together, games, puzzles and musical instruments such as tambourines, castanets, and maracas.

§ 1510.3 Requirements.

No portion of a rattle, when tested in accordance with the procedure of § 1510.4 below, shall be capable of entering and penetrating to the full depth of a cavity in a test fixture with dimensions shown in figure 1. (In determining these dimensions for compliance purposes, the English measurements shall be used. Metric equivalents are included for convenience.) Rattles shall meet this requirement both before and after performing the use and abuse tests of § 1500.51 of this Chapter (excluding the bite and flexure tests of paragraphs (c) and (d)).

§ 1510.4 Test procedure.

Place the test fixture shown in Figure 1 on a horizontal plane surface. Under its own weight and in a non-compressed state apply any portion of the test sample in the most adverse orientation to the opening in the test fixture. Repeat this procedure after performing the use and abuse tests of § 1500.51 (excluding the bite and flexure tests of paragraphs (c) and (d) of this section). In testing to ensure compliance with this regulation, the measurements of the opening of the Commission's test fixture will be no greater

than those shown in Figure 1 and the depth of the fixture used will be no less than that shown in Figure 1.

Dated: May 16, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer
Product Safety Commission.

CAVITY CENTERED WITHIN FIXTURE

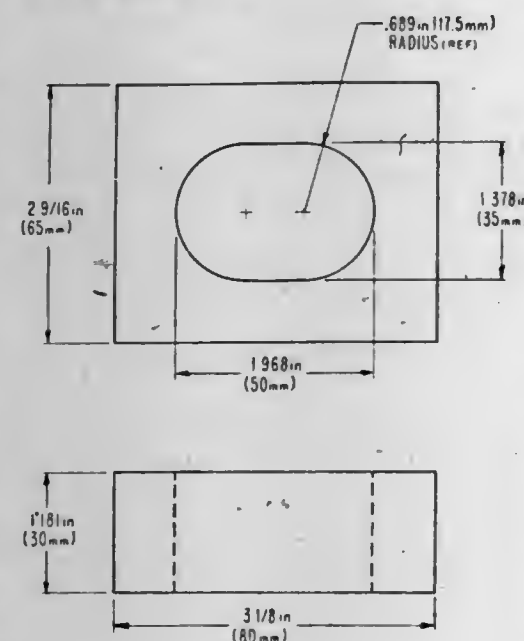


FIG 1—RATTLE TEST FIXTURE

[FR Doc. 78-14166 Filed 5-22-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart B—Re Delegations of Authority From the Commissioner of Food and Drugs

INVESTIGATIONAL DEVICE EXEMPTIONS

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for delegations of authority and organization. Certain investigational devices have been regulated as investigational new drugs and are subject to transitional provisions

in the Medical Device Amendments of 1976. The authority delegated to the Director of the Bureau of Medical Devices is expanded to include actions concerning investigational exemptions which apply to these devices. The new authority will permit an orderly transfer of control over classes of devices previously regulated as drugs from the Bureau of Biologics and Drugs to the Bureau of Medical Devices.

EFFECTIVE DATE: May 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: The Bureau of Medical Devices has already assumed control over one class of investigational devices, vascular grafts of animal and human origin, which have been regulated as new drugs. Manufacturers of these products have been notified that the Bureau of Medical Devices is now the principal contact point for these products. The regulation setting forth the delegations of authority under the investigational device provisions of the Medical Device Amendments of 1976 under Part 5 (21 CFR 5.59) was published in the FEDERAL REGISTER of August 2, 1977 (42 FR 39100).

Further redelegation of the authority delegated is not authorized. Authority delegated to a position by title may be exercised by a person officially designated to serve in such position in an acting capacity or on a temporary basis, unless prohibited by a restriction written into the document designating him as "acting," or unless not legally permissible.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 5.1), § 5.59 is revised to read as follows:

§ 5.59 Approval, disapproval, or withdrawal of applications for investigational device exemptions and termination of certain notices of claimed investigational exemption for a new drug.

The Director of the Bureau of Medical Devices is authorized to approve, disapprove, or withdraw applications for investigational device exemptions submitted under section 520(g) of the Federal Food, Drug, and Cosmetic Act; and terminate notices of claimed investigational exemption for a new drug under 21 CFR Part 312 which apply to transitional devices which are subject to the provisions of section 520(1) of the act.

Effective date. This regulation shall be effective May 23, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)))

Dated: May 15, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14223 Filed 5-22-78; 8:45 am]

[4110-03]

SUBCHAPTER C—DRUGS: GENERAL

[Docket No. 77N-0102]

PART 201—LABELING

Thyroid, Digitalis, and Related Drugs for Human Use; Required Boxed Warnings

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule requires that the physician labeling for thyroid, digitalis, and related drugs contain a boxed warning against the use of the drugs for the treatment of obesity. This action is being taken because the drugs have been promoted and advertised for, and continue to be used in, the treatment of obesity, but their safety and effectiveness for that use has never been established. The action is intended to inform physicians of the serious and potentially life-threatening effects of such use of the drugs.

EFFECTIVE DATE: July 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael C. McGrane, Bureau of Drugs (HFD-30), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5220.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of May 27, 1977 (42 FR 27262), the Commissioner of Food and Drugs proposed that labeling for drugs with thyroid hormone activity and labeling for digitalis and other related cardiotonic drugs be required to bear a boxed warning against using the drugs to treat obesity. Interested persons were given 60 days to submit comments on the proposal.

Twelve comments were received on the proposal: six from manufacturers of drug products subject to the proposed rules, four from interested individual physicians, one from the American Society of Bariatric Physicians, and one from the Pharmaceutical Manufacturer's Association. A summary of the comments and the Commissioner's conclusions regarding them are as follows:

1. One comment objected to the proposed boxed warnings on the grounds that the Food and Drug Administra-

tion (FDA) lacks the statutory authority to require a statement in drug labeling that warns against the use of a drug for an unapproved indication. The comment contended that FDA's authority to prescribe labeling statements is limited to requiring information on the safety and effectiveness of a drug for its labeled indications. Another comment claims that a final rule requiring boxed warnings for thyroid, digitalis, and related drugs would be an application of a notice of proposed rulemaking published in the FEDERAL REGISTER of April 7, 1975 (40 FR 15392), on the content and format of prescription drug labeling and, accordingly, would circumvent the notice and comment procedures required by the Administrative Procedure Act.

The Commissioner does not agree with these comments. As discussed fully in the preamble to the proposed revision of 21 CFR 1.3 (recodified as 21 CFR 1.21 in the FEDERAL REGISTER of March 22, 1977 (42 FR 15553)) published in the FEDERAL REGISTER of September 16, 1974 (39 FR 33229), the law requires that labeling of drug products include warnings about both potential and verified hazards in the use of a drug, when available medical information justifies the warning. The Commissioner has found that thyroid, digitalis, and related drugs are dispensed or prescribed for the treatment of obesity, even though substantial evidence of the effectiveness of the drug products for that use has never been demonstrated, and the use of the drugs in the treatment of obesity may produce serious or even life-threatening toxicity. Because drug labeling is intended to advise physicians about potential hazards in the use of the drug and convey documented statements about its safety and effectiveness, the Commissioner concludes that there is no legitimate basis for limiting the labeling to hazards arising from the approved use of the drug product, particularly where large scale and dangerous unapproved use has been found.

The Commissioner also rejects the argument that finalizing the boxed warning requirements must await the finalization of the April 7, 1975 proposal on the general format and content of prescription drug labeling. The Commissioner does not view the required boxed warning under this final rule as conflicting with the FDA policy announced in the April 7 proposal. The April 7 proposal was not intended to establish new regulatory requirements. Instead, it proposed standards for the format and content of drug labeling to bring all prescription drug labeling up to the level of the best labeling. The Commissioner did not, however, intend to imply that FDA would defer the adoption of labeling requirements for boxed warnings for specific drugs when the need

for such labeling was clearly demonstrated. He believes a need has been demonstrated for a boxed warning in the labeling for thyroid, digitalis, and related drugs against their use for treating obesity. Accordingly, requirements with that specific objective were proposed on May 27, 1977; comments on the proposed requirements were received and evaluated, and a final regulation, again, on this specific objective, is promulgated by this notice. Accordingly, this final rule is not an application of the April 7, 1975 proposal, but is based on the proposal of May 27, 1977, and promulgation of this final rule is consistent with the Administrative Procedure Act.

2. Several comments observed that 21 CFR 201.100(f) and 202.1(e)(2)(i) of FDA's prescription drug labeling and advertising regulations prohibit reminder labeling and advertisements, other than those intended to convey price information, for prescription drug products whose labeling contains a boxed warning relating to a serious hazard associated with the use of the drug product. The comments asked whether the proposed boxed warnings would fall under those regulations and, thus, whether reminder advertising would be prohibited for thyroid, digitalis, and related drugs. Several comments contended that reminder labeling and advertisements for properly labeled thyroid, digitalis, and related drug products should not be prohibited just because some practitioners dispense or prescribe the drug products for the unapproved use of treating obesity. The comments suggested that the substance of the proposed warnings is well known and understood by reputable physicians, and the addition of the warnings to the labeling of the drug products would probably not reduce the improper prescribing of them for obesity. One comment argued that if boxed warnings are to be effective for communicating important hazards about the use of a drug, a boxed warning should only be used in a serious or life-threatening situation that might occur when the product is used for its labeled indications. The comment expressed concern that the effectiveness of the boxed warning concept would be destroyed if it is applied in inappropriate instances, such as to caution prescribers against unapproved uses of a drug.

The Commissioner disagrees with these comments. A boxed warning is properly used for serious or life-threatening hazards associated with the use of a drug. As stated in the preamble to the proposal, as well as in the boxed warnings themselves, using thyroid, digitalis, and related drugs to treat obesity has the potential for producing serious and possibly fatal toxicity. The continued practice of dispensing or prescribing these drugs for obe-

sily, together with the potentially serious hazard associated with the use for that indication, demands that a boxed warning against this use appear in their labeling and advertisements. For that reason the Commissioner also concludes that complete information must be given to physicians concerning the use of the drug products. Reminder labeling and advertisements fail to convey the important information concerning the serious and potentially life-threatening effects of the drugs and therefore inappropriate for thyroid, digitalis, and related drug products. Accordingly, the prohibitions in §§ 201.100(f) and 202.1(e)(2)(i) against reminder labeling and advertising for drug products whose labeling contains a boxed warning are properly applied to the thyroid, digitalis, and related drug products. Although the addition of a boxed warning may not end the improper use of these drug products in the treatment of obesity, it is another important step in ending the promotion of these drugs for that use and informing prescribers of its dangers.

3. Two comments suggested that the statements against the use of thyroid, digitalis, and related drugs in the treatment of obesity belong in the "Contraindications" section of the labeling rather than the "Warnings" section. Another comment suggested that the warning for thyroid drug products be placed under the "Indications and Usage" section of the labeling.

The Commissioner disagrees with these comments. The "Contraindications" section of prescription drug labeling is intended to inform physicians of circumstances under which a drug product is not to be used for its labeled indications. For example, the use of a drug product for the treatment of a specific condition for which it is indicated in its labeling may be contraindicated if the patient is hypersensitive to the drug. The "Indications and Usage" section of prescription drug labeling is intended to provide information on the use of a drug for those conditions for which it has been demonstrated to be safe and effective. Under certain circumstances, the "Indications" section may be required to contain a statement that the drug is ineffective for a use for which it is commonly prescribed. A serious hazard to patients from the use of a drug for an indication for which it has not been demonstrated to be effective, however, it more properly the subject of a warning in labeling to ensure that the prescriber is aware of the hazard.

4. One comment suggested that the word "used" be substituted for the word "promoted" in the first sentence of each boxed warning.

The Commissioner has concluded that the word "used" is more appropriate

in the context of these warnings. Advertising and labeling claims by persons responsible for the labeling of the drug products have not promoted their use for treating obesity for many years. The warnings have been revised accordingly.

The labeling in 21 CFR 310.500(e) for digoxin products for oral use requires a boxed warning identical to that proposed for the other digitalis and related cardiotonic glycosides. Because the substitution of the word "used" for the word "promoted" in the boxed warning under this final rule for digitalis and related cardiotonic glycosides causes that warning to differ from the digoxin boxed warning, the Commissioner has revised the final rule to clearly state that it does not apply to oral digoxin drug products. The Commissioner will consider revising the boxed warning for oral digoxin drug products to conform it to the warning for related cardiotonic glycosides when additional revisions to the digoxin labeling are necessary.

5. One comment objected to the proposed 60-day effective date for the labeling warnings. The comment observed that the problem of the unapproved use of the drug products in treating obesity has been recognized for many years and, accordingly, immediate action in the form of a boxed warning in labeling is not warranted. The comment observed that past experience has shown that the wording of labeling statements in final regulations usually differs from the proposed wording, so new labeling can be printed only after the final regulation is published. Thus, a 60-day effective date would result in the needless destruction of supplies of current labeling. The comment suggested that the effective date be 180 days from the date of publication of the final regulation.

The Commissioner does not agree with this comment. As stated in the proposal, only drug products packaged on or after the effective date would be required to contain labeling that includes the boxed warnings against the use of the drugs in treating obesity. The 60-day effective date would allow drug products to be packaged with old labeling for 60 days after the final rule is published. It would also permit drug products that are packaged with old labeling before the effective date to be marketed after that date. With respect to the comment's request for an effective date 180 days from publication, the Commissioner believes that an effective date 60 days from publication is necessary, given the health risks associated with the new warnings, to ensure that the warning statements appear promptly in advertising and in labeling other than the package inserts and, as discussed in comment 2, to prohibit reminder advertisements

for these drug products after that date.

6. Several comments objected to the statement in proposed § 201.316 (21 CFR 201.316) that drugs with thyroid hormone activity within the range of daily hormonal requirements are ineffective for weight reduction when used in euthyroid patients (patients with normal thyroid function). The comments identified a number of references in the recent scientific literature describing changes in peripheral thyroid hormone metabolism as well as central regulatory mechanisms during starvation diets. The comments argued that during starvation diets "compensatory hypothyroidism" develops and thyroid hormone administration is therefore not only indicated but is beneficial in facilitating the rate of weight loss.

The Commissioner, having reviewed several articles in the recent scientific literature on this subject, does not agree with these comments. Copies of the articles have been placed on public display in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. During starvation, distinctive disturbances of peripheral thyroid hormone metabolism have been reported, including a fall in total and free triiodothyronine (T-3) and an elevation in 3,3',5'-triiodothyronine (reverse T-3 (rT-3)), although total thyroxine (T-4) levels remain normal while free T-4 is normal or slightly increased. These observations have been interpreted to suggest there is an alteration in peripheral T-4 metabolism away from generating T-3 and toward the generation of rT-3, which is essentially metabolically inactive. This interpretation is supported by similar findings in fasting obese volunteers on suppressive doses of T-4. The changes in T-3 concentration seen with fasting, however, promptly revert to normal with feeding. In addition to these peripheral changes, serum thyrotropin (TSH) levels have been shown to fall within 2 days of fasting but then gradually rise to near baseline levels over the next few days despite continued fasting and the presence of low serum T-3 levels. In contrast to these findings, TSH levels increase in classical primary hypothyroidism and are indeed the most significant documentation of the disease. The clinical significance of these observations is unknown. The reliance upon low serum T-3 measurements in the presence of normal T-4 concentrations for the diagnosis of hypothyroidism, however, would not now be justified.

Accordingly, the Commissioner does not agree that the warning should be changed to suggest that thyroid drug products in doses used for replacement therapy are safe and effective for

treating obese individuals on starvation diets. He encourages, however, well-controlled clinical trials on the role of T-3 replacement therapy in obese patients on starvation diets with associated depression of serum T-3 levels. Such trials should include assessment of the range of thyroid hormone function and should be conducted under a Notice of Claimed Investigational Exemption for a New Drug (IND).

7. One comment complained that the boxed warning for thyroid drug products was not balanced because its reference to dosages within the range of daily hormonal requirements concerned only safety and made no comment as to effectiveness. The comment complained similarly about the warning regarding larger dosages.

The comment is incorrect in stating that the warning fails to speak to the effectiveness of dosages within the range of daily hormonal requirements. The warning specifically notes that such dosages are ineffective for weight reduction. Generally, however, the "Warnings" section of prescription drug labeling is intended to provide information on safety hazards from the use of the drug. Moreover, a boxed warning is intended to describe special safety problems, particularly those which may lead to death or serious injury. The effectiveness of a drug for a particular use is traditionally stated under the "Indications" section of the labeling. Such a statement has been included in the thyroid boxed warning only to emphasize that in euthyroid individuals physiological dosages simply suppress endogenous thyroid hormone production, whereas larger doses are associated with safety hazards. In any case, even if such a boxed warning normally included statements regarding effectiveness, such statements could not be included here. The Commissioner is not aware of adequate and well-controlled clinical trials that document either the safety or long-term efficacy of pharmacologic doses of thyroid hormone preparations in treating obesity. Indeed, one of the references cited by the comment noted that in a study of hospitalized patients who were followed afterwards as outpatients, no statistically significant greater average weight loss in the group treated with T-3 was demonstrated over the term of the study. In addition, all patients in the treatment group developed tachycardia (rapid heart rate), and one had to be removed from the study because of atrial fibrillation (irregular heartbeat).

8. One respondent reported on his personal unpublished clinical studies that suggested that obese individuals may be chemically euthyroid as demonstrated by their blood values, but that there exists a decreased utilization

of the hormone at the cellular level. An analogy was made to certain obese diabetics who may have normal or elevated levels of circulating insulin.

The Commissioner is unaware of any support for such an undocumented claim and rejects a change in the warning on that basis.

9. Several manufacturers of specific digitalis and thyroid drug products contended that the regulations should not apply to their products. A manufacturer of digoxin injection observed that the parenteral dosage form of digoxin is not used in the treatment of obesity and urged that the final rule specifically exempt parenteral dosage forms of digitalis and related cardiotonic drugs from the boxed warning requirement. Another comment submitted independent market research data for its brand of gitalin in support of its contention that its drug product is not being used by physicians to treat obesity and, accordingly, should be exempted from the boxed warning requirement. Another comment argued that its brand of sodium dextrothyroxine should be exempted from the thyroid boxed warning on the ground that it has no history of use for treating obesity and would not even be considered potentially effective for that use because it is estimated to have 5 percent or less of the metabolic stimulating thyroid activity of other thyroid drugs such as levothyroxine sodium.

The Commissioner acknowledges that the administration of injectable digoxin produces extreme pain at the site of injection, thus greatly minimizing the likelihood of its use for treating obesity. Other parenteral cardiotonic glycosides have a similar effect. Accordingly, he has revised the final rule to apply only to oral dosage forms of digitalis and related cardiotonic drugs.

The Commissioner does not agree, however, that marketing data on a drug can be used as a basis for exempting it from the boxed warning requirement. Although some brands of cardiotonic glycosides may not have been used in the past for treating obesity, the Commissioner believes that exempting them from the boxed warning requirement and the prohibition against reminder labeling and advertising would result in the use of those drugs in the treatment of obesity as the use of the drugs subject to the final rule declines. A drug cannot be exempted from the boxed warning requirement without having been shown to differ significantly from the drug products subject to the requirement in a way that can be expected to discourage its use for treating obesity (for example, the extreme pain associated with the administration of injectable cardiotonic glycosides). Although mar-

keting data may demonstrate that the respondent's gitalin has not been used in the past for treating obesity, the Commissioner believes it could be used for that indication to the same extent as other digitalis glycosides. Likewise, although sodium dextrothyroxine has less of the metabolic stimulating properties of other drugs with thyroid hormone activity, the Commissioner believes that to be an inadequate basis upon which to exempt it from the boxed warning requirement.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 701, 52 Stat. 1050-1053, 1055-1056, as amended (21 U.S.C. 352, 355, 371)) and under authority delegated to the Commissioner (21 CFR 5.1), Part 201 is amended as follows:

1. By adding new § 201.316, to read as follows:

§ 201.316 Drugs with thyroid hormone activity for human use; required warning.

(a) Drugs with thyroid hormone activity have been promoted for, and continue to be dispensed and prescribed for, use in the treatment of obesity, although their safety and effectiveness for that use have never been established.

(b) Drugs for human use with thyroid hormone activity are misbranded within the meaning of section 502 of the Federal Food, Drug, and Cosmetic Act unless their labeling bears the following boxed warning at the beginning of the "Warnings" section:

Drugs with thyroid hormone activity, alone or together with other therapeutic agents, have been used for the treatment of obesity. In euthyroid patients, doses within the range of daily hormonal requirements are ineffective for weight reduction. Larger doses may produce serious or even life-threatening manifestations of toxicity, particularly when given in association with sympathomimetic amines such as those used for their anorectic effects.

2. By adding new § 201.317, to read as follows:

§ 201.317 Digitalis and related cardiotonic drugs for human use in oral dosage forms; required warning.

(a) Digitalis and related cardiotonic drugs for human use in oral dosage forms have been promoted for, and continue to be dispensed and prescribed for, use in the treatment of obesity, although their safety and effectiveness for that use have never been established.

(b) Digitalis and related cardiotonic drugs for human use in oral dosage forms are misbranded within the meaning of section 502 of the Federal

Food, Drug, and Cosmetic Act unless their labeling bears the following boxed warning at the beginning of the "Warnings" section:

Digitalis alone or with other drugs has been used in the treatment of obesity. This use of digoxin or other digitalis glycosides is unwarranted. Moreover, since they may cause potentially fatal arrhythmias or other adverse effects, the use of these drugs in the treatment of obesity is dangerous.

(c) This section does not apply to digoxin products for oral use, which shall be labeled according to the requirements of § 310.500 of this chapter.

Effective date. This regulation shall be effective on July 24, 1978, for any drug product to which these rules apply that is packaged on or after that date.

(Secs. 502, 505, 701, 52 Stat. 1050-1053, 1055-1056, as amended (21 U.S.C. 352, 355, 371).)

Dated: May 15, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

(FR Doc. 78-13714 Filed 5-22-78; 8:45 am)

[4110-03]

SUBCHAPTER H—MEDICAL DEVICES

[Docket No. 77N-0110]

PART 808—EXEMPTIONS FROM FEDERAL PREEMPTION OF STATE AND LOCAL DEVICE REQUIREMENTS

Procedures for Consideration of Applications; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction; final rule.

SUMMARY: In FR Doc. 78-11719, appearing on page 18661 in the *FEDERAL REGISTER* of Tuesday, May 2, 1978, the following correction is made on page 18666: In § 808.20(a), the first and second sentences which read, "(a) Any State or political subdivision may apply to the Food and Drug Administration for an exemption from preemption for any requirement that is preempted. An exemption may only be granted to a State or political subdivision for a requirement that it has enacted and that has been enacted, promulgated, or issued in final form by the authorized body or official of the State or political subdivision so as to have the force and effect of law" are changed to read, "(a) Any State or political subdivision may apply to the Food and Drug Administration for an

exemption from preemption for any requirement that it has enacted and that is preempted. An exemption may only be granted for a requirement that has been enacted, promulgated, or issued in final form by the authorized body or official of the State or political subdivision so as to have the force and effect of law."

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Joseph M. Sheehan, Bureau of Medical Devices (HFK-70), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7114.

Dated: May 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

(FR Doc. 78-14292 Filed 5-22-78; 8:45 am)

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3495]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Glendale Heights, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rules.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Glendale Heights, DuPage County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Glendale Heights, DuPage County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Glendale

Heights, DuPage County, Ill., are available for review at the bulletin board in the Village Hall, 1611 Bloomington Road, Glendale Heights, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or Toll Free Line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations, for the Village of Glendale Heights, DuPage County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Branch DuPage River.	Downstream corporate limits.	702
	Illinois Central RR.	703
	Upstream corporate limits.	705
Armitage Ditch.	Downstream corporate limits.	707
	Wayne Ave.	713
	Jill Ct.	718
	Leslie Lane.	719
	Armitage Ave.	722
	Glen Ellyn Rd.	726
	Highland Ave.	732
	Winthrop Ave.	733
	Fullerton Ave.	737
	Ardmore Ave.	740
	Lincoln Ave.	751
Armitage Fork.	Placid Ave.	760
	Upstream corporate limits.	760
	Confluence w/Armitage Ditch.	733
	Pearle Ave.	753
	Bleden Ave.	756
	Upstream corporate limits.	758

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended;

42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974)).

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-13726 Filed 5-22-78; 8:45 am)

[4210-01]

[Docket No. FI-3683]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Inkom, Bannock County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Inkom, Bannock County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Inkom, Idaho.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Inkom, are available for review at City Hall, 400 Inkom Road, Inkom, Idaho.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Inkom, Idaho.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rapid Creek.	Jackson Creek Rd., upstream.	4,626
	Downstream.	4,620
	Private road 1,180 ft downstream of Jackson Creek Rd. crossing, upstream.	4,609
	Downstream.	4,607
	Private road 2,790 ft downstream of Jackson Creek Rd. crossing, upstream.	4,582
	Downstream.	4,581
	Private road 3220 ft downstream of Jackson Creek Rd. crossing, upstream.	4,576
	Downstream.	4,574
	Private road 5,170 ft downstream of Jackson Creek Rd. crossing, upstream.	4,558
	Downstream.	4,556
	Union Pacific RR spur.	4,526
Portneuf River.	Country road.	4,522
	Union Pacific RR.	4,521

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-13727 Filed 5-22-78; 8:45 am)

[4210-01]

[Docket No. FI-3684]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of McCammon, Bannock County, Idaho

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

lected locations in the city of McCammon, Bannock County, Idaho. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of McCammon, Idaho.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of McCammon, are available for review at City Hall, 302 Center Street, McCammon, Idaho.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of McCammon, Idaho.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Portneuf River.	North Street.	4762
	Business 91.	4718
	Highway 30N.	4717

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation

of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13728 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-2597]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Addison, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Finale rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Addison, DuPage County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Addison, DuPage County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Addison, DuPage County, Ill., are available for review at the front entrance of the Village Hall, 130 West Army Trail Road, Addison, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Addison, DuPage County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C.

4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Salt Creek	North of Armitage Ave.	674
	South of Fullerton Ave.	675
	Interstate Route 20	675
	Army Trail Road extended.	676
	Confluence with Westwood Creek.	676
	Addison Ave.	676
	Rozanne Dr.	676
	Lincoln St.	677
	Highview Ave.	679
	Lake St.	680
	Mill Rd.	684
	Country Club Dr.	689
	North of Rose Ave. near Addison's northern corporate limits.	692

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, Jan. 24, 1974)).

Issued: April 11, 1978.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13729 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3763]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Franklin Park, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Franklin Park, Cook County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or

show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Franklin Park, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Franklin Park, are available for review at Village Hall, Franklin Park, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Franklin Park, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines River..	Belmont Ave.	624
	Route 19	652
	Landen Dr.	645
	Kirchoff Ave. (upstream side).	639
	Fullerton Ave.	636
Silver Creek		

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13730 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3764]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Schiller Park, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Schiller Park, Cook County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Schiller Park, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Schiller Park, are available for review at Village Hall, Schiller Park, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Schiller Park, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Crystal Creek	Tri State Tollway	639
	25th Ave.	637
Crystal Creek Tributary	Lawrence Ave.	630
	Soreng Ave. (upstream side).	639
Des Plaines River..	Irving Park Rd.	638
	Lawrence Ave. (downstream side).	625
	Irving Park Rd.	624

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13731 Filed 5-22-78; 8:45 am]

[4210-10]

[Docket No. FI-3827]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Wheeling, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Wheeling, Cook County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

elevations, for the Village of Wheeling, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Wheeling, are available for review at Village Hall, Wheeling, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Wheeling, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Des Plaines River..	Dam No. 1	640
	Dundee Rd.	641
	Hintz Rd.	641
	Jeffery Ave.	645
Wheeling drainage ditch.	Dundee Rd.	646
	12th St.	648
	Soo Line RR	650
	Wheeling Rd.	652
Buffalo Creek	Elmurst Rd.	654
	Aptakisic Rd.	668
	Buffalo Grove Rd.	670
	Camp McDonald Rd.	647
McDonald Creek	Wheeling Rd.	651
	Cornell Rd.	668

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.
PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13732 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-34991]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATION AND
JUDICIAL REVIEW

Final Flood Elevation Determination
for the County of Noble, Ind.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the County of
Noble, Ind.

These base (100-year) flood eleva-
tions are the basis for the flood plain
management measures that the com-
munity is required to either adopt or
show evidence of being already in
effect in order to qualify or remain
qualified for participation in the Na-
tional Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the County of Noble,
Ind.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood-prone areas and the final
elevations for the County of Noble,
Ind., are available for review at the
bulletin board in the Hall of the
County Courthouse, Albion, Ind.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, room 5270, 451 Sev-
enth Street SW., Washington, D.C.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the County of
Noble, Ind.

This final rule is issued in accord-
ance with section 110 of the Flood Dis-
aster Protection Act of 1973 (Pub. L.
93-234), 87 Stat. 980, which added sec-
tion 1363 to the National Flood Insur-
ance Act of 1968 (Title XIII of the
Housing and Urban Development Act
of 1968 (Pub. L. 90-448), 42 U.S.C.
4001-4128, and 24 CFR Part 1917.4(a)).
An opportunity for the community or
individuals to appeal this determina-
tion to or through the community for

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a period of ninety (90) days has been
provided. No appeals of the proposed
base flood elevations were received
from the community or from individ-
uals within the community.

The Administrator has developed
criteria for flood plain management in
flood-prone areas in accordance with
24 CFR Part 1910.

The final base (100-year) flood eleva-
tions for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black Creek.....	State Route 205	856
	County Rd 300 south.....	870
Branch Creek	County Rd 150 east.....	892
Carrol Creek	County Rd 250 west.....	892
	State Route 109.....	893
Crane Lake ditch ..	State Route 109.....	902
Croft ditch	County Rd 75 west.....	887
	County Rd 150 east.....	927
	Skinner Lake Rd.....	934
Diamond Lake ditch.....	County Rd 575 west.....	879
Dry Run.....	County Rd 800 north.....	922
	U.S. Highway 6.....	933
Winebrenner ditch.....	County Rd 250 west.....	899
Elkhart River	U.S. Highway 33.....	901
	County Rd 1100 west.....	862
	County Rd 600 west.....	878
Forker Creek	County Rd 50 west.....	892
Gilbert Lake ditch ..	County Rd 250 south.....	888
Henderson Lake ditch.....	County Rd 850 north.....	924
Huston ditch.....	State Route 3.....	956
	County Rd 200 west.....	895
	County Rd 800 north.....	917
Little Cedar Creek ..	Downstream county line ..	858
	Upstream county line ..	865
Little Elkhart Creek.....	State Route 3.....	946
Long Lake ditch	County Rd 1800 north.....	959
	County Rd 200 north.....	890
North Branch Elkhart River.....	County Rd 100 north.....	893
Rimmel ditch.....	County Rd 450 west.....	875
	County Rd 800 north.....	884
Solomon Creek	County Rd 300 east.....	951
	State Route 8.....	963
	County Rd 900 west.....	886
	County Rd 200 north.....	897
South Branch Elkhart River.....	U.S. Highway 6.....	877
Sparta Lake ditch ..	River Rd.....	886
	County Rd 750 north.....	872
	County Rd 500 north.....	882
Sycamore Creek	County Rd 1150 east.....	922
	State Route 3.....	969
Tippecanoe River ..	County Line Rd.....	858
	County Rd 1050 west.....	882
	County Rd 470 west.....	902
Turkey Creek.....	County Rd 150 north.....	874
	Knapp Lake.....	881
Waterhouse ditch ..	Lima Rd.....	954
	County Rd 900 east.....	955
Willow Creek	State Route 205.....	858
	County Rd 800 east.....	871

(National Flood Insurance Act of 1968 (Title
XIII of Housing and Urban Development
Act of 1968), effective Jan. 28, 1969 (33 FR
17804, Nov. 28, 1968), as amended; 42 U.S.C.
4001-4128; and Secretary's delegation of au-
thority to Federal Insurance Administrator
34 FR 2680, Feb. 27, 1969, as amended (39
FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13733 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-36851]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATION AND
JUDICIAL REVIEW

Final Flood Elevation Determination
for the County of St. Joseph, Ind.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the County of St.
Joseph, Ind.

These base (100-year) flood eleva-
tions are the basis for the flood plain
management measures that the com-
munity is required to either adopt or
show evidence of being already in
effect in order to qualify or remain
qualified for participation in the Na-
tional Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the County of St.
Joseph, Ind.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood-prone areas and the final
elevations for the County of St.
Joseph, Ind., are available for review
at the County/City Building, 227 Jef-
ferson Boulevard, South Bend, Ind.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, Room 5270, 451 7th
Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the County of
St. Joseph, Ind.

This final rule is issued in accord-
ance with section 110 of the Flood Dis-
aster Protection Act of 1973 (Pub. L.
93-234), 87 Stat. 980, which added sec-
tion 1363 to the National Flood Insur-
ance Act of 1968 (Title XIII of the
Housing and Urban Development Act
of 1968 (Pub. L. 90-448), 42 U.S.C.
4001-4128, and 24 CFR Part 1917.4(a)).
An opportunity for the community or
individuals to appeal this determina-
tion to or through the community for
a period of ninety (90) days has been
provided. No appeals of the proposed
base flood elevations were received
from the community or from individ-
uals within the community.

The Administrator has developed
criteria for flood plain management in
flood-prone areas in accordance with
24 CFR Part 1910.

The final base (100-year) flood eleva-
tions for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
St. Joseph River....	Darden Rd.....	665
	Bittersweet Rd.....	718
Judy Creek	Kenilworth Rd.....	707
	State Route 23.....	734
	Pir Rd.....	748
Kleffer Creek	Laurel Rd.....	697
	Upstream side of Kenilworth Rd.....	707
	Upstream side of Hollyhock Rd.....	722
Woodward Ditch...	Downstream side of Oaks Ave.....	725
	Upstream side of Basswood Rd.....	737
Potato Creek.....	Smlax Rd.....	702
	Indiana St.....	713
Eutzier Ditch.....	Harrison Rd.....	728
	Dragon Trail.....	753
Eller Ditch	Blackberry Rd.....	736
	Dragon Trail.....	764
Niespodgiany Ditch.....	Edison Rd.....	742
	U.S. Highway 20.....	749

(National Flood Insurance Act of 1968 (Title
XIII of Housing and Urban Development
Act of 1968), effective Jan. 28, 1969 (33 FR
17804, Nov. 28, 1968), as amended; 42 U.S.C.
4001-4128; and Secretary's delegation of au-
thority to Federal Insurance Administrator,
34 FR 2680, Feb. 27, 1969, as amended (39
FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13734 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-36461]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATION AND
JUDICIAL REVIEW

Final Flood Elevation Determination
for the City of Nashua, Chickasaw
County, Iowa

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the city of Nashua,
Chickasaw County, Iowa.

These base (100-year) flood eleva-
tions are the basis for the flood plain
management measures that the com-
munity is required to either adopt or
show evidence of being already in
effect in order to qualify or remain
qualified for participation in the Na-
tional Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood

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elevations, for the city of Nashua,
Chickasaw County, Iowa

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood-prone areas and the final
elevations for the city of Nashua,
Chickasaw County, Iowa, are available
for review at City Hall, City Clerk's
Office, Nashua, Iowa.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, Room 5270, 451 Sev-
enth Street SW., Washington, D.C.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the city of
Nashua, Chickasaw County, Iowa.

This final rule is issued in accord-
ance with section 110 of the Flood Dis-
aster Protection Act of 1973 (Pub. L.
93-234), 87 Stat. 980, which added sec-
tion 1363 to the National Flood Insur-
ance Act of 1968 (Title XIII of the
Housing and Urban Development Act
of 1968 (Pub. L. 90-448), 42 U.S.C.
4001-4128, and 24 CFR Part 1917.4(a)).
An opportunity for the community or
individuals to appeal this determina-
tion to or through the community for
a period of ninety (90) days has been
provided. No appeals of the proposed
base flood elevations were received
from the community or from individ-
uals within the community.

The Administrator has developed
criteria for flood plain management in
flood-prone areas in accordance with
24 CFR Part 1910.

The final base (100-year) flood eleva-
tions for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Cedar River.....	Approximately 200 ft downstream of Illinois Central Gulf RR. Approximately 200 ft upstream of State Highway 346.	963 970

(National Flood Insurance Act of 1968 (Title
XIII of Housing and Urban Development
Act of 1968), effective January 28, 1969 (33
FR 17804, November 28, 1968), as amended;
42 U.S.C. 4001-4128; and Secretary's delega-
tion of authority to Federal Insurance Ad-
ministrator 34 FR 2680, February 27, 1969,
as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13735 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-38281]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATION AND
JUDICIAL REVIEW

Final Flood Elevation Determination
for the City of Ellinwood, Barton
County, Kans.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the city of Ellin-
wood, Barton County, Kans.

These base (100-year) flood eleva-
tions are the basis for the flood plain
management measures that the com-
munity is required to either adopt or
show evidence of being already in
effect in order to qualify or remain
qualified for participation in the Na-
tional Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the city of Ellinwood.

ADDRESSES: Maps and other infor-
mation showing the detailed outlines
of the flood prone areas and the final
elevations for the city of Ellinwood are
available for review at City Hall, Ellin-
wood, Kans.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, Room 5270, 451 Sev-
enth Street SW., Washington, DC.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the City of El-
linwood, Barton County, Kans.

This final rule is issued in accord-
ance with section 110 of the Flood Dis-
aster Protection Act of 1973 (Pub. L.
93-234), 87 Stat. 980, which added sec-
tion 1363 to the National Flood Insur-
ance Act of 1968 (Title XIII of the
Housing and Urban Development Act
of 1968 (Pub. L. 90-448), 42 U.S.C.
4001-4128, and 24 CFR Part 1917.4(a)).
An opportunity for the community or
individuals to appeal this determina-
tion to or through the community for
a period of ninety (90) days has been
provided. No appeals of the proposed
base flood elevations were received
from the community or from individ-
uals within the community.

The Administrator has developed
criteria for flood plain management in

flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arkansas River.....	950 feet upstream from county road bridge.	1786
	2000 feet upstream from county road bridge.	1787
	0.86 mile upstream from county road bridge.	1790

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13736 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3830]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Iola, Allen County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Iola, Allen County, Kans.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Iola, Allen County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Iola, Allen County, Kans., are available for review at City Hall, Office of the City Engineer, 2 West Jackson, Iola, Kans. 66749.

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FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Iola, Allen County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neosho River.....	Riverside Park.....	953
Elm Creek.....	Washington St.....	952
	Intersection of Third and Vine St.	953
Rock Creek.....	Neosho St.....	957
Coon Creek.....	State St. (U.S. 169).....	962
	Jefferson St.....	965
	Buchanan St.....	971
	Just downstream Kentucky stream.	988

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13737 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3829]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Halstead, Harvey County, Kan.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Halstead, Harvey County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Halstead, Harvey County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Halstead are available for review at City Hall, Halstead, Kans.

FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Halstead, Harvey County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Arkansas River.	1900 feet upstream from County Rd (6th St extended) bridge.	1393
	50 feet downstream from Atchison, Topeka and Santa Fe RR bridge.	1394
	Upstream of Atchison, Topeka and Santa Fe RR bridge.	1396
	530 feet upstream from Main St bridge.	1397
	1160 feet downstream from Harvey County 801.	1398
Black Kettle Creek.	350 feet downstream from Main St.	1397
Halstead Slough.....	Harvey County 574	1398
	1100 feet upstream from Tenth St bridge.	1392

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13738 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3727]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Humboldt, Allen County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Humboldt, Allen County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

elevations, for the city of Humboldt, Allen County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Humboldt, Allen County, Kans., are available for review at City Hall, Humboldt, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Humboldt, Allen County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neosho River.....	Just upstream of Bridge St.	935
	Confluence of Cannon Creek.	935
Cannon Creek.....	Just upstream of 8th St.	954
Tributary to Coal Creek.	Just upstream of Pine St.	947
	Just upstream of Central St.	960

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13739 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3831]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Sedgwick, Harvey and Sedgwick Counties, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Sedgwick, Harvey and Sedgwick Counties, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Sedgwick, Harvey and Sedgwick Counties, Kans.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Sedgwick, Harvey and Sedgwick Counties, Kans., are available for review at City Building, 316 Washington Street, Sedgwick, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Sedgwick, Harvey and Sedgwick Counties, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received

from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Little Arkansas River.	Just downstream of 4th St.	1377
Sand Creek (Backwater from Little Arkansas River).	Approximately 100 ft upstream of Madison Avenue Bridge.	1379
Sedgwick ditch	Fifth St. (extended).....	1378

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13740 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3560]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the County of Harlan, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the County of Harlan, Ky.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the County of Harlan, Ky.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the County of Harlan, Ky, are available for review at the

County Courthouse, First and Central, Harlan, Ky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the County of Harlan, Ky.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cumberland River	West County Boundary..	1,100
	State Highway 2007 at Coldiron (upstream).	1,117
	Access road to U.S. Highway 119 at Wilholt.	1,159
	State Highway 413 at Loyall.	1,187
Poor Fork	U.S. Highway 421 at Baxter.	1,177
	U.S. Highway 119 at Ross Point (upstream).	1,196
	U.S. Highway 119 at Laden.	1,264
	U.S. Highway 119 at Nolansburg (downstream).	1,287
	U.S. Highway 119 at Nolansburg (upstream).	1,287
	U.S. Highway 119 at Hiram (upstream).	1,382
	U.S. Highway 119 at Chad.	1,392
	U.S. Highway 119 at Blair.	1,476
Clover Fork	Access Road to State Highway 38 at Rex.	1,197
	Louisville and Nashville RR at Kitts (upstream).	1,210
	State Highway 38 at Brookside (upstream).	1,243
	Access road to State Highway 38 at Verda (upstream).	1,266

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	State Highway 38 at Shields (upstream).	1,384
	Louisville & Nashville RR at Highsplint (upstream.).	1,426
Martins Fork	State Highway 72 at Dressen.	1,184
	U.S. Highway 421 at Grays Knob (upstream).	1,208
	State Highway 1558 at Bobs Creek (upstream).	1,255
	State Highway 991	1,262
Catron Creek	Access road to State Highway 72 at Elcomb.	1,200
	State Highway 2425 (upstream)..	1,258
	Louisville & Nashville RR at Pansy (upstream).	1,333
	State Highway 72 at Bardo.	1,452
Yocum Creek	Access road to State Highway 215 at Woods (upstream).	1,333
	State Highway 215 at Kenvir.	1,417
	Access road to State Highway 215 at Black Mountains (upstream).	1,479
Crummies Creek ...	U.S. Highway 217 (upstream).	1,263
	U.S. Highway 421 (upstream).	1,288

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13741 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3076]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Franklin, St. Mary Parish, La.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Franklin, St. Mary Parish, La.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain

qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Franklin, La.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Franklin, are available for review at City Hall, Franklin, La.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, DC. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Franklin, La.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Bayou Teche.....	Willow St	7
	Sterling Bridge	7
Overland	Morris St. west of South	9
Hurricand Surge.	Pacific RR.	
	Pine St. west of South	10
	Pacific RR.	
	U.S. Highway 60	9
	northwest of South	
	Pacific RR. Branch.	
	Barrow Street north of	10
	South Pacific RR.	
	Branch.	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Ad-

ministrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13742 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3832]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Abbot, Piscataquis County, Maine

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Abbot, Piscataquis County, Maine.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Abbot, Piscataquis County, Maine.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Abbot, Piscataquis County, Maine, are available for review at Town Office, Abbot, Maine 04406.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Abbot, Piscataquis County, Maine.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or

individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Piscataquis River ..	Just upstream of Upper Abbot Bridge (Government Farm Road).	419
	Just downstream of Back Gullford Rd.	401
Brown Brook	Approximately 200 feet downstream of the abandoned railroad bridge.	403
Kingsbury Stream..	Approximately 150 feet upstream of Abbot Village Bridge (Perkins Rd, Route 15).	433

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13743 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-2762]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Cumberland, Allegany County, Md.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Cumberland, Allegany County, Md.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain

qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Cumberland, Allegany County, Md.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Cumberland, Allegany County, Md., are available for review at the City Hall, Cumberland, Md.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Cumberland, Allegany County, Md.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
North Branch Potomac River.	East corporate limits	604
	Upstream Western Maryland R.R. Bridge (7,200' above corporate limits)	608
	Upstream Ford Ave	611
	Western Maryland R.R. Bridge (3,600' above Ford Ave)	614
	Dam	615
	Upstream Western Maryland R.R. Bridge (at Wills Creek Confluence)	616
Dry Run	Cumberland St. dam	627
	West corporate limits	633
	20 feet downstream of Valley St.	728
	Upstream Valley St.	737
	Footbridge Near Valley St.	739

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Source of flooding	Location	Elevation in feet above mean sea level
Willow Brook	North corporate limits	742
	East corporate limits	697
	50 feet downstream of private road	705
	Upstream private road	712
	Upstream Pine Ave	730
	Upstream Baltimore Ave.	760
Wills Creek	Upstream Shade Lane	767
	Upstream Frost Ave	774
	Upstream Cole St	780
	Upstream Oakland St	806
	Confluence with North Branch Potomac River	616
	Upstream Market St	616
Tributary No. 1	Upstream Valley St	619
	Upstream Western Maryland R.R. Bridge	628
	West corporate limits	636
	Upstream Church Rd	681
	Upstream Oldtown Rd	718
	Upstream Winifred Rd	763
	Upstream Rose Ave	797

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13744 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3943]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Riverdale, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Riverdale, Cook County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Riverdale, Cook County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines

of the flood-prone areas and the final elevations for the Village of Riverdale, Cook County, Ill., are available for review at the Village Clerk's Office, 142 and Stewart Avenue, Riverdale, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Riverdale, Cook County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Calumet River.	Ashland Ave. North	589
	Roll Ave	590
	Ashland Ave South	592
	Halsted St	594
	147th St	598

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administration.

[FR Doc. 78-13745 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3944]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Robbins, Cook County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Robbins, Cook County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Robbins, Cook County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Robbins, Cook County, Ill., are available for review at the Robbins Village Hall, 3327 West 137th Street, Robbins, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Robbins, Cook County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

RULES AND REGULATIONS

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Midlothian Creek	Downstream corporate limit	597
	137th St	598
	139th St	600
	Upstream corporate limit	607

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13746 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3946]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Warrenville, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Warrenville, DuPage County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Warrenville, DuPage County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Warrenville, DuPage County, Ill., are available for review at the City Hall, 28W630 Stafford Place, Warrenville, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Warrenville, DuPage County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
West branch DuPage River.	East-West Tollway	691
	Warrenville Rd	694
	Butterfield Rd.-Highway 56	697
Ferry Creek	Williams St	699
	East-West Tollway	690
	Ferry Rd	691
	Glen Dr. (extended)	695
	Aurora Rd	702
	Butterfield Rd	704
	Home Ave	712
Spring Brook	Elgin, Joliet, & Eastern RR	717
	Mouth	698
	Norris Court	698

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13747 Filed 5-22-78; 8:45 am]

RULES AND REGULATIONS

[4210-01]

(Docket No. FI-4025)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Coralville, Johnson County, Iowa**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Coralville, Johnson County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Coralville, Johnson County, Iowa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Coralville, Johnson County, Iowa, are available for review at City Hall, Office of Public Works, Office of City Clerk, Office of City Engineer, Coralville, Iowa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Coralville, Johnson County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Iowa River.....	Just upstream of Coralville City Dam.	655
	Just downstream of Interstate 80 Bridge.	658
Morrison Creek	Just upstream of State Highway 6 and 218.	664
	Approximately 80 ft downstream of 8th St.	688
Biscuit Creek.....	Just upstream of 5th St.	657
	Just upstream of 6th St.	667
	Just upstream of 7th St.	668
Clear Creek.....	Approximately 150 ft upstream of 1st Avenue Bridge.	654
	Just upstream of U.S. Highway 6 Bridge.	655
	Approximately 100 ft upstream of Camp Cardinal Rd.	663
Oakdale Creek.....	Just upstream of U.S. Hwys. 6 and 218.	679
	Approximately 200 ft upstream of 25th St.	684

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13748 Filed 5-22-78; 8:45 am)

[4210-01]

(Docket No. FI-3948)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Elkader, Clayton County, Iowa**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Elkader, Clayton County, Iowa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Elkader, Clayton County, Iowa.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Elkader, Clayton County, Iowa, are available for review at the Municipal Building, 207 North Main, Elkader, Iowa.

FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410. 202-755-5581 or toll free line 800-424-8872

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Elkader, Clayton County, Iowa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Turkey River	Southern corporate limits.	720
	Boardman St. (extended).	721
	Bridge St. and State Highway 13.	724
	Cedar St. (extended).....	727
	Willow St. (extended)....	736
	McKinley St. (extended)	737
	Northern corporate limits.	739

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13749 Filed 5-22-78; 8:45 am)

[4210-01]

(Docket No. FI-3949)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Abilene, Dickinson County, Kans.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Abilene, Dickinson County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Abilene, Dickinson County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Abilene are available for review at City Hall, Abilene, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410. 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Abilene, Dickinson County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

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provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smoky Hill River..	Brady St.....	1145
	Kansas Highway No. 15.	1146
	Southwestern corporate limit near South Cedar St.	1147
	Abilene Airport near east boundary.	1148
	Abilene Airport west of central runway.	1149
Mud Creek	Santa Fe RR	1151
	North 3rd St.....	1153
	North 7th St.....	1156
	Northern corporate limit near 11th St.	1158
Mud Creek Tributary No. 1.	Confluence with Mud Creek.	1157
	50 feet downstream of Santa Fe RR.	1165
	Washington St.....	1168

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13750 Filed 5-22-78; 8:45 am)

[4210-01]

(Docket No. FI-39511)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Colby, Thomas County, Kans.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Colby, Thomas County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Colby, Thomas County, Kans.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Colby are available for review at the City Hall, 585 North Franklin, Colby, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Colby, Thomas County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, (national geodetic vertical datum)
Prairie Dog Creek.	2,900 ft downstream of Chicago, Rock Island, & Pacific RR.	3,090
	Upstream of Chicago, Rock Island & Pacific RR.	3,097
	Upstream at old dam, 2,600 ft upstream of Chicago, Rock Island & Pacific RR.	3,101
	Upstream of Country Club Dr.	3,106
	At (East-West) Rd. 3,000 ft downstream of North Range Ave.	3,116
	Upstream of North Range Ave.	3,125
	Upstream crossing of Chicago, Rock Island, & Pacific RR.	3,137

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Source of flooding	Location	Elevation in feet, (national geodetic vertical datum)
Prairie Dog Creek tributary (Colby Creek).	At city park dike.....	3.148
	At confluence with Prairie Dog Creek.	3.094
	At dam 1,300 ft upstream of confluence with Prairie Dog Creek.	3.100
	Upstream of Country Club Dr.	3.119
	5th St.....	3.125
Upstream of 4th St.....	Upstream of Union Pacific RR.	3.126
	Upstream of South Range Ave.	3.142
		3.147

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13751 Filed 5-22-78; 8:45 am)

[4210-01]

(Docket No. FI-4029)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Edwardsville, Wyandotte County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Edwardsville, Wyandotte County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Edwardsville, Wyandotte County, Kans.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Edwardsville are available for review at City Hall, Edwardsville, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Edwardsville, Wyandotte County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Kansas River	Eastern corporate limit..	766
	At 9th St. (extended).....	767
	Western corporate limit..	769
	Mouth at Kansas River..	768
West Mission Creek.	225 ft downstream of Lake of the Forest Rd.	769
	2,900 ft upstream of Lake of the Forest Rd. (Bonner Springs-Edwardsville corporate limit).	773
	Mouth at Kansas River..	767
	Just upstream of the Union Pacific Railroad Bridge.	773
Betts Creek	1,200 ft upstream of Kaw Dr.	775
	1,600 ft upstream of Kaw Dr.	781
	3,200 ft upstream of Kaw Dr.	784
	6,350 ft upstream of Kaw Dr.	796
	9,100 ft upstream of Kaw Dr.	815
	10,750 ft upstream of Kaw Dr.	822

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13752 Filed 5-22-78; 8:45 am)

[4210-01]

(Docket No. FI-3952)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Junction City, Geary County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Junction City, Geary County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Junction City, Geary County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Junction City, are available for review at the Office of the Building Inspector, City Hall, Junction City, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Junction City, Geary County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

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a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smokey Hill River	At the confluence of the Republican River.	1.066
	7,000 ft downstream of Interstate 70.	1.069
	At Interstate 70	1.074
	4,400 ft upstream of Interstate 70.	1.076
Republican River..	At the confluence with Smokey Hill River.	1.066
	3,000 ft downstream of Washington St.	1.067
	At Washington Street Bridge.	1.068
	4,800 ft upstream of Washington St.	1.069

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13753 Filed 5-22-78; 8:45 am)

[4210-01]

(Docket No. FI-4027)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Larned, Pawnee County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Larned, Pawnee County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Larned, Pawnee County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Larned are available for review at City Hall, Larned, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administration, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Larned County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Arkansas River	Rose Ave. extended.....	1.995
	Confluence of Pawnee River.	1.999
Pawnee River.....	Confluence of Arkansas River.	1.999
	Kansas Highway 19.....	2.001
	Atchison, Topeka & Santa Fe RR.	2.004
	Morris Ave. extended.....	2.006

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13754 Filed 5-22-78; 8:45 am)

[4210-01]

(Docket No. FI-4028)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Mulvane, Sedgwick County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Mulvane, Sedgwick County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Mulvane, Sedgwick County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the City of Mulvane are available for review at City Hall, Mulvane, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Mulvane, Sedgwick County, Kans.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Styx Creek	At confluence with Arkansas River.	1,216
	210 ft upstream of Santa Fe RR abutment.	1,218
	2,640 ft upstream of Santa Fe RR abutment.	1,220
	1,400 ft downstream of south corporate limit.	1,223
	300 ft downstream of south corporate limit.	1,225
	200 ft upstream of south corporate limit.	1,229
	260 ft upstream of south corporate limit.	1,231
	300 ft upstream of Santa Fe RR.	1,232
	At Prather St.	1,235
	At Main St.	1,237
	At Mulvane St.	1,238
	150 ft downstream of East View Dr.	1,240
	At East View Dr.	1,241
	At Charles St.	1,243
	At Riverdale Dr.	1,245
	160 ft downstream of Kansas Highway 15.	1,248
	At Kansas Highway 15.	1,250
	At north corporate limit	1,254
Arkansas River	Santa Fe RR	1,215
	300 ft upstream of Santa Fe RR.	1,218
	3,400 ft upstream of Santa Fe RR.	1,219
	3,400 ft downstream of Kansas Highway 53.	1,220
	2,200 ft downstream of Kansas Highway 53.	1,221
	At Kansas Highway 53.	1,223

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,

Federal Insurance Administrator.

[FR Doc. 78-13755 Filed 5-22-78; 8:45 am]

[4210-01]

(Docket No. FI-3186)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Prairie Village, Johnson County, Kans.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Prairie Village, Johnson County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Prairie Village, Johnson County, Kans.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Prairie Village are available for review at the Public Works Department, 3535 Somerset Drive, Prairie Village, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Prairie Village, Johnson County, Kans. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brush Creek	1,550 ft downstream from Tomahawk Road Bridge.	903
	160 ft upstream from Tomahawk Road Bridge.	911
	Tunnel outlet	915
	Tunnel inlet	918
	180 ft upstream from 71st Street Bridge.	922
	220 ft upstream from Roe Avenue Bridge.	939
	2,300 ft upstream from Roe Avenue Bridge.	947
	100 ft upstream from 75th Street Bridge.	956
	2,400 ft upstream from 75th Street Bridge.	961
	540 ft downstream from Lamar Ave.	978
	70 ft downstream from Lamar Ave.	982

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,

Federal Insurance Administrator.
[FR Doc. 78-13756 Filed 5-22-78; 8:45 am]

[4210-01]

(Docket No. FI-4030)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Ashland, Boyd County, Ky.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Ashland, Boyd County, Ky. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Ashland, Boyd County, Ky.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Ashland, Boyd County, Ky. are available for review at the City Clerk's Office, Ashland, Ky.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Ashland, Boyd County, Ky.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Long Branch Creek	Just upstream 9th St.	553
Ohio River	Just upstream of Ashland-Coal Grove Bridge.	547
	Confluence of Keys Creek.	549

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator (43 FR 7719).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,

Federal Insurance Administrator.
[FR Doc. 78-13757 Filed 5-22-78; 8:45 am]

[4210-01]

(Docket No. FI-4031)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Sharon, Norfolk County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Sharon, Norfolk County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Sharon, Norfolk County, Mass.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Sharon are available for review at the Town Engineer's Office, Town Hall, 90 South Main Street, Sharon, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Sharon, Norfolk County, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neponset River	Sharon/Norwood corporate limits.	48
Beaver Brook	40 ft downstream of Norwood St.	210
	Norwood St.	217
	3,000 ft upstream of Norwood St.	217
Billings Brook	925 ft downstream of Mitchell Rd.	257
	Mitchell Rd.	260
	Laurel Rd.	263
	65 ft downstream of South Walpole St.	264
	400 ft upstream of South Walpole St.	264
Branch of Billings Brook	1,530 ft downstream of Barefoot Hill Rd. (at dirt road).	241
	Barefoot Hill Rd.	247
	120 ft downstream of Wolomolopoag St.	250
	Upstream side of Wolomolopoag St.	259
Canoe River	924 ft upstream of southern corporate limits.	237
	1,980 ft upstream of southern corporate limits.	242
	3,790 ft upstream of southern corporate limits.	250
Massapoag Brook	2,190 ft downstream of Billings St. at Woodenfoot Bridge.	173
	925 ft downstream of Billings St.	184
	95 ft upstream of Billings St.	194
	65 ft downstream of 1st spillway and footbridge at Mann's Pond.	200
	105 ft upstream of 1st spillway and footbridge at Mann's Pond.	214
	1,000 ft upstream of 1st spillway and footbridge at Mann's Pond.	214
	40 ft downstream of Massapoag Brook Dam.	230
	Upstream side of Massapoag Brook Dam.	234
	40 ft downstream of spillway and footbridge at Hammer Shop Pond.	243
	Upstream side of spillway and footbridge at Hammer Shop Pond.	251
	At Quincy St. 230 ft downstream of Massapoag Lake.	253
Massapoag Lake	Entire Lake.	255
Sucker Brook	65 ft downstream of Massapoag Ave.	255
	Massapoag Ave.	257
	170 ft downstream of Vine St.	263
	75 ft upstream of Vine St.	269
	1,230 ft upstream of Vine St.	270

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13758 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-31721]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Wakefield, Middlesex County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Wakefield, Middlesex County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Wakefield, Middlesex County, Mass.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wakefield are available for review at the Town Engineer's Office, Town Hall, One Lafayette Street, Wakefield, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Wakefield, Middlesex County, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added sec-

tion 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals with the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saugus River.....	Water St.....	55
	Salem St.....	64
	Upstream side of Route 128.	77
	Upstream Side of Vernon St.	79
Lake Quannapowitt.	Entire lake.....	84
Mill River.....	Wiley St.....	55
	Upstream side of Water St.	58
	Salem St.....	59

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13759 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3835]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Davison, Genesee County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Davison, Genesee County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evi-

dence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Davison, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Davison, Genesee County, Mich., are available for review at City Hall, Davison, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Davison, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator had developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black Creek.....	Private bridge at upstream corporate limits.	785
	Main St.*.....	782
	Michigan Route 15*.....	780
	Dayton St.*.....	777

*Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13760 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3836]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Goodrich, Genesee County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Goodrich, Genesee County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Goodrich, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Goodrich, Genesee County, Mich., are available for review at Village Hall, 10237 Hegel Road, Goodrich, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Village of Goodrich, Mich. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period

of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kearsley Creek.....	Dutch Rd.....	858
	Erie St.....	864
	Rhodes Rd.....	882

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13761 Filed 5-22-78; 8:45 am]

[4210-01]

CHAPTER XIII—FEDERAL DISASTER ASSISTANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-78-501]

PART 2205—FEDERAL DISASTER ASSISTANCE

Individual and Family Grant Program

AGENCY: Federal Disaster Assistance Administration.

ACTION: Final rule.

SUMMARY: This rule revises the eligibility criteria for the Individual and Family Grant Program to conform to the August 25, 1977 agreement between Farmers Home Administration (FmHA) and the Small Business Administration (SBA) which permits either FmHA or SBA to make housing or personal property loans in a major disaster when farmers have suffered production and farm losses as well as housing and personal property losses.

EFFECTIVE DATE: June 22, 1978.

FOR FURTHER INFORMATION CONTACT:

C. T. Babcock, Federal Disaster Assistance Administration, Room B-133, 451 Seventh Street SW., Washington, D.C. 20410, 202-634-7860.

SUPPLEMENTARY INFORMATION: On Wednesday, February 1, 1978, the Federal Disaster Assistance Administration (FDAA) published an interim rule revising the eligibility criteria for the Individual and Family Grant Program to conform to the August 25, 1977 agreement between the Farmers Home Administration (FmHA) and the Small Business Administration (SBA). This agreement permits either FmHA or SBA to make housing or personal property loans in a major disaster when farmers have suffered production and farm losses as well as housing and personal property losses. This was a change aimed at improving and expanding the delivery of financial assistance to the agricultural community; however, it necessitated a change in the eligibility criteria for the Individual and Family Grant Program to recognize that farmers, ranchers and aquaculturists may now apply to SBA for assistance as well as to FmHA. The eligibility criteria specifies that a grant applicant must apply to available governmental disaster assistance programs before eligibility for a grant is determined. Since both the FmHA and SBA loan programs are considered governmental disaster assistance programs, a farmer rancher or aquaculturist would have to apply to both programs before grant eligibility could be determined. The interim rule removed that requirement and specified that a denial of loan assistance from either program (with one exception noted in § 2205.48(c)(1)(ii)) provides sufficient basis on which to determine eligibility for the Individual and Family Grant Program.

With the concurrence of the appropriate Departmental officials, the Administrator has issued a Finding of Inapplicability of Environmental Impact concerning this rule, in accordance with section 102 of the National Environmental Policy Act of 1969 and the procedures in HUD Handbook 1390.1 (38 FR 19182). It is the position of the signatories to this finding that this rule in itself has no significant impact on the human environment. Copies of this finding may be inspected or obtained at the Office of the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

In order to insure that farmers, ranchers and aquaculturists receive maximum benefits as provided by the Disaster Relief Act of 1974, and more specifically Section 408, Individual and Family Grant Programs, at the earliest practicable date, FDAA determined that it was in the public interest to publish the changes as interim regulations, effective February 1, 1978. However, interested parties were encouraged to submit comments, suggestions,

data or arguments regarding the changes to the Rules Docket Clerk. No comments, suggestions, data or arguments were received. Accordingly, § 2205.48(c) is amended, effective on June 22, 1978 to read as follows:

§ 2205.48 Individual and family grants.

(c) *National eligibility criteria.*—In administering the Individual and Family Grant Program, a State shall determine the eligibility of an individual or family for a grant to meet a necessary expense or serious need in accordance with the following criteria.

(1) *General.* (i) In order to qualify for a grant under this section an individual or family representative must certify:

(A) That application has been made to other available governmental disaster assistance programs for assistance to meet a necessary expense or serious need and that neither he/she nor any member of his/her family has been determined to be qualified for such assistance or, for demonstrated reasons, any assistance received has not satisfied any such necessary expense or serious need (except as provided for in paragraph (c)(1)(ii) of this section).

(B) That with respect to the specific necessary expense or serious need or portion thereof for which application is made, neither he/she, nor to the best of his/her knowledge, any member of his/her family, has previously received or refused assistance from other means.

(C) That should the individual or family receive a grant and assistance from other means later becomes available to meet the necessary expense or serious need, the individual or family shall refund to the State that part of the grant for which assistance from other means has been received.

(ii) Farmers, ranchers, and persons engaged in aquaculture must apply to either the Farmers Home Administration (FmHA) or the Small Business Administration (SBA) for loan assistance, and obtain a denial of such assistance from either FmHA or SBA before they may be considered eligible for a grant under this section. If applicants for FmHA loan assistance are unable to obtain such assistance because, in FmHA's determination, they are able to obtain necessary credit from other sources, they will be considered ineligible for grant assistance for those items or services for which assistance may be provided by the FmHA's Emergency Loan Program.

(iii) Individuals or families who incurred a necessary expense or serious need in the major disaster area may be eligible for assistance under this section without regard to their residency in the major disaster area or within

the State in which the major disaster had been declared.

(Sec. 408, Pub. L. 93-288, 88 Stat. 156 (42 U.S.C. 5178); E.O. 11795 as amended by E.O. 11919 39 FR 25939; Delegation of Authority, 29 FR 23227.)

Issued at Washington, D.C., May 12, 1978.

WILLIAM H. WILCOX,
Administrator, Federal Disaster
Assistance Administration.

(FR Doc. 78-14367 Filed 5-22-78; 8:45 am)

[3910-01]

Title 32—National Defense

**CHAPTER VII—DEPARTMENT OF THE
AIR FORCE**

SUBCHAPTER C—PUBLIC RELATIONS

PART 835—SUPPORT OF NONGOVERNMENTAL TEST AND EVALUATION

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is adding a new rule stating policy, authority, and limitations on procedures for providing Air Force support, services and facilities to nongovernmental organizations. This rule will permit DOD agencies to sponsor nongovernment test requests. Because contractors occasionally have had difficulty finding non-DOD agencies with mutually aligned interest, this rule should have a favorable impact.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Major Melvin Hayashi, Headquarters U.S. Air Force, Planning, Programming and Analysis (AF/RDXT), Washington, D.C. 20330, 202-694-4590.

SUPPLEMENTARY INFORMATION: This rule was published as proposed on April 17, 1978 (43 FR 16193). As stated at that time, this rule describes procedures for providing Air Force support, services and facilities to nongovernmental organizations. These procedures give ways to test and evaluate products, techniques and equipment. The rule applies to government-owned facilities and serves as a specific guide for carrying out portions of DOD Directive 3200.11 that apply.

This rule is issued under authority of 10 U.S.C. 8012.

Since no significant comments were received from the public, Part 835 is added to Title 32 CFR, Chapter VII, Subchapter C, to read as follows:

Sec.
835.1 Purpose.
835.2 Background information.
835.3 Exceptions.
835.4 Terms explained.
835.5 Policies and procedures.
835.6 Responsibilities.
835.7 Authority for direct communication.
AUTHORITY: 10 U.S.C. 8012.

§ 835.1 Purpose.

This part states policy, authority, and limitations on procedures for providing Air Force support, services and facilities to nongovernmental organizations. These procedures give ways to test and evaluate products, techniques, and equipment. It applies to government-owned facilities and serves as a specific guide for carrying out portions of DOD Directive 3200.11 that apply.

§ 835.2 Background information.

The Air Force maintains and operates many kinds of unique facilities to meet its testing needs. These facilities can also accommodate many needs of the other Services and, in some cases, Government agencies outside the Department of Defense (DOD). Many of these facilities cannot be economically duplicated by other agencies (governmental or private). Frequently, businesses and institutions ask the Air Force to let them use its facilities to test and evaluate their products or techniques. DOD Directive 3200.11 gives procedures for using, managing, and operating major DOD ranges and test facilities designated collectively as the Major Range and Test Facility Base (MRTFB). The DOD directive covers both governmental and nongovernmental use. This part, however, adds to the DOD guidance that specifically pertains to nongovernmental use. It applies not only to the U.S. Air Force facilities in the MRTFB, but also to all other U.S. Air Force test facilities.

§ 835.3 Exceptions.

(a) This part does not apply to Government-owned and contractor-operated industrial facilities whose nongovernmental use is according to accountable contracts and pertinent regulations.

(b) AFP 400-7 Matrix Illustrating Reimbursement Policies for Interservice / Interdepartmental / Interagency Support, AFR 400-27, Basic Policies and Principles for Interservice, Interdepartmental, and Interagency Support, and DOD Directive 4000.19-M explain inter-Service support agreements and apply to Air Force test facilities.

(c) AFR 400-15, Logistic Support of United States Nongovernmental, Nonmilitary Agencies and Individuals in Overseas Military Commands, covers logistic support of military departments to U.S. nongovernment agencies or individuals in overseas military command areas.

(d) Section 13, Armed Services procurement regulations, governs the use of Government property by firms and institutions that perform Air Force contracts. Requests for test support in performing such contracts are not covered.

(e) The Arnold Engineering Development Center (AEDC) is exempted from the requirements of this part because it is authorized to provide industry with wind tunnel testing on a reimbursable basis.

§ 835.4 Terms explained.

(a) *Air Force test facility.* Any Air Force laboratory, range, or other facility intended for test and evaluation purposes. The facility may be operated by Service personnel or maintenance and operations contractors, or a combination of them.

(b) *Business.* A nongovernmental organization, other than an institution, desiring to test a product or technique that is not related to a government prime contract or subcontract.

(c) *Evaluation.* The review and analysis of qualitative or quantitative data from design review, hardware inspection, testing, or operational usage of equipment (AFR 80-14, Test and Evaluation).

(d) *Government sponsor.* A Federal executive agency whose directives or direct interest lead to a unique testing requirement.

(e) *Institution.* A nongovernmental organization, having an educational or scientific purpose, desiring to test a product or technique that is not related to a Government prime contract or subcontract.

(f) *Statement of support requirements.* A definitive statement prepared by an institution or business listing type, level, and how long support is required.

(g) *Support.* Services, supplies, equipment, and technical assistance provided to an institution or business.

(h) *Test.* Any program or procedure which is designed to obtain, verify, or provide data for the evaluation of: Research and development (other than laboratory experiments); progress in reaching development goals; or performance and operational capability of systems, subsystems, components, and equipment items (AFR 80-14).

(i) *Test support request (TSR).* A formal request for support sent by a Government sponsor that contains:

(1) A brief description of the mission or purpose of the requesting institution or business.

(2) A brief description of the nature of the test.

(3) A statement of support requirements.

(4) A "certificate of nonavailability" of suitable commercial facilities.

(5) A certification that the proposed test program is in the public interest.

(6) A statement that the business or institution has agreed not to use information regarding Air Force testing in connection with its advertising, and that such test support will not be interpreted as, nor constitute, an Air Force indorsement of that product.

§ 835.5 Policies and procedures.

(a) The Air Force may provide test support to businesses and institutions if such services are not reasonably available in private industry and can be supported without additional Service manning. In all cases, the items or techniques to be tested and evaluated must be in the public interest.

(b) Any business or institution desiring Air Force facilities and supporting services must seek as a sponsor a Federal executive agency. This agency must have regulations that require such testing or whose interests are directly aligned to the unique testing being proposed. The Government-agency sponsor must be responsible for filing with the Air Force the TSR in § 835.4(i).

(c) Except for the use of those facilities excluded from the uniform reimbursement policy (DODD 3200.11), the Air Force will be reimbursed for all costs (both direct and indirect) according to user-charge procedures of Part 812 of this chapter and other regulations that apply. The Air Force test facility comptroller bills the institution or business direct, NOT through the Government sponsor.

(d) The requesting institution or business must agree in all cases to indemnify the United States against all loss of, or damage to, Government property and injury to Government personnel, and to hold the United States harmless against all third-party claims unless willful misconduct of Air Force personnel is involved. AF Form 180, Hold Harmless Agreement, must be executed.

(e) Operations not within the scope of the stated purpose of such testing are prohibited. All tests must be accepted and approved on a noninterference basis and without rescheduling other planned Government activities. Any Government needs that arise during a test take precedence.

§ 835.6 Responsibilities.

(a) Major commands (MAJCOMs):

(1) Review TSRs sent by the Government sponsor.

(2) Transfer the TSR to another MAJCOM if the other command's test facilities are more appropriate.

(3) Disapprove and return TSRs that fall outside the scope of this part.

(4) Approve valid requests and direct proper action.

(5) Make sure that the Government sponsor has proved that Air Force test support is needed.

(6) Get an evaluation and recommendation from the Air Force test fa-

cility commander or a statement of whether the test can be accommodated and its probable impact on the facility's resources.

(b) Each Air Force test facility:

(1) Reviews TSRs sent by its MAJCOM headquarters.

(2) Estimates (according to Part 812 of this chapter) the cost of supporting the test, and explains cost factors involved.

(3) If the TSR involves aircraft, complies with Part 855 of this chapter.

(4) Estimates the resource impact on the Air Force test facility, if the test is accommodated.

(5) Within 30 calendar days after receiving the TSR, informs the MAJCOM headquarters as to the facility's capability to accommodate the test.

(6) Makes sure that all necessary safety measures are taken to prevent personal injury or property damage.

(7) Ensures compliance with security directives that apply.

(c) The Government sponsor:

(1) Sends a TSR in letter format containing the information in § 835.4(i), to the proper MAJCOM headquarters.

(2) Proves that the test is needed, and determines that such a test is indeed in the public interest.

(3) Verifies that test support services are not reasonably available in private industry.

§ 835.7 Authority for direct communication.

Direct communication is authorized between separate MAJCOM headquarters, between MAJCOM Headquarters and Government sponsors, and, after the TSR is received, between MAJCOM Headquarters and the requesting business or institution.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison Officer, Directorate of Administration.

(FR Doc. 78-13960 Filed 5-22-78; 8:45 am)

[8320-01]

**Title 41—Public Contracts and
Property Management**

**PART 8-2—PROCUREMENT BY
FORMAL ADVERTISING**

PART 8-7—CONTRACT CLAUSES

Miscellaneous Changes

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The Veterans Administration is revising the VA Procurement Regulations by specifying that maintenance of contract files will satisfy cer-

tain record requirements in the Federal Procurement Regulations (FPR); revoking obsolete material; correcting a cross-reference; updating an organizational title; reflecting agency policy of using precise terms denoting gender; and prescribing the use of new contract clauses. These changes are made to increase administrative and property management efficiency.

EFFECTIVE DATE: May 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Chris A. Figg, Policy and Interagency Staff, Supply Service, Veterans Administration, Washington, D.C. 20420, 202-389-2334.

SUPPLEMENTARY INFORMATION: On page 14525 of the FEDERAL REGISTER of April 6, 1978, there was published a notice of proposed regulatory development to amend Parts 8-2 and 8-7.

Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations. No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Approved: May 15, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

1. In § 8-2.201, paragraphs (a), (c), (d)(3) and (e)(3) are revised and paragraph (g) is revoked. The revised material reads as follows:

§ 8-2.201 Preparation of invitations for bids.

(a) Invitations for bids for supplies, equipment and services will be serially numbered at the time of issue. The number will consist of the station or marketing division number, the serial number of the invitation, and the fiscal year in which issued, e.g., 101-25-78. A new series beginning with the number 1 will be started each fiscal year. Invitations for bids for supplies, equipment and services which are issued, accepted, and become contracts in the same fiscal year but, because of procurement leadtime, will not be performed until the ensuing fiscal year will be numbered in the series of the year in which they are issued. However, invitations issued in one fiscal year that will result in a contract that will become effective and performed only in the ensuing fiscal year will be numbered in the ensuing fiscal year series.

(c) In order to preclude adverse criticism of the Veterans Administration by prospective bidders relative to disclosure of bid prices prior to bid open-

ing, the following provision will be prominently placed in all invitations for bids:

CAUTION TO BIDDERS—BID ENVELOPES

It is the responsibility of each bidder to take all necessary precautions, including the use of a proper mailing cover, to insure that the bid price cannot be ascertained by anyone prior to bid opening. If a bid envelope is furnished with this invitation, the bidder is requested to use this envelope in submitting the bid. The bidder may, however, when it suits a purpose, use any suitable envelope, identified by the invitation number and bid opening time and date. If a bid envelope is not furnished, the bidder will complete and affix the enclosed Optional Form 17, Sealed Bid Label, to the lower left hand corner of the envelope used in submitting the bid.

(d) ***

(3) Invitations containing a summary bid request will contain the following statement:

The award will be made on either an individual item basis or summary bid basis, whichever results in the lowest cost to the Government. Therefore, to assure proper evaluation of all bids, a bidder quoting a summary bid price must also quote a price on each individual item included in the summary bid price.

(e) ***

(3) In addition to the clause in subparagraph (1) or (2) of this paragraph, the following clause will be included in the invitation when bids will be allowed on different packaging, unit designation, etc.

ALTERNATE PACKAGING AND PACKING

The bidder's offer must clearly indicate the quantity, package size, unit, or other different feature upon which the quote is made. Evaluation of the alternate or multiple alternates will be made on a common denominator such as per ounce, per pound, etc., basis.

(g) [Revoked]

2. In § 8-2.204, paragraph (b) is revised to read as follows:

§ 8-2.204 Records of invitations for bids and records of bids.

(b) Maintenance of the contract file prescribed by § 8-1.313-54 and retention of canceled Invitation for Bid files will fulfill the requirements set forth in FPR 1-2.204.

3. Section 8-7.150-24 is revised and § 8-7.150-25 is added so that the added and revised material reads as follows:

§ 8-7.150-24 Requirements for operating and maintenance manuals.

(a) Solicitations and requests for proposals for technical medical equipment and devices issued by a field station will normally require the contractor to provide operating and maintenance

manuals. Unless the station Chief, Engineering Service, indicates that such service manuals are not needed, each invitation for bid or request for proposal for technical medical equipment will include VA Specification No. X-1711, Documentation, Technical Service, for Technical Medical Equipment and Devices, as a requirement. The number of such manuals required will be specified in both the solicitation and the resulting purchase order.

(b) Solicitations and requests for proposals for mechanical equipment (other than technical medical equipment and devices) issued by a field station will include the following clause:

Service data manual. The contractor agrees to furnish two copies of a manual, handbook or brochure containing operating, installation, and maintenance instructions (including pictures or illustrations, schematics, and complete repair/test guides as necessary). Where applicable, it will include electrical data and connection diagrams for all utilities. The instructions shall also contain a complete list of all replaceable parts showing part number, name, and quantity required.

(c) When the bid or proposal will result in the initial purchase (including each make and model) of a centrally procured item, the following clause will be used:

Service data manual. The contractor agrees, when requested by the contracting officer, to furnish not more than five copies of the technical documentation required by VA Specification X-1711 to the Service and Reclamation Division, VA Supply Depot, Hines, Ill. In addition, the contractor agrees to furnish two copies of the technical documentation required by VA Specification X-1711 with each piece or equipment sold as a result of the invitation for bid or request for proposal.

§ 8-7.150-25 Guarantee clause.

(a) When the bid or proposal will result in any purchase, the following clause will be used:

Guarantee. The contractor guarantees the equipment against defective material, workmanship and performance for a period of ———, said guarantee to run from date of acceptance of the equipment by the Government. The contractor agrees to furnish, without cost to the Government, replacement of all parts and material which are found to be defective during the guarantee period. Replacement of material and parts will be furnished to the Government at the point of installation, if installation is within the continental United States, or f.o.b. the continental U.S. port to be designated by the purchasing officer if installation is outside of the continental United States. Cost of installation of replacement material and parts shall be borne by the contractor.¹

¹Normally, insert 1 year. If industry policy covers a shorter or longer period, i.e., 90 days or for the life of the equipment, insert such period.

²The above clause will be modified to conform to standards of the industry involved.

(b) Where it is industry policy to furnish, but not install, replacement material and parts at the contractor's expense, the last sentence will be changed to indicate that cost of installation shall be borne by the Government. Where it is industry policy to (1) guarantee components for the life of the equipment (i.e., crystals in transmitters and receivers in radio communications systems) or (2) require that highly technical equipment be returned to the factory (at contractor's or Government's expense) for replacement of defective materials or parts, the clause used will be compatible with such policy.

4. In § 8-7.600, paragraph (c) is revised to read as follows:

§ 8-7.600 Scope of subpart.

(c) Clauses inconsistent with those contained in FPR 1-7.6 and this subpart, but considered essential to the procurement of Veterans Administration requirements, shall not be used unless the deviation procedure set forth in § 8-1.109-2 has been complied with.

5. Section 8-7.650-3 is revised to read as follows:

§ 8-7.650-3 Work to be executed by contractor's forces.

(a) The contractor shall execute on the site, with his/her forces (exclusive of executive, supervisory and clerical forces), actual contract construction work equivalent to not less than — percent of the contract award price.

(b) Construction work shall consist of contract work accomplished on the site by laborers, mechanics, and foremen/forewomen on the Contractor's payroll and under his/her direct supervision. Cost of material and equipment installed by such labor may be included in the above percent of work required to be performed by the Contractor.

(c) The Contractor shall submit, simultaneously with schedule of costs required by Payment to Contractor provision of the General Conditions of these specifications, a statement designating the branch or branches of contract work to be performed with his/her forces. The approved schedule of costs will be used in determining value of a branch or branches, or portions thereof, of the work for the purpose of this article.

(d) If, during the progress of work hereunder, the contractor requests a change in the branch or branches of the work to be performed by his/her forces and the Contract-

³The Contracting Officer shall insert one of the following: Thirty percent for boiler replacements and piping, new or replacement elevators, emergency generators and wiring, water tanks and towers; 20 percent for water tanks where piping alterations are required and for new buildings with reinforced concrete frames; all other types of construction, 15 percent.

ing Officer determines it to be in the best interests of the Government, the Contracting Officer may, at his/her discretion, authorize a change in such branch or branches of said work. Nothing contained herein shall permit a reduction in the percentage of work to be performed by the contractor with his/her forces, it being expressly understood that this is a contract requirement without right or privilege of reduction.

(e) In the event the contractor fails or refuses to meet the requirement of paragraph (a) of his section, it is expressly agreed that the contract price will be reduced by 15 percent of the value of that portion of the percentage requirement which is accomplished by others. For the purposes of this provision, it is agreed that 15 percent is an acceptable estimate of the Contractor's overhead and profit, or mark-up, on that portion of the work which the Contractor fails or refuses to perform, with his/her own forces, in accordance with paragraph (a) of this section.

6. In § 8-7.650-5, paragraph (c) of the clause is revised to read as follows:

§ 8-7.650-5 Inspection and acceptance.

Clause 10, General Provisions, SF 23A is supplemented as follows:

(c) Final inspection will not be made until the contract work is ready for beneficial use or occupancy. The Contractor shall notify the Contracting Officer, through the Resident Engineer, fifteen (15) days prior to the date on which the work will be ready for final inspection. Should it develop that the work installed does not justify such inspection at that time, or that the character of material or workmanship is such that reinspection is found necessary, the cost of such reinspection including salary of the inspector(s), his/her traveling and other expenses, shall be borne by the Contractor and will be deducted from any money due him/her on the applicable contract.

7. Section 8-7.650-6 is revised to read as follows:

§ 8-7.650-6 Guaranty.

GUARANTY

(a) Unless otherwise specifically provided for in the contract or specifications, the Contractor, notwithstanding any final inspection, acceptance or payment, guarantees that all work performed and materials and equipment furnished under this contract are in accordance with the contract requirements. The Contractor also guarantees that when installed all materials and equipment were free from defects and will remain so for a period of at least 1 year from the date of acceptance by the Government.

(b) If defects of any kind should develop during the period such guaranties are in force, the Contracting Officer shall immediately notify the Contractor in writing of such defects. The Government thereupon shall have the right, by a written notice to that effect, to require the Contractor to repair or replace all inferior or defective work, material, or equipment or permit it to remain in place and assess the Contractor the costs he/she (the Contractor) would have incurred had he/she been required to effect repair or replacement.

(c) Any correction or replacement of parts, materials, equipment, supplies or con-

struction made pursuant to the provisions of this clause shall also be subject to the provisions of this clause to the same extent as parts, materials, equipment, supplies or construction originally installed. The warranty with respect to such new or corrected parts, materials, equipment, supplies or construction shall be equal in duration as that set forth in (a) above and shall run from the date that such parts, materials, equipment, supplies or construction are replaced or corrected and accepted by the Government.

(d) The Contractor guarantees to reimburse the Government for, or to repair or replace, any damages to the site, buildings, or contents thereof that is caused by inferior or defective workmanship, or the use of inferior or defective materials or equipment in the performance of this contract. The Contracting Officer shall immediately notify the Contractor in writing when such damage occurs. The Government shall have the right to require the Contractor to repair or replace such damaged areas or equipment, or elect to permit such damage to remain as is and assess the Contractor the costs he/she would have incurred had he/she been required to effect repair or replacement.

(e) Should the Contractor fail to proceed promptly, after notification by the Contracting Officer, to repair or replace any inferior or defective work, material, or equipment, or damage to the site, buildings, or contents thereof, caused by inferior or defective work, or the use of inferior or defective materials, or equipment, the Government may have such work, material, equipment, or damage repaired or replaced and charge all costs incident thereto to the Contractor.

(f) Any special guaranties that may be required under the contract, shall be subject to the elections set forth above unless otherwise provided in such special guaranties.

(g) The decision of the Contracting Officer as to liability of the Contractor under this clause is subject to the appeal procedures provided for in the "Disputes clause of this Contract."

8. Section 8-7.650-8 is revised to read as follows:

§ 8-7.650-8 Reference to "Standards".

(a) Any materials, equipment, or workmanship specified by references to number, symbol, or title of any specific Federal, Industry or Government Agency Standard Specification shall comply with all applicable provisions of such standard specifications, except as limited to type, class or grade, or modified in contract specifications. Reference to "Standards" referred to in the contract specifications, except as modified, shall have full force and effect as though printed in detail in specifications.

(b) Federal Specification numbers refer to specifications issued by General Services Administration. Such specifications may be seen at the Office of Construction, Veterans' Administration, Washington, D.C. or at the office of the Resident Engineer for this project. An Index to the Specifications may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington,

D.C. 20402. Single copies of specifications may be obtained without charge for bidding purposes, from any GSA Business Service Center provided a copy of the Invitation for Bids is furnished. Multiple copies may be purchased only from GSA Specifications Branch, Building 197, Washington, Navy Yard, Washington, D.C. 20407.

9. In § 8-7.650-9, paragraph (c) of the clause is revised to read as follows:

§ 8-7.650-9 Government supervision.

(c) Within the limits of any specific authority delegated by the Contracting Officer, the Resident Engineer may by written direction make changes in the work. The Contractor shall be advised of the extent of such authority.

10. Section 8-7.650-10 is revised to read as follows:

§ 8-7.650-10 Daily report of workers and material.

The Contractor shall furnish to the Resident Engineer each day a consolidated report for the preceding work day in which is shown the number of laborers, mechanics, foremen/forewomen and pieces of heavy equipment used or employed by the contractor and subcontractors. The report shall bear the name of the firm, the branch of work which they perform such as concrete, plastering, masonry, plumbing, sheet metal work, etc. Report shall give breakdown of employees by crafts, location where employed, and work performed. The report shall also list materials delivered to the site on the date covered by the report.

11. In § 8-7.650-12, Paragraphs (b) and (c) of the clause are revised to read as follows:

§ 8-7.650-12 Subcontracts and work coordination.

The following clause is for use except as provided in § 8-7.650-13.

SUBCONTRACTS AND WORK COORDINATION

(b) The Contractor shall be responsible to the Government for acts and omissions of his/her own employees, and of the subcontractors and their employees. The Contractor shall also be responsible for coordination of the work of the trades, subcontractors, and material suppliers.

(c) The Government or its representatives will not undertake to settle any differences between the Contractor and subcontractors or between subcontractors.

12. Section 8-7.650-13 is revised to read as follows:

§ 8-7.650-13 Work coordination (alternate provision).

For new construction work with complex mechanical-electrical work, the following provision relating to work coordination may be substituted for paragraph (b) of the clause set forth in § 8-7.650-12:

The Contractor shall be responsible to the Government for acts and omissions of his/her own employees, and subcontractors and their employees. The Contractor shall also be responsible for coordination of the work of the trades, subcontractors, and material suppliers. The Contractor shall, in advance or the work, prepare coordination drawings showing the location of openings through slabs, the pipe sleeves and hanger inserts, as well as the location and elevation of utility lines, including, but not limited to, conveyor systems, pneumatic tubes, ducts, and conduits and pipes 2 inches and larger in diameter. These drawings, including plans, elevations, and sections as appropriate shall clearly show the manner in which the utilities fit into the available space and relate to each other and to existing building elements. Drawings shall be of appropriate scale to satisfy the previously stated purposes, but not smaller than 1/4-inch scale. Drawings may be composite (with distinctive colors for the various trades) or may be separate but fully coordinated drawings (such as sepias or photographic paper reproductions) of the same scale. Separate drawings shall depict identical building areas or sections and shall be capable of being overlaid in any combination. The submitted drawings for a given area of the project shall show the work of all trades which will be involved in that particular area. Six complete composite drawings or six complete sets of separate reproducible drawings shall be received by the Government not less than 20 days prior to the scheduled start of the work in the area illustrated by the drawings, for the purpose of showing the Contractor's planned method of installation. The objectives of such drawings are to promote carefully planned work sequence and proper trade coordination, in order to assure the expeditious solutions of problems and the installation of lines and equipment as contemplated by the contract documents while avoiding or minimizing additional costs to the Contractor and to the Government. In the event the Contractor, in coordinating the various installations and in planning the method of installation, finds a conflict in location or elevation of any of the utilities with themselves, with structural items or with other construction items, he/she shall bring this conflict to the attention of the Contracting Officer immediately. In doing so, the Contractor shall explain the proposed method of solving the problem or shall request instructions as to how to proceed if adjustments beyond those of usual trades coordination are necessary. Utilities installation work will not proceed in any area prior to the submission and completion of the Government review of the coordinated drawings for that area, nor in any area in which conflicts are disclosed by the coordination drawings until the conflicts have been corrected to the satisfaction of the Contracting Officer. It is the responsibility of the Contractor to submit the required drawings in a timely manner consistent with the requirement to complete the work covered by this contract within the prescribed contract time.

13. In § 8-7.650-14(a), paragraph (a)(2) of the clause is revised to read as follows:

§ 8-7.650-14 Payments to contractors.

(a) For contracts that do not contain a section entitled "Network Analysis Systems (NAS), Clause 7, General Provisions, SF 23A," will be implemented as follows:

PAYMENTS TO CONTRACTORS

Clause 7, General Provisions, SF 23A, is implemented as follows:

(a) * * *

(2) Costs as shown by this schedule must be true costs and, should the resident engineer so desire he/she may require the contractor to submit the original estimate sheets or other information to substantiate detail makeup of schedule.

[FR Doc. 78-14202 Filed 5-22-78; 8:45 am]

[3510-20]

CHAPTER 13—DEPARTMENT OF COMMERCE

PROCUREMENT REGULATIONS; FINAL RULES

AGENCY: Department of Commerce.

ACTION: Final regulations.

SUMMARY: These regulations contain portions of Commerce procurement policies and procedures which implement and supplement the Federal Procurement Regulations in the areas of: (a) general information and requirements, (b) special evaluation procedures for particular negotiated procurements, (c) procurement support for acquisitions of major systems, and (d) submission, receipt, handling and evaluation of unsolicited proposals. These initial issuances are part of a continuing Department of Commerce effort to update, codify and publish its procurement regulations and to provide uniformity with the Federal Procurement Regulatory system.

This material is intended to extend, to all interested parties, an understanding of the Department's procedures and methods of procuring goods and services and to provide contractors and potential contractors with a reference to and an understanding of Commerce procedures for entering into contracts, authorities of procurement and other officials and the full extent of and rationale for many contract requirements and provisions.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles Carter, Procurement Analyst, Office of Administrative Ser-

vices and Procurement, U.S. Department of Commerce, Washington, D.C. 20230; 202-377-3891.

SUPPLEMENTARY INFORMATION: Part 13-1 of these regulations sets forth general policies and procedures of the Department to implement subparts 1-1.0 through 1-1.3 of the Federal Procurement Regulations (FPR), Title 41, CFR Chapter 1, Part 1-1, as well as portions of Subpart 1-1.4, relative to responsibilities of personnel other than those directly involved in the procurement process. This issuance of Part 1 also replaces all of the existing Part 13-1 regulations now contained in Title 41, CFR Chapter 13.

The material in Part 13-3 of these regulations provides for use of a system for proposal evaluation by a special board under certain competitive negotiated procurements. Part 13-4 of these regulations sets forth the Department's procedures concerning unsolicited proposals, implementing Title 41, CFR Subpart 1-4.9, and provides Commerce procedures for acquisitions of major systems, implementing Office of Management and Budget (OMB) Circular A-109.

All of these regulations supplement and/or implement Federal Procurement Regulations (FPR) (Title 41, CFR Chapter 1) or OMB Circulars concerning procurement activities. Since the implemented portions of both the FPR and OMB Circulars were published for comment in the FEDERAL REGISTER, it has been determined that no further purpose would be served in publishing these regulations as proposed rules for comment.

Chapter 13 of Title 41 CFR is amended by revising Part 13-1 and by adding new Parts 13-3 and 13-4 to read as follows:

PART 13-1 GENERAL

Sec.
13-1.000 Scope of part.

Subpart 13-1.0—Regulation System

13-1.001 Scope of subpart.
13-1.002 Purposes.
13-1.003 Authority.
13-1.004 Applicability.
13-1.004-50 Relationship to the FPR.
13-1.006 Issuance.
13-1.006-1 Code Arrangement.
13-1.006-2 Publication.
13-1.006-3 Copies.
13-1.006-4 Coordination.
13-1.007 Arrangement.
13-1.007-1 General plan.
13-1.007-2 Numbering.
13-1.007-3 Citation.
13-1.008 Agency implementation.
13-1.008-50 Particular regulatory requirements of operating units or Departmental offices.
13-1.009 Deviation.
13-1.009-2 Procedure.
13-1.009-3 Limitation on deviations.

Subpart 13-1.2—Definitions of Terms

Sec.
13-1.201 Definitions.
13-1.204 Head of the Agency.
13-1.205 Procuring Activity.
13-1.206 Head of the procuring activity.
13-1.250 Organizational elements.

Subpart 13-1.3—General Policies

13-1.302 Procurement sources.
13-1.302-3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.
13-1.305 Specifications.
13-1.305-3 Deviations from Federal Specifications.
13-1.306 Standards.
13-1.306-1 Mandatory use and application of Federal Standards.
13-1.313 Records of contract actions.
13-1.313-50 General procedures.
13-1.313-51 Exceptions.
13-1.317 Noncollusive bids and proposals.
13-1.317-50 Procedures.
13-1.318 Disputes clause.
13-1.318-1 Contracting Officer's decision under the disputes clause.
13-1.318-50 Coordination of proposed decisions.
13-1.318-51 Modification or withdrawal of decisions.
13-1.318-52 Appeals from contracting officer decisions.
13-1.327 Protection of the privacy of individuals.
13-1.327-5 Procedures.

Subpart 13-1.4—Procurement Responsibility and Authority

13-1.450 Responsibilities of other Government personnel.
13-1.450-1 General.
13-1.450-2 Planning for procurement.
13-1.450-3 Procurement planning reports.
13-1.450-4 Planning for major systems acquisitions.
13-1.450-5 Precontract support.
13-1.450-6 Postaward contract administration.

AUTHORITY: Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary in Department Order 10-5.

§ 13-1.000 Scope of part.

This part contains information introducing and establishing the Department of Commerce Procurement Regulations (DOCPR) which, combined with the Federal Procurement Regulations (FPR), govern all procurement by the Department of Commerce or any of its organizational elements. The materials contained in this and later parts supplement, implement and provide procedures for supplementation and implementation of, as well as deviation from the FPR.

Subpart 13-1.0—Regulation System

§ 13-1.001 Scope of subpart.

This subpart sets forth introductory information pertaining to the DOCPR. It explains the purpose of the DOCPR, the authority under which they are issued, their relationship to the FPR, applicability, method

of issuance, exclusions and arrangement. It also outlines procedures for implementing and supplementing the FPR and DOCPR and for deviating therefrom.

§ 13-1.002 Purpose.

The DOCPR, combined with the FPR, are hereby designated as the authorized regulations governing the procurement of personal property and nonpersonal services (including construction) and leasing of real property by the Department of Commerce or by any organizational unit thereof.

§ 13-1.003 Authority.

The DOCPR are prescribed by the Assistant Secretary for Administration under the authorities contained in 5 U.S.C. 301, 5 U.S.C. 552 and section 205(c), Federal Property and Administrative Services Act of 1949 as amended (40 U.S.C. 486(c)), as delegated by the Secretary in Department Organization Order 10-5.

§ 13-1.004 Applicability.

The FPR and DOCPR apply to all procurements, by every operating unit and any other organizational element of the Department of Commerce except where specific limited exception authority is provided to the Maritime Administration. This exception will only be exercised upon appropriate determination by the Assistant Secretary for Maritime Affairs or a properly designated delegate. A copy of each exception determination shall be forwarded to the Director, Office of Administrative Services and Procurement.

§ 13-1.004.50 Relationship to the FPR.

Material published in the DOCPR will not repeat, paraphrase, or otherwise restate the FPR except to the extent necessary to supplement, implement, or deviate therefrom.

§ 13-1.006 Issuance.

§ 13-1.006-1 Code arrangement.

Department of Commerce Procurement Regulations are issued in the Code of Federal Regulations as Chapter 13 of Title 41, Public Contracts and Property Management.

§ 13-1.006-2 Publication.

DOCPR, as deemed necessary by the Assistant Secretary for Administration for information to the general public, are published initially in the daily issue of the FEDERAL REGISTER and in final cumulated form in Title 41 of the Code of Federal Regulations. The above regulations, as well as additional DOCPR material of interest primarily for internal agency guidance, are printed in separate loose-leaf volume form for distribution to appropriate Department of Commerce organizations.

§ 13-1.006-3 Copies.

Copies of the DOCPR published in the FEDERAL REGISTER and the Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402. Upon request, copies of the DOCPR loose-leaf volume and amendments and additions thereto will be distributed to Departmental Procurement activities and other appropriate DOC organizational units, by the Internal Distribution Branch of the Office of Administrative Services and Procurement.

§ 13-1.006-4 Coordination.

(a) Comments and suggestions of interested Departmental procurement activities will be solicited where feasible during the development of DOCPR issuances. Comments and suggestions of others will be solicited only when and to the extent deemed appropriate by the Assistant Secretary for Administration.

(b) Where there is urgent or compelling need to issue regulations which precludes adherence to the procedures in paragraph (a) of this section, such regulations shall be issued as consecutively numbered Temporary Department of Commerce Procurement Regulations (TDOCPR) and distributed as appendices to the loose leaf DOCPR volumes. Each TDOCPR shall be effective for a period stated within the TDOCPR, which period shall not exceed six months from the date of issuance unless extended by the Assistant Secretary for Administration.

(c) If a temporary regulation, issued pursuant to paragraph (b) of this section, is intended for eventual permanent implementation, it shall be distributed for comments and suggestions in accordance with paragraph (a) of this section. Notices of temporary regulation implementation will be published in the FEDERAL REGISTER when the TDOCPR involves material revision to existing DOCPR content of significance to business concerns and others properly interested, and where otherwise deemed appropriate by the Assistant Secretary for Administration.

§ 13-1.007 Arrangement.**§ 13-1.007-1 General plan.**

The general plan, numbering system and nomenclature, used in the DOCPR conform with those of the Federal Procurement Regulations and FEDERAL REGISTER standards approved for the FPR.

§ 13-1.007-2 Numbering.

(a) This Chapter 13 has been allocated to the Department of Commerce for implementing, supplementing and deviating from Chapter 1 of Title 41 CFR.

(b) Where the DOCPR implements or deviates from a part, subpart, section, or subsection of the FPR, the DOCPR part, subpart, section, or subsection will be numbered and captioned to correspond to the part, subpart, section, or subsection of Chapter 1, of Title 41 CFR.

(c) Where the subject matter contained in a part, subpart, section, or subsection of FPR requires no further implementation, the DOCPR will contain no corresponding part, subpart, section, or subsection number and the subject matter as published in the FPR governs.

(d) DOCPR's which supplement the FPR will be assigned an appropriate number and title different from any assigned to an FPR.

§ 13-1.007-3 Citation.

DOCPR will be cited in accordance with FEDERAL REGISTER standards approved for the FPR. Thus this section, when referred to in sections of the DOCPR, should be cited as "§ 13-1.007-3 of this chapter." When this section is referred to formally in official documents, such as legal briefs, it should be cited as "41 CFR 13-1.007-3." Any section of DOCPR may be informally identified, for purposes of brevity, as DOCPR followed by the section number, i.e., "DOCPR 13-1.007-3."

§ 13-1.008 Agency implementation.

§ 13-1.008-50 Particular regulatory requirements of Operating Units or Departmental Offices.

DOCPR issuances may be requested by heads of operating units or Departmental offices to provide for their special regulatory requirements. Such requests shall be submitted to the Assistant Secretary for Administration for approval and issuance as appropriate.

§ 13-1.009 Deviation.

Deviations from the FPR and DOCPR shall be kept to a minimum and controlled as prescribed in this section.

§ 13-1.009-2 Procedure.

(a) Deviations in both individual cases and classes of cases must be authorized in advance by the Director, Office of Administrative Services and Procurement (OAS&P). Requests for such authorization may be initiated by the heads of operating units or by the heads of their procuring activities. Requests shall: Cite the specific parts of the FPR or DOCPR from which it is desired to deviate; provide a full description of the deviation; indicate the circumstances which will require use of the deviation; and give detailed reasons supporting the action requested.

(b) Where the deviation applies to a class of cases, authorization will be

subject to prior coordination with the General Services Administration by the Office of Administrative Services and Procurement unless, in the considered judgment of the Director, OAS&P, and with due regard to the objective of uniformity, circumstances preclude such coordination. In such an instance, the Office of Administrative Services and Procurement shall inform the GSA of the deviation and circumstances under which it was required.

(c) Authorization will be by memorandum addressed to the requesting officer with copies to any other interested offices. The contract file(s) of the requesting office shall include a copy of the request and approval. Class deviations will be issued as a part of DOCPR, if they are of a continuing nature and publication is deemed appropriate by the Assistant Secretary for Administration.

§ 13-1.009-3 Limitations on deviation.

Deviations concerning Automated Data Processing procurement shall be processed according to the procedures in paragraphs (a) through (c) of § 13-1.009-2 except that the Director, Office of Automatic Data Processing Management (OADPM) shall be the authorizing and coordinating authority in lieu of the Director, OAS&P in paragraphs (a) and (b) of § 13-1.009-2.

Subpart 13-1.2—Definitions of Terms**§ 13-1.201 Definitions.**

For the purposes of this chapter, and unless otherwise indicated, the following terms have the meanings set forth in this subpart.

§ 13-1.204 Head of the agency.

"Head of the agency" means the Assistant Secretary for Administration, unless otherwise indicated in a specific section of this Chapter 13.

§ 13-1.205 Procuring activity.

"Department of Commerce Procuring Activity" means that organizational element or associated elements of an operating unit or Department office to which procurement authority and responsibility has been delegated.

§ 13-1.206 Head of the procuring activity.

"Head of the procuring activity" means the head of an operating unit or Departmental office which has been delegated procurement authority by the Assistant Secretary for Administration or that deputy, assistant or associate head of the operating unit or Departmental office to whom procurement authority is in turn delegated together with assignment of responsibility for direction and management of the procuring activity. Authorities and responsibilities of the head of the procuring activity shall not be redelegated.

§ 13-1.250 Organizational elements.

The definitions of various Departmental organizational elements as contained in the Department's Organizational Order series shall apply to Departmental organizational elements referred to in Chapter 13 (DOCPR).

Subpart 13-1.3—General Policies**§ 13-1.302 Procurement sources.**

§ 13-1.302-3 Contracts between the Government and Government employees or business concerns substantially owned or controlled by Government employees.

When a requisitioning office becomes aware that a suggested procurement source is either a Government employee(s) or a business or organization substantially owned by a Government employee(s), or the spouse or immediate family of a Government employee(s) the appropriate procurement office shall be immediately notified and shall seek alternative sources. If no alternative sources can be located, the requisitioning office shall prepare a written justification to clearly support a contracting officer decision to procure from the Government employee source and to provide for actions, where possible, to prevent future related procurements from employee sources. Approvals shall be obtained from the head of the operating unit or Departmental office responsible for the requisitioning office and from the Assistant Secretary for Administration or designee prior to any procurement award to a Government employee source.

§ 13-1.305 Specifications.

§ 13-1.305-3 Deviations from Federal specifications.

The head of each procuring activity shall be responsible to ensure that the requirements contained in 41 CFR 1-1.305-3 are met and that the recommendations and notifications required therein are submitted to the General Services Administration.

§ 13-1.306 Standards.

§ 13-1.306-1 Mandatory use and application of Federal standards.

Justifications and requests for exceptions from mandatory use of Federal standards as required by 41 CFR 1-1.306-1 shall be submitted to the General Services Administration by the head of the procuring activity requiring the exception.

§ 13-1.313 Records of contract actions.**§ 13-1.313-50 General procedures.**

All Departmental procuring activities or organizational elements thereof shall maintain an official file for each contract issued, regardless of its dollar

value. Each such contract file must constitute an independent record, documented to provide a complete chronology of all contract related actions, including sufficient data to explain and support the rationale, judgments and authorities upon which each decision or action was predicated.

§ 13-1.313-51 Exceptions.

Procurements which are valued at less than \$10,000 and made pursuant to small purchase authorities as well as delivery orders and purchase orders, regardless of their value, which are issued against existing Government contracts and related documents, may be combined in categorically organized files according to the specific instructions of individual procuring activity heads.

§ 13-1.317 Noncollusive bids and proposals.**§ 13-1.317-50 Procedures.**

(a) The authority to make the determination described in paragraph (d) of the "Certificate of Independent Price Determination" (See 41 CFR 1-1.317(a)) shall vest in the heads of the individual procuring activities without authority to redelegate.

(b) Where a certification is suspected of being false or there is indication of collusion, the procuring activity shall collect and prepare documents and additional information in accordance with 41 CFR 1-1.902 and 1-1.903, and the head of the procuring activity shall transmit the matter to the Assistant Secretary for Administration. The Assistant Secretary for Administration shall have the matter referred to the Attorney General for appropriate action when, after coordination with the General Counsel or his designee, it is the Assistant Secretary's opinion that there is evidence of any violation of the antitrust laws.

§ 13-1.318 Disputes clause.

§ 13-1.318-1 Contracting officer's decision under the Disputes Clause.

Where a dispute cannot be settled by agreement and a decision under the Disputes Clause is necessary, the contracting officer will prepare a letter to the contractor containing written findings of fact and a final decision pursuant to the Disputes Clause of the contract. This decision document should:

- Identify the claim, including the date of submission and name and title of the submitter of the claim,
- Set forth the contracting officer's decision and related findings of fact in sufficient detail to enable the contractor to understand both the decision and the basis therefor,
- Reference the disputes clause as the authority for the decision,
- Include the paragraph contained in 41 CFR 1-1.318-1, and

(e) Cite the Department's rules for contractor appeals from decisions of contracting officers (Title 15 CFR Part 3).

§ 13-1.318-50 Coordination of proposed decisions.

As required by internal directives, contracting officers shall refer proposed final decisions made under disputes clauses to the head of the procuring activity and to appropriate legal counsel for clearance before forwarding them to contractors.

§ 13-1.318-51 Modifications or withdrawal of decisions.

After issuing the final decision, but prior to the contractor filing a timely notice of appeal, the contracting officer and the contractor may continue to seek agreement and the contracting officer may modify or withdraw his final decision pursuant to such agreement. Such withdrawal or modification shall be set forth in a written document, with modifications in the form described in § 13-1.318-1 and coordinated as prescribed in § 13-1.318-50.

§ 13-1.318-52 Appeals from contracting officer decisions.

Rules of procedure for handling contract appeals from decisions of Department of Commerce Contracting officers are published as Part 3 of Title 15 of the Code of Federal Regulations.

§ 13-1.327 Protection of the privacy of individuals.**§ 13-1.327-5 Procedures.**

The following notice shall be included in every solicitation and resulting contract and in every contract awarded without a solicitation in which the clause titled "Privacy Act" as contained in 41 CFR 1-1.327-5(c) is incorporated:

NOTICE OF DEPARTMENT OF COMMERCE'S PRIVACY ACT POLICIES

With reference to the contractor's compliance with requirements set forth under paragraph (a)(1) of the Privacy Act clause, the contractor is hereby notified that the Department's Privacy Act policies and procedures are contained in Title 15, CFR, Part 4b. All applicable inquiries are to be directed to the appropriate Privacy Officer as required by 15 CFR 4b.3.

Subpart 13-1.4—Procurement Responsibility and Authority**§ 13-1.450 Responsibilities of other Government personnel.****§ 13-1.450-1 General.**

(a) Responsibilities for preparing procurement item descriptions, specifications and work statements and for determining delivery requirements and fund availability or restraints rest with the program office or requisition-

ing activity. Responsibilities for determining the method of procurement, type of contract, conduct of the procurement process, suitability of prices and execution of required contract documents rest with the procurement activity, the contracting officer in particular.

(b) Personnel responsible for requisitioning should maintain a close and continuous relationship with their supporting procurement activity to ensure that appropriate procurement personnel are made aware of contemplated procurement actions or possible complications far ahead of the actual contracting phase of procurement. This will be mutually beneficial in terms of better program and procurement planning as well as providing for more timely, efficient and economical acquisitions.

(c) Personnel not delegated contracting authority may not commit the Department, formally or informally, to any type of contractual obligation either before or after contract award. However, all personnel who require procurement support in accomplishing their missions or assignments must support the procuring activity and the Contracting Officer in ensuring that (1) requirements are clearly defined and specified; (2) competitive sources are solicited, evaluated and selected; (3) quality standards are prescribed and met; (4) performance or delivery is timely; (5) prices, estimated costs and fees are reasonable; (6) contract provisions, procurement regulations and applicable laws are complied with; and (7) files are sufficiently documented to substantiate the judgments, decisions and actions taken.

(d) Varying degrees of cooperation, communication and planning are necessary commensurate with the dollar value, complexity, legal and regulatory environment or other factors incident to each particular contemplated procurement. Planning and reporting requirements contained in this and later sections of the DOCPR are general requirements and are by no means all inclusive. All those involved in a procurement must be careful to assure adequate coordination among the procurement, the requisitioning and any other affected organizations.

§ 13-1.450-2 Planning for procurement.

(a) All program and project planning shall include plans for procurement of anticipated supply, equipment or service requirements.

(b) Where funds of another Government Agency are provided or are to be provided under the Economy Act or other appropriate authority, programs undertaken by any Commerce activity and requiring procurement actions shall be coordinated with the appropriate procurement offices prior to any commitment to accept the requisitioning agency or sponsoring agency deadlines.

(c) Program and project managers should solicit the advice and assistance of procurement personnel in developing the procurement element of the program and project plans so that the following factors can be considered early in the planning process.

(1) Definitions of requirements in terms of specifications or work statements for use in invitations for bids, requests for proposals, and contract provisions.

(2) Development of "in-house" estimates for cost of property or services to be procured, and identification of appropriated funds available for the contract.

(3) Identification of factors which require special consideration, including but not limited to; source evaluation criteria; providing facilities and equipment; quality control; product qualification testing and acceptance; patents and copyright reporting requirements; and other approvals or clearances (e.g., Security or Personnel clearances).

(4) Development of lead-time necessary to complete the procurement process, i.e., prepare and process the purchase request, prepare and process any necessary determination and findings, locate and evaluate sources, receive and evaluate bids or proposals, conduct preaward audits, conduct preaward surveys or conferences, and negotiate and/or award the contract or contracts.

(d) It is incumbent upon initiators of procurement requirements to obtain timely approvals from higher authority whenever such approvals are required by regulations of this Department or other Government agencies; e.g., procurement of data processing resources; procurement of management consultant services; clearances by Office of Management and Budget; Government Printing Office, Treasury Department, General Services Administration, etc. However, Agency Procurement Requests (APR's) required to be sent to GSA under 41 CFR 1-4.1104 for ADP procurements will be processed by the Departmental Office of Automatic Data Processing Management as required by DAO 212-1.

§ 13-1.450-3 Procurement planning reports.

(a) In order to assure continually effective, economical and timely procurement throughout the Department, each operating unit and/or Departmental office shall report procurement plans as indicated in the following paragraphs:

(1) *General Office Supply and Equipment Requirements.* At least 90 days prior to the beginning of each fiscal year, an itemized listing of general office supplies, equipment and

furnishings required for the ensuing fiscal year shall be submitted to the appropriate procurement office for planning purposes. Required items which are normally available through GSA Supply Stores or by requisition through any other established Government supply system need not be reported. The listings shall include total quantities, required delivery dates and respective delivery quantities if multiple deliveries are required. Each item shall be described in general terms and brand names, makes and/or model names or numbers shall be avoided wherever possible.

(2) *Specialized, Supply, Equipment, Furniture and Service Requirements.* At least six months prior to the beginning of each fiscal year an itemized listing of anticipated specialized supply, equipment, furniture and service requirements shall be submitted to the appropriate procurement office for planning purposes. The listing shall include estimated total quantities or efforts and anticipated required delivery dates. Each item listed shall be described in synopsis form sufficient for publicizing in the *Commerce Business Daily*. (See S 1-1.1003-1.)

(3) Heads of affected procuring activities may waive the reporting requirements contained in this Section for specific procurements or for specified classes of procurements where unusually short procurement lead-time or other extraordinary circumstances exist.

(4) Except where reporting requirements have been waived in accordance with paragraph (a)(3) of this section, requisitions containing procurement needs which are additional to those listed in the procurement plans submitted under the requirements of paragraphs (a) (1) and (2) of this section shall be accompanied by narrative justification explaining why those needs were not or could not have been included in the procurement plans. Such requests shall be submitted to the appropriate procurement office through an official designated by the head of the departmental office or operating unit.

(b) Each departmental office and/or operating unit should develop and issue implementing procedures to provide for collection of procurement planning data from all subordinate organizations in order to accommodate timely submission of the required reports.

§ 13-1.450-4 Planning for major systems acquisitions.

(a) Upon approval of a mission need by the Secretary (See DAO 208-3 and OMB Circular A-109) the Department's Acquisition Executive shall designate the procurement office which will provide procurement support throughout all phases of that major

systems acquisition process. (See DOC PR 13-4.50.)

(b) Upon notification of the designation of a supporting procurement office, the program manager shall, within 60 days, contact that procurement office for assistance in developing an overall procurement plan to be submitted to the acquisition executive for approval. The overall procurement plan shall include a schedule for completion of at least each of the following functions for each of the major systems acquisition procurement phases (i.e. exploration of alternative systems, competitive demonstrations, full-scale development and production):

(1) Development of a solicitation in terms of mission need.

(2) Advance publicity for the initial, exploration phase.

(3) Issuance of Requests for Proposals (RFP's).

(4) Closing dates for RFP's.

(5) Evaluation and award.

(c) All changes in the overall procurement plan shall be submitted by the program manager to the acquisition executive along with a narrative explanation of the necessity for each change.

§ 13-1.450-5 Precontract support.

After submission of the requirement to the procurement activity, program personnel must continue to support the procurement process by providing advice and assistance to the contracting officer in activities such as:

(a) Formulation of procurement schedules.

(b) Conduct of presolicitation or prebid/preproposal briefings of prospective contractors.

(c) Conduct of preaward surveys to determine contractor responsibility.

(d) Evaluation of technical and business proposals submitted by contractors, including requests for Government-furnished facilities and equipment.

(e) Development or evaluation and documentation of plans, procedures, and contract provisions relating to quality control, inspection, test data, patent data and acceptance of products or services.

(f) Establishment of contract requirements concerning packing, packaging, marking, inspection, point of acceptance, and shipment of products.

§ 13-1.450-6 Postaward contract administration.

(a) Upon execution of the contract by the contracting officer and the contractor, the mutual obligations of the Government and the contractor are established by and limited to the written stipulations in the contract instrument. Unless authorized by the contracting officer, program or technical personnel shall not direct or request

the contractor to assume any obligation or take any action not specifically stated in the contract. Only the contracting officer may impose on the contractor any requirement which will result in a change to the contract. All contract changes must be directed in writing or confirmed in writing by the contracting officer.

(b) The role of program, technical, and other personnel in postaward administration of the contract is to assist or advise the contracting officer (or act as his representative when so designated by the contracting officer) in activities such as:

(1) Conduct of conferences to ensure mutual understanding between the Government and the contractor as to the scope of the contract, technical and business requirements, and the rights and obligations of the parties.

(2) Technical liaison during contract performance and matters relating to product delivery, acceptance, or rejection.

(3) Evaluation of contractor performance, evaluation of reports and data, subcontract management, utilization of facilities and equipment, cost control, etc.

(4) Contractor systems and procedures evaluation; including accounting policies and procedures, purchasing policy and practices, property accounting and control, wage and salary plans and rate structures, personnel policies and practices, etc.

(5) Modification, renewal, or termination of the contract.

(6) Processing of final decisions under the disputes clause and appeals therefrom.

PART 13-3—PROCUREMENT BY NEGOTIATION

Subpart 13-3.8—Price Negotiation Policies and Techniques

Sec. 13-3.805-50 Evaluation procedures—Use of the Source Selection Advisory Boards System.

Subpart 13-3.8—Price Negotiation Policies and Techniques

§ 13-3.805-50 Evaluation procedures—Use of the Source Selection Advisory Boards System.

(a) The Source Selection Advisory Boards System (SSABS) shall be used by all operating units and Departmental offices for evaluating competitive negotiated procurement proposals when:

(1) The estimated value of the procurement is expected to exceed \$1,000,000 or,

(2) The estimated value of the immediate procurement is expected to be less than \$1,000,000, but continuing related procurements are foreseeable

and the cumulative total may exceed \$1,000,000 or,

(3) The estimated value of the procurement is not expected to exceed \$1,000,000 but the head of the requisitioning office or activity, either independently or at the request of the contracting officer, determines in writing that SSABS processing is desirable and would be cost effective. Such written determinations shall be forwarded to the cognizant contracting officer for inclusion in the official procurement file.

(b) Procurements which are formally advertised or noncompetitively negotiated and procurements for Architect-Engineer Services are specifically excluded from consideration for SSABS Action.

(c) The detailed operating procedures for Source Selection Advisory Boards Systems are contained in Department Administrative Order DAO 208-15 and in the specific implementing instructions of each Departmental office or operating unit.

(Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary in Department Order 10-5)

PART 13-4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 13-4.9—Unsolicited Proposals

Sec. 13-4.900 Scope of subpart.
13-4.902 Policy.
13-4.903 Agency program direction and operation.
13-4.905 Advance guidance.
13-4.908 Agency points of contact.
13-4.909 Receipt, review and evaluation.
13-4.910 Method of procurement.

Subpart 13-4.50—Procurement Support for Major Systems Acquisition

13-4.5001 General.
13-4.5002 Major systems acquisition procurement phases.
13-4.5002-1 Procurement of alternative systems designs.
13-4.5002-2 Procurement of competitive systems demonstrations.
13-4.5002-3 Contracting for full scale development of a major system.
13-4.5002-4 Contracting for production of additional identical systems.

AUTHORITY.—Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(c)), as delegated by the Secretary in Department Order 10-5.

Subpart 13-4.9—Unsolicited Proposals.

§ 13-4.900 Scope of subpart.

This subpart implements 41 CFR Subpart 1-4.9 and provides Departmental policies and procedures concerning submission, receipt, handling, evaluation and making acquisition decisions concerning unsolicited proposals.

§ 13-4.902 Policy.

It is the policy of the Department to invite public interest in its various missions and to encourage submission of innovative ideas and suggestions which will help to improve or enhance any of the Department's activities.

§ 13-4.903 Agency program direction and operation.

Each operating unit and Departmental office should develop policies, procedures and guidelines sufficient to assure implementation of the provisions in this subpart and in 41 CFR Subpart 1-4.9.

§ 13-4.905 Advance guidance.

(a) All Departmental employees should be instructed to welcome and encourage inquiries relative to the Department's missions, needs and methods of operation and to refer inquiries to the program or technical offices concerned with the subject matter of an inquiry. Any inquiry which indicates the possibility of or may lead to procurement action shall be promptly directed to the head of the procuring activity for processing coordination. Employees should be further instructed: (1) to advise inquirers not to submit proposals before communicating with the appropriate control point (see § 13-4.908) and; (2) to immediately forward all unsolicited proposals received to the appropriate control points.

(b) Control Point Officials shall provide a properly completed Department Form CD-330 (Instructions for Submission of Unsolicited Proposals),¹ along with a copy of the publication, *How to Sell to the Department of Commerce* and any additional material prescribed by their operating unit or Departmental office to each inquirer whose inquiry may result in submission of an unsolicited proposal.

§ 13-4.908 Agency points of contact.

Heads of Procuring Activities or their designees shall serve as control points for coordination, receipt and handling of unsolicited proposals. The Deputy Director for Program Development, Office of Administrative Services and Procurement is the control point for unsolicited proposals which are of interest to a Departmental office or operating unit that does not have an internal procuring activity and for proposals which are of interest to more than one Departmental office or operating unit.

§ 13-4.909 Receipt, review and evaluation.

(a) Control Point Officials shall acknowledge receipt of unsolicited pro-

¹The Department form CD-330 will not be published as a part of these regulations. However, the original form is on file with the original of this document in the Office of the Federal Register.

posals within ten (10) working days by a letter using the following format:

DEAR _____:

This is to acknowledge receipt of your unsolicited proposal dated _____, and to advise you of the policies of the Department of Commerce for treatment of unsolicited proposals.

The Department encourages submission of ideas, concepts or suggestions which may apply to any Commerce activity. Such submissions often help us to accomplish our various missions more efficiently or effectively.

When ideas are truly original or unique and germane to the missions of the Department, they may cause the Department to enter into a contractual relationship with the submitter. In other cases, where proposals do not contain proprietary information and the Department decides to implement the suggestions contained therein, the Department is free to enter into any resultant contracts by means of normal competitive procurement processes. The Department's acceptance of an unsolicited proposal for evaluation purposes does not imply a promise to pay, a recognition of novelty or originality, nor a promise to restrict the use of information to which the Government would otherwise be entitled.

If your proposal contains information which you or your organization wishes to be used only for evaluation and not disclosed for other purposes, you must specifically identify such data by including the following legend on the title page and by marking each sheet containing restricted data with the legend contained in parentheses below:

USE AND DISCLOSURE OF DATA

This data shall not be disclosed outside the Government and shall not be duplicated, used, or, disclosed in whole or in part for any purpose other than to evaluate the proposal: *Provided*, That if a contract is awarded to this offeror as a result of or in connection with the submission of this data, the Government shall have the right to duplicate, use, or disclose the data to the extent provided in the contract. This restriction does not limit the Government's right to use information contained in the data if it is obtainable from another source without restriction. The data subject to this restriction is contained in sheets _____. (Use or disclosure of proposal data is subject to the restriction on the title page of this Proposal.)

Proposals or parts thereof submitted without the appropriate restrictive legends prescribed above may be handled as if free of all restrictions. If your proposal contains a restrictive endorsement or notice other than the ones prescribed above, you must either correct such notice or remove the restricted material prior to any evaluations by the Department.

You are requested to acknowledge this letter and to indicate whether or not you wish your proposal to be evaluated. Pending a reply from you, your proposal will not be accepted for evaluation, but will be held in safekeeping.

Sincerely,

(b) Upon receipt of a response to the letter prescribed in paragraph (a) above, requesting evaluation, Control Point Officials shall review the proposal in accordance with 41 CFR 1-4.909(b) (1) and (2) and 1-4.913(b) and

shall coordinate processing and evaluation of the proposal in accordance with 41 CFR 1-4.909 (c), (d) and (e) and the following:

(1) The original and each copy of the unsolicited proposal shall be covered by a sheet of paper marked with the notice contained in 41 CFR 1-4.913 (c) (or as such notice is modified pursuant to circumstances described under 41 CFR 1-4.913 (d) or (e)), unless the offeror gives a clear written indication that no restrictions on the disclosure or use of the data contained in the proposal are desired.

(2) Within ten (10) working days after receipt of an unsolicited proposal which conforms to the requirements of this DOCPR Subpart, Control Point Officials shall forward a copy of the proposal along with a Department Form CD-331 (Instructions for Technical Evaluation of Unsolicited Proposals)² to the appropriate technical or program office for evaluation. If more than one Department activity may have interest in a particular proposal, copies of the proposal shall be circulated to each interested office.

(3) Program or technical offices receiving unsolicited proposals for evaluation shall conduct their evaluations in accordance with this DOCPR Subpart, 41 CFR Subpart 1-4.9, Department Form CD-331 (see paragraph (b)(2) of this section) and with any additional policies provided by the cognizant operating unit or Departmental office.

(4) Evaluations shall be completed and recommendations submitted to the Control Point Official within sixty (60) working days after receipt of a proposal for evaluation. All copies of the unsolicited proposal shall be returned to the Control Point Official with the completed evaluation recommendations.

(5) Unsolicited proposals and any material contained therein shall not be duplicated nor circulated outside of the evaluating office and shall be closely safeguarded to prevent disclosure of any restrictive data. Only Control Point Officials or their designees are permitted to duplicate unsolicited proposals and then only to facilitate evaluation by more than one technical entity or multiple evaluations within one technical entity.

§ 13-4.910 Method of procurement.

(a) Control Point Officials shall return all copies of unsolicited proposals not recommended for noncompetitive procurement action to the submitters along with reasons for the return in accordance with 41 CFR 1-4.910.

²The Department Form CD-331 will not be published as a part of these regulations. However, the original form is on file with the original of this document in the Office of the Federal Register.

(b) Unsolicited proposals which are acceptable and recommended for non-competitive procurement together with appropriate requisition documents shall be forwarded by Control Point Officials to an appropriate contracting office for procurement action. If multiple requests for procurement are received pursuant to evaluations of the same unsolicited proposal, procurement actions shall be combined wherever practicable.

Subpart 13-4.50—Procurement Support for Major Systems Acquisitions

§ 13-4.5001 General.

Basic management and program policies and procedures for acquisition of major systems are contained in OBM Circular A-109 and DAO 208-3. In addition, the Office of Federal Procurement Policy (OFPP) Pamphlet No. 1 contains further guidance for application of OMB Circular A-109 and DOCPR § 13-1.450-4 provides for reporting major systems procurement plans by program managers. Generally, the procurement guidelines contained in OFPP Pamphlet No. 1 dated August 1976, should be followed wherever practicable in the procurement phases of major systems acquisitions. This DOCPR Subpart shall serve to implement and supplement the above described document.

§ 13-4.5002 Major systems acquisition procurement phases.

There are four interdependent procurement phases to be performed in succession for acquisition of major systems. They are: (a) Alternative systems design procurement, (b) Procurement of competitive systems demonstrations, (c) Contracting for full scale development of the major system, and (d) Contracting for production of identical additional systems. Generally, traditional negotiated procurement practices and methods should be used in accomplishing each of the above procurement phases. However, the following subsections provide additional guidelines and procedures which shall be followed to enhance effective acquisitions of major systems.

§ 13-4.5002-1 Procurement of alternative systems designs.

(a) The initial procurement effort for acquisition of a major system is to solicit competitive proposals for developing alternative systems designs. Parallel short term contracts for development of systems designs shall be negotiated with and awarded to as many qualified offerors as funding restraints and other considerations permit.

(b) Each request for proposals (RFP) for alternative systems designs shall contain a provision indicating the possibility of future contingent pro-

curements and requiring the offeror's participation in the competitive demonstration procurement phase, if the offeror's proposal is determined to be acceptable to the major system acquisition effort. Following is a sample clause which will accommodate these requirements:

NOTICE OF REQUIREMENT TO PARTICIPATE IN LATER PROCUREMENT

This solicitation and resulting contracts represent the first procurement phase in an overall Major System Acquisition plan which may require future related procurements. Awards will be made to as many offerors, whose proposals are determined to be acceptable, as funding restraints and other program limitations or considerations may permit. Only those offerors who are awarded contracts pursuant to this solicitation will be eligible for later related procurements. Accordingly, the offeror, by accepting award under this solicitation, agrees to participate in a possible subsequent procurement for competitive, prototype or model system demonstrations.

§ 13-4.5002-2 Procurement of competitive systems demonstrations.

(a) Systems demonstration contracts shall be negotiated with as many alternative system design phase contractors, whose systems designs have been selected for demonstration, as available funding will permit.

(b) Each contract for competitive demonstration shall contain a provision requiring the contractor to:

(1) Submit a plan for the necessary plant and equipment to accomplish full-scale development and limited production of the demonstrated system. This plan may involve purchase or lease arrangements, teaming or subcontracting arrangements with companies which have the necessary plant facilities and equipment to develop and produce the system.

(2) Participate in the full-scale development procurement phase if the contractor's proposed system is selected for limited production development.

(3) Submit a proposal for full-scale development and initial production before the conclusion of the demonstration.

(c) Following is a sample clause which will accommodate the above requirements:

NOTICE OF REQUIREMENTS TO PROVIDE FULL-SCALE DEVELOPMENT CAPABILITIES AND TO PARTICIPATE IN LATER PROCUREMENT

This system design demonstration contract represents the second procurement phase in an overall Major System Acquisition plan which may require future related procurements. Accordingly, the contractor by accepting this contract agrees to participate in a possible later procurement of full-scale development and limited production of the contractor's demonstrated system. Further, the contractor agrees to submit upon beginning the demonstration under this contract, a plan for the necessary plant and equipment to accomplish full-scale development and limited production of the demon-

strated system. The contractor also agrees to submit, before conclusion of the demonstration, a final proposal including estimated cost data and delivery times for full-scale development, and initial production of the demonstrated system.

§ 13-4.5002-3 Contracting for full-scale development of a major system.

If the Secretary selects a system for full-scale development from among those demonstrated in the competitive demonstrations procurement phase, a contract shall be negotiated with the submitter of the selected demonstrated system for development and production of one system for test, evaluation and implementation.

§ 13-4.5002-4 Contracting for production of additional identical systems.

Following satisfactory test and evaluation results and reconfirmation of additional mission need and program objectives, the Secretary may authorize additional contracts for production of systems identical to the system procured in the full-scale development phase.

Dated: May 5, 1978.

Approved for issuance by:

ELSA A. PORTER,
Assistant Secretary for Administration,
U.S. Department of Commerce.

[FR Doc. 78-14243 Filed 5-22-78; 8:45 am]

[6730-01]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

[General Order 7; Docket No. 73-64]

PART 528—SELF-POLICING SYSTEMS

AGENCY: Federal Maritime Commission.

ACTION: Enlargement of time to seek reconsideration; denial of stay.

SUMMARY: Limited amount of additional time to seek reconsideration of the final rules in this proceeding (43 FR 18175; April 28, 1978) is necessary to allow overseas parties to confer with counsel and develop their views. Stay of effective date not necessary as sufficient time has been provided for compliance with rules.

DATE: Petitions for reconsideration to be filed by June 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, Room 11101, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTAL INFORMATION: Counsel for Associated North Atlantic

Freight Conferences, et al. has requested a 60-day enlargement of time to file petitions for reconsideration of the final rules in this proceeding and also for stay of the rules pending reconsideration. A certain extension of time to allow counsel to confer with overseas clients and to allow the carriers to meet and consider to what extent reconsideration of the rules should be sought seems appropriate. However, 60 days would appear excessive. Indeed, counsel for other conferences of carriers suggests an extension to June 9, 1978, would be sufficient. We agree. Time for filing petitions for reconsideration is so extended.

We are not persuaded that a stay is necessary or appropriate. The rules were served 2½ months prior to the July 1, 1978, effective date. Counsel claims this allows insufficient time for compliance because qualified neutral bodies will have to be contracted to perform the policing functions required by the new rules or existing contracts will have to be renegotiated. We note, however, that the conferences and associations seeking the stay already employ an experienced neutral body. It has not been shown why any renegotiation of contract would require more time than already provided. Accordingly, the petition for stay is denied.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14346 Filed 5-22-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

Editorial Amendments Deleting Certain Sections of the Rules

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Certain sections of the Commission's rules regarding assignment of frequencies to ship radio telegraph stations have been overtaken by time and superseded by changes in the rules. We are therefore deleting these sections.

EFFECTIVE DATE: May 31, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Kemp J. Beaty, Safety and Special Radio Services Bureau, 202-632-7197.

SUPPLEMENTARY INFORMATION:

ORDER

Adopted: May 16, 1978.

Released: May 17, 1978.

1. Section 83.332 of the Commission's rules contains provisions regarding the assignment of frequencies to ship radiotelegraph stations and § 83.333 of the rules indicates the available "High traffic ship radiotelegraph working frequencies." These sections of the rules were superseded by the Commission's actions in the Report and Order, Docket No. 20813, FCC 77-380, released June 10, 1977, which implemented the changes into our rules to the International Radio Regulations adopted at the 1974 World Administrative Radio Conference regarding telegraphy.

2. Accordingly, the Commission's rules are being amended to delete §§ 83.322 and 83.333. Authority for this amendment is contained in sections 4(i) and 303 (c) and (r) of the Communications Act of 1934, as amended, and § 0.231(d) of the Commission's rules. Since the amendment is editorial in nature and the provisions in these sections are no longer applicable the public notice, procedure and effective date provisions of 5 U.S.C. 553 do not apply.

3. In view of the above: *It is ordered*, That the rule amendment set forth below is adopted effective May 31, 1978.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; (47 U.S.C. 154, 303).)

FEDERAL COMMUNICATIONS COMMISSION,

R. D. LICHTWARDT,
Executive Director.

Part 83 of Chapter I of Title 47 of the Code of Federal Regulations is amended to read as follows:

§ 83.332 [Deleted]

1. Section 83.332 is deleted.

§ 83.333 [Deleted]

2. Section 83.333 is deleted.

[FR Doc. 78-14242 Filed 5-22-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Final Threatened Status and Critical Habitat for the Leopard Darter; Correction

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Correction.

SUMMARY: The Fish and Wildlife Service's list of counties designated critical habitats for the threatened species, the Leopard Darter, has an error. This document corrects the error in the list of counties. These habitats are preserved in order to assure the continued existence of a threatened species.

EFFECTIVE DATE: May 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

In FR Doc. 78-2182 in the issue for Friday, January 27, 1978, page 3715, the following county names are corrected. In the middle column lines 6, 12 and 19 from the bottom of the page, Pushmataha County should be, and is hereby, changed to read McCurtain County.

Dated: May 16, 1978.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc. 78-14299 Filed 5-22-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[1620-01]

COST ACCOUNTING STANDARDS BOARD

[4 CFR Part 416]

ACCOUNTING FOR INSURANCE COSTS

Cost Accounting Standard; correction

AGENCY: Cost Accounting Standards Board.

ACTION: Proposed Rule—correction.

SUMMARY: This document corrects a proposed rule on accounting for insurance costs which appears at page 20806 of the FEDERAL REGISTER of May 15, 1978.

DATE: Written comments must be received on or before June 30, 1978.

ADDRESSES: Written comments should be sent to the Cost Accounting Standards Board, 441 G Street NW., Room 4836, Washington, D.C. 20548.

NOTE.—All written submissions made pursuant to this Notice will be made available for public inspection at the Board's Office during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Robert Straith, Associate Director, Cost Accounting Standards Board, 441 G Street NW., Room 4836, Washington, D.C. 20548, 202-275-6136.

SUPPLEMENTARY INFORMATION:

FR Doc. 78-13169, appearing at page 20806 in the FEDERAL REGISTER for Monday, May 15, 1978, contained an omission, as set forth below.

On page 20811, following paragraph § 416.10, insert the following paragraph:

§ 416.20 Purpose.

The purpose of this Standard is to provide criteria for the measurement of insurance costs, the assignment of such costs to cost accounting periods, and their allocation to cost objectives. The application of these criteria should increase the probability that insurance costs are allocated to cost objectives in a uniform and consistent manner.

ARTHUR SCHOENHAUT,
Executive Secretary.

[FR Doc. 78-14256 Filed 5-22-78; 8:45 am]

[3410-15]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

AUDIT OF REA BORROWERS' ACCOUNTING RECORDS

Proposed Revision of REA Bulletin

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: This action concerns the revision of REA Bulletin 185-1: 467-1, Audit of REA Borrowers' Accounting Records. Changes to the Professional Standards by the American Institute of Certified Public Accountants (AICPA) require revision of this bulletin. The revised bulletin updates REA requirements with the generally accepted auditing standards of the accounting profession as promulgated by the AICPA. When the revisions to the bulletin are issued, Appendix A to part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than June 22, 1978.

ADDRESS: Submit written comments to the Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250; submissions are available for public inspection at the above address during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Sheldon Chazin, Director, Accounting and Auditing Division, Rural Electrification Administration, Room 4307, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-7221.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to revise REA Bulletin 185-1:465-1, Audit of REA Borrowers' Accounting Records.

GENERAL SUMMARY OF CHANGES

The information required in the notes to the financial statements and in the supplemental letter is to include the disclosures required by the Ac-

counting Principles Board Opinion No. 22 and recent Statements on Auditing Standards issued by the American Institute of Certified Public Accountants. These additional requirements relate to disclosure of accounting policies, the effects of EDP on the evaluation of internal control, and disclosure of related party transactions.

A copy of the proposed revision of REA Bulletin 185-1:465-1 may be secured in person or by written request from the Director, Accounting and Auditing Division.

Dated: May 16, 1978.

DAVID A. HAMIL,
Administrator.

[FR Doc. 78-14164 Filed 5-22-78; 8:45 am]

[3410-15]

[7 CFR Part 1701]

RURAL ELECTRIC PROGRAM

Supplemental Loan Criteria

AGENCY: Rural Electrification Administration, USDA.

ACTION: Proposed rule.

SUMMARY: REA proposed to revise REA Bulletin 20-14, Supplemental Financing for Loans Considered Under Section 4 of the Rural Electrification Act. This bulletin provides REA borrowers with criteria for eligibility and the proportion of supplemental financing expected to be obtained from non-REA lenders under the concurrent loan program. The proposed change consists of a revised "Sample Board Resolution Requesting Concurrent Financing" (Attachment B). The change will simplify the calculation of the amounts to be provided by the supplemental lender including any required equity investment in the supplemental lender. The same instructions should also be applied to calculations on Section B of REA Form 740c, Cost Estimates and Loan Budget for Electric Borrowers.

DATE: Public comments must be received by REA no later than June 22, 1978.

ADDRESS: Persons interested in the proposed bulletin may submit written data, views or comments to the Director, Electric Borrowers' Management Division, Room 3346, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this

notice will be made available for public inspection at the Office of the Director, Electric Borrowers' Management Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Charles R. Weaver, Director, Electric Borrowers' Management Division, Rural Electrification Administration, Room 3346, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-5900.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to modify the calculation method for concurrent financing as follows:

New Financing Requested for Facilities \$—.

REA Loan Requested for Facilities (%) \$—.

Total Supplemental Loan (%) \$—.

Required Investment in Supplemental Lender (CTC's) \$—.

Supplemental Loan Requested for Facilities \$—.

Instructions

*Multiply New Financing Requested for Facilities by the appropriate percentage of plant financing to be obtained from REA as determined by current PRR. Round to nearest thousand.

*Multiply New Financing Requested for Facilities by the appropriate percentage of plant financing to be obtained from a supplemental lender. When CFC is the supplemental lender divide the result by 0.95 and round to the nearest thousand, and

*Multiply the Total Supplemental Loan by 0.05 to obtain the amount of Capital Term Certificates (CTC's) required, and

*Multiply the Total supplemental Loan by 0.95 to obtain the amount available for facilities.

Adjust: New Financing Requested for Facilities such that it equals the sum of the REA Loan Requested for Facilities and the Supplemental Loan Requested for Facilities (+)

A copy of proposed revision to REA Bulletin 20-14 may be secured in person or by written request from the Director, Electric Borrowers' Management Division.

Dated: May 15, 1978.

RICHARD F. RICHTER,
Assistant Administrator,
Electric.

(FR Doc. 78-14165 Filed 5-22-78; 8:45 am)

[3410-34]

Animal and Plant Health Inspection Service

[9 CFR Part 85]

PSEUDORABIES REGULATIONS

Proposed Rulemaking

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this document is to revise a proposed rule which was published in the *FEDERAL REGISTER*, May 27, 1977, the intent of which was to propose regulations which would prevent the spread of pseudorabies in the United States. This new proposal is necessitated by the comments received on the first proposal which justify substantial changes in the original proposal. The new proposal would alter the manner in which the former proposal would have regulated the interstate movement of livestock.

DATE: Comments on or before July 24, 1978.

ADDRESS: Comments to Deputy Administrator, USDA, APHIS, VS, Room 704, Federal Building, Hyattsville, Md. 20782.

FOR FURTHER INFORMATION CONTACT:

Dr. J. A. Downard, Chief Staff Veterinarian, Swine Diseases, USDA, APHIS, VS, Room 704, Federal Building, Hyattsville, Md. 20782, 301-436-8487.

SUPPLEMENTARY INFORMATION: On May 27, 1977, there was published in the *FEDERAL REGISTER* (42 FR 27250-27251) proposed regulations intended to prevent the spread of pseudorabies in the United States. That proposal was published because of an alarming increase in the number of cases of pseudorabies in the United States. Pseudorabies, also known as Aujeszky's disease, mad itch, and infectious bulbar paralysis, is primarily a disease of swine caused by a herpes virus. Occasionally, this disease also infects other livestock, dogs, cats, and wild animals causing a fatal encephalomyelitis manifested by intense itching and self-mutilation. Swine are believed to be the chief reservoir of pseudorabies. In swine the infection is often inapparent, except in suckling pigs which usually develop a fatal encephalomyelitis, and in sows that abort or produce stillborn or mummified fetuses. The number and severity of outbreaks of pseudorabies has been increasing dramatically during the past 3 years and is expected to continue. Since pseudorabies is particularly prevalent in swine, this trend is expected to cause serious financial losses to individual swine producers and the swine industry in general. The proposed regulations are intended to reduce and stop the spread of pseudorabies in the United States. A period of 60 days was provided for comment on the original proposal by interested parties, and 102 letters of comment were received which are summarized as follows: 6 supported the proposal without substantive change; 3 addressed matters not contained in the

proposal; 83 expressed support for the proposal but recommended various changes; and 10 opposed the proposal. Because the comments received numerous problems and questions concerning the proposed regulations, which, after consideration, have resulted in substantial modifications of such proposed regulations, this document proposes such revised regulations for comment again before final promulgation of any regulations to control pseudorabies. The 83 comments supported the proposal, but suggesting various changes, fall into the following general categories:

1. The proposed definition for "exposed livestock" in § 85.1(f) of the original proposal was: "Any livestock that has ever been in contact with an animal affected with pseudorabies or that has ever been inoculated with pseudorabies virus or attenuated or inactivated vaccine, or that has ever been in contact with an inoculated animal." Comments received suggested this definition was excessively restrictive since it would have placed undue restrictions on the movement of pseudorabies-free swine and other livestock if they had ever been in contact with any animal infected with or vaccinated against pseudorabies.

The original proposal would be amended to reflect the fact that susceptible animals other than swine are not known to become carriers and are not known to transmit the disease after a period of 21 days since last being exposed to a clinical case of the disease. The incubation period for pseudorabies virus in animals is relatively short; therefore, animals other than swine are believed not to be potential spreaders of pseudorabies after a period of 21 days since their last exposure to the virus. The term "exposed livestock" would be redefined in § 85.1(n) of this proposal to reflect the foregoing.

The original proposal would impose restrictions on the interstate movement of livestock affected with or exposed to pseudorabies, other than those showing clinical signs of pseudorabies. This proposal would amend the original proposal to allow livestock, other than swine, which are not showing clinical evidence of pseudorabies and have not been exposed to an animal showing clinical evidence of pseudorabies within 21 days prior to the time of movement to be moved interstate without restriction under this part. Livestock exposed to an animal showing clinical evidence of pseudorabies within 21 days prior to the time of movement would not be allowed to be moved interstate.

The original proposal made no provision for changing the classification of exposed swine to swine not known to be infected with or exposed to pseudorabies. Swine are more resistant to

pseudorabies than most other livestock and some swine develop an inapparent carrier state. Such swine are capable of transmitting the disease to other animals even though these carrier swine are apparently healthy. Therefore, swine would be considered to be infected or exposed until they have been found negative to an official pseudorabies test described below. This proposal, by incorporating the Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs, proposes a test mechanism for changing the classification of exposed swine to swine not known to be infected with or exposed to pseudorabies. This would be accomplished by conducting two negative 100 percent pseudorabies herd tests conducted as follows: test 100 percent of the herd and remove any official test positive swine; retest entire herd at no more than 30-day intervals until there are two successive negative herd tests. The herd must have two negative herd tests after the removal of any test positive swine to change the classification of exposed swine to swine not known to be infected with or exposed to pseudorabies.

2. The proposed definition of "official test" in § 85.1(m) of the original proposal was found to be unacceptable by the scientific community, since it would not have taken into consideration diagnostic tests for pseudorabies now being developed. It is proposed that the term "official test" be changed to "official pseudorabies test" to better identify the test. It is further proposed that "official pseudorabies test" be revised to permit the use of new tests following their approval by the Deputy Administrator and inclusion in the Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs which would be incorporated by reference in the proposed regulations. The definition of "official test" in the original proposal specifies the serum neutralization test and the enzyme labeled antibody test. The enzyme labeled antibody test is still being developed and is not available at the present time. Several new pseudorabies tests are being evaluated at the present time which might be accepted as official pseudorabies tests in the future. Therefore, it is proposed that "official pseudorabies test" be redefined in § 85.1(q) to mean any test for the diagnosis of pseudorabies approved by the Deputy Administrator in accordance with the Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs and conducted in an approved laboratory as listed in the Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs.

3. The definition of "breeding farm", as originally proposed in § 85.1(n), was

found to be inadequate to assure that all animals in the herd were free of pseudorabies in that there was no provision for systematic testing of the swine on such a farm to assure that pseudorabies was not present. Therefore, in response to comments by producer, technical and regulatory groups, it is proposed that this definition be replaced by the term "qualified pseudorabies negative herd" which appears in § 85.1(dd) of this proposal and which is also described in the Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs. It is proposed that a "qualified pseudorabies negative herd" be a herd of swine none of which has been vaccinated for pseudorabies, in which all swine over 6 months of age test negative to an official pseudorabies test. It is proposed that the status of the herd would be maintained by quarterly official pseudorabies tests of 25 percent of the swine over 6 months of age in the herd and finding all swine so tested negative. It is proposed that no swine in the herd be tested twice during the year for qualification purposes; however, it is proposed that all swine over 6 months of age in the herd must be subjected to a test during the year. It is proposed that a minimum of 90 percent of the swine would be required to have been on the premises and part of the herd for at least 90 days prior to the qualifying test or have entered directly from another qualified pseudorabies negative herd. This requirement would be added to conform with the Minimum Standards as approved by the United States Animal Health Association. Recently established herds often contain swine from numerous sources. The likelihood of swine being in the incubation stages of pseudorabies is much greater in such herds. This proposal would allow swine owners that wish to attain qualified pseudorabies herd status some flexibility in that 10 percent of the herd could be added within 90 days. All swine additions would be required to be from another qualified pseudorabies negative herd or be tested negative for pseudorabies within 30 days before being added to the herd.

4. As originally proposed, to qualify for interstate movement, pseudorabies affected and exposed swine would have been required to be identified by a hole punched in the left ear, and additionally it would have been required that the movement be continuous, without unloading, directly to a recognized slaughtering establishment for immediate slaughter. Comments received pointed out that the proposed ear punch identification would endanger the swine involved and could be a means of disease spread due to extensive bleeding caused by punching the 1/2-inch hole in the ear. Further, it was

pointed out that only allowing consignment directly to a recognized slaughtering establishment would disrupt normal marketing procedures and would result in economic losses to producers as a great many producers ship their market swine to slaughter markets rather than direct to a slaughter establishment. Therefore, the proposed provision for ear punch identification is deleted from this proposal. The proposed provision for shipment direct to a recognized slaughtering establishment would be amended in this proposal. It is proposed that swine infected with or exposed to pseudorabies be moved, under permit, directly to a recognized slaughtering establishment or directly through no more than one slaughter market to a recognized slaughtering establishment. This would appear to allow a more normal marketing of such swine while still maintaining enough control of such swine to prevent the spread of pseudorabies. Specifically, this proposal would regulate the movement of swine infected with or exposed to pseudorabies other than swine showing clinical evidence of pseudorabies or swine exposed to an animal showing clinical evidence of pseudorabies within 21 days in § 85.5(a).

Because of the disease status of such swine, a permit which lists the identification of each animal would be required to accompany the swine. Further, such swine would be required to move to destination in one continuous movement without unloading enroute. These restrictions are necessary to maintain continuous control over the swine during interstate movements to slaughter. In light of the disease status of each swine, continuous control is necessary to minimize the risk of the spread of pseudorabies.

This proposal would also allow the interstate movement of pseudorabies exposed swine that are negative to an official pseudorabies test 21 days or more after last being exposed to any livestock showing clinical evidence of pseudorabies to a quarantined herd or quarantined feedlot. Such swine would be required to have been officially vaccinated for pseudorabies within 10 days after the negative test and moved interstate within 30 days after the negative test. These requirements would appear to increase the likelihood that such swine are in fact not infected and that they are more resistant to such infection. Further, such swine would be required to be accompanied by a permit which lists the present quarantine status of the farm of origin; the identification of the swine being moved; the date of the official pseudorabies test and the name of the laboratory where the test was conducted; the date of the official vaccination for pseudorabies; and evidence that approval for the interstate

movement has been issued by the State animal health official of the State of destination prior to the interstate movement of the swine. This would allow the controlled interstate movement of such swine to swine herds under the control of the State animal health official of the State of destination and should present a minimum risk of the spread of pseudorabies.

5. Many comments were received which recommended that pseudorabies vaccination of breeding swine in herds not known to be infected with pseudorabies be permitted and that unvaccinated offspring from such herds be permitted to move interstate without additional restrictions when tested negative for pseudorabies within 30 days prior to such movement. Therefore, it is proposed that the term "pseudorabies controlled vaccinated herd" be added to this proposal. It is proposed that a "pseudorabies controlled vaccinated herd" be a herd of swine in which all of the swine over 6 months of age are negative to an official pseudorabies test and are vaccinated for pseudorabies within 10 days after such test. The status of the herd would be maintained by testing 25 percent of the off-spring of these vaccinated swine when the offspring are between 3 and 4 months of age. All such tests must be negative to maintain herd status. It is believed that testing of 25 percent of the unvaccinated offspring of vaccinated parents will sufficiently monitor the herd to insure that field strains of the pseudorabies virus have not been introduced into the herd. It is proposed that all additions to the herd shall test negative to an official pseudorabies test, be vaccinated for pseudorabies within 10 days after such test, and be added to the herd not more than 30 days after such test.

This category would be added so that people in endemic areas could vaccinate their swine and thereby establish some resistance in their herds to pseudorabies while at the same time permitting the interstate movement of noninfected offspring.

6. Of the ten comments received which were considered to oppose the original proposal, two expressed the opinion that the proposal would discourage reporting of infected herds. The definition and classification of exposed livestock in the original proposal was deemed to be too restrictive and perhaps would have discouraged reporting of infected herds. This is another reason why exposed livestock has been redefined in this proposal. One comment opposed the proposal as written but offered no specific suggestions. One comment expressed the opinion that swine going to sale barns and stockyards would not be restricted. The original proposal required

pseudorabies infected or exposed swine moving interstate to move directly to a recognized slaughtering establishment and did not permit them to move interstate through sale barns or stockyards. All feeding and breeding swine moving interstate would have had to meet the same requirements regardless of whether or not they moved through a sale barn or stockyard or other point. This proposal would permit pseudorabies infected and exposed swine to be moved interstate directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment. Slaughter market is defined in this proposal in § 85.1(c). Swine passing through these slaughter markets should present little or no hazard of spreading pseudorabies due to the controls on these markets.

It is proposed that only swine not known to be infected with or exposed to pseudorabies be allowed to move interstate to or from a livestock market selling feeding or breeding swine. Feeding and breeding swine moving interstate from a livestock market would be required to meet the same requirements as such swine moving interstate from any other origin.

Five comments expressed the need for unrestricted pseudorabies vaccination and unrestricted movement of such vaccinated swine. The movement of vaccinated swine has been provided for; however, unrestricted movement of vaccinated swine would allow dissemination of the disease by vaccines in that the vaccines being produced at the present time do not induce immunity, but increase the resistance of the vaccinates to the disease. Some vaccinates, when exposed to pseudorabies virus, develop the disease and shed the virus; however, they recover faster with fewer complications than non-vaccinates. Some swine vaccinated after being exposed to field strains of the virus are known to become carriers of the virus and be spreaders of the disease. Our present tests are not capable of differentiating between antibodies due to field strains of the virus and antibodies due to vaccine strains of the virus produced after vaccination; therefore, it is believed at this time that unrestricted movement of vaccinates would interfere with any pseudorabies control or eradication program. Pseudorabies exposed swine from infected or exposed herds that are negative to an official pseudorabies test 21 days or more after last being exposed to livestock showing clinical evidence of pseudorabies would be permitted to move interstate to a quarantined herd or quarantined feedlot if officially vaccinated for pseudorabies with 10 days of the negative test, and the swine are moved in-

terstate within 30 days after the negative test. Further, the movement would be required to have the prior approval of the State animal health official of the State of destination. Such prior approval is required by many States. This requirement would be added to insure that the State animal health official would be made aware of such interstate swine movements into their State for pseudorabies control purposes and enable them to advise importers of State requirements.

One comment expressed the opinion that there is insufficient knowledge of pseudorabies to attempt to control it. This comment was rejected, as other diseases have been controlled and some eradicated from the United States with far less known about them than is known about pseudorabies.

It is proposed that the following definitions be added to those contained in the previous proposal:

(a) It is proposed that "certificate" be defined as an official document issued by a Veterinary Services representative, a State representative, or an accredited veterinarian for and prior to the interstate movement of swine which are not known to be infected with, exposed to or vaccinated for pseudorabies. The certificate would list the following information: (1) Number and description of the swine to be moved, (2) a statement that the swine to be moved are not infected with or exposed to pseudorabies and are not official vaccinates, (3) the purpose for which the swine are to be moved, (4) the points of origin and destination, and (5) the consignor and consignee. It is proposed that this definition be added so that dual sets of documents would not have to accompany shipments of healthy swine as we have attempted to include in the certificate the information required by the various States for permitting the entry of swine. The information which would be required is necessary for APHIS to properly identify and trace the swine being moved to their farm of origin.

(b) It is proposed that "official pseudorabies vaccine" be defined as any pseudorabies virus vaccine produced under license from the Secretary of Agriculture under the Virus, Serum, and Toxin Act of March 4, 1913, 21 U.S.C. 151 et seq. and any legislation amendatory thereof. This definition would be added to assure that officially vaccinated swine are vaccinated with a product of known quality and standards.

(c) It is proposed that "official vaccinated" be defined as swine that have been (1) vaccinated with an official pseudorabies vaccine by a Federal, State, or accredited veterinarian in accordance with recommendations on the vaccine label and the laws and reg-

ulations of the State in which the swine are vaccinated, (2) identified by an eartag, tattoo, or notch recognized by a breed association, or similar identification of each swine vaccinated, and (3) reported as official vaccinated at the time of accination to the State animal health official. This definition would be added to assure that such swine were properly vaccinated and could be so identified and certified.

(d) It is proposed that "pseudorabies vaccine" be defined as any swine vaccinated with any product containing antigens for pseudorabies. This would include official vaccinates and all other vaccinates. This definition would be added to bring all pseudorabies vaccinated swine within the scope of the regulations as vaccinated swine. Such swine cannot be serologically differentiated from naturally infected swine. The inability to make such a differentiation would interfere with the accuracy of serological surveys and epidemiology should the vaccination status of swine in market channels be unknown.

(e) It is proposed that "slaughter market" be defined as an approved livestock market at which swine for sale and shipment for slaughter are handled only on days when no swine are handled for sale and shipment for feeding or breeding purposes and which is cleaned and disinfected in accordance with the requirements of this part before being used for feeding or breeding swine. This definition would be added to give swine producers access to controlled markets in addition to direct shipments to slaughtering establishments for marketing their infected and exposed swine.

(f) It is proposed that "quarantined feedlot" be defined as a premises where pseudorabies infected or exposed swine are fed under the supervision and control of the State animal health official and from which such swine are moved interstate directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment. This definition would be added to give swine producers a controlled outlet for pseudorabies-exposed swine not ready for slaughter which are test negative and officially vaccinated before being moved interstate to a quarantined feedlot.

(g) It is proposed that "quarantined herd" be defined as a herd in which pseudorabies-infected or exposed swine are bred, reared, and fed under the supervision and control of the State animal health official and from which such swine are moved interstate directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment, or from which

exposed test negative officially vaccinated swine may be moved interstate to another quarantined herd, or a quarantined feedlot. This definition would be added so that producers having infected swine herds could purchase test negative exposed swine that have been officially vaccinated as breeding replacements.

(h) It is proposed that "farm or origin" be defined as a farm where the swine to be shipped interstate were born or on which they have resided for at least 90 days immediately preceding an interstate shipment. It is proposed that this definition be added so that swine might be traced to the breeding herd from which they originated and source foci of infection could be discovered should pseudorabies be disclosed in swine after they have moved interstate.

(i) It is proposed that "pseudorabies controlled vaccinated herd" be defined as a herd of swine in which all of the swine over 6 months of age are negative to an official pseudorabies test and are vaccinated for pseudorabies within 10 days after such test. The status of the herd would be maintained by testing 25 percent of the offspring of these vaccinated swine when the offspring are between 3 and 4 months of age and finding all swine so tested negative. All additions to the herd must be test negative to an official pseudorabies test before being vaccinated and added to the herd. This definition would be added to give producers in pseudorabies endemic areas the option of vaccinating their breeding herd and at the same time being able to market the unvaccinated offspring of the vaccinates other than for slaughter.

(j) It is proposed that "approved livestock market" be defined as a stockyard, livestock market, buying station, concentration point or any other premises under State or Federal veterinary supervision where swine are assembled for sale or sale purposes, and which has been approved by the Deputy Administrator under § 76.18. This definition would be added to permit the interstate movement of non-pseudorabies vaccinated swine not known to be infected with or exposed to pseudorabies to such approved livestock markets.

(k) It is proposed that "feedlot" be defined as a premises where swine are fed separate and apart from swine kept for breeding or other purposes and from which such swine are moved interstate directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment, or to a quarantined herd or a quarantined feedlot. This definition would be added to permit controlled movements of swine not ready for slaughter and

not known to be infected with, exposed to or vaccinated for pseudorabies through normal marketing channels. This definition would require the separation of breeding herds from feeder swine moving interstate at such feedlots and should help to control the spread of pseudorabies as all swine in feedlot would be sold only to a quarantined feedlot, quarantined herd or for slaughter.

(l) It is proposed that "Veterinary Services representative" and "State representative" be defined to identify the Federal and State officials who may issue permits and certificates required under this part.

(m) It is proposed that "State animal health officials" be defined to identify the person or persons to whom copies of permits and certificates required under this part shall be mailed, from whom approved for the interstate movement of certain swine must be obtained prior to their interstate movement and to whom notification of any confirmed or suspected cases of pseudorabies must be made.

(n) It is proposed that "herd" be defined for the purpose of identifying groups of animals referred to under this part. Because of the risk that pseudorabies may be disseminated to animals through their intermingling, the term as proposed includes not only animals which are maintained on common ground, but would also include two or more groups of animals geographically separated but which have an interchange of animals without regard to whether the animals are affected with or exposed to pseudorabies.

(o) It is proposed that "known infected herd" be defined and the term apply to those herds in which any livestock has been determined to be infected with pseudorabies by an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies. A herd of livestock, other than swine, shall no longer be considered to be a known infected herd after 21 days since the last clinical case of the disease in the herd. A herd of swine which has been released from pseudorabies quarantine in accordance with the Minimum Standards shall be no longer classified as a known infected herd. This term would be added to clarify its use in defining exposed livestock and exposed swine.

(p) It is proposed that "exposed swine" be defined as any swine that has been in contact with an animal infected with pseudorabies including all swine in a known infected herd. This definition would be added to differentiate exposed swine from exposed livestock. Livestock, other than swine, which have not been exposed to a clinical case of pseudorabies for a period of 21 days would no longer be considered to be exposed. Swine, how-

ever, would be considered exposed after having been in contact with an animal infected with pseudorabies, and there would be no time limitation on the disease status of swine. This is because animals other than swine are not known to transmit the disease after a period of 21 days since last being exposed to a clinical case of the disease. Animals other than swine are considered to be dead end hosts for pseudorabies in that once they become infected they die. However, swine are known to recover from pseudorabies and some recovered swine are known to become carriers of and transmit the virus to other animals.

(q) It is proposed that "infected livestock" replace the term "affected livestock." The change in the term and words used in the definition would be made for the purpose of clarification.

(r) It is proposed that "Minimum Standards" be defined as "The Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies Programs." The Minimum Standards would be incorporated by reference in the proposed regulations.

(s) It is proposed that "swine not known to be infected with or exposed to pseudorabies" be defined as any swine from a herd of swine in which no animal has been classified as a reactor to an official pseudorabies test or has been diagnosed as having pseudorabies or suspected of having pseudorabies by a veterinarian.

The following definitions would also be changed to clarify terms used in the regulation:

(a) It is proposed that "accredited veterinarian" be changed to reflect the wording used in §160.1(d) specifically rather than refer the reader to Part 160 of this chapter.

(b) It is proposed that "State" be changed to include all territories of the United States and the Northern Mariana Islands and specific mention of the United States Virgin Islands be deleted since it would be included within the general category of territory.

(c) It is proposed that "permit" be changed to apply only to swine rather than livestock since this proposal would only require permits for certain classes of interstate swine movements. Further, the identification requirements would be deleted from the definition since the substantive parts of the regulation would specifically require identification where required. Other changes were made for editorial reasons.

(d) It is proposed that "recognized slaughtering establishment" be changed for editorial reasons.

The original proposal contained a general restriction on the movement of livestock. This proposal would retain the general restriction with editorial changes only.

The original proposal prohibited the interstate movement of livestock showing clinical evidence of pseudorabies. This proposal would retain this restriction with editorial changes only. The original proposal allowed the interstate movement of livestock affected with or exposed to pseudorabies other than those showing clinical signs of the disease from any point to a recognized slaughtering establishment for immediate slaughter under the following conditions: (1) Livestock must be accompanied by a permit and (2) moved in one continuous movement without unloading enroute. This proposal would retain the prohibition of the interstate movement of livestock showing clinical evidence of pseudorabies and would add a prohibition on the interstate movement of livestock which have been exposed to an animal showing clinical evidence of pseudorabies within 21 days of such exposure. This is proposed to prevent the interstate movement of livestock which might be in the incubative stage of the disease.

The original proposal allowed the interstate movement of swine affected with or exposed to pseudorabies from any point directly to a recognized slaughtering establishment for immediate slaughter under certain conditions. These conditions and changes made in the original proposal and reasons for such changes have been previously discussed herein.

The original proposal broke the requirements for the interstate movement of swine not known to be affected with or exposed to pseudorabies into two classifications, swine other than breeding swine and breeding swine. Swine other than breeding swine not known to be infected with or exposed to pseudorabies would have been permitted to move interstate without restriction for a period of one year following the effective date of the regulation, after which such movements would have been permitted only from a State which requires that the State animal health official be immediately notified of all confirmed or suspected cases of pseudorabies and that pseudorabies infected and exposed animals be quarantined. The purpose of this one year time period was to provide adequate time for States to obtain necessary legal authority and to place control measures into effect.

As originally proposed, the spread of pseudorabies would have been prevented by regulating the interstate movement of swine not known to be infected with or exposed to pseudorabies for breeding purposes by requiring such swine to be accompanied by a certificate listing certain information.

This proposal would completely alter the original proposal in that this proposal would categorize swine not

known to be infected with or exposed to pseudorabies on the basis of vaccination status. Since the publication of the original proposal, a modified live pseudorabies vaccine has been approved for use in the United States. Several killed pseudorabies vaccines are being researched and may soon be available for use by the swine industry. Vaccines are of value to swine producers in mitigating their losses; however, the vaccines are not known to prevent carriers from developing and spreading the disease should swine be infected prior to or after being vaccinated. European literature on pseudorabies cites cases where pseudorabies cycled in vaccinated herds. Also, should an eradication program be initiated in the future, it may be necessary or useful to be able to distinguish between vaccinated and naturally infected swine. This cannot be done serologically at the present time. For the foregoing reasons it is felt that the interstate movement of pseudorabies vaccinated swine must be regulated.

It is proposed that pseudorabies vaccinated swine not known to be infected with or exposed to pseudorabies be permitted to move interstate for slaughter directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment. Such swine would be required to be moved in one continuous movement without unloading enroute. A permit would be required to accompany the swine, and be delivered to the consignee. It is proposed that pseudorabies vaccinated swine not known to be infected with or exposed to pseudorabies be permitted to move interstate to a quarantined herd or quarantined feedlot if accompanied by a permit listing the following information in addition to the information described in §85.1(bb): (1) The pseudorabies status of the herd, (2) the identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal being moved, (3) the date of the official vaccination for pseudorabies, (4) and evidence that approval for the interstate movement has been issued by the State animal health official of the State of destination. This additional information is believed to be necessary to properly identify and trace the swine being moved. The permit would be required to accompany the swine and be delivered to the consignee.

The unrestricted movement of vaccinated swine would allow the dissemination of the disease by vaccines in that the vaccines being produced at the present time do not induce immunity but, rather, increase the resistance of the vaccinates to the disease. This proposal would restrict the interstate movement of such swine to rec-

ognized slaughtering establishments, slaughter markets, quarantined herds and quarantined feedlots. All of these destinations are under the control of State or Federal regulatory agencies. It is believed that such control is necessary to minimize the risk of pseudorabies spread.

Nonpseudorabies vaccinated swine not known to be infected with or exposed to pseudorabies would be permitted to move interstate for slaughter without restriction. Such swine would be permitted to move interstate to other destinations under the following specified requirements. Such swine would be permitted to move interstate directly to a feedlot, a quarantined herd, a quarantined feedlot or to an approved livestock market for subsequent movement directly to a feedlot, a quarantined feedlot or quarantined herd only if such swine are from a qualified pseudorabies negative herd, or if accompanied by a certificate listing: (1) The number and description of the animals to be moved; (2) a statement that the animals to be moved are not infected with or exposed to pseudorabies and are not official vaccinates; (3) the purpose for which the animals are to be moved; (4) the points of origin and destination; (5) the consignor and consignee; (6) the identification to the farm of origin of each animal being moved, by an ear notch recognized by a breed association, identification tag, tattoo, or similar identification; and (7) a statement that approval for interstate movement has been issued by the State animal health official of the State of destination.

The purpose of the certificate is to certify the pseudorabies status of the swine and contain information to enable tracing the swine to their farms of origin should they be suspected of transmitting the disease during or subsequent to their movement.

Further, this proposal would require that nonpseudorabies-vaccinated swine not known to be infected with or exposed to pseudorabies moved interstate directly to a feedlot, quarantined feedlot, quarantined herd, or an approved livestock market for subsequent movement to a feedlot, quarantined feedlot, or quarantined herd, within one year from the effective date of this part. Such swine would only be permitted to move from a State which requires the State animal health official to be immediately notified of any confirmed or suspected cases of pseudorabies in that State and which requires that pseudorabies-exposed or infected animals be quarantined. Provisions for quarantines to be released in conformance with the Minimum Standards have been added by referencing the Minimum Standards so there will be uniformity in the releasing of quarantines among the States.

It is proposed that swine from qualified pseudorabies negative herds moving interstate to approved livestock markets, feedlots, quarantined feedlots or quarantined herds be allowed to move unrestricted since such herds are monitored periodically for the presence of pseudorabies and are, therefore, considered to present little or no risk of spreading pseudorabies.

Other interstate movements of nonpseudorabies-vaccinated swine not known to be infected with or exposed to pseudorabies would be permitted only if such swine are accompanied by a certificate listing the same specified additional information as outlined above regarding certificates issued for the movement of swine not pseudorabies-vaccinated and not known to be infected with or exposed to pseudorabies to a quarantined herd or a quarantined feedlot; however, there would be the additional requirement that such swine be negative to an official test for pseudorabies within 30 days prior to such interstate movement. The additional testing requirement is to reasonably assure the pseudorabies negative status of the swine. In the original proposal a negative pseudorabies test would have been valid for 60 days; however, this proposal would limit the validity of a negative pseudorabies test to 30 days as a further safeguard against the spread of the disease.

The proposal also would have required the cleaning and disinfection of means of conveyance, facilities, and premises used in the interstate movement of pseudorabies-infected or exposed livestock. This proposal would retain the requirement that means of conveyance, livestock markets and other facilities used in the interstate movement of pseudorabies-infected or exposed livestock, be cleaned and disinfected. However, such cleaning and disinfecting would be required to be done in accordance with §§76.30 and 76.31 of this chapter rather than §71.7 of this chapter. This change would be made because the requirements in §§76.30 and 76.31 are more specific and less likely to be misinterpreted. The reference to §§76.30 and 76.31 caused certain aspects of §85.7 of the original proposal to become unnecessary, and these provisions would be deleted in this proposal.

The original proposal would have allowed the Deputy Administrator to permit the movement in specific cases of livestock not otherwise provided for in this part. This proposal would retain this provision but refers instead to the interstate movement of livestock and adds that the Deputy Administrator could prescribe conditions on any such movement to prevent the spread of pseudorabies. These changes were made to give the Deputy Administrator flexibility when dealing with unique situations.

This proposal would add the requirement that permits and certificates which would be required to accompany the swine interstate shall be delivered to the consignee by the person delivering the swine. Further, a copy of any such permit or certificate required under this part would be required to be mailed to the State animal health official of the State of destination by the person issuing the document within 3 days of the interstate movement of the swine covered by the document. This requirement would be added to insure that the State of destination is notified of swine entering the State.

The proposal would also add a provision requiring the consignor of swine not pseudorabies vaccinated and not known to be infected with or exposed to pseudorabies which are moved interstate directly to a feedlot, quarantined feedlot, quarantined herd or to a concentration point for subsequent movement directly to a feedlot, quarantined feedlot or quarantined herd to maintain records for 2 years whereby an individual animal can be traced to the farm of origin. Such records would be available to the State animal health official or Veterinary Services on request.

All of these provisions would be added to enable the Department to trace the interstate movement of the swine in question. Such provisions would aid the Department in locating the sources from which pseudorabies might spread.

The original proposal did not regulate the interstate movement of swine semen or swine embryos. This oversight would be corrected by the addition of such regulation in this proposal. Such regulation is believed to be necessary to prevent the spread of pseudorabies through the interstate movement of swine semen and swine embryos for insemination of or implantation into swine.

Accordingly, Part 85, Title 9, Code of Federal Regulations, would be amended to read:

PART 85—PSEUDORABIES

- Sec.
- 85.1 Definitions.
- 85.2 Notice relating to the existence of the contagion of pseudorabies.
- 85.3 General restriction.
- 85.4 Interstate movement of livestock.
- 85.5 Interstate movement of infected swine or exposed swine.
- 85.6 Interstate movement of pseudorabies vaccinate swine not known to be infected with or exposed to pseudorabies.
- 85.7 Interstate movement of non pseudorabies vaccinate swine not known to be infected with or exposed to pseudorabies.
- 85.8 Other interstate movements.
- 85.9 Interstate movement of swine semen and swine embryos for insemination of or implantation into swine.
- 85.10 Permits and certificates.
- 85.11 Maintenance of records.

Sec.

85.12 Cleaning and disinfecting means of conveyance.

85.13 Cleaning and disinfecting livestock markets and other facilities.

AUTHORITY: Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; sec. 1, 75 Stat. 481; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111, 112, 113, 115, 117, 120, 121, 123-126, 134b, 134f).

§ 85.1 Definitions.

For purposes of this part, the following terms mean:

(a) **Administrator.** The Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other official of the Service to whom authority has been delegated or may be delegated to act in his stead.

(b) **Deputy Administrator.** The Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, or any other Veterinary Services official to whom authority has been delegated or may be delegated to act in his stead.

(c) **Veterinary Services.** Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture.

(d) **Veterinary Services Representative.** A person employed by Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, who is authorized to perform the function involved.

(e) **State Animal Health Official.** The State animal health official who is responsible for the livestock and poultry disease control and eradication programs, in the official's State or his designated representative.

(f) **State Representative.** A person regularly employed in animal health work of a State and who is authorized by such State to perform the function involved under a Cooperative Agreement with the United States Department of Agriculture.

(g) **Accredited Veterinarian.** A veterinarian approved by the Deputy Administrator in accordance with Part 161 of this Title to perform functions specified in Part 11 of Subchapter A, and Subchapters B, C, and D of this Chapter, and to perform functions required by cooperative State-Federal disease control and eradication programs.

(h) **State.** Any State or Territory of the United States, the District of Columbia, Puerto Rico, Guam or the Northern Mariana Islands.

(i) **Interstate.** From any State into or through any other State.

(j) **Pseudorabies.** The contagious, infectious, and communicable disease of livestock and other animals also known as Aujeszky's disease, mad itch, or infectious bulbar paralysis.

(k) **Herd.** Any group of livestock maintained on common ground for

any purpose, or two or more groups of livestock under common ownership or supervision, geographically separated, but which have an interchange or movement of animals without regard to whether the animals are infected with or exposed to pseudorabies.

(l) **Known Infected Herd.** Any herd in which any livestock has been determined to be infected with pseudorabies by an official pseudorabies test of diagnosed by a veterinarian as having pseudorabies. A herd of livestock, other than swine, shall no longer be considered to be a known infected herd after 21 days since the last clinical case of the disease in the herd. A herd of swine which has been released from pseudorabies quarantine in accordance with the Minimum Standards shall be no longer classified as a known infected herd.

(m) **Livestock.** Swine, cattle, sheep, or goats.

(n) **Exposed Livestock.** Any livestock that has been in contact with an animal infected with pseudorabies, including all livestock in a known infected herd; except that livestock, other than swine, that have not been exposed to a clinical case of the disease for a period of 21 days shall no longer be considered to be exposed livestock.

(o) **Exposed Swine.** Any swine that has been in contact with an animal infected with pseudorabies, including all swine in a known infected herd.

(p) **Infected Livestock.** Any livestock determined to be infected with pseudorabies by an official pseudorabies test, or diagnosed by a veterinarian as having pseudorabies.

(q) **Official Pseudorabies Test.** Any test for the diagnosis of pseudorabies approved by the Deputy Administrator in accordance with the Minimum Standards and conducted in an approved laboratory as listed in the Minimum Standards.

(r) **Moved.** Shipped, transported, or otherwise moved, or delivered or received for movement by land, water, or air.

(s) **Recognized Slaughtering Establishment.** A slaughtering establishment operated under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or a State inspected slaughtering establishment.

(t) **Slaughter Market.** A livestock market approved in accordance with § 76.18 at which swine for sale and shipment for slaughter are handled only on days when no swine are handled for sale and shipment for feeding or breeding purposes and which is cleaned and disinfected in accordance with the requirements of this part before being used for feeding or breeding swine.

¹Notices containing lists of slaughter markets approved for the purposes of the regulations in this part are published in the FED-

(u) **Quarantined Feedlot.** A premises where pseudorabies infected or exposed swine are fed under the supervision and control of the State animal health official, and from which such swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment in accordance with the provisions of this part.

(v) **Quarantined Herd.** A herd in which pseudorabies infected or exposed swine are bred, reared, and fed under the supervision and control of the State animal health official, and from which such swine are moved interstate directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment, or from which exposed test negative officially vaccinated swine may be moved only to a quarantined herd or quarantined feedlot.

(w) **Feedlot.** A premises where swine are fed separate and apart from swine kept for breeding or other purposes and from which such swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment, quarantined herd, or quarantined feedlot.

(x) **Farm of Origin.** A farm where the swine were born, or on which they have resided for at least 90 days immediately prior to the interstate shipment.

(y) **Official Pseudorabies Vaccine.** Any pseudorabies virus vaccine produced under license from the secretary of Agriculture under the Virus, Serum and Toxin Act of March 4, 1913, and any legislation amendatory thereof 21 U.S.C. 151 et seq.

(z) **Official Vaccinate.** Any swine which have been (1) vaccinated with an official pseudorabies vaccine by an accredited veterinarian or a State or Federal veterinarian in accordance with recommendations on the vaccine label and the laws and regulations of the State in which the swine are vaccinated, (2) identified by an eartag, tattoo, ear notch recognized by a breed association, or similar identification of each swine vaccinated, and (3) reported as official vaccinates at the time of vaccination to the State animal health official.

(aa) **Pseudorabies Vaccinate.** Any swine that have been vaccinated with any product containing antigens for pseudorabies.

ERAL REGISTER. Information concerning slaughter markets can be obtained from the Veterinarian in Charge, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, for the State in question.

(bb) **Permit.** An official document issued for and prior to the interstate movement of pseudorabies infected, exposed or vaccinated swine under this part by a Veterinary Services representative, State representative, or an accredited veterinarian which states: (1) The number of swine to be moved; (2) the purpose of for which the swine are to be moved; (3) the points of origin and destination; (4) the consignor and the consignee; and (5) any additional information required by this part.

(cc) **Certificate.** An official document issued for and prior to the interstate movement of swine not known to be infected with, exposed to or vaccinated for pseudorabies under this part by a Veterinary Services representative, a State representative, or an accredited veterinarian which states: (1) The number and description of the swine to be moved; (2) that the swine to be moved are not infected with or exposed to pseudorabies and are not official vaccinates; (3) the purpose for which the swine are to be moved; (4) the points of origin and destination; (5) the consignor and consignee; and (6) any additional information required by this part.

(dd) **Qualified Pseudorabies Negative Herd.** A herd of swine, none of which has been vaccinated for pseudorabies, and in which all swine over 6 months of age have been tested negative to an official pseudorabies test on the qualifying test as described in the Minimum Standards. The status of the herd is maintained by an official pseudorabies test of at least 25 percent of the swine over 6 months of age every 90 days and finding all swine so tested negative. No swine is to be tested twice in one year to comply with the 25 percent requirement. All swine over 6 months of age in the herd shall be subjected to the official pseudorabies test during the year. A minimum of 90 percent of the swine must have been on the premises and part of the herd for at least 90 days prior to the qualifying test or have entered directly from another qualified pseudorabies negative herd. All additions to the herd must test negative to an official pseudorabies test not more than 30 days before being added to the herd or be from another qualified pseudorabies negative herd.

(ee) **Pseudorabies Controlled Vaccinated Herd.** A herd of swine in which all of the swine over 6 months of age are negative to an official pseudorabies test and are vaccinated for pseudorabies within 10 days after such test. The status of the herd is maintained by an official pseudorabies test of 25 percent of the offspring between 3 and 4 months of age and finding all swine so tested negative. All additions to the herd must test negative to an official pseudorabies test, be vaccinat-

ed for pseudorabies within 10 days after such test, and be added to the herd not more than 30 days after such test.

(ff) **Minimum Standards.** The Minimum for Veterinary Services Participation in Cooperative Pseudorabies (PR) Programs recommended by the United States Animal Health Association, and approved as amended, by Veterinary Services, May 17, 1978.¹

(gg) **Approved Livestock Market.** A stockyard, livestock market, buying station, concentration point or any other premises under State or Federal veterinary supervision where swine are assembled for sale or sale purposes, and which has been approved by the Deputy Administrator under § 76.18.

(hh) **Swine not known to be infected with or exposed to pseudorabies.** Any swine from a herd of swine in which no animal has been classified as a reactor to an official pseudorabies test, or has been diagnosed as having pseudorabies or suspected of having pseudorabies by a veterinarian.

§ 85.2 Notice relating to the existence of the contagion of pseudorabies.

Notice is hereby given that there is reason to believe that the contagion of pseudorabies may exist in each State and that to prevent the spread and dissemination of the contagion thereof, and to protect the livestock of the United States, the regulations in this part are promulgated.

§ 85.3 General restriction.

Livestock shall not be moved interstate except in compliance with the regulations in this part.

§ 85.4 Interstate movement of livestock.

(a) Livestock showing clinical evidence of pseudorabies shall not be moved interstate.

(b) Livestock that have been exposed to an animal showing clinical evidence of pseudorabies shall not be moved interstate within 21 days of such exposure.

(c) Except as provided in paragraphs (a) and (b) of this section, livestock other than swine may be moved interstate without restriction under this part.

(d) Except as provided in paragraphs (a) and (b) of this section, swine, semen, and swine embryos shall be moved interstate only in compliance with the regulations in this part.

¹Copies of the May 17, 1978, Minimum Standards for Veterinary Services Participation in Cooperative Pseudorabies (PR) Programs are available upon request from Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Federal Building, Hyattsville, Md. 20782.

§ 85.5 Interstate movement of infected swine or exposed swine.

Infected swine or exposed swine, other than swine described in § 85.4 (a) or (b), shall only be moved interstate in accordance with the following provisions:

(a) **Movement of infected or exposed swine for slaughter.** Infected or exposed swine shall be moved interstate for slaughter only if:

(1) The swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment;

(2) The swine are accompanied by a permit and such permit is delivered to the consignee;

(3) The permit in addition to the information described in § 85.1(bb) lists the identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal being moved; and

(4) The swine are moved to destination in one continuous movement without unloading enroute.

(b) **Movement of exposed swine to a quarantined herd or a quarantined feedlot.** Exposed swine shall be moved interstate directly to a quarantined herd or a quarantined feedlot only if:

(1) The swine are negative to an official pseudorabies test 21 days or more after last being exposed to any livestock showing clinical evidence of pseudorabies;

(2) The swine are officially vaccinated for pseudorabies within 10 days after the negative test;

(3) The swine are moved interstate within 30 days after the negative test;

(4) The swine are accompanied by a permit and such permit is delivered to the consignee; and

(5) The permit, in addition to the information described in § 85.1(bb), states: (i) The present pseudorabies quarantine status of the farm of origin; (ii) the identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal being moved; (iii) the date of the official pseudorabies test and the name of the laboratory where the test was conducted; (iv) the date of the official vaccination for pseudorabies; and (v) that approval for the interstate movement has been issued by the State animal health official of the State of Destination prior to the interstate movement of the swine.

§ 85.6 Interstate movement of pseudorabies vaccinate swine not known to be infected with or exposed to pseudorabies.

Pseudorabies vaccinate swine not known to be infected with or exposed to pseudorabies shall only be moved interstate only in accordance with the following provisions:

(a) *Movement of pseudorabies vaccine swine for slaughter.* Pseudorabies vaccine swine not known to be infected with or exposed to pseudorabies shall be moved interstate for slaughter only if:

(1) The swine are moved directly to a recognized slaughtering establishment or directly through no more than one slaughter market and then directly to a recognized slaughtering establishment;

(2) The swine are accompanied by a permit and such permit is delivered to the consignee; and

(3) The swine are moved to destination in one continuous movement without unloading enroute.

(b) *Movement of pseudorabies vaccine swine to a quarantined herd or quarantined feedlot.* Pseudorabies vaccine swine not known to be infected with or exposed to pseudorabies shall be moved interstate directly to a quarantined herd or quarantined feedlot only if:

(1) The swine are accompanied by a permit and such permit is delivered to the consignee; and

(2) The permit in addition to the information described in § 85.1(bb) states: (i) The pseudorabies status of the herd; (ii) the identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal being moved; (iii) the date of the official vaccination for pseudorabies; and (iv) that approval for the interstate movement has been issued by the State animal health official of the State of destination prior to the interstate movement of the swine.

§ 85.7 Interstate movement of nonpseudorabies vaccine swine not known to be infected with or exposed to pseudorabies.

Non pseudorabies vaccine swine not known to be infected with or exposed to pseudorabies shall only be moved interstate in accordance with the following provisions:

(a) *Movement for slaughter.* Nonpseudorabies vaccine swine not known to be infected with or exposed to pseudorabies may be moved interstate for slaughter without further restriction under this part.

(b) *Movement to a feedlot, quarantined feedlot, quarantined herd, or approved livestock market.* Nonpseudorabies vaccine swine not known to be infected with or exposed to pseudorabies shall be moved interstate directly to a feedlot, quarantined feedlot, quarantined herd, or to an approved livestock market for subsequent movement directly to a feedlot, quarantined feedlot or quarantined herd only if:

(1) The swine are from a qualified pseudorabies negative herd, in which instance such swine may be moved interstate without further restriction under this part; or

(2) The swine are accompanied by a certificate and such certificate is delivered to the consignee;

(3) The certificate in addition to the information described in § 85.1(cc) states: (i) The identification of the farm of origin of each animal being moved by an ear notch recognized by a breed association, identification tag, tattoo, or similar identification; and (ii) approval for the interstate movement has been issued by the State animal health official of the State of destination prior to the interstate movement of the swine; and

(4) The swine are moved from a State which requires the State animal health official of that State to be immediately notified of any suspected or confirmed case of pseudorabies in that State and which requires that exposed or infected livestock be quarantined, such quarantine to be released only in conformance with the Minimum Standards: Except, That this provision shall only be effective 1 year after the effective date of this part.

(c) *Other movements.* Non pseudorabies vaccine swine not known to be infected with or exposed to pseudorabies shall be moved interstate other than for slaughter and other than directly to a feedlot, quarantined feedlot, quarantined herd or to an approved livestock market for subsequent movement directly to a feedlot, quarantined feedlot or quarantined herd only if:

(1) The swine are accompanied by a certificate and such certificate is delivered to the consignee; and

(2) The certificate in addition to the information described in § 85.1(cc) states: (i) The identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal being moved; and (ii) that each animal to be moved: (a) was subjected to an official pseudorabies test within 30 days prior to the interstate movement and was found negative, the test date and the name of the laboratory conducting the test; or (b) is part of a currently recognized qualified pseudorabies negative herd and the date of the last qualifying test; or, (c) is part of a pseudorabies controlled vaccinated herd and is one of the offspring that was subjected to the official test to achieve or maintain the status of the herd as a pseudorabies controlled vaccinated herd, and the date of the last test to maintain said status.

§ 85.8 Other interstate movements.

The Deputy Administrator may, upon request in specific cases, permit the interstate movement of livestock not otherwise provided for in this part under such conditions as he may prescribe to prevent the spread of pseudorabies.

§ 85.9 Interstate movement of swine semen and swine embryos for insemination of or implantation into swine.

Swine semen and swine embryos moved interstate for insemination of swine or implantation into swine shall be accompanied by a document issued by an accredited veterinarian stating that the donor swine are not known to be infected with or exposed to pseudorabies, were negative to an official pseudorabies test within 30 days prior to the collection of the semen or embryos or were members of a qualified pseudorabies negative herd, and had not been exposed to pseudorabies within 30 days prior to the collection of the semen or embryos.

§ 85.10 Permits and certificates.

(a) Each permit or certificate required under this part to accompany swine interstate shall be delivered with the swine to the consignee by the person delivering the swine.

(b) A copy of each permit or certificate required under this part to accompany swine interstate shall be mailed or delivered to the State animal health official of the State of destination by the person issuing the document within 3 days of the interstate movement of the swine covered by said document.

§ 85.11 Maintenance of records.

(a) The consignor of non pseudorabies vaccine swine not known to be infected with or exposed to pseudorabies which are moved interstate directly to a feedlot, quarantined feedlot, quarantined herd, or to an approved livestock market for subsequent movement directly to a feedlot, quarantined feedlot or quarantined herd shall maintain records whereby individual swine can be traced to the farm of origin.

(b) Such records shall be maintained for two (2) years after the swine are moved interstate by the consignor, and such records shall be made available to the State animal health official or Veterinary Services representative on request.

§ 85.12 Cleaning disinfecting means of conveyance.

All means of conveyance used in connection with the interstate movement of pseudorabies infected or exposed livestock shall be cleaned and disinfected in accordance with § 76.30 of this chapter using one of the disinfectants registered under the Federal Insecticide, Fungicide and Rodenticide

Such records shall list: (1) The names and addresses of the consignor and consignee; (2) the identification tag, tattoo, ear notch recognized by a breed association, or similar identification of each animal moved; and (3) the date of the shipment.

Act, as amended (7 U.S.C. 135 et seq.) with herpes virucidal claims. These disinfectants shall be used in accordance with directions on their labels accepted in connection with their registration.

§ 85.13 Cleaning and disinfecting livestock markets and other facilities.

Livestock markets and other facilities used in connection with the interstate movement of pseudorabies infected or exposed livestock shall be cleaned and disinfected in compliance with § 76.31 of this chapter using one of the disinfectants registered under the Federal Insecticide, Fungicide and Rodenticide Act, as amended (7 U.S.C. 135 et seq.) with herpes virucidal claims. These disinfectants shall be used in accordance with directions on their labels accepted in connection with their registration.

All written submissions made pursuant to this notice will be made available for public inspection at the Federal Building, Room 714, 6505 Belcrest Road, Hyattsville, Md., during regular hours of business (8 a.m. to 4:30 p.m., Monday to Friday, except holidays) in a manner convenient to the public business (7 CFR 1.27(b)).

Comments submitted should bear a reference to the date and page number of this issue in the FEDERAL REGISTER. Done at Washington, D.C., this 17th day of May 1978.

NOTE: The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

PIERRE A. CHALOUX,
Deputy Administrator,
Veterinary Services.

[FR Doc. 78-14330 Filed 5-22-78; 8:45 am]

[3510-06]

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

[15 CFR Part 806]

DIRECT INVESTMENT SURVEYS

Mandatory Reporting Requirement

AGENCY: Bureau of Economic Analysis, Commerce.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes a regulation regarding the institution of a mandatory reporting requirement for an annual statistical survey of foreign-owned U.S. business enterprises. The purpose of this amendment is to further implement the President's responsibilities under the International Investment Survey Act of 1976. These responsibilities were delegated to the

Secretary of Commerce in Section 3 of Executive Order 11961 of January 19, 1977.

DATE: Comments must be received on or before June 26, 1978.

ADDRESSES: Send comments to: U.S. Department of Commerce, Bureau of Economic Analysis, International Investment Division (BE-50), Washington, D.C. 20230. All comments, material, questions, etc., in response to this proposal will be available of public inspection during normal business hours, 8:30 a.m. to 5 p.m., in Room 608, 1401 K Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

George R. Krueger, Chief, International Investment Division, Bureau of Economic Analysis, U.S. Department of Commerce, Washington, D.C. 20230, 202-523-0657.

SUPPLEMENTARY INFORMATION: On December 22, 1977 the Department published final rules implementing the duties and authority delegated to it by the President in section 3 of Executive Order 11961 of January 19, 1977 to carry out the International Investment Survey Act of 1976 (Pub. L. 94-472, 90 Stat. 2059, 22 U.S.C. 3101-3108). Section 806.15(f)(1) of those rules read as follows: "BE-15—Annual Survey of Foreign Direct Investment in the U.S.—this form is not required at this time, but a notice of proposed rulemaking concerning it will be inserted in the FEDERAL REGISTER at a later date."

This notice of proposed rulemaking is to inform the public that a BE-15 survey form has been prepared and to invite public comment on the reporting requirements.

The BE-15 survey will be an annual survey and the first year of coverage is to be 1977. A report must be filed by each U.S. business enterprise which is owned or controlled, directly or indirectly, by one foreign person to the extent of 10 percent or more of the voting securities of an incorporated business enterprise or an equivalent interest if an unincorporated business enterprise. Such an enterprise, based on consolidated data where applicable, will not be required to report if: (a) Each of the following three items for the enterprise (not the foreign parent's share) was between -\$5,000,000 and +\$5,000,000 during the reporting period: (1) Total assets, (2) net sales or gross operating revenues, excluding sales taxes, and (3) net income after provision for U.S. income taxes; and (b) the enterprise did not own 200 acres or more of land. If the enterprise owned 200 acres or more of land, it must report regardless of the value of the three items listed above.

The due date of the reports will be set to fall not less than 60 days after

the survey forms are mailed to potential respondents.

The legal authorities, provisions, definitions and requirements presently contained in 15 CFR Part 806 pertaining to foreign direct investment in the United States are applicable to this BE-15 report form.

NOTE.—The Department of Commerce has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

It is therefore proposed to modify Part 806, 15 CFR, as set forth below.

JUANITA M. KREPS,
Secretary.

In § 806.15, paragraph (f)(1) is revised to read as follows:

§ 806.15 Foreign direct investment in the United States.

(f)(1) BE-15—Annual Survey of Foreign Direct Investment in the United States—one report is required for each U.S. affiliate, as consolidated, exceeding an exemption level of \$5,000,000, except that a U.S. affiliate which owns 200 acres or more of land must report regardless of the value of the items on which the exemption level is based, i.e., total assets, net sales or gross operating revenues excluding sales taxes, and net income after income taxes, whether positive or negative.

NOTE.—This survey will not be conducted for the year for which a BE-12, Benchmark Survey of Foreign Direct Investment in the U.S., is conducted.

[FR Doc. 78-14168 Filed 5-22-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5933, IC-10242, File No. S7-742]

"ANNUITY CONTRACTS" AND "OPTIONAL ANNUITY CONTRACTS"

Proposed Rule Interpreting Exemptive Provisions

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule.

SUMMARY: The Commission, as a result of the study by its Division of Investment Management of certain contractual arrangements issued by insurance companies, proposes a rule interpreting section 3(a)(8) of the Securities Act of 1933 ("Act"). The purpose

of the proposed rule is to provide guidance in determining when a contract, though issued by an insurance company and styled an "annuity," is ineligible for the section 3(a)(8) exemption and required, unless another exemption is available, to be registered pursuant to section 5 of the Act. The proposed rule sets forth a number of factors which are to be considered in determining the status under the federal securities laws of a contract issued by an insurance company.

DATE: Comments must be received on or before July 17, 1978.

ADDRESSES: Comments should be sent in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All submissions will be made available for public inspection at the Commission's Public Reference Section, Room 6101, 1100 L Street NW., Washington, D.C. 20005 and should refer to file No. S7-742.

FOR FURTHER INFORMATION CONTACT:

Peter Ambrosini, 202-755-0230 or Laura Boughan, 202-755-0233, Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission today announced that its Division of Investment Management ("Division") has completed its inquiry into the status under the federal securities laws of certain contracts issued by insurance companies, including what are generally known as guaranteed investment contracts, tax-deferred annuity contracts and similar products. The staff's inquiry was announced in Securities Act Release No. 5838 (42 FR 32861, June 28, 1977), which solicited public comments on the ways in which guaranteed investment contracts are similar to and different from traditional deferred annuities.

SCOPE OF STUDY

The staff's study related to certain contracts issued and funded by the general account of an insurance company, which have not been registered under the Act (15 U.S.C. 77a et seq.) in reliance upon section 3(a)(8) thereof (15 U.S.C. 77c(a)(8)). Section 3(a)(8) exempts from the registration requirements of the Act "any insurance or endowment policy or annuity contract or optional annuity contract, issued by a corporation subject to the supervision of the insurance commissioner, bank commissioner or any agency or officer performing like functions, or any State . . ." However, the exemption is not necessarily available to all products labeled insurance policies or annuity contracts. As the Supreme

Court held in *Securities and Exchange Commission v. Variable Annuity Life Insurance Company of America*, 359 U.S. 65 (1959), the meaning of "annuity" under the federal securities laws is a federal question.

Because new types of contracts which were often promoted as investments were being issued by insurance companies, the Division instituted a study of these new contracts with a view to determining their status under the federal securities laws.

The study was announced by the Commission in Securities Act Release No. 5838, which requested public comment on the ways in which the new contracts, commonly called guaranteed investment contracts, are different from and similar to traditional deferred fixed annuities. The release stated that the following factors were of concern to the staff:

1. Advertising emphasizing investment;
2. Provision for payment of interest in excess of a guaranteed rate;
3. Short term contracts;
4. Annuity purchase rates subject to change;
5. State insurance law.

The Commission received numerous comments in response to the release, expressing various points of view. Contracts and sales literature were also submitted and reviewed by the Division.

After analysis of the comments, contracts, and sales literature, it is the position of the Commission that many contracts, developed within the past several years and now being sold, are sufficiently different in their terms and in the manner in which they are sold from annuity contracts offered prior to that time so as to raise serious questions as to the availability of the section 3(a)(8) exemption. Many such contracts appear to be treated in the commercial world as investments.

The proposed rule sets forth conditions under which contracts, though styled "annuities," will not be deemed to be annuities exempt from the registration provisions of the Act pursuant to section 3(a)(8).

"NO-ACTION" POSITIONS

On March 18, 1977, the Division stated, in response to a request based upon section 3(a)(2) of the Act (15 U.S.C. 77c(a)(2)), that it would not recommend enforcement action under the Act if guaranteed investment contracts were sold to corporate pension or profit-sharing plans qualified under section 401 of the Internal Revenue Code of 1954, as amended, without registration under the Act. Provided, That such plans meet certain conditions.¹

The Division also has taken a "no-action position" with respect to the

¹Letter dated Mar. 18, 1977, to the American Council of Life Insurance.

offer and sale of guaranteed investment contracts to certain H.R. 10 plans which have received Commission orders of exemption under section 3(a)(2) of the Act.²

These "no-action" assurances remain in effect and would not be modified by enactment of the proposed rule. Thus, if the rule is adopted as proposed, guaranteed investment contracts may continue to be sold without registration under the Act to tax-qualified pension and profit-sharing plans which meet the conditions set forth in the Division's letters.

OTHER REGULATORY CONSIDERATIONS

While the Commission is requesting comments only with respect to the proposed rule, it is appropriate to bring to the attention of those concerned that where a significant portion of a company's business is the issuing of contracts which must be registered under the Act that company may be subject to the provisions of the Investment Company Act of 1940 ("1940 Act"). Such a company may not meet the definition of "insurance company" set forth in section 2(a)(17) of the 1940 Act (15 U.S.C. 80a-2(a)(17)) and, in that event, would not be exempt from the provisions of the 1940 Act pursuant to section 3(c)(3) thereof (15 U.S.C. 80a-3(c)(3)).

SYNOPSIS OF PROPOSED RULE

PRELIMINARY NOTE

The operative provisions of the proposed rule are preceded by a preliminary note, which provides a brief summary of the purpose of the proposed rule and the manner in which it will operate.

The purpose of the proposed rule is to set forth criteria which will make the section 3(a)(8) exemption unavailable to a contract or contractual arrangement issued by an insurance company. In some cases the terms of the contract alone will determine that it will not be regarded as an annuity exempt from registration. In other cases, the interaction between the contract's terms and the manner in which it is sold will lead to the same conclusion.

DEFINITIONS

Paragraph (a) of the proposed rule contains definitions of three terms: "deposit fund rider"; "permanent annuity purchase rate guarantee"; and "participating contract."

A "deposit fund rider" is a provision of, or associated with, a life insurance or annuity contract. Under such a provision, funds may be deposited with

²See letters dated Dec. 14, 1977, to Covington & Burling, and Mar. 7, 1978, to The Aetna Life & Casualty Co.

the insurance company to accumulate with interest and may be withdrawn by the depositor without significant penalty. The purchaser usually has the option to use accumulated funds to purchase an annuity. However, the contractual arrangement is designed and marketed as a savings vehicle which may be used to accumulate capital on a tax deferred basis.

The term "permanent annuity purchase rate guarantee" is defined as a guarantee, which the issuer cannot unilaterally modify, of a level of annuity benefits to be provided by the insurance company at a future certain date in return for funds accumulated under the contract.

The term "participating contract" is defined as a contract pursuant to which the issuer may declare interest in excess of the guaranteed rate in accordance with provisions of its charter or by-laws which require the allocation of the insurance company's divisible surplus and/or provisions of state insurance laws or regulations. Participating contracts have traditionally been issued primarily by mutual life insurance companies and generally are not regarded in the commercial world as investments.

CONTRACTS NOT ANNUITIES

Paragraph (b) of the proposed rule describes certain classes of contracts which will not be regarded as eligible for the exemption from registration provided in section 3(a)(8) of the Act. In two cases, the provisions of the contracts cause the exemption to be unavailable, while in the third case consideration is given to circumstances surrounding the sale.

1. Contracts without permanent annuity purchase rate guarantees.—The guarantee of a fixed level of income, continuing for a lifetime, which cannot be changed or revoked, is perhaps the most important feature of annuities as they were known at the time the Act was passed. Without such a guarantee, the only reason for purchasing an annuity would be to obtain interest on which Federal income taxes are deferred. Therefore, a contract which does not contain permanent guaranteed annuity purchase rates will not be deemed an exempt annuity.

2. Contracts which contain deposit fund riders.—A deposit fund rider is an alternative to a savings account. The Division of Corporation Finance, in declining to take a no-action position, has expressed the view that such arrangements are securities for which no exemption from registration is available.³ The proposed rule reaffirms that position.

³See letters of May 7, 1973, June 25, 1973, December 16, 1974, and April 21, 1975, to Ideal National Insurance Co.

3. Contracts which are primarily investments.—The determination whether a contract is primarily insurance or primarily an investment involves, under this section, consideration of both the contractual terms and the manner of sale. The status of a contract under the Federal securities laws depends upon the totality of the circumstances surrounding the sale of that contract. Thus, it is necessary to consider more than the terms of the contract in many cases.

FACTORS TO BE CONSIDERED

Paragraph (c) of the proposed rule sets forth specific factors which are to be considered in making the determination called for by paragraph (b)(3).

(1) *Short-term Contracts.* Some contracts styled as annuities are written for a relatively short term, perhaps five to twelve years, and guarantee, for the entire term, a relatively high rate of interest. At the end of the contract term, the participant may have certain rights, including the right to leave his accumulated funds with the company, where interest will be credited at a minimal rate, or to "roll over" his accumulation into a new contract with new interest rate and annuity purchase rate guarantees.

When a short-term contract is sold to an individual who, because of his or her age, cannot reasonably be expected to annuitize by the time the initial term of the contract ends, the contract cannot be regarded as an exempt annuity. The purpose of the contract, in this situation, is to provide a means for tax-deferred capital accumulation.

(2) *Permanent annuity purchase rate guarantees which are not meaningful.* When guaranteed annuity purchase rates provide significantly lower benefits than are otherwise commercially available, the contract may be regarded as an investment rather than an annuity, particularly where its investment aspects are emphasized in marketing, or where the contract also contains provisions for the discretionary payment of excess interest.

(3) *Discretionary determination of excess interest.* Many contracts issued by insurance companies provide that the company may, in its sole discretion, declare interest in excess of the guaranteed rate. As the note to this section explains, provision for discretionary excess interest does not, in itself, mean a contract is not an exempt annuity. Rather, it is an indication that the contract may be an investment. If other factors contained in paragraph (c) are present, especially a marketing program emphasizing investment potential, registration of the contract may be required.

Traditional participating contracts are excluded from this section. They are not regarded as investments, and their exempt status would not be affected by the proposed rule.

(4) *Marketing as an investment.* This section involves consideration of circumstances in addition to the terms of the contract. Sales literature, advertising in print and electronic media, and representations by salespersons may all affect the determination as to whether a contract is primarily an investment.

AUTHORITY

Rule 154 would be adopted pursuant to the authority contained in section 19(a) of the Act (15 U.S.C. 77s(a)).

It is proposed to amend Part 230 of Chapter II of Title 17 of the Code of Federal Regulations by adding new § 230.154 as follows:

§ 230.154 "Annuity contract" or "optional annuity contract" for purposes of section 3(a)(8).

PRELIMINARY NOTE

"Annuity contracts" and "optional annuity contracts" are exempt from the registration provisions of the Act pursuant to section 3(a)(8). However, a variety of contracts and contractual arrangements, including some which are very different from contracts commonly in use at the time the Act was passed, have been labelled "annuities." Some of these are securities within the meaning of section 2(1) of the Act (15 U.S.C. 77b(1)), are regarded in the commercial world as investments, and are not contracts intended to be covered by section 3(a)(8). The purpose of Rule 154 is to provide criteria which will aid issuers and others in determining whether a contract, though issued by an insurance company and styled an "annuity," is outside the exemption from registration provided by section 3(a)(8) of the Act, and is required to be registered pursuant to section 5 of the Act.

In some instances, the provisions of a contract may, by themselves, cause the section 3(a)(8) exemption to be unavailable to that contract. A contract which does not provide, at its inception, a guaranteed, fixed annuity benefit cannot be regarded as an annuity exempt from registration. Similarly, the exemption is not available to a "deposit fund rider," the functional equivalent of an account maintained by a bank or savings and loan institution but not subject to any banking authority.

However, in determining the status of a contract under the federal securities laws, it will often be necessary to consider the totality of the circumstances surrounding the sale of that contract, including both the terms of the contract and the manner in which it is sold. Considered together, a contract's terms and the manner in which it is sold may cause such contract to be primarily an investment rather than an exempt annuity. The factors to be considered in making such a determination are set forth in paragraph (c) of the rule.

(a) *Definitions.* The following definitions shall apply for purposes of this rule.

(1) The term "deposit fund rider" shall mean a provision of, or associated with, a life insurance or annuity contract which permits the accumulation of funds with interest which may be applied to the purchase of an annuity.

ity and which permits withdrawal without significant penalty.

(2) The term "permanent annuity purchase rate guarantee" shall mean a guarantee provided in a contract at the date of issue which (i) specifies the level of annuity benefits to be provided by the issuer at a future certain date in return for the funds to be accumulated by the purchaser pursuant to the contract, and (ii) cannot be modified unilaterally by the issuer.

(3) The term "participating contract" shall mean a contract pursuant to which purchasers may receive additional interest or dividends to be declared by the issuer in accordance with its charter or bylaws requiring the allocation of its divisible surplus and/or in accordance with any applicable state laws or regulations which govern "participating contracts" or which prohibit discrimination in the allocation of divisible surplus among various classes or groups of contractholders.

(b) *Contracts not annuities.* The terms "annuity contract" and "optional annuity contract" as used in section 3(a)(8) of the Act shall not include contracts where:

(1) The contract contains no permanent annuity purchase rate guarantee;

(2) The contract is a deposit fund rider; or

(3) Considering the terms of the contract and the manner in which it is sold, the contract is primarily an investment.

(c) In determining whether a contract is primarily an investment, the following factors will be considered:

(1) Whether the initial term of the contract ends prior to a date on which the purchaser may reasonably expect to elect to begin receiving annuity payments;

(2) Whether the permanent annuity purchase rate guarantee provides for a level of benefits which is substantially less than otherwise commercially available;

(3) Whether the contract provides for determination of interest in excess of the guaranteed rate at the discretion of the issuer, except for participating contracts; and

(4) Whether the contract is marketed as an investment. In determining how a contract is marketed, consideration will be given to the contents of advertisements and sales literature, as well as to representations made or authorized to be made by persons engaged in sale and distribution, activities.

(d) Under paragraph (c) of this section, provision for discretionary determination of excess interest by the insurer in a contract does not, in itself, mean that such contract is not an annuity exempt from registration. Similarly, the presence of guarantees of benefits substantially less than otherwise available by itself will not cause

an otherwise exempt contract to be nonexempt. However, either of these factors in conjunction with how the contract is marketed may cause the section 3(a)(8) exemption to be unavailable.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 17, 1978.

[FR Doc. 78-14317 Filed 5-22-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 182, 184]

[Docket No. 78N-0015]

INOSITOL

Proposed Affirmation of Gr^{as} Status as a
Direct Human Food Ingredient

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This is a proposal to affirm the generally recognized as safe (GRAS) status of inositol as a direct human food ingredient. The safety of this ingredient has been evaluated pursuant to the comprehensive safety review being conducted by the agency. The proposal would list the ingredient as a direct food substance affirmed as GRAS.

DATE: Comments by July 24, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: A comprehensive study of human food ingredients classified as GRAS or subject to a prior sanction is being conducted by the Food and Drug Administration (FDA). The Commissioner of Food and Drugs has issued several notices and proposed regulations, published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20040), initiating this review. Pursuant to this review, the safety of inositol has been evaluated. In accordance with the provisions of § 170.35 (21 CFR 170.35), the Commissioner proposes to affirm the GRAS status of this ingredient.

Inositol is the common name for the family of isomeric

hexahydroxycyclohexanes. Although there are several optically active and inactive isomers, considerations of inositol, or myo-inositol, as a food additive refer specifically to optically inactive 1,2,3,5,6-cyclohexanehexol. Inositol is obtained commercially from an aqueous (0.2 percent sulfur dioxide) extract of corn kernels by precipitation and hydrolysis of crude phytate. Inositol is also a widely distributed natural constituent of plant and animal tissues. The animal tissues richest in inositol are brain, heart, stomach, kidney, spleen, and liver where it occurs free or as a component of phospholipids. Among plants, cereals are rich sources of inositol particularly in the form of polyphosphoric acid esters, called phytic acids.

Inositol was thought for a time to be a vitamin because experimental animals, on synthetic diets, developed clinical signs that were corrected by inositol supplementation. However, the status of inositol as a vitamin is questionable because no cofactor or catalytic function for inositol has been found and because it can be synthesized and occurs in relatively high concentration in tissues. Although there is no direct evidence of a dietary requirement of inositol in adult humans subsisting on mixed and varied diets, it may be reasonable to put inositol in certain special dietary foods. For example, milk contains inositol as a naturally occurring component, and the addition of 100 mg of inositol per liter (about 1.1 quart) of milk-free infant formula is current commercial practice. On the average, cow's milk contains 80 mg per liter. The inositol content of human milk, which is 450 mg per liter starting at birth, falls to about 210 mg per liter at 1 week after birth and to 90 mg per liter within 3 months.

Inositol is listed as GRAS in the broad food additive category of nutrients in § 182.5370 (21 CFR 182.5370), pursuant to a regulation published in the FEDERAL REGISTER of January 31, 1961 (26 FR 938).

A representative cross section of food manufacturers was surveyed to determine the specific foods in which inositol is used and the levels of usage. Information from surveys of consumer consumption was obtained and combined with the manufacturing information to obtain an estimate of consumer exposure to inositol. The total amount of inositol used in food in 1970 was estimated to be 12,000 pounds, or about 18 times that used in 1960. Most of this amount was used in milk-free infant formulas. Also some inositol is used in defined formula diets used solely under medical supervision for the dietary management of specific diseases and disorders.

Inositol has been the subject of a search of the scientific literature from

1920 to the present. The parameters used in the search were chosen to discover any articles that considered: (1) chemical toxicity, (2) occupational hazards, (3) metabolism, (4) reaction products, (5) degradation products, (6) any reported carcinogenicity, teratogenicity, or mutagenicity (7) dose response, (8) reproductive effects, (9) histology, (10) embryology, (11) behavioral effects, (12) detection, and (13) processing. A total of 596 abstracts on inositol was reviewed and 45 particularly pertinent reports from the literature survey have been summarized in a scientific literature review.

The scientific literature review shows, among other studies, the following information as summarized in the report of the Select Committee on GRAS Substances (hereinafter referred to as the Select Committee), selected by the Life Sciences Research Office of the Federation of American Societies for Experimental Biology:

Much of the biological information on inositol has resulted from studies of its possible role in nutrition as a lipotropic agent and its metabolic relationship to other carbohydrates. The particular role of inositol in human nutrition is poorly understood; neither is it clear how important dietary inositol is in the synthesis of the inositol-containing constituents of the tissues, versus inositol synthesized de novo from glucose or other carbohydrate sources.

Although inositol has demonstrable lipotropic activity, it is considerably less effective than choline. Under certain experimental conditions, inositol has a synergistic effect with choline, but inositol does not prevent hemorrhagic kidneys in young rats receiving a diet low in choline and methionine; indeed, it seems to increase the severity of the renal pathology in these animals. It also appears, at least in rats, that the lipotropic activity of inositol depends upon the dietary intake of other nutrients, particularly biotin and thiamin. Signs of inositol deficiency have been demonstrated in several species of animals, but these observations have been complicated by interactions with such nutrients as biotin, pyridoxine, choline, and p-aminobenzoic acid. Moreover, possible therapeutic uses of inositol in the management of adult patients with diseases associated with disturbances in fat transport and fat metabolism have failed to provide any convincing evidence of beneficial effects in man.

Biosynthesis of inositol from glucose via glucose-6-phosphate involves enzymes which catalyze the cyclization of glucose-6-phosphate (cyclase) and removal of the phosphate (phosphatase). These two enzymes are present in fetal rat liver but decrease in activity promptly after birth. Studies by Nixon on sheep fetuses suggest that fetal blood inositol is of fetal rather than maternal or placental origin. However, it was also observed that blood inositol concentration declines after birth which is suggestive of placental origin. While a possible explanation of these findings was offered, the question regarding the site of inositol synthesis was not resolved. Naccarato and Wells have recently isolated a new disaccharide containing galactose and inositol (6-0-B-D-galactopyranosyl myo-inositol) from the mammary gland of the lactating rat.

While the significance of this inositol derivative is not known, its discovery emphasizes the importance of further investigations on inositol metabolism in early development.

In animals, ingested inositol appears to be absorbed slowly. Fasted rats given 250 mg of inositol orally (about 1.25 g per kg of body weight) required 24 to 48 hours for nearly complete absorption and only about one percent was excreted in the urine. Anderson found inositol (2 g per kg of body weight) to be absorbed very slowly in the dog and largely eliminated in the feces. The daily oral intake of 1.5 g of inositol in man for three weeks produced only a moderate increase in plasma inositol concentration. If given at a dose level of 0.5 g per kg body weight per day, inositol produced diarrhea in man, which subsided after a few days even with continued inositol administration; about 9 percent was excreted in the urine and the remainder of the ingested dose was not accounted for. Others have found that adults given 1 to 2 g of inositol per day for several weeks experienced no apparent harmful effects.

Stetten and Stetten demonstrated with deuterium-labeled inositol that a significant fraction of an intraperitoneal dose of 2 g, divided in four portions and given at 150-minute intervals, was converted to glucose in a phlorhizinized rat. Coots showed that intraperitoneal [¹⁴C] inositol is incorporated intact in complex tissue components, such as phospholipids, and is vigorously metabolized to CO₂ by the male rat. 20 to 40 percent of the dose being excreted in the respiratory CO₂ within 8 hours. Moscatelli and Lerner found significant amounts of parenteral [¹⁴C] inositol to be incorporated into lipids of the brain, liver, kidney, and heart of the rat. Howard and Anderson found that the kidney may be the major site of inositol metabolism since oxidation of labeled inositol to CO₂ did not occur in nephrectomized rats.

The maximum tolerated intraperitoneal dose of inositol in the mouse is 500 mg per kg of body weight. Human subjects have been given up to 4 g of inositol intravenously, dissolved in isotonic saline (up to about 67 mg per kg of body weight), without reported adverse reactions, although there was a reduction in basal metabolic rate.

Young Wistar rats weighing about 50 g were fed diets providing doses of inositol of 0.5, 5, 10, and 50 mg daily for 45 days. At a dose of 0.5 mg per day, weight gain was greater than in control animals, but at 50 mg per day (about 1 g per kg of body weight) there was retardation of growth, staining of the hair, and general hyposthenia. When the experiment was repeated in 3-month-old rats no growth inhibition occurred with daily oral inositol supplements up to 5 g per kg body weight for a month. Further studies in young rats showed that the growth inhibition by an inositol intake of 50 mg per day was largely prevented by increasing either the protein content or by adding choline to the basal diet. Interestingly, in earlier work, inositol fed to female rats for 60 days at a level of 1 g per kg body weight had no effect on growth rate. In these experiments the diet contained 30 percent casein and was supplemented with choline.

Herrmann fed 36 hens 0.5 g inositol daily for 30 to 68 days. Blood cholesterol decreased by about 20 percent, indicating that inositol acts as a decholesterizing agent in hens.

No long-term toxicity studies on inositol in animals have been reported.

Lazlo and Leuchtenberger and subsequently Hasselbach and Burke found that intravenously injected inositol inhibited the rate of growth of transplanted Sarcoma 180 in female mice. Inhibition was dose-related. Oral and subcutaneous administration were ineffective.

Inositol fed at 1 percent of the diet (about 2 g per kg body weight) for 60 days to female rats prior to mating had no effect on growth rate. In continuing feeding after mating, no effects were observed in reproductive performance, litter size, or weight of offspring, and no gross structural abnormalities were found in the offspring.

A study designed to evaluate mutagenic potential by several *in vitro* assay procedures revealed that inositol did not exhibit mutagenic activity. The assay procedures included estimation of reversion or conversion frequencies of three strains of *Salmonella typhimurium* and two strains of *Saccharomyces cerevisiae*, with and without activation by tissue homogenates derived from mouse, rat, or monkey liver, lung, or testis. Concentrations up to 5 percent inositol were used.

Inositol displayed no teratogenicity at levels up to 200 mg per kg when aqueous solutions were injected into the air cell or yolk of incubated eggs or eggs after 96 hours of incubation. An LD₅₀ could not be determined for any of the four test conditions. Scattered minor abnormalities were observed but in no instance were they significantly higher in incidence or different in nature from those observed in the solvent-treated or untreated control eggs.

Inositol, fed at a dose of 280 mg to patients with cancer of the gastrointestinal tract and elevated fat in their livers, with some expectation that it might reduce the fat content, decreased liver lipid to about the same extent as an 8 g dose of lipocaine, a crude mixture containing 2.6 percent choline and 3.5 percent inositol. Neither inositol nor lipocaine caused as great a reduction in hepatic lipid as did a 3 g dose of choline chloride. It should be noted that in rats, inositol had a lipotropic effect only when animals consumed a fat-free diet, and the effect was greater when choline also was given.

Hypercholesterolemic patients given 2 g inositol daily for 6 to 10 weeks showed slightly reduced blood levels of cholesterol and cholesterol esters, but the investigator did not consider the reduction to be significant. Attempts to treat high-tone deafness and alopecia with inositol were unsuccessful when 1 to 3 g daily were given orally in divided doses for as long as 12 months. These and other therapeutic trials indicate that appreciable amounts of inositol can be tolerated in the diet of adults without adverse effects.

All the available safety information on inositol has been carefully evaluated by qualified scientists of the Select Committee. It is the opinion of the Select Committee that:

Inositol is a naturally-occurring substance that is widely distributed in plant and animal tissues and synthesized in animals and man. Orally administered inositol is absorbed slowly and is metabolized. The available information from toxicological studies in animals suggests no adverse effects associated with consumption of inositol at levels considerably in excess of those now consumed by humans.

Despite the demonstration of signs of inositol deficiency in several animal species, no requirement for dietary inositol in man has been established. The high inositol concentration of human milk, and the relatively low concentration in cow's milk, together with the inadequate understanding of inositol metabolism and utilization during neonatal development in animals and man, suggest the possibility that basic infant formulas, particularly milk-free preparations, may contain less inositol than is necessary for optimal growth and development. The rationale for adding inositol to certain infant formulas is based on an assumption that the greater intake insures against a possible deficiency of inositol during early growth and development, when the need for dietary sources of inositol might be maximal. However, if future investigations should clearly demonstrate a need for additional inositol in infant formulas, and if that need should be greater than the amount now added, it is unlikely that the recommended level of intake would exceed that supplied by human milk.

It is the conclusion of the Select Committee that there is no evidence in the available information on inositol that demonstrates, or suggests reasonable grounds to suspect, a hazard to the public when it is used at levels that are now current or that might reasonably be expected in the future. Based upon his own evaluation of all available information on inositol, the Commissioner concurs with this conclusion. The Commissioner therefore concludes that no change in the current GRAS status of inositol is justified. He also affirms the GRAS status of inositol as a nutrient for use in special dietary foods. Such food shall conform to labeling regulations in 21 CFR Part 105 (formerly 21 CFR Part 125).

Copies of the scientific literature review on inositol, the mutagenic evaluation, and the report of the Select Committee are available for review at the office of the Hearing Clerk, Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, and may be purchased from the National Technical Information Service, 5285 Port Royal Road, Springfield, Va. 22151, as follows:

Title	Order No.	Price code	Price*
Inositol (scientific literature review).	PB-223-861/AS.	A04	\$5.25
Inositol (select committee report).	PB-262-660/AS.	A02	4.00
Inositol (mutagenic evaluation).	PB-245-433/AS.	A03	4.50

*Price subject to change.

This proposed action does not affect the present use of inositol for pet food or animal feed.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to him (21 CFR 5.1), the

Commissioner proposes that parts 182 and 184 be amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.5370 [Deleted]

1. In part 182 by deleting the entry for § 182.5370 *Inositol*.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

2. In part 184 by adding new § 184.1341 to read as follows:

§ 184.1341 Inositol.

(a) Inositol, or myo-inositol ($C_6H_{12}O_6$, CAS Reg. No. 000087-89-8) cis-1,2,3,4-trans-4, 6-cyclohexanhexol, occurs naturally and is prepared from an aqueous (0.2 percent sulfur dioxide) extract of corn kernels by precipitation and hydrolysis of crude phytate.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972).¹

(c) The ingredient is used as a nutrient supplement as defined in section 170.3(o)(20) of this chapter.

(d) The ingredient is used in food, in accordance with § 184.1(b)(1), at levels not to exceed good manufacturing practice. Current good manufacturing practice results in the use of this ingredient in infant formulas and other special dietary foods, as defined in part 105 of this chapter.

The Commissioner hereby gives notice that he is unaware of any prior sanction for the use of this ingredient in foods under conditions different from those proposed herein. Any person who intends to assert or rely on such a sanction shall submit proof of its existence in response to this proposal. The regulation proposed above will constitute a determination that excluded uses would result in adulteration of the food in violation of section 402 of the act, and the failure of any person to come forward with proof of such an applicable prior sanction in response to this proposal constitutes a waiver of the right to assert or rely on such sanction at any later time. This notice also constitutes a proposal to establish a regulation under part 181 (21 CFR part 181), incorporating the same provisions, in the event that such a regulation is determined to be appropriate as a result of submission of proof of such an applicable prior sanction in response to this proposal.

Interested persons may, on or before July 24, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written

¹Copies may be obtained from: National Academy of Sciences, 2101 Constitution Avenue NW., Washington, D.C. 20037.

comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food and Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107.

Dated: May 12, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

NOTE.—Incorporation by reference approved by the Director of the Office of Federal Register on July 10, 1973, and is on file in the Federal Register Library.

[FR Doc. 78-13715 Filed 5-22-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing—
Federal Housing Commissioner

[24 CFR Part 201]

[Docket No. R-78-535]

PROPERTY IMPROVEMENT AND MOBILE HOME LOANS

Refinancing of Loans

AGENCY: Department of Housing and Urban Development.

ACTION: Proposed rule.

SUMMARY: The proposed rules would extend the maximum permissible repayment terms for property improvement loans that are refinanced. They would permit certain refinanced obligations (primarily loans made for the improvement or rehabilitation of single family homes) to have a term of up to 15 years and 32 days provided that the new obligation would not mature later than 25 years from the date of the original obligation. The maximum term for other types of loans refinanced would be 12 years and 32 days provided that the new obligation would not mature later than 22 years from the date of the original obligation.

DATE: Comments must be received on or before June 22, 1978.

ADDRESS: Written comments should refer to the docket number and date and should be submitted to the Rules Docket Clerk, Office of the Secretary, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

William B. Stansbery, Title I Loan Insurance Division, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-8686.

SUPPLEMENTARY INFORMATION:

The refinancing of property improvement loans is of significant aid in assisting homeowners who due to changed circumstances are unable to make the loan payments they originally contracted for. Refinancing enables such homeowners to lower their payments by lengthening the term of the loans.

Accordingly, the Department proposes to amend 24 CFR as follows:

§ 201.9 Refinancing.

(a) ***

(b) *Maximum maturity.* (1) A Class 1(a) loan may be refinanced for an additional period not in excess of 15 years and 32 days from the date of the refinancing, except that the term of the new note shall not extend beyond 25 years from the date of the original note.

(2) A Class 1(b) or 2 loan may be refinanced for an additional period not in excess of 12 years and 32 days from the date of the refinancing except that the term of the new note shall not extend beyond 22 years from the date of the original obligation.

(3) A Class 2(b) loan secured by a first mortgage, first deed of trust, or other security instrument constituting a first lien upon the improved property may be refinanced for an additional period not in excess of 15 years and 32 days from the date of the refinancing, except that the term of the new note shall not extend beyond 25 years from the date of the original obligation.

(4) A new note combining any of the above classes of loans shall not have a term in excess of the loan having the shortest permissible maturity.

(c) ***

(Sec. 7(d) 79 Stat. 670 (42 U.S.C. 3535(d)); sec. 2, 48 Stat. 1246 (12 U.S.C. 1703 as amended).)

Issued at Washington, D.C. May 16, 1978.

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc. 78-14366 Filed 5-22-78; 8:45 am]

[1505-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Depreciation of Property Attributable to Rehabilitation Expenditures Incurred With Respect to Low-Income Rental Housing

Correction

In FR Doc. 78-12410, appearing at page 19679 in the issue for Monday, May 8, 1978, make the following corrections:

1. On page 19680, third column, fourteenth line of *Example (2)*, insert the following after "attributable": "to only \$15,000 of the \$19,000 of expenditures".

2. On page 19684, third column, tenth line from the top, the figure "25,00" should read "25,000".

3. On page 19685, first column, twenty-eighth line from the bottom, the year "1976" should read "1969"; and in the thirty-second line from the bottom, the year "1979" should read "1969".

[8320-01]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VETERANS EDUCATION

Policies and Procedures

AGENCY: Veterans Administration.

ACTION: Request for public comment.

SUMMARY: The Veterans Administration is publishing for public comment new and revised statements of policy and procedures which have been adopted by the Agency to implement the GI Bill Improvement Act of 1977. These policy and procedural statements will better acquaint veterans, eligible persons, educational institutions, and the public at large with the way in which this Act will be administered.

DATES: Comments must be received on or before June 22, 1978.

ADDRESSES: Send written comments to: Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420.

Comments will be available for inspection at the address shown above during normal business hours until July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

June C. Schaeffer, Assistant Director for Policy and Program Adminis-

tration, Education and Rehabilitation Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-2092.

SUPPLEMENTARY INFORMATION: This publication contains DVB Circular 20-77-97, Appendix H. This appendix deals with the policy and procedures necessary to implement provisions of the GI Bill Improvement Act of 1977 which concern counseling. This appendix has been implemented and has or will be distributed through normal channels to interested persons.

ADDITIONAL COMMENT INFORMATION

Interested persons are invited to submit written comments, suggestions, or objections regarding this document to the Administrator of Veterans Affairs (271A), Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) until July 3, 1978. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Services Unit in room 132. Such visitors to a VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Approved: May 12, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

(DVB Circular 20-77-97; Appendix H, Mar. 20, 1978)

EDUCATIONAL AND VOCATIONAL COUNSELING UNDER CHAPTER 34

1. *Purpose:* This appendix provides instructions regarding the amendments to 38 U.S.C. 1663 which mandate the provision of comprehensive counseling services to all eligible veterans requesting counseling and require the VA to conduct an effective outreach program to acquaint eligible veterans with the availability and advantages of such counseling assistance.

2. *Background:* Comprehensive educational and vocational counseling assistance has been available to eligible veterans under the GI Bill since its inception during World War II. Original provisions allowed the Administrator, at his discretion, to provide educational and vocational counseling to eligible veterans upon the request of the veteran. Later regulations required counseling in cases of unsatisfactory progress and prior to approval of some changes of program. Although voluntary counseling has been provided for under all GI Bill programs, the proportion of veterans utilizing this service during the Vietnam era program has been significantly lower than that during the earlier programs. As there is some indication that many veterans are not aware of VA's

counseling services and that many of those veterans would avail themselves of this assistance if they were fully aware of the benefit, the current amendments are intended to increase the emphasis placed upon voluntary counseling and to assure that the availability and advantages of this VA service are effectively communicated to eligible veterans. An additional aspect of the current amendments is to specifically define the purpose of such counseling assistance, as assisting the veteran in selecting "(1) an educational or training objective and an educational institution or training establishment appropriate for the attainment of such objective, or (2) an employment objective that would be likely to provide such veteran with satisfactory employment opportunities in light of such veteran's personal circumstances." The intent of this provision is to ensure a broadened scope of counseling services which will be available to, and meet the needs of eligible veterans whose present goal is employment as well as those who desire to enter a program of education or training. Accordingly, outreach efforts directed to all eligible veterans are planned as follows: (a) A nationwide media campaign advising of the availability and advantages of VA vocational and educational counseling; (b) modification of VADS mailouts to newly separated veterans encouraging counseling; (c) mailout of check stuffer (VA Form 22-878lu) to active chapter 34 veteran-trainees regarding available VA counseling (starting with a 10 percent sample, (terminal digits 50 through 59) in April 1978); (d) development of a special brochure-application form for requesting counseling under chapter 34. The number of chapter 34 counseling cases nationwide for fiscal year 1978 is expected to increase approximately 55 percent over last fiscal year, from 69,000 to 108,000 as a result of the implementation of these provisions of Pub. L. 95-202.

3. **Procedure:** Counseling requests from veterans with eligibility for chapter 34 benefits should be processed in accordance with existing instructions contained in M22-2, part II, chapters 1 and 2, and M22-1, part I, chapter 4. Timeliness as well as quality is essential in providing necessary services to veterans who request counseling assistance under chapter 34. An individual letter or, if appropriate, Form Letter 22-875 should be used if counseling must be deferred. Adequate station controls will be established to ensure that the requested counseling is provided as soon as possible. The extent and nature of counseling assistance provided should be geared to the individual needs of the veteran so as to enable each veteran to select, plan for, and reach his or her training or employment objective.

4. **Counseling process:** The comprehensive vocational and educational counseling process discussed in M22-1, part I, chapter 2, is for continued application in all requests from veterans for counseling under chapter 34. The expanded reference to counseling contained in the amendments to 38 U.S.C. 1663 warrant some discussion of implications for the overall counseling process. Renewed emphasis should be placed on assisting the veteran in identifying suitable educational or employment objectives by helping the veteran to learn more about his or her own vocational interests and abilities,

the opportunities for potential employment, and the availability of training programs. The opportunity should be provided for the veteran requesting counseling to go over his or her background, ambitions and other personal matters, in consideration of the following: (1) His or her aptitudes, interests and abilities; (2) the duties and employment outlook for various occupations and professions; (3) the veteran's chances of successfully completing various kinds of education and training; (4) information on where and how to enter on-the-job training, secondary school, trade school, college, and/or professional school; (5) information on the availability of various Federal Government programs of financial and employment assistance; (6) information on licensing requirements, labor unions, State and local laws, physical requirements, and other factors that may influence the veteran's choice of a training or employment objective. Some veterans may be unsure of their objective or feel a need to review current training program or future plans, while others may be experiencing problems or personal difficulties which may interfere with training. The counseling assistance provided should be that help needed to assist the veteran in reaching suitable training and/or employment goals. It becomes apparent to the counseling psychologist that the assistance needed is one of psychotherapy, or could be delivered with greater benefit to the veteran by referral to other counseling resources. appropriate referral should be made with full clarification and discussion of actions being taken provided to the veteran.

5. **Information requirements:** Comprehensive and current educational and occupational information must be available to the counseling staff in all offices where VA counseling is carried out. These resources should include materials on national, regional and local employment data and projections, specific job requirements, available training programs, and available Federal and local government programs such as CETA prime sponsor programs, VA work study, and other programs of financial and employment assistance. Every effort should be made to update this information frequently so that current and accurate information is available to veterans as specific needs arise. Possible use of State occupational information systems should be explored in those locations where available. Frequent staff inservice training sessions should be devoted to local employment trends, available employment resources (especially in regard to placement assistance and part-time employment while pursuing training), and requirements for taking advantage of available Federal and local government programs.

6. **Case Control and Followup:** In view of the PL 95-202 emphasis on expanding the outreach effort and providing comprehensive counseling assistance, it is imperative that proper attention be given to case control, followup and followthrough. All cases will be processed in the manner detailed in M22-1, part I, par. 4.08b, with the following additional considerations: (1) In situations where a veteran fails to keep a scheduled counseling appointment, an effort should be made to contact the veteran (by phone if possible) to see if a new, mutually agreeable

appointment can be set up. If the counselee declines a followup appointment at this time, the reason for such a decision should be sought and entered into the veteran's record before disposing of the case. If subsequent followup action is indicated, the case should be diaried for appropriate future contact. If direct contact with the veteran cannot be made, an individual letter or, if appropriate, FL 22-871 should be sent advising that counseling is still available; (2) If a veteran initiates counseling but does not complete the process to the point of selecting a training or employment objective, the reason for suspending counseling will be noted in the record and, if indicated, the case will be diaried for future contact; (3) If the veteran indicates the desire to defer education and training in favor of an employment objective, all indicated immediate assistance should be provided including referral to the State Employment Service for placement assistance if needed. The veteran should be further advised that if his/her personal circumstances or goals change, additional counseling assistance and further consideration of educational benefits may again be requested.

7. **Reporting format:** In order to evaluate the effectiveness of outreach efforts and the resulting workload, the following report (RCS 77-17) Report on Chapter 34 Requested Counseling, should be submitted monthly to the Field Director (042B21). Beginning with cases received in April (reporting cumulatively thereafter) and utilizing the regular cutoff date for the month, information should be in the following format:

REPORT ON CHAPTER 34 Requested Counseling (RCS 22-17)

- A. Cumulative No. of cases received ———.
B. Cumulative No. of cases disposed of with counseling ———.
(1) Training objective selected ———.
(2) Employment objective selected ———.
(3) Counseling suspended ———.

C. Cumulative No. of cases disposed of without counseling ———.

D. No. of cases pending disposition (sum of B, C, and D must total A). ———.

8. No local form or form letter will be developed for this purpose. Reports should reach Central Office by the 10th workday of each month. The first report will be due May 12, 1978.

[FR Doc. 78-14304 Filed 5-22-78; 8:45 am]

[1505-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Chapter 1]

[FRL 872-8]

IMPLEMENTATION OF THE CLEAN WATER ACT AMENDMENTS OF 1977

Correction

In FR Doc. 78-12929, appearing at page 20821 in the issue for Monday, May 15, 1978; the tables appearing on pages 20821 and 20822 should have appeared as printed below:

Short title and Section of Act	Brief Description	Estimated Date of Publication	Contact Name	Mail Code	Telephone
Construction Grant Regulations					
Proposed Amendments to 40 CFR Part 35 Subpart F (Construction Grants) covers the following topics:		5/1/78	M. Cook	WH-547	426-9404
Recreational Use 201(g)(1)	future State, interstate and intermunicipal grants must demonstrate that project planning has analyzed potential recreation and open space opportunities.				
Innovative Technology 201(g)(5), (11) 201(a)(2)(1)(3) 201(d)(3)	Several provisions to encourage the use of innovative and unconventional waste water treatment systems.				
Contract Enforcement 201(c)	Upon request, EPA may provide technical and legal assistance to administer and enforce contracts related to EPA grant-assisted treatment works.				
Interim/final amendments to 40 CFR Part 35 Subpart E covering the following topics:		5/1/78	M. Cook	WH-547	426-9404
State Priority 201(i)(1) 201/204/216	Establishes State authority to determine relative priority of their eligible project categories.				
201(g)(5), (16) 201(h)/205(h)(2)					
Grant Eligibility 211	Restricts the use of population data as test of eligibility of collector sewers; limits eligibility of these sewers and also makes separate storm sewers ineligible.				
Land Eligibility 212	Land for the storage of wastewater in a land treatment system is now grant eligible.				
Industrial Cost Recovery 201(b)(3) (b)(6)	Under certain conditions, small industrial dischargers with flows up to 25,000 gpd (requiring treatment comparable to domestic waste) may be exempted from industrial cost recovery.				
User Charges 201(b)(1) (5)	Specifies conditions where an ad valorem system may be used for user charges for residential and small non-residential users.				
Individual Systems 201(n)	Will make available grants to privately-owned treatment works where such projects will be more cost-effective than a central publicly-owned treatment works.				
Step 2/3 Combined 203(a)	Construction grants for steps 2 and 3 may be combined for projects under \$2 million serving grantee population up to 25,000.				
Buy America 215	Requires preference for the use of American-made products in treatment works funded by construction grants.				
Training Grants 201(b)(1) (2)(3)	Will provide for grants to cover expenses of State treatment works operator training programs, and raise the maximum grant to \$100,000.				
Cost Effectiveness Guidelines 201(j) 217	Regulations to provide for cost-effectiveness guidelines that emphasize identification of alternatives, e.g., re-tiling of sewers, use of sludge, and preference for innovative and alternative processes.				
Reserve Capacity 201(a)(5)	Criteria for determining reserve capacity include reduction of unnecessary water consumption and sewage flows and the use of population data from 200 plans.				
Water Quality Management Regulations					
The Water Quality Management Regulations will be revised to (1) incorporate the Clean Water Act Amendments and (2) to consolidate and simplify the regulations in accordance with the March 23, 1978 Executive Order on improving government regulations.		6/23/78	J. Brivak	WH-554	295-4911
Open Space and Recreation 201(b)(2)(A)	Water quality management plan must analyze open space and recreation opportunities.				
State Best Management Practices (Related to 403) 201(b)(4)	Authorizes States to establish regulatory programs for discharge of dredge and fill material.				
Agricultural Cost Sharing 201(j)	Department of Agriculture will provide up to 40% grant to install BMP's for soil conservation to improve water quality.				
Other Regulations					
Urban Discharge 201(h)	Will provide for modification of secondary treatment requirements for existing deep marine dischargers if they meet specified conditions.	9/18/78	T. O'Farrell	WH-547	426-6976
BCT Definition and Pollutant Removals 201(b)	Development of conventional pollutant effluent limitations.	Not Scheduled	J. Dent	WH-552	426-2707
BMP's for Industry 201(e)	Control indirect discharges of toxic pollutants from various industrial point sources.	Not Scheduled	J. Dent	WH-552	426-2707
Pre-treatment Removal Credit Regulations 201(b)(1)	Promulgated regulations allow modification of national toxic pre-treatment standards if joint industry/treatment works treatment will meet direct discharge requirements.	5/9/78	S. Moore	WH-505	295-8995
Oil Spill Liability 211(a)-(d), (1)-(4), (p), (q)(2)	Will extend liability for oil spills to a 200 mile limit and provide for use of funds if there is a substantial threat of a discharge.	Not Scheduled	K. Piglane	WH-548	295-3048
Marine Sanitation Devices 212	Prohibits wastewater discharges from commercial vessels on the Great Lakes and provide protection for drinking water intake areas.	11/78	J. Anson	WH-585	295-3236
Clean Lakes 211	Provides EPA assistance to States for the preparation of surveys on the quality of freshwater lakes.	12/78	L. Guarato	WH-595	295-3042
Dredge or Fill 201(a)-(1) (1)(1)(ii)	Final EPA site selection guidelines for disposal of dredge or fill material will be developed along with guidance for approval of State programs.	5/15/78	J. Lewis	WH-505	295-0581
Guidelines for Sludge Disposal 201(b)(1)	EPA guidelines will address uses for sludge, costs of usage and disposal, and pollutant concentrations that interfere with use and disposal.	5/15/78	B. Beente	WH-584	295-9120

[4110-02]

DEPARTMENT OF HEALTH,
EDUCATION AND WELFARE

Office of Education

[45 CFR Part 164]

STATE CAPACITY-BUILDING PROGRAM

Decision to Develop Regulations

AGENCY: National Center for Education Statistics.

ACTION: Notice of decision to develop regulations.

SUMMARY: The Administrator of the National Center for Education Statistics proposes to develop regulations to govern the award of discretionary grants to build the statistical capabilities of State educational agencies by facilitating improvements or automation in their statistical systems. These grants, made under the authority of the Education Amendments of 1974, are intended to reduce data burden; improve the timeliness, quality, or utility of statistical data; or meet similar objectives by enhancing the long-term capabilities of State educational agencies to collect, process, analyze, or report data about education. The Administrator has allocated \$300,000 for the support of this program in fiscal year 1978.

FOR FURTHER INFORMATION CONTACT:

Ms. Donna Mertens, National Center for Education Statistics, 400 Maryland Avenue SW., Room 3061, Washington, D.C. 20202, phone: 202-245-7813.

Dated: March 27, 1978.

MARIE D. ELDRIDGE,

Administrator, National
Center for Education Statistics.

(FR Doc. 78-14332 Filed 5-22-78; 8:45 am)

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[49 CFR Part 1109]

(Ex Parte No. 327 (Sub-No. 1))

REQUIREMENTS AND PROCEDURES RELATING
TO RAILROAD REVITALIZATION AND REGULATORY REFORM ACT OF 1976Requirements and Procedures Relating to Rate
Incentives for Capital Investment

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Proposed Rule-making.

SUMMARY: The Commission invites public comment on proposed changes in existing regulations special govern-

ing procedures for the filing of rail rates based on capital investments of \$1 million or more. The proposed changes are designed to encourage good faith negotiations between the carrier and shipper prior to the filing of a capital incentive rate proposal, to provide the potential shipper with better notice of the filing of a capital incentive rate proposal with the Commission, and to improve the administrative handling of capital incentive rate proceedings by providing for a prompt determination of the validity of the proposed capital investment prior to the filing of a notice of intent to file a capital incentive rate.

DATES: Any person who wishes to participate in this proceeding shall file with the Commission a notice of intent to participate within 20 days of the FEDERAL REGISTER publication. An original and 1 copy of the notice of intent to participate will be appreciated. The Commission will then compile and distribute to interested persons a service list and by notice establish a procedural schedule for the submission of pleadings.

ADDRESS: Send notice of intent to participate to: Office of Proceedings, Section of Rates, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak, or Harvey Gobetz, 202-275-7693.

SUPPLEMENTARY INFORMATION: Section 15(19) of the Interstate Commerce Act permits the filing of railroad rates based on a capital investment of \$1 million or more, individually or collectively, by a carrier, shipper, receiver, or interested third party. If a railroad files a notice of intent to publish such a rate, the Commission must determine its lawfulness within 180 days. If the rate is not held unlawful within that time, it may not be set aside as unlawful under sections 1, 2, 3, or 4 of the Act for 5 years after it is published. However, the Commission may at any time order the rate revised to the variable cost level, if it finds the rate reduces the carrier's going concern value.

The current regulations provide for concurrent determinations of the eligibility of the proposed rates for this treatment and their lawfulness, within 180 days of the filing of a notice of intent to publish capital incentive rates with the Commission. Together with this notice, the railroad must file copies of the tariff containing basic information about the proposal, and a summary of the proposal suitable for publication in the FEDERAL REGISTER. After this summary is published, interested persons have 25 days to file protests. An additional 70 days is provided

for completion of the evidentiary record. No mechanism for directly notifying known users of the proposed rates is provided.

By petition filed December 28, 1977, Allied Chemical Corporation proposed that the notice requirements in 49 CFR § 1109.20(b)(3) relating to information to be included in a summary of a capital incentive rate proposal suitable for publication in the FEDERAL REGISTER be expanded to include these additional details: the rate itself, carload and trainload minimum weights, annual minimum volume requirements, demurrage provisions which differ from standard, whether the rate applies to railroad or privately owned cars, and whether the rate is subject to an escalation clause (and its terms).

We believe this modification is justified by the need to provide interested persons with adequate notice of the basic details of a capital incentive rate proposal.

In light of our experience under the existing capital incentive rate procedures, we have found that substantial questions as to eligibility to use the capital incentive provisions can be analyzed only with extreme difficulty in the 180 day statutory time period between the filing of a notice of intent to file a capital incentive rate and the necessary determination as to its lawfulness. We believe that Congress intended that this period be utilized to make a determination of the lawfulness of rates which clearly qualify. We propose therefore to require a showing that the investment qualifies before the notice of intent may be filed. The difficulty in determining whether the necessary investment will be made is particularly acute where the investment relied on is additions or improvements to existing rolling stock, track, or roadbed. We propose to require greater detail as to these types of investments.

When the existing regulations in Ex Parte No. 327 were adopted, it was anticipated that good faith negotiations would take place where both the railroad and a shipper made qualifying investments. There has been some indication that certain rail carriers may have attempted to file proposed rates higher than those negotiated, after concerned shippers had made multimillion dollar rail related investments. This situation is obviously counterproductive if outside investment is to be attracted by the rail industry. The proposed modifications would permit the Commission to take appropriate action, including denial of capital incentive rate treatment, where the negotiating process is clearly abused.

The existing procedures have proved inefficient in notifying known persons who are entitled to use the proposed capital incentive items. We propose to require the carrier to notify these persons directly.

A determination as to eligibility to use the capital incentive rate procedure will be made within 40 days of the completion of evidentiary proceedings on that matter. The Commission has moved to expedite further handling of these proceedings by proposing that the procedural time limits for submitting statements as to the lawfulness of qualified proposed schedules be shortened and that uncontested proposals and contested proposals found to be lawful receive special permission to publish on less than 30 days' notice whenever feasible.

Accordingly, it is the purpose of this notice to initiate modification of the Ex Parte No. 327 procedures, inform interested parties on the scope of the modification, and invite comments. The revised § 1109.20 (new or changed provisions are italicized) would read as follows:

§ 1109.20 Requirements and special procedures relating to rate incentives for capital investments.

(a) *Applicability.* The provisions of this part apply only to railroad proposals for a new rate, fare, charge, classification, regulation, or practice that requires a total capital investment of \$1 million or more, individually or collectively, by such carriers, or by a shipper, receiver, or agent thereof, or an interested third party. These proposed rates are hereafter referred to as capital incentive rates.

(b) *Establishment of requisite capital investment.* (1) *General.* No carrier may file a notice of intent to file a capital incentive rate under paragraph (d) unless it has previously established that the requisite \$1 million investment has been or will be made.

(2) *Required Information.* A carrier seeking to establish that it is entitled to file a notice of intent shall file with the Commission an original and seven copies of a sworn affidavit detailing the following information:

(i) *A full description and explanation of the proposed investment.* If any part of the investment is additional locomotives or rail cars, the affidavit shall explain the extent to which and why the carrier's existing locomotive or car pools cannot supply the needed equipment. If any part of the investment consists of improvement to existing rail track or roadbed, the affidavit shall detail and provide documentary evidence of the specific improvements that have been made prior to the filing of the affidavit, and the extent to which other specific planned track or roadbed improvements will be necessary over each of the next 5 years, and shall show why and to what extent the planned investment exceeds average maintenance of way expenditures for the previous 3 years. All other alleged capital investments must be fully detailed. The carrier may only rely on in-

vestments specifically detailed in this affidavit.

(ii) The name and contribution of each entity proposing to make the investment, and the names of all shippers and receivers eligible to tender freight under the capital incentive item.

(iii) The anticipated rate level, any carload or trainload minimum weights or annual volume requirements, any demurrage provisions which differ from standard demurrage provisions, whether the rate will apply to railroad or privately-owned cars, and whether the rate will be exempted from ex parte general increases or whether a formula for its periodic adjustment has been predetermined (and the nature of any such formula).

(3) *Service of affidavit on capital incentive rate users.* A copy of the affidavit required by sub-paragraph (2) must be served on all known persons eligible to tender freight under the capital incentive item by the carrier proposing the item, on or before the date it is filed with the Commission.

(4) *Federal Register Publication.* The carrier, at the time it files the affidavit required by sub-paragraph (2), must provide the Commission with a summary suitable for publication in the FEDERAL REGISTER detailing the information required by sub-paragraph (2) and the name and address of the responsible carrier representative to whom inquiries and requests for pertinent documents may be addressed. As soon as practicable, the summary shall be published in the FEDERAL REGISTER by the Commission and in one transportation trade publication of general distribution by the carrier.

(5) *Protests of eligibility of proposed capital investment.* Any person which does not wish to contest the eligibility of the proposed capital investment, but wishes to reserve the right to challenge the lawfulness of the proposed capital incentive schedule should the investment be found to qualify for treatment under this part, may file a statement to that effect on or before the 25th day from the date of publication in the FEDERAL REGISTER. Any person which contests the eligibility of the proposed capital investment must file an original and seven copies of its protest containing all its evidence and arguments on this issue on or before the 25th day from the date of publication in the FEDERAL REGISTER. The protest shall state the date of publication of the summary in the FEDERAL REGISTER, if known. The carrier may reply within 20 days after the filing of a protest.

(6) *Discovery.* When a protest is filed under subparagraph (5), it is not contemplated that either party shall exercise the right of discovery. However, in extraordinary situations, the Commission may grant a limited right of discovery where there is a serious ques-

tion as to the carrier's apportionment of additional locomotive, rail car, track, or roadbed expense, necessitated by the particular traffic that will move under the proposed capital incentive rate, between existing pools, facilities, and routine maintenance, and new equipment or facilities.

(7) *Finding as to eligibility; Time Limit; Burden of Proof.* If no protest challenging eligibility is filed under sub-paragraph (5), the carrier shall be entitled to capital incentive rate treatment and may file a notice of intent to file a capital incentive rate. If a protest is filed, the Commission shall determine whether or not the carrier is entitled to capital incentive rate treatment within 40 days of the completion of evidentiary proceedings on that issue. The burden of establishing entitlement to capital incentive treatment shall be on the carrier if a protest challenging eligibility is filed.

(c) *Requirement of good faith negotiations.* Where a protest challenging the eligibility of the proposed investment or the lawfulness of the proposed capital incentive rate schedule is filed by a person eligible to tender freight under the capital incentive item which has itself already made capital investment of \$1 million or more in rail related plant or equipment, that person and the carrier must submit a summary of the negotiations which preceded the attempt to establish the proposed capital incentive rate item. If it appears that either party has acted in bad faith during or after these negotiations, the Commission may dismiss the proceeding or take such other action with respect to the proceeding as justice requires.

(d) *Notice of intention.* A notice of intention to file a schedule containing a capital incentive rate must be filed in advance of the filing of the actual tariff by the carrier (or its agent) electing to use the special procedures adopted pursuant to section 15(19). The notice may only be filed by an eligible carrier, shall refer to Ex Parte No. 327, and shall be accompanied by the following:

(1) Two copies of the proposed tariff, one copy of which will be received and remain available for public inspection in the Public Tariff File, Room 6217, of the Interstate Commerce Commission, Washington, D.C.

(2) An original and seven copies of a sworn affidavit by the carrier proposing the schedule containing a brief description of the eligible capital investment, the rate level, any carload or trainload minimum weights or annual volume requirements, any demurrage provisions which differ from standard demurrage provisions, a statement whether the schedule applies to railroad or privately owned cars and whether the proposed schedule will be exempted from ex parte general in-

creases or whether a formula for periodic adjustment of the proposed schedule has been predetermined (and the nature of any such formula), and estimates of the variable cost per unit of service under the proposed schedule. The carrier shall serve a copy of these documents on each party to the proceeding on or before the date of filing with the Commission.

(e) *Hearing.* Upon receipt of the notice of intent, the Commission will immediately schedule a hearing on the lawfulness of the proposed schedule. If no protests challenging the lawfulness of the proposed schedules are filed, the schedule will not be further investigated and its publication will be authorized under subparagraph (f)(2).

(1) *Burden of proof.* In any hearing pertaining to the lawfulness of a proposed capital incentive rate schedule the burden of proof shall be on the protestant.

(2) *Procedural dates.* A protestant's initial presentation, in written form under modified procedure shall be due 20 days from service of the Commission order instituting the hearing. The reply statement of the carrier (respondent) or any interested party shall be due 20 days thereafter. Protestant's rebuttal statement shall be due 20 days after the filing of the reply statement. Oral hearing will be directed only when the Commission deems it necessary for the purposes of cross examination or other strong cause.

(3) *Postponement of procedural dates.* In view of the statutory requirement that hearings be concluded and a determination of lawfulness made within a 180 day period following the date of filing of the notice of intention to file a capital incentive rate, postponement of the procedural dates established by these regulations is not contemplated except in the most extraordinary situation. Request for postponement will not be accepted for filing if received later than 10 days before the due date.

(f) *Orders authorizing or prohibiting the publication of capital incentive rates.*

(1) *Investigated proposals.* After a hearing on the lawfulness of a capital incentive rate proposal, the Commission shall, as expeditiously as possible but in no event later than 180 days after the filing of the notice of intent, either authorize publication of all or part of the proposed schedule on 30 days notice or prohibit the publication of the schedule.

(2) *Noninvestigated proposals.* An order authorizing the tariff publication on 30 days' notice shall be entered 30 days after service of the order scheduling a hearing under paragraph (e) if no statement challenging the lawfulness of the proposed schedule is timely filed.

(3) *Period of authorization.* The authorization under sub-paragraphs (1)

and (2), if not exercised, shall expire 180 days after service of the order of authorization.

(4) *Special permission to file on less than 30 days' notice.* A carrier may request special permission to file an approved capital incentive rate on less than 30 days' notice. Such a request will be liberally granted.

(g) *Notations in tariffs or schedules.* Tariff provisions implementing capital incentive rates shall contain the following notations:

Provision named herein authorized by Commission order served _____, Docket No. _____ in conformity with 49 CFR 1109.20.

Tariff provisions shall further state, if applicable, the name(s) of shippers and/or receivers eligible to tender freight under the capital incentive item.

(h) *Reopening.* The Commission shall retain jurisdiction in order that the capital incentive rate by increased to a variable cost level in the event the capital incentive rate is found to reduce the going-concern value of the carrier.

(i) *Effect of capital incentive rate treatment.* For a period of 5 years following the date a capital incentive rate becomes effective, the proceeding shall not be reopened nor any complaint received for consideration of alleged violations of section 1, 2, 3, or 4 of the act.

The proposed modifications do not appear to be a major Federal action requiring preparation of an environmental impact statement under the procedures of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq. However, comments regarding environmental issues, if any, should be included in statements filed with the Commission in response to this notice.

Decided May 8, 1978.

By the Commission, Commissioner Murphy not participating, Commissioner Stafford absent and not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14340 Filed 5-22-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Chapter VI]

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL'S ADVISORY PANEL

Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public meeting announcement.

SUMMARY: This document announces a public meeting of the Mid-Atlantic Fishery Management Council's Advisory Panel to be held in Dover, Del., on June 9, 1978.

DATE: The meeting will be held on June 9, 1978, at 10 a.m.

ADDRESS: The meeting will be held at the Quality Inn (Mayor's Room), U.S. Route 13 and Lookerman Street, Dover, Del.

FOR FURTHER INFORMATION CONTACT:

Mr. John Bryson, 302-674-2331.

SUPPLEMENTARY INFORMATION: A meeting of the Surf Clam Advisory Panel of the Mid-Atlantic Fishery Management Council, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will be held on June 9, 1978, at the Quality Inn (Mayor's Room), U.S. Route 13 and Lookerman Street, Dover, Del. 19901, from 10 a.m. to approximately 5 p.m.

Proposed agenda. (1) Review of moratorium provision in the Surf Clam Fishery Management Plan; (2) review of enforcement procedures; (3) update of resource assessment and coordination needed on future surveys; (4) discussion of draft procedures and criteria for closing surf clam beds; (5) advantages and disadvantages of vessel quotas and the split fishing season proposed; and (6) discussion of duties and procedures of Advisory Panel operation.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact John Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, Dover, Del. 19901, telephone 302-674-2331.

Dated: May 16, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-14241 Filed 5-22-78; 8:45 am]

[3510-22]

[50 CFR Chapter VI]

NEW ENGLAND FISHERY MANAGEMENT COUNCIL

Public Meeting

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Public meeting announcement.

SUMMARY: The document announces a meeting of the New Eng-

land Fishery Management Council to be held in June in Portland, Maine.

DATE: The meeting will be held on June 7 and 8, 1978.

ADDRESS: The meeting will be held at the Holiday Inn (downtown), Portland, Maine.

FOR FURTHER INFORMATION CONTACT:

Mr. Spencer Apollonio, 617-535-5450.

SUPPLEMENTARY INFORMATION: The New England Fishery Management Council, established under Sec-

tion 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet June 7-8, 1978, at the Holiday Inn (downtown), Portland, Maine. The meeting starts at 10 a.m. and will adjourn at approximately 5 p.m. on June 7; and 9 a.m. to approximately 5 p.m. on June 8.

Proposed Agenda: (1) Herring Fishery Management Plan: Council discussion of comments from public hearings; (2) Groundfish Fishery Management Plan: Status, review, and discussion; (3) Discussion and status of U.S.-Canadian negotiations and interim agreement; (4) Ocean Perch Fishery Management Plan: Discussion of ob-

jectives and management strategies; and (5) Other management business.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Massachusetts 01960; telephone: 617-535-5450.

Dated: May 17, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-14255 Filed 5-22-78; 8:45 am]

V 4 3 1 0 0 M Y 2 3 7 8 U M I

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

(FmHA Instruction 1980-E)

BUSINESS AND INDUSTRIAL LOANS

Insured Loan Interest Rates

AGENCY: Farmers Home Administration, USDA.

ACTION: Notice.

SUMMARY: Notice is hereby given by the Farmers Home Administration that the current rate of interest for insured business and industrial loans, established pursuant to 7 CFR § 1980.423(b) is as follows: (a) Insured Loans to private entrepreneurs will be at the rate of nine and three-quarters percent (9¾ percent). This rate will remain in effect until a change is published in the FEDERAL REGISTER.

EFFECTIVE DATE: May 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. LaVerne Isenberg, Phone: 202-447-2852.

Dated: May 9, 1978.

GORDON CAVANAUGH,
Administrator,

Farmers Home Administration.

(FR Doc. 78-13671 Filed 5-22-78; 8:45 am)

[6335-01]

COMMISSION ON CIVIL RIGHTS

CALIFORNIA ADVISORY COMMITTEE

Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the California Advisory Committee (SAC) of the Commission originally scheduled for June 8, 1978, (FR Doc. 78-12981) on page 20523 has been changed to June 25, 1978.

The time and place of the meeting will remain the same.

Dated at Washington, D.C., May 17, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

(FR Doc. 78-14225 Filed 5-22-78; 8:45 am)

[6335-01]

CALIFORNIA ADVISORY COMMITTEE

Meeting; Amendment

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a fact-finding meeting of the California Advisory Committee (SAC) of the Commission originally scheduled for June 9, 1978 (FR Doc. 78-12982) on page 20523 has been changed to June 26, 1978.

The meeting place will remain the same as for the time also.

Dated at Washington, D.C., May 17, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

(FR Doc. 78-14226 Filed 5-22-78; 8:45 am)

[6335-01]

ILLINOIS ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Illinois Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 10 p.m. on June 18, 1978 at the Palmer House, also at 10 a.m. to 4 p.m. on June 19, 1978 at 219 South Dearborn Street, Chicago, Ill.

Persons wishing to attend this planning meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting will be to review information received from representatives from Federal, State and local educators relative to the Chicago desegregation plan. The June 19 meeting will be a status report and discussion with invited representatives on steps to be taken to desegregate Chicago's school system.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 18, 1978.

JOHN I. BINKLEY,
Advisory Committee
Management Officer.

(FR Doc. 78-14227 Filed 5-22-78; 8:45 am)

[3510-25]

DEPARTMENT OF COMMERCE

Foreign-Trade Zone Board

(Docket No. 5-78)

FOREIGN-TRADE ZONE—BATTLE CREEK, MICH.

Application and Public Hearing

Notice is hereby given that an application has been submitted to the Foreign-Trade Zones Board (the Board) by the City of Battle Creek, a Michigan municipal corporation, requesting a grant of authority to establish a foreign-trade zone in the City, within the Battle Creek Customs port of entry. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act of 1934, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR Part 400). It was formally filed on May 10, 1978. The applicant is authorized to make this proposal under Chapter 447 of Act 154 of the Michigan Public Acts of 1973, effective September 6, 1963.

The proposal calls for the establishment of a general-purpose foreign-trade zone as part of a 23-acre Customs cargo facility, located within the 2400-acre Fort Custer Industrial Park in the City of Battle Creek, some 2 miles west of the Kellogg Regional Airfield. The zone is to consist of two warehouse areas, totalling some 84,000 square feet, within the cargo facility building which is under construction on City-owned land. The zone application also describes its plans for future zone development.

The zone will be operated for the City by the BC/Cal/Kal Inland Port Authority of South Central Michigan Development Corporation, a non-profit public corporation. The zone site and surrounding industrial park are served by highway and rail, and an air cargo facility is nearby at Kellogg Regional Airfield.

The application contains economic data and information concerning the need for zone services in the Battle Creek area. Several firms have indicated their intention to use the zone for storage, processing, packaging, exhibition, and manufacturing activities. Among the initial zone users are firms involved in a variety of products, including: electric motors, machinery and parts, furniture, musical instruments, farm supplies, automobile parts and hardware, chemicals and medical surgical supplies.

In accordance with the Board's regulations, an Examiners Committee has been appointed to investigate the application and report thereon to the Board. The Committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230; Louis A. Mezzano, District Director, U.S. Customs Service, 477 Michigan Avenue, Detroit, Mich. 48226; and Col. Melvyn D. Remus, District Engineer, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, Mich. 48231.

As part of its investigation of the proposal, the Examiners Committee will hold a public hearing on June 22, beginning at 9:30 a.m., in Staff College Classroom A, U.S. Federal Building, 50 North Washington Avenue, Battle Creek, Mich. The purpose of the hearing is to help inform interested persons about the proposal, to provide an opportunity for their expression of views, and to obtain information useful to the examiners.

Interested persons or their representatives are invited to present their views at the hearing. Such persons should, by June 15, notify the Board's Executive Secretary, in writing at the address below, of their desire to be heard. In lieu of an oral presentation, written statements may be submitted in accordance with the Board's regulations to the Examiners Committee, care of the Executive Secretary, at any time from the date of this notice through July 24, 1978. The submission of evidence is not desired during the posthearing period unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented at the hearing. A copy of the application and accompanying exhibits will be available during this time for public inspection at each of the following locations:

Port Director, U.S. Customs Service, 5085 Leonard Wood Road, Battle Creek, Mich. 49016.

Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 6886-B, 14th and E Streets NW., Washington, D.C. 20230.

Dated: May 18, 1978.

JOHN J. DA PONTE, Jr.,
Executive Secretary.

(FR Doc. 78-14313 Filed 5-22-78; 8:45 am)

[3510-22]

National Oceanic and Atmospheric Administration

NATIONAL MARINE FISHERIES SERVICE

Public Meeting

The National Marine Fisheries Service announces a technical workshop on the subject of fees charged to each foreign nation for fishing for fishery

resources subject to the jurisdiction of the United States.

The meeting will be held June 22-23, 1978 at the Penthouse Conference Room, 2001 Wisconsin Avenue NW., Washington, D.C. 20235, commencing at 8:30 a.m. on June 22, and adjourning at 5 p.m. on June 23. This meeting may be extended or shortened depending on length of discussions.

The purpose of the meeting is to reexamine the underlying theory, criteria, and practices relating to foreign fishing fees. Specialists have been asked to prepare papers for this technical meeting. From the discussion of these papers a set of principles is expected to emerge.

The technical papers will be discussed by a limited number of specialists invited to the meeting. The meeting is open to the public and limited seating will be available. Interested public will be invited to participate in a larger conference on this subject to be held this fall.

For further information on seating, changes to the agenda, and/or written comments, contact Clemens Bribitzer, Fishery Management Specialist, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, telephone 202-254-8554.

Dated: May 17, 1978.

WINFRED H. MEIBOHM,
Acting Executive Director, National Marine Fisheries Service.

(FR Doc. 78-14201 Filed 5-22-78; 8:45 am)

[3710-08]

DEPARTMENT OF DEFENSE

Department of the Army

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Open Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), notice is given of a meeting of the Army Advisory Panel on ROTC Affairs to be held on June 21, 1978 at the Fort Riley Officers' Open Mess, Fort Riley, Kans. The proposed schedule of activities is as follows:

0900 Hours—Opening Remarks and Introductions.
0915 Hours—Remarks, Deputy for Military Personnel Policy, Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs).
0930 Hours—Department of the Army/U.S. Army Training and Doctrine Command Briefings.
1040 Hours—Review of Education and Training for Officer Study Group Presentation.
1300-1630 Hours—Panel Discussion on ROTC Topics.

This meeting is open to the public.

NOTICES

DATE: May 15, 1978.

By authority of the Secretary of the Army.

ROME D. SMYTH,
Colonel, U.S. Army, Director,
Administrative Management,
TAGCEN.

(FR Doc. 78-14152 Filed 5-22-78; 8:45 am)

[3710-08]

MILITARY PERSONAL PROPERTY CLAIMS SYMPOSIUM

Open Meeting

Announcement is made of a meeting of the Military Personal Property Claims Symposium. This meeting will be held on 15 June 1978, at Headquarters, Military Traffic Management Command, Nassif Building, Room 716, 5611 Columbia Pike, Falls Church, Va. 22041. The meeting will convene at 0900 hours and adjourn at approximately 1500 hours.

Proposed Agenda: The purpose of the Symposium is to provide an open discussion and free exchange of ideas with the public on mutual problems arising from claims for loss, damage, or destruction of personal property while in transit or storage.

This Symposium will be open to the public to the extent that space limitations of the meeting space permit. Because of these limitations, interested parties are requested to reserve space by contacting the Commander, Military Traffic Management Command, Attn: MT-PPM, Washington, D.C. 20315, telephone 202-756-1808.

All interested persons desiring to submit topics to be discussed should submit them in writing to the address given in the preceding paragraph. Topics to be discussed should be received on or before 8 June 1978.

Date: 12 May, 1978.

DONALD H. MENSCH,
Colonel, GS

Director of Personal Property.

(FR Doc. 78-14300 Filed 5-22-78; 8:45 am)

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

(Report No. 910)

COMMON CARRIER SERVICES INFORMATION

Applications Accepted for Filing

MAY 15, 1978.

The applications listed herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any of these applications, if upon further examination, it is determined they are defective and not in conformance with the Commission's rules and regulations or its policies.

Final action will not be taken on any of these applications earlier than 31

days following the date of this notice, except for radio applications not requiring a 30 day notice period (See Section 309(c) of the Communications Act), applications filed under Part 68, applications filed under Part 63 relative to small projects, or as otherwise noted. Unless specified to the contrary, comments or petitions may be filed concerning radio and Section 214 applications within 30 days of the date of this notice and within 20 days for Part 68 applications.

In order for an application filed under Part 21 of the Commission's rules (Domestic Public Radio Services) to be considered mutually exclusive with any other such application appearing herein, it must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business one business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which the subsequent application is in conflict) as having been accepted for filing. In common carrier radio services other than those listed under Part 21, the cut-off date for filing a mutually exclusive application is the close of business one business day preceding the day on which the previously filed application is designated for hearing. With limited exceptions, an application which is subsequently amended by a major change will be considered as a newly filed application for purposes of the cut-off rule. (See Section 1.227(b)(3) and 21.30(b) of the Commission's Rules.)

FEDERAL COMMUNICATIONS
COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

- 21078-CD-P-78 Metrotec, Inc. (new). C.P. for a new one-way station to operate on 35.58 MHz: Pinal Peak, 7.5 miles southwest of Globe, Ariz.
- 21122-CD-P-78 Rule Radiophone Service, Inc. (new). C.P. for a new two-way station to operate on 152.24 MHz: Ferguson Building, 5th and Cedar Streets, Rawlins, Wyo.
- 21356-CD-P-78 Professional Communications, Inc. (KTS238). C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. No. 5: Glenwood Road, 3.5 miles west of Holland, N.Y.
- 21357-CD-P-78 West Texas Rural Telephone Coop (KUA223). C.P. for additional facilities to operate on 454.450, 454.625 MHz at Loc. No. 2: 9.5 miles north of Hereford on Highway 385, Tex.
- 21358-CD-P-78 Coastal Communications, Inc. (new). C.P. for a new two-way station to operate on 152.12 MHz: Ragged mountain, approximately 4 miles west of Camden, Maine.
- 21359-CD-P-78 Mobilfone Northwest (KOP261). C.P. for additional facilities to operate on 2170.0 MHz (repeater) at Loc.

No. 1: Rattlesnake Ridge, 16.5 miles west-northwest of Richland; 2128.0 MHz (control) at a new site described as Loc. No. 8: 2600 North Commercial Avenue, Pasco, Wash.

21360-CD-P-78 Anser-Quik Enterprises, Inc. (KWU435). C.P. for additional facilities to operate on 158.70 MHz at a new site described as Loc. No. 4: On Highway 70, 2.5 miles east of Trent River Bridge, James City, N.C.

21361-CD-P-78 Bryan F. Mortensen d.b.a. Al-Com Mobile-Fone (KWU368). C.P. to change antenna system operating on 152.12 MHz and additional facilities to operate on 152.18 MHz to be located West McGregor Road, 1.5 miles east of Algona, Iowa.

21362-CD-P-78 Walnut Hill Telephone Co. (KLB682). C.P. to change antenna system and replace transmitter operating on 152.72 MHz; additional facilities to operate on 152.69 MHz to be located corner of Fort and 7th Streets, Lewisville, Ark.

21363-CD-P-78 Mobilfone, Inc. (KIY511). C.P. for additional facilities to operate on 75.96 MHz (control) at Loc. No. 2: 1100 Cleveland Street, Clearwater; 454.250, 72.96 MHz at a new site described as Loc. No. 3: First Financial Towers, North Tampa Street, Tampa, Fla.

21364-CD-P-78 Minnesota Communications Corp. (KSV993). C.P. for additional facilities to operate on 35.58, 43.58, 158.70 MHz at a new site described as Loc. No. 6: Radison South Hotel, 7800 Normandale Boulevard, South Bloomington; 35.58, 43.58, 158.70 MHz at a new site described as Loc. No. 7: Brooklyn Drive and Kyle Avenue, Brooklyn Park, Minn.

21365-CD-P-78 A. W. Clark d.b.a. Hy Desert Radio Telephone (KUS216). C.P. to relocate facilities operating on 152.09 and 459.175 MHz at Loc. No. 1 to be located at Drake Peak, 12 miles northeast of Lakeview; 454.175 MHz (control) at Loc. No. 2 to be located Black Cap Mountain, 2 miles east of Lakeview, Oreg.

21366-CD-P-78 Miami Valley Radiotelephone (KLF577). C.P. for additional facilities to operate on 35.22 MHz at a new site described as Loc. 12: Experiment Farm Road at the city limits, Troy, Ohio.

21367-CD-P-78 The Ohio Bell Telephone Co. (new). C.P. for one-way station to operate on 152.84 MHz at four locations: Loc. No. 1, 1.9 miles west of Zanesville; Loc. No. 2, 1.3 miles east (106°) of Co-shooton; Loc. No. 3, 1.3 miles northeast of Marietta; Loc. No. 4, on Valley View Drive, West adjacent to the Ironton Water Works filtration plant, 0.6 miles north of Ironton, Ohio.

21368-CD-P-78 The Ohio Bell Telephone Co. (KWU264). C.P. for additional facilities to operate on 158.10 MHz at a new site described as Loc. No. 8: Bell Road and northwest corner of State Route 68, 3.7 miles southeast of Xenia, Ohio.

21369-CD-P-78 The Ohio Bell Telephone Co. (new). C.P. for a new one-way station to operate on 152.84 MHz: 429 Wayne Street, Sandusky, Ohio.

21370-CD-P-78 The Ohio Bell Telephone Co. (new). C.P. for a new one-way station to operate on 158.84 MHz at three locations: Loc. No. 1, Wilson Avenue, 2.2 miles south-southwest of Steubenville; Loc. No. 2, Kirkwood Height Road, 1.05 miles south-southwest of Bridgeport, and Loc. No. 3, 49211 Oakmount Avenue, East Liverpool, Ohio.

21371-CD-P-78 Southern Bell Telephone & Telegraph Co. (KIF654). C.P. to

change antenna system and replace transmitter operating on 157.89, 157.95 (test): 81 St. Philip Street, Charleston, S.C.

21372-CD-P-78 Tel-Rad Message Center (new). C.P. for a new one-way station to operate on 152.24 MHz: Shawangunk Mountain, Middletown, N.Y.

21373-CD-P-78 J.M. Blodgett d.b.a. Radio Page Communications (new). C.P. for a new two-way station to operate on 35.34, 35.42, 35.54 MHz: Brighton Towers Apartment, 2834 Atlantic Avenue, Atlantic City, N.J.

21374-CD-P-78 Collins Radio Communication Corp. (new). C.P. for a new two-way station to operate on 454.350 MHz (base), 459.100 MHz (repeater): 6.5 miles north-northwest of Sundance (on Warren Peak), Wyo.

21375-CD-P-78 Collins Radio Communications Corp. (KUO574). C.P. for additional facilities to operate on 454.100 MHz (control), 3 miles east and 0.25 mile north of intersections Wyoming 59 and Highway 16, Gillette at Loc. No. 1: 454.350 MHz (base), 454.100 MHz (repeater) at Loc. No. 2: North Pumpkin Butte, 41 miles south-southwest of Gillette, Wyo.

Collins Radio Communication Corp. (new). C.P. for a new two-way station to operate on 454.200 MHz: 3 miles east and ¼ mile north of Wyoming 59 and 16 intersection, Gillette, Wyo.

21377-CD-P-78 RCC of Virginia, Inc. (KIY394). C.P. for additional facilities to operate on 454.050, 459.050 MHz at Loc. No. 1: John Marshall Hotel, 6th and Franklin Street, Richmond; 454.025, 454.075 MHz at a new site described as Loc. No. 4: Lexington Towers Building, Adams and Franklin Streets, Richmond, Va.

21378-CD-P-78 Airtel International of Philadelphia, Pa., Inc. (KGC223). C.P. for additional facilities to operating on 43.22 MHz at Loc. No. 5: Horseshoe Trail and Country, Phoenixville; 35.22 MHz at a new site described as Loc. No. 12: Mount Clement, Pine Hill, N.J.

21379-CD-P-78 DPRS, Inc. t/a Zip-Call (KCB890). C.P. to relocate facilities operating on 43.38 MHz from Loc. No. 8 to a new site described as Loc. No. 25: 2,000 feet east of Union Street and North of Route No. 6, Yarmouth, Mass.

21380-CD-P-78 George E. Kitchen d.b.a. Total Communications (new). C.P. for a new one-way station to operate on 152.24 MHz: On Route 12, 1.4 miles east of Coldwater, Mich.

21381-CD-P-78 Gulf Central Communications & Electronic, Inc. (KLF621). C.P. to change antenna system and relocate facilities operating on 158.70 MHz at Loc. No. 2 to be located Arcenau Road 0.2 mile east of Louisiana No. 92 and 1.3 miles south of U.S. No. 90, 0.8 mile west of city limits of Lafayette, La.

21382-CD-P-78 Paging, Inc. (KWT884). C.P. to change antenna system operating on 158.70 MHz at Loc. No. 1: Price Mountain, 3.5 miles southwest of Blacksburg, Va.

21384-CD-ML-78 Gulf Mobilphone Alabama, Inc. (KTS205). License to change 454.200 and 454.300 MHz to 454.225 and 454.275 MHz: 1296 First National Bank Building, Mobile, Ala.

21391-CD-TC-78 Terre Haute Communications, Inc. Consent to transfer of control from Certified Communications, Inc., transferor, to Paul D. Jones, transferee. Stations KSB655 and KUS291, Terre Haute, Ind.

21392-CD-TC-78 Certified Communications, Inc. Consent to transfer of Control from Paul D. Jones and O. L. Hale, transferor, to GCS of Missouri, Inc., transferee. Stations: KRS635, KAD925, St. Louis, and KAF240, Clayton, Mo.

21393-CD-P-78 Southern Ohio Communications Services, Inc. (new). C.P. for a new two-way station to operate on 454.300, 454.325 MHz: Jasper Knob, 1 mile southwest of Jasper, Ohio.

21394-CD-P-78 Radiofone of Georgia, Inc. (KSV958). C.P. to change antenna system and replace transmitter operating on 152.24 MHz: Corner Dewey and Wilson Avenue, Albany, Ga.

21395-CD-P-78 Sully Buttes Telephone Cooperative, Inc. (KDS995). C.P. to change antenna system operating on 152.60 and 152.66 MHz: 4 miles east 0.5 mile south of Onida, S. Dak.

21396-CD-AL-78 Robert J. Whitney, d.b.a. Rapid Answering Service. Consent to assignment of license from Robert J. Whitney d.b.a. Rapid Answering Service, assignor, to Rapid Answering Service, Inc., assignee. Stations: KSV900, KDS485, Big Rapids, Mich.

21403-CD-P-78 Southern Ohio Communication Services, Inc. (new). C.P. for a new one-way station to operate on 158.70 MHz: Jasper Knob, 1 mile southwest of Jasper, Ohio.

21404-CD-P-78 Radiofone of Georgia, Inc. (KIR202). C.P. to change antenna system, replace transmitter, and relocate facilities operating on 152.03 from Loc. 1, and 152.12, 152.15, and 152.21 MHz from Loc. No. 2 to a new Loc. No. 1: 400 North Monroe Street, Albany, Ga.

MAJOR AMENDMENT

20745-CD-P-78 Radio Call, Inc. (KSV932). Amend to change the location and antenna height. Previously reported on PN No. 896, dated February 6, 1978. All other particulars to remain the same.

20786-CD-P-78 Digital Paging System, Inc. (new). Amend to change base station frequency to 35.34 MHz at all locations. All other particulars to remain as reported on PN No. 897 dated February 13, 1978.

Renewal of Licenses expiring July 1, 1978.
TERM: July 1, 1978 to July 1, 1983

- General Telephone Co. of Pennsylvania, KGC227, Pennsylvania.
- General Telephone Co. of Pennsylvania, KLF530, Pennsylvania.
- General Telephone Co. of Pennsylvania, KWU386, Pennsylvania.
- General Telephone Co. of Pennsylvania, KGI776, Pennsylvania.
- General Telephone Co. of Pennsylvania, KGI779, Pennsylvania.
- General Telephone Co. of Pennsylvania, KLF501, Pennsylvania.
- General Telephone Co. of Pennsylvania, KTR988, Pennsylvania.
- General Telephone Co. of Pennsylvania, KGI783, Pennsylvania.
- General Telephone Co. of The Midwest, KBM524, Iowa.
- General Telephone Co. of The Midwest, KBM509, Iowa.
- General Telephone Co. of The Midwest, KFL861, Iowa.
- General Telephone Co. of The Midwest, KBM525, Iowa.
- General Telephone Co. of The Midwest, KBM529, Iowa.
- General Telephone Co. of The Midwest, KBM526, Iowa.

- General Telephone Co. of The Midwest, KBM527, Iowa.
- General Telephone Co. of The Midwest, KAK620, Iowa.
- General Telephone Co. of The Midwest, KDT204, Missouri.
- General Telephone Co. of The Midwest, KLF642, Missouri.
- General Telephone Co. of The Midwest, KFL954, Nebraska.
- General Telephone Co. of The Midwest, KQZ729, Nebraska.
- General Telephone Co. of California, KJU806, California.
- General Telephone Co. of California, KLF497, California.
- General Telephone Co. of California, KLF543, California.
- General Telephone Co. of California, KMA609, California.
- General Telephone Co. of California, KMD981, California.
- General Telephone Co. of California, KME440, California.
- General Telephone Co. of California, KMM593, California.
- General Telephone Co. of California, KMM617, California.
- General Telephone Co. of California, KMM618, California.
- General Telephone Co. of California, KMM632, California.
- General Telephone Co. of California, KMM654, California.
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- General Telephone Co. of California, KMM668, California.
- General Telephone Co. of California, KMM687, California.
- General Telephone Co. of California, KMM698, California.
- General Telephone Co. of California, KMM709, California.
- General Telephone Co. of California, KQZ711, California.
- General Telephone Co. of California, KQZ779, California.
- General Telephone Co. of California, KSV982, California.
- General Telephone Co. of California, KSV984, California.
- General Telephone Co. of California, KUH300, California.
- General Telephone Co. of California, KUA303, California.
- General Telephone Co. of California, KUA304, California.
- United Inter-Mountain Telephone Co., KIY784, Tennessee.
- United Inter-Mountain Telephone Co., KWA639, Tennessee.
- United Inter-Mountain Telephone Co., KFL945, Tennessee.
- United Inter-Mountain Telephone Co., KGI275, Tennessee.
- United Telephone Co. of the Carolinas, Inc., KIA 961, South Carolina.
- United Telephone Co. of the Carolinas, Inc., KIY722, North Carolina.
- United Telephone Co. of Indiana, Inc., KSJ618, Indiana.
- United Telephone Co. of Indiana, Inc., KWU209, Indiana.
- United Telephone Co. of Indiana, Inc., KWU210, Indiana.

- United Telephone Co. of Indiana, Inc., KWU218, Indiana.
- Hawaiian Telephone Co., KLF527, Hawaii.
- Hawaiian Telephone Co., KRM978, Hawaii.
- Hawaiian Telephone Co., KUA220, Hawaii.
- Hawaiian Telephone Co., KUA216, Hawaii.
- Hawaiian Telephone Co., KUA221, Hawaii.
- Hawaiian Telephone Co., KUA222, Hawaii.
- Rodeo Telephone, Inc., KWU354, Nebraska.
- Rodeo Telephone, Inc., KWU355, Nebraska.
- The Monon Telephone Co., Inc., KWU237, Indiana.
- The Monon Telephone Co., Inc., KWT980, Indiana.
- Kaplan Telephone Co., KDS374, Louisiana.
- Kaplan Telephone Co., Inc., KWU529, Louisiana.
- Rural Telephone Service Co., Inc., KWT924, Kansas.
- Rural Telephone Service Co., Inc., KWU522, Kansas.
- Rural Telephone Service Co., Inc., KAF641, Kansas.
- Rural Telephone Service Co., Inc., KAK636, Kansas.
- New Jersey Bell Telephone Co., KAA891, New Jersey.
- New Jersey Bell Telephone Co., KEA761, New Jersey.
- New Jersey Bell Telephone Co., KEA767, New Jersey.
- New Jersey Bell Telephone Co., KEA853, New Jersey.
- New Jersey Bell Telephone Co., KEK277, New Jersey.
- New Jersey Bell Telephone Co., KSV936, New Jersey.
- New Jersey Bell Telephone Co., KSW207, New Jersey.
- Elyria Telephone Co., KQK581, Ohio.
- Mid-Carolina Telephone Co., KIY787, North Carolina.
- Mid-Penn Telephone Corp., KGI267, Pennsylvania.
- Mid-Penn Telephone Corp., KLF545, Pennsylvania.
- Midstate Telephone Corp., KGI773, New York.
- Home Telephone Co., KWT872, Indiana.
- Burdett Telephone Co., Inc., KDT214, Kansas.
- East Otter Tail Telephone Co., KWT928, Minnesota.
- Western Iowa Telephone Association, KUS304, Iowa.
- Cumberland Telephone Co., KWU524, Iowa.
- Farmers' Mutual Telephone Co., KBM520, Iowa.
- Woodward Mutual Telephone Co., KWU490, Iowa.
- Gulf Telephone Co., KIB528, Alabama.
- Rock Hill Telephone Co., KIY596, South Carolina.
- Lancaster Telephone Co., KFL940, South Carolina.
- Wood County Telephone Co., KSD680, Wisconsin.
- Midstate Telephone Corp., KEJ892, New York.
- North Florida Telephone Co., KIK577, Florida.
- South Carolina Telephone Corp., KIY762, South Carolina.
- South Carolina Telephone Corp., KIY781, South Carolina.
- Western Reserve Telephone Co., KUC973, Ohio.
- Millington Telephone Co., Inc., KIY442, Tennessee.
- Union Springs Telephone Co., Inc., KBJ889, Alabama.
- Shenandoah Telephone Co., KIY770, Virginia.

Wyoming Telephone Co., Inc., KUS376, Wyoming.
 McDonough Telephone Cooperative, KSJ766, Illinois.
 Northern States Power Co., KLF615, North Dakota.
 Mid-State Telephone Co., KUS374, Minnesota.
 Midway Telephone Co., KSU753, Wisconsin.
 Badger State Telephone Co., KUS329, Wisconsin.
 Bonduel Telephone Co., KUS279, Wisconsin.
 Fennimore Telephone Co., KWT854, Wisconsin.
 Central State Telephone Co., KUS253, Wisconsin.
 Central State Telephone Co., KUS257, Wisconsin.
 Mount Vernon Telephone Co., KUC863, Wisconsin.
 Mount Vernon Telephone Co., KUC854, Wisconsin.
 Dodge County Telephone Co., KWH348, Wisconsin.
 Dodge County Telephone Co., KUS381, Wisconsin.
 Burlington, Brighton & Wheatland Telephone Co., KUO636, Wisconsin.
 Scandinavia Telephone Co., KUS264, Wisconsin.
 Mid-State Telephone Co., KUC940, Minnesota.
 North Central Telephone Cooperative, Inc., KWA656, Tennessee.
 Interstate Telephone Co., KIQ512, Alabama.
 Plant Telephone & Power Co., Inc., KRS711, Georgia.
 Plant Telephone & Power Co., Inc., KIY398, Georgia.
 Mountain Home Telephone Co., Inc., KLB773, Arkansas.
 La Crosse Telephone Corp., KRS631, Wisconsin.
 La Crosse Telephone Corp., KSJ806, Wisconsin.
 Evergreen Telephone Co., KOP247, Washington.
 Evergreen Telephone Co., KOP248, Washington.
 Home Telephone Co., KLF624, Mississippi.
 Clara City Telephone Exchange Co., KFL948, Minnesota.
 Clear Lake Independent Telephone Co., KFL913, Iowa.
 Churchill County Telephone & Telegraph System, KOP264, Nevada.
 Clarks Telephone Co., KSW208, Nebraska.
 Citizens Utilities Co. of California, KUD224, California.
 Citizens Utilities Co. of California, KMM707, California.
 Citizens Utilities Co. of California, KMM708, California.
 Citizens Utilities Co. of California, KRS654, California.
 Citizens Utilities Co. of California, KSV892, California.
 Citizens Utilities Co. of California, KSV912, California.
 Citizens Telephone Co., Inc., KAF257, Georgia.
 The Chillicothe Telephone Co., KQK709, Ohio.
 Chariton Valley Telephone Corp., KDT220, Missouri.
 Central Telephone Co., KPFJ882, North Carolina.
 Central Telephone Co., KIB386, North Carolina.
 Central Telephone Co., KFL926, North Carolina.

Central Telephone Co., KIY598, North Carolina.
 Central Telephone Co., KRM956, North Carolina.
 Central Telephone Co., KIY735, North Carolina.
 Colton Telephone Co., KOK339, Oregon.
 Farmers Telephone Cooperative, Inc., KIJ355, South Carolina.
 Farmers Telephone Cooperative, Inc., KIY582, South Carolina.
 Farmers Telephone Cooperative, Inc., KIY756, South Carolina.
 North-West Telephone Co., KSJ614, Wisconsin.
 North-West Telephone Co., KSJ751, Wisconsin.
 North-West Telephone Co., KSJ752, Wisconsin.
 Norman County Telephone Co., Inc., KWT997, Minnesota.
 Norman County Telephone Co., Inc., KTS251, Minnesota.
 The Conestoga Telephone & Telegraph Co., KUS323, Pennsylvania.
 The Conestoga Telephone & Telegraph Co., KGI769, Pennsylvania.
 The Conestoga Telephone & Telegraph Co., KGI771, Pennsylvania.
 The Conestoga Telephone & Telegraph Co., KWT850, Pennsylvania.
 DeKalb Telephone Cooperative, Inc., KIY411, Tennessee.
 Delcambre Telephone Co., Inc., KKQ968, Louisiana.
 Dunkirk and Fredonia Telephone Co., KUC923, New York.
 Eagle Valley Telephone Co., KDT221, Colorado.
 Ellensburg Telephone Co., KON907, Washington.
 Evans Telephone Co., KMM961, California.
 East Ascension Telephone Co., Inc., KKT569, Louisiana.
 Filer Mutual Telephone Co., KLF466, Idaho.
 Fidelity Telephone Co., KDN401, Missouri.
 Foresthill Telephone Co., KMM619, California.
 Fort Bend Telephone Co., KLB615, Texas.
 Halstad Telephone Co., KAI932, Minnesota.
 Ganado Telephone Co., Inc., KLB600, Texas.
 Coleman County Telephone Cooperative, Inc., KLB318, Texas.
 Coastal Utilities, Inc., KIY723, Georgia.
 Coastal Utilities, Inc., KWH320, Georgia.
 Lafourche Telephone Co., Inc., KKM250, Louisiana.
 Lafourche Telephone Co., Inc., KQZ731, Louisiana.
 Lewisport Telephone Co., Inc., KFL874, Kentucky.
 The Lincoln County Telephone Systems, Inc., KWT859, Nevada.
 Mashell Telephone Co., Inc., KRS638, Washington.
 Mid-Missouri Telephone Co., KFL925, Missouri.
 The Murraysville Telephone Co., KGH869, Pennsylvania.
 Monroeville Telephone Co., Inc., KGI279, Alabama.
 Headwaters Telephone Co., KSD681, Wisconsin.
 Nocona Telephone Co., KLB696, Texas.
 Ilwaco Telephone Co., KSV897, Washington.
 Eastern Oregon Telephone Co., KFL944, Oregon.
 Clifton Forge-Waynesboro Telephone Co., KQZ730, Virginia.
 Clifton Forge-Waynesboro Telephone Co., KUS249, Virginia.

Kerrville Telephone Co., KPFJ892, Texas.
 Kerman Telephone Co., KME434, California.
 Jefferson Telephone Co., KAA691, Iowa.
 Inland Telephone Co., KUC955, Washington.
 Hardin County Telephone Co., KUC984, Illinois.
 Hillsborough and Montgomery Telephone Co., KEJ890, New Jersey.
 Haviland Telephone Co., Inc., KAQ634, Kansas.
 Haviland Telephone Co., Inc., KAQ646, Kansas.
 Garden Valley Telephone Co., KFL866, Minnesota.
 Garden Valley Telephone Co., KGI280, Minnesota.
 Eastern Illinois Telephone Corp., KWU440, Illinois.
 Eastern Illinois Telephone Corp., KSC869, Illinois.
 Harrisonville Telephone Co., KRH641, Illinois.
 Harrisonville Telephone Co., KSJ819, Illinois.
 The Tri-County Telephone Association, Inc., KUC913, Kansas.
 Public Service Telephone Co., KWU537, Georgia.
 Public Service Telephone Co., KPFJ884, Georgia.
 Rhinelander Telephone Co., KLF637, Wisconsin.
 The Plain Dealing Telephone Co., Inc., KLB567, Louisiana.
 Northwestern Telephone Co., KSJ814, Illinois.
 Northwestern Telephone Co., KWT858, Illinois.
 Sunflower Telephone Co., Inc., KAQ651, Kansas.
 Sunflower Telephone Co., Inc., KAQ652, Kansas.
 Sunflower Telephone Co., Inc., KAQ653, Kansas.
 Grand River Mutual Telephone Corp., KAH668, Missouri.
 Grand River Mutual Telephone Corp., KBM517, Missouri.
 Grand River Mutual Telephone Corp., KBM518, Missouri.
 Grand River Mutual Telephone Corp., KBM519, Iowa.
 Mid-Michigan Telephone Corp., KQK774, Michigan.
 Mid-Michigan Telephone Corp., KQK780, Michigan.
 Sleepy Eye Telephone Co., KWT913, Minnesota.
 Sioux Valley Telephone Co., KWU283, South Dakota.
 Rossville Telephone Co., KSJ802, Illinois.
 San Marcos Telephone Co., Inc., KLB717, Texas.
 E. Ritter Telephone Co., KKT404, Arkansas.
 Red River Rural Telephone Association, KUS301, North Dakota.
 Redfield Telephone Co., Inc., KLB515, Arkansas.
 Prairie Grove Telephone Co., KLB622, Arkansas.
 Pond Branch Telephone Co., Inc., KRH677, South Carolina.
 Platteville Telephone Co., KSJ826, Wisconsin.
 Pioneer Telephone Cooperative, KOK340, Oregon.
 Penasco Valley Telephone Cooperative, Inc., KEK282, New Mexico.
 Orwell Telephone Co., KLF475, Ohio.
 Oregon Telephone Corp., KOK332, Oregon.

United Telephone Association, Inc., KDT217, Kansas.
 Johnson Telephone Co., KSW206, Minnesota.
 The Marne & Elk Horn Telephone Co., KWT847, Iowa.
 Mutual Telephone Co., KUC901, Iowa.
 Sweeny-Old Ocean Telephone Co., KLB574, Texas.
 Midwest Telephone Co., Inc., KWU367, Indiana.
 Midwest Telephone Co., Inc., KSJ613, Indiana.
 Midwest Telephone Co., Inc., KSJ825, Indiana.
 Northeast Louisiana Telephone Co., Inc., KLF511, Louisiana.
 Northeast Louisiana Telephone Co., Inc., KUS357, Louisiana.
 Northwestern Indiana Telephone Co., Inc., KSJ622, Indiana.
 North Pittsburgh Telephone Co., KGH862, Pennsylvania.
 Northern Iowa Telephone Co., KWT871, Iowa.
 The North-Eastern Pennsylvania Telephone Co., KGH856, Pennsylvania.
 Nevada Telephone-Telegraph Co., KQZ763, Nevada.
 Monroe County Telephone Co., KSJ754, Wisconsin.
 Rochester Telephone Co., Inc., KSJ623, Indiana.
 Graceba Telephone Co., KWH342, Alabama.
 Ringgold Telephone Co., KIY759, Georgia.
 Lorain Telephone Co., KQA649, Ohio.
 Mankato Citizens Telephone Co., KAF247, Minnesota.
 The Northeastern Telephone Co., KSV930, Nebraska.
 Urban Telephone Corp., KSJ805, Wisconsin.
 General Telephone Co. of the Southeast, KSV945, Alabama.
 General Telephone Co. of the Southeast, KSW212, Alabama.
 General Telephone Co. of the Southeast, KRS713, Tennessee.
 General Telephone Co. of the Southeast, KSV896, Tennessee.
 General Telephone Co. of the Southeast, KIY396, Georgia.
 General Telephone Co. of the Southeast, KEK299, Georgia.
 General Telephone Co. of the Southeast, KRH662, North Carolina.
 General Telephone Co. of the Southeast, KQZ706, North Carolina.

RURAL RADIO SERVICE
 60239-CR-P-78 J. M. Blodgett d.b.a. Radio Page Communications (new). C.P. for a new Rural Subscriber station to operate on 43.34, 43.42, 43.54 MHz to be located at any temporary fixed location within the territory of the grantee.

POINT TO POINT MICROWAVE RADIO SERVICE
 NY-2149-CF-P-78 Eastern Microwave, Inc. (KFN 21). NYC-GWB, 15 Columbus Circle, New York, N.Y. (Lat. 40° 46' 09" N., Long. 73° 58' 55" W.): Construction permit to add 6212.0H MHz toward Yonkers, N.Y.
 OH-2000-CF-P-78 Tower Communication Systems Corp. (WCT 906). Columbus ATC, 1 mile northwest of Alum Creek Road and Refugee Road, Columbus, Ohio (Lat. 39° 55' 42" N., Long. 82° 58' 11" W.): Construction permit to add 11625.0V, 11305.0V, and 11545.0V MHz toward Columbus KBLE, via power split and 11225.0V and 11465.0V MHz toward same point, on azimuth 326.8° and to correct coordinates.

MI-2201-CF-MP-78 American Microwave & Communications, Inc. (KYO 48). 2.0 mile southeast of Perrinton, Mich. (Lat. 43° 09' 36" N., Long. 84° 39' 14" W.): Construction permit to add 6345.5V MHz toward Greenville, Mich., via power split.
 NH-2207-CF-MP-78 Yankee Microwave (KYZ 85). Mt. Washington, Mt. Washington Summit, Sargents Purchase, N.H. (Lat. 44° 16' 13" N., Long. 71° 18' 13" W.): Construction permit to add 5960.0V MHz toward Mt. Mansfield, Vt., via power split and to add 6078.6V MHz toward same point on azimuth 283.8° and to replace transmitter(s) toward existing points of communication.
 VT-2208-CF-P-78 Yankee Microwave (new). Mt. Mansfield, Stowe, Vt. (Lat. 44° 31' 36" N., Long. 72° 48' 57" W.): Construction permit for new station—6197.2H and 6256.2H MHz toward Barre, Vt., on azimuth 142.6°.
 CA-2237-CF-P/ML-78 The Pacific Telephone & Telegraph Co. (KMB 68). Mt. Wilson, Video Road, Mount Wilson, Calif. (Lat. 34° 13' 34" N., Long. 118° 03' 58" W.): Construction permit and modification of license to add 10735.0H MHz toward Glendale TV, Calif., on azimuth 250.2°.
 CO-2250-CF-P-78 Mountain Microwave Corp. (KBI 22). Almagre Mt., 8 miles west of Broadmoor, Colo. (Lat. 38° 46' 21" N., Long. 104° 59' 32" W.): Construction permit to add 6137.9V and 6187.6H MHz toward Brookside, Colo., on azimuth 203.3°.
 DTF-2251-CF-R-78 Hawaiian Telephone Co. (KUQ 93). Temporary fixed-developmental, Application for renewal of radio station license.
 DFX-2280-CF-R-78 General Telephone Co. of Florida (WHU 40). Fixed developmental within the territory of the grantee. Application for renewal of radio station license.
 WA-2311-CF-P-78 American Television & Communications Corp. (WBO 60). 1611 18th Street, Seattle, Wash. (Lat. 47° 36' 57" N., Long. 122° 18' 27" W.): Construction permit to add 6004.5V MHz toward Squak Mountain, Wash., on azimuth 121.9°.
 MO-2177-CF-P-78 Southwestern Bell Telephone Co. (KZI35). St. Louis 2, 2651 Olive Street, St. Louis (St. Louis City), Mo. Lat. 38° 38' 01" N., Long. 90° 12' 55" W. C.P. to add frequency 6286.2H MHz, add receive antennas on frequency 6390V MHz, and move and replace antennas on frequency 11665V toward Alton, Mo.
 NE-2189-CF-P-78 American Telephone & Telegraph Co. (KAC58). 4.8 miles northwest of North Bend (Dodge), N.J. Lat. 41° 31' 24" N., Long. 96° 50' 55" W. C.P. to add frequency 4170V MHz toward Arlington, Nebr.
 NE-2190-CF-P-78 Same (KAC59). 2.9 miles southeast of Arlington (Washington), Nebr. Lat. 41° 25' 32" N., Long. 96° 18' 36" W. C.P. to add frequency 4130H MHz toward Omaha, Nebr.
 IA-2190-CF-P-78 Same (KAS44). 5 miles west southwest of Hampton (Franklin), Iowa, Lat. 42° 42' 55" N., Long. 93° 17' 27" W. C.P. to change polarization from H to V on frequencies 3710, 3790, 3870, 3950, 4030, and 4110 MHz toward Radcliff, Iowa.
 IA-2192-CF-P-78 Same (KAS43). 1 mile south southeast of Radcliff (Hardin), Iowa, Lat. 42° 18' 06" N., Long. 93° 25' 22" W. C.P. to change polarization from H to V on frequencies 3750, 3830, 3910, 3990,

MN-2223-CF-P-78 Northwestern Bell Telephone Co. (KBL83). North Rochester, 5 miles north-northeast of Rochester (Olmsted), Minn. Lat. 44°05'34" N., Long. 92°29'04" W. C.P. to add frequency 5945.2V MHz, replace transmitters and receive antennas on frequency 6063.8V MHz, replace receive antennas on frequency 6004.5V, 6123.1V MHz toward Hader, Minn.; add frequencies 11325H and 11485H MHz toward Rochester, Minn.

MN-2224-CF-P-78 Northwestern Bell Telephone Co. (KVU57). 200 Second Avenue SW., Rochester (Olmsted), Minn. Lat. 44°01'19" N., Long. 92°27'54" W. C.P. to add frequencies 11155V, 10835V MHz and change polarization from H to V on frequency 11075 MHz toward North Rochester.

KS-2225-CF-P-78 Southern Bell Telephone Co. (KAD26). Topeka Junction, third and Oakley, Topeka (Shawnee), Kan. Lat. 39°03'46" N., Long. 95°42'56" W. C.P. to add frequencies 6034.2V, 6152.8V, and 5974.8V MHz toward Oskaloosa, Kans.

KS-2226-CF-P-78 Same (KAD25). 4 miles south of Oskaloosa (Jefferson), Kans. Lat. 39°09'31" N., Long. 95°19'33" W. C.P. to add frequencies 6286.2H, 6404.8H, and 6226.9H MHz toward Topeka Junction, Kans., add a new point of communication on frequencies 6286.2V, 6404.8V, 6256.5H, 6375.2H MHz on azimuth 060.6°, Leavenworth, Kans., and 6286.2H, 6345.5H, 6404.8H, 6226.9H MHz on azimuth 159.6° toward Lawrence, Kans., also increase structure height.

KS-2227-CF-P-78 Same (new). 2.7 miles west of Leavenworth (Leavenworth), Kans. Lat. 39°19'01" N., Long. 94°57'46" W. C.P. for a new station on frequencies 6034.2H, 6152.8H, 6004.5V, and 6123.1V MHz on azimuth 240.8° toward Oskaloosa, Kans., 11055V, 10895V, MHz on azimuth 280.0° toward Easton, Kans., 6034.2V, 6093.5V, 6152.8V, 6004.5H, and 5974.8V MHz on azimuth 126.3° toward Kansas City, Kans.

MO-2228-CF-P-78 Same (KAC96). Kansas City Toll, 1425 Oak Street, Kansas City, (Jackson), Mo. Lat. 39°05'47" N., Long. 94°34'41" W. C.P. to increase structure height, decrease power and add a new point of communication on frequencies 6286.2H, 6345.5H, 6404.8H, 6256.5V, and 6226.9H MHz on azimuth 306.5° toward Leavenworth, Mo.

KS-2229-CF-P-78 Same (new). 714 Vermont, Lawrence (Douglas), Kans. Lat. 38°58'14" N., Long. 95°14'11" W. C.P. for a new station on frequencies 6034.2V, 6093.5V, 6152.8V, and 5974.8V MHz on azimuth 339.7° toward Oskaloosa, Kans.

KS-2230-CF-P-78 Same (new). 0.55 miles southwestern of Easton (Leavenworth), Kans. Lat. 39°20'20" N., Long. 95°07'28" W. C.P. for a new station on frequencies 11265V, 11585V, MHz on azimuth 099.9° toward Leavenworth, Kans., and 11265V, 11585V MHz on azimuth 003.0° toward Atchison, Kans.

KS-2231-CF-P-78 Same (new). 2 miles south of Atchison (Atchison), Kans. Lat. 39°30'57" N., Long. 95°06'45" W. C.P. for a new station on frequencies 11055V and 10895V MHz on azimuth 183.0° toward Easton, Kans.

PA-2277-CF-P-78 Bell Telephone Co. of Pennsylvania (WCG251). Rockview, 1.7 miles south-southwest of Pleasant Gap (Centre), Pa. Lat. 40°50'42" N., Long. 77°44'55" W. C.P. to move and replace antennas on frequencies 10795H, 11115H

MHz toward State College, Pa., and 5974.8H MHz toward Thick Mountain, Pa. AR-2247-CF-P-78 Southwestern Bell Telephone Co. (WQP87). SO end of Kenilworth Avenue, Fayetteville (Washington), Ark. Lat. 36°04'17" N., Long. 94°08'25" W. C.P. to add a new point of communication on frequency 6034.2H MHz on azimuth 002.9° toward Rogers, Ark.

AR-2248-CF-P-78 Same (new). 700 West Walnut, Rogers (Benton), Ark. Lat. 36°19'58" N., Long. 94°07'27" W. C.P. for a new station on frequency 6286.2V MHz on azimuth 182.9° toward Fayetteville, Ark.

AR-2255-CF-P-78 Mountain Home Telephone Co. (new). 0.1 mile northwest of Mountain Home, (Baxter) Ark. Lat. 36°20'55" N., Long. 92°24'02" W. C.P. for a new station on frequency 6004.5H MHz on azimuth 251.7° toward Summit, Ark.

(FR Doc. 78-14132 Filed 5-22-78; 8:45 am)

[6730-01]

FEDERAL MARITIME COMMISSION

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., Chicago, Ill., and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 2, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 10038-3.
Filing Party: Mr. John D. Straton, Jr., Director—Rates and Conferences, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

Summary: Agreement No. 10038-3, between Empresa Lineas Maritimas Argentinas S.A. and Moore-McCormack Lines, Inc.,

modifies the basic cargo revenue pooling, sailing and equal access agreement in the United States-Argentina trades by incorporating therein provisions for the admission of additional U.S. flag or Argentine flag carriers, and extending the basic agreement, so modified, through August 31, 1978.

By Order of the Federal Maritime Commission.

Dated: May 17, 1978.

FRANCIS C. HURNEY,
Secretary.

(FR Doc. 78-14333 Filed 5-22-78; 8:45 am)

[6730-01]

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., Chicago, Ill., and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 12, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No.: 50-35.
Filing Party: F. Conger Fawcett, Esquire, Graham & James, One Maritime Plaza, San Francisco, Calif. 94111.

Summary: Agreement No. 50-35, entered into among the member lines of the Pacific Coast-Australasian Tariff Bureau, would amend proposed new Article VII by inserting in the caption of said Article the words "and Tonnage" and by inserting in the text of said Article the following sentence to appear as the second sentence of said Article:

"The parties may also from time to time discuss and, by the same vote, agree upon

and implement reductions in numbers of vessels and/or tonnage to be provided by one or more of the parties."

Notice is also hereby given that a pre-effective amendment has been filed to Agreement No. 50-34 to delete therefrom (a) the words "and Tonnage" in the caption of proposed Article VII and (b) the second sentence thereof now being added to Article VII under Agreement No. 50-35. Notice of Agreement No. 50-34 appeared in the FEDERAL REGISTER of March 6, 1978, in Volume 43, No. 44, at Page 9204.

Agreement No.: T-3648.
Filing Party: Mr. David A. Schaller, Manager, Administration, Port Everglades Authority, P.O. Box 13136, Port Everglades, Fla. 33316.

Summary: Agreement No. T-3648, between Port Everglades Authority (Authority) and Seatrain Lines, Inc. (Seatrain), provides for the one-year lease of approximately one acre of land to be used in connection with the handling of containers. As compensation, Seatrain will pay \$596.10 per month, as land rent, plus applicable taxes, utility charges and tariff charges. Thirty days after Authority has received combined revenues of \$12,249.30 (based on \$4,500 for revenues from dockage and wharfage plus the annual land rent and one month's rent) and for each succeeding month, Authority will refund to Seatrain that month's land rent. In the event combined revenues exceed \$18,806.40, Authority will refund all land rent paid during the lease year not previously refunded. Seatrain has the option to lease additional land adjoining the above premises.

By Order of the Federal Maritime Commission.

Dated: May 17, 1978.

FRANCIS C. HURNEY,
Secretary.

(FR Doc. 78-14334 Filed 5-22-78; 8:45 am)

[6730-01]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to part 542 of title 46 CFR and section 311 (p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01011	Aktieselskabet det Ostasiatiske Kompagni: Sinaloa.
01105	Tschudi & Eltzen: Teo 336-1.
01118	Hvalfangerselskabet Polaris A/S: Polaris.
01254	Aktieselskabet Havnor: Havmann.
01465	Scottish Ship Management Ltd: Cape Howe.
01466	Common Bros. (Management) Ltd: Hindustan.
01951	Astromandato Cia Naviera S.A.: Topaz.
01986	Aktiebolaget Transmarin: Inga, Marianne.
02156	Lorentzens Skibs A/S: Sally Stove.
02831	Endasa Shipping Co. Ltd.: Lasinda, Lissa.

Certificate No.	Owner/operator and vessels
02854	North Pacific Steamship Co.: Pacsun.
02877	Nippon Yusen K.K.: Tsuruga Maru.
02889	Showa Kaun K.K.: Yusho Maru.
02942	Seereederei Frigga Aktiengesellschaft: Baldur.
02955	Saronis Shipping Co. Ltd.: Saronis.
02956	Ashland Oil Inc.: St. Louis Zephyr.
02976	Arthur-Smith Corp.: J & S 4000.
03137	Cunard Steam-Ship Co. Ltd.: Lucellum, Mahout.
03214	Saleninvest AB: Ariel.
03216	Salenrederierna AB: Adriatic Wasa.
03231	Priam Compania Naviera S.A. Of Panama: North Lord.
03271	Sea Land Service, Inc.: SL-181, Elizabethport.
03294	Companhia de Navegacao Lloyd Brasileiro: Guarujá.
03365	Compania de Navegacion Puertanueva S.A.: Booker Voyager.
03389	Shell Tankers, B.V.: Kellelia.
03315	Afran Transport Co.: Coral Sea.
03553	Skibs-A/S Nanset: Iver Swift.
03586	Skibsskipselskabet Aino, Skibsskipselskabet Viator, Skibsskipselskabet Viva: Viva.
03733	Great Lakes Dredge & Dock Co.: Duplex.
03883	Ohio Barge Line Inc.: Barge Steel Rover, Barge OBL 1006, Steel Patriot, Steel Explorer, Steel Pioneer, Steel Clipper, Steel Trader, Steel Express, Steel Ranger, OBL 1016, OBL 1015, OBL 1013, OBL 1014, OBL 1012, OBL 1011, OBL 1010, A1, A2, 900, OBL 901, OBL 902, OBL 903, OBL 904, OBL 905, OBL 906, OBL 907, OBL 908, OBL 909, OBL 910, OBL 911, OBL 912, OBL 913, OBL 914, OBL 915, OBL 1004, OBL 916, OBL 917, OBL 918, OBL 919, OBL 920, OBL 921, OBL 922, OBL 923, OBL 924, OBL 925, OBL 926, OBL 927, OBL 928, OBL 1001, OBL 1002, OBL 1003, Barge OBL 1005, Barge OBL 1007, Barge OBL 1008, OBL 1009.

04357	Nedlloyd Lijnen B.V.: Nedlloyd Lelykerk.
04386	Maritime Co. of the Philippines: Mindanao.
05046	Magnolia Marine Transport Co.: MM-101.
05281	Slade Inc.: S-1511, HTCO. No.50.
06077	Shinwa Shosen Kaisha Ltd.: Shinwa Maru.
06282	Avondale Shipyards, Inc.: Ito 3378, No. 5.
06510	Compagnie Nationale Algerienne de Navigation C.N.A.N.: Wahan.
06949	Mickle B. Jones: Yo 140.
06952	Far East Shipping Co., Ltd.: Silver Cardinal.
07404	Hanseatic Shipmanagement Ltd.: Cosmopolit.
07623	Dillingham Tug & Barge Corp.: DTB-10, DTB-9.
07623	Hawaiian Tug & Barge Co. Ltd.: DTB-40.
07661	Partrederiet For MS Montmorency: Montmorency.
07834	Ebro Trading Co., Inc.: Cape Blanco.
08175	Gunther Schulz Schullauer Schiffahrtskontor: Stockhorn, Seeland, Oeland.
08221	Aethra Shipping Co., Inc.: Aethra.
08786	Ore International Corp.: Lisa.
09002	Commercial Transport Corp.: J.A.R. 1.
09169	Zapata Ocean Resources, Inc.: Jacqueline A.
09197	Archipelago Marine Ltd.: Thera.
09279	Transmarittima Sarda Italmavi Flotte Riunite S.P.A.: Bordighera, Tito Campanella.
09855	K/S Bewa Xi: Lita Bewa.
09890	Surenese Navigation S.A.: Atlantic Trader.
10120	Sameiel Skaugen—Offshore Supply Ships: Skautop.
10136	Oriental Armonia Vapor S.A.: Bela Rozo, Bela Nickerie.
10559	Bardal Shipping Co. S.A.: Alekos K.
10883	Amari Navigation Co. Ltd.: Amari.
10910	Naviera Peninsular S.A.: Azuero Dos.
11136	Sovereign Navigation Corp. Ltd.: Rowena.

Certificate No.	Owner/operator and vessels
11927	Sorysin Compania Naviera S.A.: Costis.
11943	Nazca Marine Corp. of Panama: M. Alex-and.
12041	Uiterwyk Corp.: Maria U.
12094	Dae Wang Fisheries Co. Ltd: No. 12 Dae Wang.
12214	Panama Plywood Corp.: El Ganso de Oro.
12217	Canadian National Railway Co.: Marine Cruiser.
12118	Adonis Shipping Corp.: Golden Crane.
12373	Inger Oil Corp., Inc.: IRS 103, IRS 102.
12288	Tsubata Sangyo K.K.: Takusei Maru No. 33.
12312	Paros Trade & Transport, Ltd.: Paros Trader.
12337	Patea Shipping Ltd.: South Star.
12352	Jovial Shipping Corp., Liberia: Pacific Glory, Hudson Bay, Pacific Pride, Oriental Merchant.
12374	Bayard Line (Maldives) Ltd.: Yuuta Maru.
12395	Pan World Shipping Co., S.A.: Fidelity.
12426	Anesis Shipping Co. S.A.: Rio Doro.
12463	Oyang Fisheries Co. Ltd.: Oyang No. 81, Oyang No. 88, Oyang No. 70, Oyang No. 8, No. 37 Oyang.
12805	Compagnie Generale d'Armements Maritimes: Saint Tropez.
12810	Schulauer Schiffcharter GmbH & Co. KG: Dalsland.
12824	Trotter Towing Corp.: Del Rio.
12925	Eastern Tanker Corp.: Sanko Gerd.
12962	Radiant Navigation Co., Ltd. S.A.: Bungaloon.
12999	Silverdeed Shipping Ltd.: Silveraron.
13030	Societe Italo Congolaise d'Armement et Pêche: Loango.
13075	Rolaco Trading & Contracting Abdul Aziz al-Abdulla al-Suleiman & Co.: Dima.
13264	Glory Maritime Corp.: Blue Orion.
13275	Dafra Shipping, Inc.: Amerika.
13750	Aspera Compania Naviera S.A.: Fay C.
13778	Kommanditselskabet Scandinavian Partnerships II: Danstar.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

(FR Doc. 78-14336 Filed 5-22-78; 8:45 am)

[6730-01]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below indicated vessels, pursuant to Part 542 of Title 46 CFR and section 311(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/operator and vessels
01011	Aktieselskabet Det Ostasiatiske Kompagni: Sarpoodha.
01152	Neptune Maritime Co. of Monrovia: Aeolus.
01185	Aksjeselskabet Kosmos: Janora.
01201	K/S A/S Lysfjell & Co.: Bjorheim.
01224	A/S Inger: Elin Horn.
01330	Shell Tankers (U.K.) Ltd.: Arlanta, Arina.
01337	Marlin Management Trust (Reg.) Vaduz (Lichtenstein): Jurko Topic.
01340	Compagnie Auxiliaire de Navigation: Guenola.
01432	David Shipping Inc.: G. M. Livanos.
01544	Eso Societe Anonyme Francalse: Eso Bourgogne.

Certificate No.	Owner/operator and vessels
01585	Sea Transport Corp.: <i>Eagle Traveler</i> .
01641	The Bank Line Ltd.: <i>Inverbank</i> .
01913	Compagnie Fabre/Societe Generale de Transports Maritimes: <i>Tarpon, Orque, Narval</i> .
01988	Aktiebolaget Transmarin: <i>Verna, Martina, Wilhelmina</i> .
01995	Rederi AB Disa: <i>Pacific Wasa</i> .
02013	Granges AB: <i>FFM Vassijaure</i> .
02308	I/S Sirenes: <i>Fridtjof Nansen</i> .
02416	Boland & Cornelius Inc.: <i>Buffalo</i> .
02453	The Turnbull Scott Shipping Co. Ltd.: <i>Waynepat</i> .
02472	Texasgulf Inc.: <i>Atlantic Sulphur No. 1</i> .
02506	The Sheaf Steam Shipping Co. Ltd.: <i>Sheaf Tyne</i> .
02526	Vespuccio Compania Armadora S.A.: <i>Holy Trinity</i> .
02527	Astromarine Corp.: <i>Mount Athos</i> .
02528	Marifel Compania Naviera S.A.: <i>Holy Cross</i> .
02775	Antillana Delmar S.A.: <i>Santa Katerina</i> .
02908	Booker Merchantmen Ltd.: <i>Booker Venture</i> .
02976	Arthur-Smith Corp.: <i>LRL 111</i> .
03212	Amoco Shipping Co.: <i>Amoco New York</i> .
03222	Rederiet for M/S Antelope: <i>Antelope</i> .
03282	Matheson & Co., Ltd.: <i>Cairnmore</i> .
03315	Afran Transport Co.: <i>Java Sea</i> .
03417	Dalen Reizo K.K.: <i>Dalen Maru No. 18</i> .
03516	Toko Kaiun K.K.: <i>Toho Maru</i> .
03653	Trader Shipping Corp., Liberia: <i>Uranus</i> .
03680	Murphy Pacific Marine Salvage Co.: <i>Cable, Curb, Gear, Rescue</i> .
03893	Skaarup Shipping Corp.: <i>Colon Brown</i> .
04004	Koninklijke Java-China-Paketsvaart Lijnen N.V.: <i>Straat Tova</i> .
04006	National Steel Corp. Steamship Division: <i>Ernest T. Weir</i> .
04020	Skips A/S Agnes: <i>Ronastar</i> .
04070	Prota Oceanic Brasileira S.A.: <i>Prota-venta</i> .
04387	Seatankers Inc.: <i>Universe Patriot</i> .
04396	Oyppum Carrier, Inc.: <i>Harry Lundeborg, Pacific Carrier</i> .
04519	Kabushiki Kaisha Iijima Gyogyosho: <i>Iijimamaru No. 5</i> .
05046	Magnolia Marine Transport Co.: <i>MM-102</i> .
05209	Apostolos Andreas Shipping Co., Ltd.: <i>Af-tadelos</i> .
05210	Protoapostolos Shipping Co., Ltd.: <i>Protoapostolos</i> .
05307	Nauru Local Government Council Shipping Agency: <i>Cenpac Rounder, Kolle D, Tyrphena</i> .
05469	Santaroza Navigation Co., Ltd.: <i>Alexandra</i> .
05537	Empresa Navegacion Mambisa: <i>Conrado Benitez, 30 de Noviembre, Jose Antonio Echeverria, Luis Arcos Bergnes</i> .
05607	Hannah Inland Waterways Corp.: <i>Hannah 2001, Hannah 2003</i> .
06059	Vroullidia Maritime Corp. S.A. Panama: <i>Marcos M.F.</i>
06165	Soponata-Sociedade Portuguesa de Navios Tanques, Limitada: <i>Fogo</i> .
06176	Melisitta Compania Naviera S.A.: <i>Melisitta</i> .
06195	Cameron Navigation Corp. Ltd.: <i>Linda</i> .
06282	Avondale Shipyards, Inc.: <i>ST 3</i> .
06429	Ta Cheng Marine Co. Ltd.: <i>Great Victory</i> .
06435	Dampskibsselskabet den Norske Afrika-og Australielinie, Wilhelmsens Dampskibsselskabet, A/S Tansberg, A/S Tankfart I, A/S Tankfart IV, A/S Tankfart V, A/S Tankfart VI: <i>Tarn, Tonsberg</i> .
06449	A/S Dione: <i>Diskos</i> .
06473	Rakennustölmistö Jussi Ketola: <i>Finn Builder</i> .
06478	Korea Marine Industry Development Corp.: <i>Sea Dragon, Sea Dragon II, No. 302 Soogong, Tae Yang No. 15, Blue Fin II</i> .
06500	Austin Navigation Corp., Ltd.: <i>Norma</i> .
06505	Astir Navigation Co., Ltd.: <i>Anson</i> .
06514	Miradero Fishing Co., Inc.: <i>Enterprise</i> .
06578	Van Nievelt, Goudriaan & Co. B.V.: <i>Alcorab</i> .
06709	Ahjin Haewoon Jushik Hoosa: <i>Hanjin, Yongjin</i> .

Certificate No.	Owner/operator and vessels
06797	Partenreedererel M/S Lotte Reith: <i>Lotte Reith</i> .
07172	Astrovista Armadora S.A., Panama: <i>Joanna</i> .
07188	Maritime Reefer Service, Inc.: <i>Sol Reefer</i> .
07205	Mist Corp.: <i>American Mist</i> .
07282	I.S. Joseph Shipping Co. (Liberia) Ltd.: <i>Anna K.</i>
07411	Arco Compania Naviera S.A.: <i>Provimi Star</i> .
07415	Navegantes Universal S.A.: <i>Courageous Colocotronis</i> .
07553	Skitones Enterprises, Ltd.: <i>Glorys Math-eos</i> .
07607	Takebayashi Kisen Co. Ltd.: <i>Choyo Maru</i> .
07616	I Al. I Industria Itlici S.P.A.: <i>Airone</i> .
07623	Hawaiian Tug & Barge Co. Ltd.: <i>DTB-37, DTB-35, DTB-33, DTB-29, DTB-27, DTB-25, DTB-39</i> .
07651	Canaveral International Corp.: <i>Star Trek, Lakeland, Canaveral</i> .
07777	K/S A/S Falckship: <i>Ringfalk</i> .
08064	Santa Fe-Pomeroy Marine Services Co.: <i>Azteca, Shawnee, Kiowa</i> .
08161	Carasco Navigation Co., Ltd.: <i>Athens Sun</i> .
08166	Black Lion Shipping Co., S.A.: <i>Rene K.</i>
08262	Atalanta Shipping Co., Ltd.: <i>Magda</i> .
08310	Universal Seaways Private Ltd.: <i>Honor Sea</i> .
08517	Arcamare Shipping Enterprises S.A.: <i>Arcamare</i> .
08537	Arcamare Shipping Corp.: <i>Karina</i> .
08538	Arcamare Shipping Corp.: <i>Arcasea</i> .
08563	Seven Seas Enterprise Corp. (Panama) S.A.: <i>Sea Brave</i> .
08617	Fairmont Enterprises Ltd.: <i>Capricorn</i> .
08702	Bowling Green Navigation Corp.: <i>Sophia</i> .
08710	Michael Arcadis: <i>Arcadyra</i> .
08834	Apostolos Maritime Co., Ltd.: <i>Apostolos A</i> .
08896	Liberian Lily Transports, Inc.: <i>Universal Lily</i> .
09019	Del Monte Del Ecuador, C.A.: <i>San Antonio V.</i>
09087	General Bulk Carriers Ltd.: <i>Serifos</i> .
09084	Lambert Bros. Shipping Ltd.: <i>Temple Hall</i> .
09103	Anemone Shipping Co., Ltd.: <i>Anco Elias</i> .
09106	Antilles Marine Cargo Ltd.: <i>Amoryos</i> .
09118	Eva Maria Shipping Corp.: <i>Eva Maria C.</i>
09172	Vania Compania Naviera S.A.: <i>Grace, Athen Sky</i> .
09199	Anebreto Enterprises, Ltd.: <i>Marika M.</i>
09202	Ramalp Compania S.A.: <i>Maria Christina</i> .
09322	Van Camp Seafood Co., Division of Ralston Purina Co.: <i>Pesceca 4</i> .
09354	Gulf Elevator & Transfer Co. Inc.: <i>UBL 340</i> .
09355	Vimnat Shipping Lines Pte. Ltd.: <i>Saranah</i> .
09356	Georgetown Steel Corp.: <i>GSC-200</i> .
09380	Hoffman International, Inc.: <i>Constitution</i> .
09528	Millstone Tankers Inc.: <i>Black Builder</i> .
09760	Amoco Transport Co.: <i>Conqueror</i> .
09779	Elnaval Navigation Co., Ltd.: <i>Mimi M.</i>
09842	Arta Compania Naviera S.A. Panama: <i>Marivana Rena</i> .
09940	Pesquerias Marinenses, S.A.: <i>Playa De Mogor</i> .
10019	Jinyang Shipping Co., Ltd.: <i>Jin Yang 13, Jin Yang 11</i> .
10085	Dipotama Marine Ltd.: <i>Yannis M.</i>
10090	International Bulk Carriers Ltd.: <i>Olive Oil</i> .
10091	Carp Shipping Inc.: <i>Haeng Bok No. 508</i> .
10093	Universal Giant Shipping Co., Ltd. S.A.: <i>Universal Giant</i> .
10136	Oriental Armonia Vapor S.A.: <i>Bela Cosmo</i> .
10184	Alfanourios Shipping S.A.: <i>Alfanourios</i> .
10178	Seatraveller Shipping Co., Ltd.: <i>Elkina</i> .
10260	Hollywood Marine Inc.: <i>S-1514</i> .
10265	K. M. Shipping Co., Ltd.: <i>Kalimantan Mahogany</i> .
10365	Parley Augustsson Management A/S: <i>Neriana</i> .
10585	Robbins Towing Co.: <i>Hornet, Mary I.</i>
10582	Hendrik Shipping Corp.: <i>Hendrik</i> .
10771	Alexander Shipping & Navigation Co.: <i>Thab I.</i>
10838	Pacific Union Navigation S.A.: <i>Neda Yoshi No. 3</i> .

Certificate No.	Owner/operator and vessels
10873	Packer Marine Inc.: <i>Doro 900</i> .
11000	Eurus (Liberia) Ltd.: <i>An Yung</i> .
11011	Power Corp. of Canada Ltd.: <i>Chambly Era</i> .
11069	Servette Shipping Co.: <i>Excomm Mariner</i> .
11095	Dong-A General Industrial Co. Ltd.: <i>No. 501 Haeng Bok, Haeng Bok No. 503, No. 506 Haeng Bok, No. 507 Haeng Bok, Haeng Bok No. 509</i> .
11133	Sea Containers International Corp.: <i>Mer-zario Ionia</i> .
11344	Brusco Towboat Co.: <i>ZB15, ZB9</i> .
11351	Sea Containers (Cyprus) Ltd.: <i>Deckship</i> .

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14337 Filed 5-22-78; 8:45 am]

[6730-01]

DELTA STEAMSHIP LINES, INC.

Acquisition and Substitution

Delta Steamship Lines, Inc., and Prudential Lines, Inc., have notified the Federal Maritime Commission that commencing on or about May 22, 1978, Delta Steamship Lines, Inc., will acquire the Mexican, Caribbean, Central American, and South American trades and operations of Prudential Lines, Inc., and the vessels participating in those trades and that, thereafter, as the said vessels are acquired by Delta Steamship Lines, Inc., as they become available for transfer from Prudential Lines, Inc., the trades and services to those areas presently served by Prudential Lines, Inc., will be operated by Delta Steamship Lines, Inc. As a result of this acquisition, Delta Steamship Lines, Inc., will succeed to the rights of Prudential Lines, Inc., in those trades, including the rights, and all future liabilities, under the respective section 15 agreements to which Prudential Lines, Inc., is presently a party, which are applicable to those trades. Accordingly, the records of the Federal Maritime Commission concerning such agreements to which Prudential Lines, Inc., is presently a party will be changed, effective the date of the acquisition, to substitute the name of "Delta Steamship Lines, Inc." as a participating carrier, in place of Prudential Lines, Inc. In addition, the conference and rate-making agreements applicable to the trades in question, to which Prudential Lines, Inc. is presently a party, are obligated to notify the Federal Maritime Commission that they have also changed their records accordingly. The following is a list of the agreements involved:

CONFERENCE AND RATE AGREEMENTS

2744	6190	7890
3302	8400	8300
3868	8870	8660
6080	7590	9876

OTHER THAN CONFERENCE AND RATE AGREEMENTS

8640	9941	10215
9716	10041	10216

OTHER THAN CONFERENCE AND RATE AGREEMENTS—Continued

9873	10056	10299
9939	10066	

TERMINAL AGREEMENTS

T-3014
T-3244

By order of the Federal Maritime Commission.

Dated: May 18, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14335 Filed 5-22-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ARTHRITIS ADVISORY COMMITTEE

Renewal

Correction

In FR Doc. 78-11703, appearing at page 18769 in the issue of Tuesday, May 2, 1978, the third line of the "Summary" paragraph should read, "1972 (Pub. L. 92-463, 86 Stat. 770-776".

[1505-01]

[Docket No. 75N-0139; DESI No. 9955]

CERTAIN ORAL PROTEOLYTIC ENZYMES

Denial of Hearing; Withdrawal of Approval of New Drug Applications

Correction

In FR Doc. 78-11702, appearing at page 18770 in the issue of Tuesday, May 2, 1978, the fifth line of the last full paragraph on page 18770 should read, "3-to-1 ratio of trypsin activity to chy".

[4110-03]

[Docket No. 78M-0102]

HUNTER SESSIONS VENA CAVA BALLOON OCCLUDER

Premarket Approval

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) announces its approval of the application for premarket approval of the Hunter Sessions

vena cava balloon occluder (P770-005), sponsored by the Barlow Manufacturing Co., Hinsdale, Ill. After reviewing the Cardiovascular Device Classification Panel's recommendation, FDA notified the sponsor that the device had been approved as safe and effective.

DATES: Any petition for administrative review and supporting data and information must be submitted on or before June 22, 1978.

ADDRESS: Requests for information and petitions for administrative review to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Keith Lusted, Bureau of Medical Devices (HFK-402), Food and Drug Administration, Department of Health, Education, and Welfare, 8757 Georgia Avenue, Silver Spring, Md. 20910, 301-427-7550.

SUPPLEMENTARY INFORMATION: The sponsor, the Barlow Manufacturing Co., Hinsdale, Ill., submitted the application for premarket approval of the Hunter-Sessions vena cava balloon occluder to FDA on July 7, 1977. The Cardiovascular Device Classification Panel recommended approval of the application. On December 19, 1977, FDA approved the application by a letter from the Director, Bureau of Medical Devices, FDA, to the sponsor.

DESCRIPTION OF DEVICE

The vena cava balloon occluder consists of a long catheter with a balloon on its end that is inserted into the venous system and positioned under X-ray control in the vena cava. The balloon is inflated and left in place while the catheter is withdrawn. The balloon blocks the vena cava without requiring surgery.

In 6 to 8 months, the balloon collapses. By that time, the walls of the vein close and scar around the balloon remnant, which remains fixed in position.

The vena cava balloon occluder is designed for treatment of a common, often fatal, condition known as pulmonary embolism, which occurs when blood clots formed in the legs or lower parts of the body are carried by the blood stream to the lungs.

The standard treatment of this condition involves the use of drugs to decrease the ability of the blood to form clots. If this treatment is ineffective or contraindicated, surgery may be performed to close the main blood vessel through which these clots travel, the vena cava. However, surgery and the anesthesia required cause further complications or death in a significant

number of patients, and the anticoagulating drugs cannot be used during surgery.

The vena cava balloon occluder is intended for use in patients who cannot have, or refuse, surgery or in whom drug therapy is unsuccessful.

REVIEW OF APPLICATION

The Food and Drug Administration has concurred with the Cardiovascular Device Classification Panel's recommendation to approve the premarket application subject to the condition that the sponsor conduct post-approval studies, with annual reports to FDA, to generate additional data on long term biocompatibility of the materials used in the implant (i.e., compatibility of the materials with tissue and blood). Based on the panel's recommendation, FDA has approved the application subject to the recommended condition.

A detailed summary of the information on which FDA's approval is based is available upon request from the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

OPPORTUNITY FOR ADMINISTRATIVE REVIEW

Section 515(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360e(g)) authorizes any interested person to petition for administrative review of FDA's decision to approve this application. A petitioner may request either a formal hearing under Part 12 of the FDA's administrative practices and procedures regulations (21 CFR Part 12) or a review of the application and FDA's action by an independent advisory committee of experts. A petition shall be in the form of a petition for reconsideration of FDA action under §10.33(b) (21 CFR 10.33(b)). A petition shall designate the form of review that the petitioner requests (hearing or independent advisory committee) and shall be accompanied by supporting data and information showing that there is a genuine and substantial issue of material fact for resolution through administrative review. After reviewing any petition, FDA will decide whether to grant or deny the petition by notice published in the FEDERAL REGISTER. If FDA grants the petition, the notice will state the issues to be reviewed, the form of review to be used, the persons who may participate in the review, the time and place where the review will occur, and other details.

Petitioners may at any time on or before June 22, 1978, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, four copies of each petition and supporting data and information, identified with the name of the device and

the Hearing Clerk docket number found in brackets in the heading of this document.

Dated: May 16, 1978.

SHERWIN GARDNER,
Acting Commissioner
of Food and Drugs.

[FR Doc. 78-13704 Filed 5-22-78; 8:45 am]

[1505-01]

PANEL ON REVIEW OF DENTRIFICES AND DENTAL CARE AGENTS

Meeting Change

Correction

In FR Doc. 78-11094, appearing at page 17541 in the issue for Tuesday, April 25, 1978; on page 17542, first column, fourth line, insert "10749" after "FR".

[4110-83]

Health Resources Administration

NATIONAL COUNCIL ON HEALTH PLANNING AND DEVELOPMENT

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1978:

Name: National Council on Health Planning and Development.

Date and Time: June 9, 1978, 8:30 a.m.-5 p.m.

Place: Main Auditorium, Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. 20201.
Open for entire meeting.

Purpose. The National Council on Health Planning and Development is responsible for advising and making recommendations with respect to (1) the development of national guidelines under section 1501 of Pub. L. 93-641, (2) the implementation and administration of Title XV and XVI of Pub. L. 93-641, and (3) an evaluation of the implications of new medical technology for the organization, delivery and equitable distribution of health care services. In addition, the Council advises and assists the Secretary in the preparation of general regulations to carry out the purposes of section 1122 of the Social Security Act and on policy matters arising out of the implementation of it, including the coordination of activities under that section with those under other parts of the Social Security Act or under other Federal or federally assisted health programs. The Council considers and advises the Secretary on proposals submitted by the Secretary under the provisions of section 1122(d)(2) that

health care facilities or health maintenance organizations be reimbursed for expenses related to capital expenditures notwithstanding that under section 1122(d)(1) there would otherwise be exclusion of reimbursement for such expenses.

Agenda. The Council will continue discussion on Goals Implementation Strategy it proposed in April. Evaluation Plans and Issues of Rate Regulations, Certification of Need and Health Planning Linkages will also be discussed.

Anyone wishing to participate, obtain a roster of members, minutes of meetings, or other relevant information should contact Mrs. S. Judy Silsbee, Executive Secretary, National Council on Health Planning and Development, Room 10-27, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-7175.

Agenda items are subject to change as priorities dictate.

Dated: May 11, 1978.

JAMES A. WALSH,
Associate Administrator for
Operations and Management.

[FR Doc. 78-13967 Filed 5-22-78; 8:45 am]

[4110-84]

Health Services Administration

ADVISORY COMMITTEE

Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1978:

Name: PHS Hospitals Ad Hoc Advisory Committee.

Date and Time: June 9-10, 1978, 8:30 a.m.
Place: 607 G1, Hubert Humphrey Building, 200 Independence Avenue, SW., Washington, D.C. 20201.

Open for entire meeting.

Purpose: The Committee will conduct an in-depth examination of each PHS hospital in relation to its principal beneficiaries and the community in which it is located; its health needs and delivery system; and the cost of operation and achievements. It will assist in developing options and recommendations concerning the present and future role of the hospitals in the continuation and improvement of health care delivery.

Agenda: To review, discuss and modify second draft of the report.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Jordan Popkin, Office of the Administrator, Health Services Administration, Parklawn Building, Room 14-15, 5600 Fishers Lane, Rockville, Md. 20857, telephone 301-443-2245.

Agenda items are subject to change as priorities dictate.

Dated: May 18, 1978.

WILLIAM H. ASPDEN, JR.,
Associate Administrator
For Management.

[FR Doc. 78-14475 Filed 5-22-78; 8:45 am]

[4110-85]

Office of the Assistant Secretary for Health

ADVISORY COMMITTEE

Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory bodies scheduled to meet during the month of June 1978:

Name: Health Care Technology Study Section.

Date and Time: June 7-9, 1978, 8 p.m.
Place: Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008.

Open June 7, 8 p.m. to adjournment. June 8, 9:00 a.m. to 10:00 a.m.
Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on June 7 will be devoted to a discussion of the Report of the Information Systems Evaluation Work Group, and on June 8 the open session will be devoted to a business meeting covering administrative matters. The closed portion of the meeting will be utilized in a review of health services research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with the provisions set forth in section 552b(c)(6), Title 5, U.S. Code, and the Determination by the Acting Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Dr. Alan E. Mayers, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6198.

Name: Health Services Developmental Grants Study Section.

Date and Time: June 12-13, 1978, 9 a.m.
Place: Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008.

Open June 12, 9:00 a.m. to 10:00 a.m.
Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session of the meeting on June 12, 1978, will be devoted to a business meeting covering administrative matters and reports. During the closed sessions, the Study Section will be reviewing research grant applications relating to the delivery, organization and financing of health services. The closing is in accord-

ance with provisions set forth in section 552b(c)(6), Title 5, United States Code, and the Determination by the Acting Assistant Secretary for Health, pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. David McFall, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6916.

Name: Health Services Research Study Section.

Date and Time: June 14-15, 9:00 a.m.
Place: Thomas Paine Room, Sheraton Park Hotel, 2660 Woodley Road NW., Washington, D.C. 20008.

Open June 14, 9:00 a.m. to 10:00 a.m.
Closed for remainder of meeting.

Purpose: The Committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research.

Agenda: The open session on June 14, 1978, will be devoted to a business meeting covering administrative matters and reports. During the closed session, the study section will be reviewing research grant applications relating to the delivery, organization, and financing of health services. The closing is in accordance with provisions set forth in section 552b(c)(6), Title 5, United States Code and the Determination by the Acting Assistant Secretary for Health pursuant to Pub. L. 92-463.

Anyone wishing to obtain a roster of members, minutes of meetings, or other relevant information should contact Mr. Hoke S. Glover, National Center for Health Services Research, OASH, Room 7-50A, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6916.

Agenda items are subject to change as priorities dictate.

Dated: May 18, 1978.

WAYNE RICHEY, Jr.,
Acting Associate Director for
Management Office of Health
Policy Research and Statistics.

[FR Doc. 78-14471 Filed 5-22-78; 8:45 am]

[4110-12]

Office of the Secretary

Reestablishment of the Secretary's Advisory Committee on the Rights and Responsibilities of Women

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770-776, 5 U.S.C. App. I), the Office of the Secretary announces the reestablishment of the Secretary's Advisory Committee on the Rights and Responsibilities of Women by the Secretary, Department of Health, Education, and Welfare.

Authority for this committee will expire on May 5, 1980, unless the Secretary formally determines that continuance is in the public interest.

Further information on the committee may be obtained from Susan C. Lubick, Executive Secretary, Office of

the Secretary, Department of Health, Education, and Welfare, 200 Independence Avenue SW., Washington, D.C. 20201, telephone 202-245-8454.

Dated: May 17, 1978.

SUSAN C. LUBICK,
Executive Secretary, Secretary's
Advisory Committee on the
Rights and Responsibilities of
Women.

[FR Doc. 78-14303 Filed 5-22-78; 8:45 am]

[4110-07]

Social Security Administration

ENGLISH LANGUAGE AND EMPLOYMENT SERVICES FOR INDOCHINESE REFUGEES

Availability of Funding

AGENCY: Office of Family Assistance, Social Security Administration, HEW.

ACTION: Final notice of availability of funding.

SUMMARY: This document governs the award of grants to public and private non-profit agencies for the purpose of operating English language and employment services for Indochinese refugees in fiscal year 1978, in order to assist refugees in resettling in the United States and in gaining skills and education necessary to become self-reliant.

FOR FURTHER INFORMATION CONTACT:

Gerard R. Wynne, 202-472-2417.

SUPPLEMENTARY INFORMATION:

1. PUBLIC COMMENT TO THE NOTICE OF AVAILABILITY OF FUNDING

A notice of the Availability of Funding was published on March 22, 1978 in 43 FR 11859-11861. Interested persons were invited to submit comments, suggestions, or objections to the notice, to be received by the Director, Special Programs Staff, Office of Family Assistance, on or before April 21, 1978.

Comments were received from nine persons or organizations outside the Department of Health, Education, and Welfare. While all commenters expressed general support for the proposal, certain suggestions were offered. The comments, summarized by subject area, are listed below, with responses.

Certain other changes were made in order to correct omissions and typographic errors printed in the initial notice. Significant changes are noted under Item 3, "Other Changes."

2. SUMMARY OF COMMENTS

Comment. One commenter suggested that allowable activities be expanded to include the provision of supplemen-

tal services such as transportation and child day care for program participants where warranted.

Response. While such an inclusion would undoubtedly be beneficial in enabling more refugees to enroll in projects, Special Projects funding constraints prohibit this. However, such services may be available under Indochinese Refugee Assistance Program (IRAP) Social Services funding to the States.

Comment. Three commenters discussed the manner in which the funds are allocated among the 10 HEW Regions, based upon the number of Indochinese refugees receiving cash assistance in those regions. The comments noted such complex and sophisticated factors as refugee distribution among the States, the varying levels of cash assistance support among the States, the continuing secondary migration of refugees from State to State, and differing needs of the refugee population of the various States.

Response. Pub. L. 95-145 places strong emphasis upon Special Projects funds as a means to help refugees gain skills and education necessary to become self-reliant. In the absence of more reliable yardsticks to measure the degree of refugee self-reliance, the cash assistance caseload remains the most accurate basis for determining such self-reliance.

Comment. Two Commenters proposed that the scope of the projects be broadened to afford specialized training for Indochinese refugee professionals as an allowable activity.

Response. While such upgrading would undoubtedly be desirable in helping refugee professionals upgrade their job skills, and while such training would not be precluded under the notice, the limited amount of funds available, the substantial number of refugees needing training to reach self-support levels, and the cost/benefit ratio for such professional training preclude specific incorporation of this feature into the notice.

Comment. One commenter urged that the teaching of mathematics be included in Item V under "allowable activities."

Response. Item V (5) would permit the teaching of mathematics provided it met the requirement of "employment-enhancing job training."

Comment. One commenter expressed concern that the voluntary agencies which have assisted in the resettlement of Indochinese refugees be given opportunity to participate in the projects.

Response. Such opportunity is provided in the Notice in accordance with section 2(c) of Pub. L. 95-145, which provides that these funds shall be "for special projects and programs, administered in whole or in part by State or local public agencies or by private vol-

untary agencies participating in the Indochina refugee assistance program."

Comment. One commenter urged that at least 50 percent of the Special Projects funds available under this notice be earmarked to train unemployed adult refugees receiving cash assistance.

Response. While this category of refuge is included among those eligible to participate in the projects, it was felt that such a requirement would not necessarily conform to refugee needs in a given locality.

3. OTHER CHANGES

a. Item V, "Eligible Projects," has been changed to conform with Office of Management and Budget (OMB) policy. If, subsequent to a grant award, the grantee wishes to enter into a contract with a third party, the grantee must submit a request for prior approval to appropriate HEW officials, but need not submit the proposed contract itself.

b. Item VIII, "Application Submission and Approval Procedures." Dates for application submission and award of grants have been changed, reflecting the publication date of this notice. Also, pursuant to HEW grants policy, compliance with OMB Circular A-95 Part I is required.

c. Item X, "Application Content." Pursuant to HEW grants policy, SF 424 is substituted for submitting basic project proposals.

d. Item XI, "Records and Reports." Pursuant to OMB policy, reports will be required quarterly rather than monthly. Item (4) has been changed to read "Fiscal records," correcting a typographical error.

e. Item XII, "Conditions of Award," has been broadened to assure full appeal and non-discrimination in the grant process, and the HEW Grants Administration Manual has been substituted for the grants administration policies of the former Social and Rehabilitation Service.

f. Number 13.814 in the 1978 Catalog of Federal Domestic Assistance has been assigned.

I. PURPOSE AND SCOPE

This notice describes the availability of national funding for special projects and programs of English language instruction, training, and employment services for Indochinese refugees. The objective of such projects and programs is to assist refugees in resettling in the United States and in gaining skills and education necessary to become self-reliant.

Funding will be available through the Special Programs Staff, Office of Family Assistance, Social Security Administration, HEW, for project grant awards to public and non-profit private agencies for intensive employ-

ment assistance activities for Indochinese refugees currently receiving cash assistance or likely to receive such assistance in the future.

In addition to addressing the problem of refugee unemployment which results in the need for public cash assistance, these projects will also attack the problem of refugee underemployment by upgrading refugee vocational skills and earning power to the point where supplementary cash assistance is no longer needed by working refugees.

Projects to be funded will be those which emphasize direct job placement whenever possible and provide work-related English language and vocational training leading to secure jobs with advancement potential and the usual range of employee fringe benefits.

II. AUTHORIZATION

Funds for the activities listed below are authorized under the Indochina Migration and Refugee Assistance Act of 1975 Pub. L. 94-23 as amended by Pub. L. 95-145. Specifically, that act authorizes funds to be appropriated to the Department of Health, Education, and Welfare for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962, Pub. L. 87-510. It is intended that the grants be for up to 12 months from the date of award.

III. ELIGIBLE GRANTEES

Section 2(c) of Pub. L. 95-145 states that special projects and programs are to be "administered in whole or in part by State or local public agencies or by private voluntary agencies participating in the Indochina Refugee Assistance Program, to assist refugees in resettling and in gaining skills and education necessary to become self-reliant."

Eligible grantees are State and local governments, public and incorporated nonprofit private agencies, or any combination of these. Private for-profit agencies or firms are not eligible for grants.

IV. ALLOTMENT OF FUNDS

Project grant applications will be funded on merit, as outlined in Item IX, "Criteria for Evaluating Applications." Funds will be made available among the 10 HEW regions, taking into account the number of refugee cases receiving cash assistance.

Based on the percentage of the National cash assistance caseload in each region, it is estimated that the funding that could be available among the HEW regions for new projects pursuant to this notice will be as follows:

Region	Percent of total cash	Amounts
Region I	2.234	\$67,000
Region II	2.109	63,000

Region	Percent of total cash	Amounts
Region III	9.664	290,000
Region IV	5.253	158,000
Region V	8.922	268,000
Region VI	8.641	259,000
Region VII	5.035	151,000
Region VIII	3.444	103,000
Region IX	45.021	1,351,000
Region X	9.677	290,000

V. ELIGIBLE PROJECTS

Proposed projects must provide for direct services to refugees and must be designed to move employable adult refugees receiving cash assistance, likely to receive cash assistance, or in need of employment services into permanent full-time employment, and to upgrade the earning power of currently underemployed refugees.

Allowable activities include:

- (1) Identification and employability assessment of eligible adults.
- (2) Job placement services.
- (3) Provision of English language training, provided that such training emphasizes the teaching of English that is essential to the attainment of employment, including language training which is related to the needs of a specific occupation.
- (4) Vocational Training.
- (5) Vocational counseling, testing, employment-enhancing job training, skill training, and follow-up counseling. Special emphasis on career planning, with the goal of steady advancement in a field of specialty, is strongly encouraged.

The payment of stipends is not an allowable activity.

Project plans must show how the selected activities will support the objectives as outlined in section I, "Purpose and Scope" above. A range of services and a mix of activities that reflect the individual needs of each area to be served are encouraged. Jointly funded or supported activities are allowed and encouraged.

Creation of advisory boards, made up of representatives from the Indochinese community, the public sector, and the private sector (such as voluntary agencies, labor organizations and employers) is required for all projects.

Intent to contract with third parties (including profit-making organizations) must be fully described in the grant application. If, subsequent to the grant, the grantee desires to enter into a contract with a third party, a request for prior approval must be submitted through the Regional Commissioner SSA, and approved by the Director, Special Programs Staff, Office of Family Assistance, as outlined in Chapter 1-430 of the HEW Grants Administration Manual.

VI. DEFINITION OF A REFUGEE

For the purpose of participation in these projects, refugees are defined as:

"Aliens who (A) because of persecution or on account of race, religion, or political opinion, fled from Cambodia, Vietnam, or Laos; (B) cannot return there because of fear of persecution on account of race, religion, or political opinion."

To be eligible, a refugee must have status as described by one of the following: (1) An individual with parole, voluntary departure or conditional entry status as indicated by an Immigration and Naturalization Service (INS) Form I-94; (2) An individual admitted to the United States with permanent resident status on or after April 8, 1975, or an individual who has permanent resident status as a result of adjustment of status under Pub. L. 95-145, as indicated by INS Form I-151 or I-551.

VII. ELIGIBLE PARTICIPANTS

Consistent with the scope and purpose of the authorizing legislation, the eligible participants shall be:

- (1) Unemployed, employable adult refugees receiving public cash assistance or likely to receive public cash assistance.
- (2) Underemployed adult refugees needing job upgrading to achieve or maintain self-sufficiency.
- (3) Underemployed adult refugees needing job upgrading to achieve career potential.
- (4) Minors age 16 or 17 who are not in school.

VIII. APPLICATION SUBMISSION AND APPROVAL PROCEDURES

Eligible applicants may request grant applications and information from the HEW Regional Offices listed at the end of this notice, or from the Special Programs staff, Office of Family Assistance, Social Security Administration, Room 1124, Donohoe Building, HEW, 330 Independence Avenue SW., Washington, D.C. 20201.

An original application and two copies must be received by the Regional Commissioner, Social Security Administration, by 5 p.m. (local time), 30 days subsequent to the publication of this notice. No grant application will be accepted after this date.

Regional panels to be convened by the Regional Commissioners, Social Security Administration, will review, evaluate, and rank the proposals received, based on (1) the criteria outlined in Item IX of this notice; (2) the needs of the refugee population within the region; and (3) existing resources available to refugees in the target area. The review panel's recommendations and the Regional Commissioners' concurrence and/or comments will be forwarded to the Director, Special Programs Staff, Office of Family Assistance for review. Upon the director's approval, the grant awards are expected to be issued within 45 days of

the closing date for receipt of applications.

All applications are subject to the Project Notification and Review procedures required by OMB Circular A-95 Part I. This circular requires applicants to notify State and areawide clearinghouses of their intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application.

IX. CRITERIA FOR EVALUATING APPLICATIONS

Project grant applications will be evaluated on the following criteria:

1. Familiarity and experience of the applicant organization in Indochinese refugee resettlement, manpower programs, and/or teaching English as a second language (0-10 Points).
2. Qualifications of applicant organization in operating human service programs, including:
 - (a) Provision of direct services; (b) project administration; (c) monitoring of subcontracts, if applicable; (d) training and supervision of staff; and (e) demonstration of commitment and responsiveness to refugee concerns through implementation of Advisory Boards, feedback mechanisms, and program evaluation (0-15 Points).
3. Projected impact of the proposed program in increasing self-sufficiency and reducing dependency—i.e., specific project objectives (0-15 Points).
4. Qualifications of individual professional personnel delivering the services and administering the project (0-10 Points).
5. Understanding and analysis of the problem, in light of local conditions and the needs of the target population to be served (0-10 Points).
6. The extent to which the grant application outlines a clear and achievable plan to reduce unemployment and/or underemployment among target adult refugees (0-15 Points).
7. The extent to which the proposed project mobilizes, coordinates, and expands existing resources and activities which are providing, or could provide, services to refugees, including:
 - (a) Ongoing activities funded through the Office of Family Assistance and Office of Education under the Refugee Assistance Program; (b) State or local resettlement task forces or committees; and (c) Voluntary efforts undertaken by Voluntary Agencies (VOLAGs), other resettlement agencies, and Indochinese associations and coalitions (0-15 Points).
8. Comprehensiveness and coordination of proposed project components (0-10 Points).
9. Adequacy and accessibility of facilities and other resources (0-10 Points).
10. Reasonableness of estimated costs in relation to anticipated results (cost/benefit ratio) (0-15 Points).

Selection of a State for a grant award does not preclude a grant award to other public or non-profit private agencies within the State. Applicants must demonstrate their willingness and intention to work cooperatively with other agencies serving the same population.

X. APPLICATION CONTENT

All applicants will use Standard Form 424, "Federal Assistance" in submitting project proposals. Grants applications must also include the following:

- (1) *Description of the applicant organization.* Description of the proposer (public agency, private nonprofit, consortium). If other than a public agency, description of its organizational mandate, funding sources, principal officers, address, and telephone number. A description of the advisory board's makeup, the selection process used for its members, and the Board's function. If the applicant is a unit of a larger institution, assurances must be provided that the operation and objectives of the project will not be subordinated to other institutional objectives.
- (2) *Applicant experience with Indochinese refugees.* Description of other projects or experience which the applicant has had in serving the Indochinese refugee population.
- (3) *Identification of the target population.* Includes estimates of the number of people to be served (compared to the total refugee population in the area), number receiving cash assistance, and other relevant distinctions, such as:
 - a. Number unemployed and underemployed.
 - b. Heads of households and secondary wage earners.
 - c. Sex and family status.
 - d. Native language (Vietnamese, Cambodian, Lao, H'mong).
- This section will include an explanation of the methodology and data sources used in arriving at the estimates.
- (4) *Project objectives.* Description of proposed project objectives, including the number of enrollees who will achieve each of the listed objectives.
- (5) *Existing service deliverers.* Brief overview of existing services to Indochinese refugees which have bearing on the proposed project. Where other service projects are in operation, proposer should provide assurances that either:
 - a. Coordinative linkages with such projects have been arranged (demonstrated by letters of commitment or support or descriptions of working agreements), or
 - b. The proposed project is not in competition with, nor duplicative of, existing projects.
- (6) *Work plan.* A work plan to meet the project objectives including identi-

fication of all service deliverers and a procedure to insure service linkages. A description of proposed contracting with third parties should be included. The work plan should describe in detail the proposed services and components, such as:

a. *Outreach and recruitment.* Description of how proposer plans to locate and recruit the target population, along with a schedule of enrollment goals.

b. *Intake and assessment.* Description of how proposer plans to determine eligibility and make assessments of enrollee needs, including assessment tools or proposed tests.

c. *Counseling and career planning.* Description of how proposer plans to provide counseling and career planning services. If already developed, samples should be included of Employment Plan or Career Plan forms which will be completed for enrollees.

d. *Language training.* Description of how proposer plans to deal with the language problems of the refugees. If English as a Second Language (ESL) programs are planned, description of class sizes, amount of instruction, and assurances that classes will be refugee-specific.

e. *Vocational training.* If proposed, description of how proposer plans to provide or arrange for vocational training, including skill areas, length of training, and likelihood of related employment.

f. *Job development and placement.* Description of how proposer plans to develop jobs, or other positive alternatives (such as on-the-job training or higher education). Description of placement methodology.

g. *Follow-up.* Description of how proposer plans to maintain follow-up contacts and records for ninety days after all placements.

(7) *Supportive services.* Supportive services required, with an indication of how they will be provided.

(8) *Management plan.* A plan for fiscal and program management to accomplish the program objectives. The program management plan should describe how the proposer plan to administer the project, train and supervise staff, monitor subcontracts (if proposed), maintain records, and evaluate performance.

(9) Program budget.

XI. RECORDS AND REPORTS

Grantees will be required to maintain such fiscal and operational records as are necessary for Federal monitoring and auditing of the grants. This record-keeping shall include but is not limited to:

(1) Individual case records on all refugees counted as enrolled and receiving services. At a minimum these records must include identification data; career planning and counseling data;

services provided; progress reports; job referrals; job placements; and follow-up.

(2) Quarterly program progress reports, due 10 days after the last calendar day of each quarter following the effective date of the contract award. The quarterly report shall include:

a. A narrative statement of project status: Progress achieved, problems encountered, and proposed actions to resolve problems.

b. The number of refugees receiving services, including current enrollment and cumulative totals for each service provided by the grant project.

c. The number of refugees placed in jobs and hourly wage rates.

d. Of those placed, the number still employed 30, 60, and 90 days after job placement.

e. A cash assistance status report of the refugees served.

(3) Fiscal reports.

(4) Fiscal records.

(5) Additional reports as required for effective Federal monitoring.

XII. CONDITIONS OF AWARD

All grants made under this announcement will be subject to:

1. The following HEW regulations in 45 CFR, as amended: Part 16, "Department Grant Appeals Process;" Part 74 "Administration of Grants;" Part 75, "Informal Grant Appeals Procedures;" and Parts 80, 84, and 86 relating to nondiscrimination.

2. The HEW Grants Administration Manual.

Copies of these documents may be inspected in the offices of Regional Commissioners, SSA, or of the Special Programs Staff, Office of Family Assistance, HEW, Room 1124, Donohoe Building, 400 Sixth Street SW., Washington, D.C.

XIII. ADDITIONAL INFORMATION

Additional information and grant applications can be obtained from the following persons in the HEW Regional Offices:

REGION I

Tran Phuoc Truong or Sydney Henkel, Social Security Administration, HEW, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02003, telephone 617-223-6833, FTS 8-223-6833.

REGION II

Georgianna Gleason, Social Security Administration, HEW, 26 Federal Plaza, New York, N.Y. 10007, telephone 212-264-7202, FTS 8-264-7202.

REGION III

Robert T. Clifford, Office of Family Assistance, Social Security Administration, HEW, P.O. Box 8788, Philadelphia, Pa. 19101, telephone 215-596-1304, FTS 8-596-1304.

REGION IV

Hoang T. Phan, Social Security Administration, HEW, Marietta Tower, 101 Marietta

Street NW., Atlanta, Ga. 30323, telephone 404-221-2351, FTS 8-242-2351.

REGION V

Gene Niewoehner, Social Security Administration, HEW, 300 South Wacker Drive, Chicago, Ill. 60606, telephone 312-353-5182, FTS 8-353-5182.

REGION VI

Jim Kelley or Rick Cline, Social Security Administration, HEW, 1200 Main Tower Building, Dallas, Tex. 75202, telephone 214-767-4301, FTS 8-729-4301.

REGION VII

Don Belknap, Social Security Administration, HEW, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-6127, FTS 8-758-5975.

REGION VIII

Rod Underwood, Social Security Administration, HEW, 1961 Stout Street, Denver, Colo. 80202, telephone 303-837-5591, FTS 8-327-5591.

REGION IX

George Killingsworth, Social Security Administration, HEW, 100 Van Ness Avenue, San Francisco, Calif. 94102, telephone 415-556-8582, FTS 8-556-8582.

REGION X

Son Van Do, Social Security Administration, HEW, Arcade Plaza, 131 Second Avenue, Seattle, Wash. 98101, telephone 206-442-5734, FTS 8-399-5734.

(1978 Catalog of Federal Domestic Assistance No. 13.814—Refugee Assistance—Indochinese Refugees (previously Catalog No. 13.769—Special Assistance to Refugees from Cambodia, Vietnam, and Laos in the United States).)

Dated: May 16, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

(FR Doc. 78-13966 Filed 5-22-78; 8:45 am)

[4110-07]

MENTAL HEALTH PROJECTS FOR INDOCHINESE REFUGEES

Availability of Funding

AGENCY: Office of Family Assistance, Social Security Administration, HEW.

ACTION: Proposed notice of available funding.

SUMMARY: This document governs the award of grants to public and private nonprofit agencies for the purpose of operating mental health projects for Indochinese refugees beginning in fiscal year 1978, in order to assist refugees in resettling in the United States and in becoming self-reliant.

COMMENT DATE: Public comments must be received on or before June 22, 1978.

ADDRESSES: Comments should be addressed to Director, Special Pro-

grams Staff, Office of Family Assistance, Social Security Administration, HEW, Room 1124, Donohoe Building, 330 Independence Avenue SW., Washington, D.C. 20201. Comments received in response to this notice will be available for inspection at the above office, Mondays through Fridays between 8:30 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Charles W. Soffel, 202-472-2397.

I. PURPOSE AND SCOPE

This notice describes the availability of national funding for special projects and programs designed to assist Indochinese refugees in coping with mental health problems. The objective of such projects and programs is to assist refugees in resettling in the United States and in gaining self-reliance.

Funding will be made available through the Special Programs Staff, Office of Family Assistance, Social Security Administration, HEW, for project grant awards to public and nonprofit private agencies.

A. BACKGROUND

The Indochinese refugees, having undergone the traumas of emergency evacuation from their homelands and relocation in this (to them) alien culture, suffered considerable stress. The Refugee Task Force (now the Special Programs Staff) received in the spring and summer of 1976 consistent warnings, from Regional Refugee Coordinators and agencies involved in the resettlement program, of growing evidence of behavioral problems attributed generally to the trauma of resettlement.

In fiscal year 1976 and 1977, the Task Force approved six small grants to deal with mental health problems of the refugees. Reports from the projects confirmed the informal body of information already available. The projects found cases of depression, anxiety, alcohol and drug abuse, and wife and child abuse. The psychosomatic ailments they found included headaches, dizziness, and nausea.

In addition to the findings of the mental health projects, refugee Employment and Training Projects reported that emotional problems were preventing significant numbers of enrolled refugees from securing or holding gainful employment.

It became apparent that the national objective of refugee self-sufficiency could not be achieved for those refugees suffering from mental health problems unless those problems were addressed. It also became apparent that the existing mental health services delivery system in most localities was not able to respond adequately to the problems of the refugee community. This notice is a result of those conclusions.

B. SCOPE OF PROJECTS

To bridge the gap between existing facilities and the needs of Indochinese refugees, assuring that refugees are afforded the same mental health services available to the general population, the Special Programs Staff proposes to fund approved programs and projects as outlined in this notice. There are three major objectives of this effort:

1. *To impact the existing mental health services delivery system.* Included under this objective would be projects designed, through in-service training and other means, to alert mental health officials and practitioners to the scope and special nature of the refugee problems in their localities. The results of such efforts should include, both qualitatively and quantitatively, an increase of services to refugees.

2. *To increase the opportunities for employment in the mental health field for the Indochinese.* Included under this objective would be projects to provide on-the-job training for Indochinese as mental health workers, competent to work independently at counseling, interviewing, and rendering other direct services to Indochinese under supervision of certified or licensed professionals. (Long-term training of psychiatrists, psychologists, or other professionals is not envisioned.)

3. *To create community comprehensive support systems.* Included under this objective would be projects designed to work with mental health systems, to train paraprofessionals, to establish linkages among social service deliverers, and to facilitate the understanding within the refugee population of the American approach to mental health and mental health services.

It is recognized that prospective applicants for the grants may not choose to respond to all three objectives; therefore, it is allowable under this notice to propose projects which respond to one or more of the objectives. Consideration for funding will take into account the expected permanence of the change the projects will effect and the amount of direct service generated. Applications should clearly indicate which objectives the proposal will address, and in what way.

Because of funding limitations, it is not envisioned that these grants will provide direct clinical services to refugees except as that provision relates to on-the-job training.

II. AUTHORIZATION

Funds for the activities listed below are authorized under the Indochina Migration and Refugee Assistance Act of 1975, Pub. L. 94-23 as amended by Pub. L. 95-145. Specifically, that act authorizes funds to be appropriated to the Department of Health, Education,

and Welfare for the performance of functions set forth in the Migration and Refugee Assistance Act of 1962, Pub. L. 87-510. It is intended that the grants be for up to 12 months from the effective date of award.

III. ELIGIBLE GRANTEES

Section 2(c) of Pub. L. 95-145 states that special projects and programs are to be "administered in whole or in part by State or local public agencies or by private voluntary agencies participating in the Indochina Refugee Assistance Program, to assist refugees in resettling and in gaining skills and education necessary to become self-reliant."

Eligible grantees are State and local governments, public and incorporated nonprofit private agencies, or any combination of these. Private for-profit agencies or firms are not eligible for grants.

Selection of a State for a grant does not preclude a grant award to other public or nonprofit private agencies within the State.

IV. ALLOTMENT OF FUNDS

Project grant applications will be funded on merit, as outlined in item IX, "Criteria for Evaluating Applications." Funds will be made available among the 10 HEW Regions, taking into account the proportionate refugee populations of each region as indicated by Alien Registration data compiled by the Immigration and Naturalization Service as of January 1978. This data is expected to be available from INS during April or May 1978.

A national total of approximately \$2,500,000 is expected to be made available pursuant to this notice.

V. ELIGIBLE PROJECTS

Projects are expected to advance the mental health of the Indochinese refugee population. Such projects are to be designed primarily with the goal of placing needy refugees into effective contact with the existing mental health systems, and of enhancing the responsiveness and effectiveness of the systems in providing services to the refugees.

Allowable activities: It is allowable to propose projects which respond to one or more of the objectives listed in section I, "Purposes and Scope." The allowable activities listed here are grouped under the objectives for guidance; however, the listings are not mutually exclusive and, where warranted, a mix of activities may be proposed.

Objective 1: *Impacting existing mental health services delivery systems*

1. Activities designed to inform appropriate State, local, and private mental health officials and practitioners of the needs of the refugees. These

could include the utilization or adaptation of resource materials and the development of training packages on such topics as Indochinese perceptions of and attitudes toward Western mental health practices and modalities of treatment for this population.

2. Training sessions, conferences, and workshops aimed at improving mental health services provided to refugees.

3. Short-term research to identify the scope and nature of refugee mental illness and the availability of treatment within the existing systems.

Objective 2: Increasing opportunities for employment in the mental health field for the Indochinese

1. Development of training projects for Indochinese individuals. These should include a reasonable mix of classroom training and on-the-job training and supervision designed to enable the trainees to secure employment in the mental health field.

2. Career planning for trainees. This should include the development of career ladders leading to permanent positions and upward job mobility in the field.

Objective 3: Creating community comprehensive support systems

1. Development of interagency mental health forums, task forces, or committees, which include representation from the public and voluntary sectors and the refugee community to coordinate activities.

2. Training and supervision for Indochinese paraprofessionals to function as outreach workers, counselors, or facilitators.

3. Creation of devices, such as referral systems and public education, designed to familiarize the refugee population with services and facilities available to them, to encourage use of such services and facilities when warranted, and to carry out community mental health work in the refugee community.

Project plans must show how the proposed activities will support one or more of the objectives outlined in section I, "Purpose and Scope." A range of services and a mix of activities that reflect the individual needs of each area to be served are encouraged.

Also encouraged is concurrent and coordinated use of additional funding and support, such as State, local, or private funds, and other program participation.

Proposed projects may be region-wide, statewide, countrywide, or smaller. Because of the limitation of funds, a multi-jurisdictional approach and consortia arrangements are permitted.

Creation of advisory boards, made up of equal numbers of representatives from among the refugee commu-

nity, mental health clinicians, and social services agencies, is required for all projects.

Project activities may be carried out by third parties (including profitmaking organizations) under contract from the grantee; however, the grantee may not contract out 100 percent of the services, and must in any case retain full administrative control. Intent to contract with third parties must be fully described in the grant application. If, subsequent to the grant, the grantee desires to enter into a contract with a third party, a request for prior approval must be submitted through the Regional Commissioner, SSA, and approved by the Director, Special Programs Staff, as outlined in chapter 1-430 of the HEW Grants Administration Manual.

VI. DEFINITION OF A REFUGEE

For the purpose of participation in these projects, refugees are defined as "Aliens who: (A) because of persecution or on account of race, religion, or political opinion, fled from Cambodia, Vietnam, or Laos; (B) cannot return there because of fear of persecution on account of race, religion, or political opinion."

To be eligible, a refugee must have status as described by one of the following: (1) An individual with parole, voluntary departure, or conditional entry status as indicated by an Immigration and Naturalization Service (INS) form I-94; (2) an individual admitted to the United States with permanent resident status on or after April 8, 1975, or an individual who has permanent residence status as a result of adjustment of status under Pub. L. 95-145, as indicated by INS form I-151 or I-551.

VIII. APPLICATION SUBMISSION AND APPROVAL PROCEDURES

Eligible applicants may request grant applications and information from the HEW Regional Offices listed at the end of this notice, or from the Special Programs Staff, Office of Family Assistance, Social Security Administration, Room 1124, Donohoe Building, HEW, 330 Independence Avenue SW., Washington, D.C. 20201.

Applications must be received by the Regional Commissioner, Social Security Administration, by 5 p.m. July 5, 1978. No grant application will be accepted after this date.

Regional panels to be convened by the Regional Commissioners, Social Security Administration, will review and evaluate the proposals received, based on the criteria outlined in item IX of this notice. The review panels' recommendations and the Regional Commissioners' concurrence and/or comments will be forwarded to the Director, Special Programs Staff, Office of Family Assistance for review and,

upon approval, for issuance of grant awards.

All applications are subject to the Project Notification and Review procedures required by OMB circular A-95 part I. This circular requires applicants to notify State and area-wide clearinghouses of their intention to apply for a grant and, if requested by a clearinghouse, to submit a copy of the application.

VIII. APPLICATION CONTENT

All applicants will use standard form 424 "Federal Assistance" in submitting project proposals. Grant applications must also include the following:

(1) *Description of the applicant organization.* Description of the proposer (public agency, private nonprofit, consortium). If other than a public agency, description of its organizational mandate, funding sources, principal officers, address, and telephone number. A description of the makeup of the project's advisory board, the selection process used for its members, and the board's function must be included. If the applicant is a unit of a larger institution or government entity, assurances must be provided that the operation and objectives of the project will not be subordinated to other objectives.

(2) *Applicant experience with Indochinese refugees.* Description of other projects or experience which the applicant has had in serving the Indochinese refugee population.

(3) *Identification of the target population.* Specify the total Indochinese population in the project area, identified, where possible, by native language (Vietnamese, Cambodian, Lao, H'mong).

(4) *Existing mental health systems.* Brief overview of existing systems for delivery of mental health services to the general public in the area to be served by the project.

(5) *Existing deliverers of services to Indochinese.* Brief overview of existing services to Indochinese refugees which have bearing upon the proposed project. (Where such services are in operation, proposer should provide assurances that coordinative linkages have been arranged, or that the proposed project is not in competition with nor duplicative of, the existing services.)

(6) *Project scope and objectives.* A statement of the mental health needs of the target population, the objective(s) outlined in item I, "Purpose and Scope" which the project addresses, and the project's specific goals. Proposer must describe the efforts planned to assure provision of mental health services to Indochinese refugees beyond the project grant period.

(7) *Project description.* A detailed description of a work plan designed to achieve the objectives specified in item

(6) above. Describe fully the overall project approach, proposed components of the program, activities, staffing, and how linkages with other service providers will be ensured.

Applications proposing training projects under objective 2 should state what steps will be taken to ensure the employment of the trainees in the mental health field.

X. CRITERIA FOR EVALUATING APPLICATIONS

The following criteria will be used to evaluate all project grant applications. It is recognized that not all applications will address themselves to all three major objectives; therefore, ratings based on the criteria will be made selectively according to the objectives addressed.

1. Familiarity and experience of the applicant organization with Indochinese refugee resettlement, including knowledge of the needs of the people to be served and local conditions; understanding of the cultural and institutional barriers which inhibit the normal delivery of services; understanding of the differing needs, where relevant, of the Vietnamese, Cambodian, Lao, and H'mong refugee communities.

2. Qualifications of the applicant organization in meeting the selected objectives. Applicants addressing objectives 1 or 2 should indicate their professional competence in the mental health field and in staff training, and should include the qualifications of individual professional personnel. Applicants addressing objective 3 should indicate their experience in community-based programs, especially those which cut across traditional service delivery lines.

3. The extent to which the application addresses the identified mental health needs of the target population and outlines a clear and achievable plan to interface with existing systems of service delivery. This will include the specifics of utilization of services and facilities and plans to mobilize, coordinate, and expand existing resources and activities which are providing, or could provide, services to refugees.

4. Projected impact of the proposed program. Where direct services are to be provided, the extent to which proposer quantifies anticipated results.

5. Reasonableness of estimated cost in relation to anticipated results (cost/benefit ratio).

6. Comprehensiveness and coordination of proposed project components. The extent to which proposed linkages with other institutions and agencies are supported by such evidence as proposed subcontracts, letters of commitment, or working agreements.

7. Adequacy and accessibility of facilities and other resources.

X. RECORDS AND REPORTS

Grantees will be required to maintain such fiscal and operational records as are necessary for Federal monitoring and auditing of the grants:

- (1) Quarterly program progress reports, due 10 days after the last calendar day of each quarter;
- (2) fiscal reports; and
- (3) additional reports as required for effective Federal monitoring.

XI. CONDITIONS OF AWARD

All grants made under this announcement will be subject to: (1) The following HEW regulations in 45 CFR, as amended: part 16, "Department Grant Appeals Process;" part 74, "Administration of Grants;" part 75, "Informal Grant Appeals Procedures;" and parts 80, 84, and 86 relating to non-discrimination, and (2) the HEW Grants Administration Manual.

Copies of these documents may be inspected in the offices of the Regional Commissioners, SSA, or Special Programs Staff, Office of Family Assistance, HEW, Room 1124, Donohoe Building, 400 Sixth Street SW., Washington, D.C.

XII. ADDITIONAL INFORMATION

Additional information and grant applications can be obtained from the following persons in the HEW regional offices:

REGION I

Tran Phuc Truong or Sydney Henkel, John F. Kennedy Federal Building, Government Center, Boston, Mass. 02003. Telephone 617-223-6833, FTS 8-223-6833.

REGION II

Georgianna Gleason, HEW Regional Office, 26 Federal Plaza, New York, N.Y. 10007. Telephone 212-264-7202, FTS 8-264-7202.

REGION III

Robert T. Clifford, Office of Family Assistance, SSA, P.O. Box 8788, Philadelphia, Pa. 19101. Telephone 215-596-1304, FTS 8-596-1304.

REGION IV

Hoang T. Phan, Marietta Tower, 101 Marietta Street NW., Atlanta, Ga. 30323. Telephone 404-221-2347, FTS 8-242-2347.

REGION V

Gene Niewoehner, HEW Regional Office, 300 South Wacker Drive, Chicago, Ill. 60606. Telephone 312-353-5182, FTS 8-353-5182.

REGION VI

Jim Kelley or Rick Cline, HEW Regional Office, 1200 Main Tower Building, Dallas, Tex. 75202. Telephone 214-655-4311, FTS 8-729-4311.

REGION VII

Don Belknap, HEW Regional Office, 801 East 12th Street, Kansas City, Mo. 64106. Telephone 816-374-6127, FTS 8-758-5975.

REGION VIII

Rod Underwood, HEW Regional Office, 1961 Stout Street, Denver, Colo. 80202. Telephone 303-837-5591, FTS 8-327-5591.

REGION IX

George Killingsworth, 25th Floor, 100 Van Ness Avenue, San Francisco, Calif. 94102. Telephone 415-557-85823, FTS 8-556-8582.

REGION X

Son Van Do, Arcade Plaza, 1321 Second Avenue, Seattle, Wash. 98101. Telephone 206-442-5734, FTS 8-300-5734.

(1977 Catalog of Federal Domestic Assistance No. 13.769—Special Assistance to Refugees from Cambodia, Vietnam, and Laos in the United States.)

Dated: May 16, 1978.

DON WORTMAN,
Acting Commissioner
of Social Security.

[FR Doc.78-13965 Filed 5-22-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration
(Docket No. NFD-627 (FDAA-547-DR))

CALIFORNIA

Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of Major Disaster Declaration for the State of California (FDAA-547-DR), dated February 15, 1978.

DATED: April 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of major disaster for the State of California dated February 15, 1978, and amended on March 6, 1978, and March 13, 1978, is hereby further amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of February 15, 1978:

The County of: Mono.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal
Disaster Assistance Administration.

[FR Doc. 78-14253 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. NFD-629 (FDAA-556-DR)]

LOUISIANA

Major Disaster and Related Determinations

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Louisiana (FDAA-556-DR), dated May 9, 1978, and related determinations.

DATED: May 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11795 of July 11, 1974, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on May 9, 1978, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Louisiana resulting from severe storms and flooding beginning about May 3, 1978, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Louisiana.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11795, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-74-285, I hereby appoint Mr. Joe D. Winkle of the Federal Disaster Assistance Administration to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas of the State of Louisiana to have been adversely affected by this declared major disaster.

The Parishes of: Jefferson, Orleans, St. Bernard, and St. John the Baptist.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Federal Disaster
Assistance Administration.

[FR Doc. 78-14254 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. NFD-628 (FDAA-554-DR)]

NORTH DAKOTA

Amendment to Notice of Major Disaster Declaration

AGENCY: Federal Disaster Assistance Administration, HUD.

ACTION: Notice.

SUMMARY: This Notice amends the Notice of major disaster declaration for the State of North Dakota (FDAA-554-DR), dated April 17, 1978.

DATED: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank J. Muckenaupt, Chief, Program Support Staff, Federal Disaster Assistance Administration, Department of Housing and Urban Development, Washington, D.C. 20410, 202-634-7825.

NOTICE: The Notice of major disaster for the State of North Dakota dated April 17, 1978, is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 17, 1978:

The County of: Oliver.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

WILLIAM H. WILCOX,
Administrator, Federal Disaster
Assistance Administration.

[FR Doc. 78-14244 Filed 5-23-78; 8:45 am]

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

(NM 33352)

NEW MEXICO

Application

MAY 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for one 4½-inch natural gas pipeline right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 22 S., R. 21 E.,
Sec. 1, lot 2.

This pipeline will convey natural gas across 0.163 miles of public land in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will

be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations

[FR Doc. 78-13961 Filed 5-22-78; 8:45 am]

[4310-84]

(NM 33334 and 33343)

NEW MEXICO

Applications

MAY 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Phillips Petroleum Co. has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 14 S., R. 28 E.,
Sec. 9, SW¼NE¼ and S¼NW¼.
T. 18 S., R. 28 E.,
Sec. 34, SE¼SW¼.

These pipelines will convey natural gas across 0.600 of a mile of public lands in Chaves and Lea Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-13962 Filed 5-22-78; 8:45 am]

[4310-84]

(NM 33340)

NEW MEXICO

Applications

MAY 10, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Co. of New Mexico has applied for two 4-inch nat-

ural gas pipeline rights-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 S., R. 10 W.,
Sec. 8, SE¼SE¼;
Sec. 17, NE¼NE¼.

These pipelines will convey natural gas across 0.09 of a mile of public lands in San Juan County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-13963 Filed 5-22-78; 8:45 am]

[4310-84]

SAFFORD DISTRICT GRAZING ADVISORY BOARD

Meeting

Notice is hereby given in accordance with Pub. L. 92-463 that a meeting of the Safford District Grazing Advisory Board will be held on June 29, 1978.

The meeting will begin at 9:30 a.m. in the Conference Room of the Bureau of Land Management, 425 East 4th Street, Safford, Ariz.

The agenda for the meeting will include: (1) A discussion of the function of the Board; (2) the Expenditure of range betterment and advisory board funds for range improvements; (3) a review of the current policy and program relating to allotment management plans including the ongoing and future grazing environmental statement effort; (4) election of officers; (5) discussion of the board's future involvement in the allotment management plan program, and; (6) the arrangement for the next meeting.

The meeting is open to the public. Interested persons may make oral statements to the board between 3 and 4 p.m. on June 29, 1978, or file written statements for the board's consideration. Anyone wishing to make an oral statement must notify the District Manager, Bureau of Land Management, 425 East 4th Street, Safford, Ariz. 85546, by June 23, 1978. Depending on the number of persons wishing to make oral statements, a per person time limit may be established by the District Manager. Summary minutes of the board meeting be maintained in the District Office and be available for public inspection and reproductions

(during regular business hours) within 30 days following the meeting.

Dated: May 15, 1978.

GUY E. BAIER,
District Manager.

[FR Doc. 78-14221 Filed 5-22-78; 8:45 am]

[4310-55]

Fish and Wildlife Service

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: Zoological Museum, University of Wisconsin, 2050 N Mills Street, Madison, Wis. 53706.

The applicant requests a permit to import the following species salvaged in Ecuador: galapagos tortoise (*Geochelone elephantopus*) Adults—up to 20; Young—up to 50; Eggs and Embryos—up to 100; Barrington land iguana (*Conolophus pallidus*)—up to 30; Leatherback sea turtles (*Dermochelys coriacea*)—up to 10; Hawksbill sea turtles (*Eretmochelys imbricata*)—up to 10; Galapagos penguins (*Spheniscus mendiculus*)—up to 10; Brown pelicans (*Pelicanus occidentalis*)—up to 20; Galapagos hawk (*Buteo galapagoensis*)—up to 10; Peregrine falcon (*Falco peregrinus*)—up to 4.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2471. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by June 22, 1978. Please refer to the file number when submitting comments.

Dated: May 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-14203 Filed 5-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Notice of Receipt of Application

Applicant: Ralph T. Heath, Jr., 18323 Sunset Boulevard, Redington Shores, St. Petersburg, Fla. 33708.

The applicant requests a permit to export eight brown pelicans (*Pelecanus occidentalis*) to the Bermuda Government Zoological Park for conservation exhibition. These birds were salvaged from the wild and could not be rehabilitated for release. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-167. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by June 22, 1978. Please refer to the file number when submitting comments.

Dated: May 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-14204 Filed 5-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: L. G. Swartz, Professor and Chairman, Biological Sciences Program, University of Alaska, Fairbanks, Alaska 99701.

The applicant requests a permit to take (harass) peregrine falcons (*Falco peregrinus*) by placement of captive-produced chicks into active nests and conducting nest surveys for scientific purposes enhancing the prospect of survival of the species. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WFO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2477. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by June 22, 1978. Please refer to the file number when submitting comments.

Dated: May 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.

[FR Doc. 78-14205 Filed 5-22-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant: San Diego Wild Animal Park, Route 1, Box 725E, Escondido, Calif. 92025.

The applicant requests a permit to import two female Asian wild asses

(*Equus hemionus*) that are the result of captive breeding at the Tierpark Zoo in Berlin, West Germany, for enhancement propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2498. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address by June 22, 1978. Please refer to the file number when submitting comments.

Dated: May 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-14206 Filed 5-22-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for Captive Self-Sustaining Population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C. or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications by June 22, 1978, by submitting written data, views, or arguments to the Director at the above address:

Applicant: Thomas Sherman Carter (PRT 2-2473), P.O. Box 875, Mertzon, Tex. 76941.

Applicant: Mosquito Creek Game Farm (PRT 2-2482), Robert and Mary Popple, Route 21, Weyauwega, Wis. 54983.

Applicant: Edward K. Merewether (PRT 2-2489), P.O. Box 9181, Salt Lake City, Utah 84109.

Applicant: Donald F. Pfatenhauer (PRT 2-2479), P.O. Box 227, Star Route, Anza, Calif. 92306.

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: May 17, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-14207 Filed 5-22-78; 8:45 am]

[4310-03]

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 12, 1978. Pursuant to § 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by June 2, 1978.

WILLIAM J. MURTAGH,
Keeper of the
National Register.

ALASKA

Juneau Division

Juneau, Holy Trinity Church, 325 Gold St.

CALIFORNIA

Orange County

San Juan Capistrano, Los Rios Street, 31600-31921 Los Rios St.

COLORADO

Grand County

Grand Lake vicinity, Shadow Mountain Lookout, SE of Grand Lake on Rocky Mountain National Park

Larimer County

Estes Park vicinity, Leiffer House, S of Estes Park on CO 7

CONNECTICUT

Fairfield County

Darien, Pond-Weed House, 2591 Post Rd. Stamford, Cove Island Houses, Cove Rd. and Weed Ave.
Stamford, Knap, John, House, 984 Stillwater Rd.

Hartford County

Hartford, Charter Oak Bank Building, 114-124 Asylum St.

Hartford, Perkins-Clark House, 49 Woodland St.

Hartford, Stackpole, Moore and Tryon Building, 105-115 Asylum St.
Southington vicinity, Lake Compounce Carousel, W of Southington on Lake Ave.

Middlesex County

Westbrook vicinity, Lay-Pritchett House, N of Westbrook on CT 145

New London County

Stonington, Stonington High School, Church St.

Windham County

Chaplin, Chaplin Historic District, Chaplin St.

DISTRICT OF COLUMBIA

Washington

Dupont Circle Historic District, roughly bounded by Florida and Rhode Island Aves., T, 17th, 21st, and 22nd Sts.

Sixteenth Street Historic District, 16th St. between Scott Circle and Florida Ave., NW

IDAHO

Canyon County

Caldwell, Academy Building, College of Idaho, 1015 Albany St.

Caldwell, Caldwell Carnegie Library, 1101 Cleveland Blvd.

Nampa vicinity, Horse Barn, NE of Nampa at Idaho State School and Hospital

Valley County

McCall, Brown Tie and Lumber Company Mill and Burner, off ID 55 at Payette Lake

ILLINOIS

Randolph County

Schuline vicinity, Charter Oak Schoolhouse, W of Schuline

LOUISIANA

Calcasieu Parish

Lake Charles, Arcade Theater, 822 Ryan St.

MICHIGAN

Marquette County

Marquette, Arch and Ridge Streets Historic District, area on both sides of Arch and Ridge Sts. from Lake Superior to Front St.

MONTANA

Ravalli County

Hamilton, Daly, Marcus, Memorial Hospital, 211 S. 4th St.

NEW HAMPSHIRE

Hillsborough County

Manchester, Smyth Tower, 718 Smyth Rd.

NEW JERSEY

Burlington County

Chesterfield vicinity, Singleton-Lathem-Large House, NW of Chesterfield on NJ 528

Essex County

Newark, Murphy Varnish Works, McWhorter, Vesey, and Chestnut Sts.

Morris County

Morristown vicinity, Thorne and Eddy Estates, E of Morristown on Columbia Rd.

Somerset County

Bernardsville, Parker, John, Tavern, 2 Morristown Rd.

NEW MEXICO

Rio Arriba County

Cordova, San Antonio de Padua del Quemado Chapel, off NM 76

NEW YORK

Albany County

Green Island, St. Mark's Episcopal Church, 69-75 Hudson Ave.

Chemung County

Elmira, Chemung Canal Bank Building, 415 E. Water St.

Chenango County

Norwich, North Broad Street Historic District, Broad St. between Newton Ave. and Cortland St.

NORTH CAROLINA

Mecklenburg County

Charlotte, Jonas, Charles R., Federal Building, 401 W. Trade St.

PENNSYLVANIA

Lancaster County

Strasburg vicinity, Pennsylvania Railroad Collection, Railroad Museum of Pennsylvania on PA 741.

Northumberland County

Sunbury vicinity, Snyder, Caspar, House (Blue Ball Tavern), S of Sunbury on PA 147.

TENNESSEE

Hamilton County

Chattanooga, St. Paul's Episcopal Church, 7th and Pine Sts.

Warren County

McMinnville vicinity, Myers Mound, S of McMinnville.

TEXAS

El Paso County

El Paso, First Mortgage Company Building, 109 N. Oregon St.

Harris County

Houston, Rice Hotel, Main St. and Texas Ave.

Harrison County

Leigh vicinity, Mimosa Hall, S of Leigh off SR 134.

UTAH

Salt Lake County

Salt Lake City, Capitol Building, Capitol Hill.

Salt Lake City, Exchange Place Historic District, Exchange Pl. and S. Main St.

Salt Lake City, Judge Building, 8 E. 300 South.

Salt Lake City, Ladies Literary Club Clubhouse, 850 E. South Temple.

Salt Lake City, Nelden, William A., House, 1172 E. 100 South.

Summit County

Park City, Main Street Historic District, Main St.

Park City, Park City Union Pacific Railroad Depot, 102 Pacific Ave.

VERMONT

Addison County

Addison, Addison Baptist Church, Jct. VT 22A and VT 17.

Ferrisburg vicinity, Hawley's Ferry House, NW of Ferrisburg on Kingsland Bay.

Chittenden County

Burlington, First Methodist Church of Burlington, S. Winooski Ave.

Rutland County

Sudbury, Sudbury School #3, Jct. VT 30 and VT 73.

WASHINGTON

Douglas County

Bridgeport vicinity, Rufus Woods Lake Archeological District, along Columbia from Rufus Woods Lake E to Elmer City (also in Okanogah County).

[FR Doc. 78-13562 Filed 5-22-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

UNITED STATES CIRCUIT JUDGE NOMINATING COMMISSION EIGHTH CIRCUIT PANEL

Meeting

Chairman: Lawrence J. Hayes.
The schedule of meetings for the Eighth Circuit of the United States Circuit Judge Nominating Commission is as follows:

(1) A meeting to discuss candidates for the vacancy available on the Eighth Circuit Court of Appeals will be held on May 23, 1978, in St. Louis, Mo., at the Breckenridge Pavillion Hotel at 9 a.m.

(2) A second meeting to interview applicants and select possible candidates will be held at the same location on June 2 and 3, 1978, at 9 a.m.

Both of these meetings will be closed to the public pursuant to Pub. L. 92-463, section 10(D) as amended. (CF 5 U.S.C. 552b (c)(6)).

JOSEPH A. SANCHES,
Advisory Committee,
Management Officer.

MAY 2, 1978.

[FR Doc. 78-13964 Filed 5-22-78; 8:45 am]

[4410-18]

Law Enforcement Assistance Administration
CHAMPAIGN COUNTY, ILL.: ADMINISTRATIVE APPEAL

Hearing

Notice is hereby given that the administrative appeal of Champaign County, Ill., on the denial of an LEAA discretionary grant for the construction of a corrections/court complex

will be heard on May 25, 1978, at 10 a.m. The location of the hearing will be the Federal Court House Building/Dirksen Building, Room 1669, 219 South Dearborn Street, Chicago, Ill. The hearing will be presided over by Administrative Law Judge James W. Mast of the Department of Housing and Urban Development and will be open to the public.

For further information call Jay A. Brozost, Office of General Counsel, LEAA at 202-376-3691.

CHARLES A. LAUER,
Deputy General Counsel.

[FR Doc. 78-14222 Filed 5-22-78; 8:45 am]

[4410-18]

WHITE COLLAR CRIME DATA

Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive grant program aimed at research and analysis on white collar crime data sources focusing primarily on those sources at the Federal level. The anticipated project would identify, describe, and assess the uses and limitations of a number of major data sources relevant to white collar crime, and produce reports on the findings.

The solicitation requests the submission of proposals to be postmarked no later than July 7, 1978. One grant is planned to be awarded by September 29, 1978, with funding support not to exceed \$250,000 and 15 months in duration. Because this is a research grant program, profitmaking organizations are prohibited by LEAA policy from receiving funding support.

A copy of the solicitation can be obtained by sending a self addressed mailing label to: WCC Data Sources, CCP Division, NILECJ, 633 Indiana Avenue NW., Washington, D.C. 20531.

BLAIR G. EWING,
Acting Director, National Institute of Law Enforcement and Criminal Justice.

[FR Doc. 78-14301 Filed 5-22-78; 8:45 am]

[4510-28]

DEPARTMENT OF LABOR

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assist-

ance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligi-

ble to apply for adjustment assistance under title II, chapter 2, of the Act in accordance with the provisions of subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 2, 1978.

Interested persons are invited to submit written comments regarding

the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 2, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 4th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Auto Village, Inc. (company).....	Youngstown, Ohio	Apr. 27, 1978	Apr. 14, 1978	TA-W-3,572	Selling of General Motors, Ford and other executive cars.
Bancroft Industries (United Hatters, Cap and Millinery Workers International Union).....	Cabot, Ark.	Apr. 25, 1978	Apr. 13, 1978	TA-W-3,573	Military headwear.
Brown Shoe Co. (workers).....	Caruthersville, Mo.	do	Apr. 22, 1978	TA-W-3,574	Ladies' shoes.
Lady Prestige, Inc. (workers).....	Boston, Mass.	Apr. 28, 1978	Apr. 13, 1978	TA-W-3,575	Ladies' sportswear.
M & O Sportswear (workers).....	Paterson, NJ	Apr. 19, 1978	Apr. 17, 1978	TA-W-3,576	Boys' and girls' jackets.
Dom Rose Fashions, Inc. (ILGWU).....	Newburgh, NY	Apr. 28, 1978	Apr. 24, 1978	TA-W-3,577	Ladies' rainwear.
United Sportswear (workers).....	Somersville, Mass.	do	Apr. 25, 1978	TA-W-3,578	Ladies' sportswear.

[FR Doc. 78-14169 Filed 8-22-78; 8:45 am]

[4510-28]

Office of the Secretary

[TA-W-2950]

ALTON BOX BOARD CO., ST. LOUIS, MO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2950: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 25, 1978, in response to a worker petition received on January 9, 1978, which was filed by the Printing Specialties & Paper Products Union on behalf of workers and former workers producing shoe boxes at the St. Louis, Mo., plant of the Alton Box Board Co.

The notice of investigation was published in the FEDERAL REGISTER on

February 17, 1978 (43 FR 7068). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from the Alton Box Board Co., the U.S. Department of Treasury, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The St. Louis, Mo., plant of the Alton Box Board Co. produces rigid and folding shoe boxes which are sold to manufacturers throughout the Midwest.

Imports of rigid boxes are not separately identifiable in the official trade statistics. Folding boxes and paperboard are classified under TSUS item 256.5400, "Boxes, Paper, Paperboard, and Paper Mache, NES." A survey of industry sources and U.S. Customs officials and a review of U.S. Customs invoices indicated that there are no imports of shoe boxes into the United States.

Workers filing this petition allege that increased imports of shoes contained in boxes have contributed importantly to the separation of workers at the St. Louis plant of the Alton Box Board Co. Although an unknown quantity of imported shoes are shipped in boxes, those packaged shoes are not like or directly competitive with the boxes produced by Alton.

CONCLUSION

After careful review I conclude that all workers at the St. Louis, Mo., plant of the Alton Box Board Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and planning.
[FR Doc. 78-14170 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3115]

AMERICAN BRUSH CO., INC., BOSTON, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3115: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 13, 1978, in response to a worker petition received on January 26, 1978, which was filed on behalf of workers and former workers producing paint brushes at the American Brush Co., Inc., Boston, Mass. During the course of the investigation it was determined that paint rollers are also produced.

The notice of investigation was published in the FEDERAL REGISTER on February 28, 1978 (43 FR 8207). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the American Brush Co., Inc., the American Brush Manufacturers' Association, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof and to the absolute decline in sales or production.

American Brush Co., Inc., was established in 1923 in Boston, Mass., to manufacture paint brushes and rollers primarily for residential and industrial uses. No artist brushes are produced.

Imports of paint brushes and rollers, have comprised less than two percent of the domestic market since 1973. Further, most imported brushes are either flat or round short bristle brushes without adequate paint-carrying ability for residential or industrial

painting jobs. Imported brushes are primarily used for artistic purposes.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that workers at American Brush Co., Inc., Boston, Mass., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-14171 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3376]

ANTHONY SPORTSWEAR, BOSTON, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-3376: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 21, 1978, in response to a worker petition received on March 6, 1978, which was filed on behalf of workers and former workers producing ladies' sportswear at Anthony Sportswear, Boston, Mass.

The notice of investigation was published in the FEDERAL REGISTER on March 28, 1978 (43 FR 12967). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Anthony Sportswear, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

Sales and production data are equal. Production, in terms of 1975 dollars, increased from 1975 to 1976 and from 1976 to 1977. Production also increased in the first quarter of 1978 compared to the same period in 1977. Production increased in each of the four most recent quarters when compared to the respective quarter of the

previous year, and increased in March 1977 compared to March 1976.

CONCLUSION

After careful review, I conclude that all workers at Anthony Sportswear, Boston, Mass., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-14172 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2854]

ARMCO STEEL CORP., MARION, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2854: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 5, 1978, in response to a worker petition received on December 19, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing hot rolled bars, reinforcing bars, and steel posts for fences at the Marion, Ohio, Works of Armco Steel Corp. During the course of the investigation it was established that the plant also produces steel posts for signs.

The notice of investigation was published in the FEDERAL REGISTER on January 20, 1978 (43 FR 2952). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Marion Works of Armco Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. With respect to the workers producing concrete reinforcing bar and hot rolled carbon steel bars and structural shapes, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That sales or production, or both of such firm or subdivision have decreased absolutely.

The Department's investigation revealed that annual sales of reinforcing bar increased in terms of both quantity and value in 1976 compared to 1975 and in 1977 compared to 1976. Plant production of reinforcing bars increased each year during the 1975-77 period.

The Department's investigation also revealed annual sales of hot rolled bars increased in terms of both quantity and value in 1977 compared to 1976. Production of these products increased each year during the 1975-77 period.

With respect to workers producing steel sign and fence posts, without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that none of the customers surveyed, which account for a substantial proportion of the subject firm's sales of sign and fence posts, indicated that they purchased imports of steel sign or fence posts during period from 1975 through 1977.

After careful review of the facts obtained in the investigation, I conclude that all workers of the Marion, Ohio, plant of the Armco Steel Corp. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14173 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2645]

AVTEX FIBERS, INC., NITRO, W. VA.

Certification Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2645: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 23, 1977, in response to a worker petition received on November 14, 1977, which was filed on behalf of workers and former workers producing rayon staple fiber at the Nitro, W. Va., plant of Avtex Fibers, Inc.

The notice of investigation was published in the FEDERAL REGISTER on December 6, 1977 (42 FR 61695). No

public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Avtex Fibers, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of rayon and acetate staple and tow fibers increased from 37.9 million pounds in 1975 to 43.2 million pounds in 1976, an increase of 14.0 percent. During the January-September period of 1977, imports increased to 48.0 million pounds from 32.9 million pounds for the same period in 1976, representing an increase of 45.9 percent. The ratio of imports to domestic production decreased from 9.9 percent in 1975 to 8.9 percent in 1976. During the January-September period of 1977, the ratio of imports to domestic production increased to 11.8 percent from 9.1 percent during the same period of 1976.

A survey of customers of Avtex Fibers, Inc., indicated that major customers decreased their purchases of rayon staple fiber from the subject firm and other domestic sources while increasing imports in 1976 and 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with rayon staple fibers produced at the Nitro, W. Va., plant of Avtex Fibers, Inc., contributed importantly to the decline in sales and production and to the total or partial separation of workers of that plant.

In accordance with the provisions of the Act, I make the following certification:

All workers at the Nitro, W. Va., plant of Avtex Fibers, Inc., who became totally or partially separated from employment on or after August 26, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14174 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2874]

BETHLEHEM STEEL CORP., BURNS HARBOR PLANT, CHESTERTON, IND.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2874: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978, in response to a worker petition received on December 19, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing carbon steel products at the Burns Harbor plant of Bethlehem Steel Corp., Chesterton, Ind. It was subsequently determined that this plant produces basic steel products, from which produces cold and hot rolled sheet and strip, steel plates, and tin mill products.

The petition was dated November 1, 1977. Because the petition was received on December 19, 1977, more than 30 days after the petition date, the postmark date of December 15, 1977, will be used as the date of the petition.

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bethlehem Steel Corp., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average annual employment increased in 1977 compared to 1976. Average hours worked showed no change in 1977 compared to 1976. Currently, there is no threat of future separations evident.

Some workers were laid off in July 1977 while a blast furnace was being relined. These workers were all recalled in July or August. No workers were laid off during 1977 due to production cutbacks or lack of work.

Company officials indicate that no threat of total or partial separation is evident.

CONCLUSION

After careful review I conclude that all workers at the Burns Harbor plant of Bethlehem Steel Corp., Chesterton, Ind., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14175 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2875]

BRISTOL FASHIONS, INC., BRISTOL, R.I.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2875: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978, in response to a worker petition received on December 20, 1977, which was filed on behalf of workers formerly producing ladies' sportswear at Bristol Fashions, Inc., Bristol, R.I.

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Bristol Fashions, Inc., its customers, the International Ladies' Garment Workers' Union, the U.S. Department of Commerce, U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Bristol Fashions was a contractor of ladies' bottom garments and worked almost exclusively for one manufac-

turer. This manufacturer, which does not import, increased contract work with other domestic contractors while reducing contract work with Bristol Fashions in 1976 and 1977. The manufacturer's sales increased in 1976 and 1977.

CONCLUSION

After careful review I conclude that all workers at Bristol Fashions, Inc., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14176 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3351]

CONSOLIDATED RAIL CORP., YOUNGSTOWN, OHIO, BRIER HILL YARD AND ROAD

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3351: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 15, 1978, in response to a worker petition received on February 6, 1978, which was filed by the United Transportation Union on behalf of workers and former workers engaged in employment related to transporting commodities at the Youngstown, Ohio, Brier Hill Yard and Road of the Consolidated Rail Corp., Pittsburgh, Pa.

The notice of investigation incorrectly stated that the petition was filed by three workers.

The investigation revealed that ConRail is engaged in the rail transportation of freight and passengers.

The notice of investigation was published in the FEDERAL REGISTER on April 7, 1978 (43 FR 14774). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Consolidated Rail Corp. and the Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act, must be met. The Department has determined that services are not "articles" within the meaning of section 222 of the Act, and that independent firms for which the subject firm pro-

vides services cannot be considered to be the "workers' firm".

The Department's investigation revealed that the Consolidated Rail Corp. (ConRail), a Pennsylvania corporation based in Pittsburgh, is a railroad company operating throughout 17 Eastern states. ConRail is licensed and regulated by the Interstate Commerce Commission as a common carrier. The company offers its transportation services to a wide variety of customers in the market area through which its railroad network extends. ConRail is not engaged in any production operations. ConRail's Brier Hill Yard and Road in Youngstown, Ohio, provided transportation services for various customers.

Workers in this subdivision are engaged in rail transportation operations.

The Youngstown, Ohio, Brier Hill Yard and Road of ConRail is not financially, corporately, or otherwise involved in the business of any of its customers. The workers on whose behalf this petition was filed were hired and are paid by and subject to the control of ConRail personnel only. All employment benefits are provided and maintained by ConRail. Thus, ConRail must be considered the workers' firm.

CONCLUSION

After careful review, I conclude that all workers at the Youngstown, Ohio, Brier Hill Yard and Road of the Consolidated Rail Corp., Pittsburgh, Pa., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14177 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2761]

COPPERWELD CORP. METALLIC DIVISION, GLASSPORT, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2761: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977 in response to a worker petition received on December 2, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing copper-clad and aluminum-clad steel wire products at the Metallic Division of Copperweld Corp., Glassport, Pa.

The Notice of Investigation was published in the **FEDERAL REGISTER** on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Copperweld Corp., the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of insulated electrical conductors containing copper are included in the U.S. tariff schedule under items 688.04. Imports of aluminum-clad steel wire and cable are imported under item 688.20. According to industry sources, there are no known imports of copper-clad and aluminum-clad steel wire products.

CONCLUSION

After careful review, I conclude that workers at the Metallic Division of Copperweld Corp., Glassport, Pa. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning
(FR Doc. 78-14178 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-2921)

EAGLE CLOTHES, INC., BROOKLYN, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2921: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 12, 1978 in response to a worker petition received on December 20, 1977, which was filed by the Window Trimmers and Helpers Union,

on behalf of workers and former workers engaged in the setting up of clothing displays at New York and New Jersey retail stores of Eagle Clothes, Inc.

The notice of investigation was published in the **FEDERAL REGISTER** on February 3, 1978 (43 FR 4695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Eagle Clothes, Inc., the Window Trimmers and Helpers Union and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

Evidence developed during the Department's investigation revealed that the retail stores owned by Eagle Clothes, Inc. sold men's apparel. It is company policy that at least 70 percent of the volume of apparel sold in the New York and New Jersey stores be purchased from imported sources and domestic sources other than Eagle Clothes, Inc. Window trimmers for Eagle Clothes, Inc. are engaged in the setting up of clothing displays at retail stores that purchased predominantly from domestic sources other than Eagle Clothes, Inc. and from abroad. Since the retail stores handled apparel which was purchased predominantly from sources other than Eagle Clothes, Inc., the stores are not an "appropriate subdivision" of Eagle Clothes, Inc. within the meaning of section 222 of the Trade Act of 1974.

In addition, the window trimmers and the retail stores did not produce any articles and the Department of Labor has previously determined that the performance of services is not included within the term "articles," as used in section 222 (3) of the Act.

CONCLUSION

After careful review, I conclude that all workers, engaged in preparing window and store displays at retail stores owned by Eagle Clothes, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-14179 Filed 5-22-78; 8:45 am)

[4510-28]

(TEA-W-206)

FEDERAL MOGUL CORP., SOUTHFIELD, MICH.

Revised Certification of Eligibility of Workers To Apply for Adjustment Assistance

Following a Tariff Commission report pursuant to section (c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884), and a subsequent investigation as authorized under 29 CFR Part 90, a certification, pursuant to section 302(c) of the Trade Expansion Act, was issued for the workers of the Shoemaker Avenue plant of Federal Mogul Corp. on November 5, 1973 (38 FR 31215). Workers at Federal Mogul's Hart Avenue plant were denied certification at that time because the investigation showed that workers in the Hart Avenue plant "were primarily involved in employment related to over 4-inch bearing production and therefore increased imports of 0- to 4-inch tapered roller bearing are not the major factor causing their unemployment or underemployment" (38 FR 31215).

At the request of the Hart Avenue plant workers and on the basis of a showing of additional information, a further investigation was instituted by the Office of Trade Adjustment Assistance pursuant to section 302(c) of the Trade Expansion Act. This investigation indicated that certain workers at the Hart Avenue plant were engaged in employment directly related to the production of the adversely affected articles, and consequently the November 5, 1973, certification was revised August 21, 1975 (40 FR 36633). The revised certification read as follows:

All workers of the Hart Avenue, Detroit, Mich. plant of the Federal Mogul Corp.'s Bower Roller Bearing Division employed in the operation of Inline O.D. I.D. hone machines for the manufacture of 0-4 inch tapered roller bearings who became unemployed or underemployed after August 27, 1972, and before March 1, 1974, are eligible to apply for adjustment assistance under title III, chapter 3 of the Trade Expansion Act of 1962.

On the basis of the Department of Labor's continuing jurisdiction over the November 5, 1973, certification, and on the basis of yet additional information from the workers and Federal Mogul Corp. indicating a greater level of activity at the Hart Avenue plant in the production of under 4-inch roller bearings than previously recognized, the November 5, 1973, certification is revised again to read as follows:

All hourly and salaried workers, excluding hourly and salaried workers of the Bower Room of the Hart Avenue, Detroit, Mich., plant of the Federal Mogul Corp.'s Bower Roller Bearing Division employed in the manufacture of 0-4 inch tapered roller bearings who became unemployed or underem-

ployed after August 27, 1972, and before March 1, 1974, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 10th day of May 1978.

HERBERT N. BLACKMAN,
Associate Deputy Under Secretary for International Affairs.
(FR Doc. 78-14180 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-3075)

FLORSHEIM SHOE CO., MEXICO, MO.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3075: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 7, 1978, in response to a worker petition received on January 25, 1978, which was filed by the United Shoe Workers of America on behalf of workers and former workers producing women's shoes at the Mexico, Mo., plant of the Florsheim Shoe Co.

The notice of investigation was published in the **FEDERAL REGISTER** on February 24, 1978 (43 FR 7744). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Florsheim Shoe Co., the Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of women's nonrubber footwear, except athletic, decreased, in absolute terms, from 1973 to 1974, increased from 1974 to 1975, and increased from 1975 to 1976. Imports decreased 8.5 percent from 1976 to 1977. The ratios of imports to domestic production and consumption increased from 117.9 percent and 54.1 percent, respectively, in 1976 to 122.8 percent and 55.1 percent, respectively, in 1977.

The International Trade Commission recently found that certain footwear articles, including women's nonrubber shoes, are being imported into the United States in such increased quantities as to be a substantial cause of serious injury to the domestic industry producing such articles.

The ratio of imports to domestic production of women's nonrubber

footwear has been greater than 100 percent in each of the past 5 years, reaching a peak level of 122.8 percent in 1977.

Florsheim Shoe Co. began importing women's footwear in November 1975. The company's imports increased 20 percent in quantity from 1976 to 1977. In February 1978, Florsheim discontinued its production of women's shoes at the Mexico plant. As a result, two-thirds of the workers were laid off. The Mexico plant was the last remaining Florsheim plant engaged in the production of women's shoes.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with women's shoes produced at the Mexico, Mo., plant of the Florsheim Shoe Co. contributed importantly to the total or partial separation of workers at the plant. In accordance with the provisions of the Act, I make the following certification:

All workers at the Mexico, Mo., plant of the Florsheim Shoe Co. who became totally or partially separated from employment on or after January 20, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 15th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-14181 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-2670)

HAWTHORNE TANNERS, INC., SALEM, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2670: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1977, in response to a worker petition received on November 21, 1977, which was filed on behalf of workers and former workers producing tanned sheepskin at Hawthorne Tanners, Inc., Salem, Mass.

The notice of investigation was published in the **FEDERAL REGISTER** on December 16, 1977 (42 FR 63486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hawthorne Tanners, Inc., its customers, the U.S. Department of Commerce,

the U.S. International Trade Commission, the Tanning Council of America, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

that sales or production, or both, of such firm or subdivision have decreased absolutely.

Sales at Midwest Steel increased in quantity terms (tons) in 1976 compared to 1975, and increased in 1977 compared to 1976.

Production at Midwest Steel increased in quantity terms (tons) in 1976 compared to 1975, and increased in 1977 compared to 1976.

CONCLUSION

After careful review I conclude that all workers at Portage, Ind., National Steel Corp., Midwest Steel Division, are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
(FR Doc. 78-14182 Filed 5-22-78; 8:45 am)

[4510-28]

TA-W-3083)

JAY GARMENT CO., CLARKSVILLE, TENN.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on February 7, 1978, in response to a worker petition received on January 31, 1978, in which was filed by the Amalgamated Clothing & Textile Workers Union on January 10, 1978, on behalf of workers and former workers producing men's work shirts and one-piece overalls at the Clarksville, Tenn., plant of the Jay Garment Co.

The notice of investigation was published in the **FEDERAL REGISTER** on February 28, 1978 (43 FR 7744). No public hearing was requested and none was held.

On July 27, 1976, the Department certified as eligible to apply for adjustment assistance all workers at the Clarksville, Tenn., plant of the Jay Garment Co. (TA-W-685). Since workers newly separated, totally or partially, at such plant on or after March 9, 1975 (impact date), and before July 27, 1978 (expiration date of the certification), are covered by an existing certi-

fication, continuation of this investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 15th day of May 1978.

MARVIN M. FOOKS,
Director, Office of Trade
Adjustment Assistance.

[FR Doc. 78-14183 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-1559T]

LEEMAR KNITTING MILLS, INC., LONG ISLAND CITY, N.Y.

Termination of Certification of Eligibility To
Apply for Worker Adjustment Assistance

In accordance with section 223(d) of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-1559T: Investigation regarding termination of certification of eligibility to apply for worker adjustment assistance as prescribed in section 223(d) of the Act.

On July 26, 1977, workers engaged in employment related to the production of ladies' knit suits of Leemar Knitting Mills, Inc., Long Island City, N.Y., were certified as eligible to apply for trade adjustment assistance. The notice of determination was published in the FEDERAL REGISTER on August 2, 1977 (42 FR 39166).

The investigation regarding termination of certification was initiated on March 27, 1978, to determine whether the group of workers specified above continue to meet the group eligibility requirements of section 222 of the Act. The notice of investigation was published in the FEDERAL REGISTER on April 21, 1978 (43 FR 17082).

During the course of the investigation, information was obtained primarily from Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely;

(3) That articles like or directly competitive with those produced by the firm or subdivision are being imported in increased quantities, either actual or relative to domestic production; and

(4) That such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production. The term "contributed importantly" means a cause which is impor-

tant but not necessarily more important than any other cause.

Whenever it becomes evident that any one of the above criteria is no longer met, the certification as issued should be revised to include a termination date. The termination date would apply only with respect to total or partial separations occurring after this date as specified in the revised certification. The investigation reveals that the third criterion is no longer being met with respect to workers at the Leemar Knitting Mills, Inc., Long Island City, N.Y.

During the course of the termination investigation, it was established that in 1977 imports declined to 384,000 dozen, a 5.9 percent decline from the previous year. Imports in 1976 were 408,000 dozen, which was a 1 percent decline from 1975. On preliminary data, the import-to-production ratio declined in 1977 to 10.2 percent down from 11.6 percent in 1976. Therefore, the certification is being terminated because the increased import test is no longer met, either on an absolute or relative basis.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that total or partial separations of workers engaged in the production of ladies' knit suits at Leemar Knitting Mills, Inc., Marlee Trim, Inc., and Winmore Knitting Mills, Ltd., Long Island City, N.Y., are no longer attributable to the conditions specified in section 222 of the Trade Act of 1974. In accordance with section 223(d) of the Act, I hereby revise the certification of July 26, 1977, to read as follows:

All workers engaged in employment related to the production of ladies' knit suits at Leemar Knitting Mills, Inc., Marlee Trim, Inc., and Winmore Knitting Mills, Ltd., Long Island City, N.Y., who became or will become totally or partially separated on or after December 19, 1975, and before June 1, 1978, be certified eligible to apply for trade adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974. All employees who became or will become totally or partially separated from employment related to the production of ladies' knit suits at Leemar Knitting Mills, Inc., Marlee Trim, Inc., and Winmore Knitting Mills, Ltd., Long Island City, N.Y., on or after June 1, 1978, are denied certification of eligibility to apply for adjustment assistance.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14184 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2945]

MALDEN KNITTING MILLS, INC., MALDEN, MASS.

Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2945: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 23, 1978 in response to a worker petition received on January 9, 1978, which was filed on behalf of workers and former workers producing men's sweaters at the Malden, Mass. plant of Malden Knitting Mills, Inc.

The notice of investigation was published in the FEDERAL REGISTER on February 3, 1978 (43 FR 4696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Malden Knitting Mills, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

that sales or production, or both, of such firm or subdivision have decreased absolutely;

The Department's investigation revealed that sales and production of sweaters at the Malden, Mass. plant of Malden Knitting Mills, Inc. increased in 1976 compared to 1975, and increased in 1977 compared to 1976.

CONCLUSION

After careful review, I conclude that all workers at the Malden, Mass. plant of Malden Knitting Mills, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14185 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3368]

MARSHALL RAY CORP., TROY, N.Y.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 20, 1978 in response to a worker petition received on February 21, 1978 which was filed by the Amalgamated Clothing and Textile Workers Union on February 16, 1978 on behalf of workers and former workers producing men's sportcoats at the Marshall Ray Corp., Troy, N.Y.

The notice of investigation was published in the FEDERAL REGISTER on April 7, 1978 (43 FR 14776). No public hearing was requested and none was held.

On July 27, 1976, the Department certified as eligible to apply for adjustment assistance all workers at the Marshall Ray Corp., Troy, N.Y. (TA-W-686). Since workers newly separated, totally or partially, at such plant on or after March 8, 1975 (impact date) and before July 27, 1978 (expiration date of the certification) are covered by an existing certification, continuation of this investigation would serve no purpose. Consequently, the investigation has been terminated.

Signed at Washington, D.C., this 15th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.
[FR Doc. 78-14186 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2979]

NATIONAL STEEL CORP., GRANITE CITY STEEL DIVISION, GRANITE CITY, ILL.

Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2979: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 30, 1978 in response to a worker petition received on January 10, 1978 filed by the United Steelworkers of America on behalf of workers and former workers producing coke, iron, steel and flat rolled products at National Steel Corp., Granite City Steel Division, Granite City, Ill. The investigation revealed that the Granite City Steel Division produced cold rolled, hot rolled and galvanized flat rolled steel products.

The Notice of Investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7069). No

public hearing was requested and none was held.

Workers at National Steel Corp., Granite City Steel Division were denied eligibility to apply for adjustment assistance in a previous notice of Determination issued on May 16, 1977 (TA-W-1502).

The information upon which the determination was made was obtained principally from officials of National Steel Corp., the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average hourly employment at Granite City Steel Division increased from 1975 to 1976 and increased from 1976 to 1977. Average hourly employment increased in each quarter of 1977 compared to the same quarter of the previous year. Under the contract negotiated with the United Steelworkers of America, Granite City Steel Division is obligated to lay off employees rather than schedule work less than 40 hours per week.

CONCLUSION

After careful review I conclude that all workers at National Steel Corp., Granite City Steel Division, Granite City, Ill. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14187 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3105]

NATIONAL STEEL CORP. MIDWEST STEEL DIVISION, PORTAGE, IND.

Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3105: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 9, 1978 in response to a worker petition received on January 10, 1978, which was filed by the United Steelworkers of America on behalf of workers and former workers producing flat rolled sheet steel at National Steel Corp., Midwest Steel Division, Portage, Ind.

The Notice of Investigation was published in the FEDERAL REGISTER on February 24, 1978 (43 FR 7743). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Midwest Steel, the United Steelworkers of America, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Aggregate imports of tanned and finished sheepskin rose from 12,690 thousand square feet in 1975 to 18,744 thousand square feet in 1976. Imports decreased from 15,322 thousand square feet in the first three quarters of 1976 to 12,946 thousand square feet for the same period in 1977, a decrease of 15.5 percent. The ratio of imports to domestic production for tanned and finished sheepskin increased from 15.5 percent in 1975 to 23.4 percent in 1976 and then decreased from 24.6 percent in the first three quarters of 1976 to 23.1 percent for the same period in 1977.

The United States is a large exporter of tanned and finished sheepskin. In the first 9 months of 1977, exports represented 97 percent of U.S. production of sheepskin. Imports of sheepskin, which had declined each year from 1972 to 1975, before increasing in 1976, fell 15.5 percent in the first 9 months of 1977 compared to the same period in 1976. U.S. consumption of sheepskin fell sharply in the first 9 months of 1977, decreasing 58.2 percent compared to the same period in 1976. This is primarily due to a shift to less expensive leather and non-leather substitutes.

A survey of customers that purchased tanned sheepskin produced by Hawthorne Tanners revealed that most did not purchase imports. Most of those that reduced purchases from

Hawthorne shifted to other domestic sources. Some reduced purchases because of a decrease in demand for sheepskin leather garments.

CONCLUSION

After careful review, I conclude that all workers at Hawthorne Tanners, Inc., Salem, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

(FR Doc. 78-14188 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-3154)

NEIMAN TOOL AND MACHINE, SULLIVAN,
MO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3154: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 13, 1978 in response to a worker petition received on January 13, 1978 filed on behalf of former workers performing precision machining for the atomic energy and guided missile programs at Neiman Tool and Machine, Sullivan, Mo. During the course of the Department's investigation it was revealed that Neiman Tool and Machine also did machining for other programs.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8862). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Neiman Tool and Machine, its customers, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

A survey of customers for whom Neiman Tool and Machine did con-

tract work was conducted by the Department. All customers reported that due to the nature of their work (i.e. atomic energy, defense or aerospace related projects) they could not, by law, purchase any imported components.

CONCLUSION

After careful review I conclude that all workers at Neiman Tool and Machine, Sullivan, Mo. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

(FR Doc. 78-14189 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-2768)

OMEGA LAST CO., ST. LOUIS, MO.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2768: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977 in response to a worker petition received on December 5, 1977, which was filed on behalf of workers and former workers producing heels, soles and lasts at Omega Last Co., St. Louis, Mo.

The notice of investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Omega Last Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A survey of the footwear manufacturer whose purchases from Omega

Last constituted nearly all of Omega Last's sales and production indicated that this customer purchased soles, heels and lasts from Omega Last exclusively and did not purchase these items from any other domestic or foreign source. The decline in sales and production at Omega Last in the latter part of 1977 was due to the decrease in purchases by this footwear manufacturer and the subsequent shutdown of this manufacturer's production facilities. There is no corporate relationship between this manufacturer and Omega Last Co. Imports of footwear are not like or directly competitive with soles, heels and lasts within the meaning of section 222(3) of the Trade Act of 1974.

CONCLUSION

After careful review I conclude that all workers at Omega Last Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 10th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

(FR Doc. 78-14190 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-3388)

PHILADELPHIA, BETHLEHEM & NEW ENGLAND
RAILROAD CO., BETHLEHEM, PA.

Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on March 21, 1978 in response to a worker petition received on March 6, 1978 which was filed by the United Transportation Union on behalf of workers and former workers engaged in transporting materials for Bethlehem Steel Corp. at the Philadelphia, Bethlehem & New England Railroad Co., Bethlehem, Pa.

Notice of the investigation was published in the FEDERAL REGISTER on March 28, 1978 (43 FR 12967). No public hearing was requested and none was held.

During the course of the investigation, it was established that all workers of Philadelphia, Bethlehem & New England Railroad Co. were previously certified eligible to apply for adjustment assistance on August 27, 1976 (See Notice of Determination in "Bethlehem Steel Corporation" TA-W-924).

The existing certification will expire on August 27, 1978 unless terminated by the Secretary of Labor. Since workers newly separated, totally or partially, are covered by the existing certification provided such separations occurred on or after the impact date

(May 15, 1975) and before the certification expiration date (August 27, 1978) a new investigation would serve no purpose; consequently the investigation has been terminated.

Signed at Washington, D.C., this 2nd day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

(FR Doc. 78-14191 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-2752)

PULLMAN STANDARD, BUTLER, PA.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2752: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 8, 1977 in response to a worker petition received on November 28, 1977, which was filed on behalf of workers and former workers producing railroad freight cars at Pullman Standard, Butler, Pa.

The notice of investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65307). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Pullman Standard, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The investigation revealed that Pullman Standard produced only hopper freight cars. Imports of freight cars were negligible from 1972 through 1976. In the first 9 months of 1977, imports increased due to the action of one U.S. railroad, ordering, from Mexico, gondola and box cars, which are not like or directly competitive with hopper cars. Subtracting this railroad's order from U.S. imports shows that imports of other types of

freight cars, including hopper cars, remained negligible for the first three quarters of 1977, as compared to the same period of 1976.

Furthermore, the workers at Pullman Standard are seeking trade adjustment assistance benefits for unemployment experienced during the first 6 months of 1978. Section 223(b)(1) of the Trade Act of 1974 denies benefits to workers separated more than 1 year prior to the date of the petition. The petition was dated November 21, 1977.

The petitioners allege that imports of welding rods, welding flux, wheels and air brake parts used in the production of hopper cars contributed to the separations at the Butler plant. Such parts were never manufactured at Butler but were purchased from outside sources for use in the production of hopper cars.

CONCLUSION

After careful review I conclude that all workers at Pullman Standard are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

(FR Doc. 78-14192 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-2641)

REED FOREST PRODUCTS, INC.
CHEEKTOWAGA, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2641: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 21, 1977 in response to a worker petition received on November 10, 1977 which was filed on behalf of workers and former workers producing wallpaper at Reed Forest Products, Inc., Cheektowaga, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 61696). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Reed Forest Products, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The investigation has revealed that all of the requirements have been met.

Imports of wallpaper increased from 19.8 million dollars in 1975 to 33.8 million dollars in 1976 and 40.3 million dollars in 1977.

The ratio of imports of wallpaper to domestic production increased from 10.6 percent in 1975 to 16.3 percent in 1976.

The Cheektowaga plant supplements its domestic line with imported wallpaper. The plant has increased its import purchases in recent years. Imports of finished wallpaper as a percentage of total plant sales increased from 4 percent in value in 1975 to 19 percent in 1976 and 22 percent in 1977.

Customers of the Cheektowaga plant who were surveyed indicated that they are increasing purchases of imported wallpaper. Purchases from other domestic sources as well as from Reed are also supplied by foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with wallpaper produced by Reed Forest Products, Inc., Cheektowaga, N.Y. contributed importantly to the decline in sales and production and to the total or partial separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Reed Forest Products, Inc., Cheektowaga, N.Y. who became totally or partially separated from employment on or after November 4, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

(FR Doc. 78-14193 Filed 5-12-78; 8:45 am)

[4510-28]

(TA-W-2574)

REGENCY ELECTRONICS, INC., INDIANAPOLIS,
IND.

Certification Regarding Eligibility To Apply For Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2574: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 7, 1977 in response to a worker petition received on October 31, 1977 which was filed by the International Union of Electrical, Radio and Machine Workers on behalf of workers and former workers producing transceivers and scanners at Regency Electronics, Inc., Indianapolis, Ind.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59584). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Regency Electronics, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. The investigation has revealed that all of the requirements have been met.

Imports of scanners increased from 190 thousand units in 1976 to 213 thousand units in 1977.

Customers of Regency Electronics who were surveyed indicated they increased purchases of imports of scanners in 1976 and 1977 while decreasing purchases from Regency Electronics during the same period. Several customers indicated that a large proportion of the scanners purchased from domestic supplies were manufactured offshore.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with scanners produced by Regency Electronics, Inc., Indianapolis, Ind. contributed importantly to the decline in sales and production and to the separation of workers of that firm. In accordance with the provisions of the Trade Act of 1974, I make the following certification.

All workers of Regency Electronics, Inc., Indianapolis, Ind. who became totally or partially separated from employment on or after October 26, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

(FR Doc. 78-14194 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-2958)

RELIABLE COAT CO., INC., SOMERSET, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2958: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 25, 1978 in response to a worker petition received on January 9, 1978, which was filed by the International Ladies' Garment Workers' Union on behalf of workers and former workers producing ladies' coats at the Reliable Coat Co., Inc., Somerset, N.J.

The notice of investigation was published in the FEDERAL REGISTER on February 17, 1978 (43 FR 7068). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Reliable Coat Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of women's, misses' and children's coats and jackets increased from 1,517,000 dozen in 1975 to 2,252,000 dozen in 1976. U.S. imports increased from 1,680,000 dozen in the first nine months of 1976 to 2,081,000 dozen in the first nine months of 1977.

The ratio of imported women's, misses' and children's coats and jackets to domestic production increased from 38.9 percent in 1975 to 57.5 percent in 1976.

A survey of the sole manufacturer that contracted work to Reliable Coat indicated that this manufacturer increased purchases of imported ladies' coats in 1977 while decreasing contract work with Reliable Coat.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' coats produced by the Reliable Coat Co., Inc., Somerset, N.J. contributed importantly to the decrease in sales and production and to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at the Reliable Coat Co., Inc., Somerset, N.J. who became totally or partially separated from employment on or after January 4, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

(FR Doc. 78-14195 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-2862)

ROBERT SHOE CO., INC., LANCASTER, N.H. AND SOMERSWORTH, N.H.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2862: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 5, 1978 in response to a worker petition received on that date which was filed on behalf of workers and former workers producing suede boots and athletic shoes at the Lancaster, N.H. plant of the Robert Shoe Co., Inc.

The Notice of Investigation was published in the FEDERAL REGISTER on January 20, 1978 (43 FR 2952-3). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Robert Shoe Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, National Footwear Manufacturers' Association, and Department files.

During the course of the investigation, the Department determined that the Lancaster, N.H. plant of the Robert Shoe Co., Inc. does not manufacture finished footwear but stitches uppers used in the construction of finished footwear at the Somersworth, N.H. plant of the Robert Shoe Co., Inc. and, as such, was part of an integrated production process. This petition is expanded to cover workers engaged in employment related to the production of warm-lined boots and athletic footwear at the Somersworth, N.H. plant of the Robert Shoe Co., Inc.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the total or partial separation, or threat thereof, and to the absolute decline in sales or production.

Imports of women's boots are included in the market basket women's non-rubber footwear, except athletic. Imports of women's non-rubber footwear, except athletic remained constant from 1975 to 1976 and decreased 8.9 percent in the first 9 months of 1977 compared to the like period in 1976. The ratios of imports to domestic production and consumption increased from 119.9 percent and 54.5 percent respectively, in the first nine months of 1976 to 124.9 percent and 55.5 percent, respectively, in the first 9 months of 1977.

Imports of athletic footwear increased 106.6 percent from 1975 to 1976 and increased 55.2 percent in the first 9 months of 1977 compared to the like period in 1976. The ratios of imports to domestic production and consumption increased from 345.3 percent and 77.5 percent respectively, in the first 9 months of 1976 to 522.1 percent and 83.9 percent, respectively, in the first 9 months of 1977.

The import data are not reflective of the footwear produced by Robert Shoe. Warm-lined boots, which account for approximately 90 percent of total production of Robert Shoe, constitute a minor portion of the market basket "Women's Nonrubber Footwear, Except Athletic." According to a company official, Robert Shoe's boots are in competition with European-produced boots which are subject to labor costs comparable to those of domestic manufacturers and don't enjoy labor cost advantages of foreign producers in other footwear lines.

Beginning in 1974, Robert Shoe has, within the athletic footwear portion of its product mix which represents about 10 percent of production, shifted from low-priced to higher priced lines of athletic footwear. Import competition at the low-priced end of the market from imported sneakers and deck shoes led Robert Shoe to produce higher-priced lines of athletic footwear such as baseball, basketball and bowling shoes.

The Department surveyed customers of Robert Shoe who purchased women's warm-lined boots and athletic footwear. Respondents to the survey did not purchase imported warm-lined boots or athletic footwear in 1977.

Further, the average number of production workers of Robert Shoe Co. increased in 1976 compared to 1975 and in 1977 compared to 1976. Average weekly hours worked increased in 1976 over the previous year and declined by less than 5 percent in 1977 compared to 1976.

CONCLUSION

After careful review, I conclude that all workers at the Lancaster, N.H., and Somersworth, N.H., plants of the Robert Shoe Co., Inc., are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

(FR Doc. 78-14198 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-2502)

VESUVIUS CRUCIBLE CO., SWISSVALE, PA.

Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2502: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 25, 1977 in response to a worker petition received on October 17, 1977 which was filed by the United Steelworkers of America on behalf of all workers producing refractory and graphite refractory products including crucibles and stopper heads at the Swissvale, Pa. plant of Vesuvius Crucible Co.

The Notice of Investigation was published in the FEDERAL REGISTER on November 8, 1977 (42 FR 58209). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Vesuvius Crucible Co., the National Labor Relations Board, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The date of the petition is October 1, 1977 and the earliest possible impact date would be October 1, 1976. The Department's investigation revealed

that there were no separations at the plant during October 1976. The investigation further revealed that all separations beginning November 1, 1976 to date, were caused by a strike of workers at the Swissvale plant.

CONCLUSION

After careful review, I conclude that all workers at the Swissvale Pa. plant of Vesuvius Crucible Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 12th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

(FR Doc. 78-14197 Filed 5-22-78; 8:45 am)

[4510-28]

(TA-W-2505)

ARMCO STEEL CORP., ZANESVILLE, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2505: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 26, 1977 in response to a worker petition received on October 18, 1977, which was filed on behalf of workers and former workers producing silicon steel sheet and strip at the Zanesville, Ohio plant of Armco Steel Corp.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59133). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Armco Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met.

Without regard to whether any of the other criteria have been met, the following criterion was not met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Office of Trade Adjustment Assistance conducted a survey of some of

the customers of the Zanesville plant that purchased silicon steel sheet and strip. Those customers who reduced purchases of silicon steel sheet and strip from this plant and increased purchases of imported silicon steel sheet and strip accounted for less than one percent of Zanesville sales in the first three quarters of 1977. Most customers reported that they did not buy imported silicon steel.

Further, sales, production, and employment increased from 1976 to 1977.

CONCLUSION

After careful review I conclude that all workers at the Zanesville, Ohio plant of Armco Steel Corp. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14348 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3255; TA-W-3256]

CLASSY LEATHER GOODS CORP.,
MIDDLETOWN, N.Y., NEW YORK, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3255 and TA-W-3256: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 27, 1978 in response to a worker petition received on February 14, 1978 which was filed on behalf of workers and former workers producing ladies' handbags at Classy Leather Goods Corp., Middletown, N.Y. (TA-W-3255) and New York, N.Y. (TA-W-3256).

The Notice of Investigation was published in the FEDERAL REGISTER on March 14, 1978 (43 FR 10648). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Classy Leather Goods Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of ladies' handbags have increased both absolutely and relative to domestic production from 1975 through 1977. The ratio of imports to domestic production was 73.5 percent in 1975, increasing to 111.1 percent in 1976 and 119.7 percent in 1977.

A customer survey conducted by the U.S. Department of Commerce revealed that customers who decreased purchases from Classy Leather Goods Corp. increased purchases of imported handbags.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' handbags produced at Classy Leather Goods Corp., Middletown, N.Y. and New York, N.Y. contributed importantly to the decline in sales and production and to the separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Classy Leather Goods Corp., Middletown, N.Y. and New York, N.Y. who became totally or partially separated from employment on or after February 10, 1977 are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14349 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2876]

CLEMO COAT CO., CLEMENTON, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2876: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978 in response to a worker petition received on December 12, 1977 which was filed by the International Ladies Garment Workers' Union on behalf of workers and former workers producing children's garment's at Clemo Coat Co. of Clementon, N.J. The investigation revealed that the garments produced consisted of children's coats.

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Clemo Coat Co. and its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

United States imports of the category including women's, misses' and children's coats and jackets increased from 1,517 thousand dozen in 1975 to 2,252 thousand dozen in 1976, then increased 20.9 percent to 2,723 thousand dozen in 1977. The ratio of imports to domestic production increased from 38.9 percent in 1975 to 57.5 percent in 1976.

Clemo Coat Co. produces children's coats under contract exclusively for one manufacturer of juniors' and girls' coats. Purchases of coats from the subject firm by this manufacturer decreased in the fourth quarter of 1977 compared with the fourth quarter of 1976. Customers of this manufacturer increased imports in 1976 compared with 1975 and in 1977 this manufacturer began purchasing children's coats from foreign sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with the children's coats produced by Clemo Coat Co. of Clementon, N.J. contributed importantly to the total or partial separation of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers at Clemo Coat Co. of Clementon, N.J. who became totally or partially separated from employment on or after October 14, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14350 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2651]

CLIFT MANUFACTURING CO., ET AL. BOSTON AND ORANGE, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2651: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 23, 1977, in response to a worker petition received on November 14, 1977, which was filed on behalf of workers of Clift Manufacturing Co., Boston, Mass. The investigation was expanded to include B. & C. Manufacturing Co., Boston, Mass. and B. & S. Manufacturing Co., Orange, Mass. both wholly-owned subsidiaries of Clift Manufacturing Co. The three plants are engaged in the production of men's all-weather coats.

The Notice of Investigation was published in the FEDERAL REGISTER on December 8, 1977 (42 FR 61695). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Clift Manufacturing Co.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated;

The average number of production workers at Clift Manufacturing increased 7 percent from 1976 to 1977. Employment increased in each quarter from the fourth quarter of 1976 through the third quarter of 1977. Employment declined 2 percent from the third quarter of 1977 to the fourth. Average weekly hours increased 3 percent from 1976 to 1977.

The average number of production workers at B. & S. Manufacturing increased 14 percent from 1976 to 1977. Employment either increased or remained the same in each quarter from the fourth quarter of 1976 through the fourth quarter of 1977. Average weekly hours remained the same from 1976 to 1977.

The average number of production workers at B. & C. Manufacturing remained the same from 1975 to 1976 and increased 13 percent from 1976 to 1977. Employment either increased or remained the same in each quarter from the fourth quarter of 1976 through the fourth quarter of 1977. Average weekly hours increased 3 percent from 1976 to 1977.

The three plants; Clift, B. & S., and B. & C. have not experienced any layoffs of production workers in recent years and no layoffs are anticipated.

CONCLUSION

After careful review, I determine that workers of Clift Manufacturing

Co., Boston, Mass., B. & C. Manufacturing Co., Boston, Mass., and B. & S. Manufacturing Co., Orange, Mass., are denied eligibility to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14351 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3306]

HAAS TAILORING CO., BALTIMORE, MD.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3306: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 7, 1978, in response to a worker petition received on February 21, 1978, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's tailored clothing at the Haas Tailoring Co., Baltimore, Md.

The Notice of Investigation was published in the FEDERAL REGISTER on March 17, 1978 (43 FR 11277). No public hearing was requested and none was held.

On December 15, 1975, the Department issued a certification of eligibility to apply for adjustment assistance for all workers at Haas Tailoring Co.; the certification expired December 15, 1977.

The information upon which the determination was made was obtained principally from officials of the Haas Tailoring Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision, thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

Average annual employment increased in 1977 compared to 1976 and in the first quarter of 1978 compared

to the same period of 1977. Employment increased in each of the last five quarters compared to the same quarter of the previous year.

Average hours worked by employees of Haas were not reduced to 80 percent or less of the employee's average weekly hours since December 1977.

There is no immediate threat to employment for the workers at Haas.

CONCLUSION

After careful review, I conclude that all workers at the Haas Tailoring Co., Baltimore, Md. are denied eligibility to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14352 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2506]

HILO IRON WORKS INC., HILO, HAWAII

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2506: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 26, 1977, in response to a worker petition received on October 7, 1977, which was filed by the International Longshoremen and Warehousemen's Union on behalf of workers and former workers fabricating, welding and installing equipment for agricultural use on sugar plantations at Hilo Iron Works, Inc., Hilo, Hawaii.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59133). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Hilo Iron Works, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that articles like or directly competitive with those produced by the firm or subdivi-

sion are being imported in increased quantities, either actual or relative to domestic production; and that such increased imports have contributed importantly to the separations, or threat thereof, and to the decrease in sales or production.

The Department's investigation revealed that imports of fabricated platework have been less than 1 percent of domestic shipments over the last 5 years.

A survey of Hilo Iron Works' customers revealed that respondents did not purchase imported agricultural equipment or sugar mill equipment and parts. The survey also revealed that customers had decreased purchases of imported miscellaneous fabricated products.

CONCLUSION

After careful review I conclude that all workers at Hilo Iron Works, Inc., Hilo, Hawaii are denied eligibility to apply for adjustment assistance under title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14353 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2904]

KEENCAST MANUFACTURING CORP. GRIFFITH, IND.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2904: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 11, 1978 in response to a worker petition received on December 29, 1977 which was filed by the International Molders and Allied Workers Union, Local 170 on behalf of workers and former workers producing grey iron castings at Keencast Manufacturing Corp., Griffith, Ind. The investigation revealed that Keencast Manufacturing Corp. went into receivership on August 29, 1977 and the assets of the company were purchased by N and A Foundry, Inc. on October 13, 1977.

The Notice of Investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3776). No public hearing was requested and none was held.

The information upon which the determination was made, was obtained principally from officials of the Keencast Manufacturing Corp., its custom-

ers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department conducted a survey of a sample of customers of Keencast Manufacturing Corp. Most of the customers surveyed did not purchase any imported castings in 1976 or 1977.

CONCLUSION

After careful review I conclude that all workers at Keencast Manufacturing Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14354 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3369]

MIL GARMENT CO., INC. RED BANK, N.J.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3369: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 20, 1978 in response to a worker petition received on February 3, 1978 which was filed by the International Ladies Garment Workers Union on behalf of workers and former workers producing women's coats at Mil Garment Co., Inc., Red Bank, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on April 7, 1978 (43 FR 14776). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Mil Garment Co., Inc., its customers, the U.S. Department of Commerce, the U.S. In-

ternational Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. It is concluded that all of the requirements have been met.

Imports of "Women's, Misses' and Children's Coats", increased absolutely and relative to U.S. production from 1975 to 1976 and continued to increase absolutely from 1976 to 1977.

Mil Garment Co. produced women's coats exclusively for one manufacturer. During the period 1976 to 1977 this manufacturer reduced its contracts with Mil Garment and increased its purchases of imported coats.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with the women's coats produced by Mil Garment Co., Inc., Red Bank, N.J. contributed importantly to the sales and production declines and to the total or partial separations of the workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Mil Garment Co., Inc., Red Bank, N.J. who became totally or partially separated from employment on or after January 26, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14355 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2764]

MILWAUKEE TOOL & EQUIPMENT CO., INC., MILWAUKEE, WIS.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2764: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 12, 1977 in response to a worker petition received on December 5, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing vises at Milwaukee Tool & Equipment Co., Inc., Milwaukee, Wis. The investigation revealed that: clamps, jack-

screws and plumbing tools were also produced.

The notice of investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65306). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Milwaukee Tool & Equipment Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the Hand Tool Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. With respect to workers producing clamps without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

The Department's investigation revealed that the value of company sales of plant produced clamps increased 29.3 percent from 1976 to 1977. Production is based upon customer orders and is equivalent to company sales.

With respect to workers producing jackscrews without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that imports of jackscrews are nonexistent or negligible according to U.S. Customs and industry sources.

Customers representing a substantial proportion of the subject firm's sales of jackscrews indicated no purchases of imported jackscrews.

With respect to workers producing plumbing tools without regard to whether any of the other criteria have been met, the following criterion has not been met:

that sales or production, or both, of the firm or subdivision have decreased absolutely.

The Department's investigation revealed that the value of company sales of plant produced plumbing tools increased 5.5 percent from 1976 to 1977. Production is based upon customer orders and is equivalent to company sales.

With respect to workers producing vises all of the group eligibility requirements of section 222 of the Act have been met.

Imports of vises increased in quantity from 720 thousand in 1975 to 1,449 thousand in 1976 and further increased to 1,918 thousand in 1977. The ratio of imports to domestic production increased from 157.9 percent in 1975 to 293.9 percent in 1976 and to 448.1 percent in 1977.

A survey of customers indicated that customers accounting for a substantial proportion of Milwaukee Tool's sales of vises increased purchases of imported vises while decreasing purchases from Milwaukee Tool from 1976 to 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with vises produced at Milwaukee Tool & Equipment Co., Inc. contributed importantly to the decrease in sales and to the separations of workers of that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Milwaukee Tool & Equipment Co., Inc., Milwaukee, Wisc. engaged in employment related to the production of vises who became totally or partially separated from employment on or after July 2, 1977, are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

I further conclude that workers engaged in employment related to the production of clamps, jackscrews and plumbing tools are denied eligibility to apply for adjustment assistance.

Signed at Washington, D.C. this 17th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14356 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2889]

NATIONAL SUPPLY CO., HOUSTON, TEX.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2889: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978 in response to a worker petition received on December 19, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing wellhead control equipment at the Houston, Tex. plant of National Supply Co., a division of Armco Steel Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on Jan-

uary 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from National Supply Co., the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

Without regard to whether any of the other criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

No imports of oilfield and gasfield production machinery and equipment could be identified in the official trade statistics. One Mexican firm started to supply one U.S. oil producing company with "christmas tree assemblies" and pipeline valves in the autumn of 1976. An estimated \$300 thousand worth of this equipment was imported in the last four months of 1976, and about \$3 million worth in 1977. However, the 0.33 percent market share that these imports represented in 1977 is indicative of their insignificance at the present time.

No imports of oilwell and oilfield pumps could be found in the official trade statistics. This finding was verified by industry sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at the Houston, Tex. plant of National Supply Co. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14357 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2890]

NATIONAL SUPPLY CO., LOS NIETOS, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2890: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978 in response to a worker petition received on December 19, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing oil drilling pumps at the Los Nietos, Calif. plant of National Supply Co., a division of Armco Steel Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from National Supply Co., the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

Without regard to whether any of the other criteria have been met the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof and to the absolute decline in sales or production.

No imports of oilfield and gasfield production machinery and equipment could be identified in the official trade statistics. One Mexican firm started to supply one U.S. oil producing company with "christmas tree assemblies" and pipeline valves in the autumn of 1976. An estimated \$300 thousand worth of this equipment was imported in the last four months of 1976, and about \$3 million worth in 1977. However, the 0.33 percent market share that these imports represented in 1977 is indicative of their insignificance at the present time.

No imports of oilwell and oilfield pumps could be found in the official trade statistics. This finding was verified by industry sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at the Los Nietos, Calif. plant of National Supply Co. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14358 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2888]

NATIONAL SUPPLY CO., GAINESVILLE, TEX.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2888: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978 in response to a worker petition received on December 19, 1977 which was filed by the United Steelworkers of America on behalf of workers and former workers producing triplex pumps, slush pumps, converters and cranes at the Gainesville, Tex. plant of National Supply Co., a division of Armco Steel Corp.

The Notice of Investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from National Supply Co., the U.S. Department of Commerce, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met.

Without regard to whether any of the other criteria have been met the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

No imports of oilfield and gasfield production machinery and equipment could be identified in the official trade statistics. One Mexican firm started to supply one U.S. oil producing company with "christmas tree assemblies" and pipeline valves in the autumn of 1976. An estimated \$300 thousand worth of this equipment was imported in the last four months of 1976, and about \$3 million worth in 1977. However, the 0.33 percent market share that these imports represented in 1977 is indicative of their insignificance at the present time.

No imports of oilwell and oilfield pumps could be found in the official trade statistics. This finding was verified by industry sources.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers at the Gainesville,

Tex. plant of National Supply Co., are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 15th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14359 Filed 5-22-78; 8:45 am]

[TA-W-2572]

PARKVIEW CLOTHES, LOS ANGELES, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2572: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 7, 1977 in response to a worker petition received on October 31, 1977, which was filed on behalf of workers and former workers producing men's suits, sport coats and slacks at Parkview Clothes, Los Angeles, Calif.

The notice of investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59584). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Parkview Clothes, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Parkview Clothes is a tailor which produces custom made men's suits. The suits are sold by Parkview's customers, which are retail merchant tailors. A survey of Parkview's customers revealed that most sell only custom made suits and do not carry imports.

CONCLUSION

After careful review I conclude that all workers at Parkview Clothes, Los Angeles, Calif. are denied eligibility to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 17th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14360 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-3441]

ROCCO HANDBAG CORP., NEWBURGH, N.Y.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3441: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on March 28, 1978 in response to a worker petition received on March 13, 1978 which was filed by the International Leather Goods, Plastics, and Novelty Workers Union on behalf of workers and former workers producing ladies' vinyl handbags at Rocco Handbag Corp., Newburgh, N.Y.

The Notice of Investigation was published in the FEDERAL REGISTER on April 11, 1978 (43 FR 15205-15206). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Rocco Handbag Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of ladies' handbags have increased both absolutely and relative to domestic production from 1975 through 1977. The ratio of imports to domestic production was 73.5 percent in 1975, increasing to 111.1 percent in 1976 and 119.7 percent in 1977.

A customer survey conducted by the U.S. Department of Commerce revealed that customers who decreased purchases from Rocco Handbag Corp. have increased purchases of imported ladies' handbags.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with ladies' handbags produced at Rocco Handbag Corp., Newburgh, N.Y. contributed importantly to declines in sales and production and to the separations of

workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Rocco Handbag Corp., Newburgh, New York who became totally or partially separated from employment on or after March 9, 1977 are eligible to apply for adjustment assistance under title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-14361 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2777]

TRANSITRON ELECTRONICS CORP., WAKEFIELD, MASS.

Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2777: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 14, 1977, in response to a worker petition received on December 7, 1977, which was filed on behalf of workers and former workers producing semiconductors and electronic connectors at Transatron Electronics Corp., Wakefield, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Transatron Electronics Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. With respect to workers engaged in employment related to the production of connectors, without regard to whether any of the other criteria have been met the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

A selected sample of customers who purchased connectors from Transatron in 1976 and in 1977 were surveyed. The

survey results indicated that customers have not purchased any connectors from foreign sources. The reason cited was that end users prefer domestically produced connectors and are willing to pay a premium to assure high quality of product.

The survey results appear consistent with the aggregate industry data. Imports of connectors while increasing in value terms in recent years have had little impact in the U.S. market. The ratio of imports to domestic production declined in 1977 compared to 1976. The apparent reason for the lack of market penetration of imported connectors is that the market is specialized. Buyers usually solicit bids for connectors manufactured to certain specifications. Unit cost savings are not possible when manufacturing to customer specifications. This factor tends to limit the amount of import activity in this product.

With respect to workers engaged in employment related to the production of semiconductors, all of the group eligibility requirements of section 222 of the Act have been met.

Semiconductors produced at Transatron included transistors, thyristors, diodes, integrated circuits, rectifiers and reference diodes. U.S. imports of transistors, diodes, rectifiers and related devices increased both absolutely and relative to domestic production from 1975 to 1976 and from 1976 to 1977.

Imports of integrated circuits, measured in value, increased absolutely from 1975 to 1976, and from 1976 to 1977, decreased relative to domestic production from 1975 to 1976 and increased relative to domestic production from 1976 to 1977.

Several customers of Transatron Electronics Corp. who were surveyed indicated that they either purchased imported semiconductors directly or that they purchase, from domestic sources, semiconductors which have been manufactured offshore.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with semiconductors produced at Transatron Electronics Corp., Wakefield, Mass. contributed importantly to the decline in sales and production and to the separation of workers engaged in employment related to such production at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers engaged in employment related to the production of semiconductors at Transatron Electronics Corp., Wakefield, Mass. who became totally or partially separated from employment on or after December 2, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

I further determine that workers engaged in employment related to the production of electronic connectors at Transatron Electronics Corp., Wakefield, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14362 Filed 5-22-78; 8:45 am]

[4510-28]

[TA-W-2685]

U.S. STEEL CORP., SAN FRANCISCO, CALIF.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2685: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 30, 1977, in response to a worker petition received on November 16, 1977, which was filed on behalf of workers engaged in administrative support functions at the Western Steel Division Headquarters and at the Western Area Corporate Headquarters of the U.S. Steel Corp. in San Francisco, Calif.

The Notice of Investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63488). No Public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the U.S. Steel Corp., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. The investigation revealed that all of the criteria have been met.

The Western Steel Division Headquarters operates the Torrance and Pittsburg Works in California and the Geneva Works in Utah. The Department has previously certified workers engaged in the production of a significant percentage of the Division's total 1976 shipments who became totally or partially separated from employment on or after November 15, 1975. See Department Notices of Determination for TA-W-1449 and TA-W-1447. The certifications for these cases will expire

in August 19, 1979, and June 29, 1979, respectively. Also, all workers whose employment is related to steel production at Corporate Headquarters in Pittsburgh, Pa. to which the Western Area Corporate Headquarters reports to, who became totally or partially separated from employment on or after October 1, 1977, have been certified eligible to apply for adjustment assistance benefits. The company's Western Area Corporate Headquarters principally provides support services necessary for the company's west coast steelmaking operations. See Department Notice of Determination for TA-W-2850.

Average employment at the Corporate and Western Division offices in San Francisco declined in 1977 compared to 1976. Layoffs of workers first began in October 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increased imports of articles like or directly competitive with the steel products produced by the U.S. Steel Corp. have contributed importantly to the total or partial separation of employees at company offices in San Francisco, Calif. as required for certification in section 222 of the Trade Act of 1974. In accordance with the provisions of the Act, I make the following certifications:

All workers of the Western Steel Division Headquarters and of the Western Area Corporate Headquarters of the U.S. Steel Corp. in San Francisco, Calif. engaged in employment related to the production of steel products who became totally or partially separated from employment on or after October 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 17th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 14363 Filed 5-23-78; 8:45 am]

[4510-28]

[TA-W-2510]

WEST POINT-PEPPERELL, MEXIA, TEX.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2510: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 26, 1977, in response to a worker petition received on October 18, 1977, which was filed on behalf of

workers and former workers producing a woven cloth called Abrasive Drill at the Mexia, Tex. plant of West Point-Pepperell.

The notice of investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59133). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of West Point-Pepperell, its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the American Textile Manufacturers Institute, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criteria has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Imports of gray woven industrial cotton fabric, which includes Abrasive Drill, increased 64 percent from 1975 to 1976 and declined 41 percent from the first nine months of 1976 to the first nine months of 1977.

A survey of customers of West Point-Pepperell revealed that customers did not increase purchases of imported Abrasive Drill while decreasing purchases from the Mexia plant. Respondents reported that purchases of imports accounted for less than 2 percent of their total purchases.

CONCLUSION

After careful review, I conclude that all workers at the Mexia, Tex. plant of West Point-Pepperell are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 11th day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14364 Filed 5-22-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 78-16]

NASA ADVISORY COUNCIL, SPACE SCIENCE ADVISORY COMMITTEE

Meeting

The Space Science Advisory Committee (SSAC) will meet at the National Aeronautics and Space Administration Headquarters on June 19-21, 1978. The meeting will be open to the public. The meeting will take place from 9 a.m. to 5:45 p.m. on June 19, from 8:45 a.m. to 5 p.m. on June 20, and from 8:45 a.m. to 12:30 p.m. on June 21, 1978, in Room 5026 of Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. 20546.

The Space Science Advisory Committee consults with and advises the Associate Administrator for the Office of Space Science with respect to plans for, work in progress on, and accomplishments of NASA's Space Science programs. Topics under discussion at this meeting will include an update of NASA's OSS activities and reviews of OSS's fiscal year 1980 New Start candidates; Gamma Ray Observatory (GRO), Upper Atmosphere Research Satellite (UARS), Venus Orbiting Imaging Radar (VOIR), and the full Shuttle Multi-User Instrument Program (MIP). The OSS Explorer Status will be reviewed and future SSAC activities will be discussed.

For further information regarding this meeting, please contact Dr. Shelby G. Tilford, Executive Secretary, at Area Code 202-755-3766, National Aeronautics and Space Administration, Washington, D.C. 20546.

Dated: May 16, 1978.

ARNOLD W. FRUTKIN,
Deputy Associate Administrator
for External Relations.

[FR Doc. 78-14217 Filed 5-19-78; 8:45 am]

[7510-01]

[Notice 78-17]

NASA WAGE COMMITTEE

Meeting

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463) notice is hereby given that a meeting of the National Aeronautics and Space Administration Wage Committee is scheduled for June 21, 1978, from 1:30 p.m. to 4:30 p.m. The meeting will be held in Room 226-b, 600 Independence Avenue SW., Washington, D.C. 20546.

The Committee's primary responsibility is to consider and make recommendations to the Director of Personnel, National Aeronautics and Space

[7590-01]

[Docket Nos. 50-295 and 50-304]

COMMONWEALTH EDISON CO. (ZION STATION, UNION NOS. 1 AND 2)

Order for Modification of License

I.

The Commonwealth Edison Co. (the licensee), is the holder of Facility Operating License Nos. DPR-39 and DPR-48 which authorize the operation of the nuclear power reactors known as Zion Station, Unit Nos. 1 and 2 (the facilities), at steady reactor power levels not in excess of 3250 megawatts thermal (rated power) per reactor. The facilities consist of Westinghouse Electric Co. designed pressurized reactors (PWR) located at the licensee's site in Zion, Illinois.

II.

In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on April 17, 1977, as supplemented June 23, 1977, an ECCS evaluation for proposed operation using 15 x 15 fuel manufactured by the Westinghouse Electric Co. This evaluation included limits on the peaking factor. The ECCS performance submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Co. (Westinghouse), the designer of the Nuclear Steam Supply System for these facilities. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants,

Administration, on all matters involved in the development and authorization of a wage schedule for the Cleveland, Ohio, wage area pursuant to Pub. L. 92-392.

The approved agenda of the Committee provides that it will consider wage survey data, local reports, recommendations, and statistical analyses and proposed wage schedules derived therefrom.

Since this session will be concerned with matters listed in 5 U.S.C. 552b(c)(4), it has been determined that this meeting will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, National Aeronautics and Space Administration Wage Committee, Mail Stop 3-9, Lewis Research Center, NASA, 21000 Brookpark Road, Cleveland, Ohio 44135.

Dated: May 9, 1978.

KENNETH R. CHAPMAN,
Associate Administrator for
External Relations.

[FR Doc. 78-14218 Filed 5-19-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON REACTOR SAFETY RESEARCH

Meeting; Addition to Agenda

The following provision has been added to the agenda of the May 31, 1978 meeting of the ACRS Subcommittee on Reactor Safety Research: "At the conclusion of the Executive Session, one or more of the ACRS Reactor Safety Research Working Groups may hold an open meeting(s) with representatives of the NRC Staff to discuss plans for review of NRC reactor safety research."

All other items pertaining to this meeting remain the same as published in the FEDERAL REGISTER on May 16, 1978.

Dated: May 17, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-14208 Filed 5-22-78; 8:45 am]

could result in calculated temperatures in excess of 2200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facilities are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facilities as soon as possible.

As discussed in this Order and in the SER, operation of the Zion Station, Unit Nos. 1 and 2 facilities at the peaking factor limit specified in this Order, and in accordance with the operating surveillance requirements specified in this Order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable to limit operation to achieve a peaking factor not exceeding the value specified herein and submitted operating surveillance procedures to assure operation within such limits. Such procedures were submitted and the commitments confirmed by the licensee's letter of April 7, 1978 and April 17, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV.

Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H

Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Waukegan Public Library, 128 North Street, Waukegan, Ill. 60085.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letters from Commonwealth Edison Co. to Mr. A. Schwencer, Operating Reactors Branch No. 1, dated April 7, 1978, and April 17, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered*, That, Facility Operating License Nos. DPR-39 and DPR-48 are hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_p) for the facilities shall be limited to 2.04 if the accumulator conditions are modified as specified in the licensee's letter dated April 17, 1978 or to 1.9 if accumulator conditions are not so modified.

(3) Until further authorization by the Commission, the licensee shall conduct the operating surveillance program described in its letter of April 17, 1978 where APDM surveillance will be performed above the following power levels.

F_p Limit	Zion Unit 1 (Percent)	Zion Unit 2 (Percent)
2.04	95.8	97.6
1.90	89.3	90.9

For the Nuclear Regulatory Commission,
Dated at Bethesda, Md., this 21st day of April 1978.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

(FR Doc. 78-14212 Filed 5-22-78; 8:45 am)

[7590-01]

(Docket No. 50-247)

CONSOLIDATED EDISON CO. OF NEW YORK, INC. (INDIAN POINT NUCLEAR GENERATING UNIT NO. 2)

Order for Modification of License

I.

The Consolidated Edison Co. of New York, Inc. (the licensee), is the holder of Facility Operating License No. DPR-26 which authorizes the oper-

ation of the nuclear power reactor known as Indian Point Nuclear Generating Unit No. 2 (the facility) at steady reactor power levels not in excess of 2758 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corp. designed pressurized reactor (PWR) located at the licensee's site in Westchester County, New York.

II.

In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on January 28, 1977 an ECCS evaluation for proposed operation using fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generations, coolable geometry and long-term cooling.

On March 23, 1978, Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F. unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined

in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this Order and in the SER, operation of the Indian Point Unit No. 2 facility at the peaking factor limit specified in this Order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, this limit provides reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable and to limit operation to achieve a peaking factor not exceeding the value specified herein. The commitments were confirmed by the licensee's letter of April 17, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV.

Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, N.Y.

(1) Letter from Westinghouse to NRC dated April 17, 1978.

(2) Letter from Consolidated Edison Co. of New York, to Mr. A. Schwencer, Operating Reactors Branch No. 1, dated April 17, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, *It is ordered*, That Facility Operating License No. DPR-26 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_p) for the facility shall be limited to 2.24.

Dated at Bethesda, Md. this 27th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

(FR Doc. 78-14213 Filed 5-22-78; 8:45 am)

[7590-01]

(Docket No. 50-309)

MAINE YANKEE ATOMIC POWER CO.

Issuance of Amendment to Facility Operating License and Negative Declaration

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 38 to Facility Operating License No. DPR-36, issued to Maine Yankee Atomic Power Co. (the licensee), which revised the license and its appended Technical Specifications for operation of the Maine Yankee Atomic Power Station (the facility) located in Lincoln County, Maine. The amendment is effective as of its date of issuance.

The amendment increases the licensed power level from 2440 to 2630 Mwt. while at the same time, restricting operation to 2560 Mwt until the Advisory Committee on Reactor Safeguards has reviewed and approved the power increase from 2560 to 2630 and the Commission has issued a subsequent amendment to that effect. In addition, this amendment revises Technical Specifications to reflect plant operating limits at the higher power levels. The Technical Specifications regarding total radial peaking factors have also been revised.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of Proposed Issuance of Amendment to Facility Operating License in connection with the power increase was published in the FEDERAL

REGISTER on September 15, 1977 (42 FR 46428). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action. Prior public notice in connection with the revised total radial peaking factors was not required since this action does not involve a significant hazards consideration.

The Commission has prepared an environmental impact appraisal for this action and has concluded that an environmental impact statement is not warranted because there will be no environmental impact attributable to this action other than that which has already been predicted and described in the Commission's Final Environmental Statement for the facility.

For further details with respect to this action, see (1) the applications for amendment dated June 24, 1977 and August 1, 1977, as supplemented December 9, 1977 and April 28, 1978, (2) Amendment No. 38 to License No. DPR-36, (3) the Commission's related Safety Evaluation issued January 17, 1978, as supplemented April 11, 1978 and May 10, 1978, and (4) the Commission's Environmental Impact appraisal. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Wiscasset Public Library Association, High Street, Wiscasset, Maine. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 10th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

(FR Doc. 78-14214 Filed 5-22-78; 8:45 am)

[7590-01]

REGULATORY GUIDES, TABLE OF CONTENTS

Issuance and Availability

The Nuclear Regulatory Commission has issued a revised Table of Contents for Regulatory Guides in Division 1, "Power Reactors." This issue presents and explains a new format to be used for future issues of tables of contents of guides in all divisions.

Previous issues of this table of contents listed only the latest revision of each regulatory guide because it represented a current NRC staff position. However, some licensing commitments were based on earlier versions of a guide; therefore, this and future issues of the table of contents will list every version of each guide with the date it

was issued. If the latest version of a guide (as of the date of this table of contents) was issued for early comment, this is so noted.

Most regulatory guides contain a section headed "Implementation," which is intended to provide information to applicants and licensees regarding the NRC staff's plans for using the guide. If a guide does not contain such a section or if detailed information is needed on the staff's plans for using a regulatory guide with respect to a specific permit or license or application therefor, requests for such information should be addressed to the appropriate licensing project manager in the Office of Nuclear Reactor Regulation or Office of Nuclear Material Safety and Safeguards.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions or for a copy of the Table of Contents should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md. this 16th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,

Office of Standards Development.
(FR Doc. 78-14209 Filed 5-22-78; 8:45 am)

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 12.4 (Dose Assessment) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory

matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the undating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70.00, including first-year supplements. Annual subscriptions for supplements alone are \$30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 12.4 is \$4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 11th day of May 1978.

For the U.S. Nuclear Regulatory Commission,

DANIEL R. MULLER,
Deputy Director, Division of Site
Safety and Environmental
Analysis, Office of Nuclear Re-
actor Regulation.

(FR Doc. 78-14215 Filed 5-22-78; 8:45 am)

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published Revision No. 1 to Section No. 12.5 (Health Physics Program) of the SRP for the NRC staff's safety review of applications to build and operate lightwater-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear power plants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry.

The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70.00, including first-year supplements. Annual subscriptions for supplements alone are \$30.00. Individual sections are available at current prices. The domestic price for Revision No. 1 to Section No. 12.5 is \$4.00. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 15th day of May 1978.

For the U.S. Nuclear Regulatory Commission,

DANIEL R. MULLER,
Deputy Director, Division of Site
Safety and Environmental
Analysis, Office of Nuclear Re-
actor Regulation.

(FR Doc. 78-14218 Filed 5-22-78; 8:45 am)

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 12.1 (assuring that occupational radiation exposures are as low as is reasonably achievable) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance

in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 12.1 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 9th day of May 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site
Safety and Environmental
Analysis, Office of Nuclear Re-
actor Regulation.

(FR Doc. 78-13957 Filed 5-22-78; 8:45 am)

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 12.2 (radiation sources) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087,

are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements alone are \$30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 12.2 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 9th day of May 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site
Safety and Environmental
Analysis, Office of Nuclear Re-
actor Regulation.

(FR Doc. 78-13958 Filed 5-22-78; 8:45 am)

[7590-01]

REVISION TO THE STANDARD REVIEW PLAN (NUREG-75/087)

Issuance and Availability

As a continuation of the updating program for the Standard Review Plan (SRP) previously announced (FEDERAL REGISTER notice dated December 8, 1977), the Nuclear Regulatory Commission's (NRC's) Office of Nuclear Reactor Regulation has published revision No. 1 to section No. 12.3 (radiation protection design features) of the SRP for the NRC staff's safety review of applications to build and operate light-water-cooled nuclear power reactors. The purpose of the plan, which is composed of 224 sections, is to improve both the quality and uniformity of the NRC staff's review of applications to build new nuclear powerplants, and to make information about regulatory matters widely available, including the improvement of communication and understanding of the staff review process by interested members of the public and the nuclear power industry. The purpose of the updating program is to revise sections of the SRP for which changes in the review plan have been developed since the original issuance in September 1975 to reflect current practice.

Copies of the Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants, which has been identified as NUREG-75/087, are available from the National Technical Information Service, Springfield, Va. 22161. The domestic price is \$70, including first-year supplements. Annual subscriptions for supplements

alone are \$30. Individual sections are available at current prices. The domestic price for revision No. 1 to section No. 12.3 is \$4. Foreign price information is available from NTIS. A copy of the Standard Review Plan including all revisions published to date is available for public inspection at the NRC's Public Document Room at 1717 H Street NW., Washington, D.C. 20555 (5 U.S.C. 552(a)).

Dated at Bethesda, Md., this 9th day of May 1978.

For the U.S. Nuclear Regulatory Commission.

DANIEL R. MULLER,
Deputy Director, Division of Site
Safety and Environmental
Analysis, Office of Nuclear Re-
actor Regulation.

(FR Doc. 78-13959 Filed 5-22-78; 8:45 am)

[7590-01]

(Docket No. STN 50-437)

OFFSHORE POWER SYSTEMS (FLOATING NUCLEAR POWER PLANTS)

Oral Argument

Notice is hereby given that, in accordance with the Appeal Board's order of May 17, 1978, oral argument on the certified questions arising out of the Licensing Board's order of March 30, 1978 (concerning timing and scope of the staff's Final Environmental Statement) is calendared for 9:30 a.m. on Thursday, May 25, 1978, in the Nuclear Regulatory Commission's Public Hearing Room, 5th floor, East-West Towers, 4350 East West Highway, Bethesda, Md.

Dated: May 18, 1978.

For the Appeal Board.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

(FR Doc. 78-14506 Filed 5-22-78; 8:45 am)

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

(Release No. 14771; SR-Amex-78-8)

AMERICAN STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

MAY 16, 1978.

On March 21, 1978, the American Stock Exchange, Inc. ("Amex"), 86 Trinity Place, New York, N.Y. 10006, filed with the Commission, pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) (the "Act") and rule 19b-4 thereunder, copies of a proposed rule change which amends section 104 of the Company Guide to eliminate the

minimum distribution requirement of three hundred (300) holders for original listing of bonds or debentures on the Exchange.¹

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission release (Securities Exchange Act Release No. 14625, April 3, 1978) and by publication in the FEDERAL REGISTER (43 FR 15208, April 11, 1978). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were considered and (with the exception of those statements or communications which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552) were made available to the public at the Commission's Public Reference Room.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to national securities exchanges, and in particular, the requirements of section 6, and the rules and regulations thereunder.²

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14314 Filed 5-22-78; 8:45 am]

¹In the statement of purpose set forth in SR-Amex-78-8, Amex asserts that deletion of the above-mentioned distribution requirement would permit listing of quality debt issues which, by virtue of placement with institutional investors, are currently ineligible for such listing. Moreover, since market prices for debt securities are directly influenced by fluctuations in prevailing interest rates, a minimum distribution requirement is not essential to the maintenance on an exchange of a fair and orderly market in a security of this type. Finally, elimination of a distribution requirement for debt securities will conform the Amex to the New York Stock Exchange, Inc., in this respect.

²Amex rule 6(a)(1) permits a member, member firm or member corporation, acting as principal, to effect off-board transactions in debt securities admitted to dealings on the Amex where the member, member firm or member corporation, after reviewing, with due diligence, the proposed purchase or sale in the light of the factors involved, including the market existing on the Amex, the price and the size, is satisfied that the transaction can be executed more advantageously off the exchange.

[8010-01]

[Release No. 34-14766; File No. SR-Amex-78-12]

AMERICAN STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 17, 1978, the American Stock Exchange, Inc., has filed with the Securities and Exchange Commission a proposed rule change. The American Stock Exchange has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

EXCHANGE'S STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The American Stock Exchange, Inc. ("Amex") proposes to adopt rule 115 ("Unusual Market Exception" Rule). The text of the proposed rule is as follows:

PROPOSED RULE 115

Pursuant to SEC rule 11Ac1-1 governing the dissemination of quotations for equity securities reported on the consolidated tape, if the Exchange determines, in accordance with the procedures set forth in the commentary to this rule, that the level of trading activity or the existence of unusual market conditions is such that the Exchange cannot collect, process, and make available quotation data in a manner which accurately reflects the current state of the market on the floor of the Exchange, the Exchange shall immediately notify the persons specified in paragraph 3 of the commentary and, upon such notification, the obligation imposed upon Exchange members and the Exchange by SEC rule 11Ac1-1 shall be suspended, pending a determination by the Exchange that the unusual market activity or condition has terminated and renotification of the specified persons.

• • • Commentary

.01 Exchange Procedures for Use of "Unusual Market Exception" Provided by SEC Rule 11Ac1-1

1(a). If a specialist is unable to update his quotations on a timely basis owing to the high level of trading activity or the existence of an unusual market condition, he shall promptly notify a Floor Official. An unusual market condition affecting a specialist's ability to promptly communicate quotation data would include, but not be limited to, situations where the high level of activity in one specialty stock affects the specialist's ability

to update quotation data in any other security for which he has responsibility, or where, due to unforeseen circumstances beyond the specialist's control, he is temporarily required to assume responsibility for an unusually large number of securities assigned to his specialist unit.

1(b). Upon notification by a specialist, the Floor Official shall promptly verify the existence of the unusual market activity or condition and if, in his judgment, the specialist is unable to update his quotations on a timely basis, the Floor Official shall promptly notify the Market Operations Division of the Exchange. If a Floor Official, independent of notification by a specialist, becomes aware of any unusual market activity or condition which adversely affects a specialist's ability to promptly communicate quotation data, he shall likewise promptly advise the Market Operations Division.

2. If the Exchange (as opposed to the specialist) is unable to accurately collect, process, and/or disseminate quotation data owing to the high level of trading activity or the existence of unusual market conditions, the Market Operations Division of the Exchange, after consultation with a Floor Official, shall make a determination that this is the case. An unusual market condition affecting the Exchange's ability to disseminate quotation data would include, but not be limited to, situations where the equipment used to collect, process, and disseminate quotation data becomes inoperable, or where, due to unforeseen circumstances beyond the control of the Exchange, the number of Exchange floor personnel is inadequate to properly carry out the Exchange's collection obligation.

3. The Market Operations Division, either upon receiving notification from a Floor Official with respect to a specialist as provided in paragraph 1(b) or upon making its own determination with respect to the Exchange as provided in paragraph 2, shall notify the Securities Industry Automation Corp. (and request that it notify quotation vendors) regarding the Exchange's inability to accurately collect, process, and make available the quotation data required by SEC rule 11Ac1-1.

4. After a Floor Official has given notification with respect to a specialist as provided in paragraph 1(b) or after the Market Operations Division has made a determination with respect to the Exchange as provided in paragraph 2, the Floor Official or the Market Operations Division (as the case may be) shall monitor the unusual market activity or condition until it has terminated. Thereupon, the Market Operations Division shall immediately renotify SIAC (and request

that it renotify quotations vendors) that the Exchange is once again capable of disseminating the quotation data required by Rule SEC 11Ac1-1.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The Securities and Exchange Commission recently announced the adoption of rule 11Ac1-1, which will govern the dissemination of quotations for equity securities reported on the consolidated tape. The rule, which takes effect on May 1, 1978, requires exchanges and the NASD to have procedures for the collection and distribution of quotations to vendors.

Quotations covered by the rule will be required to be "firm", subject to certain exceptions. Firmness will not be required if the Exchange determines that the level of trading activity or the existence of unusual market conditions is such that the Exchange is incapable of collecting, processing, and disseminating the quotation data in a manner which accurately reflects the current state of the market. The SEC rule requires that the Exchange adopt a rule setting forth the standards and procedures to be followed when it invokes this "unusual market" exception. Proposed Rule 115 is designed to meet this requirement.

Rule 115 is proposed to enable the Exchange to comply with the provisions of SEC rule 11Ac1-1, consistent with section 6(b)(1) of the Act.

No comments were solicited or received with respect to the proposed rule change.

The Amex has determined that no burden on competition will be imposed by the proposed rule change.

On or before June 27, 1978, or within such longer period: (i) as the Commission may designate up to 90 days of such date if it finds such longer periods to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Persons desiring to make written submissions should file six (6) copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-

regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14312 Filed 5-22-78; 8:45]

[8010-01]

[Release No. 34-14767; File No. SR-BSE-78-2]

BOSTON STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Changes

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 17, 1978, the Boston Stock Exchange, Inc. has filed with the Securities and Exchange Commission a proposed rule change. The Boston Stock Exchange has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGES

PROPOSED RULE CHANGES

(a) Rescind present Section 7 of Chapter II of the Rules in its entirety and substitute the following:

MAINTENANCE OF QUOTATIONS

Section 7. All bids made and all offers made shall be in accordance with Rule 11Ac1-1 of the Securities Exchange Act of 1934 which governs the dissemination of quotations for reported securities.

The following interpretations and policies pertain to all issues for which a specialist has been assigned and as to which last sale information is reported on the Consolidated Transaction Reporting System.

INTERPRETATIONS AND POLICIES

.01 Specialists shall input their current markets and sizes to the Quotation System through the key terminal at the post. These quotations shall be firm as to both price and size unless exempted under one of the conditions specified hereinafter in paragraphs .05 to .08.

.02 Alternate specialists, while at the specialist post shall input or cause to be input to the Quotation System their bids and/or offers which better

the current Boston Stock Exchange market. Such quotations shall remain in force until the alternate specialist leaves the post. Alternate specialists' quotations and accompanying sizes shall be firm unless exempted under one of the conditions specified in paragraphs .05 to .08.

.03 Floor brokers, while at the specialist post shall input or cause to be input to the Quotation System those bids or offers which better the current Boston Stock Exchange market unless the bid or offer is cancelled or withdrawn if not executed immediately. If a floor broker transfers possession of an order to a specialist, the requirement for input to the Quotation System becomes the obligation of the specialist. When a floor broker who retains possession of an order leaves the post he must withdraw or cause to be withdrawn his bid or offer from the Quotation System. Quotations and accompanying sizes shall be firm until withdrawn unless exempted under one of the conditions specified in paragraphs .05 to .08.

.04 Quotation sizes, unless otherwise specified shall be assumed to be for 100 shares. Where bids or offers are made at the same price the aggregate quotation size of such equal bids or offers shall be input into the Quotation System. Such aggregate sizes shall remain firm until withdrawn, unless exempted under one of the conditions hereinafter specified in paragraphs .05 to .08.

.05 In instances where a block trade on the Boston Stock Exchange or other market against which orders are being protected takes place outside the current Boston Stock Exchange quotation, all effective bids or offers limited to the block price or better will be executed at the more favorable block price rather than at the limit price of the affected orders.

.06 No offer shall be executed in violation of applicable short-sale rules:

Example:

BSE Market in XYZ—43¼-43¾ (short).
NYSE Market in XYZ—43¾-43¾.
Consolidated Tape Sale—43¾.

The Boston Stock Exchange offering at 43¾ may not be filled at its limit price subsequent to a sale reported on the Consolidated Tape at 43¾. However, any floor member entering a short offering into the quote system is responsible for promptly adjusting the order into conformity with applicable short sale rules.

.07 No specialist, alternate specialist or floor broker shall be obligated to effect a transaction for any security as provided for in paragraphs .01, .02, and .03 of this Rule if:

(A) Before an order sought to be executed is presented, such specialist, alternate specialist, or floor broker has input a revised bid, offer, or quotation size into the Quotation System, or

(B) At the same time an order sought to be executed is presented, such specialist, alternate specialist, or floor broker is in the process of effecting a transaction in such security and, immediately after the completion of such transaction, such specialist, alternate specialist, or floor broker inputs a revised bid, offer, or quotation size into the Quotation System.

.08 In the event of unusual market conditions as determined by two members of the Committee on Business Conduct, quotations in a particular issue will not be subject to firmness provided that the Exchange has notified the following specified persons:

- (1) Each quotation vendor;
- (2) The processor for the Consolidated System; or

(3) The processor for the Options Price Reporting Authority (in the case of a notification with respect to a reported security which is a class of security underlying options admitted to trading on any Exchange).

.09 Prior to making a determination that a particular security or securities be exempted from the firmness requirement the members of the Committee on Business Conduct shall consider:

- (1) The level of trading activity in existence at the time on the Boston Stock Exchange;
- (2) The level of trading activity in existence at the time at other Exchanges on which the particular security is traded; or
- (3) The condition of the Exchange's Quotation Dissemination System.

The Committee members who grant a request for exemption from the firmness requirement are required to monitor the activity or conditions which form the basis for such exemption and shall immediately notify the Exchange when such conditions no longer exist.

2. *Procedures of Self-Regulatory Organization.* The Board Governors approved the foregoing proposed rule changes on March 30, 1978.

3. *Exchange's Statement of Purpose of the Proposed Rule Changes.* To conform with the provisions of the Amendments to the Securities Exchange Act Rule 11Ac1-1.

4. *Exchange's Statement of Basis of the Proposed Rule Changes.* To bring the Exchange Rules into compliance with the provisions of Rule 11Ac1-1 under the Securities Exchange Act of 1934 which governs dissemination of quotations for reported securities.

5. *Comments Received from Members, Participants or Others on Proposed Rule Changes.* No comments were solicited or received.

6. *Exchange's Statement of Burden on Competition.* No burden on competition is perceived by adoption of the proposed amendments.

On or before June 27, 1978, or within such longer period (i) as the Commis-

sion may designate up to 90 days of such date, if it finds such longer period to be appropriate and published its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule changes should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14310 Filed 5-22-78; 8:45 am]

[8010-01]

[Release No. 34-14765; File No. SR-MSE-78-8]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s (b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 10, 1978, the Midwest Stock Exchange, Incorporated has filed with the Securities and Exchange Commission a proposed rule change. The Midwest Stock Exchange has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

ARTICLE XX

RECOGNIZED QUOTATIONS

Rule 8. Recognized quotations shall be public bids and offers in lots of one or more trading units or multiples thereof. Bids or offers for less than one unit of trading shall specify the number of shares of stock or the principal amount of the bonds covered by

the bid or offer. All bids made and all offers made shall be in accordance with the provisions of Rule 11Ac1-1 under the Securities Exchange Act of 1934, governing the dissemination of quotations for reported securities.

The following interpretations and policies pertain to all specialist system issues for which last sale information is reported in the consolidated transaction reporting system.

Interpretations and Policies

.01 Specialists shall input their current markets and sizes to the quotation system through the key terminal or the mark sense terminal at the post. These quotations shall be firm as to both price and size unless exempted under one of the conditions specified in paragraph 5-8 of this Rule.

.02 Market makers, while at the post, shall input to the quotation system their bids and/or offers which better the current Midwest Stock Exchange market. Such quotations shall remain in force until the market maker leaves the post. Market maker quotations and accompanying sizes shall be firm unless exempted under one of the conditions specified in paragraphs 5-8 of this Rule.

.03 Floor Brokers, while at the post, shall input to the quotation system those bids or offers which better the current Midwest Stock Exchange market unless the bid or offer is cancelled or withdrawn if not executed immediately. If a floor broker transfers possession of an order to a specialist, the requirement for input to the quotation system becomes the obligation of the specialist. When a floor broker who retains possession of an order leaves the post he must withdraw his bid or offer from the quotation system. Quotations and accompanying sizes shall be firm until withdrawn unless exempted under one of the conditions specified in paragraphs 5-8 of this Rule.

.04 Quotation sizes, unless otherwise specified, shall be assumed to be for 100 shares. Where bids or offers are made at the same price the aggregate quotation size of such equal bids or offers shall be inputted into the quotation system. Such aggregate sizes shall remain firm until withdrawn unless exempted under one of the conditions specified in paragraphs 5-8 of this Rule.

.05 In instances where a block trade on the Midwest Stock Exchange or other market against which orders are being protected, takes place outside the current Midwest Stock Exchange quotation, all effective bids or offers limited to the block price or better will be executed at the more favorable block price rather than at the limit price of the affected orders.

.06 No offer shall be executed in violation of applicable short sale rules:

Example:

MSE market in XYZ—43½-43¾ (short)
NYSE market in XYZ—43¾-43¾
Consolidated tape last sale—43¾

The Midwest Stock Exchange offering at 43¾ may not be filed at its limit price subsequent to a Consolidated Tape sale at 43¾. However, any floor member entering a short offering into the quote system is responsible for promptly adjusting the order into conformity with applicable short sale rules.

.07 No specialist, market maker or floor broker shall be obligated to execute a transaction for any security as provided for in paragraphs .01, .02, and .03 of this Rule if:

(A) Before an order sought to be executed is presented, such specialist, market maker or floor broker has inputted a revised bid, offer or quotation size into the quotation system or

(B) At the time an order sought to be executed is presented, such specialist, market maker or floor broker is in the process of effecting a transaction in such security and, immediately after the completion of such transaction, such specialist, market maker or floor broker inputs a revised bid, offer or quotation size into the quotation system.

.08 In the event of unusual market conditions as determined by two Committee on Floor Procedure members, quotations in a given issue will not be subject to firmness provided that the Exchange has notified the following specified persons:

1. Each quotation vendor;
2. The processor for the consolidated system; and

3. The processor for the Options Price Reporting Authority (in the case of a notification with respect to a reported security which is a class of securities underlying options admitted to trading on an exchange).

.09 Prior to making a determination that a particular security or securities be exempted from the firmness requirement, the Committee on Floor Procedure members shall consider:

1. The level of trading activity in existence at the time on the Midwest Stock Exchange;
2. The level of trading activity in existence at the time at other exchanges on which the particular security is traded.
3. The condition of the Exchange's quotation dissemination system.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change are as follows:

The purpose of the proposed rule change is to implement, within the rules of the Exchange, the mandates contained within Rule 11Ac1-1 under the Securities Exchange Act of 1934

which governs the dissemination of quotations for reported securities.

The proposed rule change is consistent with Section 11A(c)(1) of the Securities Exchange Act of 1934, as amended, which in part requires that any information with respect to quotations in any security shall not be distributed or published in contravention of rules and regulations of the Commission.

A subcommittee of the Exchange's Committee on Floor Procedure has reviewed and approved the proposed rule change.

The Midwest Stock Exchange, Incorporated, believes that no burdens have been placed on competition.

On or before June 27, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1978.

[8010-01]

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14309 Filed 5-22-78; 8:45 am]

[Release No. 14774; File No. SR-NYSE-78-28]

NEW YORK STOCK EXCHANGE, INC.

Filing and Effectiveness of Proposed Rule Change

MAY 16, 1978.

The New York Stock Exchange, Inc. ("NYSE") submitted on May 4, 1978, a proposed rule change under Rule 19b-4 to establish a fee of \$25 for the ser-

vices of the NYSE staff in performing a pre-use review of advertising material voluntarily submitted by a member.

The foregoing rule change has become effective, pursuant to section 19(b)(3)(A) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Publication of the submission is expected to be made in the FEDERAL REGISTER during the week of May 15, 1978. In order to assist the Commission to determine whether to approve the proposed rule change or institute proceedings to determine whether the proposed rule change should be disapproved, interested persons are invited to submit written data, views and arguments concerning the submission on or before June 13, 1978. Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File No. SR-NYSE-78-28.

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change which are filed with the Commission, and of all written communication relating to the proposed rule change between the Commission and any person, other than those which may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room, 1100 L Street NW., Washington, D.C.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14315 Filed 5-22-78; 8:45 am]

[8010-01]

[Release No. 34-14768; File No. SR-NYSE-78-27]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 24, 1978, the New York Stock Exchange, Inc. has filed with the Securities and Exchange Commission a proposed rule

change. The New York Stock Exchange has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

EXCHANGE'S STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The text of proposed new Rule 60 of the New York Stock Exchange is as follows:

§2060 DISSEMINATION OF QUOTATIONS

Explanatory Note re Rule 60. On January 28, 1978, the Securities and Exchange Commission adopted, effective May 1, 1978, Rule 11Ac1-1 governing the dissemination of quotations for "reported securities". This rule requires all national securities exchanges and associations to establish procedures for collecting from their members' bids, offers and quotation sizes with respect to reported securities, and for making such bids, offers and sizes available to quotation vendors. The rule also requires that quotation information made available to vendors be "firm", subject to certain exceptions. Exchange Rule 60, below, relates to SEC Rule 11Ac1-1 and the provisions thereof.

For ease of reference, the complete text of SEC Rule 11Ac1-1 is reproduced below. Further information relating to this rule is contained in SEC Release No. 34-14415, dated January 26, 1978.

SEC Rule 11Ac1-1. Dissemination of Quotations for Reported Securities.

SEC Rule 11Ac1-1 will be reproduced in its entirety here.

PROPOSED NEW RULE 60

Rule 60. (a) For purposes of this rule, the terms "responsible broker or dealer", "quotation vendor", "bid", "offer", "reported security", "quotation size", "published bid", "published offer", "published quotation size", "make available", "aggregate quotation size" and "specified persons" shall have the meaning given to them in SEC Rule 11Ac1-1.

(b) Each member who is a responsible broker or dealer on the Floor shall, in addition to meeting his obligations as set forth in paragraph (c) of the Rule 11Ac1-1, also abide by such rules and procedures adopted by the Exchange, as in effect from time to time, in order to enable the Exchange to meet its quotation dissemination requirements under paragraph (b) of Rule 11Ac1-1.

(c) Each member who is a responsible broker or dealer on the Floor shall:

(i) Promptly after making a bid and/or offer in the trading crowd for a reported security, communicate to the Reporter in such security his bid and/or offer (as made in the crowd) and

the quotation size that he wishes to disseminate to quotation vendors;

(ii) Promptly notify the Reporter in the reported security whenever his published bid, published offer or published quotation size is to be revised; and

(iii) Promptly notify the Reporter in the reported security whenever his published bid and/or published offer is to be cancelled or withdrawn.

Notwithstanding anything in Rule 117 to the contrary, if a member who is a responsible broker or dealer on the Floor leaves the trading crowd for the reported security without notifying the Reporter to cancel or withdraw his published bid or published offer and, thereafter, an order is received in the trading crowd seeking that published bid of published offer, the member shall be obligated to that order to the extent set forth in paragraph (c) of Rule 11Ac1-1.

(d) Each member who is a responsible broker or dealer in a reported security shall make a reasonable effort to assist the Reporter in assuring that the published bid, published offer, and published quotation size (or published aggregate quotation size) in such reported security accurately reflects the market on the Floor.

(e) With respect to paragraph (b) (3) of Rule 11Ac1-1, a Floor Governor (or two Floor Officials in the event a Floor Governor is not available) shall have the power to determine that the level of trading activity or the existence of unusual market conditions are such that the Exchange is incapable of collecting, processing and making available to quotation vendors bids, offers and quotation sizes with respect to one or more reported securities in a manner which accurately reflects the current state of the market on the Floor.

Whenever a Floor Governor (or Floor Officials) makes any such determination he shall immediately notify the Market Surveillance and Evaluation Division of the Exchange and the Exchange shall communicate a notification of that determination to all specified persons. Upon completion of such notification to specified persons, members on the Floor shall be relieved of their obligations under Rule 11Ac1-1 with respect to the security or securities in question.

The Floor Governor (or Floor Officials) shall monitor the activity or condition which formed the basis for his determination and he shall immediately renotify the Market Surveillance and Evaluation Division when the Exchange is once again capable of collecting, processing and making available to quotation vendors bids, offers and quotation sizes with respect to one or more reported securities in question in a manner which accurately reflects the current state of the market on the

Floor. Upon completion of such renotification to specified persons (notice of which shall be sent to the Floor) members on the Floor shall once again be obligated under Rule 11Ac1-1 with respect to the security of securities in question.

Supplementary Material.

10 If a member who is a responsible broker or dealer on the Floor leaves the trading crowd for the reported security without notifying the Reporter to cancel or withdraw his published bid or published offer, the specialist in such security shall be authorized, at his discretion, to cancel or withdraw that member's published bid or published offer provided that

(i) An order has not been received in the trading crowd seeking that member's published bid or published offer; and

(ii) At the same time the specialist cancels or withdraws a published bid or published offer, as contemplated in this paragraph, the specialist communicates a revised bid or offer, which represents the current market on the Floor in that reported security, to the Reporter for publication purposes.

20 No member shall be deemed to be a responsible broker or dealer with respect to a published bid or published offer that is erroneous as a result of an error or omission made by the Exchange or any quotation vendor. If a published bid or published offer is accurate but the published quotation size (or published aggregate quotation size, as the case may be) associated with it is erroneous as a result of an error or omission made by the Exchange or any quotation vendor, then each responsible broker or dealer with respect to the published bid or published offer shall be obligated to the extent set forth in paragraph (c) of Rule 11Ac1-1 but only to the extent of one unit of trading in the reported security in question.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the proposed rule change are as follows:

PURPOSE OF PROPOSED RULE CHANGE

The purpose of proposed new Rule 60 is to assist the Exchange in implementing SEC Rule 11Ac1-1. The salient provisions of proposed new Rule 60 are summarized below, as follows:

Each member of the Exchange who is a "responsible broker or dealer" on the Floor with respect to a reported security will be required to communicate, to the Exchange Reporter assigned to that security, his bid or offer, as made in the trading crowd, and the quotation size that he wishes to have disseminated to quotation vendors. Each such member will also be required to notify the Exchange Reporter whenever his "published bid",

"published offer" or "published quotation size" is to be revised and whenever his published bid or published offer is to be canceled or withdrawn.

These provisions will assist the Exchange in fulfilling its obligations to collect, process and disseminate quotations and quotation sizes in reported securities.

A current practice on the Floor of the Exchange stemming from the provisions of Rule 117 is that if a member who makes a bid or offer in the trading crowd subsequently leaves the crowd without "turning over" an order to another member, his bid or offer is considered automatically canceled.

To reinforce the "firmness" of Exchange-published quotations, a provision has been added to proposed new Rule 60 that if a member leaves the trading crowd without notifying the Reporter to cancel or withdraw his published bid or published offer and, thereafter, an order is received in the trading crowd seeking that published bid or published offer, the member will be obligated to trade with that order notwithstanding anything in Rule 117 to be contrary. However, to avoid confusion and complications and to ensure the efficient and orderly conduct of business in the trading crowds on the Floor, a provision has also been added to Rule 60 that if a member leaves the trading crowd without notifying the Reporter to cancel or withdraw his published bid or published offer, the specialist shall be authorized to cancel or withdraw that member's published bid or published offer, subject to certain conditions which, again, are aimed at ensuring the firmness of Exchange-published quotations and also that such quotations represent the current market on the Floor in the security in question.

Proposed Rule 60 will empower an Exchange Floor Governor (or two Floor Officials in the event a Floor Governor is not available) to make the determination, as contemplated in Rule 11Ac1-1, that active or unusual market conditions exist and that the provisions of Rule 11Ac1-1 should be suspended. Any Floor Governor (or Floor Official) who makes such a determination will be required to monitor the activity or condition which formed the basis for his determination and, when the activity or condition no longer exists, he is required to take certain actions which will cause the provisions of Rule 11Ac1-1 to again apply.

Proposed Rule 60 also contains a provision to clarify that no member of the Exchange shall be responsible with respect to a published bid or published offer that is erroneous as a result of an error or omission of the Exchange or any quotation vendor.

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed rule change relates to section 11A(a) of the Act and particularly subparagraph (1)(C)(iii) thereof which states that "It is in the public interest and appropriate for the protection of investors and the maintenance of fair and orderly markets to assure . . . the availability to brokers, dealers and investors of information with respect to quotations for and transactions in securities . . .".

As mentioned in item 3 above, the proposed rule change also relates to, and is intended to assist the Exchange in implementing the provisions of, SEC 11Ac1-1 which is presently scheduled to become effective on May 1, 1978.

Further, the proposed rule change relates to Section 6(b)(1) of the Act in that it would assist the Exchange in carrying out the purposes of the Act and to comply, and to enforce compliance by its members, with the provisions of the Act and the rules and regulations thereunder.

Finally, the proposed rule change relates to section 6(b)(5) of the Act in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGE

The Exchange has not solicited nor has it received any comments regarding the proposed rule change.

EXCHANGE'S STATEMENT OF BURDEN ON COMPETITION

The proposed rule change will not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

On or before June 27, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in

the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filings will also be available for inspection and copying at the principal offices of the above mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 22, 1978. For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14308 Filed 5-22-78; 8:45 am]

[8010-01]

[Release No. 34-14770; File No. SR-PHLX 78-4]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on May 15, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PHLX STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The amendment provides for simplified procedures for the arbitration of claims by public customers where the amount in dispute is \$2,500 or less.

PHLX STATEMENT OF BASIS AND PURPOSE OF THE PROPOSED RULE CHANGE

The purpose of the proposed rule change is to provide investors with a simple and inexpensive procedure for the resolution of small claims against member firms. The procedures set forth in the proposed rule were developed by the Securities Industry Conference on Arbitration, which is composed of representatives of the PHLX and eight other self-regulatory organizations. The proposed rule would provide for determination by a single arbitrator knowledgeable in securities matters of disputes between brokerage firms and customers involving amounts not exceeding \$2,500. The participating self-regulatory organizations will offer hearing facilities in all areas of the country, so that a dispute can be heard in a location convenient to the claimant. A claimant will have the right to withdraw his claim without prejudice if a counterclaim in excess of his claim is interposed. The only expense will be a filing fee of \$15.

The basis under the Act for the proposed rule change is section 6(b)(5).

The proposed uniform rule applicable to small claims by public customers will provide a more effective, efficient and economical dispute resolution system for public investors with small claims and thus will protect investors and the public interest.

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS

Comments were received from the members of the Securities and Exchange Commission at an open meeting held on December 8, 1977, to a Report by SICA containing an earlier version of the procedures. Based on those comments, the procedures were revised as presently submitted.

BURDEN ON COMPETITION

The PHLX has determined that no burden on competition will be imposed by the proposed rule change.

On or before June 27, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 13, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 16, 1978.

The text of the proposed rule change is as follows. Brackets indicate deletions; italics indicate new material.

BY-LAW 10-7

(d) Notwithstanding the provisions of Sections 10-7 (b) and (c), any dispute, claim or controversy between a public customer and a member or

member organization involving an amount not exceeding \$2,500, exclusive of attendant costs and interest, shall be subject to arbitration under the provisions of Rule 950. The procedural provisions of Rule 950 shall govern arbitration thereunder and in such case shall supersede any provisions of Sections 10-7 (b) and (c) which are inconsistent therewith.

UNIFORM RULE APPLICABLE TO SMALL CLAIMS BY PUBLIC CUSTOMERS

RULE 950(a) Any dispute, claim or controversy, arising between a public customer(s) and a member, or member organization, [required to be arbitrated] subject to arbitration under the By-Laws and Rules of the Philadelphia Stock Exchange, Inc., involving a dollar amount not exceeding \$2,500, exclusive of attendant costs and interest, shall upon demand of the customer(s) or by written consent of the parties be arbitrated as hereinafter provided.

(b) The Claimant shall file with the Arbitration Director one (1) executed Submission Agreement and one (1) copy of the Submission Agreement and one (1) copy of the Statement of Claim of the controversy in dispute, together with documents in support of the claim. The Statement of Claim shall specify the relevant facts, the remedies sought and whether or not a hearing is demanded.

(c) The Claimant shall pay the sum of \$15.00 upon filing of the Submission Agreement. The final disposition of this sum shall be determined by the arbitrator.

(d) The Arbitration Director shall endeavor to serve promptly by mail or otherwise on the Respondent(s) one (1) copy of the Statement of Claim. The Respondent(s) shall within twenty (20) calendar days from receipt of service file with the Arbitration Director one (1) executed Submission Agreement and one (1) copy of the Respondent's Answer, together with supporting documents. The Answer shall designate all available defenses to the Claim and may set forth any related Counterclaim and/or related Third Party Claim the Respondent(s) may have against the Claimant or any other person. If the Respondent(s) has interposed a Third Party Claim, the Arbitration Director shall endeavor to serve promptly by mail or otherwise a copy of same together with a copy of the Submission Agreement on such Third Party who shall respond in the manner herein provided for response to the Claim. If the Respondent(s) files a related Counterclaim exceeding \$2,500, the arbitrator may refer the Claim, Counterclaim and/or Third Party Claim, if any, to a panel of three (3) arbitrators or, he may dismiss the Counterclaim and/or Third Party

Claim without prejudice to the Counterclaimant(s) and/or Third Party Claimant(s) pursuing the Counterclaim and/or Third Party Claim in a separate proceeding. The costs to the Claimant under either proceeding shall in no event exceed \$15.00.

(e) The Arbitration Director shall endeavor to serve promptly by mail or otherwise on the Claimant a copy of the Answer, Counterclaim, Third Party Claim or other responsive pleading, if any. The Claimant, if a Counterclaim is asserted against him, shall within ten (10) calendar days either (1) file a Reply to any Counterclaim with the Arbitration Director who will serve a copy of the Reply on the Respondent(s) or (2) if the amount of the Counterclaim exceeds the Claim shall have the right to file a statement withdrawing the Claim. If the Claimant withdraws the Claim, the proceedings will be discontinued without prejudice to the rights of the parties.

(f) The dispute, claim or controversy shall be submitted to a single arbitrator knowledgeable in the securities industry selected by the Arbitration Director. Unless the public customer demands or consents to a hearing, or the arbitrator(s) calls a hearing, the arbitrator shall decide the dispute, claim or controversy solely upon the pleadings and evidence filed by the parties. If a hearing is necessary, such hearing shall be held as soon as practicable at a locale selected by the Arbitration Director.

(g) The Arbitration Director may grant extensions of time to file any pleading upon a showing of good cause.

(h) The arbitrator shall be authorized to require the submission of further documentary evidence as he in his sole discretion deems advisable.

(i) Upon the request of the arbitrator, the Arbitration Director shall appoint two (2) additional arbitrators to a panel which shall decide the matter in controversy.

(j) In any case where there is more than one (1) arbitrator, the majority will be public arbitrators.

(k) In his discretion, the arbitrator may, at the request of any party, permit such party to submit additional documentation relating to the pleadings.

(l) Except as otherwise provided herein, the general arbitration rules of the Philadelphia Stock Exchange, Inc. shall be applicable to proceedings instituted under this Rule.

[FR Doc. 78-14307 Filed 5-22-78; 8:45 am]

[8010-01]

[Release No. 34-14789; File No. SR-PHLX 78-8]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on April 17, 1978, the Philadelphia Stock Exchange, Incorporated has filed with the Securities and Exchange Commission a proposed rule change. The Midwest Stock Exchange has provided the Commission with the following statement of the terms of substance, basis and purpose of the proposed rule change.

RULE 105—RECOGNIZED QUOTATIONS

The Philadelphia Stock Exchange proposes to amend Rule 105, "Recognized Quotations". (Italics indicate new language.)

The recognized quotations shall be public bids and offers in lots of one trading unit of stocks or bonds or multiples thereof. All bids made and all offers made shall be in accordance with the provisions of Rule 11Ac1-1 under the Securities Exchange Act of 1934, governing the dissemination of quotations for reported securities.

Supplementary Material

.01 In the event of unusual market conditions as determined by the Committee on Floor Procedure, quotations in a given issue will not be subject to firmness provided that the Exchange has notified the following specified persons:

1. Each quotation vendor;
2. The processor for the consolidated system;
3. The processor for the Options Price Reporting Authority (in the case of a notification with respect to a reported security which is a class of securities underlying options admitted to trading on any exchange).

.02 Prior to making a determination that a particular security or securities be exempted from the firmness requirement, the Committee on Floor Procedure shall consider:

1. The level of trading activity in existence at the time on the Philadelphia Stock Exchange.
2. The level of trading activity in existence at the time at other exchanges on which the particular security is traded.
3. The condition of the Exchange's quotation dissemination system.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to implement, within the rules of the Exchange, the mandates

contained within Rule 11Ac1-1 under the Securities Exchange Act of 1934 which governs the dissemination of quotations for reported securities.

The proposed rule change is consistent with Rule 11Ac1-1 of the Securities Exchange Act of 1934, as amended, which in part requires that any information with respect to quotations in any security shall not be distributed or published in contravention of rules and regulations of the Commission.

No comments on the proposed rule change have been solicited or received. The Philadelphia Stock Exchange, Inc. believes that no burdens have been placed on competition.

On or before June 27, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 22, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 16, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14311 Filed 5-22-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 14711]

ALABAMA

Declaration of Disaster Loan Area

Dallas County and adjacent counties within the State of Alabama constitute a disaster area as a result of dam-

ages caused by a tornado which occurred on May 1, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 14, 1978, and for economic injury until the close of business on February 15, 1979, at:

Small Business Administration,
District Office, 908 South 20th Street,
Birmingham, Ala. 35205

or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: May 15, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-14228 Filed 5-22-78; 8:45 am]

[8025-01]

[Proposed License No. 02/02-03481]

CANNON CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.), has been filed by Cannon Capital Corp. (the Applicant), with the Small Business Administration (SBA), pursuant to 13 CFR 107.102.

The Applicant, with its place of business at 665 Fifth Avenue, New York, N.Y. 10022, will begin operations with approximately \$1,782,700 of paid-in capital and surplus which will be sold to approximately 35 stockholders in a non-public offering. Its stock will consist of 35 units each comprised of 1,500 shares of class A and 25,000 shares of class B common stock for a unit price of \$50,000.

The officers and directors of the Applicant will be as follows:

Name	Title
Harris F. Epstein	President, Director
12 A Heritage Drive New City, N.Y. 10956	
Herbert S. Cannon	Chairman of the Board, Treasurer
480 Park Avenue New York, N.Y. 10022	
Marvin J. Goldstein	Secretary, Director, Counsel

These individuals will each own 13.88 percent of the Applicant's class A common voting stock. Mr. Epstein is currently a vice president of another SBIC, MDC capital corporation; from which he will resign upon licensing of the Applicant.

Investors will own shares of class B stock representing 100 percent of the class B stock outstanding, and shares of class A stock representing 58 1/4 percent of class A stock outstanding. The

balance of Cannon's class A common stock, 41 1/2 percent will be sold to Messrs. Herbert Cannon, Harris Epstein, and Marvin Goldstein at an individual cost of \$15,000.

Mr. Marvin Goldstein has also been credited \$10,000 toward the purchase price of class A stock for legal services performed on behalf of Cannon.

Cannon intends to provide funds to eligible small businesses primarily in New York, New Jersey, and Connecticut. In addition to providing capital funds, the Applicant will offer technical assistance, advisory and counseling services to small companies.

Matters involved in SBA's consideration of the Applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the Applicant under their management, including adequate profitability and financial soundness, in accordance with the Act and the SBA rules and regulations.

Any person may, on or before June 7, 1978, submit to SBA written comments on the proposed Licensee. Any such communications should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in New York City.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.
(FR Doc. 78-14229 Filed 5-22-78; 8:45 am)

[8025-01]

[License No. 02/02-52901]

CAPITAL FORMATION MESBIC, INC.

License Surrender

Notice is hereby given that Capital Formation MESBIC, Inc., 2112 Broadway, Suite 401, New York, N.Y. 10023, has surrendered its license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

The company was licensed by the Small Business Administration on September 23, 1971.

Under the authority vested by the Act and pursuant to 13 CFR 107.105 (1978), the surrender by Capital Formation MESBIC, Inc., of its license is hereby approved.

Accordingly, all rights, privileges and franchises derived from the license are hereby terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.
(FR Doc. 78-14230 Filed 5-22-78; 8:45 am)

[8025-01]

[Proposed License No. 06/06-02011]

CAPITAL MANAGEMENT & RESOURCES, INC.

Application for a License To Operate as a Small Business Investment Co.

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)), under the name of Capital Management & Resources, Inc., Suite 203, 4664 Jamestown Avenue, Baton Rouge, La. 70808, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Warren S. Orlando, President, Director, 20 percent shareholder, 720 Coco Plum Circle, Plantation, Fla. 33317.
Jan W. Dugger, Vice President, Director, 20 percent shareholder, 401 Kenilworth Parkway, Baton Rouge, La. 70808.
Phillip W. Preks, Secretary, Director, 20 percent shareholder, 8810 Norfolk Drive, Baton Rouge, La. 70809.
Eddie C. Bartee, Treasurer, Director, 20 percent shareholder, 1913 Hermadel Drive, Baton Rouge, La. 70816.
Doris Gates Rankin, Director, 20 percent shareholder, 7857 Highland Road, Baton Rouge, La. 70808.

There will be two classes to stock: voting common stock with 500,000 shares authorized, and non-voting preferred stock with 500,000 shares authorized. The voting common stock will be owned by the five individuals named above. The preferred stock will be offered and sold to large corporations, institutional investors, pension funds and trusts.

The Applicant Licensee proposes to commence operations with private capital of \$1,051,000, consisting of \$1,000 in common stock and \$1,050,000 in preferred stock.

While the Applicant's principal office will be in Baton Rouge, it intends to establish a branch office in Fort Lauderdale, Fla. It will conduct its operations principally in the States of Louisiana and Florida and in other areas within the United States as may from time to time be approved by SBA.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 7, 1978, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in newspapers of general circulation in Baton Rouge, La. and Fort Lauderdale, Fla.

(Catalog of Federal Domestic Assistance Program, No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.
(FR Doc. 78-14321 Filed 5-22-78; 8:45 am)

[8025-01]

[Proposed License No. 06/06-02021]

FIRST CAPITAL CORP. OF NEW MEXICO

Application for a License to Operate as a Small Business Investment Co.

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)), under the name of First Capital Corp. of New Mexico, 2625 Pennsylvania NE., Albuquerque, N. Mex. 87110, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and stockholder of the Applicant are as follows:

Melvin I. Hertz, President, Director, 3314 Linda Vista SE., Albuquerque, N. Mex. 87107.

Horace G. Pickard, Jr., Chairman of the Board, Secretary-Treasurer (100 percent ownership), 4608 Glenwood Hills Dr. NE., Albuquerque, N. Mex. 87111.

There will be one class of stock authorized, 3,000,000 shares of common stock with a par value of \$1 per share.

The Applicant Licensee proposes to begin operations with private capital of \$304,000. It is represented that the private capital will be increased to at

least \$500,000 within 1 year of the date of licensing. Applicant proposes to conduct its operations principally within the State of New Mexico.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 7, 1978, submit to SBA, in writing, comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the Applicant in a newspaper of general circulation in Albuquerque, N. Mex.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.
(FR Doc. 78-14232 Filed 5-22-78; 8:45 am)

[8025-01]

[Application No. 03/03-51351]

FULCRUM VENTURE CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

An application for a license to operate as a small business investment company under section 301(d) of the Small Business Investment Act of 1958, as amended (Act) (15 U.S.C. 661 et seq.) has been filed by Fulcrum Venture Capital Corp. (applicant) with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1977).

The officers, directors and stockholders are as follows:

Steven L. Lilly, President and Director, 2021 K Street NW., Suite 701, Washington, D.C. 20006.

David L. Jameson, Secretary and Director, 2021 K Street NW., Suite 701, Washington, D.C. 20006.

John G. Gloster, Treasurer and Director, 2021 K Street NW., Suite 701, Washington, D.C. 20006.

The applicant, a District of Columbia corporation, will maintain an office at 2021 K Street NW., Suite 701, Washington, D.C. 20006 and will begin operations with \$2,000,000 of paid-in capital and paid-in surplus derived from the Sale of 1,500 shares of common stock to Opportunity Fund-

ing Corporation and 500 shares of common stock to Cooperative Assistance Fund.

The applicant intends to follow a diversified investment policy by not specializing in any particular industry but making investments in any small business concern permitted by the Small Business Administration's regulations.

As a small business investment company under section 301(d) of the Act, the applicant has been organized and chartered solely for the purpose of performing the functions and conducting the activities contemplated under the Act, as amended, from time to time, and will provide assistance solely to small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management and the probability of successful operations of the applicant under this management, including adequate profitability and financial soundness, in accordance with the Act and SBA Rules and Regulations.

Any person may, not later than June 7, 1978, submit to SBA written comments on the proposed applicant. Any such communication should be addressed to the Deputy Associate Administrator for Investment, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Washington, D.C.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate
Administrator for Investment.
(FR Doc. 78-14233 Filed 5-22-78; 8:45 am)

[8025-01]

[Proposed License No. 06/06-02001]

SAVINGS VENTURE CAPITAL CORP.

Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the Regulations governing small business investment companies (13 CFR 107.102 (1977)), under the name of Savings Venture Capital Corporation, 6001 Financial Plaza, Shreveport, La. 71102, for a license to operate as a small business investment company (SBIC) under the provisions of the Small Business In-

vestment Act of 1958, as amended (the Act), and the Rules and Regulations promulgated thereunder.

The proposed officers, directors and shareholders are as follows:

Herman K. Beebe, Chairman of the Board, 458 Rallsback Road, Shreveport, La. 71106.

Dale A. Anderson, President, Director, 2518 Benton Road, Bossier City, La. 71111.

Charles D. Gray, Jr., Vice President, Director, 510 Yolanda Lane, Shreveport, La. 71105.

Clarice A. Huckabee, Secretary, Director, P.O. Box 163, Greenwood, La. 71033.
Savings Life Insurance Co., 100 Percent, 6001 Financial Plaza, Shreveport, La. 71103.

There is only one class of stock with one million shares of common stock authorized. Initially, only 500,000 of these will be issued. Savings Life Insurance Co. is a wholly owned subsidiary of AMI, Inc., which is owned 53 percent by Herman K. Beebe. No other shareholder owns as much as 10 percent of AMI, Inc.

The Applicant Licensee proposes to begin operations with private capital of \$1,000,000. Applicant proposes to conduct its operations principally within the States of Louisiana, Arkansas, Texas and Mississippi.

Matters involved in SBA's consideration of the application include the general business reputation and character of shareholders and management, and the probability of successful operation of the new company in accordance with the Act and Regulations.

Notice is further given that any person may, not later than June 7, 1978, submit to SBA, in writing, comments on the proposal licensing of this company. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 "L" Street NW., Washington, D.C. 20416.

A copy of this notice will be published by the applicant in a newspaper of general circulation in Shreveport, La.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. McNEISH,
Deputy Associate Administrator
for Investment.
(FR Doc. 78-14234 Filed 5-22-78; 8:45 am)

[8025-01]

[License No. 06/06-01761]

SMALL BUSINESS INVESTMENT CAPITAL, INC.

Filing of Application for Approval of Conflict of Interest Transaction Between Associates

Notice is hereby given that Small Business Investment Capital, Inc. (the

Licensee), 10003 New Benton Highway, Little Rock, Ark. 72203, a Federal Licensee under the Small Business Investment Act of 1958, as amended (the Act), has filed with the Small Business Administration (SBA), an application pursuant to § 107.1004 of the Regulations governing small business investment companies (13 CFR 107.1004 (1977)), for approval of a conflict of interest transaction.

The Licensee was licensed by SBA on March 6, 1975, and is wholly owned by Shur-Valu Stamps, Inc., 10003 New Benton Highway, Little Rock, Ark. 72203.

It is proposed that the Licensee loan Mr. Paul Bone a certain amount of money to remodel his retail grocery store in Clinton, Ark. Mr. Bone is on the board of directors of Shur-Valu Stamps, Inc., and therefore he is considered to be an Associate of the Licensee as defined by Section 107.3(c) of SBA's Rules and Regulations.

Notice is further given that any person may, not later than June 7, 1978 submit to SBA, in writing, comments on this transaction. Any such comments should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Clinton, Ark. and in Little Rock, Ark.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-14235 Filed 5-22-78; 8:45 am]

[8025-01]

SPROUT CAPITAL CORP.

[License No. 02/02-0339]

Issuance of License To Operate as a Small Business Investment Company

On October 31, 1977, a notice of application for a license as a small business investment company was published in the FEDERAL REGISTER (42 FR 57999) stating that a notice had been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1977)) for a license as a small business investment company (SBIC) by Sprout Capital Corp., 140 Broadway, New York, N.Y. 10005.

Interested parties were given until the close of business November 15, 1977, to submit their comments to SBA. No comments were received.

Notice is hereby given that, pursuant to section 301(c) of the Small Business

Investment Act of 1958, as amended, after having considered the application and the facts with regard thereto, SBA on May 2, 1978, issued License No. 02/02-0339 to Sprout Capital Corp. to operate as an SBIC.

(Catalogue of Federal Assistance Programs No. 59.011, Small Business Investment Companies.)

Dated: May 16, 1978.

PETER F. MCNEISH,
Deputy Associate
Administrator for Investments.

[FR Doc. 78-14236 Filed 5-22-78; 8:45 am]

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TREASURY SMALL BUSINESS ADVISORY COMMITTEE

Subcommittee Meeting

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that a meeting of the Subcommittee on Tax Policy of the Treasury Small Business Advisory Committee will be held on June 7, 1978.

The Subcommittee will meet from 9:30 a.m. to 12 p.m. and from 1:30 p.m. to approximately 5 p.m. The meeting will be in room 4426 of the Main Treasury Building, 15th and Pennsylvania Avenue N.W., Washington, D.C. 20220.

The Treasury Small Business Advisory Committee was formed to provide a means of communication between the small business community and Treasury officials on numerous economic issues, including capital formation, tax policy, tax administration and governmental regulations. The Tax Policy subcommittee will focus on the following subjects: (1) Accumulated earnings tax; (2) accounting for inventories; (3) President's proposal to allow small business to use a simplified method of depreciation; (4) relief from estimated tax for rapidly developing small businesses.

The meeting will be open to the public. A limited number of seats will be available. In order to facilitate admittance, persons interested in attending are asked to call 566-5487 so that confirmation of space and access procedures can be provided.

Interested persons may file a written statement with the Subcommittee before, during or after the meeting. The Subcommittee Chairman will, as time permits, entertain oral comments from members of the public attending the meeting. Persons interested in making oral statements are asked to call 566-5487 before 5 p.m. on June 2.

Minutes of the meeting will be available on request from the Treasury Small Business Advisory Committee.

Inquires may be directed to Frederic H. Sweet, Special Assistant to the secretary (Consumer Affairs) Department of the Treasury, Main Treasury Building, Room 4453, 15th and Pennsylvania Avenue NW., Washington, D.C. 20220, telephone 202-566-5487.

Dated: May 17, 1978.

ROBERT CARSWELL,
Deputy Secretary.

[FR Doc. 78-14305 Filed 5-22-78; 8:45 am]

[4010-22]

TRIGGER BASE PRICES AND "EXTRAS" FOR IMPORTED STEEL MILL PRODUCTS

I am hereby announcing trigger base prices and extras for wire nails and heavy carbon steel rails to be used by the Treasury Department in monitoring imports of these products under the trigger price mechanism. I am also republishing a number of pages in the Steel Trigger Price Handbook to correct typographical and other errors made in prior announcements. A description of the trigger price mechanism may be found in the "Background" to the final rulemaking which amended regulations to require the filing of a Special Summary Steel Invoice (SSSI) with all entries of imported steel mill products (43 FR 6065).

These base prices and extras are based upon evidence made available to the Treasury Department by the Japanese Ministry of International Trade and Industry (MITI), as well as other information available to the Department. The methodology used in developing these trigger prices is essentially the same as that described in the FEDERAL REGISTER notice of January 9, 1978 (43 FR 1464). However, these trigger prices are based upon the production costs of the smaller Japanese fabricating mills, rather than the six integrated Japanese steel mills.

The trigger prices being announced today for wire nails and heavy carbon steel rails will be used by the Customs Service to collect information at the time of entry on all shipments of the products covered which are exported after the date of publication of this notice. However, the following rules will be applied to entries of these products covered by contracts with fixed price terms concluded before the publication date of this notice:

1. Contracts with fixed price terms between unrelated parties: If the importer documents at or before the time of entry that the shipment is being imported under such a contract with an unrelated party, the entry will not trigger an investigation even if the sales price is below the trigger price, provided that entry is made on or before June 30, 1978. However, failure to initiate

an investigation will not diminish the right of affected interested persons to file a complaint with respect to such imports under the established procedures for antidumping cases.

2. Contracts between related parties: If the importer documents at the time of entry that the shipment is being imported under a contract with a related party and the shipment is to be resold to an unrelated purchaser in the United States under a contract with fixed price terms concluded before the publication date of this notice, the entry will not trigger an investigation even if the sales price is below the trigger price, provided that delivery is made on or before June 30, 1978.

While these sales will not as a rule trigger a self-initiated antidumping investigation, information concerning such sales will be kept as a part of the information in the monitoring system and will be available in the event that an antidumping petition is filed with respect to such products sold by that producer or the Treasury Department decides to self-initiate an antidumping investigation of such products based upon subsequent sales.

The quarterly revisions in trigger prices announced by the Treasury De-

partment on May 5, 1978 will also apply to wire nails and heavy carbon steel rails. As with other fabricated products referred to in section C of the Treasury Department notice, a 5.5 percent revision will be applied to the trigger base price plus extras for these products, effective for shipments exported on or after July 1, 1978.

Dated: May 16, 1978.

W. MICHAEL BLUMENTHAL,
Secretary of the Treasury.

[FR Doc. 78-13718 Filed 5-22-78; 8:45 am]

WIRE RODS - COLD FINISHED BAR QUALITY

REV. MAY, 1978

REV. MAY, 1978

22124

WIDE FLANGE BEAMS AND BEARING PILING - ASTM A36 12" X 12"

Extras (Sizes / Grade) Per Metric Ton

GRADE (AISI NUMBER)	S I Z E S			
	7/32" Thru 35/64"	Over 35/64" to Under 39/64"	39/64" to Under 3/4"	3/4" And Over
1015, 1016, 1017 1018, 1019, 1020 1021, 1022, 1023 1025, 1028	Minus \$34	\$21	\$ 9	Minus \$10
1029, 1030, 1035 1037, 1038, 1039 1040, 1042, 1043 1044, 1045, 1046 1049, 1050	Minus \$18	\$22	\$ 9	Minus \$ 9
1117 1141 1144 1151	Minus \$ 5 2 2 4	\$48 36 41 45	\$36 24 28 30	\$16 5 9 11
1212, 1213, 1215	Minus \$ 2	\$41	\$28	\$ 9
10L18 10L38, 10L45	Minus \$15 NIL	\$49 41	\$37 28	\$17 9
11L17 11L37	\$21 14	\$77 54	\$65 42	\$43 22
12L14, 12L15	\$14	\$57	\$45	\$24

Tolerance Extra
14 Bar Tolerances are specified or required for over 35/64" to under 3/4"---plus
\$10 per metric ton

Category AISI 3

Tariff Schedule Number(s)

609.8015 0.1¢ per lb.
609.8005 0.1¢ per lb.
609.8200 0.1¢ per lb. +2% + additional
duties (see Headnote 4, TSUS)

Base Price per Metric Ton \$259

Charges to CIF Ocean Freight Handling Interest

West Coast \$27 \$ 3 \$ 5
Gulf Coast 30 5 7
Atlantic Coast 34 4 7
Great Lakes 47 4 9

Insurance 1% of base price + extras + ocean freight

Extras

1. Size Extras
2. Grade Extras
3. Cut Length Extras
4. Splitting Extras

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 100--TUESDAY, MAY 23, 1978

WIDE FLANGE BEAMS

(1) Size Extras				
Series	Lbs./Foot	Extra-\$/M.T.	Series	Extra-\$/M.T.
4 x 4	13	40	14 x 12	78.84
5 x 5	16-18.9	35	14 x 14	87-136
6 x 4	8.5	31	14 x 16	142-426
6 x 6	12-16	26	14 x 16	455
6 x 6	15-15	18	14 x 16	500
6 x 6	20-25	42	14 x 16	550
8 x 4	10	30	14 x 16	605
8 x 4	13-15	21	14 x 16	665
8 x 5 1/2	17-20	15	14 x 16	750
8 x 6 1/2	24-28	11	14 x 16	83
8 x 8	31-67	11	14 x 16	13
10 x 4	11.5	36	14 x 16	6
10 x 4	15-19	31	14 x 16	NIL
10 x 5-3/4	21-29	18	14 x 16	NIL
10 x 8	33-45	11	14 x 16	14
10 x 10	49-112	5	14 x 16	5
12 x 4	14	39	14 x 16	NIL
12 x 4	16.5-22	32	14 x 16	NIL
12 x 6 1/2	27-36	13	14 x 16	9
12 x 8	40-50	7	14 x 16	NIL
12 x 10	53-58	5	14 x 16	NIL
12 x 12	65-190	NIL	14 x 16	NIL
14 x 5	22-26	18	14 x 16	9
14 x 6-3/4	30-38	9	14 x 16	NIL
14 x 8	43-53	5	14 x 16	NIL
14 x 10	61-74	NIL	14 x 16	NIL

REV. MAY, 1978

3 - OTHER EXTRAS

Description \$/MT

Killed 20

Fine Grain 6

Charpy +40°F & up

L 15

T 20

L & T 25

under +40°F

L 20

T 25

L & T 30

Normalize

Quench & Temper

Normalize & Temper

U.S.T.

A578 L2
A435, A578 L1
(9" or higher grid)
(under 9" grid or 100%
scanning)

Checker

Pickled & Oiled

Up to 0.172" Thickness
Over 0.172" Thickness

Others

To be specified on
SSSI

NOTICES

FEDERAL REGISTER, VOL. 43, NO. 100--TUESDAY, MAY 23, 1978

22125

Heavy Carbon Steel Rails Area 115, 132 or 136

Category AISI 6

Tariff Schedule Number (s) 610.2010 .05¢ per lb.

Base Price per Metric Ton \$298

Charges to CIF	Ocean Freight			Handling	Interest
	40'	50'	60'		
West Coast	\$26	\$30	\$33	\$3	\$6
Gulf Coast	27	30	33	5	8
Atlantic Coast	35	38	41	4	10
Great Lakes	47	50	—	4	10

Insurance 1% of base price + extras + ocean freight

Extras

Quality, Length, Quantity

General Extras for Heavy Rails

% Extra/M.T.

1. Quality

Carbon	base
Heat Treating (Equivalent to head hardening)	6.6
End Hardening	3

2. Length

Standard Length with Short (up to 11%) - 25' to 82'	base
---	------

3. Quantity

200 M.T. and over	base
under 200 thru 100 M.T.	4
under 100 thru 50 M.T.	5

Wire Nails 20 d # 6 x 13/32 x 4"
Bright Common

Category AISI 20

Tariff Schedule Number(s) 646.2500 - 0.5¢ per lb.
646.2622 - 0.1¢ per lb.
through
646.2648

Base Price per Metric Ton \$383

Charges to CIF	Ocean Freight	Handling	Interest
West Coast	\$42	\$3	\$11
Gulf Coast	50	5	14
Atlantic Coast	60	4	14
Great Lakes	68	4	18

Insurance 1% of base price + extras + ocean freight

Extras

- General Extras - see Table 1, pg. 20-2.
- Regular and Semi - Regular Wire Nails - see Table 2, pg. 20-3 thru pg. 29-9.
- Smooth Shank Speciality Wire Nails - see pg. 20-10 - pg. 20-13. Special Order Size Extras, see pg. 20-14.
- Ring, Screw and Fluted Shank Speciality Wire Nails, see pg. 20-15. Special Order Size Extras, see pg. 20-19.

Table 1.

General Extras

I. MACHINE USE QUALITY		per 50 lbs.	\$0.80
II. PACKING STANDARD	50 lbs. Carton (loose)	base	
	100 lbs. Carton	\$0	
	1 lb. x 50	\$4.00	
	5 lbs. x 10	\$2.80	
III. PALLETIZING		per 50 lbs.	\$0.40
IV. QUANTITY EXTRA			
	Less than 2,400 lbs. per	Size Order Marking Destination Shipment	\$0.30 per 50 lbs.

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(1) Bright Common Nails			
2 d ASWG # 15 x 11/64" x 1"	\$2.25	(\$2.25)	
3 d # 14 x 13/64" x 1-1/4"	1.85	(1.85)	
4 d # 12-1/2 x 1/4" x 1-1/2"	1.50	(1.50)	
5 d # 12-1/2 x 1/4 x 1-3/4"	1.20	(1.20)	
6 d # 11-1/2 x 17/64" x 2"	0.80	(0.80)	
7 d # 11-1/2 x 17/64" x 2-1/4"	0.75	(0.75)	
8 d # 10-1/4 x 9/32" x 2-1/2"	0.60	(0.60)	
9 d # 10-1/4 x 9/32" x 2-3/4"	0.60	(0.60)	
10 d # 9 x 5/16" x 3"	0.50	(0.50)	
12 d # 9 x 5/16" x 3-1/4"	0.50	(0.50)	
16 d # 8 x 11/32" x 3-1/2"	0.40	(0.40)	
20 d # 6 x 13/32" x 4"	Base	(Base)	
30 d # 5 x 7/16" x 4-1/2"	0.75	(0.75)	
40 d # 4 x 15/32" x 5"	0.75	(0.75)	
50 d # 3 x 1/2" x 5-1/2"	0.75	(0.75)	
60 d # 2 x 17/32" x 6"	0.95	(0.95)	

(2) Bright Smooth Box Nails

2 d ASWG # 15-1/2 x 3/16" x 1"	\$2.80	(\$2.80)	
3 d # 14-1/2 x 7/32" x 1-1/4"	2.20	(2.20)	
4 d # 14 x 7/32" x 1-1/2"	1.80	(1.80)	
5 d # 14 x 7/32" x 1-3/4"	1.40	(1.40)	
6 d # 12-1/2 x 17/64" x 2"	1.10	(1.10)	
7 d # 12-1/2 x 17/64" x 2-1/4"	1.05	(1.05)	
8 d # 11-1/2 x 19/64" x 2-1/2"	0.95	(0.95)	
9 d # 11-1/2 x 19/64" x 2-3/4"	0.95	(0.95)	
10 d # 10-1/2 x 5/16" x 3"	0.75	(0.75)	
12 d # 10-1/2 x 5/16" x 3-1/4"	0.75	(0.75)	
16 d # 10 x 11/32" x 3-1/2"	0.70	(0.70)	
20 d # 9 x 3/8" x 4"	0.60	(0.60)	
30 d # 9 x 3/8" x 4-1/2	1.10	(1.10)	
40 d # 8 x 13/32" x 5"	1.10	(1.10)	

(3) Bright Finishing Nails Cupped Head

2 d ASWG # 16-1/2 x 13-1/2 x 1"	\$3.55	(\$3.55)	
3 d # 15-1/2 x 12-1/2 x 1-1/4"	2.90	(2.90)	
4 d # 15 x 12 x 1-1/2"	2.30	(2.30)	
5 d # 15 x 12 x 1-3/4"	2.10	(2.10)	
6 d # 13 x 10 x 2"	1.45	(1.45)	
8 d # 12-1/2 x 9-1/2 x 2-1/2"	1.40	(1.40)	
9 d # 12-1/2 x 9-1/2 x 2-3/4"	1.35	(1.35)	
10 d # 11-1/2 x 8-1/2 x 3"	1.35	(1.35)	
12 d # 11-1/2 x 8-1/2 x 3-1/4"	1.25	(1.25)	
16 d # 11 x 8 x 3-1/2"	1.20	(1.20)	
20 d # 10 x 7 x 4"	1.10	(1.10)	

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(4) Bright Casing Nails			
2 d ASWG # 15-1/2 x 12-1/2 x 1"	\$3.10	(\$3.10)	
3 d # 14-1/2 x 11-1/2 x 1-1/4"	2.50	(2.50)	
4 d # 14 x 11 x 1-1/2"	1.90	(1.90)	
5 d # 14 x 11 x 1-3/4"	1.70	(1.70)	
6 d # 12-1/2 x 9-1/2 x 2"	1.25	(1.25)	
7 d # 12-1/2 x 9-1/2 x 2-1/4"	1.20	(1.20)	
8 d # 11-1/2 x 8-1/2 x 2-1/2"	1.10	(1.10)	
9 d # 11-1/2 x 8-1/2 x 2-3/4"	1.10	(1.10)	
10 d # 10-1/2 x 7-1/2 x 3"	1.05	(1.05)	
12 d # 10-1/2 x 7-1/2 x 3-1/4"	1.05	(1.05)	
16 d # 10 x 7 x 3-1/3"	0.95	(0.95)	

(5) E/G (Electric Galvanized) Common Nails

2 d ASWG # 15 x 11/64" x 1"	\$4.85	(\$2.25)	(\$2.60)
3 d # 14 x 13/64" x 1-1/4"	4.45	(1.85)	(2.60)
4 d # 12-1/2 x 1/4" x 1-1/2"	4.10	(1.50)	(2.60)
5 d # 12-1/2 x 1/4" x 1-3/4"	3.80	(1.20)	(2.60)
6 d # 11-1/2 x 17/64" x 2"	3.00	(0.80)	(2.20)
7 d # 11-1/2 x 17/64" x 2-1/4"	2.95	(0.75)	(2.20)
8 d # 10-1/4 x 9/32" x 2-1/2"	2.80	(0.60)	(2.20)
9 d # 10-1/4 x 9/32" x 2-3/4"	2.80	(0.60)	(2.20)
10 d # 9 x 5/16" x 3"	2.70	(0.50)	(2.20)
12 d # 9 x 5/16" x 3-1/4"	2.70	(0.50)	(2.20)
16 d # 8 x 11/32" x 3-1/2"	2.60	(0.40)	(2.20)
20 d # 6 x 13/32" x 4"	2.20	(-)	(2.20)
30 d # 5 x 7/16" x 4-1/2"	2.95	(0.75)	(2.20)
40 d # 4 x 15/32" x 5"	2.95	(0.75)	(2.20)
50 d # 3 x 1/2" x 5-1/2"	2.95	(0.75)	(2.20)
60 d # 2 x 17/32" x 6"	3.15	(0.95)	(2.20)

(6) E/G Smooth Box Nails

2 d ASWG # 15-1/2 x 3/16" x 1"	\$5.40	(\$2.80)	(\$2.60)
3 d # 14-1/2 x 7/32" x 1-1/4"	4.80	(2.20)	(2.60)
4 d # 14 x 7/32" x 1-1/2"	4.40	(1.80)	(2.60)
5 d # 14 x 7/32" x 1-3/4"	4.00	(1.40)	(2.60)
6 d # 12-1/2 x 17/64" x 2"	3.30	(1.10)	(2.20)
7 d # 12-1/2 x 17/64" x 2-1/4"	3.25	(1.05)	(2.20)
8 d # 11-1/2 x 19/64" x 2-1/2"	3.15	(0.95)	(2.20)
9 d # 11-1/2 x 19/64" x 2-3/4"	3.15	(0.95)	(2.20)
10 d # 10-1/2 x 5/16" x 3"	2.95	(0.75)	(2.20)
12 d # 10-1/2 x 5/16" x 3-1/4"	2.95	(0.75)	(2.20)
16 d # 10 x 11/32" x 3-1/2"	2.90	(0.70)	(2.20)
20 d # 9 x 3/8" x 4"	2.80	(0.60)	(2.20)
30 d # 9 x 3/8" x 4-1/2"	3.30	(1.10)	(2.20)
40 d # 8 x 13/32" x 5"	3.30	(1.10)	(2.20)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(7) E/G Finishing Nails Cupped Head			
2 d ASWG # 16-1/2 x 13-1/2 x 1"	\$6.15	(\$3.55)	(\$2.60)
3 d # 15-1/2 x 12-1/2 x 1-1/4"	5.50	(2.90)	(2.60)
4 d # 15 x 12 x 1-1/2"	4.90	(2.30)	(2.60)
5 d # 15 x 12 x 1-3/4"	4.70	(2.10)	(2.60)
6 d # 13 x 10 x 2"	3.65	(1.45)	(2.20)
8 d # 12-1/2 x 9-1/2 x 2-1/2"	3.60	(1.40)	(2.20)
9 d # 12-1/2 x 9-1/2 x 2-3/4"	3.55	(1.35)	(2.20)
10 d # 11-1/2 x 8-1/2 x 3"	3.55	(1.35)	(2.20)
12 d # 11-1/2 x 8-1/2 x 3-1/4"	3.45	(1.25)	(2.20)
16 d # 11 x 8 x 3-1/2"	3.40	(1.20)	(2.20)
20 d # 10 x 7 x 4"	3.30	(1.10)	(2.20)
(8) E/G Casing Nails			
2 d ASWG # 15-1/2 x 12-1/2 x 1"	\$5.70	(\$3.10)	(\$2.60)
3 d # 14-1/2 x 11-1/2 x 1-1/4"	5.10	(2.50)	(2.60)
4 d # 14 x 11 x 1-1/2"	4.50	(1.90)	(2.60)
5 d # 14 x 11 x 1-3/4"	4.30	(1.70)	(2.60)
6 d # 12-1/2 x 9-1/2 x 2"	3.45	(1.25)	(2.20)
7 d # 12-1/2 x 9-1/2 x 2-1/4"	3.40	(1.20)	(2.20)
8 d # 11-1/2 x 8-1/2 x 2-1/2"	3.30	(1.10)	(2.20)
9 d # 11-1/2 x 8-1/2 x 2-3/4"	3.30	(1.10)	(2.20)
10 d # 10-1/2 x 7-1/2 x 3"	3.25	(1.05)	(2.20)
12 d # 10-1/2 x 7-1/2 x 3-1/4"	3.25	(1.05)	(2.20)
16 d # 10 x 7x3-1/3"	3.15	(0.95)	(2.20)
(9) H/D (Hot Dip Galvanized) Common Nails			
			H/D Extra
2 d ASWG # 15 x 11/64" x 1"	\$8.45	(\$2.25)	(\$6.20)
3 d # 14 x 13/64" x 1-1/4"	8.05	(1.85)	(6.20)
4 d # 12-1/2 x 1/4" x 1-1/2"	7.70	(1.50)	(6.20)
5 d # 12-1/2 x 1/4" x 1-3/4"	7.40	(1.20)	(6.20)
6 d # 11-1/2 x 17/64" x 2"	6.60	(0.80)	(5.80)
7 d # 11-1/2 x 17/64" x 2-1/4"	6.55	(0.75)	(5.80)
8 d # 10-1/4 x 9/32" x 2-1/2"	6.40	(0.60)	(5.80)
9 d # 10-1/4 x 9/32" x 2-3/4"	6.40	(0.60)	(5.80)
10 d # 9 x 5/16" x 3"	6.30	(0.50)	(5.80)
12 d # 9 x 5/16" x 3-1/4"	6.30	(0.50)	(5.80)
16 d # 8 x 11/32" x 3-1/2"	6.20	(0.40)	(5.80)
20 d # 6 x 13/32" x 4"	5.80	(Base)	(5.80)
30 d # 5 x 7/16" x 4-1/2"	6.55	(0.75)	(5.80)
40 d # 4 x 15/32" x 5"	6.55	(0.75)	(5.80)
50 d # 3 x 1/2" x 5-1/2"	6.55	(0.75)	(5.80)
60 d # 2 x 17/32" x 6"	6.75	(0.95)	(5.80)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(10) H/D Smooth Box Nails			
			H/D Extra
2 d ASWG # 15-1/2 x 3/16" x 1"	\$9.00	(\$2.80)	(\$6.20)
3 d # 14-1/2 x 7/32" x 1-1/4"	8.40	(2.20)	(6.20)
4 d # 14 x 7/32" x 1-1/2"	8.00	(1.80)	(6.20)
5 d # 14 x 7/32" x 1-3/4"	7.60	(1.40)	(6.20)
6 d # 12-1/2 x 17/64" x 2"	6.90	(1.10)	(5.80)
7 d # 12-1/2 x 17/64" x 2-1/4"	6.85	(1.05)	(5.80)
8 d # 11-1/2 x 19/64" x 2-1/2"	6.75	(0.95)	(5.80)
9 d # 11-1/2 x 19/64" x 2-3/4"	6.75	(0.95)	(5.80)
10 d # 10-1/2 x 5/16" x 3"	6.55	(0.75)	(5.80)
12 d # 10-1/2 x 5/16" x 3-1/4"	6.55	(0.75)	(5.80)
16 d # 10 x 11/32" x 3-1/2"	6.50	(0.70)	(5.80)
20 d # 9 x 3/8 x 4"	6.40	(0.60)	(5.80)
30 d # 9 x 3/8" x 4-1/2"	6.90	(1.10)	(5.80)
40 d # 8 x 13/32" x 5"	6.90	(1.10)	(5.80)
(11) H/D Finishing Nails Cupped Head			
			H/D Extra
2 d ASWG # 16-1/2 x 13-1/2 x 1"	\$9.75	(\$3.55)	(\$6.20)
3 d # 15-1/2 x 12-1/2 x 1-1/4"	9.10	(2.90)	(6.20)
4 d # 15 x 12 x 1-1/2"	8.50	(2.30)	(6.20)
5 d # 15 x 12 x 1-3/4"	8.30	(2.10)	(6.20)
6 d # 13 x 10 x 2"	7.25	(1.45)	(5.80)
8 d # 12-1/2 x 9-1/2 x 2-1/2"	7.20	(1.40)	(5.80)
9 d # 12-1/2 x 9-1/2 x 2-3/4"	7.15	(1.35)	(5.80)
10 d # 11-1/2 x 8-1/2 x 3"	7.15	(1.35)	(5.80)
12 d # 11-1/2 x 8-1/2 x 3-1/4"	7.05	(1.25)	(5.80)
16 d # 11 x 8 x 3-1/2"	7.00	(1.20)	(5.80)
20 d # 10 x 7 x 4"	6.90	(1.10)	(5.80)
(12) H/D Casing Nails			
			H/D Extra
2 d ASWG # 15-1/2 x 12-1/2 x 1"	\$9.30	(\$3.10)	(\$6.20)
3 d # 14-1/2 x 11-1/2 x 1-1/4"	8.70	(2.50)	(6.20)
4 d # 14 x 11 x 1-1/2"	8.10	(1.90)	(6.20)
5 d # 14 x 11 x 1-3/4"	7.90	(1.70)	(6.20)
6 d # 12-1/2 x 9-1/2 x 2"	7.05	(1.25)	(5.80)
7 d # 12-1/2 x 9-1/2 x 2-1/4"	7.00	(1.20)	(5.80)
8 d # 11-1/2 x 8-1/2 x 2-1/2"	6.90	(1.10)	(5.80)
9 d # 11-1/2 x 8-1/2 x 2-3/4"	6.90	(1.10)	(5.80)
10 d # 10-1/2 x 7-1/2 x 3"	6.85	(1.05)	(5.80)
12 d # 10-1/2 x 7-1/2 x 3-1/4"	6.85	(1.05)	(5.80)
16 d # 10 x 7 x 3-1/3"	6.75	(0.95)	(5.80)

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NOTICES

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(13) Cement Coated Box Nails			
2 d ASWG # 16-1/2 x 11/64" x 1"	\$3.85	(\$3.85)	
3 d # 16 x 3/16" x 1-1/8"	3.25	(3.25)	
4 d # 15 x 13/64" x 1-3/8"	2.90	(2.90)	
4-1/2 d # 15 x 7/32" x 1-1/2"	2.90	(2.90)	
5 d # 15 x 7/32" x 1-5/8"	2.40	(2.40)	
6 d # 13-1/2 x 1/4" x 1-7/8"	2.05	(2.05)	
7 d # 13-1/2 x 1/4" x 2-1/8"	2.00	(2.00)	
8 d # 12-1/2 x 17/64" x 2-3/8"	1.80	(1.80)	
9 d # 12-1/2 x 17/64" x 2-5/8"	1.80	(1.80)	
10 d # 11-1/2 x 19/64" x 2-7/8"	1.65	(1.65)	

(14) Cement Coated Corkers Nails

2 d ASWG # 16 x 5/32" x 1"	\$3.60	(\$3.60)	
3 d # 15 x 3/16" x 1-1/4"	3.00	(3.00)	
4 d # 13-1/2 x 7/32" x 1-1/2"	2.30	(2.30)	
5 d # 13-1/2 x 7/32" x 1-5/8"	2.05	(2.05)	
6 d # 12-1/2 x 1/4" x 1-7/8"	1.80	(1.80)	
7 d # 12-1/2 x 1/4" x 2-1/8"	1.70	(1.70)	
8 d # 11 x 9/32" x 2-3/8"	1.55	(1.55)	
9 d # 11 x 9/32" x 2-5/8"	1.55	(1.55)	
10 d # 10 x 5/16" x 2-7/8"	1.45	(1.45)	
12 d # 10 x 5/16" x 3-1/8"	1.40	(1.40)	
16 d # 9 x 11/32" x 3-3/8"	1.35	(1.35)	
20 d # 7 x 3/8" x 3-7/8"	1.20	(1.20)	
30 d # 6 x 13/32" x 4-3/8"	1.55	(1.55)	
40 d # 5 x 7/16" x 4-7/8"	1.55	(1.55)	
50 d # 4 x 15/32" x 5-3/8"	1.55	(1.55)	
60 d # 3 x 1/2" x 5-7/8"	1.80	(1.80)	

(15) Cement Coated Coolers Nails

2 d ASWG # 16 x 11/64" x 1"	\$3.60	(\$3.60)	
3 d # 15-1/2 x 3/16" x 1-1/8"	3.00	(3.00)	
4 d # 14 x 7/32" x 1-3/8"	2.30	(2.30)	
5 d # 13-1/2 x 15/64" x 1-5/8"	2.05	(2.05)	
6 d # 13 x 1/4" x 1-7/8"	1.80	(1.80)	
7 d # 12-1/2 x 17/64" x 2-1/8"	1.70	(1.70)	
8 d # 11-1/2 x 9/32" x 2-3/8"	1.55	(1.55)	
9 d # 11-1/2 x 9/32" x 2-5/8"	1.55	(1.55)	
10 d # 11 x 19/64" x 2-7/8"	1.45	(1.45)	

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Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
(16) Cement Coated or Vinyl Coated Sinkers Nails			
3 d ASWG # 15-1/2 x 11/64" x 1-1/8"	\$3.00	(3.00)	
4 d # 14 x 13/64" x 1-3/8"	2.30	(2.30)	
5 d # 13-1/2 x 7/32" x 1-5/8"	2.05	(2.05)	
6 d # 13 x 15/64" x 1-7/8"	1.80	(1.80)	
7 d # 12-1/2 x 1/4" x 2-1/8"	1.70	(1.70)	
8 d # 11-1/2 x 17/64" x 2-3/8"	1.55	(1.55)	
10 d # 11 x 9/32" x 2-7/8"	1.45	(1.45)	
12 d # 10 x 5/16" x 3-1/8"	1.40	(1.40)	
16 d # 9 x 11/32" x 3-1/4"	1.35	(1.35)	
20 d # 7 x 3/8" x 3-3/4"	1.20	(1.20)	
30 d # 6 x 13/32" x 4-1/4"	1.55	(1.55)	
40 d # 5 x 7/16" x 4-3/4"	1.55	(1.55)	
60 d # 3 x 1/2" x 5-3/4"	1.80	(1.80)	

(17) Cement Coated Apple Box Nails

5 d ASWG # 14 x 15/64" x 1-5/8"	\$2.40	(\$2.40)	
5-1/2 d # 14 x 15/64" x 1-3/8"	2.40	(2.40)	

(18) Cement Coated Fruit Box Nails

4 d ASWG # 15 x 7/32" x 1-3/8"	\$2.90	(\$2.90)	
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(19) Cement Coated Orange Box Nails

4 d ASWG # 15 x 7/32" x 1-1/4"	\$2.90	(\$2.90)	
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(20) Cement Coated Egg Case Nails

3 d ASWG # 15 x 7/32" x 1-1/8"	\$3.25	(\$3.25)	
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(21) Bright Barbed Roofing Nails

ASWG # 11 x 7/16" x 1/2"	\$6.95	(\$6.95)	
x 5/8"	5.05	(5.05)	
x 3/4"	4.10	(4.10)	
x 7/8"	3.50	(3.50)	
x 1"	3.00	(3.00)	
x 1-1/4"	2.65	(2.65)	
x 1-1/2"	2.40	(2.40)	
x 1-3/4"	2.20	(2.20)	
x 2"	1.80	(1.80)	

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA	SIZE EXTRA	E/G EXTRA
12 x 3/8" x 1/2"	7.25	(7.25)	
x 5/8"	5.65	(5.65)	
x 3/4"	4.70	(4.70)	
x 7/8"	4.10	(4.10)	
x 1"	3.60	(3.60)	
x 1-1/4"	3.25	(3.25)	
x 1-1/2"	3.00	(3.00)	
x 1-3/4"	2.80	(2.80)	
x 2"	2.40	(2.40)	

(22) E/G (Electric Galvanized) Barbed Roofing Nails

ASWG # 11 x 7/16" x 1/2"	\$7.80	(\$7.80)
x 5/8"	6.20	(6.20)
x 3/4"	5.20	(5.20)
x 7/8"	4.60	(4.60)
x 1"	4.10	(4.10)
x 1-1/4"	3.80	(3.80)
x 1-1/2"	3.50	(3.50)
x 1-3/4"	3.35	(3.35)
x 2"	2.90	(2.90)
ASWG # 12 x 3/8" x 1/2"	8.40	(8.40)
x 5/8"	6.80	(6.80)
x 3/4"	5.80	(5.80)
x 7/8"	5.20	(5.20)
x 1"	4.70	(4.70)
x 1-1/4"	4.40	(4.40)
x 1-1/2"	4.10	(4.10)
x 1-3/4"	3.95	(3.95)

(23) Bright Duplex Head Nails

		Size Extra	Head Extra
6d ASWG #11-1/2 x 17/64" x 1-3/4"	\$3.00	(\$2.35)	(\$0.65)
8d #10-1/4 x 9/32" x 2-1/4"	2.85	(2.20)	(0.65)
10d #9 x 5/16" x 2-3/4"	2.85	(2.20)	(0.65)
16d #8 x 11/32" x 3"	2.85	(2.20)	(0.65)

(24) Bright Smooth Joist Hanger Nails

		Size Extra
ASWG #11 x 9/32" x 1-1/4"	\$2.50	(\$2.50)
#10-1/4 x 9/32" x 1-1/2"	2.30	(2.30)
# 9 x 5/16" x 1-1/2"	2.30	(2.30)

(25) Tempered Hardened Steel Concrete Steel Nails

		Size Extra	T.H. Extra
ASWG # 9 x 3/16" x 3/4"	\$6.40	(\$2.60)	(\$3.80)
x 1"	6.30	(2.50)	(3.80)
x 1-1/2"	6.10	(2.30)	(3.80)
x 2"	6.00	(2.20)	(3.80)
# 12 x 3/16" x 3/4"	6.80	(3.00)	(3.80)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

(26) Bright Smooth Shank Drywall Nails

		Size Extra
ASWG # 12-1/2 x 19/64" x 1-1/8"	\$2.60	(\$2.60)
x 1-3/8"	2.60	(2.60)
x 1-1/2"	2.45	(2.45)

(27) Bright Barbed Shank Plywood Nails

		Size Extra	Barbed Extra
ASWG # 9 x 5/16" x 2"	\$2.50	(\$2.20)	(\$0.30)
x 2-1/8"	2.50	(2.20)	(0.30)
x 2-1/2"	2.40	(2.10)	(0.30)
# 10-1/4 x 9/32" x 1-1/4"	2.70	(2.40)	(0.30)

(28) Bright Barbed Shank Joist Hanger Nails

		Size Extra	Barbed Extra
ASWG # 11 x 9/32" x 1-1/4"	\$2.80	(\$2.50)	(\$0.30)
# 10-1/4 x 9/32" x 1-1/2"	2.60	(2.30)	(0.30)
# 9 x 5/16" x 1-1/2"	2.60	(2.30)	(0.30)

(29) Bright Barbed Shank Truss Nails

		Size Extra	Barbed Extra
ASWG # 11 x 9/32" x 1-1/2"	\$2.65	(\$2.35)	(\$0.30)

Smooth Shank Specialty Nail Extras (\$Extra/50 lbs.)

(30) C.C. (Cement Coated) Plaster Board Nails

		Size Extra	C.C. Extra	Head Extra
ASWG # 13 x 19/64" x 1"	\$3.30	(\$2.70)	(\$0.60)	
x 1-3/8"	3.30	(2.70)	(0.60)	
x 1-1/2"	3.15	(2.55)	(0.60)	
# 13 x 11/32" x 1-1/2"	4.00	(2.55)	(0.60)	(\$0.85)
x 1-3/4"	4.00	(2.55)	(0.60)	(0.85)
# 13 x 3/8" x 1-1/2"	4.00	(2.55)	(0.60)	(0.85)
x 1-3/4"	4.00	(2.55)	(0.60)	(0.85)

(31) C.C. Smooth Shank Drywall Nails

		Size Extra	C.C. Extra	Head Extra
ASWG # 12-1/2 x 19/64" x 1-3/8"	\$3.20	(\$2.60)	(\$0.60)	
x 1-1/2"	3.05	(2.45)	(0.60)	
# 12-1/2 x 1/4" x 1-3/8"	3.20	(2.60)	(0.60)	
x 1-1/2"	3.05	(2.45)	(0.60)	
# 12-1/2 x 11/32" x 1-1/2"	3.90	(2.45)	(0.60)	(0.85)

(32) C.C. Barbed Shank Truss Nails

		Size Extra	C.C. Extra	Barbed Extra
ASWG # 11 x 9/32" x 1-1/2"	\$3.25	(\$2.35)	(\$0.60)	(\$0.30)

(33) C.C. (or Vinyl Coated) Barbed Drywall Nails

		Size Extra	C.C. Extra	Barbed Extra
ASWG # 14 x 1/4 x 1-1/4"	\$4.00	(\$3.10)	(\$0.60)	(\$0.30)
13 x 19/64" x 1-1/8"	3.60	(2.70)	(0.60)	(0.30)
12-1/2 x 19/64" x 1-1/2"	3.35	(2.45)	(0.60)	(0.30)

(34) Phosphate Coated Drywall Nails (Flat Head)

		Size Extra	Phosphate Extra
ASWG # 14 x 1/4" x 1-1/4"	\$4.80	(\$3.10)	(\$1.70)
13 x 19/64" x 1-5/8"	4.25	(2.55)	(1.70)

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Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA			
	Size Extra	Phosphate Extra	Full Cup Extra	
(35) Phosphate Coated Drywall Nails (Full Cup Head)				
ASWG # 14 x 1/4" x 1-1/4"	\$5.45	(\$3.10)	(\$1.70)	(\$0.65)
# 13 x 9/32 x 1-3/8"	5.05	(2.70)	(1.70)	(0.65)
# 13-1/2 x 19/64" x 1-5/8"	4.90	(2.55)	(1.70)	(0.65)
(36) H/D Galv. Smooth Siding Nails				
7d ASWG # 11-1/2 x 7/32 x 2-1/4"	\$8.00	(\$2.20)	(\$5.30)	
8d # 11-1/2 x 2-1/2"	7.80	(2.00)	(5.80)	
(37) Sterilized Blued Plaster Board Nails				
ASWG # 13 x 19/64" x 1"	\$4.60	(\$2.70)	(\$1.90)	
# 13 x 1-1/8"	4.60	(2.70)	(1.90)	
# 13 x 1-1/2"	4.45	(2.55)	(1.90)	
ASWG # 13 x 3/8" x 1"	5.45	(2.70)	(1.90)	(\$0.85)
(38) Sterilized Blued Lath Nails				
2d ASWG # 16-1/2 x 9/64" x 1"	\$5.30	(\$3.40)	(\$1.90)	
3d # 15 x 11/64" x 1-1/8"	5.30	(3.40)	(1.90)	
(39) Sterilized Blued Shingle Nails				
ASWG # 15 x 7/32" x 1-1/4"	\$5.30	(\$3.40)	(\$1.90)	
# 16 x 5/32" x 1-1/8"	5.30	(3.40)	(1.90)	
(40) E/G Smooth Siding Nails				
5d ASWG # 14 x 1-3/4"	\$5.50	(\$2.90)	(\$2.60)	
6d # 12-1/2 x 2"	4.50	(2.30)	(2.20)	
7d # 12-1/2 x 2-1/4"	4.50	(2.30)	(2.20)	
8d # 11-1/2 x 2-1/2"	4.30	(2.10)	(2.20)	
(41) E/G Shingle Nails				
3d ASWG # 14 x 1/4" x 1-1/4"	\$5.70	(\$3.10)	(\$2.60)	
4d # 13 x 1/4" x 1-1/2"	5.15	(2.55)	(2.60)	
(42) E/G Plaster Board Nails				
ASWG # 13 x 19/64" x 1"	\$5.30	(\$2.70)	(\$2.60)	
# 13 x 1-1/4"	5.30	(2.70)	(2.60)	
# 13 x 1-1/2"	5.15	(2.55)	(2.60)	
(43) E/G Smooth Joist Hanger Nails				
ASWG # 9 x 5/16" x 1-1/4"	\$5.00	(\$2.40)	(\$2.60)	
# 9 x 1-1/2"	4.50	(2.30)	(2.20)	
10-1/4 x 9/32" x 1-1/4"	5.00	(2.40)	(2.60)	
(44) E/G Barbed Shank Joist Hanger Nails				
ASWG # 8 x 11/32" x 2"	\$4.80	(\$2.30)	(\$2.20)	(\$0.30)
# 9 x 5/16" x 1-1/2"	4.80	(2.30)	(2.20)	(0.30)
# 10-1/4 x 9/32" x 1-1/2"	4.80	(2.30)	(2.20)	(0.30)
# 11 x 19/64" x 1-1/4"	5.40	(2.50)	(2.60)	(0.30)

NOTICES

22137

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA			
	Size Extra	E/G Extra	Barbed Extra	
(45) E/G Barbed Shank Plywood Nails				
ASWG # 10-1/4 x 7/16" x 1-7/8"	\$4.80	(\$2.30)	(\$2.20)	(\$0.30)
(46) E/G Barbed Shank Truss Nails				
ASWG # 11 x 9/32" x 1-1/2"	\$4.85	(\$2.35)	(\$2.20)	(\$0.30)
(47) E/G Barbed Shank Siding Nails				
ASWG # 14 x 3/16" x 1-3/4"	\$5.80	(\$2.90)	(\$2.60)	(\$0.30)
# 13-1/2 x 1/32" x 1-1/2"	5.45	(2.55)	(2.60)	(0.30)
(48) E/G Tempered Hardened Steel Concrete Stub Nails				
ASWG # 9 x 5/16 x 1/2"	\$9.60	(\$3.20)	(\$2.60)	(\$3.80)
# 9 x 3/4"	9.00	(2.60)	(2.60)	(3.80)
# 9 x 7/8"	8.90	(2.50)	(2.60)	(3.80)
# 9 x 1"	8.80	(2.40)	(2.60)	(3.80)
# 9 x 1-1/2"	8.70	(2.30)	(2.60)	(3.80)
# 9 x 2"	8.20	(2.20)	(2.20)	(3.80)
(49) E/G Barbed Shank Painted Siding Nails				
ASWG # 12-1/2 x 3/16" x 2"	\$9.10	(\$2.30)	(\$2.20)	(\$4.30)
# 13 x 3/16" x 2-1/2"	8.90	(2.10)	(2.20)	(4.30)
# 13 x 3/16" x 1-1/4"	9.90	(2.70)	(2.60)	(4.30)
# 13 x 1-1/2"	9.75	(2.55)	(2.60)	(4.30)
# 13 x 2"	9.20	(2.40)	(2.20)	(4.30)

Special Order Size Extras For Smooth Shank Specialty Nails (\$ Extra/50 lbs)

Shank-gauge									
length	4-6-1/2	7-8-1/2	9-10-1/2	11-11-1/2	12-12-1/2	13-13-1/2	14-14-1/2	15-16-1/2	17-18
1/2"	-	-	3.20	-	-	-	-	-	-
5/8	-	-	2.80	-	-	-	3.60	3.90	4.35
3/4	-	-	2.60	-	3.00	3.05	3.40	3.75	4.20
7/8	-	-	2.50	-	2.80	2.90	3.25	3.60	4.00
1-1-3/8	-	-	2.40	2.50	2.60	2.70	3.10	3.40	-
1-1/2-1-7/8	-	-	2.30	2.35	2.45	2.55	2.90	3.25	-
2 - 2-3/8	-	2.30	2.20	2.20	2.30	2.40	2.75	-	-
2-1/2 - 3	-	2.20	2.10	2.00	2.10	2.20	-	-	-
3-1/8 - 4	2.10	2.10	1.90	-	-	-	-	-	-
4-1/8 - 5	2.00	2.00	1.70	-	-	-	-	-	-
5-1/8 - up	1.90	1.90	-	-	-	-	-	-	-

Size extras determined from this table apply only to items 23-49.

NOTICES

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

<u>TYPE/SIZE</u>	<u>TOTAL EXTRA</u>	
(50) <u>Bright Annular Threaded Drywall Nails</u>	<u>Size Extra</u>	
ASWG # 12-1/2 x 19/64" x 1-3/8"	\$4.80	(\$4.80)
x 1-1/2"	4.60	(4.60)
x 1-5/8"	4.60	(4.60)
# 12-1/2 x 1/4" x 1"	4.80	(4.80)
x 1-1/4"	4.80	(4.80)
(51) <u>Bright Ring Shank Underlay Nails</u>	<u>Size Extra</u>	
ASWG # 13 x 3/16" x 1"	\$6.20	(\$6.20)
x 1-1/4"	6.20	(6.20)
x 1-3/4"	5.75	(5.75)
# 12-1/2 x 3/16" x 1-1/4"	4.80	(4.80)
x 1-3/8"	4.80	(4.80)
# 12-1/2 x 7/32" x 1"	4.80	(4.80)
x 1-1/4"	4.80	(4.80)
x 1-1/2"	4.60	(4.60)
# 12-1/2 x 1/4" x 1-1/4"	4.80	(4.80)
x 1-3/8"	4.80	(4.80)
x 2"	4.40	(4.40)
# 14 x 3/16" x 3/4"	10.25	(10.25)
x 1"	8.95	(8.95)
(52) <u>E/G Annular Threaded Drywall Nails</u>	<u>Size Extra</u>	<u>E/G Extra</u>
ASWG # 12-1/2 x 19/64" x 1-1/4"	\$7.40	(\$4.80) (\$2.60)
x 1-3/8"	7.40	(4.80) (2.60)
x 1-1/2"	7.20	(4.60) (2.60)
x 1-5/8"	7.20	(4.60) (2.60)
# 13 x 19/64" x 1"	8.80	(6.20) (2.60)
x 1-5/8"	8.35	(5.75) (2.60)
(53) <u>E/G Annular Threaded Shake Nails</u>	<u>Size Extra</u>	<u>E/G Extra</u>
ASWG # 13 x 3/16" x 1-1/2"	\$8.35	(\$5.75) (\$2.60)
x 1-3/4"	8.35	(5.75) (2.60)
x 2"	7.30	(5.10) (2.20)

Ring, Screwed and Fluted Shank Nail Extras (\$ Extra/50 lbs.)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE		TOTAL EXTRA		
<u>(54) Blued Annular Threaded Drywall Nails</u>			<u>Size Extra</u>	<u>Blued Extra</u>
ASWG # 12-1/2 x 19/64"	x 1-1/4"	\$6.70	(\$4.80)	(\$1.90)
	x 1-3/8"	6.70	(4.80)	(1.90)
	x 1-1/2"	6.50	(4.60)	(1.90)
	x 1-5/8"	6.50	(4.60)	(1.90)
<u>(55) Blued Annular Threaded Underlay Nails</u>			<u>Size Extra</u>	<u>Blued Extra</u>
ASWG # 14-1/2 x 3/16"	x 3/4"	\$12.15	(\$10.25)	(\$1.90)
	x 1"	10.85	(8.95)	(1.90)
# 14 x 3/16"	x 3/4"	12.15	(10.25)	(1.90)
	x 1"	10.85	(8.95)	(1.90)
	x 1-1/4"	10.85	(8.95)	(1.90)
# 13 x 3/16"	x 1"	8.10	(6.20)	(1.90)
	x 1-3/4"	7.65	(5.75)	(1.90)
# 12-1/2 x 7/32"	x 1-1/4"	6.70	(4.80)	(1.90)
	x 1-1/2"	6.50	(4.60)	(1.90)
<u>(56) C.C. Annular Threaded Drywall Nails</u>			<u>Size Extra</u>	<u>C.C. Extra</u>
ASWG # 12-1/2 x 19/64"	x 1-1/4"	\$5.40	(\$4.80)	(\$0.60)
	x 1-3/8"	5.40	(4.80)	(0.60)
	x 1-1/2"	5.20	(4.60)	(0.60)
	x 1-5/8"	5.20	(4.60)	(0.60)
# 13 x 19/64"	x 1"	6.80	(6.20)	(0.60)
	x 1-1/4"	6.80	(6.20)	(0.60)
<u>(57) Hot Dip Galv. Annular Threaded Shake Nails</u>			<u>Size Extra</u>	<u>H/D Galv. Extra</u>
ASWG # 14 x 5/32"	x 1-3/8"	\$15.15	(\$8.95)	(\$6.20)
	x 1-3/4"	14.70	(8.50)	(6.20)
# 13 x 5/32"	x 2"	10.90	(5.10)	(5.80)
# 12-1/2 x 13/64"	x 2-1/2"	10.05	(4.25)	(5.80)
<u>(58) Tempered Hardened Steel Ring Shank Pole Barn Nails</u>			<u>Size Extra</u>	<u>T.H. Extra</u>
ASWG # 7 x 3/8"	x 4"	\$8.05	(\$4.25)	(\$3.80)
	x 5"	8.90	(5.10)	(3.80)
<u>(59) Bright Drive Screw Nails (Regular Steel #1023)</u>			<u>Size Extra</u>	
ASWG # 12 x 1/4"	x 1-1/2"	\$4.60	(\$4.60)	
	x 2"	4.40	(4.40)	
# 11-1/2 x 9/32"	x 2-1/4"	4.40	(4.40)	
# 11 x 9/32"	x 2-1/4"	4.40	(4.40)	
# 11 x 9/32"	x 2-1/2"	4.25	(4.25)	
# 10 x 5/16"	x 3"	4.25	(4.25)	
<u>(60) Bright Drive Screw Nails (Stiff Stock #1030)</u>			<u>Size Extra</u>	<u>Grade Extra</u>
ASWG # 11-1/2 x 9/32"	x 2"	\$5.15	(\$4.40)	(\$0.75)
	x 2-1/4"	5.15	(4.40)	(0.75)
# 11 x 9/32"	x 2-1/2"	5.00	(4.25)	(0.75)
<u>(61) Bright Drive Screw Nails (Stiff Stock #1040)</u>			<u>Size Extra</u>	<u>Grade Extra</u>
ASWG # 11-1/2 x 9/32"	x 2"	\$5.35	(\$4.40)	(\$0.95)
	x 2-1/4"	5.35	(4.40)	(0.95)
# 11 x 9/32"	x 2-1/2"	5.20	(4.25)	(0.95)

Regular and Semi - Regular Nail Extras (\$ Extra / 50 lbs.)

TYPE/SIZE	TOTAL EXTRA		
	Size Extra	C.C. Extra	
(62) C.C. Drive Screw Nails (Regular Steel #1023)			
ASWG # 12 x 1/4" x 1-1/2"	\$5.20 (\$4.60)	(\$0.60)	
# 11-1/2 x 9/32" x 2"	5.00 (4.40)	(0.60)	
x 2-1/4"	5.00 (4.40)	(0.60)	
# 11 x 9/32" x 2-1/2"	4.85 (4.25)	(0.60)	
# 10 x 5/16" x 3"	4.85 (4.25)	(0.60)	
# 9 x 5/16" x 3-1/2"	4.85 (4.25)	(0.60)	
(63) Tempered Hardened Steel Drive Screw Nails			
ASWG # 11-1/2 x 9/32" x 2-1/4"	\$8.20 (\$4.40)	(\$3.80)	
# 11 x 9/32" x 2-1/2"	8.05 (4.25)	(3.80)	
(64) Tempered Hard Steel Drive Screw Flooring Nails			
6d # 11-1/2 x 13/64" x 2"	\$8.20 (\$4.40)	(\$3.80)	
7d # 11-1/2 x 13/64" x 2-1/4"	8.20 (4.40)	(3.80)	
8d # 11-1/2 x 13/64" x 2-1/2"	8.05 (4.25)	(3.80)	
(65) Bright Annular Threaded Truss Nails			
ASWG # 11 x 9/32" x 1-1/2"	\$4.50 (\$4.50)		
(66) Tempered Hardened Steel Ring Shank Panel Board Nails			
ASWG # 16-1/2 x 1"	\$13.60 (\$9.80)	(\$3.80)	
x 1-1/4"	13.60 (9.80)	(3.80)	
x 1-5/8"	12.95 (9.15)	(3.80)	
(67) Tempered Hardened Steel Ring Shank E/G Color Painted Panel Board Nails			
ASWG # 16-1/2 x 1"	\$20.50 (\$9.80)	(\$3.80)	(\$2.60) (\$4.30)
x 1-1/4"	20.50 (9.80)	(3.80)	(2.60) (4.30)
x 1-5/8"	19.85 (9.15)	(3.80)	(2.60) (4.30)
(68) Tempered Hardened Steel E/G Screw Siding Nails			
7d ASWG # 11-1/2 x 7/32" x 2-1/4"	\$10.40 (\$4.40)	(\$3.80)	(\$2.20)
8d # 11-1/2 x 7/32" x 2-1/2"	10.25 (4.25)	(3.80)	(2.20)
(69) Tempered Hardened Steel Fluted Masonry Nails			
ASWG # 9 x 5/16" x 3/4"	\$9.75 (\$5.95)	(\$3.80)	
x 7/8"	9.35 (5.55)	(3.80)	
x 1"	8.90 (5.10)	(3.80)	
x 1-1/4"	8.90 (5.10)	(3.80)	
x 1-1/2"	8.70 (4.90)	(3.80)	
x 2"	8.50 (4.70)	(3.80)	
x 2-1/2"	8.05 (4.25)	(3.80)	
(70) Tempered Hardened Steel H/D Galv. Screw Siding Nails			
7d ASWG # 11-1/2 x 7/32" x 2-1/4"	\$14.00 (\$4.40)	(\$3.80)	(\$5.80)
8d # 11-1/2 x 7/32" x 2-1/2"	13.85 (4.25)	(3.80)	(5.80)

Special Order Size Extras for Ring, Screwed and Fluted Shank Specialty Nails (\$ Extra/50 lbs.)

Shank-gauge length	4-6-1/2	7-8-1/2	9-10-1/2	11-11-1/2	12-12-1/2	13-13-1/2	14-14-1/2	15-16-1/2
3/4"	-	-	5.95	-	-	-	10.25	-
7/8	-	-	5.55	-	-	7.05	9.80	10.65
1-1-3/8	-	-	5.10	4.70	4.80	6.20	8.95	9.80
1-1/2-1-7/8	-	-	4.90	4.50	4.60	5.75	8.50	9.15
2-2-3/8	-	-	4.70	4.40	4.40	5.10	7.70	-
2-1/2-3	-	4.25	4.25	4.25	4.25	4.70	-	-
3-1-8-4	5.35	4.25	4.25	-	-	-	-	-
4-1/2-Up	5.75	5.10	-	-	-	-	-	-

Size extras determined from this table apply only to items 50-70.

REV. MAY, 1978

ELECTRO GALVANIZED SHEETS - EGC-10g/M² 1.0m/m x 48" x C

REV. MAY, 1978

Category AISI	27	Width/Thickness (Inches)	Over 2 Inches up to 4 Inches	Over 4 Inches up to 6 Inches	Over 6 Inches up to 12 Inches
Tariff Schedule Number (s)	608.9430 - 9% 608.9530 - 0.1¢ per lb. + 8%				
Base Price per Metric Ton	\$343				
Charges to CIF	Ocean Freight West Coast \$24 Gulf Coast 23 Atlantic Coast 27 Great Lakes 36	Handling \$ 3 5 4 4	Interest \$ 8 9 10 12	From 0.251 thru 0.3119 From 0.230 thru 0.2509 From 0.180 thru 0.2299 From 0.121 thru 0.1799 From 0.081 thru 0.1209 From 0.071 thru 0.0809 From 0.061 thru 0.0709 From 0.0568 thru 0.0609 From 0.0509 thru 0.0567	N.A. 20 20 24 24 24 33 33 38 38
Insurance 1% of base price + extras + ocean freight					
Extras					
1. Thickness/Width					
2. Length					
3. Coating					
4. Chemical Treatment					
5. Quality					
6. Packing					
7. Others					

[8320-01]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING
REVIEW PANEL

Rescheduled Meeting

The meeting of the Central Office Education and Training Review Panel scheduled for May 24, 1978 (43 FR 19096, May 3, 1978) has been rescheduled for June 23, 1978. The meeting will convene in Room A-53 of the Veterans Administration Central Office Building, 810 Vermont Avenue NW., Washington, D.C. at 10 a.m.

Dated: May 17, 1978.

MAX CLELAND,
Administrator.

(FR Doc. 78-14302 Filed 5-22-78; 8:45 am)

[1505-01]

INTERSTATE COMMERCE
COMMISSION

(Notice No. 65)

MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS

Correction

In FR Doc. 78-12609 appearing at page 19962 of the issue of Tuesday, May 9, 1978, on page 11963 in the third column, the last application "No. MC 11343" should read "No. MC 113434" and on page 11964 in the first column, the third application "No. MC 11654" should read "No. MC 116254".

[7035-01]

(Notice No. 665)

ASSIGNMENT OF HEARINGS

MAY 18, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 140768 (Sub-No. 13), American Trans-Freight, Inc., now assigned June 1, 1978 at Washington, DC, is postponed indefinitely.

No. MC 143450 (Sub-No. 1), Ambassador Coach Lines, Inc., now assigned June 5,

1978, at Parsons, KS is postponed to June 12, 1978 (1 week), at Parsons, KS in a hearing room to be later designated.

No. MC 28536 (Sub-No. 16), Fox & Ginn, Inc. and MC 108473 (Sub-No. 39), St. Johnsbury Trucking Co., Inc. are now assigned for hearing on the following dates and at the following locations: June 5, 1978 (2 weeks) at the Ramada Inn, 225 McClellan Hwy, East Boston, MA; July 17, 1978 (1 week) at the Americana, 660 Albany Shaker Road, Albany, NY; July 24, 1978 (1 week) at Boston, MA, at a location to be later designated; August 21, 1978 (1 week) at the Swamp Fox Inn, South Main Street, Presque Isle, ME; and September 18, 1978 (2 weeks) at Essex House, 160 Central Park South, New York, NY. (Hearing previously assigned for MC 108473 (Sub-No. 39), St. Johnsbury Trucking Co., Inc., on July 10, 1978 at Burlington, VT, is canceled; and MC 108473 (Sub-No. 39) is now consolidated for hearing with MC 28536 (Sub-No. 16) as shown in the above hearing schedule.)

MC 127738 (Sub-No. 7), Yellowstone Park Lines, Inc., now assigned June 14, 1978, at Billings, MT is canceled and transferred to Modified Procedure.

MC 136371 (Sub-No. 24), Concord Trucking Co., Inc. is assigned for hearing June 5, 1978 at New York, NY, and will be held at room E-2220 Federal Building, 26 Federal Plaza.

MC 118377 (Sub-No. 7), Richard R. Johncox is assigned for hearing June 6, 1978 at New York, NY, and will be held at room E-2220 Federal Building, 26 Federal Plaza.

MC 136285 (Sub-No. 29), Southern Intermodal Logistics, Inc. now assigned June 6, 1978 at Atlanta, GA is cancelled.

No. MC 115841 (Sub-No. 553), Colonial Refrigerated Transportation, now assigned June 7, 1978, at Atlanta, GA will be held in room 305, 1252 West Peachtree Street NW.

No. MC 103926 (Sub-No. 8M1), W. T. Mayfield Sons Trucking Co., now assigned June 6, 1978, at Atlanta, GA will be held in room 305, 1252 West Peachtree Street NW.

No. MC 123407 (Sub-No. 429), Sawyer Transport, Inc. and MC 124947 (Sub-No. 78), Machinery Transports, Inc., now assigned June 12, 1978, at Atlanta, GA will be held in room 305, 1252 West Peachtree Street NW.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-14319 Filed 5-22-78; 8:45 am)

[7035-01]

(Notice No. 79)

MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS

MAY 18, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official

named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2095 (Sub-No. 14TA), filed April 27, 1978. Applicant: KEIM TRANSPORTATION, INC., 420 North Sixth, R.F.D. 2, Box 10, Sabetha, KS 66534. Applicant's representative: Clyde N. Christey, Kansas Credit Union Building, 1010 Tyler Street, Suite 1101, Topeka, KS 66612. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Continuous extruder systems, from Sabetha, KS, to points and places in the 48 contiguous States, including all points of embarkation and ports of entry, and steamship containers, from all points of embarkation in the 48 contiguous States to Sabetha, KS, for 180 days. Applicant states it does not intend to tack or interline. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper: Wenger Manufacturing, 714 Main Street, Sabetha, KS 66534. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 147 Federal Building and U.S. Courthouse, 444 Southeast, Quincy, Topeka, KS 66683.

No. MC 5227 (Sub-No. 37TA), filed April 25, 1978. Applicant: ECKLEY TRUCKING, INC., P.O. Box 201, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. Authority

sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Polystyrene, from North Brunswick and Finderne, NJ, and points in their commercial zones, to the facilities of Mid-America Industries, Inc., and Solar, Inc., at or near Mead, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John H. McLaughlin President, Solar, Inc., Mid-America Industries, Inc., Mead, NE, 68041. Send protests to: Max H. Johnston District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 52704 (Sub-No. 167TA), filed April 26, 1978. Applicant: GLENN MCCLENDON TRUCKING CO., INC., P.O. Drawer "H", Opelika Highway, Lafayette, AL 36862. Applicant's representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Glass containers and closures therefor, from Warner Robins, GA, to points in Bedford, Campbell, Carroll, Floyd, Franklin, Halifax, Henry, Montgomery, Patrick, Pittsylvania, Pulaski and Roanoke Counties, VA, and (2) Materials, equipment and supplies used in the manufacture and distribution of glass containers and closures therefor, from points in Bedford, Campbell, Carroll, Floyd, Franklin, Halifax, Henry, Montgomery, Patrick, Pittsylvania, Pulaski and Roanoke Counties, VA, to Warner Robins, GA, for 180 days. Supporting shipper(s): Midland Glass Co., P.O. Box 557, Clifford, NJ 07721. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 52704 (Sub-No. 168TA), filed April 27, 1978. Applicant: GLENN MCCLENDON TRUCKING CO., INC., P.O. Drawer "H", Opelika Highway, Lafayette, AL 36862. Applicant's representative: Archie Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Refrigerated vending machines and parts therefor, from the facilities of Cavalier Corp. at Chattanooga, TN, to points in FL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cavalier Corp., 1100 E. 11th Street, Chattanooga, TN 37403. Send protests to: Mabel E. Holston Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 107403 (Sub-No. 1076TA), filed April 24, 1978. Applicant: MATT LACK, INC., 10 W. Baltimore Ave., Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Plastic granules, in bulk, in tank vehicles), from Allyn's Point, CT, to Cumberland and Hope Valley, RI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting Shipper(s): Dow Chemical U.S.A., Easter Division, 14955 Sprague Road, P.O. Box 36000, Strongsville, OH 44136. Send protests to: T. M. Esposito Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 107403 (Sub-No. 1077TA), filed April 24, 1978. Applicant: MATT LACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Zinc oxide, (in bulk, in tank vehicles), from Josephstown, PA, to La Platte, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): St. Jose Zinc Co., 2 Oliver Plaza, Pittsburgh, PA 15222. Send protests to: T. M. Esposito, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 107403 (Sub-No. 1078TA), filed April 24, 1978. Applicant: MATT LACK, INC., 10 W. Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: Martin C. Hynes, Jr. (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Ground bentonite clay, (in bulk, in tank vehicles), from Caspar, WY, to St. Bernard, OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Procter & Gamble Manufacturing Co., P.O. Box 599, Cincinnati, OH 45201. Send protests to: T. M. Esposito Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 107515 (Sub-No. 1136TA), filed April 23, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road SE., Forest Park, GA 30050. Applicant's representative: Alan E. Serby & Richard M. Tietlebaum, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, NE., Atlanta, GA 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Medical diagnostic chemicals and kits (except in

bulk), in vehicles equipped with mechanical refrigeration, from facilities of Coulter Diagnostics, Division of Coulter Electronics, Hialeah, FL, to points in Minneapolis, MN, Detroit, MI; Elk Grove Village, IL; Kansas City and St. Louis, MO, and Cincinnati, OH, and points in their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Coulter Diagnostics, Division of Coulter Electronics, 780 West 83rd Street, Hialeah, FL 33014. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 300, Atlanta, GA 30309.

No. MC 109633 (Sub-No. 33TA), filed April 27, 1978. Applicant: ARBET TRUCK LINES, INC., 222 East 13th Place, Chicago, IL 60627. Applicant's representative: William H. Towle, 180 North La Salle Street, Chicago, IL 60601. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Electrical and gas appliances, parts of electrical and gas appliances, and equipment, materials and supplies used in the manufacture, distribution and repair of electrical and gas appliances, from the facilities of the Maytag Co., at Newton, IA, to all points in AR, CT, IN, KY, MI, MO, NJ, NY, OH, PA, TN, VA, and WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Maytag Co., Lee O. Hays, Traffic Manager, Newton, IA 50208. Send protests to: Patricia A. Roscoe, Transportation Assistant, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 110988 (Sub-No. 365TA), filed April 13, 1978. Applicant: SCHNEIDER TANK LINES, INC., 4321 West College Avenue, Appleton, WI 54911. Applicant's representative: John R. Patterson, 2480 East Commercial Boulevard, Ft. Lauderdale, FL 33308. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Chemicals, (in bulk, and food conveyor lubricants), from Sharon, WI, to OH, IN and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Merit Chemical, Inc., P.O. Box N. Sharon, WI 54585 (Howard C. Giles). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53203.

No. MC 113059 (Sub-No. 7TA), filed April 27, 1978. Applicant: KELLER TRANSPORT, INC. Route 1, Katy Lane, Billings, MT 59101. Applicant's representative: F. E. Keller (Same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalts and road oils*, (in bulk, in tank vehicles), from Billings and Laurel, MT, to points in ID for 180 days. Supporting shipper(s): (1) Elmer N. Drange, Supervisor, Transportation and Distribution, Farmers Union Central Exchange, Inc., Box 126, Laurel, MT 59044. (2) Shirl P. Shinn, President, Northern Asphalt Supply, Inc., 7322 N. Division, Suite 209, Spokane, WA 99208. (3) Dewey M. Ray, Vice President, Parco, a Division of Max D. Nielsen & Sons Co., P.O. Box 20826, Billings, MT 59103. (4) John B. Stone, President, Idaho Asphalt Supply, Inc., P.O. Box 561, Idaho Falls, ID 83401. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 113434 (Sub-No. 94TA), filed March 25, 1978. Applicant: GRA-BELL TRUCK LINE, INC., 679 Lincoln Avenue, Holland, MI 49423. Applicant's representative: Wilhelma Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Glass containers and container accessories*, (1) Between the facilities of Brockway Glass Co., Inc., in Jefferson, Clearfield and Washington Counties, PA, on the one hand, and points in IL, IN, AND MI on the other; and (2) between the facilities of Brockway Glass Co., Inc., in Muskingum County, OH, on the one hand, and points in IL IN and MI, on the other, and (B) *Materials, equipment and supplies* used in the manufacture and distribution of glass containers and accessories, from IL, IN and MI, to Jefferson, Clearfield and Washington Counties, PA, and Muskingum County, OH, for 180 days. Supporting shipper(s): Brockway Glass Co., Inc., McCullough Avenue, Brockway, PA 15824. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Room 225 Federal Building, Lansing, MI 48933.

No. MC 113784 (Sub-No. 65TA), filed April 26, 1978. Applicant: LAIDLAW TRANSPORT LTD., 65 Guise Street, Hamilton, Ontario. Applicant's representative: Douglas R. Gowland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, (in bulk, in tank vehicles), between ports of entry on the Canadian-United States boundary located on the Niagara River to

Butler, PA, restricted to goods moving in foreign commerce, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Guelph Do Lime Ltd., P.O. Box 460, Hamilton, Ontario. Send protests to: Interstate Commerce Commission, Bureau of Operations, 910 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 113908 (Sub-No. 437TA), filed April 26, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, 2105 E. Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, (in bulk), from Chicago, IL, and the commercial zone thereof, to points in AL and LA, for 180 days. Supporting shipper(s): Witco Chemical Corp., Chicago, IL. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 113908 (Sub-No. 438TA), filed April 25, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180 G.S.S., 2105 E. Dale Street, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, neutral spirits, distilled spirits and alcoholic liquors*, (in bulk), from Muscatine, IA, to Bardstown, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Barton Brands Ltd., Bardstown, KY 40004. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 113908 (Sub-No. 439TA), filed April 26, 1978. Applicant: ERICKSON TRANSPORT CORP., P.O. Box 3180, Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol and alcoholic liquors*, (in bulk), from Bardstown, Ky, and the commercial zone thereof, to Gretna, LA, and Philadelphia, PA, (and their respective commercial zones), for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Barton Brands Ltd., Bardstown, KY. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911

Walnut Street, Kansas City, MO 64106.

No. MC 114829 (Sub-No. 15TA), filed April 27, 1978. Applicant: GENERAL CARTAGE CO., INC., West U.S. Route 30, Rock Falls, IL 61071. Applicant's representative: Paul R. Bergant, 10 S. La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, door accessories, door parts, and automatic door operators*, from Sterling, IL, to points in MI, OH and KY, and (2) *Materials and supplies* used in the manufacture of the commodities in (1) above (except commodities in bulk), from points in MI, OH and KY, to Sterling, IL, restricted to service to be performed, under a continuing contract, or contracts, with Frantz Manufacturing Co., for 180 days. Supporting shipper(s): Frantz Manufacturing Co., T. M. Conley, Traffic Manager, 301 W. Third Street, Sterling, IL 61081. Send protests to: Patricia A. Roscoe, Transportation Consumer, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 115841 (Sub-No. 633TA), filed April 26, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 9041 Executive Park Drive, Suite 100, Building 100, Knoxville, TN 37919. Applicant's representative: Chester G. Groebel, Colonial Refrigerated Transportation, Inc., 9041 Executive Park Drive, Suite 110, Building 100, Knoxville, TN 37919. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs* from the facilities of Hudson Foods, Inc., at or near Brundidge and Troy, AL, to points in the United States and (2) *Materials, equipment and supplies* used in the manufacturing and distribution of commodities in (1) above, from points in the United States to the facilities of Hudson Foods, Inc., at or near Brundidge and Troy, AL, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hudson Foods, Inc., P.O. Box 187, Brundidge, AL 36019. Send protests to: Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 117119 (Sub-No. 685TA), filed April 26, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: Martin M. Geffon, P.O. Box 338, Willingboro, NJ 08046. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals*,

and; (2) *plastic materials* (except in bulk), in vehicles equipped with mechanical refrigeration, (1) from Marcus Hook, PA, to points in CA and TX, and; (2) from Metuchen, NJ, to points in CA, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Allied Chemical Corp., P.O. Box 1087-R, Morristown, NJ 07960. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 118159 (Sub-No. 260TA), filed May 1, 1978. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., P.O. Box 51366, Dawson Station, Tulsa, OK 74151. Applicant's representative: Warren L. Troupe, 2480 East Commercial Boulevard, Fort Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in and sold by wholesale, retail and chain store grocery businesses*, (except commodities in bulk, fresh fruits, vegetables and frozen foods), from the facilities of The Clorox Co. located in Houston, TX, to points in OK, for 180 days. Supporting shipper(s): The Clorox Co., 1221 Broadway, Oakland, CA 94612. Send Protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, OK 73102.

No. MC 118838 (Sub-No. 24TA), filed May 1, 1978. Applicant: GABOR TRUCKING, INC., Rural Route No. 4, Box 124B, Detroit Lakes, MN 56501. Applicant's representative: Robert D. Gisvold, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber mill products and wood products*, from the facilities of Potlatch Corp. located at or near Coeur d'Alene, St. Maries, Post Falls, Kamiah, Santa, Potlatch, Lewiston, Jaype and Spalding, ID, to points in MN, WI, IA, IL, MI, IN and OH, restricted to traffic originating at the named origins, for 180 days. Supporting shipper(s): Potlatch Corp., Box 1016, Lewiston, ID 83501. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

No. MC 119399 (Sub-No. 77TA), filed May 3, 1978. Applicant: CONTRACT FREIGHTERS, INC., P.O. Box 1375, 2900 Davis Boulevard, Joplin, MO 64801. Applicant's representative: Dean Williamson, 280 National Foundation Life Building, Oklahoma City,

OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from the facilities of Oconomowoc Canning Co., in Columbia, Dane, Dodge, and Lincoln Counties, WI, to points in AR, KS, LA, MO, NM, OK and TX, for 180 days. Supporting shipper(s): Oconomowoc Canning Co., P.O. Box 248, Oconomowoc, WI 53066. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 119670 (Sub-No. 32TA), filed April 14, 1978. Applicant: THE VICTOR TRANSIT CORP., 5250 Este Avenue, Cincinnati, OH 45232. Applicant's representative: Robert H. Kinker, 314 West Main Street, P.O. Box 464, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and caps, covers, disks or tops therefor*, from Gas City, IN, to Cincinnati, OH, and Louisville, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Owens-Illinois, Inc., Edwin P. Young Divisional Transportation, P.O. Box 1035, Toledo, OH 43666. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 124511 (Sub-No. 46TA), filed April 25, 1978. Applicant: OLIVER MOTOR SERVICE, INC., P.O. Box 223 East Highway 54, Mexico, MO 65265. Applicant's representative: Leonard R. Kofkin, 39 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Jones & Laughlin Steel Corp., at or near Hennepin, IL, to Kansas City, MO, and Kansas City, KS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jones & Laughlin Steel Corp., Hennepin IL 61327. Send protests to: Vernon V. Coble District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 125254 (Sub-No. 40TA), filed April 25, 1978. Applicant: MORGAN TRUCKING CO., 1201 East 5th Street, P.O. Box 714, Muscatine, IA, 52761. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic bottles and containers*, from (1) Louisville, KY, to Iowa City, IA, and (2) Vanda-

lia, IL, to Oklahoma City, OK, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Imco Container Co., Division of Ethyl Development Corp., 75th and Cleveland, Kansas City, MO 64132. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 126358 (Sub-No. 17TA), filed March 30, 1978, and published in the FEDERAL REGISTER issue of May 9, 1978, and republished as corrected this issue. Applicant: BENNETT TRUCKING CO., P.O. Box 526, Hawkinsville, GA 31036. Applicant's representative: Paul M. Daniell, Suite 1200 Atlanta Gas Light Tower, 235 Peachtree Street, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Veneer*, from Hawkinsville, GA, to Hosford, FL; Birmingham, AL; Belton, TX; Crystal Springs, MS; Winnsboro, SC; Hickory, Lenoir, Fayetteville, and Statesville, NC; South Boston, VA; Portland, TN; Louisville, KY; Batesville, New Albany, and Jasper, ID; Grand Rapids and Bay City, MI; and Stanley, WI, and (B) *lumber*, (except plywood and veneer), from Hawkinsville, GA, to points in FL, AL, SC, NC, VA, and TN, for 180 days. Supporting shipper(s): (1) Victor Veneer Co., P.O. Box 187, Hawkinsville, GA 31035. (2) Newman Brothers Lumber Co., Route No. 2, Hawkinsville, GA 31036. Send protests to: G. H. Fauss, Jr., District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box 35008; 400 West Bay Street, Jacksonville, FL 32202. The purpose of this republication is to correct the territorial description.

No. MC 134755 (Sub-No. 142TA), filed April 11, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, 1959 E. Turner Street, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, (except in bulk), in vehicles equipped with mechanical refrigeration, from the facilities of M&M/Mars, Inc., at or near Elizabeth, NJ; Hackettstown, NJ; Elizabethtown, PA, to points in MO, restricted to shipments originating at the named origins and destined to points in the destination States, for 180 days. Supporting shipper(s): M&M/Mars, Inc., Hackettstown, NJ 07840. Send protests to: John Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 138328 (Sub-No. 62TA), filed March 15, 1978, and published in the *FEDERAL REGISTER* issue of April 12, 1978, and republished as corrected this issue. Applicant: CLARENCE L. WERNER d.b.a. WERNER ENTERPRISES, I-80 and Highway 50, P.O. Box 37308, Omaha, NE 68137. Applicant's representative: Donna Ehrlich (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal buildings*, knocked down or in sections, and *materials, equipment, and supplies* used in the installation and sale of metal buildings, *steel studs; tracks and channels; metal roof trim and guttering; and lathing*, from the facilities of the Ceco Corp., at Broadview, IL to points in CO, IN, IA, KS, MS, MN, MO, MT, NE, ND, OH, PA, SD, WI, and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): D. R. D'Argento, traffic manager, the Ceco Corp., 5601 West 26th Street, Chicago, IL 60650. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, suite 620, 110 North 14th Street, Omaha, NE 68102. The purpose of this republication is to add a commodity description, that was previously omitted.

No. MC 139039 (Sub-No. 1TA), filed April 26, 1978. Applicant: A. MARIAN- NI'S, SONS, INC., 3301 Tulip Street, Philadelphia, PA 19134. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap metals in containers and empty containers on return*, between the facilities of Crown Cork & Seal Co., Inc., in Philadelphia, PA, on the one hand, and, on the other, Sparrows Point, MD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Crown Cork & Seal Co., Inc., 9300 Ashton Road, Philadelphia, PA 19136. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 139269 (Sub-No. 13TA), filed March 22, 1978. Applicant: C. P. CRASKA, INC., 10422 Cosby Manor Road, Utica, NY 13502. Applicant's representative: Murray J. S. Kirshtein, Esq., 118 Bleeker Street, Utica, NY 13501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* in vehicles equipped with mechanical refrigeration, from the facilities of General Foods Corp. at Avon, NY to points in MA and CT, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days

of operating authority. Supporting shipper(s): General Foods Corp., 250 North Street, White Plains, NY 10625. Send protests to: Interstate Commerce Commission, U.S. Courthouse and Federal Building, 100 S. Clinton Street, Room 1259, Syracuse, NY 13260.

No. MC 140024 (Sub-No. 108TA), filed May 3, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from Seabrook, NJ, to points in CA, CO, IL, IN, IA, KS, KY, MI, IO, NV, OH, and PA, for 180 days. No tack—no interline. Supporting shipper(s): Seabrook Farms Division—Seabrook Foods, Inc., Parsonage Road, Seabrook, NJ 08302. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 140024 (Sub-No. 109TA), filed May 3, 1978. Applicant: J. B. MONTGOMERY, INC., 5565 East 52nd Avenue, Commerce City, CO 80022. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from Jersey City, NJ, to points in OH and MI, for 180 days. No tack—no interline. Supporting shipper(s): C. F. Mueller Co., 180 Baldwin Avenue, Jersey City, NJ. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 141054 (Sub-No. 5TA), filed May 2, 1978. Applicant: B & B PACKING TRANSPORT, LTD., 2001 Spring Road, Suite 225, Oak Brook, IL 60521. Applicant's representative: J. Michael May, Suite 508, 1447 Peachtree Street, SE., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, from Council Bluffs, IA, to points in the United States (except AL and HT), under a continuing contract, or contracts, with Great Plains Beef Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Great Plains Beef Co., Robert Pierce, Traffic Manager, 2700 23d Avenue, Council Bluffs, IA. Send protests to: Patricia A. Roscoe, Transportation Consumer Specialist, Interstate Commerce Commission, Everett McKinley

Dirksen Building, 219 S. Dearborn St., Room 1386, Chicago, IL 60604.

No. MC 141346 (Sub-No. 2TA), filed April 24, 1978. Applicant: DONAVON CREIGHTON AND KERON L. CAIN, d.b.a. K. L. CAIN, TRUCKING CONTRACTOR, R.R. No. 2, Potomac, IL 61865. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic motorcycle windshields, fairings, and accessories*, from Rantoul, IL, to San Luis Obispo, CA, for the account of Vetter Fairing Co., Rantoul, IL, under a continuing contract, or contracts, with Vetter Fairing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): W. R. Bryan, General Manager, Vetter Fairing Co., Rantoul, IL 61868. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capital Avenue, Springfield, IL 62701.

No. MC 141385 (Sub-No. 2TA), filed May 3, 1978. Applicant: LARRY A. PENNER, d.b.a. PENNER'S FEED & SUPPLY, Inman, KS 67548. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highway Park, NJ 08904. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed products* (except in bulk), from Clay Center, KS, to AL, CA, FL, GA, KY, MD, MI, MN, NJ, PA, TX, UT, and WA, under a continuing contract, or contracts, with Key Milling, for 180 days. Supporting shipper: Key Milling, P.O. Box 116, Clay Center, KS 67432. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 142187 (Sub-No. 3TA), filed May 5, 1978. Applicant: W. S. ZEIGLER CRAWLER, CO., INC., Route 1, Box 24, Hartsville, SC 29550. Applicant's representative: Charles R. Zeigler, Route 1, Box 24, Hartsville, SC 29550. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from Mont Clare, SC, to points and places in NC, under a continuing contract, or contracts, with Sonoco Products Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Sonoco Products Co., Coxe Lumber Plant, North Second Street, Hartsville, SC 29550. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, Room 302, 1400 Building, 1400 Pickens Street, Columbia, SC 29201.

No. MC 142272 (Sub-No. 2TA), filed May 5, 1978. Applicant: PICKENS TRUCKING COMPANY, INC., Route 1, Box 86, Livingston, AL 35476. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th Street and Pennsylvania Avenue NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Granular fertilizer and potash*, from Florence, AL, to points in TN and MS, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: IMC, P.O. Box 158, Florence, AL 35630. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 142715 (Sub-No. 14TA), filed April 20, 1978. Applicant: LENERTZ, INC., 411 Northwestern National Bank Bldg., South St. Paul, MN 55101. Applicant's representative: Andrew R. Clark, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat by-products and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Sioux Center and Sioux City, IA, and their commercial zones to points in the states of CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, OH, PA, RI, VT, VA and DC, for 180 days. Supporting shipper(s): Sioux-Preme Packing Co., Highway 75 South, Sioux Center, IA 51250. Send Protests to: Dolores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 142901 (Sub-No. 3TA), filed April 27, 1978. Applicant: TMI TRANSPORT CORP., 050 Third Avenue West, Dickinson, ND 58601. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bagged insulation and materials and supplies* used in the installation of bagged insulation, from Fargo, ND, to points in IA, MN, MT, NE, SD, WI and WY; and (2) *Materials and supplies* used in the manufacture and distribution of bagged insulation (except in bulk), from points in the United States (except AK and HI), to Fargo, ND, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days

of operating authority. Supporting shipper(s): Thermo-Pak Mfg., 5900 Northwest 7th Avenue, P.O. Box 1496, Fargo, ND 58102. Send Protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 268, Federal Building and U.S. Post Office, 657 2nd Avenue North, Fargo, ND 58102.

No. MC 143676 (Sub-No. 3TA), filed May 3, 1978. Applicant: DAS, INC., 2153 Partridge Place, Cedar Point Suffolk, VA 23433. Applicant's representative: Blair P. Wakefield, suite 1001, First & Merchants Bank Bldg., Norfolk, VA 23510. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood residuals and sawdust*, (in bulk), from Seaboard, NC, to the facility of Union Camp Corp. at or near Franklin, VA under a continuing contract, or contracts, with Union Camp Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): William F. Worrell, Manager, Transportation Operations, Union Camp Corp., 1600 Valley Road, Wayne, NJ 07474. Send Protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Room, 10-502, Federal Building, 400 North 8th Street, Richmond, VA 23240.

No. MC 144463 (Sub-No. 2TA), filed April 25, 1978. Applicant: PIERSON TRUCKING CO., 7355 SE., Johnson Creek Boulevard, P.O. Box 22141, Milwaukie, OR 97222. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in OR and WA, to points in and south of San Luis Obispo, Kern and San Bernardino Counties, CA, under a continuing contract, or contracts, with Western International Forest Products, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Western International Forest Products, Inc., 4560 Southwest 107th, Beaverton, OR 97005. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, Portland, OR 97204.

No. MC 144665 (Sub-No. 1TA), filed April 24, 1978. Applicant: HENRY FAIRCLOTH TRANSFER, INC., 521 N. John Street, P.O. Box 1292, Goldsboro, NC 28530. Applicant's representative: Henry Faircloth, 521 N. John Street, Goldsboro, NC 27530. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals and seeds* (except in bulk),

between points in NC, SC and VA, under a continuing contract, or contracts, with Swift Agricultural Chemicals Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Swift Agricultural Chemicals Corp., P.O. Box 1038, Goldsboro, NC 27539. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

No. MC 144666 (Sub-No. 1TA), filed April 17, 1978. Applicant: NEWPORT OIL CORP., 128 Long Wharf, Newport, RI 02840. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and diesel fuel* (in bulk), from East Providence and Tiverton, RI, to points in Newport County, RI, traversing Massachusetts highways for operating convenience only, under a continuing contract, or contracts, with Concord Oil of Newport, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Concord Oil of Newport, Inc., 147 Lowell Road, Concord, MA 01742. Send protests to: Gerald H. Curry, District Supervisor, 24 Weybosset Street, Room 102, Providence, RI 02903.

No. MC 144671TA, filed April 18, 1978. Applicant: LOYD PICKETT, P.O. Box 147, Sweet Home, OR 97386. Applicant's representative: Loyd Pickett, 26909 Old Holley Road, Sweet Home, OR 97386. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and veneer*, from Yoncalla, OR, to Tacoma, WA, under a continuing contract, or contracts, with Trend Veneer Co., for 180 days. Supporting shipper(s): Trend Veneer Co., Yoncalla, OR 97499. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, OR.

No. MC 144681 (Sub-No. 3TA), filed April 17, 1978. Applicant: WINTZ MOTOR FREIGHT, INC., 656 Pelham Boulevard, St. Paul MN 55114. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail general mercantile establishments, and in connection therewith, materials and supplies* used in the conduct of such business; (except commodities in bulk); and the return of damaged or rejected ship-

ments, under a continuing contract, or contracts, with Montgomery Ward & Co., Inc., between St. Paul, MN., on the one hand, and, on the other, points in Barron, Dunn, Pierce, Polk and St. Croix Counties, WI, for 180 days. Supporting shipper(s): Montgomery Ward & Co., Inc., 140 South State Street, P.O. Box 7337, Chicago, IL 60680. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis MN 55401.

No. MC 144718TA, filed May 5, 1978. Applicant: TRIPLE E TRUCKING, LTD., 29170 Fraser Hwy, Box 279, Aldergrove, B.C. Applicant's representative: Lyle England, 3859-240 Street, R. R. No. 3, Langley, B.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Ore-bearing rock* from the ports of entry on the International Boundary between the United States and Canada, at or near Sumas and Lynden, WA, to Tacoma, WA, via Interstate 5, under a continuing contract, or contracts, with R. N. Claim, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. N. Claim, Box 160, Harrison, B.C., Canada. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144719TA, filed April 24, 1978. Applicant: WARNER & SONS TRUCKING CO., 3224 Sand Creek Highway, R.F.D. No. 1, Adrian, MI 49221. Applicant's representative: David E. Jerome, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Supplies and materials* used in the manufacture of air conditioners and refrigerated equipment, from Grand Rapids, MI, to the plantsite of Belding Products Co. in Belding, MI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Belding Products Co., Belding, MI 48809. Send protests to: C. R. Flemming, District Supervisor, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 144722TA, filed May 3, 1978. Applicant: JAMES C. McDOUGAL, d.b.a. M&H REFRIGERATED TRUCK SERVICE, 4902 Roosevelt Avenue, San Antonio, TX 78214. Applicant's representative: James C. McDougal (same address as applicant). Authority sought to operate—as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from the facilities of

Pearl Brewing Co., at San Antonio, TX, to points in CA, on and south of Interstate Hwy 10, including the Los Angeles commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pearl Brewing Co., P.O. Box 1861, San Antonio, TX 78296. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, room B-400, Federal Building, 727 East Durango, San Antonio, TX 78206.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14331 Filed 5-22-78; 8:45 am]

[7035-01]

[Notice No. 47]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77667, filed May 11, 1978, CLAVIN'S EXPRESS, INC., 3 Florence Street, Riverside, RI 02895, seeks temporary authority to transfer the operating rights of Pelletier Trucking Co., Inc., 644 Armistice Boulevard, Pawtucket, RI 02861, under section 210a(b). The transfer to Clavin's Express, Inc., of the operating rights of Pelletier Trucking Co., Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14326 Filed 5-22-78; 8:45 am]

[7035-01]

[Notice No. 48]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77668, filed May 12, 1978, B MOTOR FREIGHT, INC., 451 Old Airport Road, New Castle, DE 19720, seeks temporary authority to transfer the operating rights of Marcus Trucking Co., Inc., under section 210a(b). The transfer to B Motor Freight, Inc., of the operating rights of Marcus Trucking Co., Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14327 Filed 5-22-78; 8:45 am]

[7035-01]

[Notice No. 49]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77669, filed May 12, 1978, PAT AND JAKE'S, INC., 5838 Monroe Street, Sylvania, OH 43560, seeks temporary authority to transfer the operating rights of Carl & Gene Towing Service, Inc., 1418 Elm Street, Toledo, OH 43608, under section 210a(b). The transfer to Pat and Jake's, Inc., of the operating rights of Carl & Gene Towing Service, Inc., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14328 Filed 5-22-78; 8:45 am]

[7035-01]

[Notice No. 50]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 23, 1978.

Applications filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-77670. By application filed May 12, 1978, JAMES L. SMITH and JERRY ATTKISSON, a partnership, d.b.a. SMITH & ATTKISSON TRUCKING CO., Route 2, Columbia, TN 38401, seeks temporary authority to transfer the operating rights of Kathleen Robins, and individual, d.b.a. Robins Transfer Co., Lawrenceburg, TN 38464, under section 210a(b). The transfer to James L. Smith and Jerry Attkisson, a partnership, d.b.a. Smith & Attkisson Trucking Co., of the operating rights of Kathleen Robins, and individual, d.b.a. Robins Transfer Co., is presently pending.

H. G. HOMME, Jr.,
Acting Secretary.

[7035-01]

RAILROAD CONTRACT RATES

Proposed Change of Policy

AGENCY: Interstate Commerce Commission.

ACTION: Issuance of Policy Statement.

SUMMARY: The Commission proposes to issue a general policy statement permitting the filing in tariff form of railroad contract rates. The

Commission believes that there is nothing inherently unlawful in railroads and shippers voluntarily entering into long-term commitments for the transportation of a specified volume of freight at agreed rates. The acceptance for filing of tariffs containing contract rates by railroads represents a change in policy. Accordingly, interested persons will be permitted to file comments before a final policy statement is adopted and issued.

COMMENTS: All interested persons are invited to comment. Comments should be filed with the Section of Rates, Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423.

DATES: Comments must be received on or before June 22, 1978.

FOR FURTHER INFORMATION CONTACT:

Janice M. Rosenak or Harvey Gobetz, Interstate Commerce Commission, Washington, D.C. 20423, 202-275-7693.

SUPPLEMENTARY INFORMATION: The Commission's prior position on the lawfulness of contract rates was expressed in two cases decided in 1961. *Contract Rates, Rugs and Carpeting from Amsterdam, N.Y.*, 313 ICC 247 (1961), aff'd sub nom., *N.Y. Central R. Co. v. United States*, 194 F. Supp. 947 (S.D.N.Y., 1961), aff'd per curiam, 368 U.S. 349 (1962); *Guaranteed Rates from Sault St. Marie, Ontario, Canada, to Chicago*, 315 ICC 311 (1961). The prevailing view in these cases was that the contract rates in question would eliminate intermodal carrier competition during the contract period, and that such a rate would therefore be a destructive competitive practice contrary to the National Transportation Policy. Dictum in the *Guaranteed Rates* case stated that "contract rates and agreed charges are deemed unlawful per se." 315 ICC at 323.

On the other hand, the Commission has previously approved arrangements where railroads offer reduced rates conditioned on shipments of a requisite annual volume. See, *Coal from Ky., Va., and W. Va., to Virginia*, 308 ICC 99 (1959) (annual volume rates to meet competition from a potential mine mouth generator); *Coal from Ill., Ind., and Ky., to Illinois and Indiana*, 308 ICC 673 (1959) (reduced rates on multiple car shipments to meet barge competition); *Coal to New York Harbor Area*, 311 ICC 355 (1960) (reduced rates to meet competition from oil and gas); *Huron Portland Co. v. B. & O. R. Co.*, 332 ICC 655 (1968), affirmed sub nom., *Natural Gypsum Co. v. United States*, 353 F. Supp. 941 (W.D.N.Y., 1973) (rates to meet competition from possible construction of coal slurry pipeline).

The Commission believes that contract rates are not unlawful per se and that each rate proposal with exclusive dealing aspects (whether described as "contract" rates, "annual volume" rates, or otherwise) should be evaluated on its own merits.

The considerations that resulted in the disapproval of the rail proposals at issue in *Contract Rates* and *Guaranteed Rates*, supra, may be absent or significantly altered under certain circumstances, or outweighed by other considerations. The policy of the Commission in the future will be to consider any rate proposal which commits (or tends to commit) traffic exclusively to a particular carrier for a time period on an individual case-by-case basis. This policy does not prejudice the lawlessness or change any evidentiary burden regarding a proposed contract rate.

The factors to be considered by the Commission in determining the lawfulness of a contract rate by a rail common carrier will include, but not be limited to, the following: (1) duration of the proposed agreement or commitment (explicit or implicit) underlying the contract rate; (2) whether the cars involved in the rail movement subject to the proposed rate are those of the railroad; (competitive circumstances surrounding the traffic to be moved under the proposed rate; (4) effect on car utilization; (5) special considerations of the shipper and the railroads, e.g., the need for utilities to be assured of a steady and ample supply of coal at a given rate; and (6) whether the requirements under the rate proposal involve percentages of the traffic to be moved or a fixed annual volume amount.

Comments by any interested party regarding the aforementioned factors, the appropriate procedures for filing a proposed contract rate, and the propriety of restricting contract rates by a rail common carrier to a specific commodity and volume requirement are requested by the Commission.

Dated: May 11, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14339 Filed 5-22-78; 8:45 am]

[7035-01]

[Docket No. AB-52 (Sub-No. 7)]

ATCHISON, TOPEKA AND SANTA FE RAILWAY CO.

Abandonment Between Cushing and Shawnee in Payne, Lincoln and Pottawatomie Counties, OK., Notice of Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by

a decision entered on September 21, 1977, and the decision of the Commission, Division 1, acting as an Appellate Division, served April 26, 1978, affirmed, the decision of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment of operation by the Atchison, Topeka and Santa Fe Railway Co. of that portion of its branch line of railroad extending from railroad milepost 84+4,500' near Cushing to railroad milepost 123+2,000' near Shawnee, OK, a distance of 38.5 miles, in Payne, Lincoln and Pottawatomie Counties, OK, including stations at Kendrick, Davenport and Meeker, OK. A certificate of abandonment will be issued to the Atchison, Topeka and Santa Fe Railway Co. based on the above-described finding of abandonment, June 22, 1978, unless on or before June 22, 1978, the Commission further finds that:

- (1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and
- (2) It is likely that such proffered assistance would:

- (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or
- (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line, and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the

instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14323 Filed 5-22-78; 8:45 am]

[7035-01]

[Docket No. AB-12 (Sub-No. 54)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Springfield and Brownsville in Lane and Linn Counties, Ore.; Notice of Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision entered on April 6, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Lines—Abandonment—Goshen, 354 ICC 76 (1977), the present and future public convenience and necessity permit abandonment by the Southern Pacific Transportation Co. of the portion of its line of railroad from milepost 644.889 near Springfield in a northerly direction to milepost 655.3 near Wilkins in Lane County, OR, provided that (1) SP shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track for a period of 120 days following the issuance of the certificate, (2) that a subsequent purchaser of the property shall submit plans for future use of the property including bridge structures to the Commission and the Historic Preservation Council, and (3) in the event the bridge crossing the McKenzie River near Coburg, is eventually demolished, the subsequent purchaser will, prior to demolition, insure that appropriate measures are taken to adequately record the structure according to the standards prescribed by the Historic American Engineering Record. A certificate of abandonment will be issued to the Southern Pacific Transportation Co. based on the above-described finding of abandonment, June 22, 1978, unless on or before June 22, 1978, the Commission further finds that:

- (1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and
- (2) It is likely that such proffered assistance would:
 - (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or
 - (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such a person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14321 Filed 5-22-78; 8:45 am]

[7305-01]

[Docket No. AB-7 (Sub-No. 53F)]

STANLEY E. G. HILLMAN, TRUSTEE OF THE PROPERTY OF CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO., DEBTOR

Abandonment Near Bedford and Seymour, in Lawrence and Jackson Counties, Ind.; Notice of Findings

Notice is hereby given pursuant to Section 1a of the Interstate Commerce Act (49 U.S.C. 1a) that by an Certificate and Decision dated May 9, 1978, a finding, which is administratively final, was made by the Commission, Review Board Number 5, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 ICC 76 (1977) and for public use as set forth in said decision, the present and future public convenience and necessity permit the abandonment Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. of a line of railroad known as the Bedford to Seymour Branch extending from railroad milepost 262.5 near Bedford in an easterly direction to railroad milepost 300.0 near Seymour, a distance of 37.5 miles, in Lawrence and Jackson Counties, IN. A cer-

tificate of public convenience and necessity permitting abandonment was issued to Stanley E. G. Hillman, Trustee of the Property of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co. Since no investigation was instituted, the requirement of § 1121.38(a) of the Regulations that publication of notice of abandonment decisions in the FEDERAL REGISTER be made only after such a decision becomes administratively final was waived.

Upon receipt by the carrier of an actual offer of financial assistance, the carrier shall make available to the offeror the records, accounts, appraisals, working papers, and other documents used in preparing Exhibit I (Section 1121.45 of the Regulations). Such documents shall be made available during regular business hours at a time and place mutually agreeable to the parties.

The offer must be filed and served no later than June 7, 1978. The offer, as filed, shall contain information required pursuant to § 1121.38(b) (2) and (3) of the Regulations. If no such offer is received, the certificate of public convenience and necessity authorizing abandonment shall become effective July 7, 1978.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14320 Filed 5-22-78; 8:45 am]

[7035-01]

[Docket No. AB-19 (Sub-No. 20)]

WASHINGTON COUNTY RAILROAD CO. AND THE BALTIMORE & OHIO RAILROAD CO.

Abandonment Portion Hagerstown Branch Between Weverton and Hagerstown, Also Portion of the Antietam Branch Near Security, all in Washington County, Md.; Notice of Findings

Notice is hereby given pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision entered on October 26, 1977, and the decision of the Commission, Division 2, acting as an Appellate Division, served April 27, 1978, affirmed the decision of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 ICC 76 (1977), the present and future public convenience and necessity permit abandonment by the Washington County Railroad Company of the portion of its Hagerstown Branch between Valuation Station 0+00 at Weverton, Md., and Valuation Station 980+00 at or near Roxbury, Md., and the portion of its Security Branch between Valuation Stations 65+71 and 130+00 at or near Se-

curity, Md., and that the present and future public convenience and necessity permit the abandonment by The Baltimore & Ohio Railroad Co. of operations over said lines of railroad, provided that (1) Washington County Railroad Co. and The Baltimore & Ohio Railroad Co. shall not sell, lease, exchange, or otherwise dispose of the right-of-way underlying the track, all bridges, and all culverts on the line for a period of 120 days following issuance of the certificate unless said property has first been offered upon reasonable terms, to responsible persons interested in acquiring the property for public use and (2) in the event that a public or private organization interested in acquisition of the right-of-way does not come forward within the above-specified 120-day period, then applicant shall include in any contract for sale of the abandonment property the following: (a) that the subsequent purchaser of said property submit plans for future use of the property, including bridge structures, to the Commission and the Historic Preservation Council for review; and (b) that in the event the bridge is eventually demolished, the subsequent purchaser will, prior to demolition, ensure that appropriate measures are taken to adequately record the structure according to standards prescribed by the Historic American Engineering Record. A certificate of abandonment will be issued to the Washington County Railroad Co. and The Baltimore & Ohio Railroad Co. based on the above-described finding of abandonment, June 22, 1978, unless on or before June 22, 1978, the Commission further finds that:

- (1) A financially responsible person (including a government entity) has offered financial assistance (in the form of rail service continuation payment) to enable the rail service involved to be continued; and
 - (2) It is likely that such proffered assistance would:
 - (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or
 - (b) Cover the acquisition cost of all or any portion of such line of railroad.
- If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the

Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14322 Filed 5-22-78; 8:45 am]
[Docket No. AB-126]

WELLSVILLE, ADDISON & GALETON RAILROAD CORP.

Abandonment of Entire Line in Potter and Tioga Counties, Pa.; Notice of Findings

Notice is hereby given, pursuant to section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)), that by a decision entered on September 30, 1977, and the decision of the Commission, Division 2, served April 5, 1978, as amplified, adopted the decision of the Commission, Review Board No. 5, which is administratively final, stating that, subject to the conditions for the protection railway employees prescribed by the Commission in Oregon Short Line R. Co.—Abandonment—Goshen, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Wellsville, Addison & Galeton Railroad Corp. of its entire line of railroad extending from Galeton, in Potter County to Elkland, in Tioga County, a distance of approximately 31.5 miles, and from Gaines Junction to Ansonia, in Tioga County, a distance of approximately 8.5 miles, together with approximately 6,500 feet of siding, all in the State of Pennsylvania. A certificate of abandonment will be issued to the Wellsville, Addison & Galeton Railroad Corp., based on the above-described finding of abandonment, June 22, 1978, unless on or before June 22, 1978, the Commission further finds that:

- (1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and
- (2) It is likely that such proffered assistance would:
 - (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or

(b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14324 Filed 5-22-78; 8:45 am]

[Ex Parte No. 347]

WESTERN COAL INVESTIGATION

Guidelines for Railroad Rate Structure

In accordance with the Commission finding in Ex Parte No. 270 (Sub-No. 4), *Investigation of Railroad Freight Rate Structure—Coal*, 345 ICC 493, 533 (1976), regarding the desirability of developing guidelines of reasonableness in connection with present and prospective western coal rates by rail, an investigation into appropriate rate guidelines for western coal movements originating in the Rocky Mountain—Upper Missouri River region will be instituted. Oral hearings within this region may be held if further development of the record is warranted.

The principal focus of this proceeding will be the determination of appropriate levels of minimum and/or maximum rates for large-volume movements of bituminous and lignite coal from origins in coal producing districts 16 through 22, with the exception of points in the State of California, to all destinations in the continental United

¹Coal producing districts number 16 through 22, excluding the State of California, include the States of Montana, North and South Dakota, Colorado, Wyoming, Utah, Arizona, and New Mexico.

States. It is contemplated that the guidelines determined in this proceeding will apply only in instances where it is found that a proponent carrier has market dominance. Statements of facts and arguments by interested parties should primarily be directed to the following issues:

(1) The appropriate basis upon which a zone of reasonableness should be defined, e.g. percentage of class rates, percentage of commodity rates, distance scales, ratios of rates to variable or fully-allocated costs, or some other basis or market condition pertinent to the emerging western coal market;

(2) The appropriate level at which to set a rate range for maximum and/or minimum rates;

(3) The proper weight to be given general guidelines in individual rate proceedings, and whether such guidelines should affect evidentiary burdens or decisions on whether or not to suspend rate increase proposals;

(4) The effect any western coal rate guidelines may have on the existing coal rate structure in the east;

(5) The application of guidelines to capital incentive rates filed under section 15(19) of the Interstate Commerce Act;

(6) Whether the Commission should incorporate into its guidelines the cost of prospective capital investments in determining the cost of service for western coal movements;

(7) The application of guidelines to any contract rates on large-volume coal movements, filed in accordance with the Commission's General Policy Statement on Railroad Contract Rates, issued May 11, 1978;

(8) The integration of guidelines with market dominance determinations and the standards enunciated in Ex Parte No. 338, Standards and Procedures for the Establishment of Adequate Railroad Revenue Levels, ICC _____ served February 3, 1978; and

(9) Any other pertinent issues which will not unduly broaden this proceeding.

The Commission intends to promulgate guidelines or standards after the completion of this investigation based on its findings and conclusions. Furthermore, the Commission contem-

plates that the matters under consideration in this proceeding may constitute a major Federal action significantly affecting the quality of the human environment. In this regard, an Environmental Impact Statement will be drafted as required by section 102(2)(c) of the National Environment Policy Act of 1969, 42 U.S.C. 4321 et seq. Any person desiring to express any views, arguments, or comments, regarding the environmental amenities involved in this proceeding is invited to participate by filing appropriate statements in accordance with the schedule set forth below; and such statements should comply with the Commission's regulations (49 CFR 1108 et seq.) regarding the filing of environmental pleadings.

It is ordered:

(1) Under the authority of the National Transportation Policy (49 U.S.C. preceding section 1) and part I of the Interstate Commerce Act, an investigation is instituted for the determination of appropriate levels of minimum and/or maximum rates for large-volume movements of bituminous and lignite coal from origins in coal producing districts 18 through 22, with the exception of points in the State of California, by railroads subject to the Interstate Commerce Act, and that said railroads to the extent they participate in the transportation of such coal are hereby made respondents.

(2) Any person interested in this proceeding shall file with the Interstate Commerce Commission, Office of Proceedings, Room 5354, Washington, D.C. 20423, on or before May 30, 1978, the original and two copies of a statement of his interest to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) to serve the pleadings of parties in this proceeding only upon those who intend to take an active part in the proceeding, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in this proceeding, (2) whether the party genuinely wishes to participate by receiving or filing evidence, (3) if the party desires to participate

as described in (2), whether he will consolidate or is capable of consolidating his interest with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be used in this proceeding; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in this proceeding for the purposes specified in (2) above; and that persons not timely filing a statement of intention by May 30, 1978, will not be permitted to participate except upon a showing of good cause for such late participation and leave granted.

(3) This proceeding shall be handled under modified procedure as provided by the Commission's Rules of Practice, except that 20 copies of all statements submitted shall be filed with the Commission, and the filing and service of pleadings to be as follows:

(a) An opening statement of facts and argument may be submitted by any party to the proceeding on or before July 20, 1978.

(b) A statement or statements limited to rebuttal to any opening statement filed in (a) above may be submitted by any party to the proceeding on or before August 22, 1978. The opening statement to which the rebuttal statement is directed must be specifically identified.

(4) The evidence submitted in the statements filed (opening and rebuttal) must be served on all parties on the service list.

(5) Notice of this order shall be given to the general public by depositing a copy in the Commission's Office of the Secretary and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Decided May 11, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14325 Filed 5-22-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

(M-130, Amdt. 1)

CIVIL AERONAUTICS BOARD

Notice of addition and deletion of items to the May 19, 1978, meeting.

TIME AND DATE: 10 a.m., May 19, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Delete: 16. New low fares proposed by Northwest (BPDA). Addition: 11a. Air France: Application for blind sector traffic rights under Part 216 of the Board's Economic Regulations. (Memo No. 7970, BPDA, BIA.)

STATUS: 1-27—Open, 28—Closed.

PERSON TO CONTACT: Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Item 16 was inadvertently added to the May 19, 1978, meeting agenda twice. (See Item 12.) Item 11a. requires action because the authority at issue is an extension of existing authority which expires May 18. If the Board does not act promptly, there could be retaliatory action by the French Government against U.S. carriers. Accordingly, the following Members have voted that agency business requires the deletion of Item 6 and the addition of Item 18a and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1078-78 Filed 5-19-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION.
TIME AND DATE: 9:30 a.m., Thursday, May 18, 1978.
PLACE: Room 856, 1919 M Street NW., Washington, D.C.
STATUS: Open Commission meeting.
CHANGES IN THE MEETING: The following items have been deleted:

Agenda, Item No., and Subject

General—3—Ex parte communications in informal rulemaking proceedings.
Safety and Special Radio Services—2—Federal policy on the use of Citizens Band Radio by motor vehicle operators.
Common Carrier—4—Applications to expand A.T. & T.'s Dataphone Digital Service (DDS) to serve a total of 96 cities, W-P-C 1420.

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone 202-632-7260.

Issued: May 16, 1978 and May 17, 1978.

[S-1078-78 Filed 5-19-78; 3:42 pm]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published May 22, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 24, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company
CP-4.—CP75-362, El Paso Natural Gas Co.
M-4.—R-472, Report of the Alternate Fuel Demand of Direct End Use Customers of Interstate Pipeline Co.'s Due to Natural Gas Curtailments: FPC Form No. 69

KENNETH F. PLUMB,
Secretary.

[S-1080-78 Filed 5-19-78; 3:42 pm]

[6210-01]

FEDERAL RESERVE SYSTEM (Board of Governors).

TIME AND DATE: 11 a.m., Friday, May 26, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20351.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Requests by Reserve Bank Directors regarding proposed retention of bank stock pursuant to paragraph (3) of the Guide to Conduct for Directors of Reserve Banks and Branches of Reserve Banks.

2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: May 18, 1978.

CATHY B. MINEHAN,
Assistant Secretary of the Board.
[S-1077-78 Filed 5-19-78; 9:33 am]

[7020-02]

5

(USITC SE-78-25)

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 10:30 a.m., Tuesday, May 30, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Agenda.
2. Minutes.
3. Ratifications.
4. Petitions and complaints (if necessary).
5. Investigation 332-98 (Customs Valuation)—Vote and approval of preliminary report.
6. Investigation TA-201-31 (Zinc)—Briefing.
7. Proposed investigation, under section 603 of the Trade Act of 1974, on the importation and sale of A-300 aircraft—See memorandum from the Director of Operations (no control No.).
8. Consideration of the status of Mr. Shewmaker (if necessary).
9. Any items left over from previous agenda.

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CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1074-78 Filed 5-19-78; 9:33 am]

[7020-02]

[USITC SE-78-24A]

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 21106, May 16, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., e.d.t., Thursday, May 25, 1978.

CHANGES IN THE MEETING: The following item, previously scheduled for the meeting of Thursday, May 25, 1978, has been added to the agenda for the meeting of Tuesday, May 30, 1978:

5. Zinc (Inv. TA-201-32)—Staff briefing.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1075-78 Filed 5-19-78; 9:33 am]

[7020-02]

[USITC SE-78-26]

INTERNATIONAL TRADE COMMISSION.

TIME AND DATE: 9:30 a.m., Thursday, June 1, 1978.

PLACE: Room 117, 701 E Street NW., Washington, D.C. 20436.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED:

1. Zinc (Inv. TA-201-31)—Vote on injury.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1076-78 Filed 5-19-78; 9:33 am]

SUNSHINE ACT MEETINGS

NATIONAL RAILROAD PASSENGER CORPORATION.

BOARD OF DIRECTORS MEETING

In accordance with rule 4a. of Appendix A of the By-laws of the National Railroad Passenger Corporation, notice is given that the Board of Directors will meet on May 31, 1978.

A. The meeting will be held on Wednesday, May 31, 1978, in the Columbia A Room of the Hyatt Regency Hotel, 400 New Jersey Avenue NW., Washington, D.C. beginning at 10:15 a.m.

B. The meeting will be open to the public at 11:15 a.m. beginning with agenda item no. 3, as described below.

C. The agenda items to be discussed at the meeting follow:

AGENDA

NATIONAL RAILROAD PASSENGER CORPORATION MEETING OF THE BOARD OF DIRECTORS—MAY 31, 1978

10:15—Closed session

1. Internal personnel matters.
2. Litigation matters.

Open Session

3. Approval of minutes of regular meeting of April 25, 1978.

4. Route restructuring.

5. Commitment approval requests:

78-46: Construction of 12.6 miles of track, post road Rensselaer (release of Board hold).

78-95: Rehabilitation and modernization—on board service support facility—Penn Station, N.Y.

78-96: Roof rehabilitation—New Orleans Union Passenger Terminal.

78-101: Adjustment of commitment approval request authorized amounts—More than \$100,000 (facilities and other).

78-107: Adjustment of commitment approval request authorized amounts—More than \$100,000 (major equipment).

78-106: Emergency track improvements—Northeast Corridor.

6. Board Committee reports:

A. Organization and compensation.

B. Equipment: (1) Young President's organization study; (2) Preseasoning air-conditioning report; (3) Report on disc brakes; (4) Superliner delivery schedule; (5) Head-end power conversion; and (6) Metroliner 1½.

C. Northeast Corridor improvement project: (1) Status of 1978 work program; (2) Status of concrete tie program; (3) Status of Southwest Corridor Project; (4) FRA slow orders in Northeast Corridor; (5) FRA legal department problem; and (6) Status of labor situation.

D. Planning and finance.

7. President's reports:

A. Operations: (1) National operations; (2) Operations support; (3) Northeast Corridor Operations; and (4) Corporate functions.

B. Marketing.

C. Government affairs.

D. Other.

8. Financial reports.

9. Resolution appointing trustee of retirement income plan.

10. Delegation of authority.

11. Resolution of appreciation.

12. New business.

13. Adjournment.

D. Inquiries regarding the information required to be made available pursuant to appendix A of the Corporation's bylaws should be directed to the Assistant Secretary at 202-383-3971.

Dated: May 19, 1978.

T. PAGE SHARP,

Assistant Secretary.

[S-1081-78 Filed 5-19-78; 3:42 pm]

[7590-01]

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Thursday, May 25, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

9:30 A.M.

1. Discussion of OIA/OGC inquiry in testimony of the executive director for operations (continued from May 11, 1978). (Approximately 1½ hours—closed—Exemption 1.)

2. Discussion of personnel matter (postponed from May 18, 1978). (Approximately 1 hour—Closed—Exemption 6.)

2:00 P.M.

1. Briefing on reactor licensing schedules. (Approximately 1 hour—Public meeting.)

2. Briefing on neutron radiation exposures. (Approximately 30 minutes—Public meeting.)

3. Affirmation items. (Approximately 10 minutes—Public meeting.) a. FOIA appeal by S. Klein (tentative).

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

WALTER MAGEE,

Office of the Secretary.

MAY 18, 1978.

[S-1082-78 Filed 5-19-78; 3:42 pm]

TUESDAY, MAY 23, 1978

PART II



CIVIL SERVICE COMMISSION

IMPROVING COMMISSION REGULATIONS

Proposals for Implementing Executive Order 12044

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PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Selective Service System	April 11	15211
Energy Department	May 1	18634
National Capital Planning Commission	May 15	20945
National Aeronautics and Space Administration	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
Defense Department	May 22	21994
Administrative Committee of the Federal Register	May 22	21995
Office of Management and Budget	May 22	21997

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Treasury Department	May 24
ACTION	May 24
Interior Department	May 25

[6325-01]

CIVIL SERVICE COMMISSION

IMPROVING COMMISSION REGULATIONS

Draft Report on Implementation of Executive Order 12044

AGENCY: United States Civil Service Commission.

ACTION: Request for public comment.

SUMMARY: The Civil Service Commission asks for public comment on this draft report on implementation of Executive Order 12044, Improving Government Regulations (43 FR 12661, March 24, 1978). This report outlines:

- (1) A description of the process for developing regulations;
- (2) The changes made to comply with the order;
- (3) Proposed criteria for defining significant regulations;
- (4) Reasons for not establishing criteria for determining which regulations require regulatory analyses;
- (5) Proposed criteria for selecting existing regulations for review.

DATE: Comments must be received on or before July 24, 1978.

ADDRESS: Interested persons and Federal agencies are encouraged to submit written comments or views concerning any aspect of this draft report to: Director, Bureau of Policies and Standards, U.S. Civil Service Commission, 1900 E Street NW., Washington, D.C. 20415.

FOR FURTHER INFORMATION CONTACT:

Nathaniel L. Brown, Civil Service Commission, Bureau of Policies and Standards, 1900 E Street NW., Washington, D.C. 20415, 202-632-5623.

REGULATORY PROCESS

The Civil Service Commission's regulatory process is described in the appendix to this report which is a proposed chapter in the Commission's Administrative Manual. The Commission has made the following changes in its process to comply with the Executive order:

- (1) Developed a procedure to provide an opportunity for early participation by interested parties;
- (2) Developed proposed criteria for identifying significant regulations;
- (3) Established a requirement that proposed significant regulations are to be published in the FEDERAL REGISTER for public comment in addition to its current practice of obtaining comments from Federal agencies, labor organizations, and other interested parties directly;
- (4) Developed a procedure for publishing a semiannual agenda of regulations in the FEDERAL REGISTER; and

(5) Developed proposed criteria for selecting existing regulations for review.

All of these changes are described in the appendix.

REGULATORY ANALYSIS

Section 3(a) of the Executive order requires that each agency establish criteria for determining which regulations require regulatory analysis. The Commission is the central personnel agency of the executive branch of the Government. The Commission, as directed or authorized by statute or by order of the President, serves as the personnel management staff agency of the President. In this capacity, the Commission develops and issues regulations for personnel management operations in executive agencies. The Commission believes that it would be unlikely that a statute, Executive order, or civil service rule would require the Commission to develop and issue regulations that would have the effect on the general economy that would make a regulatory analysis appropriate. However, the Commission may, at its discretion, prepare a regulatory analysis on any proposed regulation. For these reasons it is determined that section 3 of the Executive order is not applicable to the Commission's regulations.

REVIEW OF EXISTING REGULATIONS

The Commission has established criteria for review of existing regulations. Those criteria are described in section 4 of the appendix. Because the proposed Civil Service Reform Act of 1978 is presently under consideration in the Congress, the Commission is not publishing a list of existing regulations for initial review at this time. When congressional action is completed, it may be necessary for the Commission to review and revise all of its regulations to comply with the provisions of the statute. The Commission therefore has decided that it is neither desirable nor efficient to undertake a separate review of regulations at this time.

The Commission invites interested persons to make suggestions on which regulations should be revised and on which regulations should be revised first. Suggestions will be considered when the review of existing regulations is begun. The Commission's regulations appear in Title 5 of the Code of Federal Regulations.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

APPENDIX

PROCEDURES FOR DEVELOPING, SIMPLIFYING AND REVIEWING REGULATIONS

1. Purpose. The purposes of this chapter are to establish policy and ob-

jectives for simplifying and improving the quality of regulations; prescribe procedures for issuing new regulations; and for reviewing existing regulations; and to assign responsibility for ensuring that the objectives of Executive Order 12044 are achieved.

2. Policy. It is the policy of the Commission that regulations shall be as clear and simple as possible and shall be developed through a process which ensures that:

- a. The need for and purposes of the regulations are clearly established;
- b. The regulations are clear, precise, and understandable;
- c. The regulations have been coordinated with all offices which have a program interest in them;
- d. An opportunity exists for early participation and comment by Federal agencies and other interested parties;
- d. An opportunity exists for early participation and comment by Federal agencies and other interested parties;
- e. Relevant issues are considered and analyzed;
- f. Compliance costs, paperwork and other burdens on those who may be affected are minimized; and
- g. comments are considered and adequate response is prepared.

3. Responsibilities of the Initiating Offices.

a. "Initiating office" means each Commission office or organization which has responsibility for developing regulations for issuance by the Commission.

b. The head of each initiating office has primary responsibility for:

- (1) Preparing a brief summary, early in the regulatory process, for the Commission on the issues and alternatives involved in the matter requiring regulation;
- (2) Developing proposed regulations in accordance with the policy stated in this chapter;
- (3) Ensuring that the public has an early and meaningful opportunity to participate in the development of regulations through a variety of ways;
- (4) Ensuring that the public is given at least 60 days to comment on significant regulations unless circumstances require a shorter review period;
- (5) Providing a brief statement of the reasons for a shorter time period when it is not possible to give the public at least 60 days to comment on significant regulations;
- (6) Establishing and carrying out a systematic procedure for reviewing and revoking or revising existing regulations; and
- (7) Informing the Commission on proposed or final regulations of the:
 - (a) Reason and legal authority for the regulation;
 - (b) Objective(s) of the regulation;
 - (c) Relevant issues involved and the alternatives explored for achieving the objectives of the regulation;

(d) Probable reporting requirements; and
(e) Opportunities for interested parties to participate in the regulatory process.

4. *Reviewing Existing Regulations.*
a. Each initiating office shall establish procedures for periodically reviewing all their existing regulations and revoking or revising those regulations which it determines are not achieving their intended purpose.

b. Identifying existing regulations for review and possible revocation or revision and in determining the order in which they are to be reviewed, each initiating office shall consider:

(1) The nature and extent of complaints or suggestions about operations under the regulations;

(2) The continued need for the regulation;

(3) The need for eliminating conflicts and inconsistencies in its own regulations or those of other initiating offices;

(4) The length of time since the regulations have been evaluated or the degree to which the factors resulting in a need for regulation have changed;

(5) The burdens imposed on those directly or indirectly affected by the regulations; and

(6) The need to simplify or clarify the language of the regulations.

5. *Significant Regulations.* Each initiating office shall use the following criteria in identifying which regulations are significant regulations.

a. A significant regulation is a regulation in which:

(1) A statute, Executive order or civil service rule to be implemented provides substantial discretion to the Commission over the practices, procedures or standards for achieving what is required;

(2) The coverage of State or local governments or individuals is on a national basis; or

(3) There is a substantial or recurring reporting requirement.

b. Editorial changes to significant regulations such as a change in an office address, references cited, or changes made to simplify or clarify the language are not themselves significant regulations. However, an amendment which changes a practice, procedure, or standard of significant regulations may itself be a significant regulation.

c. When a regulation does not meet the criteria for a significant regulation, the initiating office shall include a statement to that effect at the time the regulations are proposed.

6. *Semiannual Agenda of Significant Regulations.*

a. Each initiating office shall submit to the Issuance System Manager an agenda of significant regulations under development or review by May 1 and November 1 of each year.

b. The agenda shall describe the regulations being considered, the reason and legal basis for the action being taken, and the status of regulations previously listed on the agenda.

c. Each item on the agenda shall include the name and telephone number of a knowledgeable official.

d. The agenda also shall include existing regulations scheduled for review.

e. The Issuance System Manager shall prepare the regulatory agenda and submit it to the Commission for consideration and approval.

f. The Executive Assistant to the

Commissioners shall publish the regulatory agenda in the **FEDERAL REGISTER** by June 1 and December 1 of each year.

7. *Process for Developing Significant Regulations.* The following is a brief description of the process for developing and issuing significant regulations. The items listed are the minimum steps necessary for compliance with Executive Order 12044.

a. Prior to developing draft regulations the initiating office prepares a brief summary early in the regulatory process to the Commission on the issues and alternatives involved in the matter requiring regulation.

b. The initiating office discusses the problems, statute, civil service rule, or Executive order with appropriate IAG Committees, labor organizations, or other interested parties for suggestions and recommendations.

c. The initiating office prepares draft regulations and circulates them among Commission offices and appropriate IAG Committees who have a program interest for comments and suggestions.

d. The initiating office forwards the draft regulations to the Commission for consideration and approval to publish in the **FEDERAL REGISTER** for public comment and additional consultation with Federal agencies, State and local governments as appropriate, labor organizations, or other interested parties.

e. The initiating office forwards the final version of the regulations with its response to the major issues raised in the public comments to the Commission for approval and publication in the **FEDERAL REGISTER** as final regulations.

[FR Doc. 78-14341 Filed 5-18-78; 4:21 p.m.]

TUESDAY, MAY 23, 1978
PART III



ENVIRONMENTAL PROTECTION AGENCY

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Water Programs

for public review

[6560-01]

Title 40—Protection of Environment

(FRL 887-2)

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER D—WATER PROGRAMS

PART 124—STATE PROGRAM ELEMENTS NECESSARY FOR PARTICIPATION IN THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

PART 125—NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule revises parts 124 and 125 of EPA regulations. The purpose of this revision is to: conform the regulations to the requirements of a consent decree approved by the U.S. District Court; and to clarify the procedures and criteria which EPA will use in exercising its power to object to (veto) the issuance of State national pollutant discharge elimination system (NPDES) permits. Both of these proposed changes are necessary to assure national consistency in water pollution control efforts, particularly with respect to toxic and hazardous pollutants.

EFFECTIVE DATE: May 23, 1978.**FOR FURTHER INFORMATION CONTACT:**

Edward A. Kramer (EN-336), Office of Water Enforcement, Environmental Protection Agency, Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION:**THE PROPOSED RULE**

On January 6, 1978, EPA published a proposed rule revising EPA's regulations governing State NPDES programs (43 FR 1256). The stated purpose of this revision was to conform the regulations to the requirements of the Settlement Agreement approved by the U.S. District Court for the District of Columbia and issued on June 8, 1976, in *Natural Resources Defense Council v. Train* (hereafter the Consent Decree) 8 ERC 2120 (D.D.C. 1976), and to clarify the procedures under which EPA will exercise its power to object to (veto) the issuance of State NPDES permits. A 30 day comment period was provided, and the Agency received over 60 written comments.

Minor editorial changes have been made in all sections of the final rule. In addition, the EPA response to significant comments is described below.

RULES AND REGULATIONS

THE EFFECT OF THE CLEAN WATER ACT OF 1977

A majority of commenters noted the failure of the proposed regulations to reflect the 1977 amendments (Pub. L. 95-217) to the Clean Water Act (hereafter CWA or the Act, also known as the Federal Water Pollution Control Act). While EPA was aware of the CWA amendments when the regulations were prepared for proposal, the exact content and status of the amendments were uncertain at that time. Nevertheless, a delay in proposal pending enactment was rejected for two reasons: because the amendments being considered by Congress were generally consistent with the proposed regulations, and because of the pressing need for regulations to assure national consistency in water pollution abatement and increased control of toxic pollutants.

The final regulations have been rewritten to reflect the language of the CWA as amended. Although some commenters suggested withdrawal and reproposal to enable EPA to explain the effect of the CWA on the regulations, we believe that this is unnecessary. The enactment of the CWA prior to the publication of the proposed regulations constitutes adequate public notice of its provisions, as evidenced by the large number of comments addressing the CWA.

Contrary to the position taken by some commenters, the amendments to the CWA have not rendered the proposed regulations unnecessary. Rather, the proposed regulations in general are consistent with the amendments in the CWA of 1977 to sections 307(a) and 402(d). New section 307(a) reflects the Consent Decree in authorizing promulgation of effluent limitations for toxic pollutants under sections 301(b)(2) (C) and (D) and 304(b)(2) and requiring EPA to list as toxic those pollutants covered by the Consent Decree (Table 1 of Committee Print No. 95-30, House Committee on Public Works and Transportation). Thus, the amendments indicate Congressional approval of the Consent Decree, not withdrawal of it. While the amendments do not alter the need for regulations to ensure continued progress in the control of toxic pollutants, § 124.46 has been revised to reflect the new authorities under section 307(a).

Similarly, despite the procedural amendments to sections 402(d) (2) and (4), there is still a need for regulations clarifying the method of EPA review of State issued permits. Section 402(d)(2) as amended requires EPA to make objections in writing, including a statement of the reasons for the objections and the effluent limitations and conditions EPA would incorporate if it were to issue the permit. New section 402(d)(4) allows the State to request

an EPA public hearing within 90 days of an objection. If the State fails to request a hearing or does not resubmit a revised permit within 30 days of the public hearing, EPA may issue a permit in accordance with the guidelines and requirements of the Act. These amendments are reflected in § 124.48 of the final regulations with three clarifications.

First, even where the Regional Administrator has agreed with the State under § 124.47(a) to a lesser period of review than the 90 days allotted by the Act, EPA is authorized to use some or all of the full 90-day period: (1) to make a detailed explanation of the basis for its objection, and (2) to provide the State with alternative effluent limitations and permit conditions which would be acceptable under the Act. While EPA must still notify the State of its general objection within the lesser period, the development and calculation of alternative limitations and conditions cannot realistically be limited to periods which may run as short as 30 days. Second, if the State submits a revised permit to EPA within the 90-day period following objection but does not request a public hearing, EPA will not exercise its authority to issue the permit. Finally, any permit issued by EPA under section 402(d)(4) would be subject to certification by the State under section 401.

STATE TRANSMISSION OF TENTATIVE DETERMINATIONS AND DRAFT PERMITS

Under proposed §§ 124.31 (c) and (d), States would have been required to transmit tentative determinations and draft permits to the Regional Administrator for review prior to public notice. The purposes underlying these regulations were to enable EPA and the State to work together in formulating permits and their supporting records; to resolve EPA-State differences as early in the permit process as possible; and, most importantly, to allow an opportunity for public participation through the State comment and hearing process on any unresolved differences which might constitute grounds for EPA objection to permit issuance.

The first and second purposes—EPA and the State "working together" and attempting to resolve differences—were criticized by many commenters because they believed the EPA role was too intrusive, was in some instances violative of EPA agreements with the State, and would only cause further delays in permit issuance. EPA did not intend to establish an expanded role in State permit issuance under the regulations. Instead, EPA's role was to be identical to its present role, and would chiefly involve assistance to the State in interpreting Federal guidelines and requirements. However, we did find the comments concerning

delay in permit issuance persuasive, particularly where State law establishes a limited time period from receipt of a permit application to issuance of a public notice.

As stated earlier, §§ 124.31 (c) and (d) and 124.48(c)(4) were intended to provide an opportunity for public comment on the grounds for a potential EPA Objection to a State permit. Rather than establishing an additional EPA comment opportunity and further delay following State transmittal of a proposed permit to EPA, the regulations attempted to provide that opportunity in the course of the State permit process through early involvement by the Regional Administrator. (This purpose was not understood by some commenters, who suggested that EPA be required to provide a separate opportunity for comment under § 124.48(c)(3).) To ensure that this opportunity for public comment was adequate, the regulations provided that the Regional Administrator could not, as a rule, consider any data or information not before the Director in connection with the proposed permit.

However, the hearing opportunity now provided under section 402(d)(4) of the CWA and § 124.48(d) of the regulations allows sufficient public participation in cases where the Regional Administrator objects to the issuance of a permit, i.e., through the ability of the State or any interested person to request a public hearing following an EPA objection and through the ability of any interested person to participate in the EPA issuance of a permit to which it has objected. In addition, § 124.48(c)(3) of the regulations allows the Regional Administrator, in his or her discretion, to solicit public comment from interested persons prior to objection.

Therefore, in consideration of comments concerning delays in permit issuance, in the interest of not disrupting existing EPA-State arrangements concerning review of permits, and in view of the CWA, §§ 124.31 (c) and (d) and 124.48(c)(4) have been withdrawn from the final regulations. The withdrawal of these sections does not indicate EPA disapproval of any existing relationships for early transmittal of draft permits that Regional Administrators and States may have already established.

Although these final regulations incorporate the State hearing opportunity following EPA objection under new section 402(d)(4), the Regional Administrator's discretion to provide for additional public comments prior to objection under § 124.48(c)(3) has been retained as proposed. We believe that the discretion afforded under § 124.48(c)(3) is necessary in view of the time constraints on EPA action in reviewing proposed State permits. EPA is limited to a 90 day statutory

RULES AND REGULATIONS

period and in many cases has agreed to a shorter period to minimize delays in permit issuance. However, in response to comments suggesting that EPA provide a broader opportunity for public participation new § 124.48(d) allows any interested person to request an EPA public hearing within the 90 day period following an objection. Such a hearing is mandatory if requested by the State under section 402(d)(4) of the CWA. A public hearing will then be held wherever warranted by significant public interest.

THE CONSENT DECREE

Section 124.46 of the proposed regulations implemented the requirements of the Consent Decree in *NRDC v. Train*. The Consent Decree established a new program for, among other actions, the review and promulgation by EPA of effluent limitations guidelines, new source performance standards, and pretreatment standards in 21 major categories of industries, focusing on 65 classes of pollutants of particular concern. Paragraph 10(a) of the Consent Decree contains the specific requirement that all permits issued after January 1, 1978, be revised or modified to assure the prompt application of these guidelines and standards to all dischargers as they are issued or approved.

Some commenters suggested that the provisions of § 124.46 were improper, particularly in view of the CWA of 1977. We disagree. As noted above, it is EPA's position that the amendments do not supersede the "modification or revocation" requirement of the Consent Decree, but instead indicate tacit approval of it. Moreover, the provisions of § 124.46 do not otherwise exceed EPA's legal authority. EPA has broad authority in section 402(a)(1) of the Act to include in permits any conditions necessary to carry out the provisions of the Act; these provisions would include new requirements for best available technology economically achievable for toxic pollutants. Both the Act (section 402(b)(1)(C)) and EPA regulations (40 CFR 124.45(b)) also indicate that permits may be modified or revoked for cause. Section 402(k) of the Act, relating to the effect of compliance with a permit, in no way alters this explicit authority, a view recently affirmed by the U.S. Court of Appeals for the Seventh Circuit in *Inland Steel v. EPA*, — F.2d —, No. 77-1648 (7th Cir. March 3, 1978).

In *Inland Steel* also, the Court emphasized EPA's broad discretion to choose the means for carrying out responsibilities under section 307(a) of the Act, extending to the promulgation of necessary regulations under section 501(a). It is EPA's position that "cause" exists for permit modification and revocation to reflect new effluent limits on toxic pollutants

when they are promulgated, particularly in view of the 1984 statutory deadline for their achievement and the potential for harm to the public health and the environment from discharges of these pollutants. Thus, we disagree with those commenters who felt that control of toxic pollutants does not warrant a change from EPA's standard policy of permit finality.

A few commenters indicated confusion as to how the reopener clause would operate. As a result, some further explanation is warranted. First, upon permit modification or reissuance, the permittee will be subject to all requirements under the Clean Water Act then applicable, including effluent limitations for all pollutants covered in the applicable guideline, best conventional pollutant control technology limitations and best management practices for ancillary industrial activities. The new or modified permit would not be restricted to additional coverage of toxic pollutants only. § 124.46 has been revised to clarify this point.

Second, new or modified permits will not require immediate compliance with new effluent limitations. Rather, these permits will contain a schedule of compliance for achievement of effluent limitations consistent with statutory deadlines.

Third, permittees affected by the reopener clause will be afforded all procedural rights which are generally available for permit modification and reissuance, including the right to request hearings under the regulations. Absent unusual circumstances, permit revocation should not result in a lapse of permit coverage and a resulting "no discharge" requirement pending reissuance, because revocation would be simultaneous with issuance of the new permit.

Fourth, the regulation has been revised to clarify that the modification/revocation requirement is applicable: (1) where new toxic pollutants are listed under section 301(b)(2)(D); (2) where EPA reviews and "approves" existing applicable effluent guidelines for the control of toxic pollutants under section 301(b)(2)(C), as well as when EPA issues new effluent guidelines under that section; and (3) where EPA is the permit issuing authority.

Finally, new regulations are being proposed today under a separate heading to explain the use of short term vs. long term permits containing the reopener clause.

GROUND FOR OBJECTIONS TO PERMITS

Under § 124.48(b) of the proposed regulations, EPA sought to clarify the grounds on which a permit may be "outside the guidelines and requirements" of the Act under section 402(d)(2). One or more of these grounds would serve as the basis for

the Regional Administrator's objection to a proposed permit, and would be contained and perhaps further explained in the written objection required under the CWA and § 124.48(a) of the regulations.

While some commenters supported some or all of the listed grounds for objection, others viewed them as unauthorized expansions of EPA's "veto" role. Specifically, a number of commenters felt that EPA was improperly intruding into State factual determinations, i.e., matters not falling within the "guidelines and requirements" review of section 402(d)(2). Many cited the recent case of *Ford Motor Co. v. EPA*, 567 F.2d 661, 11 ERC 1018 (6th Cir. 1977) in support of their contentions that the regulations were excessively broad. Under *Ford Motor Co.*, an EPA objection was found to be outside the scope of section 402(d)(2) when based solely upon failure of the State to conform to EPA policy guidance issued after objection and absent a specific requirement of the Act or regulations.

No expansion of existing EPA review authority is contemplated by the regulations. We believe that the listing of grounds under section 124.48(b) falls well within the scope of section 402(d)(2) of the Act and is consistent with the *Ford Motor Co.* case. While many of the listed grounds require some consideration of State factual determinations, these factual determinations are reviewed by EPA only to the extent of ensuring compliance with the "guidelines and requirements" of the Act. This is a purely "legal" review; the Regional Administrator must evaluate the factual record in order to determine whether the terms and conditions of the proposed permit comply with the requirements of the Act and regulations promulgated under the Act.

EPA recognizes that reasonable persons may differ as to what the Act and regulations require. In close cases, EPA should defer to the judgment of the State, e.g., where there is a minor numerical difference between the State and EPA evaluation of what constitutes the requisite technology-based effluent limitation in a "pre-guidelines" permit. Nevertheless, because of its statutory mandate, EPA must ensure that State permits impose the minimum permit terms and conditions required by the Act. (The States of course retain full authority to impose requirements more stringent than those contained in the Act.) The exercise of EPA judgment in subparagraphs (2), (4), (5), and (6) of § 124.48(b) is implicit in EPA's review of permits for consistency with the law and is essential to protect against clear abuses by the States in applying the requirements of the Act and regulations. Such abuses have not been fre-

quent; in fact, only 88 out of 23,000 permits issued by States have been objected to by EPA. These regulations are not expected to increase the numbers or percentage of permits to which EPA objects, but to provide a framework for regularity in the exercise of existing authority. The following examples based on actual EPA experience illustrate the importance of some EPA judgment in exercising its review authority and assessing the adequacy of State permits:

1. A State might propose to issue a permit disregarding final statutory deadlines for achievement of required levels of treatment, "interpreting" the CWA to authorize such a permit despite clear language to the contrary.

2. A State might propose to issue a permit which postpones steps toward compliance with a final statutory deadline until such a late date that the required treatment technology could not realistically be expected to be installed by the discharger and operating in time.

3. A State might propose to issue a permit containing "pre-guidelines" determinations of technology-based effluent limitations which the State developed without adequate consideration of the factors listed in section 304(b) of the Act.

4. A State might propose to issue a permit which disregards an applicable effluent limitations guideline, by finding the guideline non-applicable despite clear evidence to the contrary.

EPA should be able to object to the issuance of State permits as being outside the guidelines and requirements of the Act in these and other situations. To allow unrestricted State discretion in these instances, as some commenters have recommended, would constitute dereliction of the responsibility established by Congress under section 402(d)(2). Thus, proposed § 124.48(b) has been retained in the final regulations.

Proposed § 124.48(b) (4) and (5) have been merged into new § 124.48(b) (4), however, to clarify that EPA's concerns relate to the application of the interpretation of the CWA and regulations and the application of the CWA and regulations to the facts.

RECOMMENCEMENT OF REVIEW PERIOD

Section 124.48(c)(2) of the proposed regulations authorized the recommencement of the 90 day review period under section 402(d)(2) of the Act where the State permit record is inadequate for EPA review. Some commenters objected to the delays that would be caused by this provision, while others felt that EPA was bound by the 90 day period regardless of the adequacy of the State record.

We have not changed the final regulations to reflect the latter comment, since an absolute time limit which dis-

regards the adequacy of the State record would effectively allow a State to avoid the Regional Administrator's objection to a proposed permit by submitting an incomplete record. However, in response to the former comment, § 124.48(c)(2) of the final regulations has been revised to require EPA notification to the State of an inadequate record within thirty days of receipt of the State submittal under § 124.47. This should minimize any delays attributable to EPA actions while ensuring sufficient time for the Regional Administrator's review after an adequate record has been submitted by the State.

APPLICATION OF EFFLUENT STANDARDS AND LIMITATIONS AND OTHER REQUIREMENTS

Section 124.42(a)(6) of the proposed regulations clarified that the determination of permit conditions under that subparagraph was not in the sole discretion of the Director. Some commenters objected, believing that the Director's discretion should be unreviewable by EPA. Although we have no lack of confidence in the capabilities of the States, we must disagree, for the reasons described under "Grounds for Objection to Issuance of Permits."

However, in response to comments, an error in § 124.42(a)(6) has been corrected, and that subparagraph has been revised in the final regulations to conform to section 402(a)(1) of the Act.

Because of their importance for permits being issued in the near future, EPA finds that good cause exists to make these regulations effective without the 30 day waiting period prescribed under 5 U.S.C. 553(d)(3). Accordingly, they will become effective May 23, 1978.

NOTE.—The Environmental Protection Agency has determined that this document does not constitute a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and under OMB Circular A-107.

Dated: May 10, 1978.

DOUGLAS M. COSTLE,
Administrator.

1. Subpart E table of contents is revised to read as follows:

Subpart E—Terms and Conditions of NPDES Permits

Sec.

124.42 Application of effluent standards and limitations, water quality standards, and other requirements.

124.46 Requirements under Section 307(a)(2) of the Act.

124.47 Transmission to Regional Administrator of proposed NPDES permits.

124.48 Objection to proposed permits.

Sec.

124.49 Transmission to Regional Administrator of issued NPDES permits.
Appendix D—Point source categories.

Subpart E—Terms and Conditions of NPDES Permits

2. Section 124.42 is amended by revising paragraph (a)(6) to read as follows:

§ 124.42 Application of effluent standards and limitations, water quality standards and other requirements.

(a) * * *

(6) Prior to promulgation by the Administrator of applicable effluent standards and limitations under sections 301, 302, 306, 307, and 403, such conditions as are necessary to carry out the provisions of the Act.

3. Section 124.47 is renumbered as § 124.49 and § 124.46 is deleted and replaced by new §§ 124.46, 124.47 and 124.48 as follows:

§ 124.46 Requirements under Section 307(a)(2) of the Act.

(a) Any permit issued to a discharger within any industrial category listed in Appendix D of this Part shall apply, and assure compliance with, all applicable effluent standards and limitations promulgated under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) of the Act. Where applicable standards or limitations have not yet been issued, the Director shall include in the permit a condition stating that if an applicable effluent standard or limitation is issued or approved under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2), and such effluent standard or limitation is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the permit shall be promptly modified or, alternatively, revoked and reissued in accordance with such effluent standard or limitation and any other requirements of the Act then applicable.

[Comment: The following language is an acceptable permit condition for the purposes of this section:

This permit shall be modified, or alternatively, revoked and reissued, to comply with any applicable effluent standard or limitation issued or approved under sections 301(b)(2) (C), and (D), 304(b)(2), and 307(a)(2) of the Clean Water Act, if the effluent standard or limitation so issued or approved:

(1) Contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or

(2) Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Act then applicable.]

(b) Where the Director follows the procedures set forth in paragraph (a)

of this section for an NPDES permit, and an applicable effluent standard or limitation under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) is issued or approved which is more stringent than any effluent limitation in the permit, or controls a pollutant not limited in the permit, the Director shall promptly modify or, alternatively, revoke and reissue the permit under § 124.72(a) of this Part in accordance with such effluent standard or limitation.

[Comment: The requirements of this section are intended to assure compliance with the 1984 statutory deadline for the achievement of best available technology economically achievable for pollutants now listed under section 307(a)(1) of the Act. Although this section does not require modification or revocation of permits where promulgated effluent limitations are not issued or do not cover section 307(a)(1) pollutants, such action nevertheless may be necessary under 402(b)(1) in order to assure compliance with their statutory deadlines (e.g., for the achievement of best conventional pollutant control technology and best available technology economically achievable for "non-conventional" pollutants). Where the Director proposes to issue a permit extending beyond a statutory deadline or not requiring the achievement of required effluent limitations by applicable statutory deadlines, the Regional Administrator will object to the issuance of the permit for its failure to adequately assure compliance with the Act.]

§ 124.47 Transmission to Regional Administrator of proposed NPDES permits.

(a) Any State or interstate agency participating in the NPDES shall transmit to the Regional Administrator copies of NPDES permits proposed to be issued by such agency in such manner as the Director and Regional Administrator shall agree upon. Any agreement between the State or interstate agency and the Regional Administrator shall be consistent with the requirements of this section.

(b) The Director shall transmit to the Regional Administrator all terms, conditions, requirements or documents that are a part of any proposed permit or that affect the authorization by the proposed permit of the discharge of pollutants.

(c) The Director shall transmit to the Regional Administrator a copy of any significant comments presented in writing pursuant to the public notice and a summary of any significant comments presented at any hearing, for any NPDES application if:

(1) The Regional Administrator requests this information; or

(2) The proposed permit contains requirements different from or less stringent than those contained in the

tentative determination and draft permit; or

(3) Significant comments adverse to the tentative determination and draft permit have been presented at the hearing or in writing pursuant to the public notice.

(d) Within 90 days following receipt of the proposed permit, or such lesser time as the Regional Administrator and the Director may agree upon, the Regional Administrator, pursuant to the right to object provided in section 402(d)(2) of the Act and § 124.48 of this subpart, may comment upon, object to, or make recommendations with respect to the proposed permit.

(e) The Regional Administrator may, by agreement with the State waive rights to receive, review, object to, or comment upon proposed NPDES permits for classes, types or sizes of discharges within any category of point sources, including the right to receive information under subsections (b) and (c) of this section.

(f) No waivers granted under sections 402(e) or 402(f) of the Act prior to the effective date of this subsection, nor any such waivers which may thereafter be granted, shall apply to any permit which is subject to § 124.46(a) of this Part, and which does not comply with that subsection.

[Comment: This paragraph, in effect, modifies any existing agreement between EPA and the State which is inconsistent with its provisions.]

§ 124.48 Objections to Proposed Permits.

(a) (1) Within the period of time provided under § 124.47(d) of this subpart, the Regional Administrator shall notify the Director of any objection to issuance of the proposed permit. This notification shall set forth in writing the general nature of the objection.

(2) Within 90 days following receipt of the proposed permit, the Regional Administrator shall also set forth in writing and transmit to the Director:

(i) A statement of the reasons for the objection (including the section of the Act or regulations that support the objection), and

(ii) The actions that must be taken by the Director in order to eliminate the objection (including the effluent limitations and conditions which the permit would include if it were issued by the Regional Administrator).

[Comment: This paragraph, in effect, modifies any existing agreement between EPA and the State which provides less than 90 days for review. This modification is necessary under the CWA amendments of 1977, which require EPA to provide detailed information concerning acceptable permit terms and conditions.]

(b) The Regional Administrator may object to the issuance of a proposed permit as being outside the guidelines

and requirements of the Act. This objection must be based upon one or more of the following grounds:

(1) The permit fails to apply, or to ensure compliance with, any applicable requirement of sections 301, 302, 304, 306, 307, 308 and 403, or of any applicable regulations promulgated under those sections;

[Comment: Under the provisions of this paragraph, a permit extending beyond a final statutory compliance date or not requiring the achievement of required effluent limitations by applicable statutory deadlines, shall be subject to objection by the Regional Administrator.]

(2) In the case of any proposed permit for which notification to the Administrator is required under section 402(b)(5) of the Act, the written recommendations of an affected State have not been accepted by the permitting State and the Regional Administrator finds the reasons for nonacceptance inadequate;

(3) The procedures followed in connection with formulations of the proposed permit failed in a material respect to comply with procedures required by the Act or regulations and guidelines thereunder or required by any agreement between the State or interstate agency and the Regional Administrator;

(4) Any finding made by the Director in the proposed permit misinterprets the Act or any guidelines or regulations under the Act, or misapplies them to the facts.

(5) Any provisions of the proposed permit relating to the maintenance of records, reporting, monitoring, sampling, or the provision of any other information by the permittee are inadequate, in the judgment of the Regional Administrator, to assure compliance with the effluent standards and limitations required by the Act, by the guidelines and regulations issued under the Act, or by the proposed permit;

(6) In the case of any proposed permit with respect to which applicable effluent standards and limitations under sections 301, 302, 306, 307, and 403 of the Act have not yet been promulgated by the Agency, the proposed permit, in the judgment of the Regional Administrator, fails to carry out the provisions of the Act; or any regulations issued under the Act, including the requirements of sections 301 through 304.

[Comment: The provisions of this paragraph also apply to best management practices under section 304(e) of the Act, which must be incorporated into permits as requirements under section 301, 302, 306, 307, or 403, as the case may be.]

(7) Issuance of the proposed permit would in any other respect be outside

the requirements of the Act, or regulations and guidelines issued under the Act.

(c) Prior to notifying the Director of an objection based upon any of the grounds set forth in paragraph (b) of this section, the Regional Administrator:

(1) Shall consider all data transmitted pursuant to §§ 124.33 and 124.47;

(2) Shall, if the information provided is inadequate to determine whether the proposed permit meets the guidelines and requirements of the Act, request the Director to transmit to the Regional Administrator the complete record of the permit proceedings before the State, or any portions of the record that the Regional Administrator determines are necessary for review. This request shall be made within thirty days of receipt of the State submittal under § 124.47. It shall constitute an interim objection to the issuance of the permit, and the full period of time specified in accordance with section 124.47(d) for the Regional Administrator's review shall start over when the Regional Administrator has received such record or portions;

(3) May, in his/her discretion and to the extent feasible within the period of time available under § 124.47(d), afford to every interested person an opportunity to comment on the basis for an objection;

(d) Within 90 days of receipt by the Director of an objection under this section, the State or interstate agency participating in the NPDES or any interested person may request that a public hearing be held by the Regional Administrator on the objection. Following a request, the Regional Administrator shall provide public notice and hold a public hearing in accordance with the procedures of 40 CFR 125.32 and 125.34 if warranted by significant public interest. A request by the State or the interstate agency shall be deemed to indicate significant public interest warranting a public hearing under this paragraph.

(e) A public hearing held under paragraph (d) shall be conducted by an EPA panel in an orderly and expeditious manner. Members of this panel shall include but not be limited to the Regional Administrator, the Assistant Administrator for Enforcement, the General Counsel, or their respective representatives. Any person may submit oral or written statements concerning the EPA objection, although reasonable limits may be set upon the time allowed for statements; and the submission of statements in writing may be required.

(f) At the conclusion of the public hearing the Regional Administrator shall:

(1) Reaffirm the original objection;

(2) Modify the terms of the objection;

or (3) Withdraw the objection, and shall notify the State of this decision.

(g) Where the Regional Administrator has objected to a proposed permit under this section, he/she may issue the permit in accordance with 40 CFR Parts 123 and 125 and any other guidelines and requirements of the Act in the following circumstances:

(1) If no public hearing is held under paragraph (d) and the State does not resubmit a permit revised to meet the Regional Administrator's objection within 90 days of receipt of the objection; or

(2) If a public hearing is held under paragraph (d) and the State does not resubmit a permit revised to meet the Regional Administrator's objection or modified objection within 30 days of the date of the Regional Administrator's notification under paragraph (f) of this section.

§ 124.49 [Redesignated from § 124.47]

4. Part 124 is amended by adding a new Appendix D as follows:

APPENDIX D—POINT SOURCE CATEGORIES

1. TIMBER PRODUCTS PROCESSING

SIC 2411—Logging camps and logging contractors (camps only).
SIC 2421—Saw mills and planing mills, general.
SIC 2426—Hardwood dimension and flooring mills.
SIC 2429—Special purpose sawmills, not elsewhere classified.
SIC 2431—Millwork.
SIC 2434—Wood kitchen cabinets.
SIC 2435—Hardwood veneer and plywood.
SIC 2436—Softwood veneer and plywood.
SIC 2439—Structural wood members, not elsewhere classified.
SIC 2491—Wood preserving.
SIC 2499—Wood products, not elsewhere classified (furniture mills).
SIC 2661—Building paper and building board mills (hardboard only).

2. STEAM ELECTRIC POWER PLANTS

SIC 4911—Electric service (limited to steam-electric power plants).

3. LEATHER TANNING AND FINISHING

SIC 31—Leather and leather products.

4. IRON AND STEEL MANUFACTURING

SIC 3312—Blast furnaces (including coke ovens steel works and rolling mills).
SIC 3313—Electrometallurgical products.
SIC 3315—Steel wire drawing and steel nails and spikes.
SIC 3316—Cold rolled steel sheet, strip and bars.
SIC 3317—Steel pipe and tubes.

5. PETROLEUM REFINING

SIC 2911—Petroleum refining (including (1) topping plant; (2) topping and cracking plants; (3) topping, cracking and petroleum plants; (4) integrated plants; and (5) integrated and petrochemical plants).

6. INORGANIC CHEMICALS MANUFACTURING

SIC 2812—Alkalies and chlorine.
SIC 2813—Industrial gasses.

SIC 2816—Inorganic pigments.

SIC 2819—Industrial inorganic chemicals, not elsewhere classified.

7. TEXTILE MILLS

SIC 22—Textile mill products.
SIC 23—Apparel and other finished products made from fabrics and similar materials.

8. ORGANIC CHEMICALS MANUFACTURING

SIC 2865—Cyclic (coal tar) crudes, and cyclic intermediates, dyes, and organic pigments (lakes and toners).
SIC 2869—Industrial organic chemicals, not elsewhere classified.

9. NONFERROUS METALS MANUFACTURING

SIC 2819—Industrial inorganic chemicals, not elsewhere classified (bauxite refining only).
SIC 3331—Primary smelting and refining of copper.
SIC 3332—Primary smelting and refining of zinc.
SIC 3333—Primary smelting and refining of lead.
SIC 3334—Primary production of aluminum.
SIC 3339—Primary smelting and refining of nonferrous metals, not elsewhere classified.
SIC 3341—Secondary smelting and refining of nonferrous metals.

10. PAVING AND ROOFING MATERIALS (TARS AND ASPHALT)

SIC 2951—Paving mixtures and blocks.
SIC 2952—Asphalt felts and coatings.
SIC 3996—Linoleum asphalted-felt-base, and other hard surface floor coverings, not elsewhere classified.

11. PAINT AND INK FORMULATION AND PRINTING

SIC 2711—Newspapers: Publishing, publishing and printing.
SIC 2721—Periodicals: Publishing, publishing and printing.
SIC 2731—Books: Publishing, publishing and printing.
SIC 2732—Book printing.
SIC 2741—Miscellaneous publishing.
SIC 2751—Commercial printing, letterpress and screen.
SIC 2752—Commercial printing, letterpress and lithographic.
SIC 2753—Engraving and plate printing.
SIC 2754—Commercial printing, gravure.
SIC 2761—Manifold business forms.
SIC 2771—Greeting card publishing.
SIC 2793—Photoengraving.
SIC 2794—Electrotyping and stereotyping.
SIC 2795—Lithographic platemaking and related services.
SIC 2851—Paints, varnishes, lacquers, enamels, and allied products.
SIC 2993—Printing ink.
SIC 3951—Pens, mechanical pencils, and parts and stamp pads (inked materials only).
SIC 3952—Lead pencils, crayons, and artists' materials.
SIC 3955—Carbon paper and inked ribbons.

12. SOAP AND DETERGENT MANUFACTURING

SIC 2841—Soap and other detergents, except specialty cleaners.

13. AUTO AND OTHER LAUNDRIES

SIC 7211—Power laundries, family and commercial.
SIC 7213—Linen supply.

SIC 7214—Diaper service.

SIC 7215—Coin-operated laundries and dry cleaning.

SIC 7216—Dry cleaning plants, except rug cleaning.

SIC 7217—Carpet and upholstery cleaning.

SIC 7218—Industrial Laundries.

SIC 7219—Laundry and garment services, not elsewhere classified.

SIC None—Auto wash establishments.

14. PLASTIC AND SYNTHETIC MATERIALS MANUFACTURING

SIC 282—Plastic materials and synthetic resins, synthetic and other manmade fibers, except glass.

15. PULP AND PAPERBOARD MILLS AND CONVERTED PAPER PRODUCTS

SIC 2611—Pulp Mills.
SIC 2621—Paper mills, except building paper mills.
SIC 2631—Paperboard mills.
SIC 2641—Paper coating and glazing.
SIC 2642—Envelopes.
SIC 2643—Bags, except textile bags.
SIC 2645—Die-cut paper and paperboard and cardboard.
SIC 2646—Pressed and molded pulp goods.
SIC 2647—Sanitary paper products.
SIC 2648—Stationery, tablets, and related products.
SIC 2649—Converted paper and paperboard products, not elsewhere classified.
SIC 2651—Folding paperboard boxes.
SIC 2652—Set-up paperboard boxes.
SIC 2653—Corrugated and solid fiber boxes.
SIC 2654—Sanitary food containers.
SIC 2655—Fiber cans, tubes, drums, and similar products.
SIC 2661—Building paper and building board mills.
SIC 2782—Blankbooks, looseleaf binders and devices.

16. RUBBER PROCESSING

SIC 2822—Synthetic rubber (vulcanizable elastomers).
SIC 2891—Rubber cement.
SIC 3011—Tires and inner tubes.
SIC 3021—Rubber and plastics footwear (rubber only).
SIC 3031—Reclaimed rubber.
SIC 3041—Rubber and plastics hose and belting (rubber only).
SIC 3069—Fabricated rubber products, not elsewhere classified.
SIC 3293—Gaskets, packing, and sealing devices (rubber packing only).

17. MISCELLANEOUS CHEMICALS

SIC 2831—Biological products.
SIC 2833—Medicinal chemicals and botanical products.
SIC 2834—Pharmaceutical preparations.
SIC 2861—Gum and wood chemicals.
SIC 2879—Pesticides and agricultural chemicals, not elsewhere classified.
SIC 2891—Adhesive and sealants.
SIC 2892—Explosives.
SIC 2895—Carbon black.
SIC 2899—Chemicals and chemical preparation, not elsewhere classified.
SIC 3861—Photographic equipment and supplies.

18. MACHINERY AND MECHANICAL PRODUCTS MANUFACTURING

SIC 3021—Rubber and plastics footwear (balance).
SIC 3041—Rubber and Plastics hose and belting (balance).

SIC 3079—Miscellaneous plastics products.
SIC 3293—Gaskets, packing, and sealing devices (balance).

SIC 3321—Gray iron foundries.

SIC 3322—Malleable iron foundries.

SIC 3324—Steel investment foundries.

SIC 3325—Steel foundries, not elsewhere classified.

SIC 3351—Rolling, drawing, and extruding of copper.

SIC 3353—Aluminum sheet, plate, and foil.

SIC 3354—Aluminum extruded products.

SIC 3355—Aluminum rolling and drawing, not elsewhere classified.

SIC 3356—Rolling, drawing, and extruding of nonferrous metals, except copper and aluminum.

SIC 3357—Drawing and insulating of nonferrous wire.

SIC 3361—Aluminum foundries (castings).

SIC 3362—Brass, bronze, copper, copper base alloy foundries (castings).

SIC 3369—Nonferrous foundries (castings), not elsewhere classified.

SIC 3398—Metal heat treating.

SIC 3399—Primary metal products, not elsewhere classified.

SIC 3411—Metal cans.

SIC 3412—Metal shipping barrels, drums, kegs, and pails.

SIC 3421—Cutlery.

SIC 3423—Hand and edge tools, except machine tools and hand saws.

SIC 3425—Hand saws and saw blades.

SIC 3429—Hardware, not elsewhere classified.

SIC 3431—Enameled iron and metal sanitary ware.

SIC 3432—Plumbing fixture fittings and trim (brass goods).

SIC 3433—Heating equipment, except electric and warm air furnaces.

SIC 3441—Fabricated structural metal.

SIC 3442—Metal doors, sash, frames, molding, and trim.

SIC 3443—Fabricated platework (boiler shops).

SIC 3444—Sheet metal work.

SIC 3446—Architectural and ornamental metal work.

SIC 3448—Prefabricated metal buildings and components.

SIC 3449—Miscellaneous metal work.

SIC 3451—Screw machine products.

SIC 3452—Bolts, nuts, screws, rivets, and washers.

SIC 3462—Iron and steel forgings.

SIC 3463—Nonferrous forgings.

SIC 3465—Automotive stampings.

SIC 3466—Crowns and closures.

SIC 3469—Metal stampings, not elsewhere classified.

SIC 3482—Small arms ammunition.

SIC 3483—Ammunition, except for small arms, not elsewhere classified.

SIC 3484—Small arms.

SIC 3489—Ordinance and accessories, not elsewhere classified.

SIC 3493—Steel springs, except wire.

SIC 3494—Valves and pipe fittings, except plumbers' brass goods.

SIC 3495—Wire springs.

SIC 3486—Miscellaneous fabricated wire products.

SIC 3497—Metal foil and leaf.

SIC 3498—Fabricated pipe and fabricated pipe fittings.

SIC 3499—Fabricated metal products, not elsewhere classified.

SIC 3511—Steam, gas, and hydraulic turbines and turbine generator set units.

SIC 3519—Internal combustion engines, not elsewhere classified.

SIC 3523—Farm machinery and equipment.
 SIC 3524—Garden tractors and lawn and garden equipment.
 SIC 3531—Construction machinery and equipment.
 SIC 3532—Mining machinery and equipment, except oil field machinery and equipment.
 SIC 3533—Oil field machinery and equipment.
 SIC 3534—Elevators and moving stairways.
 SIC 3535—Conveyors and conveying equipment.
 SIC 3536—Hoists, industrial cranes, and monorail systems.
 SIC 3537—Industrial trucks, tractors, trailers, and stackers.
 SIC 3541—Machine tools, metal cutting types.
 SIC 3542—Machine tools, metal forming types.
 SIC 3544—Special dies and tools, die sets, jigs and fixture and industrial molds.
 SIC 3545—Machine tool accessories and measuring devices.
 SIC 3546—Power driven hand tools.
 SIC 3547—Rolling mill machinery and equipment.
 SIC 3549—Metal working machinery, not elsewhere classified.
 SIC 3551—Food products machinery.
 SIC 3552—Textile machinery.
 SIC 3553—Woodworking machinery.
 SIC 3554—Paper industries machinery.
 SIC 3555—Printing trades machinery and equipment.
 SIC 3559—Special industry machinery, not elsewhere classified.
 SIC 3561—Pumps and pumping equipment.
 SIC 3562—Ball and roller bearings.
 SIC 3563—Air and gas compressors.
 SIC 3564—Blowers and exhaust and ventilation fans.
 SIC 3565—Industrial patterns.
 SIC 3566—Speed changes, industrial high speed drives, and gears.
 SIC 3567—Industrial process furnaces and ovens.
 SIC 3568—Mechanical power transmission equipment, not elsewhere classified.
 SIC 3569—General industrial machinery and equipment, not elsewhere classified.
 SIC 3572—Typewriters.
 SIC 3573—Electronic computing equipment.
 SIC 3574—Calculating and accounting machines, except electronic computing equipment.
 SIC 3576—Scales and balances, except laboratory.
 SIC 3579—Office machines, not elsewhere classified.
 SIC 3581—Automatic merchandising machines.
 SIC 3582—Commercial laundry, dry cleaning and pressing machines.
 SIC 3585—Air conditioning and warm air heating equipment and commercial and industrial refrigeration equipment.
 SIC 3586—Measuring and dispensing pumps.
 SIC 3589—Service industry machines, not elsewhere classified.
 SIC 3592—Carburetors, pistons, piston rings, and valves.
 SIC 3599—Machinery, except electrical, not elsewhere classified.
 SIC 3612—Power distribution, and specialty transformers.
 SIC 3613—Switchgear and switchboard apparatus.
 SIC 3621—Motors and generators.
 SIC 3622—Industrial controls.
 SIC 3623—Welding apparatus, electric.
 SIC 3624—Carbon and graphite products.
 SIC 3629—Electrical industrial apparatus, not elsewhere classified.
 SIC 3631—Household cooking equipment.

SIC 3632—Household refrigerators and home and farm freezers.
 SIC 3633—Household laundry equipment.
 SIC 3634—Electric housewares and fans.
 SIC 3635—Household vacuum cleaners.
 SIC 3639—Household appliances, not elsewhere classified.
 SIC 3641—Electric lamps.
 SIC 3643—Current-carrying wiring devices.
 SIC 3644—Noncurrent-carrying wiring devices.
 SIC 3645—Residential electric lighting fixtures.
 SIC 3646—Commercial, industrial, and institutional electric lighting fixtures.
 SIC 3647—Vehicular lighting equipment.
 SIC 3648—Lighting equipment, not elsewhere classified.
 SIC 3651—Radio and television receiving sets, except communication types.
 SIC 3652—Phonograph records and prerecorded magnetic tape.
 SIC 3661—Telephone and telegraph apparatus.
 SIC 3662—Radio and television transmitting, signaling, and detection equipment and apparatus.
 SIC 3671—Radio and television receiving type electron tubes, except cathode ray.
 SIC 3672—Cathode ray television picture tubes.
 SIC 3673—Transmitting, industrial, and special purpose electron tubes.
 SIC 3674—Semiconductors and related devices.
 SIC 3675—Electronic capacitors.
 SIC 3676—Resistors, for electronic applications.
 SIC 3677—Electronic coils, transformers, and other inductors.
 SIC 3678—Connectors, for electronic applications.
 SIC 3679—Electronic components, not elsewhere classified.
 SIC 3691—Storage batteries.
 SIC 3692—Primary batteries, dry and wet.
 SIC 3693—Radiographic X-ray, fluoroscopic X-ray, therapeutic X-ray, and other X-ray apparatus and tubes, electromedical and electrotherapeutic apparatus.
 SIC 3694—Electrical equipment for internal combustion engines.
 SIC 3699—Electrical machinery, equipment, and supplies, not elsewhere classified.
 SIC 3711—Motor vehicles and passenger car bodies.
 SIC 3713—Truck and bus bodies.
 SIC 3714—Motor vehicle parts and accessories.
 SIC 3715—Truck trailers.
 SIC 3721—Aircraft.
 SIC 3724—Aircraft engine and engine parts.
 SIC 3728—Aircraft part and auxiliary equipment, not elsewhere classified.
 SIC 3731—Ship building and repairing.
 SIC 3732—Boat building and repairing.
 SIC 3743—Railroad equipment.
 SIC 3751—Motorcycles, bicycles, and parts.
 SIC 3761—Guided missiles and space vehicles.
 SIC 3764—Guided missile and space vehicle propulsion units and propulsion unit parts.
 SIC 3769—Guided missile and space vehicle parts and auxiliary equipment, not elsewhere classified.
 SIC 3792—Travel trailers and campers.
 SIC 3795—Tank and tank components.
 SIC 3799—Transportation equipment, not elsewhere classified.
 SIC 3811—Engineering, laboratory, scientific, and research instruments and associated equipment.
 SIC 3822—Automatic controls for regulating residential and commercial environments and appliances.

SIC 3823—Industrial instruments for measurement, display, and control of process variables; and related products.
 SIC 3824—Totalizing fluid meters and counting devices.
 SIC 3825—Instruments for measuring and testing of electricity and electrical signals.
 SIC 3829—Measuring and controlling devices, not elsewhere classified.
 SIC 3832—Optical instruments and lenses.
 SIC 3841—Surgical and medical instruments and apparatus.
 SIC 3842—Orthopedic, prosthetic, and surgical appliances and supplies.
 SIC 3843—Dental equipment and supplies.
 SIC 3851—Ophthalmic goods.
 SIC 3873—Watches, clocks, clock-work operated devices and parts.
 SIC 3911—Jewelry, precious metal.
 SIC 3914—Silverware, plated ware, and stainless steel ware.
 SIC 3915—Jeweler's findings and materials, and lapidary work.
 SIC 3931—Musical instruments.
 SIC 3942—Dolls.
 SIC 3944—Games, toys, and children's vehicles; except dolls and bicycles.
 SIC 3949—Sporting and athletic goods, not elsewhere classified.
 SIC 3951—Pens, mechanical pencils, and parts (balance).
 SIC 3961—Costume jewelry and costume novelties, except precious metal.
 SIC 3991—Brooms and brushes.
 SIC 3993—Signs and advertising displays.
 SIC 3995—Burial caskets.

19. ELECTROPLATING

SIC 347—Coating, engraving, and allied services.

20. ORE MINING AND DRESSING

SIC 1011—Iron ores.
 SIC 1021—Copper ores.
 SIC 1031—Lead and zinc ores.
 SIC 1041—Gold ores.
 SIC 1044—Silver ores.
 SIC 1051—Bauxite and other aluminum ores.
 SIC 1061—Ferroalloy ores, except vanadium.
 SIC 1092—Mercury ores.
 SIC 1094—Uranium-radium-vanadium ores.
 SIC 1099—Metal ores, not elsewhere classified.

21. COAL MINING

SIC 1111—Anthracite.
 SIC 1112—Anthracite mining services.
 SIC 1211—Bituminous coal and lignite.
 SIC 1213—Bituminous coal and lignite mining services.

5. Section 125.26 is amended by adding a new paragraph (d) as follows:

§ 125.26 Special categories of permits.

(d) Requirements under section 307(a)(2) of the Act.
 In issuing permits under this Part, the Regional Administrator shall comply with the provisions of 40 CFR § 124.46.

(Secs. 301(b)(2), 304(d), 307(a), 402(b), 402(d), 501(a), Pub. L. 92-500 86 Stat. 816, as amended by Pub. L. 95-217, 91 Stat. 217 (33 U.S.C. 1251 et seq.))

[FR Doc. 78-14294 Filed 5-22-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 124]

[FRL 887-3]

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

Proposed Rule

AGENCY: Environmental Protection Agency.

SUMMARY: Proposed Rule.

SUMMARY: EPA is proposing to revise final regulations published today. The final regulations facilitate compliance with the treatment deadlines for toxic pollutants under the Clean Water Act, by requiring permit modification or reissuance when new effluent guidelines covering those pollutants are promulgated or approved by EPA. However, these final regulations raise the question of how compliance will, in fact, be ensured when: (1) Permits are issued which do not expressly require achievement of future treatment deadlines, and (2) permit modification or revocation to incorporate such requirements is not triggered (e.g., where, for various reasons, new guidelines covering toxic pollutants are not or do not become available). In this document, EPA proposes to answer this question, indicating that permits may reflect a continuation of 1977 treatment requirements under the Act only if set to expire no later than 18 months from the scheduled date of effluent guideline promulgation (i.e., 1980-81). Permits set to expire after that time must provide for compliance with 1984 treatment requirements.

DATES: All comments received on or before June 22, 1978, will be considered.

ADDRESSES: Interested persons may participate in this proposed rulemaking by submitting comments to Mr. Edward A. Kramer, Permits Division (EN-336), Office of Water Enforcement, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. A copy of all public comments will be available for inspection and copying at EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Edward A. Kramer (EN-336), Office of Water Enforcement, Environmental Protection Agency, Washington, D.C. 20460, 202-755-0750.

SUPPLEMENTARY INFORMATION: On January 6, 1978, EPA published a proposed rule revising EPA's regula-

tions governing the NPDES programs (43 FR 1256). One of the stated purposes of this revision was to conform the regulations to the requirements of the Consent Decree in *NRDC v. Train*, 8 ERC 2120 (D.D.C. 1976). Specifically, the proposed regulations required that permits issued in 21 industrial categories be reissued or modified, through the use of a "reopener clause," to assure the prompt application of effluent guidelines and standards covering toxic pollutants. With minor modification, final regulations reflecting this requirement (40 CFR 124.46) are being published today. However, comments on the proposed rule questioning the operation of the reopener clause have led to this proposal to supplement the final rule.

In a June 20, 1977, memorandum of Administrator Costle, EPA required EPA Regional offices and encouraged NPDES States to issue short-term permits to dischargers in the 21 industrial categories. These permits were to expire shortly after applicable "best available technology economically achievable" (BAT) effluent guidelines are scheduled to be promulgated under the Consent Decree; they were to reflect the continuation of the conditions in the expiring permit, making any necessary adjustments, and were also to contain the reopener clause. Under this approach, new permits would be issued to reflect BAT limitations after the promulgation of the effluent guidelines and upon the expiration of the short term permits.

Although EPA has not required NPDES States to follow the short term permit approach, they must nevertheless assure compliance with the statutory deadlines in the Clean Water Act. NPDES States can fulfill this obligation either (1) through the issuance of short term permits (with the reopener clause) reflecting a continuation of existing permit conditions, or (2) through the issuance of long term permits (with the reopener clause) which require compliance with the statutory deadlines for the achievement of "best conventional pollutant control technology" (BCT) and BAT (including BAT for toxic pollutants).

NPDES States cannot fulfill this obligation through the issuance of long term permits which incorporate the reopener clause but which do not go beyond existing permit conditions toward compliance with BCT and BAT. Unlike short term permits—which will be reissued in 1980-81 to reflect compliance with BCT and BAT in the event that the reopener clause is not triggered—long term permits reflecting existing permit conditions cannot ensure compliance with statutory deadlines in the event that effluent guidelines for toxic pollutants under sections 301(b)(2) and (C) and

(D) are not or do not become available. In that case, the permit would not automatically be subject to modification. At the same time, it would not incorporate conditions designed to result in compliance with BCT and non-toxic BAT requirements. Such permits are clearly outside the guidelines and requirements of the Act, even absent these regulations, and are therefore subject to EPA objections under section 402(d) and 40 CFR 124.48.

For the purposes of the proposed regulation, short term permits are those with expiration dates no later than 18 months after the scheduled dates for effluent guideline promulgation under the Consent Decree, whereas long term permits are those set to expire after that time. The 18 month period was selected to aid EPA Regional offices and NPDES States in their permit issuance efforts, since 18 months will provide a reasonable time for permit reissuance once effluent guidelines are promulgated or approved, taking into account the possibility of minor delays in scheduled promulgation dates.

The proposed regulations formally establish the short term and long term options described above for the issuance of NPDES permits in the 21 industrial categories. Nevertheless, it remains EPA's position that the issuance of short term permits is the preferred option absent exceptional circumstances, due to the costly and time-consuming nature of case-by-case BCT and BAT determinations where effluent guidelines are not available.

Interested persons may participate in this proposed rulemaking by submitting comments or suggestions to Mr. Edward A. Kramer, Permits Division (EN-336), Office of Water Enforcement, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Each person submitting a comment should include his or her name and address and give reasons for any recommendations. A copy of all public comments will be available for inspection and copying at EPA Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460. The EPA information regulation (40 CFR Part 2) provides that a reasonable fee may be charged for copying.

NOTE.—The Environmental Protection Agency has determined that this document does not constitute a major regulation requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and under OMB Circular A-107.

Dated: May 10, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart E—Terms and Conditions of NPDES Permits
 Sec. 124.46 Requirements under section 307(a)(2) of the act.

Appendix D—Point source categories and permit expiration dates.

Subpart E—Terms and Conditions of NPDES Permits

1. Section 124.46 is proposed to be amended by adding a new paragraph (c) as follows:

§ 124.46 Requirements under section 307(a)(2) of the act.

(c) No permit issued to a discharger within an industrial category listed in Appendix D of this part, prior to the applicable date listed in appendix D, may be extended beyond that date, unless:

(1) Effluent limitations and standards applicable to the discharger have been promulgated or approved under sections 301(b)(2) (C) and (D), 304(b)(2), and 307(a)(2) of the Act; or

(2) The permit incorporates:

(i) The "reopener clause" required by paragraph (a) of this section;

(ii) Effluent limitations and a compliance schedule to meet the requirements of sections 301(b)(2)(A)-(F) of the Act; and

(iii) Any other terms and conditions necessary to carry out the provisions of the Act.

[Comments: (1) NPDES States are urged to issue permits expiring on or before the dates listed in appendix D. This approach is the simplest means of ensuring that all appropriate provisions of the Act, including time deadlines, are met. Even if the procedure authorized in paragraph (c)(2) is followed, dischargers must clearly understand that they will be required to meet all applicable requirements of the Act, including compliance with EPA effluent guidelines defining "best conventional pollutant control technology" (BCT) and "best available technology economically achievable" (BAT) by the statutory deadlines.

(2) A determination that a particular discharger falls within a given industrial category for purposes of setting a permit expiration date under paragraph (c) is not conclusive as to the discharger's inclusion in that industrial category, and does not prejudice any rights to challenge or change that inclusion at the time that effluent standards and limitations are determined to be applicable.]

PROPOSED RULES

2. Appendix D of this Part is proposed to be amended as follows:

APPENDIX D—POINT SOURCE CATEGORIES AND PERMIT EXPIRATION DATES

Timber Products Processing (Permit Expiration Date: September 30, 1980).

2. Steam Electric Power Plants (Permit Expiration Date: September 30, 1980).

3. Leather Tanning and Finishing (Permit Expiration Date: September 30, 1980).

4. Iron and Steel Manufacturing (Permit Expiration Date: September 30, 1980).

5. Petroleum Refining (Permit Expiration Date: September 30, 1980).

6. Inorganic Chemicals Manufacturing (Permit Expiration Date: March 31, 1981).

7. Textile Mills (Permit Expiration Date: March 31, 1981).

8. Organic Chemicals Manufacturing (Permit Expiration Date: March 31, 1981).

9. Nonferrous Metals Manufacturing (Permit Expiration Date: December 31, 1980).

10. Paving and Roofing Materials (TAR AND ASPHALT) (Permit Expiration Date: December 31, 1980).

11. Paint and Ink Formulation and Printing (Permit Expiration Date: December 31, 1980).

12. Soap and Detergent Manufacturing (Permit Expiration Date: June 30, 1981).

13. Auto and Other Laundries (Permit Expiration Date: June 30, 1981).

14. Plastic and Synthetic Materials Manufacturing (Permit Expiration Date: March 31, 1981).

15. Pulp and Paperboard Mills and Converted Paper Products (Permit Expiration Date: March 31, 1981).

16. Rubber Processing (Permit Expiration Date: March 31, 1981).

17. Miscellaneous Chemicals (Permit Expiration Date: June 30, 1981).

18. Machinery and Mechanical Products Manufacturing (Permit Expiration Date: June 30, 1981).

19. Electroplating (Permit Expiration Date: June 30, 1981).

20. Ore Mining and Dressing (Permit Expiration Date: December 31, 1980).

21. Coal Mining (Permit Expiration Date: December 31, 1980).

(Secs. 301(b)(a), 304(i), 307(a), 402(b), 501(a), Pub. L. 92-500, 86 Stat. 818, as amended by Pub. L. 95-217, 91 Stat. 217, (33 USC 1251 et seq.).)

[FR Doc. 78-14295 Filed 5-22-78; 8:45 am]

PRIVACY ACT ISSUANCES, 1977 COMPILATION

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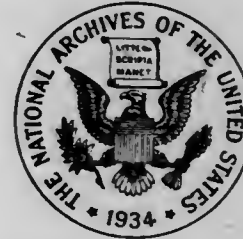
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Memorandum of May 18, 1978

Assistance to Zaire

[Presidential Determination No. 78-111]

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, May 18, 1978.

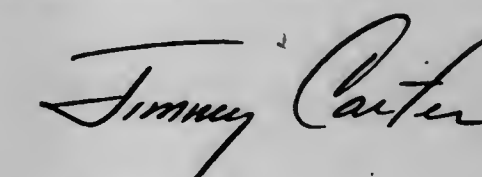
Pursuant to the authority vested in me by section 25 of the International Security Assistance Act of 1977, I hereby determine that:

(a) The furnishing to Zaire of not to exceed \$2,500,000 in international military education and training for the fiscal year 1978 under chapter 5 of part II of the Foreign Assistance Act of 1961, the extension to and utilization by Zaire of not to exceed \$17,500,000 for the fiscal year 1978 in credit under the Arms Export Control Act, and the utilization by Zaire of the uncommitted balance of credit extended to Zaire under the Arms Export Control Act in any prior fiscal year, are important to the national security interests of the United States; and

(b) Such assistance should be furnished to Zaire in the national security interests of the United States.

You are requested on my behalf to report this determination to the Congress, as required by law. You are also requested to keep the Congress fully and currently informed on the specific details of how the assistance to Zaire is utilized.

This determination shall be published in the FEDERAL REGISTER.



[FR Doc. 78-14672 Filed 5-22-78; 3:45 pm]

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

(Peach Reg. 1, Amdt. 2)

PART 918—FRESH PEACHES GROWN IN GEORGIA

Grade and Size Requirements

AGENCY: Agricultural marketing Service, USDA.

ACTION: Amendment to final rule.

SUMMARY: This action extends by 4 days the period during which 1½ inch Georgia peaches may be shipped. Such action is designed to promote orderly marketing in the interest of producers and consumers.

EFFECTIVE DATE: May 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: *Findings.* Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of peaches grown in Georgia, effective under the Agricultural marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation and information submitted by the Industry Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of peaches, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on May 17, 1978, to consider crop and market conditions and other factors affecting the need for further amending the current amended regulation, and recommended extending the period during which peaches at least 1½ inches in diameter could be shipped through May 26, 1978. The committee reports that abnormally cold weather has delayed the normal size development of the peach crop, and as a result the earlier maturing varieties, which normally mature at smaller sizes than later maturing

varieties, are not expected to meet the 1½ inch requirement which would become effective May 23, under the amended regulation currently in effect.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this amendment is based and the effective date necessary to effectuate the declared policy of the act. This amendment relieves restrictions on the handling of peaches. It is necessary to effectuate the declared purposes of the act to make this regulatory provision effective as specified, and handlers have been apprised of such provision and the effective time.

Paragraphs (a)(2) and (3) in § 918.320 Peach Regulation 1 (43 FR 18642; 20476), are hereby amended to read:

§ 918.320 Peach Regulation 1.

(a) No handler shall ship, except peaches in bulk to destinations in the adjacent markets, any peaches which:

(1) . . .

(2) During the period May 3 through May 26, 1978, are smaller than 1½ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1½ inches in diameter.

(3) During the period May 27 through August 31, 1978, are smaller than 1½ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1½ inches in diameter.

(Secs. 1-19, 48 Stat. 31, as amended; (7 U.S.C. 601-674).)

Dated: May 19, 1978, to become effective May 19, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-14544 Filed 5-23-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

Removal or Defacing of Radioactive Materials Labels on Empty Containers

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Nuclear Regulatory Commission is amending its regulations establishing standards for protection against radiation hazards arising out of NRC licensed activities to require the removal or the defacing of radioactive labels on empty, uncontaminated containers prior to disposal. The action is taken in response to a petition from the Department of Military Affairs, State of Alaska and is designed to reduce the number of required investigations concerning radioactive containers disposed of improperly.

EFFECTIVE DATE: June 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Lewis Battist, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6900.

SUPPLEMENTARY INFORMATION: In response to a petition from the Department of Military Affairs, Alaska Disaster Office, the Commission is hereby amending its rules, specifically 10 CFR Part 20, to require licensees to obliterate or mutilate the radioactive symbols or labels from empty radioactive material containers prior to disposal or clearly indicate that the container no longer contains radioactive

material. In the event such action is not feasible, then a placard or label bearing the word "empty" should be attached.

Notice of the petition for rulemaking (Docket Number PRM 20-8) was published in the *FEDERAL REGISTER* on February 22, 1977 (42 FR 10377) and public comment solicited. The Commission after considering the proposed rule published its intent to adopt this rule on July 14, 1977 (42 FR 36268) and invited public comment. A total of 10 comments were received in response to this *FEDERAL REGISTER* notice. Seven of these comments were in favor of this rule.

Two of the replies that were in favor of the proposed rule requested NRC to establish a residual activity or contamination limit to be applied to containers for uncontrolled disposal. The establishment of residual activity levels is beyond the scope or intent of the petition under consideration. One respondent expressed concern over the volume of labels that they would have to deface or destroy and stated that they would petition the NRC to accept compaction as a viable alternative to defacing or destroying the radioactive materials label. Compaction is an acceptable method for disposal, provided that any subsequently visible labels are removed or defaced.

Three of the replies were not in favor of the proposed rule. The concern expressed or implied in these comments was that full containers bearing radioactive materials labels would have the labels removed and then be discarded as ordinary trash. Such improper behavior could not be prevented by rulemaking. The negative respondent further expressed the desire that those individuals who dispose of improperly labelled containers be tracked down and cited. At the present time containers bearing the radioactive materials label, but not containing any radioactive material, may be disposed of in any manner. It is these empty containers that have been found in the environment. Promulgation of this rule is intended to eliminate this practice which resulted in responding to false alarms and to establish regulatory authority where-by violators can be cited.

Overlooked by the negative respondents is that the rule pertains to "empty uncontaminated containers." This requires a determination or knowledge of this fact on the part of the licensee at the time of disposal that these conditions have been met which further reduces the likelihood that contaminated containers will get into the surplus container trade.

The rule primarily pertains to shipping and other outer containers that do not ordinarily come into contact with radioactive materials. Present regulations, § 20.205 of 10 CFR Part

20, requires licensees to inspect and survey, upon receipt, packages containing radioactive materials. Any packages that are contaminated or have excessive radiation levels require notification of the shipper and the NRC. Any necessary action is taken at the time to prevent improper disposal practices and insure that the health and safety of the public are protected. Implementation of this rule requires a knowledge on the part of a licensee that the container being discarded is "empty and uncontaminated".

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 20, is published as a document subject to codification.

1. Paragraph (f) of § 20.203 of 10 CFR Part 20 is amended by adding a new subparagraph (4) to read as follows:

§ 20.203 Caution signs, labels, signals, and controls

(f) Containers. . . .

(4) Each licensee shall, prior to disposal of an empty uncontaminated container to unrestricted areas, remove or deface the radioactive material label or otherwise clearly indicate that the container no longer contains radioactive materials.

(Sec. 161 Pub. L. 83-703, 68 Stat. 948 (42 U.S.C. 2201); sec. 201, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).)

Dated at Washington, D.C., this 15th day of May 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-14135 Filed 5-23-78; 8:45 am]

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Revis. 13; Amdt. 21]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for the Purpose of SBA Loan Guarantees—Women's and Children's Nightwear Manufacturing

AGENCY: Small Business Administration.

ACTION: Final rule.

SUMMARY: This final rule establishes a temporary loan size standard for firms primarily engaged in manufacturing products in SIC-23413 (women's and children's nightwear, made from woven or purchased knit fabrics). It is necessary because of the market structure of this segment of the women's and children's underwear and nightwear industry (SIC-2341), and the special nature of the Government's ban on the use of the flame retardant chemical TRIS in children's nightwear. This rule is intended to result in the increased eligibility of firms in SIC-23413 for SBA financial assistance.

EFFECTIVE DATE: May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Harvey D. Bronstein, 202-653-6373.

SUPPLEMENTARY INFORMATION: On March 20, 1978, the *FEDERAL REGISTER* published a proposed rule to adopt a temporary 500-employee loan size standard for firms primarily engaged in SIC-23412. The Agency has received one comment on this proposal from a representative of an industry group.

The comment from the Independent Cutters and Sewers of Children's Sleepwear stated that the industry's problems are permanent, not temporary; that the size standard for SIC-2341 should be permanently changed to match that of SIC-2321 (men's shirts and nightwear) at 500 employees; and that SIC's 2321 and 2341 should be merged with respect to their nightwear portions to have its own size standard as if it were one industry. In addition, the comment said that we failed to consider our own rules in formulating the size standard (13 CFR 121.3-1(b)(3)) and that, since our rules state that the Standard Industrial Classification Manual is advisory and not mandatory, we should not use the manual's definition and instead create a new definition for the men's and women's nightwear industries.

The SBA position is that the financial difficulties created by the TRIS ban are temporary; that the size standard of SIC-2321 is not an issue here; that SIC's 2321 and 2341 are not the same industry, and that we are reluctant to use any industry definitions not recognized in the Standard Industrial Classification Manual, because all of our industrial structure data are based on it. The SIC Manual gives rather precise industry definitions and we are hesitant to use special definitions. We note that the SBA took the unusual step of going to a 5-digit SIC definition in this case. Furthermore, we considered all of the factors in § 121.3-1(b)(3) and many others, but chose to emphasize the percent of in-

dustry sales covered under the proposed size standard in our explanation in the proposed rule.

Accordingly, 13 CFR part 121.3-10(b) is hereby amended by adding a new subparagraph (4), which reads as follows:

§ 121.3-10 Definition of small business for SBA loans.

(b)

(4) As small if it is primarily engaged in manufacturing products in SIC Code 23413 (women's and children's nightwear, made from woven or purchased knit fabrics), has suffered substantial economic injury which makes it eligible for assistance under section 7(b)(5) of the Small Business Act, files an application for such assistance by (insert date 6 months from the effective date of the regulation), and has an average number of employees not to exceed 500.

Dated: May 16, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14443 Filed 5-23-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-139]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Special Tonnage Tax and Light Money

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This rule adds the German Democratic Republic and the United Arab Emirates to the list of nations whose vessels are exempted from the payment of higher tonnage duties than are applicable to vessels of the United States and from the payment of light money. It also extends the exemption previously afforded Great Britain to include the Cayman Islands. Satisfactory evidence has been obtained by the Department of State that no discriminating duties of tonnage or impost are imposed in ports of the German Democratic Republic, the United Arab Emirates, and the Cayman Islands upon vessels belonging to citizens of the United States or on their cargo.

EFFECTIVE DATE: The exemption became effective for the German Democratic Republic and the Cayman Islands, on January 1, 1977, and for the United Arab Emirates on October 25, 1975.

FOR FURTHER INFORMATION CONTACT:

Patrick J. Casey, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5706.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Generally, the United States imposes regular and special tonnage taxes, and a duty of a specified amount per ton, known as "light money," on all foreign vessels which enter United States ports (46 U.S.C. 121, 128). However, vessels of a foreign nation may be exempted from the payment of special tonnage taxes and light money upon presentation of proof satisfactory to the President that no discriminatory duties of tonnage or imposts are imposed by that foreign nation on United States vessels or their cargo (46 U.S.C. 141). The President has delegated the authority to grant this exemption to the Secretary of the Treasury. Section 4.22 of the Customs Regulations (19 CFR 4.22) lists those nations whose vessels have been exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

On December 29, 1976, the Department of State advised the Department of the Treasury that satisfactory evidence has been obtained from the Government of Great Britain that no discriminating duties of tonnage or impost are imposed or levied in ports of the Cayman Islands upon vessels wholly belonging to citizens of the United States, or upon the produce, manufacturers, or merchandise imported into the Cayman Islands in such vessels from the United States or from any foreign country.

On June 3, 1977 and October 26, 1977, the Department of State similarly advised that satisfactory evidence has been obtained from the Governments of the German Democratic Republic and the United Arab Emirates, respectively, that no discriminating duties of tonnage or impost are imposed or levied in ports of those countries upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported into those countries in those vessels.

In its communications, the Department of State advised no discriminating duties of tonnage or impost were imposed or levied upon vessels wholly

belonging to citizens of the United States, or upon the produce, manufactures, or merchandise, imported into ports of the Cayman Islands and the German Democratic Republic from January 1, 1977, and into ports of the United Arab Emirates from October 25, 1975.

DECLARATION

Therefore, by virtue of the authority vested in the President by section 4228 of the Revised Statutes, as amended (46 U.S.C. 141), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951, as amended by Executive Order No. 10882, July 18, 1960 (3 CFR, 1959-1963 Comp., Ch. II), and pursuant to the authorization provided by Treasury Department Order No. 190, Rev. 15 (43 FR 11884), I declare that the foreign discriminating duties of tonnage and import within the United States are suspended and discontinued, in respect to vessels of the Cayman Islands, the German Democratic Republic, and the United Arab Emirates, and the produce, manufactures, or merchandise imported into the United States in such vessels from the Cayman Islands, the German Democratic Republic, and the United Arab Emirates, or from any other foreign country.

This suspension and discontinuance shall take effect from January 1, 1977, in respect to vessels of the Cayman Islands and the German Democratic Republic, and from October 25, 1975 in respect to vessels of the United Arab Emirates, and shall continue for so long as the reciprocal exemptions of vessels wholly belonging to citizens of the United States and their cargoes shall be continued and no longer.

AMENDMENT TO THE REGULATIONS

In accordance with this declaration, § 4.22 of the Customs Regulations (19 CFR 4.22) is amended by adding "(including the Cayman Islands)" after "Great Britain", and inserting "German Democratic Republic", and "United Arab Emirates" in the appropriate alphabetical sequence in the list of nations whose vessels are exempted from the payment of any higher tonnage duties than are applicable to vessels of the United States and from the payment of light money.

(R.S. 251, as amended, 4219, as amended, 4225, as amended, 4228, as amended, sec. 3, 23 Stat. 119, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 3, 121, 128, 141).)

Because this amendment merely implements a statutory requirement, notice and public procedure thereon are found to be unnecessary and good cause exists for dispensing with the delayed effective date provisions of 5 U.S.C. 553.

DRAFTING INFORMATION

The principal author of this document was Todd J. Schneider, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service and the Department of State participated in developing the document, both on matters of substance and style.

Dated: May 16, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the
Treasury.

(FR Doc. 78-14550 Filed 5-23-78; 8:45 am)

[4810-22]

(T.D. 78-141)

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADE

Persons Boarding and Leaving Vessels Without Customs Permission

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations by defining the categories of individuals who may board or leave vessels arriving from outside the Customs territory of the United States without Customs permission before Customs formalities are completed and by clarifying the activities permitted to be performed by these individuals while on board.

EFFECTIVE DATE: June 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald H. Reusch, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5706.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 4.1(c) of the Customs Regulations (19 CFR 4.1(c)) provides that with certain exceptions, no person shall board or leave a vessel arriving from outside the Customs territory of the United States without the permission of a Customs officer before the vessel has been taken in charge by Customs. The exceptions include a pilot, officer of Customs or the Coast Guard, immigration officer, health officer, agent of the vessel, or consular officer.

It had been brought to the attention of the Customs Service that some vessel agents who board a vessel before Customs formalities are completed may solicit business from the master or purchasing officer for the

vessel's stores, in addition to attending to Customs formalities. As a result, it was contended, other suppliers, who cannot board the vessel until after Customs formalities are completed, are placed at a competitive disadvantage because the vessel agents on board have already solicited the business.

After determining that the claim had merit, on May 7, 1975, the Customs Service published a notice of proposed rulemaking in the *FEDERAL REGISTER* (40 FR 19830) to amend § 4.1(c) to clarify and limit the activities to be performed by the individuals who may board or leave a vessel without Customs permission before Customs formalities are completed. The notice emphasized that these individuals are authorized to board without Customs permission solely to aid in the navigation of the vessel or to aid in or perform Customs or certain other Government business, and not to conduct commercial or private business while on board.

Interested persons were given until June 6, 1975, to submit relevant data, views, or arguments. After consideration of the comments received, the Customs Service has decided to make the changes set forth in the document.

DISCUSSION OF COMMENTS

Although the proposal included a specific exception for a "pilot in connection with the navigation of a vessel," one commenter suggests that a similar provision was needed to permit a person who is not a pilot to board an unmanned barge without Customs permission to assist in its navigation. Inasmuch as this comment has merit, the proposed amendment has been revised to include the suggestion.

Another commenter supports the proposal provided container handling begins as soon as possible after the vessel arrives and the Customs officer reviews the ship's papers. By further defining the categories of individuals who may board the vessel without Customs permission, the proposed amendment will aid the Customs officer to attend to his duties, thereby ensuring prompt commencement of cargo handling.

The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture suggests that its inspectors be specifically included within the category of Government officers authorized to board and leave a vessel without Customs permission to perform its Government business. The suggestion has been adopted and the proposed amendment revised accordingly.

DISCUSSION OF OTHER CHANGES

It is intended that the excepted categories of individuals may both board

and leave a vessel without Customs permission. However, as proposed, the second sentence of the amendment is unclear in that it may be interpreted to provide that except for the purpose of reporting the arrival of the vessel, no person, including the excepted categories of individuals, may leave the vessel without Customs permission before Customs formalities are completed. Therefore, the language of the proposed amendment has been revised to make it clear that the excepted categories of individuals may both board and leave a vessel without customs permission.

The proposed amendment, modified to include these changes, is adopted as set forth below.

DRAFTING INFORMATION

The principal author of this document was Charles D. Ressin, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in developing the document both on matters of substance and style.

AMENDMENT TO THE REGULATIONS

Paragraph (c) of § 4.1 of the Customs Regulations (19 CFR 4.1(c)) is amended to read as follows:

§ 4.1 Boarding of vessels; cutter and dock passes.

(c)(1) No person, with or without the consent of the master, except a pilot in connection with the navigation of the vessel, personnel from another vessel in connection with the navigation of an unmanned barge, an officer of Customs or the Coast Guard, an immigration or health officer, an inspector of the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, or an agent of the vessel or consular officer exclusively for purposes relating to Customs formalities, shall go on board any vessel arriving from outside the Customs territory of the United States without permission of the district director or the Customs officer in charge until the vessel has been taken in charge by a Customs officer.

(2) A person may leave the vessel for the purpose of reporting its arrival as required by law (see § 4.2), but no other person, except those designated in paragraph (c)(1) of this section, shall leave any vessel arriving from outside the Customs territory of the United States, with or without the consent of the master, without the permission of the district director of Customs or the Customs officer in charge until the vessel has been properly inspected by Customs and

COMMENTS

Eight comments were received in response to the notice of proposed amendment, six of which supported the proposal.

One commenter suggested that Customs Automated Bond Information System (ABIS) be programmed to list separately the additional amount of the bond riders on the ABIS printout. This suggestion has been adopted.

One commenter stated that the proposal does not provide any way for the surety to limit its accelerated drawback liability to a specific dollar amount under the general term bond. This commenter urged that the bonds on Customs Forms 7609 and 7611 continue to be used to cover accelerated drawback liability in all cases.

As stated in the proposal, this method of securing bond coverage for accelerated payment of drawback claims is an alternative to the present procedure, which may continue to be used. If the new procedure is used, a rider stipulating that the principal and surety assume the additional liability for refund of excess accelerated drawback payments would be attached to the General Term Bond for Entry of Merchandise (Customs Form 7595) at the time the general term bond is filed. The amount of the general term bond would be increased to include the added coverage for drawback claims. The liability of the surety would be limited to the specific dollar amount of the general term bond plus the estimated amount of drawback to be claimed during the term of the bond.

AMENDMENT TO THE REGULATIONS

After consideration of all the comments received, it has been determined that the proposed amendment should be adopted without change, as set forth below.

DRAFTING INFORMATION

The principal author of this document was Paul G. Hegland, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

Approved: May 11, 1978.

G. R. DICKERSON,
Acting Commissioner
of Customs.

RICHARD J. DAVIS,
Assistant Secretary
of the Treasury.

Section 22.20a of the Customs Regulations (19 CFR 22.20a) is amended by adding the following between the second and third sentences therein:

brought into the dock or anchorage at which cargo is to be unladen and until all passengers have been landed from the vessel."

(3) Every person permitted to go on board or to leave without the consent of a Customs officer under the provisions of this paragraph shall be subject to Customs and quarantine regulations.

(4) The master of any vessel shall not authorize the boarding or leaving of his vessel by any person in violation of this paragraph.

(R.S. 251, as amended, sections 1-3, 31 Stat. 58, section 624, 46 Stat. 759 (19 U.S.C. 66, 1624, 46 U.S.C. 163.)

G. R. DICKERSON,
Acting Commissioner
of Customs.

Approved: May 11, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the
Treasury.

(FR Doc. 78-14551 Filed 5-23-78; 8:45 am)

[4810-22]

(T.D. 78-140)

PART 22—DRAWBACK

Accelerated Payment of Drawback Claims

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: To obtain accelerated payment of a drawback claim, the claimant now must submit a bond with each claim, guaranteeing the refund of any excess payment made to him by Customs. This document amends the Customs Regulations to provide that, as an alternative, a claimant may attach a rider that assumes the additional liability for the refund of any excess accelerated drawback payment to a general term bond at the time the general term bond is filed.

EFFECTIVE DATE: June 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald F. Beach, Carriers, Drawback and Bonds Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5856.

SUPPLEMENTARY INFORMATION:

BACKGROUND

"Drawback" denotes a situation in which a duty or tax, lawfully collected, is refunded or remitted, wholly or partially, because of a particular use made of the merchandise on which the duty or tax was collected. One of the more common types of drawback is that allowed upon the exportation of articles manufactured or produced in the United States with the use of

imported merchandise (section 313(a), Tariff Act of 1930 (19 U.S.C. 1313(a))). Part 22 of the Customs Regulations (19 CFR Part 22) contains provisions regarding drawback claims.

Under § 22.20a of the Customs Regulations (19 CFR 22.20a), a drawback claimant may receive payment for his claim before it is liquidated. To obtain accelerated payment the claimant must file a bond on either Customs Form 7609 or 7611, guaranteeing the refund of any excess payment made to him by Customs, together with the request for accelerated payment.

Notice of a proposal to amend § 22.20a was published in the *FEDERAL REGISTER* on November 10, 1976 (41 FR 49646). The notice proposed an alternative to the procedure provided in § 22.20a for guaranteeing the refund of any excess payment made on a drawback claim. Under the alternative procedure, a bond rider (that is, a supplemental clause) stating that the principal and surety agree to assume the additional liability for the refund of any excess payment of accelerated drawback may be attached to the General Term Bond for Entry of Merchandise (Customs Form 7595) at the time the general term bond is filed. If this rider is attached to the general term bond, the amount of that bond would be increased to include the added coverage for drawback claims so that the overall amount of protection given customs would not be reduced. The rider, with its alphabetical designation, is approved for use in the Customs Automated Bond Information System (ABIS). Several minor changes have been made to the sample rider published with the proposal. A sample rider, as revised, follows:

RIDER TO A GENERAL TERM BOND FOR ACCELERATED PAYMENT OF DRAWBACK CLAIMS

P-ACCELERATED PAYMENT OF DRAWBACK CLAIMS—TO BE ADDED TO CUSTOMS FORM 7595

In addition to the conditions appearing in the bond dated _____, in the amount of _____, executed by _____, as principal, and by _____, as surety, to which this stipulation relates, it is hereby expressly agreed by the principal and surety thereon that the following additional condition shall apply:

And if the above-bounded principal, in consideration of the receipt of accelerated payment of drawback the amount of which is based upon the principal's own computations, shall, upon demand, refund to the Customs Service the excess of the accelerated payment over the amount actually established to be due upon liquidation of the claim (it being understood and agreed that for purposes of this bond the amount due on a claim as determined by liquidation shall be binding on all parties to this obligation).

Witness our hand and seals this _____ day of _____ 19____.

_____(SEAL)
(Principal)

_____(SEAL)
(Surety)

§ 22.20a Accelerated payment of drawback claims.

*** In lieu of filing Customs Form 7609 or 7611, a claimant may provide appropriate coverage by executing and attaching an approved rider to a General Term Bond for Entry of Merchandise, Customs Form 7595, at the time of filing Customs Form 7595. When a rider is to be attached to Customs Form 7595, the amount of the bond shall be increased by the estimated amount of accelerated drawback to be claimed during the term of the bond. If actual accelerated drawback claims exceed the estimated amount of accelerated drawback, additional bond coverage shall be required. ***

(R.S. 251, as amended, sections 313, 623, 624, 46 Stat. 693, as amended, 759, as amended (19 U.S.C. 66, 1313, 1623, 1624).)

[FR Doc. 78-14549 Filed 5-23-78; 8:45 am]

[6560-01]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[FRL 899-2; PAP 6H5111/T34]

SUBCHAPTER E—FOOD AND FOOD PRODUCTS

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER 3—ANIMAL FEEDS, DRUGS, AND RELATED PRODUCTS

PART 561—TOLERANCES FOR PESTICIDES IN ANIMAL FEEDS ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

O-Ethyl *O*-[4-(methylthio)phenyl] *S*-propyl phosphorodithioate

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule extends the expiration date for food and feed additive regulations related to the experimental use of the insecticide *O*-ethyl *O*-[4-(methylthio)phenyl] *S*-propyl phosphorodithioate on cotton plants. The extension was requested by Chemagro Agricultural Division. This rule will permit the marketing of the by-products derived from treated cottonseed while further data are collected on the subject pesticide.

EFFECTIVE DATE: Effective on May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. James G. Touhey, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-4851.

SUPPLEMENTARY INFORMATION: On June 10, 1977, the EPA announced (42 FR 29857) that in response to a petition (PAP 6H5111) submitted by Chemagro Agricultural Division, Mobay Chemical Corp., P.O. Box 4913, Kansas City, Mo. 64120, 21 CFR 193.212 and 561.233 were being established to permit the use of the insecticide *O*-ethyl *O*-[4-(methylthio)phenyl] *S*-propyl phosphorodithioate and its cholinesterase-inhibiting metabolites on growing cotton with tolerance limitations of 1 part per million (ppm) in cottonseed oil and cottonseed hulls, respectively, in accordance with an experimental use permit that was being issued concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.). This experimental program will expire June 3, 1978.

Chemagro Agricultural Division, Mobay Chemical Corp., has requested a one-year extension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of food commodities affected by the application of the insecticide to the growing raw agricultural commodity cotton.

The scientific data reported and other relevant material have been evaluated, and it has been determined that the pesticide may be safely used in accordance with the provisions of the experimental use permit which is being issued concurrently under FIFRA. It has further been determined that since residues of the pesticide may concentrate in cottonseed oil and hulls from the agricultural use provided for in the experimental use permit, the food and feed additive regulations should be extended along with the tolerance limitations. (A related document concerning the extension of temporary tolerances for residues of the subject pesticide in or on cottonseed; the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; milk; and eggs appears elsewhere in today's FEDERAL REGISTER.)

Accordingly, food and feed additive regulations are established as set forth below.

Any person adversely affected by this regulation may, on or before June 22, 1978, file written objections with the Hearing Clerk, EPA, Rm. M-3708, 401 M St. SW., Washington, D.C. 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation

deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 24, 1978, 21 CFR Parts 193 and 561 are amended as set forth below.

Dated: May 15, 1978.

(Sec. 409(c)(1), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348(c)(1)).)

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

§ 193.212 [Amended]

1. In 21 CFR 193.212, at the end of paragraph (a) the date is changed from "June 3, 1978" to "June 3, 1979."

§ 561.233 [Amended]

2. In 21 CFR 561.233, at the end of paragraph (a), the date is changed from "June 3, 1978" to "June 3, 1979."

[FR Doc. 78-14457 Filed 5-23-78; 8:45 am]

[4910-22]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER G—ENGINEERING AND TRAFFIC OPERATIONS

PART 646—RAILROADS

Railroad-Highway Insurance Protection; Amendment

AGENCY: Federal Highway Administration, DOT.

ACTION: Amendment to final rule.

SUMMARY: This document amends the regulation on railroad-highway insurance protection by providing for an increased amount of coverage of a combined \$2 million per occurrence for bodily injury, death, and property damage. The current maximum limits of coverage now permitted are not compatible with claim amounts and awards and are inconsistent with types of insurance coverage presently being utilized in the railroad industry.

EFFECTIVE DATE: May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

James A. Carney, Railroads and Utilities Branch, 202-426-0104; or Lee J. Burstyn, Attorney, Office of the Chief Counsel, 202-426-0786, Federal Highway Administration, 400 Seventh Street SW., Washington, D.C.

20590. Office hours are from 7:45 a.m. to 4:15 p.m. ET., Monday through Friday.

SUPPLEMENTARY INFORMATION: This amendment has the effect of modifying the dollar amount of railroad-protective insurance costs which are to be reimbursed from Federal funds for damages resulting from highway construction activities. The current maximum limits of coverage now permitted are not compatible with claim amounts and awards and are inconsistent with types of insurance coverage presently being utilized in the railroad industry. The existing regulation, in paragraph (a) of § 646.111, provides separate amounts of coverage per occurrence for bodily injury, death, and property damage. The new simplified coverage would increase the maximum coverage to a combined \$2 million per occurrence. Paragraph (b) of the same section allows greater amounts of coverage in cases involving appreciably higher risks. The financial impact of this revision on the Federal-aid highway program is minimal.

The matters affected relate to grants, benefits, or contracts within the purview of 5 U.S.C. 553(a)(2); therefore, general notice of proposed rulemaking is not required.

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal according to the criteria established by the Department of Transportation pursuant to E.O. 12044.

In consideration of the foregoing, the Federal Highway Administration is amending Chapter I of Title 23, Code of Federal Regulations, § 646.111(a) to read as follows:

§ 646.111 Amount of coverage.

(a) The maximum dollar amounts of coverage to be reimbursed from Federal funds, with respect to bodily injury, death, and property damage, is limited to a combined amount of \$2 million per occurrence, except as provided in paragraph (b) of this section.

(b) ***

(23 U.S.C. 315; 49 CFR 1.48(b).)

Issued on: May 11, 1978.

KARL S. BOWERS,
Acting Federal Highway
Administrator.

[FR Doc. 78-14459 Filed 5-23-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3363]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Manderson, Big Horn County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Manderson, Big Horn County, Wyo. These base ((100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Manderson, Wyo.

ADDRESS: Maps and other information showing the detailed outline of the flood-prone areas and the final elevations for the Town of Manderson, Big Horn County, Wyo., are available for review at Town Hall, Manderson, Wyo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Manderson, Wyo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Horn River	U.S. Highway No. 20	3,897
	Railroad bridge	3,892
Nowood River	Marshall St. Bridge	3,893

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13793 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4017]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Franklin, Venango County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final Base (100-year) flood elevations are listed below for selected locations in the City of Franklin, Venango County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Franklin, Venango County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Franklin, Venango County, Pa., are available for review at the City Hall, 430 13th Street, Franklin, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Franklin, Venango County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Allegheny River....	Downstream corporate limits (extended).....	973
	4th St. (extended).....	974
	U.S. Route 322 bridge.....	976
	Upstream corporate limits (extended).....	978
French Creek.....	Route 8 and U.S. Route 62 bridge.....	978
	12th St. (extended).....	982
	U.S. Route 322 bridge.....	985
	Corporate limits (2 mi above mouth).....	994
	Upstream corporate limits (extended).....	1,006

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13784 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4020]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Harrison, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Harrison, Allegheny County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Harrison, Allegheny County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Harrison, Allegheny County, Pa., are available for review at the Municipal Building, Municipal Drive, Natrona Heights, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Harrison, Allegheny County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Allegheny River....	Sycamore St. (extended).....	758
	Chestnut St. (extended).....	759
	Lock and Dam No. 4.....	763
	Upstream end of Jack's Island.....	764
	Sportsman Park Dr. (extended).....	766
	Upstream corporate limit.....	769
Bull Creek.....	Downstream corporate limit.....	767
	Upstream corporate limit.....	760
Little Bull Creek....	Pleasantville Rd. (crossing).....	727
	Kentucky St. (extended).....	768
	Parkway Ave. (extended).....	887
	Meadow St. (extended).....	894

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13795 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3882]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Hempfield, Westmoreland County, Pennsylvania

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Hempfield, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

elevations, for the Township of Hempfield, Westmoreland County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Hempfield, Westmoreland County, Pa., are available for review at the Hempfield Township Municipal Building.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Hempfield, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sewickly Creek.....	Confluence of township line run.....	970
	State Route 819.....	969
	ConRail—600 ft downstream State Route 819.....	967
	ConRail (1,400 ft downstream State Route 819).....	964
	Trout Town Rd.....	956
	Confluence of Jack's Run.....	953
	Corporate limit at L.R. 64171.....	952
	New Station corporate limit 3,500 ft upstream U.S. Route 119.....	939
	U.S. Route 119.....	937
	L.R. 64164.....	938
	Confluence with tributary No. 2 South of L.R. 64142.....	1,024
	L.R. 64146.....	1,019
	Private bridge (1,080 ft downstream of L.R. 64146).....	1,018
Jack's Run.....		

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
City of Greensburg corporate limits (880 ft downstream of private bridge).....		1,018	L.R. 64174.....	Private drive (500 ft downstream of L.R. 64174).....	995
	City of Greensburg corporate limits (780 ft upstream of ConRail).....	1,018		Private drive (1,520 ft downstream of L.R. 64174).....	990
	ConRail—780 ft downstream of the city of Greensburg corporate limits.....	1,018		Private drive (1,990 ft downstream of L.R. 64174).....	988
	City of Greensburg corporate limits (280 ft downstream of ConRail).....	1,010		Private drive (2,370 ft downstream of L.R. 64174).....	987
	Borough of South Greensburg corporate limits (590 ft upstream of U.S. 119).....	988		Upstream corporate limits of Borough of South Greensburg.....	981
	Borough of South Greensburg corporate limits (290 ft upstream of U.S. 119).....	988		Borough of South Greensburg at Keystone Ave. Confluence with Jack's Run.....	979
	U.S. Route 119 (810 ft upstream of L.R. 64111).....	987		Tributary No. 1..... Carbon Rd.....	997
	Private footbridge (300 ft downstream of L.R. 64111).....	984		Private drive 700 ft upstream of Hunter Rd.....	990
	U.S. Route 119 (450 ft upstream of confluence with Slate Creek).....	982		Private drive (510 ft upstream of Hunter Rd.).....	987
	ConRail (100 ft upstream of Confluence with Slate Creek).....	980		Hunter Rd. (1,440 ft upstream of confluence with Jack's Run).....	986
	Confluence of Slate Creek.....	979		Hunter Rd (440 ft upstream of confluence with Jack's Run).....	984
	ConRail 1,100 ft downstream of Confluence with Slate Creek.....	976		Tributary No. 2..... Private drive.....	1,031
	Baker St.....	974		Confluence with Jack's Run.....	1,024
	ConRail 3,100 ft upstream of Borough of Youngwood corporate limits.....	971	Tributary No. 3.....	Private footbridge 50 ft upstream of Country Club Rd.....	1,099
Slate Creek.....	Upstream corporate limit of Borough of Youngwood.....	963		Country Club Rd.....	1,098
	Corporate limit of Borough of Youngwood at Township Route 555.....	954		Private footbridge 1,380 ft downstream of Country Club Rd.....	1,092
	Confluence with Sewickly Creek.....	953		Private footbridge 1,600 ft downstream of Country Club Rd.....	1,091
	Corporate limit 1,075 ft upstream of U.S. Route 30.....	1,111		Green Gate Rd.....	1,085
	U.S. Route 30.....	1,089		Private drive 1,200 ft downstream of Green Gate Rd.....	1,076
	Private footbridge (50 ft upstream of Luxor Rd.).....	1,086		Abandoned footbridge 570 ft upstream of Weber St.....	1,078
	Luxor Rd.....	1,086		Weber St.....	1,069
	Abandoned bridge (40 ft upstream of Township Route 398).....	1,086		Private footbridge 150 ft downstream of Weber St.....	1,068
	Township Route 398.....	1,085		Pennsylvania Route 130.....	1,060
	Private drive (1,160 ft downstream of Township Route 398).....	1,071		Private drive 220 ft downstream of Pennsylvania Route 130.....	1,057
	Private drive (1,860 ft downstream of Township Route 398).....	1,058		Piscus Lane.....	1,054
	Private drive 680 ft upstream of L.R. 64140.....	1,043		Private drive 630 ft upstream of confluence with Brush Creek.....	1,042
	L.R. 64140.....	1,039		Confluence with Brush Creek.....	1,033
	Private drive (180 ft upstream of Pennsylvania Route 130).....	1,030	Brush Creek.....	State Route 766.....	1,100
	Pennsylvania Route 130.....	1,029		Private drive 1,140 ft downstream of State Route 766.....	1,093
	Brookdale Dr.....	1,022		Private drive 1,540 ft upstream of Brown Ave.....	1,032
	Township Route 605.....	1,012		Brown Ave.....	1,018
	Briarwood Dr.....	1,002		Private road 390 ft downstream of Brown Ave.....	1,013
				Thomas St.....	1,006
				Corporate limits at ConRail.....	1,001

[4210-01]

[Docket No. FI-1080]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Huntingdon, Huntingdon County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Huntingdon, Huntingdon County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the borough of Huntingdon, Huntingdon County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Huntingdon, Huntingdon County, Pa., are available for review at the bulletin board in the lobby of the Borough Building, 10th and Moore Streets, Huntingdon, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the borough of Huntingdon, Huntingdon County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.).

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator
[FR Doc. 78-13796 Filed 5-23-78; 8:45 am]

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	ConRail, 250 ft upstream of Penn Manor Rd.	941
	Penn Manor Rd.	938
	Corporate limit at Race St.	935
Tributary No. 4	Tipple Row Rd.	1,078
	L.R. 64142 350 ft downstream of Tipple Row Rd.	1,068
	Private drive 650 ft downstream of Tipple Row Rd.	1,067
	L.R. 64142 250 ft upstream of confluence with Little Crabtree Creek.	1,057
	Confluence with Little Crabtree Creek.	1,056
Little Crabtree Creek	Private drive	1,056
	Township Route 829	1,048
	L.R. 64142	1,038
	U.S. Route 119	1,004
	Confluence with Crabtree Creek.	997
Crabtree Creek	L.R. 64054	1,038
	Abandoned private drive	1,025
Zellers Run	City of Greensburg corporate limit at Otterman St.	1,068
	West Pittsburg St.	1,064
	James St.	1,061
	City of Greensburg corporate limit 340 ft downstream of James St.	1,055
	City of Greensburg corporate limit 1,130 ft upstream of Stanton St.	1,029
	Borough of Southwest Greensburg corporate limits at Stanton St.	1,020
Tributary No. 5	City of Greensburg corporate limit at Pennsylvania Route 619.	1,065
	Abandoned road	1,030
	Forest Hills Dr.	1,029
	Terrace View Dr.	1,028
	City of Greensburg corporate limits at 100 ft downstream of Terrace View Dr.	1,027
	Corporate limit at Union Cemetery Rd.	1,018
	Corporate limit at U.S. Highway 119.	1,018
Little Sewickly	Private drive	1,037
	Corporate limit 390 ft downstream of private drive	1,036
	Corporate limit 1,200 ft downstream of private drive.	1,034
	Corporate limit 1,640 ft downstream of private drive.	1,034

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.).

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Juniata River	Downstream corporate limit.	617
	Huntingdon Bridge (4th St.).	619
	Route 26 Bridge	622
	Cypress Island Bridge.	625
	Upstream corporate limit.	641
Standing Stone Creek	Penn Central RR. bridge.	619
	Route 26 bridge	619
	Upstream corporate limit.	619
Muddy Run	Penn St.	621
	Washington St.	622
	Mifflin St.	625
	9th St.	631
	10th St.	635
	11th St.	638
	13th St.	646
	14th St.	650
	15th St.	652
	College Ave. (extended).	658

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.).

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13797 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4005]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Lawrence Park, Erie County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Lawrence Park, Erie County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Lawrence Park, Erie County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Lawrence Park, Erie County, Pa., are available for review at the 2d floor of the Township Fire Hall, 4102 Main Street, Erie, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Lawrence Park, Erie County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Four Mile Run	Confluence with Lake Erie.	577
	Private drive (2,800 ft downstream of East Lake Rd.).	594
	Private drive (2,000 ft downstream of East Lake Rd.).	598
	Upstream of East Lake Rd.	630
	Footbridge (700 ft downstream of footbridge).	643
	Main St.	654
	Footbridge (1,500 ft upstream of Main St.).	669
	East Erie Commercial RR.	672
	Upstream of ConRail tracks.	681

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
McDaniel Run	Confluence with Lake Erie.	577
	Corporate limits	617
	Franklin Ave.	665
	Inlet to culvert (800 ft upstream of Franklin Ave.).	673
	ConRail	676
Lake Erie	Shoreline within community.	577

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13798 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3884]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Mahoning, Carbon County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Mahoning, Carbon County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Mahoning, Carbon County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Mahoning, Carbon County, Pa., are available for review at the Municipal Building, R.D. No. 1, Lehigh, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

ance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Mahoning, Carbon County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lehigh River	Downstream corporate limits.	437
	ConRail	511
	Upstream corporate limits.	522
Mahoning Creek	Confluence with Lehigh River.	459
	Dam No. 1	464
	Route 443	466
	East Penn St.	469
	9th St.	472
	Bridge St.	481
	Mertztown Rd.	500
Stewart Creek	Footbridge	496
	Route 902 and Mertztown Rd. connection.	505
	Private driveway	547
	Route 902	582

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974.).

Issued: April 12, 1978

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13799 Filed 5-23-78; 8:45 am]

[4210-01]
[Docket No. FI-3886]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of New Kensington, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of New Kensington, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of New Kensington, Westmoreland County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of New Kensington, Westmoreland County, Pa., are available for review at the City Clerk's Office, New Kensington City Hall, 2400 Leechburg Road, New Kensington, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of New Kensington, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Allegheny River	Confluence with Pucketa Creek	752
	Pennsylvania Route 56	753
	Pennsylvania Route 368	756
Pucketa Creek	Downstream corporate limits	752
	Upstream corporate limits	752
Little Pucketa Creek	2d St. (upstream side)	752
	Freeport St. (upstream side)	755
	4th St. (upstream side)	758
	Stevenson Blvd. (downstream crossing)	762
	7th St. (upstream side)	765
	High School Rd.	767
	Football Field Rd.	770
	Stevenson Blvd. (upstream crossing)	780

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13800 Filed 5-23-78; 8:45 am]

[4210-01]
[Docket No. FI-4004]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of North Huntingdon, Westmoreland County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of North Huntingdon, Westmoreland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in

the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of North Huntingdon, Westmoreland County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of North Huntingdon, Westmoreland County, Pa., are available for review at the North Huntingdon Municipal Building, 11279 Center Highway, North Huntingdon, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of North Huntingdon, Westmoreland County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brush Creek	Downstream corporate limit	785
	Mahaffey Dr.	790
	ConRail	793
	State Route 993 (downstream)	798
	State Route 993 (1st upstream)	811
	State Route 993 (2nd upstream)	816
	State route 993 (3rd upstream)	824
	ConRail	827

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13801 Filed 5-23-78; 8:45 am]

[4210-01]
[Docket No. FI-3889]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Ridgway, Elk County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Ridgway, Elk County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Ridgway, Elk County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Ridgway, Elk County, Pa., are available for review at the Municipal Building, Ridgway Drive, Ridgway, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Ridgway, Elk County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Clarion River near Borough of Ridgway	Confluence with Alysworth Run	1,374
Clarion River near Borough of Johnsonburg	Downstream corporate limits	1,431
	Confluence with Powers Run	1,431
Elk Creek	Downstream corporate limits	1,401
Alysworth Run	Confluence with Clarion River	1,374
	ConRail	1,374
	Laurel Mill Rd.	1,374
	Grant Rd. (330 ft upstream of Laurel Mill Rd.)	1,377
	Grant Rd. (2,000 ft upstream of Laurel Mill Rd.)	1,425
West Branch Clarion River	Downstream corporate limits	1,445
	Upstream of Main St.	1,448
Powers Run	Confluence with Clarion River	1,431
	ConRail	1,431
	U.S. Route 219	1,438
	Johnsonburg-Ridgway corporate limits	1,446

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 6, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13802 Filed 5-23-78; 8:45 am]

[4210-01]
[Docket No. FI-4019]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Wilkens, Allegheny County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Wilkens, Allegheny County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Wilkens, Allegheny County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Wilkens, Allegheny County, Pa., are available for review at the Municipal Building, Ridgway Drive, Ridgway, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Wilkens, Allegheny County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beyerly Rd.		832
ConRail (downstream)		837
ConRail (upstream)		840
Footbridge		850
State Route 993 (4th upstream)		857
State Route 993 (5th upstream)		875
State Route 993 (6th upstream)		878
Water St.		880
ConRail		888
East St.		888
ConRail (downstream)		891
ConRail (upstream)		893
Confluence with tributary 3		895
McCavett Rd.		904
Pennsylvania Turnpike		906
Upstream corporate limits		917
Youghiogheny River	Downstream corporate limits	958
	Upstream corporate limits	959
Tinkers Run	Center Highway	918
	Route 30	923
	ConRail	932
	Confluence with Tinkers Run tributary	950
	Laurel Ave	966
	Access Ramp	978
Tributary No. 3	Confluence of Brush Creek	895
Tributary No. 4	Corporate limits	973
	Route 30	990
	Earth fill	990
	Route 30	1,012
	Township Rd.	1,020
Long Run	Corporate limits	911
	Lincoln Way (approximately 250 ft downstream of Five Pines Rd.)	928
	Lincoln Way (at Five Pines Rd.)	943
	Private drive (off Lincoln Way)	949
	Private drive (off Park Hill Rd.)	954
	Park Hill Rd.	956
	Confluence with Long Run tributary	992
	Wainwright Dr.	997
	Roth Drive	1,003
	Abrams Dr.	1,011
	Station Rd.	1,028

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13801 Filed 5-23-78; 8:45 am]

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Wilkens, Allegheny County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Wilkens, Allegheny County, Pa., are available for review at the Wilkens Municipal Building, 110 Peffer Road, Turtle Creek, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Wilkens, Allegheny County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Thompson Run	Downstream corporate limits.	754
	Jones St.	757
	Union RR. (western-most bridge).	766
	Union RR. (eastern)	769
	Buena Vista Dr.	767
	Newton Rd.	808
	William Penn Highway (route 22).	828
	Union RR. (downstream).	829
	Union RR. (upstream)	836
	Upstream corporate limits.	838
Chalfant Run	Larimer Ave.	790
	Baker St.	808

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Rodi Rd.	856
	U.S. Route 22	857
Sawmill Run	Downstream corporate limits.	789
	Ivy St.	832
	Moss St.	840
	Private Rd. (2,200 ft. upstream of Moss St.).	895
	Private road (near Lucinda Rd.).	931
	Buelah Rd.	981

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13803 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-2886]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Georgetown, Georgetown County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Georgetown, Georgetown County, S.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Georgetown, Georgetown County, S.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Georgetown, Georgetown County, S.C., are available for review at the lobby of the Municipal Building, 1114 Front Street, Georgetown, S.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Georgetown, Georgetown County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Atlantic Ocean	Fogel St.	13
(Winyah Bay,	Poplar St.	12
Sampit and	Meeting St.	12
Pee Dee Rivers).	Fraser St.	11
	Collins St.	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13804 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3787]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Bountiful, Davis County, Utah

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Bountiful, Davis County, Utah. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Bountiful, Utah.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Bountiful, Davis County, Utah, are available for review at City Hall, Bountiful, Utah.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Bountiful, Utah. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Barton Creek	750 East St.*	4,563
	500 South St.*	4,503
	Hospital	4,475
	200 East-100 South Sts.	4,408
	200 North St.*	4,365
	Main St.	4,361
	100 West St.*	4,340

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Meadow Brook School Bridge.	4,308
	500 West St. (U.S. 89-91).	4,281
Mill Creek	Orchard Dr.	4,494
	Church Bridge	4,435
	Main St.**	4,412
	200 West St.*	4,377
	500 West St. (U.S. 89-91)**	4,343
	Interstate 15**	4,322
Stone Creek	Davis Blvd.	4,699
	800 East St.	4,565
	400 North St.	4,496
	400 East St.	4,402
	900 North St.*	4,356
	Main St.	4,335
	200 West St.	4,277

* Downstream side.
** Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13805 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3861]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Springville, Utah County, Utah

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Springville, Utah County, Utah. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Springville, Utah.

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the city of Springville, Utah County, Utah, are available for review at City Hall, Springville, Utah.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Springville, Utah.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hobble Creek	900 South	4,650

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13806 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3788]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Sunnyside, Carbon County, Utah

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Sunnyside, Carbon County, Utah. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Sunnyside, Utah.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Sunnyside, are available for review at City Hall, Sunnyside, Utah.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Sunnyside, Utah.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

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flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grassy Trail Creek	At station* 7,820	6,812
	At station 6,240	6,480
	At station 3,420	6,390
	At station 200	6,415
Northern slope tributary	At station* 10,440	6,310
	At station 9,200	6,260
	At station 6,520	6,170
	At station 4,180	
	At station 240	

*Station refers to stream distance in feet above mouth.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13807 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-39041]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Galax, Grayson County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final Base (100-year) flood elevations are listed below for selected locations in the city of Galax, Grayson County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Galax, Grayson County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Galax, Gray-

son County, Va., are available for review at the Galax City Municipal Building, 123 North Main Street, Galax, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Galax, Grayson County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chestnut Creek	Downstream corporate limits	2,299
	At U.S. 58-221 bridge	2,340
	At East Old Town Road Bridge	2,345
	At State Route 89	2,359
	Upstream corporate limits	2,365

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13808 Filed 5-23-78; 8:45 am]

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[4210-01]

[Docket No. FI-4008]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the city of Manassas, Prince William County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Manassas, Prince William County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Manassas, Prince William County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Manassas, Prince William County, Va., are available for review at the City Hall, 9027 Center Street, Manassas, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Manassas, Prince William County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Russia Branch	Liberia Ave. (downstream).	237
	19,300 ft upstream of confluence with Bull Run.	300
Tributary to Russia Branch	Confluence with Russia Branch.	251
	Quarry Rd. (downstream).	257
	Southern R.R. (upstream).	262
	925 feet upstream of confluence with Russia Branch.	269
Cockrell Branch	Downstream corporate limits.	234
	Lucasville Rd. (upstream).	241
	Route 234 (upstream)....	263
Winters Branch	6,800 ft upstream of corporate limits.	246
	Grant Ave. (upstream)....	273
	Main St.	285
	12,900 ft upstream of corporate limits.	300
Cannon Branch	Downstream corporate limits.	187
	Godwin Dr. (upstream)....	195
Tributary to Cannon Branch	Confluence with Cannon Branch.	195
	2,000 ft upstream of confluence with Cannon Branch.	205
	Upstream of driveway (2,560 ft above confluence with Cannon Branch).	211
Tributary No. 1 to Flat Branch	Downstream corporate limits.	232
	9,800 ft above confluence with Flat Branch.	248
	Upstream of private driveway.	257
	12,300 ft above confluence with Flat Branch.	269
	13,050 ft above confluence with Flat Branch.	285
Tributary A to Flat Branch tributary No. 1	Confluence with Flat Branch tributary No. 1.	257
	1,140 ft upstream of confluence.	273
Tributary No. 2 to Flat Branch	Downstream corporate limits.	189
	Stonewall Rd. (downstream).	216
	Stonewall Rd. (upstream).	225
Tributary B to Flat Branch tributary No. 2	Confluence with Flat Branch tributary No. 2.	225
	Grant Ave. (upstream)....	250
	Traveller St. (upstream)	272
Tributary No. 3 to Flat Branch	Downstream corporate limits.	202
	Park Ave. (upstream)....	249
Tributary C to Flat Branch tributary No. 3	Downstream corporate limits.	201
	Diggs Rd. (downstream).	216
	Diggs Rd. (upstream)....	224
	Stonewall Rd. (upstream).	248
	Peabody St.	268
	Grant Ave. (upstream)....	278

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13809 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4010]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Manassas Park, Prince William County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Manassas Park, Prince William County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Manassas Park, Prince William County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Manassas Park, Prince William County, Va., are available for review at the Office of the City Clerk, 103 Manassas Drive, Manassas Park, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determination of flood elevations for the city of Manassas Park, Prince William County, Va.

This final rule is issued in accordance with section 110 of the Flood Dis-

aster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary to Bull Run.	Blooms Dr. (upstream)...	244
Tributary No. 1 to Flat Branch.	Manassas Dr. (downstream)...	268
	Downstream corporate limits.	166
	Manassas Dr. (downstream)...	184
	Manassas Dr. (upstream)...	189
	6,500 ft upstream of mouth of tributary.	209
	Upstream corporate limits.	232
Tributary A to Flat Branch tributary No. 1.	Denver Dr. (Downstream)...	185
	Denver Dr. (upstream)...	191
	Courtney Dr. (upstream)...	204

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13810 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-4009)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Pulaski County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Pulaski County, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Pulaski County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Pulaski County, Va., are available for review at the County Administration Building, 3 Street, Pulaski, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Pulaski County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Peak Creek.....	State Route 99.....	1,888
	ulaski corporate limits.....	1,899
Pond Lick Branch.	State Route 674.....	1,957
	Service road (570 ft upstream of State Route 674).	1,964
Track Fork.....	State Route 674.....	1,956
	State Route 640 (1,325 ft upstream of State Route 674).	1,961
	State Route 640 (5,700 ft upstream of State Route 674).	1,966

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	State Route 640 (6,600 ft upstream of State Route 674).	1,990
Tributary A.....	Confluence of Pond Lick Branch.	1,957
	Confluence of tributary B.	1,981
Tributary B.....	Confluence with tributary A.	1,981

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13811 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-3587)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Chicopee, Hampden County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Chicopee, Hampden County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Chicopee, Hampden County, Mass.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Chicopee are available for review at the City Engineer's Office, Chicopee City Hall, Chicopee, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line

800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Chicopee, Hampden County, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River...	Southern corporate limit, 4,600 ft downstream of Route 1-91 Bridge.	63
	600 ft upstream of Boston & Main RR. bridge.	69
	Northern corporate limit, 7,280 ft upstream of Boston & Maine RR. bridge.	73
Chicopee River.....	Confluence with Connecticut River.	64
	850 ft upstream of Route 116 Bridge.	65
	2,000 ft upstream of Route 116 Bridge, just downstream of dam.	72
	2,100 ft upstream of Route 116 Bridge, just upstream of dam.	86
	100 ft upstream of Deady Memorial Bridge (Montgomery St.).	101
	Just upstream of dam, 200 ft upstream of Montgomery St.	115
	Just downstream of Robinson Bridge (Route 291).	124
	Eastern corporate limits	141

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 16, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13812 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-3796)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Avalon, Los Angeles County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Avalon, Los Angeles County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Avalon, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Avalon, are available for review at City Planner's Office, Santa Catalina Island, Avalon, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Avalon, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Avalon Canyon.....	Intersection of Tremont St. and Claressa Ave.	32
	Intersection of Beacon St. and Catalina Ave.	19
	Intersection of 3rd St. and Catalina Ave.	15
	Intersection of Sumner Ave. and Crescent Ave.	13

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13813 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-3759)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Hemet, Riverside County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Hemet, Riverside County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Hemet, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Hemet, Riverside County, Calif., are available for review at Community Development Department, City Hall, 450 East Latham Street, Hemet, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Hemet, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Salt Creek	Warren Ave	1,502
	Fisher St	1,510
	Cawston Ave	1,518
	Sanderson Ave	1,528
	Lyon Ave	1,547
	do	1,547
Salt Creek overflow		
Salt Creek tributary	State St	1,585
	Buena Vista St	1,596

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13814 Filed 5-23-78; 8:45 am)

[4210-01]

[Docket No. FI-3968]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for The City of Newman, Stanislaus County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Newman, Stanislaus County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Newman, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Newman, Stanislaus County, Calif., are available for review at City Hall, 1200 O Street, Newman, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Newman, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Depth, in feet, above ground level
Shallow overland flow from Orestimba Creek	Intersection State Route 33 and Inyo Ave.	3
	West of Fig Lane at Ruth and Lucile Ave.	3
	Stanislaus St. and State Route 33	2
	Yolo St. and State Route 33	3
	Merced St. and O St	1
	Mariposa St. and State Route 33	1
	Tulare St. and State Route 33	1

*N St.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13815 Filed 5-23-78; 8:45 am)

[4210-01]

[Docket No. FI-3973]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Vallejo, Solano County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Vallejo, Solano County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Vallejo, Calif.

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the City of Vallejo, Solano County, Calif., are available for review at City Hall, 555 Santa Clara Street, Vallejo, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Vallejo, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary to American Canyon Creek	Coreoran Ave	75
Chabot Creek	Fairgrounds Dr	83
	Sonoma Blvd	12
	Broadway	18
	Walnut St	23
	Diablo St	38
	Spillway race at base of dam	55
Rindler Creek	Fairgrounds entrance	86
	Interstate 80	98
	Admiral Callaghan Lane	125
	Coach Lane	87
South Fork Rindler Creek	Upstream and downstream of Fairgrounds Dr	83
North Fork Rindler Creek	Searr Point Rd./I-80 on-ramp	117
Blue Rock Springs Creek	Coach Lane	86
Lemon Street Canal	Interstate 80	94
	Lemon St	9
	Spruce St	44
	Lewis Ave	78
Magazine Street Canal	I-80 Culvert Inlet (30 ft upstream of Laurel St.)	56
	Footbridge (2,460 ft upstream of Lemon Street Canal)	66

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Georgetown, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Clear Creek	Bridge over Georgetown Lake	8,446
	15th St	8,466
	11th St	8,483
	8th St	8,511
South Clear Creek	Rose St	8,492
	9th St	8,499
	Taos St	8,503
	Main St	8,522

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13817 Filed 5-23-78; 8:45 am)

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Hollywood Ave	93
	Fulton Ave	124
Austin Creek	Sheldon Ave	30
	Maple Ave	37
	Oakwood Ave	44
	Castlewood Dr	55
	Heartwood Ave	61
	Rollingwood Dr	70
	Columbus Parkway	118
	Upstream corporate limits	189

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13816 Filed 5-23-78; 8:45 am)

[4210-01]

[Docket No. FI-3822]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Georgetown, Clear Creek County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Georgetown, Clear Creek County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Georgetown, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Georgetown, Clear Creek County, Colo., are available for review at Town Hall, Georgetown, Colo.

RULES AND REGULATIONS

[4210-01]

[Docket No. FI-3980]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Unincorporated Areas of San Miguel County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of San Miguel County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of San Miguel County, Colo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of San Miguel County are available for review at the County Planning Office, County Court House, 305 West Colorado Avenue, Telluride, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the unincorporated areas of San Miguel County, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Miguel River near Placerville.	3,200 ft downstream of confluence of Slaughterhouse Gulch.	7,205
	1,200 ft downstream of confluence of Slaughterhouse Gulch.	7,230
	At confluence of Slaughterhouse Gulch.	7,244
	1,800 ft upstream of confluence of Slaughterhouse Gulch.	7,262
	At confluence of Leopard Creek.	7,272
	At Bridge No. 1 at Placerville.	7,300
	800 ft upstream of bridge at Placerville.	7,304
	2,900 ft upstream of Bridge No. 1 at Placerville.	7,324
	4,900 ft upstream of Bridge No. 1 at Placerville.	7,352
	6,100 ft downstream of confluence of Fall Creek.	7,380
	3,300 ft downstream of confluence of Fall Creek.	7,409
	1,400 ft downstream of confluence of Fall Creek.	7,426
	At confluence of Fall Creek.	7,444
	At bridge No. 2, 440 ft upstream of confluence of Fall Creek.	7,452
	3,070 ft upstream of confluence of Fall Creek.	7,483
	At downstream corporate limits of Saw Pit.	7,528
	100 ft downstream of Bridge No. 3 at Saw Pit.	7,542
	Bridge No. 3 at Saw Pit.	7,550
	910 ft upstream of Bridge No. 3 at Saw Pit.	7,557
Leopard Creek.....	At confluence with the San Miguel River.	7,272
	40 ft upstream of Highway 145 Bridge No. 5.	7,277
	1,600 ft upstream of Highway 145 Bridge No. 5.	7,301
	3,180 ft upstream of Highway 145 Bridge No. 5.	7,323
	4,980 ft upstream of Highway 145 Bridge No. 5.	7,357
	6,600 ft upstream of Highway 145 Bridge No. 5.	7,386
Fall Creek.....	At confluence with San Miguel River.	7,444
	280 ft upstream of confluence with San Miguel River.	7,450
	At Bridge No. 4, 1,340 ft upstream of confluence with San Miguel River.	7,486

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	200 ft upstream of Bridge No. 4.	7,487
	688 ft upstream of Bridge No. 4.	7,510
	2,380 ft upstream of Bridge No. 4.	7,558
San Miguel River near Telluride.	320 ft downstream of Highway 145 Bridge No. 6.	8,528
	125 ft upstream of Highway 145 Bridge No. 6.	8,646
	1,800 ft upstream of Highway 145 Bridge No. 6.	8,646
	2,600 ft upstream of Highway 145 Bridge No. 6.	8,648
	8,200 ft upstream of Highway 145 Bridge No. 6.	8,880
	5,000 ft downstream of Bridge No. 7.	8,670
	100 ft downstream of Bridge No. 7.	8,700
	At Bridge No. 7.....	8,706
	At downstream corporate limits of Telluride.	8,722
	At upstream corporate limits of Telluride.	8,774
	1,450 ft downstream of Bridge No. 8.	8,793
	100 ft downstream of Bridge No. 8.	8,818
	At Bridge No. 8.....	8,827
	650 ft upstream of Bridge No. 8.	8,826
	1,300 ft upstream of Bridge No. 8.	8,847
San Miguel River near Telluride Secondary Channel.....	At downstream confluence with main channel.	8,648
	2,175 ft from downstream confluence with main channel.	8,654
	Upstream confluence with main channel.	8,670
		Depth in feet above ground level
Cornet Creek.....	From northern corporate limits to 80 ft above corporate limits of Telluride.	2
	Between 80 ft and 100 ft above corporate limits of Telluride.	3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13818 Filed 5-23-78; 8:45 am]

RULES AND REGULATIONS

[4210-01]

[Docket No. FI-3983]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Shelton, Fairfield County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Shelton, Fairfield County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Shelton, Fairfield County, Conn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Shelton are available for review at the City-Town Clerk's Office, City Hall, 54 Hill Street, Shelton, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Shelton, Fairfield County, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Housatonic River..	Confluence of Far Mill River.	15
	Confluence of Ivy Brook	17
	6,000 ft upstream of confluence of Ivy Brook.	19
	Route 8.....	21
	Bridge St.....	22
	Upstream of Shelton Dam.	36
	Confluence of Indian Hole Brook.	39
	Confluence of Upper White Hills Brook.	44
	Confluence of White Hills Community Brook.	49
Far Mill River.....	200 ft upstream of Route 110.	20
	1,300 ft upstream of Route 110.	30
	3,350 ft upstream of Route 110.	50
	2,500 ft downstream of Beard Saw Mill Rd.	70
	125 ft downstream of Beard Saw Mill Rd.	92
	Upstream of Beard Millpond Dam.	109
	Confluence of Black Brook.	114
	Bridgeport Ave.....	126
	600 ft upstream of Bridgeport Ave.	140
	500 ft downstream of Mill St. Dam No. 1.	180
	Mill St. Dam No. 1.....	196
	Mill St. Dam No. 2.....	207
	Mill St. Dam No. 3.....	237
	Buddington Rd.....	234
	Huntington St. Dam.....	240
	2,600 ft downstream of Nichols Ave.	260
	Nichols Ave.....	283
	Waverly Rd.....	286
	Walnut Tree Hill Rd.....	287
	Confluence of Walnut Brook.	303
	Confluence of Hazelton Brook.	321
	Confluence of Bohem Brook.	335
	Far Mill Rd.....	355
	Far Mill Reservoir Dam.	364
	Confluence of Harvey Pete Brook.	372
	Mohegan Rd.....	382
	200 ft upstream of Mohegan Rd.	385
	Northwestern corporate limit.	394
Harvey Pete Brook.	Mohegan Rd.....	375
	Confluence of Sharps Brook.	376
	Thompson St.....	391
	Northwestern corporate limit.	413
Means Brook.....	Confluence with Far Mill River.	236
	Lane St.....	238
	Shelton Ave.....	252
	2,000 ft upstream of Shelton Ave.	267
	3,800 ft upstream of Shelton Ave.	281
	4,200 ft upstream of Shelton Ave.	282
	150 ft downstream of Chamberlain Dr.	287

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Chamberlain Dr.....	292
	Dam at Means Brook Reservoir.	352
	Sawmill City Rd.....	358
	Route 110.....	361
	Northwestern corporate limit.	365
Burying Ground Brook.	Center St. and Long Hill Ave.	64
	Crossing 200 ft upstream of Center St. and Long Hill Ave.	71
	800 ft upstream of Center St. and Long Hill Ave.	72
	Culvert 800 ft downstream of Sullivan Ave.	90
	Driveway 550 ft downstream of Sullivan Ave.	95
	Nursery driveway 350 ft downstream of Sullivan Ave.	104
	Sullivan Ave.....	113
	Private drive 450 ft upstream of Sullivan Ave.	124
	Private drive 500 ft upstream of Sullivan Ave.	128
	Private drive 725 ft upstream of Sullivan Ave.	132
		Depth in feet above ground level
	Long Hill Ave. to the Housatonic River.	3

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13819 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3085]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Weston, Fairfield County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of

Weston, Fairfield County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Weston, Conn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Weston, Fairfield County, Conn., are available for review at Town Hall, Weston, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Weston, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saugatuck River.....	River Rd.....	59
	Cartbridge Rd.*	96
	do**	101
	Davis Hill Rd.....	120
Jenning's Brook	Valley Forge Rd.....	168
	Davis Hill Rd.*	167
Beaver Brook	Deep Wood Rd.....	229
	Slumber Lane.....	76
Kettle Creek	Goodhill Rd.....	92
	Steep Hill Rd.....	270
	Goodhill Rd.*	61

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Aspetuck River.....	do**	63
	River Rd.*	84
	Weston Rd.*	132
	do**	168
West Branch Saugatuck River.....	Sawmill Rd.....	149
	11 O'Clock Lane.....	175
Tributary A.....	Redding Rd.....	220
	Georgetown Rd.....	202
	Godfrey Bridge.....	253
	Newton Turnpike*	220
	do**	222
	Lord's Highway**	247
	Tobacco Rd.*	257

*Downstream side.
**Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13820 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-3725)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Windsor, Hartford County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Windsor, Hartford County, Conn.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Windsor, Hartford County, Conn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Windsor, Hartford County Conn., are available

for review at the Planning Department, Town Hall, Windsor, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Windsor, Hartford County, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-128, and 24 CFR Part 1917.4(a)). An opportunity for community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, metropolitan district datum
Connecticut River.....	Approximately 100 ft upstream of John Bissell Memorial Bridge.....	33
	Approximately 100 ft upstream of confluence of Hayden Station Brook.....	35
Farmington River.....	Just downstream of Palsado Ave.....	34
	Just upstream of confluence of Phelps Brook.....	35
Phelps Brook	Approximately 200 ft upstream of Poquonock Avenue Bridge.....	43
	Approximately 100 ft downstream of confluence of tributary A.....	35
Hayden Station Brook.....	Approximately 100 ft upstream of Poquonock Aven.....	71
	Just upstream of Palsado Ave.....	35
Creamery Brook....	Approximately 100 ft upstream of Hayden Station Rd.....	65
	Approximately 100 ft upstream of Elm Ct.....	51
Tributary C.....	Approximately 100 ft upstream of Preston St.....	56
	Approximately 100 ft upstream of Plymouth St.....	67

RULES AND REGULATIONS

(FR Doc. 78-13822 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-3800)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Apopka, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Apopka, Orange County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Apopka, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Apopka, are available for review at City Hall, Apopka, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Apopka, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

the flood-prone areas and the final elevations for the town of Leipsic, Kent County, Del., are available for review at Leipsic Volunteer Fire Company, Radio Room, Main Street, Leipsic, Del.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Leipsic, Del.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware Bay	Route 9 Bridge.....	9
	Front Street Bridge	9

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

Source of flooding	Location	Elevation in feet, metropolitan district datum
Tributary D	Approximately 100 ft upstream of Palsado Ave.....	35
Mill Brook	do.....	34
	Just upstream of East St.....	37
Meadow Brook	Just upstream of Bloomfield Ave.....	104
	Approximately 100 ft upstream of White Rock Dr.....	58
Deckers Brook	Approximately 100 ft upstream of Tamarack Dr.....	78
	Approximately 100 ft upstream of East Barber Street Bridge.....	49
	Just upstream of Drake St.....	52
	Approximately 100 ft upstream of Windsor Avenue Bridge.....	55

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: February 14, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-13821 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-3984)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Leipsic, Kent County, Del.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final Base (100-year) flood elevations are listed below for selected locations in the town of Leipsic, Kent County, Del. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Leipsic, Del.

ADDRESS: Maps and other information showing the detailed outlines of

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Francis	From a point on Francis Dr. which is 970 ft west along the road from the intersection with Klean Ct., flooding exists from 120 ft south of this point to the shoreline.	68
Lake Alden	From a point on Errol Parkway which is 3,900 ft south along the road from the intersection with Francis Dr., flooding exists from 150 ft east of this point to the shoreline.	70
Lake Marion	East of Schopke Lester Rd.	66
Dream Lake	The intersection of Laurel St. and Central Ave.	117
Lake McCoy	Votaw Rd. Bridge	65
Buchan Pond	West side of Lake Ave. from Nightingale St. to Grossenbacher Dr.	140
Upper Doe Lake	At north, south, and west corporate limits.	70
Marshall Lake	Along the corporate limits along the south side of the lake.	70
Pike Lake	Along the corporate limits which extend east through the lake.	67
Unnamed lake I	From the southern point on the shoreline and extending south 130 ft.	87
Unnamed lake II	The northern edge of 5th St., 230 ft east from the intersection of 5th St. and Washington Ave.	150
Unnamed lake III	North of 6th St.	81
Unnamed lake IV	From the eastern edge of the lake extending east to the corporate limits.	75

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13823 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3802]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Edgewood, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Edgewood, Orange County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Edgewood, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Edgewood, are available for review at City Hall, Edgewood, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Edgewood, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Lake Conway	Mandalay Rd. extended from corporate limits to a point 80 ft southwest.	89
Lake Gatlin	On Prescott Dr. from corporate limits to a point 40 ft west.	89
Lake Jennie Jewell	At a point 1,800 ft east along Gatlin Ave. from the center of the intersection of Gatlin and Orange Aves. the flooding exists 170 ft north of this point, north to the corporate limits.	92
Lake Jessamine	Jamalca Ln. extended to corporate limit, 600 ft north and 400 ft south from this point.	94

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13824 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3803]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Winter Garden, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Winter Garden, Orange County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Winter Garden, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Winter Garden, are available for review at City Hall, Winter Garden, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 7th Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Winter Garden, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Winter Garden Co-op ditch	Fuller's Crossing Highway 72 in culvert (upstream side).	76
	Seaboard Coast Line RR. (downstream side).	91
Lake Apopka	From a point 530 ft west along Division St. from the center of the intersection of Division St. and Lakeview Ave. west to the shoreline.	69

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13825 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3805]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Newnan, Coweta County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Newnan, Coweta County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Newnan, Coweta County, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Newnan, Coweta County, Ga., are available for review at City Hall, 25 Jefferson Street, Newnan, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Newnan, Coweta County, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wahoo Creek	Just downstream of Atlanta and West Point RR.	851
	Approximately 150 ft upstream of Bullsboro Dr. (State Highway 34).	874
	Approximately 75 ft upstream of East Broad St.	890
Tributary 1	Phillips St. (extended)...	930
Tributary 2	Approximately 100 ft upstream of lower crossing of Bullsboro Dr. (State Highway 34).	871
	Just upstream of Jefferson St.	909
Tributary 3	Just upstream of Bullsboro Dr.	871
Tributary 4	Approximately 630 ft upstream of confluence with tributary 3.	872
Tributary 5	Approximately 120 ft upstream of confluence with tributary 2.	875
Tributary 6	Approximately 200 ft upstream of confluence with tributary 2.	881
Tributary 7	Just upstream of American Ave.	880
	Approximately 100 ft downstream of Church St.	896
Tributary 8	Just downstream of Grelson Trail.	896
Tributary 9	Approximately 660 ft upstream of confluence with Wahoo Creek.	
875		
Tributary 10	Approximately 160 ft downstream of Grelson Trail.	930
Tributary 11	Just upstream of Roberts Rd.	893
Tributary 12	Just downstream of Pinson St.	915
	Just upstream of Calhoun St.	930
Snake Creek	Just upstream of Christian Dr.	859
	Just upstream of Willow Dr.	890
	Just downstream of Atkinson St.	925
Tributary 13	Approximately 180 feet upstream of confluence with Snake Creek.	875
Tributary 14	Just downstream of Willow Dr.	890
Mineral Springs Branch	Just upstream of Boone Dr.	885
	Approximately 75 ft downstream of 4th St.	890
Tributary 15	Southern corporate limits.	841
Tributary 16	Western corporate limits.	835
	Just downstream of Washington St.	870
Sandy Creek	Just upstream of Water Works Rd.	835
	Just upstream of Sewell Rd.	860

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just upstream of Alpine Dr.	901

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13826 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-3130)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Bourbonnais, Kankakee County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Bourbonnais, Kankakee County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Bourbonnais, Kankakee County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Bourbonnais, Kankakee County, Ill., are available for review at the Municipal Building, P.O. Box 141, Bourbonnais, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the village of Bourbonnais, Kankakee County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Bourbonnais Creek.	Balsillon Ave	644
	River St. culvert	657
	Main St. culvert	684
	Spencer Ct.	666
	Greenwood Ave.	667
North Branch Soldier Creek.	Tomogene Rd.	669
Kankakee River	Armour Rd.	676
	Corporate limits (southwest corner).	686

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13827 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-4024)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Buffalo Grove, Cook and Lake Counties, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Buffalo Grove, Cook and Lake Counties, Ill. These base (100-year) flood elevations

are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Buffalo Grove, Cook and Lake Counties, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Buffalo Grove, Cook and Lake Counties, Ill., are available for review at the Village Office, 50 Raupp Boulevard, Buffalo Grove, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Buffalo Grove, Cook and Lake Counties, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Buffalo Creek	Buffalo Grove Rd.	669
	Raupp Blvd.	673
	Lake-Cook Rd.	676
	Confluence of Farrington ditch.	678
	Confluence of Aspen ditch.	689
	Arlington Heights Rd. (corporate limits).	691
	Corporate limits (upstream of Checker Rd.).	712

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Farrington ditch ...	Confluence with Buffalo Creek.	678
	Corporate limits (2,600 ft upstream of Checker Rd.).	681
White Pine ditch...	St. Marys Parkway	678
	Bernard Dr. (upstream).	681
	Corporate limits (2,000 ft upstream of Bernard Dr.).	687
	Dundee Rd. (upstream)...	691

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13828 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-3937)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Village of Fox Lake, Lake County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Fox Lake, Lake County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Fox Lake, Lake County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Fox Lake, Lake County, Ill., are available for review at the Fox Lake Village Hall, 301 South Route 59, Fox Lake, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Fox Lake, Lake County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fox River Chain O'Lakes.	Pistakee Lake	742
	Nippersink Lake	742
	Fox Lake	742
	Grass Lake	742
Squaw Creek	Grand Ave.	742

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13829 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-3941)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Murphysboro, Jackson County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Murphysboro, Jackson County, Ill.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Murphysboro, Jackson County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Murphysboro, Jackson County, Ill., are available for review at the Murphysboro City Hall, 200 North 11th Street, Murphysboro, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Murphysboro, Jackson County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Muddy River...	Downstream corporate limits.	373
	Illinois Central Gulf RR. (1 mile from downstream corporate limits).	373
	Illinois Central Gulf RR. (2.7 miles from downstream corporate limits).	374
	Upstream corporate limits.	376
Pond Creek	100 ft downstream—Missouri Pacific RR.	295
	100 ft upstream—Missouri Pacific RR.	399
	Candy Lane extended.....	400

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13830 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3988]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Washington, Mercer County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Washington, Mercer County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Washington, N.J.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Washington, are available for review at Washington Township Municipal Building, Robbinsville, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh St. SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Washington, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary A.....	U.S. Route 528 ¹	81
	U.S. Route 528 ²	71
Big Bear Brook.....	U.S. Routes 130 and 33.....	102
	Hankins Rd.....	96
Miry Run.....	Sharon Rd.....	93
	ConRail Railroad ¹	91
	ConRail Railroad ²	87
	Robbinsville-Bolnburg Rd.....	80
	Pond Rd.....	74
	Line Rd ¹	68
	Line Rd ²	67
New Sharon Branch.....	Old York Rd.....	97
	Sharon Rd ¹	90
	Sharon Rd ²	89
Assumpink Creek.....	Old York Rd.....	90
	Winsor Rd.....	89
	New Jersey Turnpike ¹	89
	New Jersey Turnpike ²	88
	Main St.....	77
	ConRail Railroad.....	76

¹ Upstream.
² Downstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13831 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3984]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Farmington, San Juan County, N. Mex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Farmington, San Juan County, N. Mex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Farmington, San Juan County, N. Mex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Farmington, San Juan County, N. Mex., are available for review at the Department of Public Works, Farmington, N. Mex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Farmington, San Juan County, N. Mex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Juan River.....	Approximately 500 ft downstream of State Hwy 371.	5,242
LaPlata River.....	Just upstream of U.S. Hwy 550.	5,230
Animas River.....	Just downstream of South Miller Ave. Approximately 100 ft downstream of State Hwy 17.	5,281
	Confluence of Porter Arroyo.	5,301
	Confluence of Porter Arroyo.	5,360
Farmington Glade.....	Just downstream of U.S. Hwy 550.	5,260
	Just upstream of West Apache St.	5,294

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13832 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3918]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Marilla, Erie County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Marilla, Erie County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Marilla, Erie County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Marilla, Erie County, N.Y., are available for review at the Marilla Town Office, South 1740 Two Road, Marilla, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Marilla, Erie County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cayuga Creek.....	Corporate limit (downstream).	839
	Clinton St. (Route 354 Bridge).	859
	Clinton St. Dam (upstream).	875
	Corporate limit (upstream).	899
Buffalo Creek.....	Porterville Rd.....	833
Little Buffalo Creek.	Confluence with tributary.	819
	Two Rod Rd. Bridge.....	832
	Bulls Rd. Bridge.....	841
	East Ave. Bridge.....	856
Tributary to Little Buffalo Creek.	Confluence with Little Buffalo Creek.	819
	Bulls Rd.....	845

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33

FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13833 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3918]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Pittsford, Monroe County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Pittsford, Monroe County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Pittsford, Monroe County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Pittsford, Monroe County, N.Y., are available for review at the Pittsford Town Hall, 11 South Main Street, Pittsford, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Pittsford, Monroe County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the

Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Irondequoit Creek..	Downstream side of New York State barge canal.	398
	Upstream side of New York State barge canal.	410
	Downstream side of Thornell Rd.	417
Allen Creek	Confluence of Buckland Creek.	396
	Footbridge, 1,160 ft downstream from Allen Creek Rd.	410
East Branch Allen Creek.	Allen Creek Rd.	427
	Oak Hill Country Club Rd.	398
	Downstream side of ConRail bridge.	410
	Route 31	418
	Upstream side of East Brook Rd.	424
	Woodland Dr.	433
	Upstream side of New York State Barge Canal.	450
	West Jefferson St.	464
	Tobey Rd.	482
	Stone Rd.	515
	Confluence with tributary (1,800 ft upstream from Stone Rd.).	532
	Confluence with a tributary (740 ft downstream from Calkins Rd.).	566
Mill Creek	Calkins Rd.	577
	Downstream side of East St.	412
	Upstream side of East St.	415
	Downstream side of Thornell Rd.	423
	ConRail	431
	Van Voorhis Rd.	482

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, Feb. 27, 1969, as amended (39 FR 2787, Jan. 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13834 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-39211)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Yates, Orleans County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Yates, Orleans County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Yates, Orleans County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Yates, Orleans County, N.Y., are available for review at the Yates Town Hall, Main Street, Lyndonville, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Yates, Orleans County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Johnson Creek	Yates corporate limits (upstream).	332
	Marshall Rd.	331
	Angling Rd.	329
	Lyndonville corporate limits (upstream).	325
	Lyndonville corporate limits (downstream).	315
	Blood Rd.	297
	Woodworth Rd.	291
	Yates corporate limits (downstream) (Town Line Rd.).	269
Lake Ontario	Town Lake Rd. (extended).	251
	Morrison Rd. (extended).	252
	Lyndonville Rd. (extended).	252
	Marshall Rd. (extended).	252
	County Line Rd. (extended).	251

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13835 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-3467)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Brevard, Transylvania County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Brevard, Transylvania County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the city of Brevard, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Brevard, Transylvania County, N.C., are available for review at City Hall, 15 West Main, Brevard, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-775-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Brevard, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
French Broad River.	Lambo Creek confluence.	2,106
	Nicholson Creek confluence.	2,109
Davidson River	Upstream of Southern Ry.	2,107
	Upstream of U.S. Highway 64 and 276.	2,128
Unnamed tributary to Davidson River.	Upstream of Ecusta Rd.	2,126
Lamb Creek	Upstream of Southern Ry.	2,112
	Upstream of U.S. Highway 64 and 276.	2,140
	Extraterritorial limit (upstream limit).	2,254
Allison Creek	Upstream of U.S. Highway 64 and 276.	2,132
Lambo Creek	Upstream of Neely Rd.	2,108
	Upstream of Southern Ry.	2,136
Gilbreath Branch.	Upstream of Old Hendersonville Highway.	2,113

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
King Creek	Upstream of Neely Rd.	2,108
	Upstream of Tinsley Rd.	2,178
Long Branch	Southern Ry.	2,152
	Tinsley Rd.	2,221
Singing Branch	Field Rd.	2,119
Jumping Branch	Confluence with French Broad River.	2,120
Nicholson Creek	Country Club Rd.	2,120
	Upstream of Nicholson Creek Rd.	2,141
Norton Creek	Upstream of U.S. Highway 64.	2,135
	Southern Ry.	2,158
	Confluence with Brushy Creek.	2,192
Hunts Branch	Upstream of secondary road.	2,196
Brushy Creek	Upstream of Music Camp Rd.	2,201
Graham Creek	Upstream of second private road crossing.	2,159
Unnamed tributary to the French Broad River.	Upstream of Country Club Rd.	
	Downstream of Illahee Rd.	2,135
		2,160

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13836 Filed 5-23-78; 8:45 am)

[4210-01]

(Docket No. FI-39222)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of China Grove, Rowan County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of China Grove, Rowan County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the town of China Grove, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of China Grove, Rowan County, N.C., are available for review at town hall, China Grove, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of China Grove, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Centerview Branch.	U.S. Highway 29 Alternate.	744
	Centerview Dr.*	759
Petrea Branch	Spring Branch Lane*	767
Swearington	Clinton St.**	754
Branch	do.*	759

*Upstream side.
**Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.
GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13837 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3993]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATION AND
JUDICIAL REVIEW

Final Flood Elevation Determinations
for the Town of Spencer, Rowan
County, N.C.

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the town of Spen-
cer, Rowan County, N.C. These base
(100-year) flood elevations are the
basis for the flood plain management
measures that the community is re-
quired to either adopt or show evi-
dence of being already in effect in
order to qualify or remain qualified
for participation in the National Flood
Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the town of Spencer,
N.C.

ADDRESS: Maps and other informa-
tion showing the detailed outlines of
the flood-prone areas and the final
elevations for the town of Spencer, are
available for review at Town Hall,
Spencer, N.C.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, Room 5270, 451 Sev-
enth Street SW., Washington, D.C.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the town of
Spencer, N.C.

This final rule is issued in accord-
ance with section 110 of the Flood Dis-
aster Protection Act of 1973 (Pub. L.
93-234), 87 Stat. 980, which added sec-
tion 1363 to the National Flood Insur-
ance Act of 1968 (title XIII of the
Housing and Urban Development Act
of 1968 (Pub. L. 90-448), 42 U.S.C.
4001-4128, and 24 CFR part 1917.4(a)).
An opportunity for the community or
individuals to appeal this determina-

tion to or through the community for
a period of ninety (90) days has been
provided. No appeals of the proposed
base flood elevations were received
from the community or from individ-
uals within the community.

The Administrator has developed
criteria for flood plain management in
flood-prone areas in accordance with
24 CFR part 1910.

The final base (100-year) flood eleva-
tions for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rowan Avenue	Charles St.*	642
Park Stream.	Whitehead Ave.*	663
	North Rowan Ave.*	674
	North Salisbury Ave.	690
Lomax Creek	Corporate limits	641
Walton Branch	Oakwood Dr.*	673
	Whitehead Ave.*	686
	Yadkin Ave.*	709
3d Street Creek	Grant St.*	656
	Jordan Rd.*	671
Rocky Branch	South Spencer Ave.	651
	South Carolina Ave.*	668
	South Rowan Ave.*	690
Southern RR.	Newton St.*	689
Branch.	North Salisbury Ave.*	705
6th Street Branch.	7th St.*	655
	South Baldwin St.*	672
	South Hudson St.*	675
	South Spencer Ave.*	690
Spring Hill	do	651
Branch.	South Rowan Ave.*	690
Grants Creek	7th St. (extension)	641

* Upstream side.

(National Flood Insurance Act of 1968 (title
XIII of Housing and Urban Development
Act of 1968), effective January 28, 1969 (33
FR 17804, November 28, 1968), as amended;
42 U.S.C. 4001-4128; and Secretary's dele-
gation of authority to Federal Insurance Ad-
ministrator, 34 FR 2680, February 27, 1969,
as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13838 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3925]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATIONS
AND JUDICIAL REVIEW

Final Flood Elevation Determinations
for the Village of Middleport,
Meigs County, Ohio

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the village of Mid-
dleport, Meigs County, Ohio. These
base (100-year) flood elevations are

the basis for the flood plain manage-
ment measures that the community is
required to either adopt or show evi-
dence of being already in effect in
order to qualify or remain qualified
for participation in the National Flood
Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the village of Middle-
port, Meigs County, Ohio, are availa-
ble for review at Village Hall, Middle-
port, Ohio.

ADDRESS: Maps and other informa-
tion showing the detailed outlines of
the flood-prone areas and the final
elevations for the village of Middle-
port, Meigs County, Ohio, are availa-
ble for review at Village Hall, Middle-
port, Ohio.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, Room 5270, 451 Sev-
enth Street SW., Washington, D.C.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the village of
Middleport, Ohio.

This final rule is issued in accord-
ance with section 110 of the Flood Dis-
aster Protection Act of 1973 (Pub. L.
93-234), 87 Stat. 980, which added sec-
tion 1363 to the National Flood Insur-
ance Act of 1968 (title XIII of the
Housing and Urban Development Act
of 1968 (Pub. L. 90-448), 42 U.S.C.
4001-4128, and 24 CFR part 1917.4(a)).
An opportunity for the community or
individuals to appeal this determina-
tion to or through the community for
a period of ninety (90) days has been
provided. No appeals of the proposed
base flood elevations were received
from the community or from individ-
uals within the community.

The Administrator has developed
criteria for flood plain management in
flood-prone areas in accordance with
24 CFR part 1910.

The final base (100-year) flood eleva-
tions for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	Intersection of 2d and Mill Sts.	576
	Intersection of Elm and Broadway Sts.	576

(National Flood Insurance Act of 1968 (title
XIII of Housing and Urban Development
Act of 1968), effective January 28, 1969 (33
FR 17804, November 28, 1968), as amended
(42 U.S.C. 4001-4128); and Secretary's dele-
gation of authority to Federal Insurance

Administrator, 34 FR 2880, February 27,
1969, as amended (39 FR 2787, January 24,
1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13839 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3927]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATION AND
JUDICIAL REVIEW

Final Flood Elevation Determination
for the Village of Neville, Clermont
County, Ohio

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the village of Ne-
ville, Clermont County, Ohio. These
base (100-year) flood elevations are
the basis for the flood plain manage-
ment measures that the community is
required to either adopt or show evi-
dence of being already in effect in
order to qualify or remain qualified
for participation in the National Flood
Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the village of Neville,
Clermont County, Ohio.

ADDRESS: Maps and other informa-
tion showing the detailed outlines of
the flood-prone areas and the final
elevations for the village of Neville,
Clermont County, Ohio, are available
for review at the Neville Village Hall,
Forest Avenue, Neville, Ohio.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, Room 5270, 451 Sev-
enth Street SW., Washington, D.C.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the village of
Neville, Clermont County, Ohio.

This final rule is issued in accord-
ance with section 110 of the Flood Dis-
aster Protection Act of 1973 (Pub. L.
93-234), 87 Stat. 980, which added sec-
tion 1363 to the National Flood Insur-
ance Act of 1968 (Title XIII of the
Housing and Urban Development Act
of 1968 (Pub. L. 90-448), 42 U.S.C.
4001-4128, and 24 CFR Part 1917.4(a)).

An opportunity for the community or
individuals to appeal this determina-
tion to or through the community for
a period of ninety (90) days has been
provided. No appeals of the proposed
base flood elevations were received
from the community or from individ-
uals within the community.

The Administrator has developed
criteria for flood plain management in
flood-prone areas in accordance with
24 CFR Part 1910.

The final base (100-year) flood eleva-
tions for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Ohio River	Between upstream and downstream corporate limits.	508

(National Flood Insurance Act of 1968 (Title
XIII of Housing and Urban Development
Act of 1968), effective January 28, 1969 (33
FR 17804, November 28, 1968), as amended;
42 U.S.C. 4001-4128; and Secretary's dele-
gation of authority to Federal Insurance Ad-
ministrator, 34 FR 2680, February 27, 1969,
as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13840 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3272]

PART 1917—APPEALS FROM FLOOD
ELEVATION DETERMINATION AND
JUDICIAL REVIEW

Final Flood Elevation Determination
for the Unincorporated Areas of
Trumbull County, Ohio

AGENCY: Federal Insurance Adminis-
tration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year)
flood elevations are listed below for se-
lected locations in the unincorporated
areas of Trumbull County, Ohio. These
base (100-year) flood elevations are
the basis for the flood plain manage-
ment measures that the communi-
ty is required to either adopt or show
evidence of being already in effect in
order to qualify or remain qualified
for participation in the National Flood
Insurance Program (NFIP).

EFFECTIVE DATE: The date of issu-
ance of the Flood Insurance Rate Map
(FIRM), showing base (100-year) flood
elevations, for the unincorporated
areas of Trumbull County, Ohio.

ADDRESS: Maps and other informa-
tion showing the detailed outlines of

the flood-prone areas and the final
elevations for the unincorporated
areas of Trumbull County, Ohio, are
available for review at Trumbull
County Office, Warren, Ohio.

FOR FURTHER INFORMATION
CONTACT:

Mr. Richard Krimm, Assistant Ad-
ministrator, Office of Flood Insur-
ance, 202-755-5581 or toll free line
800-424-8872, Room 5270, 451 Sev-
enth Street SW., Washington, D.C.
20410.

SUPPLEMENTARY INFORMATION:
The Federal Insurance Administrator
gives notice of his final determinations
of flood elevations for the unincorpor-
ated areas of Trumbull County, Ohio.

This final rule is issued in accord-
ance with section 110 of the Flood Dis-
aster Protection Act of 1973 (Pub. L.
93-234), 87 Stat. 980, which added sec-
tion 1363 to the National Flood Insur-
ance Act of 1968 (title XIII of the
Housing and Urban Development Act
of 1968 (Pub. L. 90-448), 42 U.S.C.
4001-4128, and 24 CFR part 1917.4(a)).
An opportunity for the community or
individuals to appeal this determina-
tion to or through the community for
a period of ninety (90) days has been
provided. No appeals of the proposed
base flood elevations were received
from the community or from individ-
uals within the community.

The Administrator has developed
criteria for flood plain management in
flood-prone areas in accordance with
24 CFR part 1910.

The final base (100-year) flood eleva-
tions for selected locations are:

Source of flooding	Location	Elevation in feet national geodetic vertical datum
Mahoning River	Downstream of McDonald Highway.	859
	Downstream of West Park Ave.	865
	Downstream of State Route 422.	888
	Downstream of the Ohio Turnpike.	898
West branch of the Mahoning River.	Approximately 500 ft downstream of Newton Falls corporate limits.	901
Mosquito Creek	Downstream of State Route 82.	869
	Downstream of North River Rd.	872
	Downstream of New State Route 5.	877
Meander Creek	Downstream of Salt Spring Rd.	861
Chocolate Run	Downstream of State Route 422.	899
	Downstream of Kincaid Rd.	903
Youngs Run	Upstream of State Route 5.	897
	Upstream of Johnson Planck Rd.	913
Duck Creek	Downstream of Hewitt Gifford Rd.	896
	Downstream of Selkirk Bush Rd.	908

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Downstream of Hallock Young Rd.	934
Mud Creek	Eastern Lordstown corporate limits.	873
Crab Creek	Southern county line.....	889
	Downstream of Interstate 80.	968
Little Yankee Run	Chestnut Ridge Rd. (downstream of Hubbard).	861
	Interstate 80 (downstream of Hubbard).	896
	Downstream of U.S. Highway 62.	929
	Chestnut Ridge Rd. (upstream of Hubbard).	955
Shenango River	Confluence of Yankee Run.	847

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: December 28, 1977.

PATRICIA ROBERTS HARRIS,
Secretary, Department of
Housing and Urban Development.

[FR Doc. 78-13841 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3929]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Wellsville, Columbiana County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Wellsville, Columbiana County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Wellsville, Columbiana County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the city of Wellsville are available for review at City Hall, Wellsville, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Wellsville, Columbiana County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River	At southern corporate limit.	683
	At northeastern corporate limit.	685

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13842 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3858]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Westerville, Franklin County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Westerville, Franklin County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Westerville, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Westerville, Franklin County, Ohio, are available for review at City Hall, Westerville, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Westerville, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Alum Creek	Park Rd.	804
	Schrock Road Bridge	797
	Interstate 270	793

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13843 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3995]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Wilmington, Clinton County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Wilmington, Clinton County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Wilmington, Clinton County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Wilmington, Clinton County, Ohio, are available for review at the Office of the Service Director, City Hall, 56 West Locust Street, Wilmington, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Wilmington, Clinton County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lytle Creek	Downstream corporate limit.	967
	South Nelson Ave.	975
	Penn Central RR. (ConRail).	980
	Truesdell St.	994
	South Street Bridge.	1,003
	B. & O. RR. (Chessie System).	1,008
	Private road (0.14 mi downstream of branch No. 4).	1,020
Lytle Creek, branch No. 2.	Confluence with Lytle Creek.	991
	Penn Central RR. (ConRail) culvert.	993
	South Mulberry St.	1,002
	South Walnut St.	1,010
	Grant St.	1,014
	South Wall St. culvert.	1,021
	East Locust St.	1,023
	Cincinnati Milacron Driveway.	1,035
Lytle Creek, branch No. 3.	Confluence with Lytle Creek.	988
	West Main St.	994
	West Locust St.	997
	Clinton St.	1,010
	Nunn Ave. culvert.	1,019
	Earth Dam.	1,028
Lytle Creek, branch No. 5.	Corporate limit (downstream).	975
	State Route 73	1,000

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13844 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4000]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Glendale, Douglas County, Oregon

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Glendale, Douglas County, Oregon. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Glendale, Oregon.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Glendale are available for review at city hall, Glendale, Oregon.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Glendale, Oregon.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

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provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cow Creek	Southern Pacific RR spur bridge.	1,394
	Reuben Rd.	1,395
	Confluence with Windy Creek.	1,397

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13845 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3999]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Island City, Union County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Island City, Union County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Island City, Ore.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Island City,

are available for review at City Hall, Island City, Ore.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Island City, Ore.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grande Ronde River.	Union Pacific RR. bridge.	2,726
	Highway 82 bridge	2,727
	Upstream corporate limits.	2,733

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13846 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3931]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of North Powder, Union County, Ore.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of North Powder, Union County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of North Powder, Ore.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of North Powder, Union County, Ore., are available for review at city hall, North Powder, Ore.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of North Powder, Ore.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Powder River.	Thief Valley Rd.	3,244

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13847 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-4013]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Bristol, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Bristol, Bucks County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Bristol, Bucks County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Bristol, Bucks County, Pa., are available for review at the township hall, 2501 Oxford Valley Road, Levittown, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Bristol, Bucks County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Delaware River	Downstream corporate limits.	11
	Burlington-Bristol Bridge.	11
	Borough of Bristol corporate limits (upstream and downstream).	11
	Delaware Memorial Bridge.	11
Neshaminy Creek	Downstream corporate limits.	11
	Confluence with Croydon tributary.	11
	State road	12
	Confluence with Croydon Run.	12
	ConRail bridge	13
	Bristol Pike	14
	I-95 (north and south)	16
	Newportville Rd.	19
	Pennsylvania Turnpike	22
Croydon tributary	Confluence with Neshaminy Creek.	11
Croydon Run	Confluence with Neshaminy Creek.	12
	Main Ave. and 4th St.	13
	Princess Ave.	14
	Cedar Rd. and Sycamore Ave.	18
	Magnolia Ave.	19
	ConRail bridge	28
	Bristol Pike	28
	Dorset Ave.	28
	Dolores Lane	28
	Karen Ave.	28
	Janet Ave.	28
	Beacon St.	28
	Franklin St.	28
	Newport Rd.	28
	Dixon Ave.	28
	Steele Ave.	32
	Pennsylvania Route 413.	34

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
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Queen Anne Creek at Newportville.	Confluence with Neshaminy Creek.	18
	Riverside Ave.	18
	Newportville Rd.	19
	Nichol St.	24
	Maple St.	37
	Groveland Ave.	38
Otter Run (Mill Creek).	Confluence with Delaware River.	11
	Maple Beach Rd.	11
	Downstream corporate limits (Borough of Bristol).	14
	Pond St.	19
	Otter St.	19
	Upstream corporate limits (Borough of Bristol).	19
	ConRail bridge	19
	Bristol Pike	21
	Bath Rd.	22
Mill Creek	Magnolia Rd.	25
	Pennsylvania Turnpike	27
	Oxford Valley Rd.	31
	Footbridge	44
	Newportville Rd.	46
Black Ditch Creek	Confluence with Mill Creek.	20
	Green Lane	20
	Edgley Rd.	30
	Mill Creek Rd.	30
	Overbrook Lane	30
	Oak Tree Pass	31
	Footbridge	31
	Holly Pass	31
Queen Anne Creek.	Confluence with Mill Creek.	46
	Oxford Valley Rd.	46
	Newportville-Pausington Rd.	48
	Downstream Middletown Township corporate limits.	48
	Upstream Middletown Township corporate limits.	58
	Edgley Rd.	58
	Wistar Rd.	65
	Corporate limits	65
Martins Creek tributary No. 1.	Entire reach	32

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13848 Filed 5-23-78; 8:45 am]

[4210-01]

[Docket No. FI-3879]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Doylestown Township, Bucks County, Pa.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Doylestown Township, Bucks County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Doylestown Township, Bucks County, Pa.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Doylestown Township, Bucks County, Pa., are available for review at the Doylestown Township Building, 425 Wells Road, Doylestown, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Doylestown, Township, Bucks County, Pa.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Neshaminy Creek	Corporate limits	185
	Easton Rd.	199
	Lower State Rd.	217

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Central tributary	Confluence with Mill Creek	222
	Edison Rd.	201
	Saurman Rd.	230
	U.S. 202 bypass (upstream)	258
Mill Creek	East Rd. (upstream)	206
	Corporate limits	293
	Confluence with Neshaminy Creek	222
	Bristol Rd.	225
Pine Run	Old Iron Hill Rd.	257
	Pine Run Rd. (upstream)	261
	Rickerts Rd.	282
	Chapman Rd.	286
Cooks Run	Dublin Pike	289
	Swamp Rd.	292
	Tamenend Ave.	244
	Iron Hill Rd.	285
	Sandy Retreat Rd. (upstream)	297
	Burpee Rd. (upstream)	302
	U.S. 202 bypass (upstream)	312
	Limekiln Rd. (upstream)	318
	Corporate limits (upstream)	331

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13849 Filed 5-23-78; 8:45 am)

[6820-24]**Title 41—Public Contracts and Property Management****CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS****SUBCHAPTER E—SUPPLY AND PROCUREMENT**

[FPMR Amdt. E-221]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS**Miscellaneous Changes**

AGENCY: General Services Administration.

ACTION: Final rule.

SUMMARY: This regulation contains changes in selected sections of the Federal Property Management Regulations to update references and to include minor editorial and procedural changes.

EFFECTIVE DATE: May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. John I. Tait, Director, Regula-

tions and Management Control Division, Office of the Executive Director, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-1914.

Subpart 101-26.1—General

Section 101-26.105(a) is revised as follows:

§ 101-26.105 Justification to support negotiated procurement by GSA for other agencies.

(a) When the requisition is for items to be procured under § 1-3.202 (public exigency), civilian agencies shall use FEDSTRIP priority designator codes 03 or 06. DOD requisitioning activities, under the Uniform Materiel Movement and Issue Priority System (UMMIPS), shall use priority designator codes 01 through 06.

NOTE.—A requisition which cites a priority designator above 06 may justify negotiation under this or other negotiation authority, but in such instances the request must be accompanied by a justification setting forth specific circumstances sufficient to support the findings and determination to be made by the GSA contracting officer.

Subpart 101-26.3—Procurement of GSA Stock Items

1. Section 101-26.303 is revised as follows:

§ 101-26.303 Out-of-stock items.

Generally, it is more advantageous to agencies if GSA backorders requisitions for out-of-stock items rather than cancels requisitions. Unless notified by agencies not to backorder a requisition, through FEDSTRIP advice codes 2C or 2J, a back order will be established. The agency will be notified of the estimated date that shipment will be made. Upon receipt of the status transaction, the agency shall determine if the estimated shipping date will meet its needs and, as appropriate: (a) accept the back order, (b) request a suitable substitute item, or (c) request cancellation in accordance with § 101-26.309.

2. Section 101-26.304 is revised as follows:

§ 101-26.304 Substitution policy.

In filling a requisition from GSA stock, GSA may supply an interchangeable item, without prior notice, unless notified by agencies through FEDSTRIP advice codes 2B or 2J not to substitute. When the proposed substitute is not an interchangeable item, agencies will be offered the substitute in a status transaction, if applicable, or contacted by telephone, mail, or message.

3. Section 101-26.306 is revised as follows:

§ 101-26.306 Planned requisitioning for GSA stock items.

In preparing requisitions for GSA stock items, agencies shall follow schedules or cyclical plans for replenishment of stocks so as to reduce the number of repetitive requisitions required while adjusting ordering frequency to comply with the economic order quantity principle. (See § 101-27.102.)

4. Section 101-26.308 is revised as follows:

§ 101-26.308 Obtaining filing cabinets.

Each agency head, after taking actions prescribed in § 101-25.302-2, shall determine agency requirements for filing cabinets. When additional filing cabinets are required, requisitions shall be submitted in FEDSTRIP format to the GSA region supporting the geographic area in which the requisitioning agency is located.

Subpart 101-26.4—Purchase of Items From Federal Supply Schedule Contracts

1. Section 101-26.406-1(a) is revised as follows:

§ 101-26.406-1 General.

(a) Standard Form 149, U.S. Government National Credit Card (illustrated in § 101-26.4901-149), is authorized for use by Federal agencies in obtaining authorized services and delivery of supplies at service stations dispensing supplies of contractors listed in Defense Fuel Supply Center Contract Bulletin DSA600-3.33. Activities requiring copies of the bulletin should submit requests to: Commander, Defense Fuel Supply Center, Attention: DFSC:OD, Cameron Station, Alexandria, Va. 22314.

2. Section 101-26.406-5 is revised as follows:

§ 101-26.406-5 Methods of obtaining Standard Form 149, U.S. Government National Credit Card.

(a) *Orders for 50 or more.* (1) Agency purchase orders for 50 or more embossed Standard Forms 149 shall be forwarded to the embossing contractor as provided in Federal Supply Schedule, FSC Group 75, part VII.

(2) The embossing contractor will bill ordering agencies directly.

(3) The type font to be used when embossing Standard Form 149 shall conform with the requirements of the Federal Supply Schedule contract.

(b) *Requisitions for 49 or fewer.* (1) Agency requisitions for 49 or fewer

embossed Standard Forms 149 shall be forwarded to the Federal Supply Service, Motor Equipment Services Division, at the GSA regional office providing supply support to the requesting activity.

(2) Each agency shall furnish the billing code, billing address, and when appropriate, the vehicle tag or registration number for each Standard Form 149 requisitioned. This information shall accompany the requisition and shall be limited to five lines with no more than 22 characters (including spaces) per line. When appropriate, the expiration date and the agency series mark shall also be included on the requisition.

(3) Each requisition for a Standard Form 149 shall include an expiration date for the form not to exceed 2 years from the date of embossing.

(4) GSA will bill requisitioning agencies or will accept cash payment.

(5) The type font to be used when embossing Standard Form 149 shall conform with the requirements of the Federal Supply Schedule contract.

3. Section 101-26.407-2 is revised as follows:

§ 101-26.407-2 Applicability.

The provisions of this § 101-26.407 apply only to the purchase of security equipment under a GSA procurement program by fixed-price prime contractors and lower tier subcontractors under any type of contract. These provisions do not apply to the purchase of security equipment by cost-reimbursement type prime contractors; however, such purchases are subject to the provisions of subpart 1-5.9.

4. Section 101-26.408-3 is amended to revise paragraphs (a), the introductory sentence in (b), (b)(1), (b)(5), and (b)(6)(i) as follows:

§ 101-26.408-3 Justifications.

(a) Justifications for purchases made at prices other than the lowest delivered price available should be based on specific or definitive needs which are clearly associated with the achievement of program objectives. Mere personal preference cannot be regarded as an appropriate basis for a justification. Justifications should be clear and fully expressed. Recital of or reference to one of the factors set forth in paragraph (b) of this § 101-26.408-3 is not sufficient.

(b) The following are examples of factors that may be used in support of justifications when used with assertions that are fully set forth and documented.

(1) Special features of one item not provided by comparable items are required in effective program performance.

(5) Time of delivery in terms of actual need cannot be met by a contractor offering a lower price.

(6)
(i) Probable life of the item selected as compared with that of a comparable item at a lower cost is sufficiently greater so that the additional purchase price is economically warranted.

Subpart 101-26.5—GSA Procurement Programs

1. Section 101-26.505 is revised as follows:

§ 101-26.505 Office and household furniture and furnishings.

Requirements for new office and household furniture and furnishings as described in this § 101-26.505 shall be satisfied from GSA stock or Federal Supply Schedule contracts to the extent that agencies are required to use these sources. Requirements for items not obtainable from these sources may be satisfied by any Federal agency through GSA special buying services upon agency request pursuant to the provisions of § 101-26.102. Before initiating a procurement action for new items, items on hand should be redistributed, repaired, or rehabilitated, as feasible, pursuant to § 101-26.101.

2. Section 101-26.505-7 is revised as follows:

§ 101-26.505-7 GSA assistance in selection of furniture and furnishings.

The Customer Service Representative in each GSA regional office will, upon request, furnish agencies with information on the types, styles, finishes, coverings, and colors of office and household furniture and furnishings available through the GSA purchase program. (See § 101-26.506.)

3. Section 101-26.506-2(b) is revised as follows:

§ 101-26.506-2 Limitations.

(b) Furniture and furnishings to be obtained in connection with interior planning and design services furnished by GSA shall be acquired, to the extent available, from GSA stock or through Federal Supply Schedules in accordance with the provisions of §§ 101-26.301 and 101-26.401.

4. Section 101-26.509-1 is revised as follows:

§ 101-26.509-1 Requirements available from Federal Supply Schedule contracts.

Federal Supply Schedule, FSC Group 75, part VIII, includes contracts for tabulating cards applicable to elec-

trical and mechanical contact tabulating machines, including aperture cards and copy cards. Federal agencies shall submit their requirements for these cards in accordance with the provisions of the current schedule. Requirements not exceeding the maximum order limitation of the Federal Supply Schedule but ordered direct by activities located outside the geographical delivery areas specified in the schedule shall be ordered by submitting requisitions to the General Services Administration (2FF), 26 Federal Plaza, New York, N.Y. 10007, in FEDSTRIP format using routing identifier code GNO.

5. Section 101-26.509-2 is amended by revising paragraphs (a) and (b) as follows:

§ 101-26.509-2 Requirements not available from Federal Supply Schedule contracts.

(a) Requirements for tabulating machine cards covered by Federal Supply Schedule contracts which exceed the maximum order limitation of the schedule shall be forwarded in FEDSTRIP format using routing identifier code GNO to the General Services Administration (2FF), 26 Federal Plaza, New York, N.Y. 10007, for purchase action.

(b) Requirements for tabulating machine cards not covered by Federal Supply Schedule contracts shall be submitted to GSA for purchase action if the dollar value of the requirements exceeds or is estimated to exceed \$2,500. However, regardless of the amount involved (including requirements estimated to be \$2,500 or less), purchase action shall not be taken by GSA or an agency unless a waiver of the requirement for the use of tabulating cards available from Federal Supply Schedule contracts has been furnished in accordance with § 101-26.100-2. Requests for waivers shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406. The requests shall fully describe the items required and state the reasons the tabulating machine cards covered by the Federal Supply Schedule contracts will not adequately serve the end-use purpose. GSA will notify the requesting agency in writing of the action taken on the waiver request. To reduce leadtime, requisitions may be submitted in FEDSTRIP format with the requests for waiver. A requisition for items for which a waiver has first been obtained shall be submitted with a copy of the waiver to the appropriate GSA activity prescribed in § 101-26.509-1. GSA will either arrange for procurement to satisfy the requirements or authorize the requesting agency to procure the items.

RULES AND REGULATIONS

(Sec. 205(e), 63 Stat. 390 (40 U.S.C. 486(e)).)

Dated: May 17, 1978.

JAY SOLOMON,
Administrator of General Services.
[FR Doc. 78-14470 Filed 5-23-78; 8:45 am]

[6712-01]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19995; RM-2275]

PART 76—CABLE TELEVISION SERVICE

Network Program Exclusivity Protection by Cable Television Systems; Order Extending Time for Filing Responses to Petitions for Reconsideration

AGENCY: Federal Communications Commission.

ACTION: Extension of time, responses to petitions for reconsideration.

SUMMARY: An extension of time has been granted for filing responses to petitions for reconsideration in Docket 19995, which concerns deletion by cable television systems of duplicating network programs on local television signals.

DATES: Responses to petitions for reconsideration will be due on or before June 20, 1978.

ADDRESS: Federal Communications Commission, 1919 M Street NW., Washington, D.C. 20554.

FOR FURTHER INFORMATION:

Contact Tom Hendrickson, Cable Television Bureau, 202-632-6468.

SUPPLEMENTARY INFORMATION: Adopted: May 17, 1978.

Released: May 18, 1978.

Order. In the matter of amendment of subpart F of part 76 of the Commission's rules and regulations with respect to network program exclusivity protection by Cable Television Systems, Docket No. 19995 RM-2275.

1. Several petitions have been filed asking the Commission to reconsider its decision in Memorandum Opinion and Order in Docket 19995, FCC 78-217 43 FR 16337, April 18, 1978. Other parties have officially noticed their intention to file additional timely petitions for reconsideration. Section 1.429 of the Commission's rules states that oppositions to petitions for reconsideration must be filed within 15 days after notice of the petition's filing is published in the FEDERAL REGISTER. The rule has caused some confusion in this case since the time for responding

to the first filed petition expires May 17, 1978, even though other original petitions may be filed as late as May 18 with responses not due for several weeks thereafter.

2. In order to avoid the necessity that separate responses be filed to each petition for reconsideration, the time for responding to all such petitions is being extended, on our own motion, to June 20, 1978. This should roughly correspond to the normal filing deadline for the last timely filed petition for reconsideration.

This action is taken pursuant to authority delegated to the Chief, Cable Television Bureau under § 0.288(a) of the Commission's rules.

FEDERAL COMMUNICATIONS COMMISSION,
PHILIP L. VERVEER,
Chief, Cable Television Bureau.
[FR Doc. 78-14500 Filed 5-23-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S. O. No. 1327]

PART 1033—CAR SERVICE

Brillion & Forest Junction Railroad Co. Authorized to Operate Over Tracks Abandoned by Chicago & North Western Transportation Co.

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Service Order No. 1327.

SUMMARY: The Chicago & North Western (CNW), in Docket AB-1 Sub. No. 52 has been authorized to abandon its line between Rosemer, Wis., and Forest Junction, Wis. A new railroad, the Brillion & Forest Junction, has been formed by a group of shippers located in Brillion, Wis., to acquire and operate that portion of the line abandoned by the CNW between Brillion & Forest Junction. Service Order No. 1327 authorizes the Brillion & Forest Junction to commence operation of that portion of the line effective on the date of abandonment of operations by the CNW in order to provide uninterrupted rail service to shippers located at Brillion.

DATES: Effective 12:01 a.m., June 1, 1978; Expires 11:59 p.m., January 15, 1979.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization

RULES AND REGULATIONS

[3510-12]

Title 50—Wildlife and Fisheries

CHAPTER II.—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 230—WHALING

Taking of Bowhead Whales by Indians, Aleuts, or Eskimos for Subsistence Purposes

AGENCY: National Marine Fisheries Service.

ACTION: Final rule.

SUMMARY: Pursuant to the authority granted by the Whaling Convention Act, the National Oceanic and Atmospheric Administration (NOAA) promulgated regulations on April 3, 1978, with respect to native subsistence whaling for bowhead whales for 1978 (43 FR 13883). The regulations provide a village by village allocation of the bowhead whales that may be taken by native subsistence whalers during the year. Paragraph 230.74(c) of those regulations provides for the reassignment of quotas among native villages by the Administrator but does not allow for such assignment if, at the time, any other whaling village has exceeded its quota. This emergency amendment would permit an assignment in such case by the Administrator unless he determines that the assignment is likely to result in exceeding the overall quota for native whaling villages of twelve whales landed or eighteen struck.

DATES: This amendment is effective May 24, 1978.

ADDRESSES: Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235.

FOR FURTHER INFORMATION CONTACT:

William P. Jensen, Marine Mammal and Endangered Species Division, National Marine Fisheries Service, 3300 Whitehaven Street NW., Washington, D.C. 20235, phone 202-634-7461.

SUPPLEMENTARY INFORMATION: At a special meeting on December 6-8, 1977, the International Whaling Commission adopted an amendment to the Schedule to the International Whaling Convention (Convention) which al-

and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The Order is printed in full below.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 16th day of May 1978.

The Chicago & North Western Transportation Co. (CNW) has been authorized by the Commission, in Docket AB-1 Sub. No. 52, to abandon its line between Rosemer, Wis., and Forest Junction, Wis., subject to a requirement that the portion of the line between Brillion, Wis., and Forest Junction be offered for sale to any responsible purchaser for continued operation as a common carrier by railroad. Such an offer has been made by the AFW Realty Co., Inc., (AFW), an association of shippers served by the affected portion of this line and has been accepted by CNW.

The offer is conditioned upon a grant of operating authority by the Commission to the Brillion & Forest Junction Railroad Co. (BFJ) which has been granted a lease of the line by AFW. The shippers who have formed AFW are solely dependent upon the continued operation of this line for essential railroad services. It is the opinion of the Commission that an emergency exists; that operation by the BFJ over these tracks abandoned by the CNW is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1327 Service Order No. 1327.

(a) *Brillion & Forest Junction Railroad Co. authorized to operate over tracks abandoned by Chicago & North Western Transportation Co.* The Brillion & Forest Junction Railroad Co. (BFJ) is authorized to operate over tracks abandoned by the Chicago & North Western Transportation Co. (CNW) and owned by AFW Realty Co., Inc., between former CNW milepost 98.5 at Brillion, Wis., and milepost 105.2 at Forest Junction, Wis., pending disposition of an application of the BFJ seeking permanent authority for operation of this line.

(b) Application: The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) Rates applicable: Inasmuch as this operation by the BFJ over tracks previously operated by the CNW is

deemed to be due to carrier's disability, the rates applicable to traffic moved over these lines shall be the rates applicable to traffic routed to, from, or via these lines which were formerly in effect on such traffic when routed via the CNW, until tariffs naming rates and routes specifically applicable via the BFJ become effective.

(d) In transporting traffic over these lines the BFJ and all other common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(e) Effective date: This order shall become effective at 12:01 a.m., June 1, 1978.

(f) Expiration date: The provisions of this order shall expire at 11:59 p.m., January 15, 1979, unless otherwise modified, changed, or suspended by order of this Commission.

(49 U.S.C. 1(10-17).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board, members, Joel E. Burns, Robert S. Turkington, and John R. Michael. Member Joel E. Burns not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14532 Filed 5-23-78; 8:45 am]

lowed a limited taking of bowhead whales from the Bering Sea stock: 12 whales landed or 18 struck, whichever occurs first. This amendment was published in the FEDERAL REGISTER on March 8, 1978, (43 FR 9481), as provided by section 916k of the Whaling Convention Act (16 U.S.C. 916a-1), and became binding on persons subject to the jurisdiction of the United States. On April 3, 1978, (43 FR 13883) NOAA further implemented the Schedule provisions by promulgating regulations which subdivided the overall quota among the native whaling villages of Alaska. The regulations authorize village quotas to be reassigned from one village to another, provided that no other whaling village has exceeded its quota at the time of the reassignment. The purpose of the proviso was to restrain the total take to the overall quota level.

The Spring hunt is rapidly approaching a conclusion. The season is likely to end within the next two weeks, and opportunities for whaling are rapidly disappearing from some villages. Whaling has already ceased in several villages. To date, all affected whalers, the Alaska Eskimo Whaling Commission and the entire Eskimo community have cooperated in seeking to abide by the regulations. Although one village has exceeded its quota by one whale as the result of a bona fide misunderstanding of the regulations, several villages are under their quota. The threefold purpose of the regulations—to prevent taking in excess of the limits imposed by the Schedule to the Convention, to distribute the overall quota equitably, and to provide for the critical nutritional need of the villages—would not be served by absolutely prohibiting reassignments at this point in the season due to the overage in one village.

In view of the foregoing, I find that immediate amendment of the regulations is necessary, notice and public comment thereon are impractical and contrary to the public interest, and

good cause exists for making this amendment effective immediately.

§ 230.74 [Amended]

Accordingly, 50 CFR Part 230 is amended by revising § 230.74(c) to read as follows:

(c) If for any reason the landing or struck quota for a whaling village is not reached, the part of the quota which remains may be reassigned by the Administrator, upon request of such village, to a second whaling village: *Provided*, That if any other whaling village has exceeded its quota at the time the reassignment is requested, the Administrator shall not reassign the quota if he determines that it is likely to result in the total number of whales landed or struck exceeding 12 or 18, respectively. In making such reassignment, the Administrator shall consult with representatives of as many whaling villages as time reasonably permits.

Dated: May 19, 1978.

JAMES P. WALSH,
Acting Administrator.

[FR Doc. 78-14523 Filed 5-23-78; 8:45 am]

[3510-22]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 661—SALMON FISHERY

Emergency Regulations Repromulgated

AGENCY: National Oceanic and Atmospheric Administration/Commerce.

ACTION: Emergency regulations.

SUMMARY: This rule extends the emergency regulations for the commercial and recreational salmon fisheries off the coast of Washington, Oregon, and California for an additional 45 days from 0001 P.d.s.t., May 29, 1978, to 2400 P.d.s.t., July 13, 1978. The emergency situation described in the initial FEDERAL REGISTER publication (43 FR 15629) on April 14, 1978, continues to exist.

EFFECTIVE DATE: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald R. Johnson, Director, Northwest Region, National Marine Fisheries Service, 1700 Westlake Avenue North, Seattle, Wash. 98109, telephone, 206-442-7575.

SUPPLEMENTARY INFORMATION: On April 14, 1978, the Deputy Director of the National Marine Fisheries Service, published emergency regulations in the FEDERAL REGISTER (43 FR 15629) to implement the fishery management plan for commercial and recreational salmon fisheries off the coasts of Washington, Oregon, and California prepared by the Pacific Fishery Management Council and approved by the Secretary of Commerce. The Secretary has determined that the current regulations must be continued for an additional 45-day period as authorized by section 305(e)(2) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265; 16 U.S.C. 1801-1882).

Therefore the emergency regulations adopted on April 14, 1978, are continued in effect from 0001 hours Pacific daylight saving time May 29, 1978, to 2400 hours P.d.s.t. July 13, 1978, unless sooner amended or terminated by appropriate action and public notice.

Signed this 17th day of May, 1978, at Washington, D.C.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-14450 Filed 5-23-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[7590-01]

NUCLEAR REGULATORY COMMISSION

[10 CFR Part 70]

DOMESTIC LICENSING OF SPECIAL NUCLEAR MATERIAL

General License Requirements For Any Person Who Possesses Special Nuclear Material (SNM) In Transit

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: Based on the Commission decision to provide a comparable level of protection for special nuclear material in the transportation sector as is now provided for special nuclear material at fixed sites, the Nuclear Regulatory Commission is considering amendments to its regulations to require any person who possesses, or who exercises control over, formula quantities of special nuclear material in transit to be responsible for assuring that the special nuclear material is protected against theft and sabotage by a security system which is implemented in accordance with a Transportation Security Plan that has received prior NRC approval. Implementation of the rule would bring persons who possess or control formula quantities of special nuclear material in transit directly under NRC physical protection regulations.

DATES: Comments must be received on or before June 23, 1978.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C., 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Materials Protection Standards Branch, Division of Siting, Health and Safeguards Standards, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6973.

SUPPLEMENTARY INFORMATION: In light of the criteria that shipments

of formula quantities of special nuclear material should be protected in the interest of national security and public health and safety, the Commission believes that carriers, and other persons presently exempt from licensing under 10 CFR 70.12 should, while in actual physical possession of strategic special nuclear material be licensed while performing the vital role of transporting formula quantities of special nuclear material. Under the present system the NRC has no legal basis for inspecting shipments in transit in the absence of a license or other formal means although such inspection is now carried out on a voluntary basis. The commission believes that the authority for inspection of common or contract carrier vehicles, aircraft, ships, carrier of shipper agents' facilities, and all mode transfer and temporary storage points associated with strategic special nuclear material shipments should be given a firm regulatory basis.

Accordingly, the Commission proposes to amend its regulation in § 70.12 of 10 CFR Part 70, that grants an exemption from regulatory requirements for carriers and other persons who may possess or control strategic special nuclear material in transit. Section 70.12 would be revised to remove the exemption from the regulations as to carriers and other persons who possess or control formula quantities of special nuclear material, subject to the physical protection requirements of 10 CFR Part 73, for the purpose of transport, or to provide storage incident to transport. A new § 70.20a would be added to Part 70 granting a general license to any person who possesses or controls formula quantities of special nuclear material in transit. The general license would be limited to possession only and would be effective during the course of a shipment. The exemption remains in effect for all other special nuclear material shipments. The general license would be subject to certain enumerated sections of Part 70 and a transportation security plan would have to be submitted and receive NRC approval before being able to possess strategic special nuclear material under the license.

The amendments proposed only codify practices and procedures presently conducted on a voluntary basis and will not require the filing of applications with the Commission or the issuing of licensing documents to particular persons by the Commission. The promulgation of the amendments will

not result in any activity that affects the environment. Accordingly, the Commission has determined under the National Environmental Policy Act, the Council of Environmental Quality guidelines, and the criteria of 10 CFR Part 51.5(d)(3), that neither an environmental impact statement or environmental impact appraisal to support a negative declaration for the proposed amendments to 10 CFR Part 70 is required.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and Section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to Title 10, Chapter I, Code of Federal Regulations, Part 70 is contemplated.

1. Revision of § 70.12 to read as follows:

§ 70.12 Carriers.

Common and contract carriers, freight forwarders, warehousemen, and the U.S. Postal Service are exempt from the regulations in this part to the extent that they transport or store special nuclear material in the regular course of carriage for another or storage incident thereto. This exemption does not apply to special nuclear material subject to §§ 73.30 through 73.36 and 73.70(g) of Part 73 of this chapter and transported under the general license issued under § 70.20a.

2. Addition of a new § 70.20a to read as follows:

§ 70.20a General license is hereby issued to possess special nuclear material for transport.

A general license is hereby issued to possess special nuclear material of the types and quantities subject to the requirements of §§ 73.30 through 73.36 and 73.70(g) of Part 73 of this chapter, for the purpose of transport and storage incident thereto. The general license is subject to the provisions of §§ 70.32, 70.42, 70.52, 70.55, 70.61, 70.62, and 70.71. Any person who possesses special nuclear material for the purpose of transport under this general license:

(a) Shall have submitted and received approval of his transportation security plan. The security plan shall outline the procedures that will be used to meet the requirements of §§ 73.30 through 73.36 and 73.70(g) of Part 73 of this chapter including a

plan for the selection, qualification, and training of armed escorts, or the specification and design of a specially designed truck or trailer as appropriate.

(b) Shall assure that the transportation is in accordance with the applicable physical protection requirements of Part 73 of this chapter and the applicable approved transportation security plan.

Dated at Washington, D.C., this 17th day of May, 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK, Secretary of the Commission.

[FR Doc. 78-14518 Filed 5-23-78; 8:45 am]

[7590-01]

[10 CFR Parts 70, 73, 150]

SPECIAL NUCLEAR MATERIAL OF MODERATE AND LOW STRATEGIC SIGNIFICANCE

Safeguard Requirements

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The Nuclear Regulatory Commission is considering amendments to its regulations for physical protection of plants and materials, including nonpower reactors. These amendments would require physical protection measures against theft of

Consideration is also being given to the development of additional and supplemental safeguard requirements designed specifically for nonpower reactors. These proposed requirements will be published at a later date for public comment.

special nuclear material of moderate and low strategic significance. The amendments are proposed in the interest of common defense and security. The measures proposed are designed to provide a level of protection equivalent to that recommended in Information Circular/225 (INFCIRC/225) published by the International Atomic Energy Agency (IAEA). The amendment would specify protection requirements for nuclear materials used at fixed sites, including nonpower reactors, and for nuclear materials in transit. Physical protection requirements for independent spent fuel storage installations and nuclear power reactors are presently covered under 10 CFR 73.40, 73.50, and 73.55 and therefore are not included in these amendments.

DATES: Comments must be received on or before June 23, 1978.

ADDRESSES: Comments or suggestions for consideration in connection with the proposed amendments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch. Copies of comments received may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

FOR INFORMATION INFORMATION CONTACT:

Mr. R. J. Jones, Chief, Material Protection Standards Branch, Office of Standards Development, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-443-6973, or Mr. C. K. Nulsen, Requirements Analysis Branch, Division of Safeguards, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, 301-427-4043.

SUPPLEMENTARY INFORMATION: The Nuclear Regulatory Commission

is considering amendments to its regulations in 10 CFR part 73, "Physical Protection of Plants and Materials." These amendments would require physical protection measures against theft of special nuclear material of moderate and low strategic significance.

The proposed amendments are designed to protect against the theft of special nuclear material of a type and quantity that is not directly useable in the manufacture of a nuclear weapon but which nevertheless could be of substantial assistance in such a project. The proposed amendments would provide a level of protection equivalent to that recommended for categories II and III material in information circular 225 bulletin published by the IAEA as shown in table 1. Physical protection of unirradiated SNM in categories II and III is justified on the basis of enhancing domestic protection of such materials by providing theft detection and deterrence capabilities and demonstrating U.S. willingness to accept international physical security standards.

The publication of recommended physical security measures for materials of moderate and low strategic importance by the IAEA, in information circular/225 (INFCIRC/225), was accompanied by assessments of domestic safeguards needs relative to those materials. It is the staff's judgment that the proposed requirements are technically justified and are necessary, even without taking into account the general desirability of U.S. acceptance of internationally recommended standards developed and promulgated with full U.S. participation. In the absence of protection measures, an adversary could obtain a formula quantity or more of plutonium, uranium-233 or high enriched uranium through multiple thefts of quantities of materials of moderate or low strategic significance.

TABLE 1.—IAEA categorization of nuclear material*

Material	Form	Category		
		I	II	III
1. Plutonium*	Unirradiated*	2 kg or more	Less than 2 kg but more than 500 g.	500 g or less.*
2. Uranium-235*	Unirradiated:			
	Uranium enriched to 20 pct ²³⁵ U or more	5 kg or more	Less than 5 kg but more than 1 kg.	1 kg or less.*
	Uranium enriched to 10 pct ²³⁵ U but less than 20 pct.		10 kg or more	Less than 10 kg.*
	Uranium enriched above natural, but less than 10 pct ²³⁵ U.			10 kg or more.
3. Uranium-233	Unirradiated*	2 kg or more	Less than 2 kg but more than 500 g.	500 g or less.*

*All plutonium except that with isotopic concentration exceeding 80 pct in plutonium-238.

*Material not irradiated in a reactor or material irradiated in a reactor but with a radiation level equal to or less than 100 rd/hr at 1 m unshielded.

*Less than a radiologically significant quantity should be exempted.

*Natural uranium, depleted uranium, and thorium and quantities of uranium enriched to less than 10 pct not falling in category III should be protected in accordance with prudent management practice.

*Irradiated fuel should be protected as category I, II, or III nuclear material depending on the category of the fresh fuel. However, fuel which by virtue of its original fissile material content is included as category I or II before irradiation should only be reduced one category level, while the radiation level from the fuel exceeds 100 rd/h at 1 m unshielded.

*The State's competent authority should determine if there is a credible threat to disperse plutonium malevolently. The State should then apply physical protection requirements for category I, II, or III of nuclear material, as it deems appropriate and without regard to the plutonium quantity specified under each category herein, to the plutonium isotopes in those quantities and forms determined by the State to fall within the scope of the credible dispersal threat.

In addition, quantities of uranium enriched to less than 20 percent in the uranium-235 (U-235) isotope could be diverted, without timely detection, to other countries for additional enrichment or for plutonium production.

The proposed amendments differ in substance from the IAEA categorization in that:

1. A lower limit of 15 grams for plutonium, high enriched uranium-235, or uranium-233 is set for special nuclear material of low strategic significance (category III).

2. A lower limit of 1,000 grams for uranium-235 (contained in uranium enriched to 10 percent or more but less than 20 percent in the U-235 isotope) is set for special nuclear material of low strategic significance (category III).

3. Physical protection is also explicitly required for the combination of plutonium, high enriched uranium, or uranium-233 for special nuclear material of moderate strategic significance (category II) and low strategic significance (category III), and

4. Independent spent fuel storage installations are presently covered under 10 CFR 73.40 and 73.50 and therefore are not included in these amendments.

Basically the proposed physical protection measures for special nuclear material of moderate strategic significance require:

1. Using and storing the material in a controlled access area,

2. Limiting access to the material only to authorized individuals whose trustworthiness has previously been determined,

3. Continuously monitoring the area to detect unauthorized activities, and

4. Transporting the material under controlled and planned conditions.

The proposed physical protection measures for special nuclear material of low strategic significance basically require:

1. Using and storing the material in a controlled access area,

2. Continuously monitoring the controlled access area to detect unauthorized activities, and

3. Transporting the material under controlled and planned conditions.

The proposed amendments would apply to licensees authorized to possess, use transfer, import, and export certain quantities of special nuclear material. Licensees possessing special nuclear material of low strategic significance who are licensed under the agreement states requirements of part 150 of this chapter will be required to

meet the requirements of these proposed amendments pursuant to section 274m of the Atomic Energy Act of 1954, as amended.

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to title 10, chapter I, Code of Federal Regulations, parts 70, 73, and 150 is contemplated.

PART 70—SPECIAL NUCLEAR MATERIAL

§ 70.22 [Amended]

1. Section 70.22(g) of 10 CFR part 70 is revised as follows:

(g) Each application for a license which would authorize the transport, export, or delivery to a carrier for transport of special nuclear material in an amount specified in § 73.1(b)(2) of this chapter shall include a description of the plan for the physical protection of special nuclear material in transit in accordance with §§ 73.30 through 73.36, 73.47 (a) and (e), 73.74(g) for 10 Kg or more of special nuclear material of low strategic significance, and 73.70(g) of this chapter including a plan for the selection, qualification, and training of armed escorts, or the specification and design of a specially designed truck or trailer as appropriate.

2. Section 70.22(h) of 10 CFR part 70 is revised as follows:

(h) Each application for a license to possess or use at any site or contiguous sites subject to control by the licensee uranium-235 (contained in uranium enriched to 20 percent or more in the uranium-235 isotope), uranium-233, or plutonium alone or in any combination in a quantity of 5,000 grams or more computed by the formula, grams=(grams contained in U-235)+2.5 (grams U-233+grams plutonium), other than a license for possession or use of such material in the operation of a nuclear reactor license pursuant to part 50 of this chapter, shall include a physical security plan, consisting of two parts. Part I shall address vital equipment, vital areas, and isolation zones, and shall demonstrate

how the applicant plans to meet the requirements §§ 73.40, 73.50, 73.60, 73.70, and 73.71 of this chapter in the conduct of the activity to be licensed. Part II shall list tests, inspections, and other means to demonstrate compliance with such requirements.

3. A new § 70.22(j) is added to 10 CFR part 70 to read as follows:

(j) Each application for a license to possess or use at any site or contiguous sites subject to control by the licensee special nuclear material moderate strategic significance or 10 Kg or more of special nuclear material of low strategic significance as defined under §§ 73.2 (z) and (aa) of this chapter, other than a license for possession or use of such material in the operation of a nuclear power reactor licensed pursuant to part 50 of this chapter, shall include a physical security plan which shall demonstrate how the applicant plans to meet the requirements of § 73.47 (c) and (d) of part 73 of this chapter.

PART 73—PHYSICAL PROTECTION OF PLANTS AND MATERIALS

4. Section 73.1(b) of 10 CFR part 73 is revised to read as follows:

§ 73.1 Purpose and scope.

(b) Scope. (1) This part prescribes requirements for: (i) the physical protection of production and utilization facilities licensed pursuant to part 50 of this chapter; (ii) the physical protection of plants in which activities licensed pursuant to part 70 of this chapter are conducted, and (iii) the physical protection of special nuclear material, by any person who pursuant to the regulations in part 70 of this chapter possesses or uses at an any site or contiguous sites subject to the control by the licensee, formula quantities of strategic special nuclear material² or special nuclear material of moderate strategic significant of special nuclear material of low strategic significance.

(2) This part prescribes requirements for the physical protection of special nuclear material in transportation by any person who is licensed pursuant to the regulations in part 70 of

this chapter who imports, exports, transports, delivers to a carrier for transport in a single shipment, or takes delivery of a single shipment free on board where it is delivered to a carrier, formula quantities of strategic special nuclear material² or special nuclear material of moderate strategic significance or special nuclear material of low strategic significance.

5. Section 73.2 of 10 CFR part 73 is amended by adding new paragraphs (z) and (aa) to read as follows:

§ 73.2 Definitions.

(z) "Special nuclear material of moderate strategic significance" means:

(1) Less than formula quantities of strategic special nuclear material, but in a quantity of more than 1,000 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope) or more than 500 grams of uranium-233 or plutonium or in a combined quantity of more than 1,000 grams when computed by the equation, $\text{grams} = (\text{grams contained U-235}) + 2 (\text{grams U-233} + \text{grams plutonium})$, or

(2) 10,000 grams or more of uranium-235 (contained in uranium enriched to 10 percent or more but less than 20 percent in the U-235 isotope).

(aa) "Special nuclear material of low strategic significance" means:

(1) Less than an amount of strategic special nuclear material of moderate strategic significance, as defined in § 73.2(z)(1) of this part, but more than 15 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope) or 15 grams of Uranium-233 or 15 grams of plutonium or the combination of 15 grams when computed by the equation, $\text{grams} = \text{grams contained U-235} + \text{grams plutonium} + \text{grams U-233}$, or

(2) Less than 10,000 grams but more than 1,000 grams of uranium-235 (contained in uranium enriched to 10 percent or more but less than 20 percent in the U-235 isotope), or

(3) 10,000 grams or more of uranium-235 contained in uranium enriched above natural but less than 10 percent in the U-235 isotope.

6. A new § 73.47 is added to 10 CFR part 73 to read as follows:

§ 73.47 Licensee fixed site and in transit requirements for the physical protection of special nuclear material of moderate and low strategic significance.

(a) General performance objectives. (1) Each licensee who possesses, uses, or transports strategic nuclear materi-

al of low or moderate strategic significance shall establish and maintain a physical protection system that will achieve the following objectives:

(i) Minimize the possibilities for unauthorized removal of special nuclear material consistent with the potential consequences of such actions; and

(ii) Facilitate the location and recovery of missing special nuclear material.

(2) To achieve these objectives, the physical protection system shall:

(i) Detect and assess unauthorized access and materials introduction into, or unauthorized activities within the vicinity of special nuclear material;

(ii) Detect and assess unauthorized removal of special nuclear material;

(iii) Assure proper placement and transfer of custody of special nuclear material; and

(iv) Respond to indications of unauthorized removal of special nuclear material and communicate to appropriate response forces in order to facilitate its recovery.

(b) A licensee is exempt from the requirements of this section to the extent that he possesses, uses, or transports special nuclear material which is not readily separable from other radioactive material and which has a total external radiation dose rate in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding.

(c) Each licensee who possesses, uses, or transports special nuclear material of moderate strategic significance or 10 Kg or more of special nuclear material of low strategic significance shall submit by (date 60 days from publication in effective form in FEDERAL REGISTER) a security plan or an amended security plan describing how the licensee will comply with all the requirements of § 73.47 (c), (d), (e), and (f), including schedules of implementation.

(d) Fixed site requirements for special nuclear material of moderate strategic significance.—Each licensee who possesses, stores, or uses quantities and types of special nuclear material of moderate strategic significance at fixed sites, except those who are licensed to operate a nuclear power reactor pursuant to part 50, shall:

(1) Store or use such material only within a controlled access area which is illuminated sufficient to allow detection and surveillance of unauthorized penetration or activities,

(2) Store such material within a vault, vault-type room, or GSA approved security cabinet,

(3) Continuously monitor with an intrusion alarm or other devices or procedures the controlled access area to detect unauthorized penetration or activities,

(4) Conduct preemployment screening to determine that trustworthiness

of employees having access to the material,

(5) Develop and maintain a controlled badging and lock system to identify and limit access to the controlled access area to authorized individuals,

(6) Limit access to the controlled area to authorized individuals who require such access in order to perform their duties,

(7) Assure that all visitors to the controlled access area are under the constant escort of an individual who has been authorized unescorted access to the area,

(8) Establish a security organization consisting of at least one watchman per shift able to assess and respond to any security incidents in the controlled access area,

(9) Provide a communication capability between the security organization and appropriate response force,

(10) Search on a random basis vehicles and packages entering or leaving the controlled access area, and

(11) Establish and maintain contingency plans for dealing with threats of thefts or thefts of such material.

(e) In transit requirements for special nuclear material of moderate strategic significance.—(1) Each licensee who transports, exports, or who delivers to a carrier for transport special nuclear material of moderate strategic significance shall:

(i) Provide advance notification to the receiver of any planned shipments specifying the mode of transport, estimate time of arrival, location of the nuclear material transfer, name of carrier and flight number, if applicable,

(ii) Receive confirmation from the receiver prior to the commencement of the planned shipment that the receiver will be ready to accept the shipment at the planned time and location and acknowledges the specified mode of transport,

(iii) Transport the material in a locked or sealed container, and

(iv) Check the integrity of the containers, locks, and seals prior to shipment.

(2) Each licensee who receives special nuclear material of moderate strategic significance shall:

(i) Check the integrity of the containers, locks, and seals upon receipt of the shipment, and

(ii) Notify the shipper of receipt of the material as required in § 70.54 of part 70 of this chapter.

(3) Each licensee who arranges for the physical protection of special nuclear material of moderate strategic significance while in transit or who takes delivery of such material free on board (f.o.b.) the point at which it is delivered to a carrier for transport shall:

(i) Arrange for a telephone or radio communications capability between

the carrier of the material and the shipper or receiver,

(ii) Minimize the time that the material is in transit by reducing the number and duration of nuclear material transfers and by routing the material in the most safe and direct manner,

(iii) Conduct preemployment screening of all licensee employees involved in the transportation of the material to determine the trustworthiness of the individual entrusted with transportation duties,

(iv) Establish and maintain contingency plans for dealing with threats of thefts or thefts of such material,

(v) Make arrangements to be notified immediately of the arrival of the shipment at its destination, or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination, and

(vi) Conduct immediately a trace investigation of any shipment that is lost or unaccounted for after the estimated arrival time and report to the Nuclear Regulatory Commission as specified in § 73.71 and to the shipper or receiver as appropriate. The licensee who made the physical protection arrangements shall also immediately notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in appendix A of the action being taken to trace the shipment.

(4) Each licensee who exports special nuclear material of moderate strategic significance shall comply with the requirements specified in § 73.47 (c) and (e) (1) and (3) up to the first point where the shipment is offloaded outside the United States.

(5) Each licensee who imports special nuclear material of moderate strategic significance shall:

(i) Comply with the requirements specified in § 73.47 (c) and (e) (2) and (3) from the first point where the shipment is picked up inside the United States, and

(ii) Notify the exporter who delivered the material to a carrier for transport of the arrival of such material.

(f) Fixed site requirements for special nuclear material of low strategic significance.—Each licensee who possesses, or uses special nuclear material of low strategic significance at fixed sites except those who are licensed to operate a nuclear power reactor pursuant to part 50 of this chapter, shall:

(1) Store or use such material only within a controlled access area,

(2) Continuously monitor with an intrusion alarm or other devices or procedures the controlled access area to detect unauthorized penetrations or activities,

(3) Assure that a guard, watchman, or offsite response force will respond

to all unauthorized penetrations or activities, and

(4) Establish and maintain contingency plans for dealing with threats of thefts or thefts of such material.

(g) In transit requirements for special nuclear material of low strategic significance.—(1) Each licensee who transports or who delivers to a carrier for transport special nuclear material of low strategic significance shall:

(i) Provide advance notification to the receiver of any planned shipments specifying the mode of transport, estimated time of arrival, location of the nuclear material transfer, name of carrier and flight number, if applicable,

(ii) Receive confirmation from the receiver prior to commencement of the planned shipment that the receiver will be ready to accept the shipment at the planned time and location and acknowledges the specified mode of transport,

(iii) Transport the material in locked or sealed containers, and

(iv) Check the integrity of the containers, locks, and seals prior to shipment.

(2) Each licensee who receives quantities and types of special nuclear material of low strategic significance shall:

(i) Check the integrity of the containers, locks, and seals upon receipt of the shipment, and

(ii) Notify the shipper of receipt of the material as required in § 70.54 of part 70 of this chapter.

(3) Each licensee who arranges for the physical protection of special nuclear material of low strategic significance while in transit or who takes delivery of such material free on board (f.o.b.) the point at which it is delivered to a carrier for transport shall:

(i) Establish and maintain contingency plans for dealing with threats of thefts or thefts of such material,

(ii) Make arrangements to be notified immediately of the arrival of the shipment at its destination, or of any such shipment that is lost or unaccounted for after the estimated time of arrival at its destination, and

(iii) Conducted immediately a trace investigation of any shipment that is lost or unaccounted for after the estimated arrival time and report to the Nuclear Regulatory Commission as specified in § 73.71 and to the shipper or receiver as appropriate. The licensee who made the physical protection arrangements shall also immediately notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in appendix A of the action being taken to trace the shipment

(4) Each licensee who exports special nuclear material of low strategic significance shall comply with the appropriate requirements specified in § 73.47

(c) and (g) (1) and (3) up to the first point where the shipment is offloaded outside the United States.

(5) Each licensee who imports special nuclear material of low strategic significance shall:

(i) Comply with the requirements specified in § 73.47 (c) and (g) (2) and (3) from the first point where the shipment is picked up inside the United States, and

(ii) Notify the person who delivered the material to a carrier for transport of the arrival of such material.

7. Section 73.71(a) of 10 CFR part 73 is changed as follows:

§ 73.71 Reports of unaccounted for shipments, suspected theft, unlawful diversion, or industrial sabotage.

(a) Each licensee who conducts a trace investigation of a lost or unaccounted for shipment pursuant to § 73.36(f), § 73.47(e)(3)(vi), or § 73.47(g)(3)(iii) shall immediately report to the appropriate NRC Regional Office listed in appendix A of this part the details and results of his trace investigation and shall file within a period of fifteen (15) days a written report to the appropriate NRC Regional Office setting forth the details and results of the trace investigation. A copy of such written report shall be sent to the Director of Inspection and Enforcement, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

8. Section 73.72 of 10 CFR part 73 is amended as follows:

§ 73.72 Requirement for advance notice of shipment of special nuclear material.

Each licensee who plans to import, export, transport, deliver to a carrier for transport in a single shipment, or take delivery at the point where it is delivered to a carrier, formula quantities of strategic special nuclear material shall notify the Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office listed in appendix A by U.S. Mail, postmarked at least 7 days in advance of the shipping date. The following information shall be furnished in the advance notice: shipper, receiver, carrier(s), estimated date and time of departure and arrival, transfer point(s), and mode(s) of shipment. The Director of the appropriate Nuclear Regulatory Commission Inspection and Enforcement Regional Office shall also be notified by telephone 7 days in advance of the shipping date that an advance shipping notice has been sent by mail, and of any changes to the shipment itinerary prior to the shipment date. Road shipments or transfers with one way transit times of 1 hour or less in duration

²As defined in § 73.2 (t) and (u) of the proposed rule published in 42 FR 34310 dated July 5, 1977.

between installations of a licensee are exempt from the requirements of this section.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

9. A new § 150.14 of 10 CFR part 150 is added to read as follows:

§ 150.14 Commission regulatory authority for physical protection.

Persons in Agreement States possessing, using, or transporting special nuclear material of low strategic significance, that is, in quantities greater than 15 grams of plutonium or uranium-233 or uranium-235 (enriched to 20 percent or more in the U-235 isotope) or any combination greater than 15 grams when computed by the equation grams=grams plutonium+grams uranium-233+grams uranium-235 (enriched to 20 percent or greater in the U-235 isotope), shall meet the physical protection requirements of § 73.47 of 10 CFR part 73.

Dated at Washington, D.C., 12th day of May 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-14134 Filed 5-23-78; 8:45 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION

[17 CFR Parts 1 and 17]

REPORTING OMNIBUS ACCOUNTS ON A GROSS BASIS

Proposed Rulemaking

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: In the December 9, 1977, FEDERAL REGISTER (see 42 FR 62147) the Commodity Futures Trading Commission ("the Commission") proposed to amend its regulations to require that omnibus accounts be carried and reported on a gross basis. Because of the wording of the proposal, many of the commentators misinterpreted the amendments to mean that a futures commission merchant or foreign broker must carry and report the futures position of individual accounts that are traded through the omnibus account.

The proposal, however, was meant to require that only the total position of all of the individual accounts traded through the omnibus account need be carried and reported on a gross basis. The Commission at this time wishes to clarify the language in its previous proposal in order to accurately assess the impact of its proposed regulation.

PROPOSED RULES

DATES: Comments must be received on or before June 23, 1978.

ADDRESS: Comments on the proposal should be sent to: Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581. Attention: Secretariat.

FOR FURTHER INFORMATION CONTACT:

Lamont L. Reese, Office of Chief Economist, Commodity Futures Trading Commission, 2033 K Street NW., Washington, D.C. 20581, telephone 202-254-7446.

SUPPLEMENTARY INFORMATION: On December 9, 1977, the Commission proposed changes to Parts 1 and 17 of the regulations under the Commodity Exchange Act which would require FCM's to carry and report the aggregate gross long and gross short futures positions of all individual accounts traded through an omnibus account. The primary purpose for proposing these changes was to insure the availability of gross position information on a more timely and expeditious basis for market surveillance.

From the comments received by the Commission, it was apparent that, for the most part, this proposal was misunderstood. As the proposal was stated in the FEDERAL REGISTER, it was possible for persons to interpret it to require that positions in individual accounts which traded through the omnibus account be carried and reported on an individual basis. The intent of the proposal, however, was to require that the total position of all individual accounts trading through the omnibus account be carried and reported on an aggregate gross long and short basis by the FCM carrying the omnibus account. The Commission is therefore changing the language of its proposed § 1.33b.

Some FCM's who asked for and received clarification of the December 9, 1977, proposal indicated that, since omnibus accounts that traded futures contracts offered on the New York Mercantile Exchange and Chicago Mercantile Exchange were carried and reported on a gross basis, all omnibus accounts which they carried were carried and reported on a gross basis. Another FCM, however, noted that if this proposal were adopted they would be required to maintain a manual system for reporting (in addition to their computer system) at considerable expense and effort. In order to weigh the costs that would be imposed by adoption of the proposed changes, the Commission is particularly interested in receiving estimated cost figures from interested persons. Numbers of omnibus accounts that are carried by an FCM would also be helpful in this respect.

In consideration of the foregoing, the Commission, pursuant to its au-

thority contained in sections 4g(1), 4g(3), 4g(4), and 8a(5) of the Commodity Exchange Act, 7 U.S.C. 6g(1), 6g(3), 6g(4), and 12a(5) (Supp. V, 1975), hereby proposes to amend Parts 1 and 17 of Chapter I of Title 17 of the Code of Federal Regulations as follows:

PART 1—GENERAL REGULATIONS UNDER THE COMMODITY EXCHANGE ACT

1. A new § 1.33b is added to read as follows:

§ 1.33b Record of Positions in Omnibus Account.

Each futures commission merchant who carries an account for another futures commission merchant, foreign broker, member of a contract market or other person on an omnibus basis shall record and maintain a daily record of the total of all long open contracts and the total of all short open contracts in each future carried at the close of the market each day for individual accounts which are traded through the omnibus account. Such gross positions shall be reported to the Commission for each business day in accordance with the requirements of Part 17 of this chapter.

PART 17—REPORTS BY FUTURES COMMISSION MERCHANTS AND FOREIGN BROKERS

2. Add a new § 17.04 to read as follows:

§ 17.04 Reporting Positions in Omnibus Accounts.

When submitting reports required in § 17.00(a) of these regulations respecting omnibus accounts, each futures commission merchant shall show gross positions (i.e., the total long contracts and the total short contracts for all individual accounts included in any such omnibus account) in any commodity.

Issued in Washington, D.C., on May 19, 1978, by the Commission.

WILLIAM T. BAGLEY,
Chairman, Commodity Futures Trading Commission.

[FR Doc. 78-14476 Filed 5-23-78; 8:45 am]

[6570-06]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR Part 1601]

706 AGENCIES

Proposed Designations

AGENCY: Equal Employment Opportunity Commission.

ACTION: Proposed rule.

SUMMARY: The Equal Employment Opportunity Commission proposes to amend its regulations on designation

of certain State and local agencies so that they may handle employment discrimination charges filed with the Commission. Proposed are State and local agencies that requested deferral designation as provided under the authority of Title VII of the Civil Rights Act of 1964, as amended. The proposal would authorize the agencies listed to process charges deferred to them by the Commission.

DATES: Comments must be received by June 8, 1978.

ADDRESS: Comments should be sent to: Equal Employment Opportunity Commission, Office of Field Services (State and Local), 2401 E Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Richard A. Grossman, Coordinator, telephone, 202-634-6040, Equal Opportunity Commission, Office of Field Services (State and Local), 2401 E Street NW., Washington, D.C. 20506.

SUPPLEMENTARY INFORMATION: Pursuant to § 1601.71, Title 29, Chapter XIV of the Code of Federal Regulations as revised and published in the FEDERAL REGISTER, 42 FR 55388, October 14, 1977, the Equal Employment Opportunity Commission (hereinafter referred to as the Commission) proposes that each of the agencies listed below be designated as a "706 Agency", § 1601.70(a). Three (3) purposes for such designation are as follows: First, that the agencies receive charges deferred by the Commission pursuant to Section 706(c) and (d) of Title VII of the Civil Rights Act of 1964, as amended; second, that the Commission accord "substantial weight" to the final findings and orders of the agencies pursuant to Section 706(b) of Title VII of the Civil Rights Act of 1964, as amended; and third, to commence the 15 day period within which any person or organization may file written comments as provided for under § 1601.71(1).

At the expiration of the 15 day period, the Commission may effect designation of the agencies by publishing them as an amendment to § 1601.74(a).

With the limitations set forth in the Footnotes below, the proposed "706 Agencies" are as follows:

Lincoln (Nebraska) Commission on Human Rights.¹

¹The Lincoln (Nebraska) Commission on Human Rights has been proposed as a 706 agency for all charges except (1) charges by any "applicant for membership" alleging a violation of 703(c)(2) of Title VII; (2) charges alleging that a "joint labor-manage-

ment committee" has violated § 704(a) of Title VII; (3) charges alleging that a "joint labor-management committee" has violated § 704(b) of Title VII; and (4) charges by any "applicant for employment alleging a violation of § 703(a)(2) of Title VII. For these types of charges, it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(3).

²The Commission of Puerto Rico Department of Labor has been proposed as a 706 agency for all charges except (1) charges alleging a violation of Title VII on the basis of national origin; (2) charges alleging a "labor union" has violated Title VII; (3) charges alleging an "employment agency" has violated Title VII; (4) charges alleging violations of Title VII by agencies or instrumentalities of the Government of Puerto Rico when they are not operating as private businesses or enterprises; and (5) charges alleging violation of § 704(a) of Title VII. For these types of charges it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(3).

³The Augusta-Richmond County (Ga.) Human Relations Commission has been proposed as a 706 agency for all charges except charges alleging a violation of Title VII by a government, government agency, or political subdivision of the State of Texas. For these types of charges it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(3).

⁴The Austin (Texas) Human Relations Commission has been proposed as a 706 agency for all charges except charges alleging a violation of Title VII by a government, government agency, or political subdivision of the State of Texas. For these types of charges it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(3).

⁵The Florida Commission on Human Relations has been proposed as a 706 agency for all charges except charges alleging a violation of Title VII by a government, government agency, or political subdivision of the State of Texas. For these types of charges it shall be deemed a "Notice Agency," pursuant to 29 CFR 1601.71(3).

[FR Doc. 78-14533 Filed 5-23-78; 8:45 am]

PROPOSED RULES

[1505-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 60]

[FRL 870-51]

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Storage Vessels for Petroleum Liquids

Correction

In FR Doc. 78-13380 appearing at page 21616 in the issue for Thursday, May 18, 1978, the date given for the receipt of comments now reading "June 19, 1978" should have read "July 17, 1978".

[6560-01]

[40 CFR Part 65]

[FRL 898-8; Docket No. DCO-78-11]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order For St. Joe Paper Co., Port St. Joe, Fla.

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rule.

SUMMARY: EPA proposes to issue a Delayed Compliance Order (DCO) to St. Joe Paper Co. The DCO requires St. Joe Paper Co. to bring power boiler No. 4 at its Port St. Joe, Fla., facility into compliance with certain regulations contained in the Federally approved Florida State Implementation Plan (SIP). Because St. Joe Paper Co. is unable to comply with these regulations at this time, the proposed DCO would establish an expeditious schedule requiring final compliance on July 15, 1978. If issued by EPA, the DCO would alter the rights of persons to bring judicial actions against the source for violations of the SIP. The purpose of this notice is to invite public comment and to offer an opportunity to request to public hearing on this proposed DCO.

DATES: Written comments and requests for a public hearing must be received on or before June 22, 1978. All requests for a public hearing should be accompanied by a statement as to why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If necessary, a hearing will be held and the public will be notified thirty days in advance.

ADDRESS: Comments and request for a public hearing should be submitted to Paul J Traina, Director, Enforce-

ment Division, EPA, Region IV, 345 Courtland Street, Atlanta, Ga. 30308. Material supporting the Delayed Compliance Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Wayne Aronson, Air Enforcement Branch, Enforcement Division, EPA, Region IV, 345 Courtland Street, NE., Atlanta, Ga. 30308, telephone number 404-881-4253.

SUPPLEMENTARY INFORMATION: St. Joe Paper Co. located in Port St. Joe, Fla., was issued a Consent Order on January 20, 1976, by the Florida Department of Environmental Regulation (DER) containing a compliance schedule for power boiler No. 4 final compliance was not achieved by the date contained in that said order.

Pursuant to Section 113(a)(1) of the Act, 42 U.S.C. 1857-c-8, (now 42 U.S.C. 7413(a)(1)), the Environmental Protection Agency issued a Notice of Violation to St. Joe Paper Co. of the finding that power boiler No. 4 was operating in violation of Chapter 17-2.04(2), Air Pollution Rules for the State of Florida, dealing with the control of particulate emissions from process sources. This regulation is part of the Federally approved State Implementation Plan. This Notice was issued on August 1, 1977.

On November 29, 1976, the Florida DER filed first interrogatories against St. Joe Paper Co. with the Judicial Circuit and on July 13, 1977, the Judge of the 14th Judicial Circuit upheld the company's claim of a "force majeure" incident and the validity of the "force majeure" clause contained in the January 20, 1976, DER Consent Agreement. Since EPA's policy mandates that a "force majeure" situation does not release a source from its legal obligation to achieve compliance with applicable air pollution regulations, appropriate enforcement action is required.

This Agency believes that the Delayed Compliance Order satisfies the applicable requirements of Section 113(d) of the Act. The Delayed Compliance Order requires final compliance with Chapter 17-2.04(2) by July 15, 1978, and the source has consented to its terms. The source has agreed to meet the Delayed Compliance Order's increments during the period of this informal rulemaking. If the Delayed Compliance Order is issued, source compliance with its terms would preclude further EPA enforcement action under Section 113 of the Act against this source for violations of the regulation covered by the Delayed Compliance Order during the period the Delayed Compliance Order is in effect.

Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. Comments received by the date specified above will be considered in determining whether EPA should issue the Delayed Compliance Order. Testimony given at any public hearing concerning the Delayed Compliance Order will also be considered. After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of a Delayed Compliance Order under Section 113(d) of the Act. In addition, Part 65 will contain sections listing or including orders issued, approved, or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

Dated: April 27, 1978.

JOHN C. WHITE,
Regional Administrator.

In consideration of the foregoing, it is proposed to amend Part 65 of Chapter I, Title 40, Code of Federal Regulations as follows:

PART 65—DELAYED COMPLIANCE ORDERS

1. By adding § 65.140 to read as follows:

§ 65.140 Federal delayed compliance orders issued under Section 113(d) (1), (3), and (4) of the Act.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

[Docket No. DCO-78-1]

DELAYED COMPLIANCE ORDER

In the matter of St. Joe Paper Co., Port St. Joe, Fla., proceeding under Section 113(d) Clean Air Act, as amended.

This Delayed Compliance Order is issued this date pursuant to Section 113(d) of the Clean Air Act, as amended, 42 U.S.C. 7413(d) (hereinafter referred to as the "Act"). This Delayed Compliance Order contains a schedule for compliance, interim requirements, and monitoring and reporting requirements. Public notice, opportunity for a public hearing, and thirty days notice to the State of Florida have been provided pursuant to Section 113(d)(1) of the Act.

FINDINGS

On August 1, 1977, Mr. John A. Little, Acting Regional Administrator, Region IV, United States Environmental Protection Agency, pursuant to authority delegated to him by the administrator, issued a Notice to St. Joe Paper Co. (hereinafter referred to as the "Company"), that power boiler No. 4

was found to be in violation of the Air Pollution rules of the State of Florida Department of Environmental Regulation, Chapter 17-2.04(2), dealing with the control of particulate emissions from process sources. Said violations have continued beyond the 30th day after receipt of the Regional Administrator's notification to the Company.

After a thorough investigation and analysis of all relevant facts including the fact that the Company could not comply immediately and installation of control equipment is necessary to facilitate compliance with the applicable Florida air pollution regulation, EPA has determined that compliance in accordance with the schedule hereinafter set forth is reasonable and as expeditious as practicable.

ORDERED

I.—*Abatement Program.* That the attached Appendix governing an abatement program is incorporated into and made a part of this Delayed Compliance Order for the control of particulate emissions at St. Joe Paper Co. located in Port St. Joe, Fla.

The Appendix is designated as follows:

Appendix A: Power Boiler No. 4.

II.—*Reporting—Addresses.* That all submissions of source performance test results, reports and other items required by this Delayed Compliance Order be made to Paul J. Traina, Director, Enforcement Division, United States Environmental Protection Agency, 345 Courtland Street, Atlanta, Ga. 30308 (hereinafter referred to as the "Director"), with copies to the Secretary, Florida Department of Environmental Regulation, 2600 Blair Stone Road, Twin Towers Office Building, Tallahassee, Fla. 32301 (hereinafter referred to as the "Secretary").

III.—*Progress Reports and Milestone Certification.* That the Company submit, no later than five (5) days after the end of each month, commencing with April 1, 1978, a monthly progress report for the emission point specified in Part I. These reports shall contain specific information on the progress toward each milestone in Part I. If any delay is anticipated in meeting said milestones, the Company shall immediately notify the Director in writing of the anticipated delay and reasons therefor. Notification to EPA of any anticipated delay shall not excuse the delay. In addition, the Company shall submit, no later than five (5) days after the deadline for completing each milestone required by Part I, certification to the Director, and Secretary whether such milestone has been met.

IV.—*Notice of Tests.* That the Company provide the Director and Secretary with twenty (20) days notice prior to the conducting of any performance tests as required by Part I in order to afford an opportunity to evaluate the test procedure and to have an observer present at such testing.

V.—*Malfunctions and Breakdowns.* That the Company shall perform operation and maintenance practices on all sources as necessary to prevent breakdowns or malfunctions and to reduce emissions in excess of regulations to the maximum extent practicable. When emissions due to sudden and unforeseen malfunction of the affected facility are or may be in excess of the maximum allowable as set forth in this Delayed Compliance Order, for greater than four (4) hours, the owner or operator shall notify this office and the appropriate state or local air pollution control agency by telephone or telegram as promptly as possible, and in no event later than twelve (12) hours following

the start of such malfunction, and shall cause written notice to be sent to the Director and the Secretary, no later than the end of the next working day following the start of such malfunction. Such notices shall specify the name of the affected facility, its location, the address and telephone number of the person responsible for the affected facility, the nature and cause of the malfunction, the date and time when such malfunction was first observed, the expected duration, and an estimate of the physical and chemical composition, rate, and concentration of the emission. The Company shall remedy the malfunction or breakdown as soon as possible thereafter and shall take reasonable steps to reduce emissions in excess of the interim emission limits during the malfunction or breakdown.

The Regional Administrator shall have the authority during a breakdown or malfunction to require the Company to take specific steps to reduce emissions, including process equipment modifications and/or reductions, or termination if necessary. Within ten (10) days after the termination of a breakdown or malfunction requiring the above notification, the owner shall submit:

(1) The time the excess emission began and ended;

(2) The time of the beginning and end of the breakdown or malfunction which is asserted to be the cause of the excess emission;

(3) An estimate of the physical and chemical composition, rate, and concentration of emissions which occurred, and where continuous monitoring is required or is in effect (including visible emission detector), the strip charts with plots of all emissions monitored versus time, including a summary of the monitoring instruments' written record expressed in units of the applicable standards;

(4) An explanation and, where appropriate, an engineering analysis of the cause of the malfunction or breakdown;

(5) A description of those operating and/or maintenance procedures and practices in use prior to and during the occurrence, which were designed to prevent or minimize the extent and duration of the malfunction or breakdown;

(6) Any other steps taken to minimize the extent or duration of the malfunction or breakdown;

(7) An analysis of what steps will be taken to prevent or minimize similar occurrences in the future; and

(8) Such additional information as the Regional Administrator may require.

VI.—*Interim Limits.* At no time shall (1) the particulate emissions from the No. 4 power boiler exceed 5,600 pounds per day or, (2) the visible emissions from the No. 4 power boiler exceed 40 percent opacity, prior to attainment of the last milestone. These interim emission limitations shall be effective immediately. The Company shall take all necessary precautions to assure that its emissions will not cause or contribute to a violation or violations of ambient air quality standards. The applicable State emission limitation shall apply after attainment of the last milestone.

VII.—*Continuous Monitoring.* That the Company, as part of the control strategy and pursuant to Section 113(a) and 114 of the Act, shall on or before May 1, 1978, submit a plan for the installation, calibration, maintenance, and operation of monitoring devices which (1) continuously meas-

ure and permanently record the total pressure drop across the process scrubbing system, and (2) continuously measure and permanently record mass flow of wood waste fed to the boiler as identified in Part I. As a minimum, the plan shall include the following: (1) Operation, calibration, maintenance, accuracy, and operating range of the continuous monitoring equipment; (2) a time schedule for installation of the continuous monitoring equipment for the boiler identified in Part I of this Delayed Compliance Order with final installation no later than July 15, 1978. Said monitoring plan shall be subject to review, modification, and approval by the Director. Upon approval, the monitoring and recording plan will be incorporated into and become enforceable as part of this Delayed Compliance Order.

VIII.—*Compliance Responsibility.* Nothing herein shall affect the responsibility of the source to comply with all applicable Federal, State or local regulations.

IX.—*Termination of Order.* This Delayed Compliance Order shall be terminated in accordance with Section 113(d)(8) of the Act if the Administrator determines on the record after notice and hearing, that an inability to comply with Chapter 17-2.04(2) no longer exists.

X.—*Violation of Requirements.* Violation of any requirement of Parts I through XIII of this Delayed Compliance Order shall result in one or more of the following actions:

(a) Enforcement of such requirement through the commencement of a civil action for injunctive relief and the assessment of civil penalties pursuant to Section 113(b) of the Act, or a criminal prosecution pursuant to Section 113(c) of the Act, or both;

(b) Revocation of this Delayed Compliance Order, after notice and opportunity for a public hearing, and subsequent enforcement of Chapter 17-2.04(2) in accordance with Sections 113(b) and/or (c) of the Act.

XI.—*Noncompliance Penalty.* Failure by the Company to achieve and certify compliance by July 15, 1978, and maintain compliance thereafter, shall result in one or more of the actions identified in Part X(a). In addition, noncompliance beyond July 1, 1979, will subject the Company to an Administrative assessed noncompliance penalty pursuant to the requirements of Section 120 of the Act and any rules and regulations promulgated pursuant thereto, unless the Company is exempted by Section 120(a)(2)(B) or (C) of the Act. In the event of noncompliance after July 1, 1979, the Company will be formally notified of its noncompliance pursuant to Section 120(b)(3) of the Act.

XII.—*Waiver of Rights.* That by consenting to the terms and conditions of this Delayed Compliance Order, the Company waives any and all rights it may have to seek a stay of enforcement of this Delayed Compliance Order in connection with any judicial review of the Florida State Implementation Plan or portion thereof.

XIII.—*Effective Date.* This Delayed Compliance Order will have full force and effect upon execution.

APPENDIX A.—U.S. ENVIRONMENTAL PROTECTION AGENCY

DELAYED COMPLIANCE ORDER¹

The St. Joe Paper Co. shall complete the following acts with respect to control of par-

¹This appendix is attached to and incorporated by reference into a Delayed Compli-

ment Division, EPA, Region IV, 345 Courtland Street, Atlanta, Ga. 30308. Material supporting the Delayed Compliance Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

1. April 30, 1978—Complete delivery of all necessary materials for the installation of the air pollution control equipment at the facility.

2. June 30, 1978—Complete installation and start-up of the air pollution equipment to control particulate emissions from power boiler No. 4.

3. July 15, 1978—Complete shake-down operations and performance tests on power boiler No. 4; also, achieve compliance with the Air Pollution Rules of the State of Florida, Chapter 17-2.04(2) and certify such compliance to the Director.

CONSENT²

St. Joe Paper Co. acknowledges that the particulate emissions from its power boiler No. 4 located at its facility in Port St. Joe, Fla., are in violation of the applicable emission limitations contained in the federally approved Florida State Implementation Plan. St. Joe Paper Co. has reviewed this Delayed Compliance Order, believes it to be a reasonable and expeditious means to achieve compliance with the applicable particulate emission limiting regulations as contained in the federally approved Florida State Implementation Plan, and consents to all of the requirements and terms of this Delayed Compliance Order.

Furthermore, St. Joe Paper Co. acknowledges the necessity of complying with the interim emission limitations and abatement procedures contained herein which are designed to ensure the attainment and maintenance of National Ambient Air Quality Standards for particulates and consents to said interim emission limitations and abatement procedures in order to protect the public health and welfare.

St. Joe Paper Co. hereby represents that it has full corporate authority and the necessary corporate approval to enter into and perform in accordance with the terms and provisions of this Delayed Compliance Order. The signatory below represents that he has the requisite corporate authority to execute this Consent of behalf of St. Joe Paper Co.

Dated March 29, 1978.

J. C. BELIN, PREIDENT,
St. Joe Paper Co.

[FR Doc. 78-14445 Filed 5-23-78; 8:45 am]

ance Order issued to St. Joe Paper Co. on — pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

²This Consent is hereby attached to and incorporated by reference into a Delayed Compliance Order issued to the St. Joe Paper Co. on — Pursuant to Section 113(d) of the Clean Air Act, 42 U.S.C. 7413(d).

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE
AND PLANTSProposed Determination of Critical habitat for
the Hawksbill Sea TurtleAGENCY: Fish and Wildlife Service,
Interior.

ACTION: Critical Habitat proposal.

SUMMARY: The Service hereby proposes Critical Habitat for the hawksbill sea turtle (*Eretmochelys imbricata*) in the Commonwealth of Puerto Rico. This proposal would make these areas subject to full protection under section 7 of the Endangered Species Act of 1973 and is being taken to insure the integrity of beaches on Isla Mona and Culebra Island, areas which contain a significant nesting aggregation of hawksbill sea turtles.

DATES: Comments from the public must be received by July 23, 1978. Comments from the Governor of the Commonwealth of Puerto Rico must be received by August 22, 1978.

ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street NW., Washington, D.C.

FOR FURTHER INFORMATION
CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The hawksbill sea turtle is a rare and critically endangered reptile throughout the world and has been officially listed as Endangered since 1970. Much of the hope for the survival and recovery of this species depends upon the maintenance of suitable and undisturbed nesting beaches. The Service recognizes that areas containing such beaches may qualify for recognition as Critical Habitat as referred to in Section 7 of the Act.

Hawksbill sea turtles are known to nest on all of Mona Island's 7.2 kilometers of beaches. The offshore areas

PROPOSED RULES

appear to support a somewhat stable and resident population. In addition, green sea turtles also nest on Mona. The entire island of Mona is already Critical Habitat for the listed yellow-shouldered blackbird, Mona ground iguana, and Mona boa.

Nesting of hawksbill sea turtles occurs on suitable sandy beaches on the north shore of Culebra Island, as well as the nearby islands of Cayo Norte and Isla Culebrita. Turtles are known to feed on the rich offshore reefs around these islands. In addition to hawksbills, occasional nesting has been reported for leatherback, loggerhead, and green sea turtles on these beaches. The Critical Habitat for the Endangered giant anole barely overlaps the proposed Critical Habitat of the hawksbill on Playa Resaca.

The hawksbill sea turtle is a tropicopolitan species. It occurs in waters off the east coast of the continental United States, the U.S. Virgin Islands, mainland Puerto Rico, the Hawaiian Islands, Pacific Trust Territory, American Samoa, Guam, and Territory of the Northern Marianas. Nesting is known to occur in Florida and the Virgin Islands and probably elsewhere in areas under United States jurisdiction. However, not enough information is presently available on these areas to include specific nesting beaches in this present proposal. As information becomes available, additional areas may be proposed as Critical Habitat for this species in the future.

EFFECT OF THE RULEMAKING

The effects of this determination are involved primarily with Section 7 of the Act, which states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

A definition of the term "Critical Habitat" was published by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of January 4, 1978 (43 FR 870-876) and is reprinted below:

"Critical habitat" means any air, land, or water area (exclusive of those existing man-

made structures or settlements which are not necessary to the survival and recovery of a listed species) and constituent elements thereof, the loss of which would appreciably decrease the likelihood of the survival and recovery of a listed species or a distinct segment of its population. The constituent elements of critical habitat include, but are not limited to: Physical structures and topography, biota, climate, human activity, and the quality and chemical content of land, water, and air. Critical habitat may represent any portion of the present habitat of a listed species and may include additional areas for reasonable population expansion.

As specified in the regulations for Interagency Cooperation, as published in the January 4, 1978, FEDERAL REGISTER (43 FR 870), the Director will consider the physiological, behavioral, ecological, and evolutionary requirements for survival and recovery of listed species in determining what areas or parts of habitat are critical. These requirements include, but are not limited to:

- (1) Space for individual and population growth and for normal behavior;
- (2) Food, water, air, light, minerals, or other nutritional or physiological requirements;
- (3) Cover or shelter;
- (4) Sites for breeding, reproduction, or rearing of offspring; and generally,
- (5) Habitats that are protected from disturbances or are representative of the geographical distribution of listed species.

In accordance with the July 18, 1977, Memorandum of Understanding between the Fish and Wildlife Service and National Marine Fisheries Service, the Fish and Wildlife Service was given the responsibility for sea turtles while on land. Such responsibility includes the determination of Critical Habitat. Since the only time sea turtles leave the water to come onto beaches in the Commonwealth of Puerto Rico is to lay eggs, the areas included in this proposal are areas where hawksbill sea turtles nest. All the beaches in this proposed rulemaking provide sites for the incubation of eggs and are known to provide proper sand size, moisture, and temperature conditions for successful development and hatching.

There may be many kinds of actions which can be carried out within the Critical Habitat of a species which would not be expected to adversely affect that species.

This point has not been well understood by some persons. There has been widespread and erroneous belief that a Critical Habitat designation is something akin to establishment of a wilderness area or wildlife refuge, and automatically closes an area to most human uses. Actually, a Critical Habitat designation applies only to Federal

agencies, and essentially is an official notification to these agencies that their responsibilities pursuant to section 7 of the Act are applicable in a certain area.

A Critical Habitat designation must be based solely on biological factors. There may be questions of whether and how much habitat is critical, in accordance with the above interpretation, or how to best legally delineate this habitat, but any resultant designation must correspond with the best available biological data. It would not be in accordance with the law to involve other motives; for example, to enlarge a Critical Habitat delineation so as to cover additional habitat under section 7 provisions, or to reduce a delineation so that actions in the omitted area would not be subject to evaluation.

There may indeed be legitimate questions of whether, and to what extent, certain kinds of actions would adversely affect listed species. These questions, however, are not relevant to the biological basis of Critical Habitat delineations. Such questions should, and can more conveniently, be dealt with after Critical Habitat has been designated. In this respect the Service, in cooperation with other Federal agencies, has drawn up a set of regulations which, in part, establish a consultation and assistance process for helping to evaluate the possible effects of actions on Critical Habitat. The regulations for Interagency Cooperation were published on January 4, 1978, in the FEDERAL REGISTER (43 FR 870-876) to assist Federal agencies in complying with section 7 of the Endangered Species Act of 1973.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate as possible in delineating the Critical Habitat of the hawksbill sea turtle. The Director, therefore, desires to obtain the comments and suggestions of the public, other concerned governmental agencies, the scientific commu-

nity, or any other interested party on these proposed rules.

Final promulgation of Critical Habitat regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C., and may be examined during regular business hours or can be obtained by mail. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

The Primary author of this proposed rule is Dr. C. Kenneth Dodd, Jr., Office of Endangered Species (202-343-7814).

REGULATIONS PROMULGATION

Accordingly, the Service proposes to amend §17.95(c) by adding Critical Habitat of the hawksbill sea turtle before that of the leatherback sea turtle as follows:

(c) Reptiles. * * *

HAWKSBILL SEA TURTLE

(Eretmochelys imbricata)

Puerto Rico—(1) *Isla Mona*. All areas of beachfront on the west, south, and east sides of the island from mean high tide inland to a point .1 mile from shore. This includes all 7.2 kilometers of beaches on Isla Mona. (2) *Culebra Island*. All areas of beachfront on the north shore of the island from mean high tide inland to a point .1 mile from shore. This includes the following beaches: Playa Blanca, Playa Flamenco, Playa Resaca, Playa Brava, and Playa Larga. (3) *Cayo Norte*. South beach, from mean high tide inland to a point .1 mile from shore. (4) *Isla Culebrita*. All beachfront areas on the southwest facing shore, east facing shore, and northwest facing

shore of the island from mean high tide inland to a point .1 mile from shore.



NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107

Dated: May 16, 1978.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

[FR Doc. 78-14291 Filed 5-23-78; 8:45 am]

V 4 3 1 0 1 M Y 2 4 7 8 U M I

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[6110-01]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

COMMITTEE ON RULEMAKING AND PUBLIC INFORMATION

Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given of a meeting of the Committee on Rulemaking and Public Information of the Administrative Conference of the United States, to be held at 10:45 a.m., June 8, 1978 in Hearing Room A of the Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C.

The Committee will meet to discuss alternatives to current APA rulemaking requirements.

Attendance is open to the interested public, but limited to the space available. Persons wishing to attend should notify this office at least two days in advance. The Committee Chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting; any member of the public may file a written statement with the Committee before, during or after the meeting.

For further information concerning this Committee meeting, contact Joseph B. Scott 202-254-7020. Minutes of the meeting will be available on request.

Dated: May 19, 1978.

RICHARD K. BERG,
Executive Secretary.

[FR Doc. 78-14543 Filed 5-23-78; 8:45 am]

[6050-01]

ACTION

[Announcement No. 78-011]

COMPETITIVE FAMILY VIOLENCE DEMONSTRATION GRANT

The Office of Policy and Planning of ACTION announces the availability of funds for fiscal year 1978 for a demonstration grant under the Special Volunteer Programs authorized by the Domestic Volunteer Service Act of 1973, as amended (Pub. L. 93-113, Title I, Part C, 42 U.S.C. 4992).

Applications are due by close of business on June 26, 1978. All applications received by that date, or postmarked

five (5) days before that date by the U.S. Postal Service, will be considered. Applications received by the closing date, which are complete and conform to the requirements of this program announcement, will be competitively reviewed for the award of a grant of national significance which focuses on the provision of voluntary assistance to victims of family violence.

A. OBJECTIVES OF THIS SPECIAL VOLUNTEER PROGRAM

To strengthen and supplement efforts to meet a range of human and social needs, particularly those of battered women and other victims of family violence, by encouraging and enabling persons from all walks of life and from all age groups to perform meaningful and constructive volunteer service in agencies and organizations where the application of human talent and dedication may help to meet the needs of victims of family violence.

B. ELIGIBLE APPLICANTS

Non-federal governmental agencies or private non-profit organizations with expertise in family support systems, volunteer recruitment, placement, and training, especially in the areas of psychological and physical violence.

Experience in management of multiple unit, geographically dispersed demonstration or voluntary projects should be noted and described in the grant application.

C. AVAILABLE FUNDS

1. An amount not to exceed \$300,000 will be available in fiscal year 1978 for the following:

(a) Grantee costs for project administration, including full-time volunteer allowances and part-time volunteer out-of-pocket expenses, data collection, technical assistance, and preparation of materials.

Reimbursements of out-of-pocket expenses, such as those for meals and transportation, may be made to one of more part-time community volunteers at each of ten (10) pilot centers under the grant. Volunteers may be used as organizers, outreach workers, victim counselors, etc., but they may neither function as nor replace staff members of the pilot centers.

(b) The grant will be awarded for a period of fifteen (15) months to allow for planning and implementation.

2. An amount not to exceed \$150,000 may be made available at ACTION's discretion in fiscal year 1979 for the following:

(a) Conduct by the pilot centers of regional conferences to enable other voluntary programs to learn about and benefit from the activities and accomplishments of this program.

(b) Preparation of materials.

D. APPLICATION REVIEW PROCESS

Acceptable applications will be reviewed and rated by a panel composed of a minimum of three (3) ACTION and/or other Federal agency reviewers having expertise in family violence programs and needs. The highest rated applications will be submitted to the Assistant Director for Policy and Planning for final selection. The grant award will be made by the Chief of the Grants Branch, Contracts and Grants Management.

E. DESCRIPTION OF GRANT PROGRAM

1. The grant will be made for the purpose of:

(a) Identifying and supporting voluntary programs responding to the needs of battered women and other victims of family violence;

(b) Developing contacts between these programs and other voluntary programs responsive to other family crisis needs;

(c) Reviewing existing resources and producing additional materials on the causes and treatment of family violence that will aid volunteers and voluntary organizations in their service to the needs of families in stress.

2. To accomplish this purpose, the grantee will:

(a) Identify a potential pilot volunteer center in each of ACTION's ten (10) regions. Each center will receive a small sub-grant from the grantee's funds to recruit, train, reimburse the out-of-pocket expenses of one or more part-time community volunteers and pay the allowances of one or more full-time community volunteers; and improve its programs by expanding methods of providing volunteer services and by encouraging wider volunteer participation;

(b) Provide to each center, as necessary, technical assistance for its volunteer programs, including, but not limited to fundraising techniques, mobilization of resources, and recruitment and training of volunteers.

3. If an additional grant is made in fiscal year 1978, its purpose will be to permit the grantee to:

(a) Assist each center in the planning and conduct of a two-day conference designed to compile materials to help volunteers and voluntary organizations in the field of family violence;

(b) Collect, integrate, and edit all materials from the conferences and prepare them in camera-ready form as manuals and brochures for printing and distribution by ACTION.

F. AVAILABILITY OF APPLICATION FORMS

To be eligible for consideration, an application must be submitted on ACTION Form A-263, "Federal Assistance", in accordance with the instructions set forth in the application kit. An application kit containing application forms, instructions, and program guidelines and information may be obtained from William A. Stockman, ACTION, Chief of Grants Branch, Office of Contracts and Grants Management, Room P-200, 806 Connecticut Avenue, NW., Washington, D.C. 20525.

To expedite requests, please furnish a self-addressed gummed label, including the RGA No. 78-01 at the bottom of the label. Telephone requests will not be honored.

G. APPLICATION SUBMISSION

One signed original and two (2) copies of all completed applications must be submitted to William A. Stockman, Chief of Grants Branch, at the above address.

UNACCEPTABLE APPLICATIONS

Applications which do not conform to this announcement, are received late, or are incomplete, will not be accepted for review.

Dated: May 18, 1978.

IRENE TINKER,
Assistant Director,
Policy and Planning.

[FR Doc. 78-14492 Filed 5-23-78; 8:45 am]

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

TIMBER MANAGEMENT PLAN; CHEQUAMEGON NATIONAL FOREST

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement on the Timber Management Plan for the Chequamegon National Forest, USDA-FS-R9-DES-(ADM)-77-01.

The environmental statement concerns a proposed plan for managing

the timber resources on the Chequamegon National Forest for the period Oct. 1, 1976 through Sept. 30, 1986. The Chequamegon National Forest is located in parts of Ashland, Bayfield, Sawyer, Price, Taylor, and Vilas Counties, Wis.

This final environmental statement was transmitted to EPA on May 15, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Bldg., Room 3231, 12th St. and Independence Ave., SW., Washington, D.C. 20250.

USDA, Forest Service, Eastern Region, 633 West Wisconsin Avenue, Milwaukee, Wis. 53203.

USDA, Forest Service, Chequamegon National Forest, Federal Building, Park Falls, Wis. 54552.

A limited number of single copies are available upon request to Forest Supervisor, Chequamegon National Forest, Federal Building, Park Falls, Wis. 54552.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Public input will become a matter of record subject to release under the Freedom of Information Act.

Dated: May 15, 1978.

L. K. KELLEY,
Acting Director Planning,
Programming and Budgeting.

[FR Doc. 78-14446 Filed 5-23-78; 8:45 am]

[3410-01]

Office of the Secretary

PRIVACY ACT OF 1974

Deletion of Systems of Records

Notice is hereby given that the Department of Agriculture, in accordance with 5 U.S.C. 552a(e) (4) and (11), proposes to delete a system of records where the program has been discontinued. The deleted system is USDA/ASCS-25, Producer Record for Pre-Pilot Counties. The system was initially established as a result of a pre-pilot program. The program never became operational. Therefore, the system was discontinued. The system notice was previously republished on September 30, 1977 in 42 FR 53190 and 42 FR 53200 respectively. The deletion will be effective May 24, 1978.

Dated: May 17, 1978.

CAROL TUCKER FOREMAN,
Acting Secretary.

[FR Doc. 78-14467 Filed 5-23-78; 8:45 am]

NOTICES

[6320-01]

CIVIL AERONAUTICS BOARD

INTERNATIONAL AIR TRANSPORT ASSOCIATION

[Docket No. 30332; Agreement C.A.B. 27258; Order 78-5-60]

Order Regarding Specific Commodity Rates

Issued under delegated authority May 12, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various U.S. and foreign member air carriers of the International Air Transport Association (IATA). The agreement was adopted at the 19th Meeting of the TC3 Specific Commodity Rates Board held in Los Angeles on March 13-14, 1978.

The agreement would add, cancel and change certain specific commodity rates to/from Guam as well as make various changes to specific commodity descriptions as shown in the attachments and establish specific commodity rates for several items to apply between various world markets outside of air transportation. We will approve the new rates to/from Guam and the descriptions which have general application within air transportation as defined by the Act but will disclaim jurisdiction with respect to the new rates which involve points solely outside of air transportation.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14:

1. It is not found that the specific commodity rates listed in the attachment, as well as the new specific commodity descriptions incorporated in Agreement C.A.B. 27258, which have general application in air transportation as defined by the Act, are adverse to the public interest or in violation of the Act.

2. It is not found that the specific commodity rates incorporated in Agreement C.A.B. 27258 which involve transportation solely between foreign points affect air transportation within the meaning of the Act.

Accordingly, it is ordered, That: 1. Those portions of Agreement C.A.B. 27258 set forth in the attachment which have general application in air transportation as defined by the Act, be and hereby are approved, provided that (a) approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publications; (b) tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filings; and (c) where a specific commodity rate is published for a specified minimum weight at a level lower than the general commod-

ity rate applicable for such weight, and where a general commodity rate is published for a greater minimum weight at a level lower than such specific commodity rate, the specific commodity rate shall be extended to all such greater minimum weights at the applicable general commodity rate level; and

2. Jurisdiction be and hereby is disclaimed with respect to that portion of Agreement C.A.B. 27258 described in finding paragraph 2 above.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14

CFR 385.50, may file such petitions within ten days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

Attachment I
AGREEMENT CAB 27258

Market	IATA commodity Item No. 1	Specific commodity rate	
		Cents/Kg.	Minimum weight kilograms
Rates added under existing commodity descriptions			
Guam to Taipei	0320	**50	500
Hong Kong to Guam	2199	*168	100
Rates cancelled under existing commodity descriptions			
Bombay to Guam	2199	.....	100
			250
Hong Kong to Guam	2200	.....	100
Rates changed under existing commodity descriptions			
Hong Kong to Guam	3902	**178	250

¹See applicable tariffs for complete commodity descriptions.
²Based on 021B rate 1-United Kingdom pence equals U.S.\$ 02605.
³Expires June 30, 1979.

NOTE.—Rates are subject to applicable currency conversion factors as shown in tariffs.

ATTACHMENT II	
AGREEMENT C.A.B. 27258	
SPECIFIC COMMODITY DESCRIPTION	
Item No. and Description	
1052 Sheep.	2200 Wearing apparel including partly manufactured clothing.
1402 Floral and/or nursery stock and bulbs, seeds and tubers—excluding cut flowers.	2201 Clothing and wearing apparel.
2004 Yarn and thread of synthetic fibres.	2366 Pantyhose.
2092 Fibres, thread and/or yarn, natural and/or artificial wool.	2410 Shirts.
2195 Yarn, thread and/or fibres, natural and synthetic, cloth exclusively in bales, bolts or pieces, not further processed or manufactured, clothing and footwear, textile-manufacturers, viz, articles or material made principally of textiles.	2416 Shoe parts and shoe lasts.
2196 Yarn, thread, fibres, natural and synthetic cloth, textile fabrics, drawnwork, needlwork, embroideries, tulle and lace, exclusively in bales, bolts or pieces not further processed or manufactured excluding clothing, footwear, outerwear and undergarments.	2422 Shoes and slippers, other than straw.
	3100 Cutlery.
	3571 Stoves, electric or gas.
	3575 Oil burners.
	4317 Supplies for electronic data storage—processing machines, digital and analog computers, consisting only of punch cards, tape, data sheets and/or data discs.
	4501 Telecommunication equipment.
	4705 Food processing machinery.
	4960 Pneumatic and hydraulic equipment.
	4971 Valves and regulators.
	4999 Aircraft parts, office machinery, electrical appliances, machinery, tools, surface vehicles and accessories thereof. Data processing machinery, punch cards, data sheets, discs and/or tapes, excluding watches and clocks, steamship and motorship machinery spare parts.
	6435 Opium.

6805 Synthetic gums and resins and manufactures (plastic) sheets, slabs, rods, tubes and other unfinished forms.

7000 Paper and paper products.

7177 Printed promotional material.

8004 Dental, surgical, measuring, callbrating, testing and drawing instruments, analysing scales, microscopes, telescopes, binoculars, spectacles, sunglasses, lenses, photographic and projection equipment, photographic supplies, excluding watches and clocks.

8400 Lenses.

9970 Building and engineering construction equipment.

[FR Doc. 78-14347 Filed 5-23-78; 8:45 am]

[6320-01]

[Docket 32376; Docket 32576; Order 78-5-99]

SAN ANTONIO—DENVER ROUTE PROCEEDING
Western Air Lines, Inc.; Order

Issued under delegated authority May 17, 1978.

By Order 78-4-30, dated April 7, 1978, the Board instituted the *San Antonio-Denver Route Proceeding* to consider the need for new non-stop authority in this market. The order consolidated the application of Frontier Airlines for nonstop authority in the market. Western Air Lines, Inc., has moved to consolidate its application in Docket 32576 into this proceeding. No answers have been received.

Since Western's application fully conforms to the scope of this proceeding, the motion to consolidate will be granted, and Western will be made a party to this investigation.

Pursuant to authority duly delegated by the Board in Order 78-4-30, IT IS ORDERED THAT:

1. The application of Western Air Lines, Inc., in Docket 32576 be consolidated into the *San Antonio-Denver Route Proceeding*, Docket 32376.

2. Western Air Lines, Inc., be made a party to this proceeding.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless before that date a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

By KATHERINE A. KENT,
Administrative Law Judge.
PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-14516 Filed 5-23-78; 8:45 am]

[6315-01]

COMMUNITY SERVICES
ADMINISTRATION
EMERGENCY ENERGY ASSISTANCE PROGRAM
Funding Declarations

The Director of the Community Services Administration (CSA) has found, based on criteria indicated in column¹

¹All references to "column" refer to Appendix A to this notice.

(5) of Appendix A that energy related emergencies have existed since the dates indicated in column (3).

Therefore, eligible grantees who cover those areas indicated in column (2) will proceed as follows:

Grantees who receive funds by letter of credit may withdraw and expend funds in the amount approved in column (4) or that portion of that amount which have been granted to them under program account 80, Emergency Energy Assistance Program; or

Grantees who normally receive checks are being informed that their checks are being forwarded by the Treasury Department for the total amount of the EEAP grant. However, these grantees immediately may begin obligating funds against this grant in the amount appropriated in column (4) and from the date indicated in column (3).

Column (3) contains the earliest date to our knowledge which provided the

basis for a finding by the Director of CSA that an energy related emergency existed. However, any eligible grantee within those areas covered in column (2) may submit evidence to support the existence of energy related emergencies which existed between December 31, 1977, and the date given in column (3) for a finding by the Director of CSA. (See CSA Notice 6143-7, section 4 or § 1061.51-3 in the FEDERAL REGISTER (43 FR 9476).

Request for supplemental (additional) funds shall be made in accordance with the provisions of section 11.c. of CSA Notice 6143-7.

FRANK N. JONES,
Acting Director.

[FR Doc. 78-14368 Filed 5-23-78; 8:45 am]

STATE(S) DECLARED (1)	AREAS COVERED (2)	EMERGENCY DECLARATION DATE (3)	APPROVED ALLOCATION For Area Covered (4)	BASIS FOR DETERMINATION (5)
REGION IV Florida	Counties of:			
	Seminole	April 12, 1978	\$ 4,142	4.b.(2)(a)
	Seminole Indian Reservation	March 14, 1978	10,000	4.b.(2)(a)
	Palm Beach	April 1, 1978	15,842	4.b.(2)(a)
	Leon, Gadsden, Jeff- erson, Wakulla	April 1, 1978	14,716	4.b.(2)(a)
	Putnam, Clay, Flagler	March 21, 1978	9,500	4.b.(2)(a)
	Lake	April 6, 1978	5,666	4.b.(2)(a)
	Hillsborough	April 14, 1978	16,242	4.b.(2)(a)
	Charlotte Collier Glades Hardee Hendry Highlands Osceola	April 1, 1978	139,000	4.b.(2)(a)
	Dade, Monroe	April 1, 1978	45,000	4.b.(2)(a)

• Refer to 49 CFR Part 614.4, Section 4, Federal Register 1061, 51-1(b).

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

[3510-25]

DEPARTMENT OF COMMERCE

Industry and Trade Administration

MANAGEMENT-LABOR TEXTILE ADVISORY
COMMITTEE

Public Meeting

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (1976 ed.), notice is hereby given that a meeting of the Management-Labor Textile Advisory Committee will be held on June 14, 1978 at 1:30 p.m. in Room 4833, Department of Commerce, 14th and Constitution Avenue NW., Washington, D.C. 20230.

The Committee was established by the Secretary of Commerce on October 18, 1961 to advise U.S. Government officials on problems and conditions in the textile and apparel industry and furnish information on world trade in textiles and apparel.

The agenda for the meeting will be as follows:

1. Review of import trends.
2. Implementation of textile agreements.
3. Report on conditions in the domestic market.
4. Other business.

A limited number of seats will be available to the public on a first-come basis. The public may file written statements with the Committee before or after each meeting. Oral statements may be presented at the end of the meeting to the extent time is available.

Copies of the minutes of the meeting will be made available on written request addressed to the DIBA Freedom of Information Officer, Freedom of Information Control Desk, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

Telephone requests for the minutes of the meetings and requests for further information concerning the Committee may be directed to Arthur Garel, Director, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-5078.

Dated: May 19, 1978.

ROBERT E. SHEPHERD,
Deputy Assistant Secretary
for Domestic Business Development.
[FR Doc. 78-14527 Filed 5-23-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric
Administration

CARIBBEAN FISHERY MANAGEMENT COUNCIL

Public Meeting

The Caribbean Fishery Management Council, established under Section 302

of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet June 20-22, 1978, at the Grapetree Beach Hotel, Saint Croix, V.I. The meeting starts at 9 a.m. on June 20, and will adjourn at about noon on June 22.

Proposed Agenda: (1) Status Report on the Fishery Management Plan (FMP) for Shallow-Water Reef Fish; (3) Status Report on the FMP for Migratory Coastal Pelagics; (4) Development of new FMP for Mollusks; (5) Progress Report of the Education and Information Committee; (6) Japan Government Fishing Permit Applications for Billfish and Sharks in the Atlantic, the Caribbean, and the Gulf of Mexico; (7) Audit Report of the Caribbean Fishery Management Council; (8) Administrative Matters; (9) Other Business.

Meeting is open to public. For information on seating, changes to the agenda, and/or written comments, contact Mr. Omar Munoz-Roure, Executive Director, Caribbean Fishery Management Council, P.O. Box 1001, Hato Rey, P.R. 00919, telephone 809-733-4926.

Dated: May 18, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.
[FR Doc. 78-14448 Filed 5-23-78; 8:45 am]

[3510-08]

COASTAL ZONE MANAGEMENT ADVISORY
COMMITTEE

Public Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. I (Supp. V, 1975), notice is hereby given of the meeting of the Coastal Zone Management Advisory Committee (the "Committee") on Thursday and Friday, June 8-9, 1978. The meeting will commence at 9 a.m. on June 8 and 8:45 a.m. on June 9 in The Penthouse, Page Building I, 2001 Wisconsin Avenue NW., Washington, D.C.

The meeting will be open to public observation and approximately 25 seats will be available. Interested persons are invited to attend and participate in the meeting, subject to the procedures which follow. From approximately 11:45 a.m. until 12:15 p.m. on June 8 and from 11 a.m. until 11:15 a.m. on June 9, persons will be permitted to make oral statements to the Committee which are relevant to topics on the agenda. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Persons wishing to make oral statements should notify the Executive Secretary in advance of the meeting. A written version of an oral statement or a written statement may

be mailed within five days to: Office of Coastal Zone Management, National Oceanic and Atmospheric Administration, 3300 Whitehaven Street NW., Washington, D.C. 20235 (Attn: Dr. Richard Keating, Executive Secretary, CZM Advisory Committee). All statements received in typewritten form will be distributed to the Committee for consideration with the minutes of the meeting. Inquiries may be directed to the Committee Staff at 202-634-4250.

The items for Committee discussion at the meeting will include the following:

June 8

- 9:00 a.m.—Call to order.
- 9:15 a.m.—Coastal Zone Management program update and legislative review.
- 10:00 a.m.—"Beneficial Effects of Coastal Zone Management Programs: Case Studies," Office of Coastal Zone Management.
- 11:00 a.m.—Discussion of committee report.
- 11:45 a.m.—Oral statements (if any) from interested persons.
- 12:15 p.m. Lunch.
- 2:00 p.m. Panel presentation. "The Electric Utilities Industry and CZM," Donald Allen, Chairman.
- 3:30 p.m.—Committee discussion of CZM and electric utilities industry and tentative recommendations to the recommendations to the Administrator of National Oceanic and Atmospheric Administration.
- 4:00 p.m.—Formation of task forces.
- 4:15 p.m.—Agenda, date, and location of next meeting.
- 4:30 p.m.—Adjourn.

June 9

- 8:45 a.m.—Call to order.
- 9:00 a.m.—Panel presentation, "Balanced Growth, Coastal Zone Management and the Administration's Urban Package," Ann Jennings, Chairwoman.
- 10:30 a.m.—Committee discussion of balanced growth issues and tentative recommendations to administrator of National Oceanic and Atmospheric Administration.
- 11:00 a.m.—Oral statements (if any) from interested persons.
- 11:15 a.m.—Depart for Main Commerce Building.
- 11:30 a.m.—Presentation of committee report to Secretary of Commerce (tentative).
- 12:30 p.m.—Return to Page Building and lunch.
- 2:00 p.m.—Presentation on Oceans Management, Office of Oceans Management.
- 3:00 p.m.—Adjourn.

Dated: May 19, 1978.

T. P. GLEITER,
Assistant Administrator for Ad-
ministration, National Ocean-
ic and Atmospheric Adminis-
tration.

[FR Doc. 78-14530 Filed 5-23-78; 8:45 am]

[3510-04]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and

are available for domestic and possibly foreign licensing in accordance with the licensing policies of the agency-sponsors.

Copies of the patents cited are available from the Commissioner of Patents and Trademarks, Washington, D.C. 20231, for \$5.00 each. Requests for copies of patents must include the patent number.

Copies of the patent applications can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22161 for \$4.00 (\$8.00 outside North American Continent). Requests for copies of patent applications must include the PAT-APPL number. Claims are deleted from patent application copies sold to the public to avoid premature disclosure in the event of an interference before the Patent and Trademark Office. Claims and other technical data will usually be made available to serious prospective licensees by the agency which filed the case.

Requests for licensing information on a particular invention should be directed to the address cited for the agency-sponsor.

DOUGLAS J. CAMPION,
Patent Program Coordinator,
National Technical Information Service.

U.S. DEPARTMENT OF AGRICULTURE, Research Agreements & Pat. Branch, General Services Div., Federal Bldg. Agricultural Research Service, Hyattsville, Md. 20782.

Patent application 853,717: Precooked Potato Products. Filed Nov. 21, 1977.

Patent 4,055,675: Preparation of Puffed Fruit; filed Dec. 13, 1976, patented Oct. 25, 1977, Not available NTIS.

Patent 4,061,094: Magnetic Seed Delivery Autodible Planter. Filed Aug. 19, 1976, patented Dec. 6, 1977, Not available NTIS.

Patent 4,072,669: Preparation of Protein Isolates from Safflower Seeds. Filed Mar. 7, 1977, patented Feb. 7, 1978, Not Available NTIS.

U.S. DEPARTMENT OF COMMERCE, National Technical Information Service, 5285 Port Royal Rd., Springfield, Va. 22161.

Patent application 851,326: Frequency Stabilization Utilizing Multiple Modulation. Filed Nov. 14, 1977.

Patent application 870,384: Frequency Stabilizing System and Method for Beam Type Device. Filed Jan. 18, 1978.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Md. 20014.

Patent application 823,186: Random Phase Diffuser for Reflective Imaging. Filed Aug. 9, 1977.

Patent application 840,783: Facile Synthesis of 3'-Phosphadenosine 5'-Phosphosulfate (PAPS). Filed Oct. 11, 1977.

Patent 4,030,141: Multi-Function Control System for an Artificial Upper-Extremity Prosthesis for Above-Elbow Amputees. Filed Feb. 9, 1978, patented June 21, 1977, Not Available NTIS.

Patent 4,064,023: Electrochemical Growth of Calcium Hydroxide Crystals from Elec-

trolyte Solutions. Filed Aug. 9, 1976, patented Dec. 20, 1977, Not Available NTIS.

[FR Doc. 78-14447 Filed 5-23-78; 8:45 am]

[3510-60]

National Telecommunications and Information Administration

FREQUENCY MANAGEMENT ADVISORY COUNCIL

Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1976), notice is hereby given that the Frequency Management Advisory Council will meet from 9:30 a.m. to 3:30 p.m. on June 16, 1978, in Room 712A at the National Telecommunications and Information Administration, 1800 "G" Street NW., Washington, D.C. (Public entrance to the building is on "G" Street, between 18th Street and 19th Street NW.)

The Council was established on July 19, 1965. The objective of the Council is to advise the Secretary of Commerce on radio frequency spectrum allocation matters and means by which the effectiveness of Federal Government frequency management may be enhanced. The Council consists of 11 members whose knowledge of telecommunications is balanced in the functional areas of manufacturing, analysis and planning, operations, research, academia and international negotiations.

The agenda for the meeting is:

(1) Briefing on the organization, functions and responsibilities of the National Telecommunications and Information Administration (NTIA);

(2) Discussion of the Federal Communications Commission's 8th Notice of Inquiry concerning preparation of the U.S. Position for the 1979 World Administrative Radio Conference (WARC 1979);

(3) Report on Status of preparation for the special meeting of the International Radio Consultative Committee (CCIR) preparatory to WARC 1979;

(4) Report on foreign coordination for WARC 1979; and

(5) Nomination of new members of the Council.

The meeting will be open to public observation; and a period will be set aside for oral comments or questions by the public which do not exceed 10 minutes each. More extensive questions or comments should be submitted in writing before June 14. Other public statements regarding Council affairs may be submitted at any time before or after the meeting. Approximately 15 seats will be available for the public on a first-come first-served basis.

Copies of the minutes will be available on request 30 days after the meeting.

Inquiries may be addressed to the Council Control Officer, Mr. Charles L. Hutchison, National Telecommunications and Information Administration, Room 298, 1325 "G" Street NW., Washington, D.C. 20005, telephone 202-724-3307.

Dated: May 18, 1978.

CLOYD C. DODSON,
Committee Liaison Officer, National Telecommunications and Information Administration.

[FR Doc. 78-14464 Filed 5-23-78; 8:45 am]

[3510-25]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS FROM THE SOCIALIST REPUBLIC OF ROMANIA

Import Levels Under the New Textile Category System

MAY 19, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: Establishing import restraint levels for certain wool and man-made fiber textile products from Romania during the twelve-month period which began on January 1, 1978, pursuant to the amended wool and man-made fiber textile agreement.

SUMMARY: The Governments of the United States and the Socialist Republic of Romania have exchanged notes amending the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977 to provide for the changeover to the new textile category system, which became effective on January 1, 1978. The agreement, as amended, establishes levels of restraint for certain specified categories of wool and man-made fiber textile products, produced or manufactured in Romania and exported to the United States during the twelve-month period which began on January 1, 1978. In the letter published below the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to limit to the designated levels of restraint the amounts of wool and manmade fiber textile products in Categories 433/434, 435/444, 443, 459, 465, 610, 611, 612, 613, 614, 633, 634, 638/639, 640, 643/644, 645/646, 648, 659, and 666, produced or manufactured in Romania, which may be entered into the United States for consumption, or withdrawn from warehouse for consumption, during the twelve-month period which began on January 1, 1978 and extends through December 31, 1978. The levels of re-

straint have not been adjusted to reflect any imports after December 31, 1977. As the data become available, adjustments will be made to account for imports during the period beginning on January 1, 1978 and extending through the effective date of this action. (A detailed description of the categories in terms of T.S.U.S.A. Numbers was published in FEDERAL REGISTER on January 4, 1978 (43 FR 884), as amended on January 25, 1978 (43 FR 3421) and March 3, 1978 (43 FR 8828).

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Edmond C. Callahan, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS,
May 19, 1978.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 15, 1977; pursuant to the Bilateral Wool and Man-Made Fiber Textile Agreement of June 17, 1977, as amended, between the Governments of the United States and the Socialist Republic of Romania; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, you are directed to prohibit, effective on May 30, 1978 and for the twelve-month period beginning on January 1, 1978 and extending through December 31, 1978, entry into the United States for consumption and withdrawal from warehouse for consumption of wool and man-made fiber textile products in the following categories in excess of the indicated levels of restraint:

Category and Twelve-Month Level of Restraint¹

433/434—225,000 square yards equivalent.

435/444—83,333 numbers.

443—88,022 numbers.

459—75,000 pounds.

465—1,500,000 square feet.

610—2,000,000 square yards.

611—2,000,000 square yards.

612—2,000,000 square yards.

613—4,000,000 square yards.

614—1,500,000 square yards.

633—41,436 dozen.

634—53,289 dozen of which not more than 36,320 dozen shall be in T.S.U.S.A. numbers 380.0405, 380.8101, 380.8109, 380.8111, and 791.7460 and not more than 16,949 dozen shall be in the remaining T.S.U.S.A. numbers in Category 634.

¹The levels of restraint have not been adjusted to account for any imports after December 31, 1977.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development.
[FR Doc. 78-14528 Filed 5-23-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD TASK FORCE ON NATIONAL/TACTICAL INTERFACE

Advisory Committee meeting

The Defense Science Board Task Force on the National/Tactical Interface will meet in closed session on June 14-16, 1978 in Washington, D.C.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Research and Engineering on overall research and engineering policy and to provide long-range guidance to the Department of Defense in these areas.

The Task Force is continuing its analyses of the major issues concerning the interface between national and tactical intelligence systems and the potential for satisfying the requirements of tactical/theater military commanders and those of national authorities and agencies.

In accordance with Section 10(d) of Appendix I, Title 5, United States Code, it has been determined that this Task Force meeting concerns matters listed in Section 552b(c) of Title 5 of the United States Code, specifically subparagraph (1) thereof, and that accordingly this meeting will be closed to the public.

May 19, 1978.

MAURICE W. ROCHE,
Director, Correspondence and Directives Washington HQS Services Department of Defense.

[FR Doc. 78-14469 Filed 5-23-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

CASES FILED WITH THE OFFICE OF HEARINGS AND APPEALS

Week of April 28 through May 5, 1978

Notice is hereby given that during the week of April 28 through May 5, 1978, the appeals and applications for exception or other relief listed in the Appendix to this Notice were filed with the Office of Hearings and Appeals of the Department of Energy.

Under the DOE's procedural regulations, 10 CFR part 205, any person who will be aggrieved by the DOE action sought in such cases may file

²In Category 643/644, only T.S.U.S.A. numbers 380.0420, 380.8145, 380.8148, 382.0447, 382.7866, and 382.7868.

³In Category 643/644, all T.S.U.S.A. numbers not listed in footnote 2.

with the DOE written comments on the application within 10 days of service of notice, as prescribed in the procedural regulations. For purposes of those regulations, the date of service of notice shall be deemed to be the

date of publication of this Notice or the date of receipt by an aggrieved person of actual notice, whichever occurs first. All such comments shall be filed with the Office of Hearings

and Appeals, Department of Energy, Washington, D.C. 20461.

Dated: May 17, 1978.

MELVIN GOLDSTEIN,
Director,
Office of Hearings and Appeals.

APPENDIX.—List of cases received by the Office of Hearings and Appeals

[Week of Apr. 28, through May 5, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Apr. 28, 1978	Buck's Butane & Propane Service, Inc., San Jose, Calif. If granted: Buck's Butane & Propane Service, Inc., would receive a stay of the provisions of the revised remedial order issued Mar. 21, 1978, by DOE region IX pending a final determination on the appeal of that order which the firm intends to file.	DRS-0173	Stay request.
Do	Butler & Fought Exxon Service, Little Rock, Ark. If granted: Butler & Fought Exxon Service would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1058	Exception to the reporting requirements.
Do	Clyde's Service Station, Minneapolis Minn. If granted: Clyde's Service Station would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1059	Exception to the reporting requirements.
Do	Robert Lingle Cobb, Gibsonville, N.C. If granted: Robert Lingle Cobb would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1060	Exception to the reporting requirements.
Do	Consumer Federation of America, Washington, D.C. If granted: The DOE's Apr. 27, 1978, decision and order would be modified with respect to staff costs and attorneys fees.	DMR-0019	Modification of the relief granted in Consumer Federation of America, 1 DOE Par. — (Apr. 27, 1978).
Do	Don Baldwin Oil, Gloversville, N.Y. If granted: Don Baldwin Oil would not be required to file form EIA-9 (No. 2 Heating Oil Supply/Price Monitoring Report).	DEE-1062	Exception from reporting requirements.
Do	Fraser Mustang, Hideaway Park, Colo. If granted: Fraser Mustang would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEE-1061	Exception to the reporting requirements.
Do	Lunday-Thagard Oil Co., South Gate, Calif. If granted: Lunday-Thagard Oil Co. would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations for the months of June through November 1978.	DXE-1057	Exception from the entitlements program.
Do	Maurice L. Brown Co., Kansas City, Mo. If granted: Maurice L. Brown Co. would be permitted to sell the crude oil produced from the S. E. Anderson Lease located in Lea County, N. Mex., at upper tier ceiling prices.	DEE-1055	Price exception (sec. 212.73).
Do	New England Petroleum Corp., New York, N.Y. If granted: New England Petroleum Corp. would receive a stay of the provisions of 10 CFR 211.67 and 10 CFR Pt. 213 pending a final determination in its application for exception.	DES-0861	Stay request.
Do	Sid Richardson Carbon & Gasoline Co., Fort Worth, Tex. If granted: The applicant would be permitted to increase its prices to reflect non-product cost increases incurred in producing natural gas liquids and natural gas liquid products.	DXE-1064	Extension of the relief granted in Sid Richardson Carbon & Gasoline Co., Case No. DXE-0325 (decided Feb. 13, 1978) (unreported decision).
Do	Tenneco Oil Co., Houston, Tex. If granted: Tenneco Oil Co. would receive an adjustment in the exception relief granted in the Apr. 4, 1978 decision and order to account for the fact that the gravity of the crude oil from the Veeder-Hunt lease had not declined since May 15, 1973.	DEX-0072	Supplemental Order in Tenneco Oil Co., 1 DOE Par. — (Apr. 4, 1978).
Do	Universal, Inc., Luling, Tex. If granted: Universal, Inc. would receive an exception from the requirement of 10 CFR 212.93 that it calculate its inventory costs on a company-wide, single inventory basis for the period prior to May 1, 1978.	DEE-1056	Price exception (sec. 212.93).
Do	Wilmot Oil Co., Seabrook, N.H. If granted: Wilmot Oil Co. would not be required to file form EIA-9 (No. 2 Heating Oil Supply/Price Monitoring Report).	DEE-1063	Exception from reporting requirements.
May 1, 1978	Atlantic Richfield Co., Los Angeles, Calif. If granted: Atlantic Richfield Co. would be granted an evidentiary hearing with respect to its pending appeal of the Aug. 1, 1977 remedial order.	DRH-0005	Request for an evidentiary hearing.
Do	Louis K. Bell, Augusta, Ga. If granted: The DOE's Mar. 27, 1978 denial of a request for information pertaining to Louis K. Bell would be rescinded.	DFA-0175	Appeal of the information request denial.
Do	Ben R. Briggs, Dallas, Tex. If granted: Ben R. Briggs would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the East Texas plant.	DEE-1068	Price exception (sec. 212.165).
Do	Hugh M. Briggs, Dallas, Tex. If granted: Hugh M. Briggs would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the East Texas plant.	DEE-1067	Price exception (sec. 212.165).
Do	Buck's Butane and Propane Service, Inc., San Jose, Calif. If granted: The Mar. 21, 1978 revised remedial order issued by DOE Region IX would be rescinded and Buck's Butane and Propane Service, Inc. would not be required to refund overcharges made in its sales of propane.	DRA-0173	Appeal of revised remedial order.
Do	C F Braun & Co., Alhambra, Calif. If granted: C F Braun & Co. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Mooreland and Selling plants.	DEE-1065	Price exception (sec. 212.165).
Do	Joe K. Staley Oil Co., Greenacres, Wash. If granted: The Mar. 16, 1978 denial of Joe K. Staley Oil Co.'s motion to quash the Nov. 30, 1977 special report order would be rescinded.	DEE-1066	Price exception (sec. 212.165).
Do	Northern Illinois Gas Co., Chicago, Ill. If granted: The Mar. 31, 1978 assignment order regarding Northern Illinois Gas Co.'s base period use of propane, butane, natural gasoline, and naphtha for synthetic natural gas feedstock during the period Apr. 1 through Sept. 30, 1978 would be rescinded.	DSG-0017	Request for special redress.
Do	R. W. Tyson Producing Co., Inc., Jackson, Miss. If granted: R. W. Tyson Producing Co., Inc. would be permitted to sell the crude oil produced from the No. 4 and No. 5 wells of the Stevens No. 1 lease located in Perry County, Miss., at exempt price levels.	DEA-0174	Appeal of an assignment order.
Do	Tosco Corp., Washington, D.C. If granted: The DOE's Apr. 19, 1978 proposed decision and order issued to the Tosco Corp. would be modified.	DXE-1069	Extension of the relief granted in R. W. Tyson Producing Co., 1 DOE Par. — (Feb. 28, 1978).
May 2, 1978	66 Service Center, Birmingham, Ala. If granted: 66 Service Center would not be required to file form EIA-8 (Retail Motor Fuels Service Station Survey).	DEX-0068	Supplemental order.
Do	Caribou Four Corners, Inc., Farmington, N. Mex. If granted: Caribou Four Corners, Inc. would receive an exception from the provisions of 10 CFR 212.131 with respect to the certification of crude oil sold to Plateau, Inc.	DEE-1070	Exception to the reporting requirements.
Do	Getty Oil Co., Los Angeles, Calif. If granted: The DOE's Apr. 21, 1978 decision and order would be modified.	DEE-1073	Price exception (sec. 212.131).
		DEX-0069	Supplemental order in Getty Oil Co., 1 DOE Par. — (Apr. 21, 1978).

APPENDIX.—List of cases received by the Office of Hearings and Appeals—Continued
[Week of Apr. 28, through May 5, 1978]

Date	Name and location of applicant	Case No.	Type of submission
Do	Southland Oil Corp./VGS Corp., Jackson, Miss. If granted: Southland Oil Co./VGS Corp. would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlement purchase obligations.	DXE-1071	Extension of the relief granted in Southland Oil Co., 1 DOE Par. — (Feb. 28, 1978).
May 3, 1978	Coastal States Gas Corp., Houston, Tex. If granted: The applicant would be permitted to increase its prices to reflect nonproduct increases incurred in producing natural gas liquids and natural gas liquid products at its Hidalgo plant.	DXE-1072	Extension of the relief granted in Coastal States Gas Corp., Case No. FKE-4735 (decided Nov. 2, 1977) (unreported decision).
Do	General Motors Corp., Washington, D.C. If granted: The Mar. 31, 1978 assignment order issued to Consumers Power Co. with respect to its feedstock allocation of propane, butane, or natural gasoline for its Marysville SNG plant would be rescinded.	DEA-0178	Appeal of an assignment order.
Do	Harvey W. Jones & Associates, Natchez, Miss. If granted: Harvey W. Jones & Associates would receive an evidentiary hearing with respect to its appeal of the Nov. 29, 1977 remedial order.	DRH-0061	Request for an evidentiary hearing.
Do	Irving Oil Corp., Boston, Mass. If granted: Irving Oil Corp. would be permitted to import 3,500,000 bbl of finished petroleum products on a fee-exempt basis for the period May 1, 1978 through Apr. 30, 1980.	DPI-0007	Exception to base fee requirements.
Do	New England Petroleum Corp., Washington, D.C. If granted: New England Petroleum Corp. would receive an exception from the provisions of 10 CFR 211.67 with respect to its entitlement obligations for the mos. of December 1975 and January 1976.	DEX-0073	Supplemental order.
May 4, 1978	Kalama Chemical, Inc., Kalama, Wash. If granted: Kalama Chemical Inc. would be permitted to import 310,000 bbl of unfinished oil into PAD district V on a fee-exempt basis for the allocation period May 1, 1978 through Apr. 30, 1978.	DPI-0008	Exception from base fee requirements.
Do	Kerr-McGee Corp., Oklahoma City, Okla. If granted: Kerr-McGee Corp. would be permitted to increase its prices to reflect nonproduct cost increases in excess of \$0.005/gal for natural gas liquid products produced at the Boxcar Butte plant.	DEE-1074	Price exception (sec. 212.165).
Do	Oahu Gas Service, Inc., Washington, D.C. If granted: The June 26, 1975 decision and order which was issued to Standard Oil Co. of California would be modified by reducing the exception relief granted to Gasco.	DMR-0020	Modification of Standard Oil Co. of California, 2 FEA Par. 80,618 (June 26 1975).

Notices of objection received

[Week of Apr. 28 through May 5, 1978]

Date	Name and location of applicant	Case No.
Apr. 28, 1978	Getty Oil Co., Los Angeles, Calif.	DEX-0070 and DEX-0071.
May 2, 1978	Champlin Petroleum Co., Washington, D.C.	FEE-4730.
Proposed remedial orders		
Apr. 28, 1978	Champlain Oil Co., Inc., New Haven, Conn.	DRO-0043.
Do	Pyrofax Gas Corp., Houston, Tex.	DRO-0044.

[FR Doc. 78-14298 Filed 5-23-78; 8:45 am]

[3128-01]

ISSUANCE OF PROPOSED DECISIONS AND ORDERS BY THE OFFICE OF HEARINGS AND APPEALS

Week of May 1 through May 5, 1978

Notice is hereby given that during the period May 1 through May 5, 1978, the Proposed Decisions and Orders which are summarized below were issued by the Office of Hearings and Appeals of the Department of Energy with regard to Applications for Exception which had been filed with that Office.

Amendments to the DOE's procedural regulations, 10 CFR, part 205, were issued in proposed form on September 14, 1977 (42 FR 47210 (Sept. 20, 1977)), and are currently being implemented on an interim basis. Under the new procedures any person who will be aggrieved by the issuance of the Proposed Decision and Order in final form may file a written Notice of Objection within 10 days of service. For purposes of the new procedures, the date of service of notice shall be deemed to be the date of publication of this Notice or the date of receipt by an aggrieved person of actual notice,

whichever occurs first. The new procedures also specify that if a Notice of Objection is not received from any aggrieved party within the time period specified in the regulations, the party will be deemed to consent to the issuance of the Proposed Decision and Order in final form. Any aggrieved party that wishes to contest any finding or conclusion contained in a Proposal Decision and Order must also file a detailed Statement of Objections within 30 days of the date of service of the Proposed Decision and Order. In that Statement of Objections an aggrieved party must specify each issue of fact or law contained in the Propos-

al Decision and Order which it intends to contest in any further proceeding involving the exception matter.

Copies of the full text of these Proposed Decisions and Orders are available in the Public Docket Room of the Office of Hearings and Appeals, Room B-120, 2000 M Street NW., Washington, D.C. 20461, Monday through Friday, between the hours of 1 p.m. and 5 p.m., e.d.t., except Federal holidays.

Dated: May 17, 1978.

MELVIN GOLDSTEIN,
Director, Office of
Hearings and Appeals.

PROPOSED DECISIONS AND ORDERS

Gulf Oil Corporation, Tulsa, Okla., DEE-0612, Crude Oil

Gulf Oil Corp., (Gulf) filed an Application for Exception from the provisions of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Gulf to sell the crude oil which it produces from the Kiefer Unit located in Creek County, Okla. at upper tier ceiling prices. On May 2, 1978, the DOE issued a proposed decision and Order which determined that the exception request be granted in part.

Moran Pipe & Supply Co., Inc., Seminole, Okla., DXE-1028, Crude Oil

Moran Pipe & Supply Co., Inc., filed an Application for Exception from the provisions, of 10 CFR, part 212, subpart D. The exception request, if granted, would permit Moran to continue to sell a portion of the crude oil produced from the Cozar Lease located in Seminole County, Okla., at upper tier ceiling prices. On May 2, 1978, the DOE issued a Proposed Decision and Order which determined that the exception request should be granted.

REQUESTS FOR EXCEPTION RECEIVED FROM NATURAL GAS PROCESSORS

The Office of Hearings and Appeals of the Department of Energy has issued a proposed decision and order granting exception relief from the provisions of 10 CFR 212.165 to the natural gas processor listed below. The proposed exception relief permits the firm involved to increase the prices of the production of the gas plants listed below to reflect certain nonproduct cost increases:

Company	Case	Plant	Location	Amount of price increase (per gallon)
Mapco, Inc.	DXE-0986	Altonah	Duchess/Utah	\$0.1132
	DXE-0987	Tyrone	Texas/Oklahoma	.0330

[FR Doc. 78-14297 Filed 5-23-78; 8:45 am]

[6740-02]

Federal Energy Regulatory Commission

[Docket Nos. E-7562, E-7655; Project Nos. 176, 599]

ESCONDIDO MUTUAL WATER CO. ET AL.

Notice of Project Inspection

MAY 17, 1978.

In the matter of Escondido Mutual Water Co., Project No. 176, Secretary of the Interior acting in his capacity, as trustee for the Rincon, La Jolla, and San Pasqual Bands of Mission Indians v. Escondido Mutual Water Company and City of Escondido, California, Docket No. E-7562, Vista Irrigation District, Docket No. E-7655, and San Diego Gas and Electric Co., Project No. 559.

Notice is hereby given that on June 1 and 2, 1978, Vice Chairman Don S. Smith and Commissioner George R. Hall will inspect the facilities of Project No. 176, Lake Henshaw and the La Jolla, Rincon, San Pasqual, Pauma and Pala Indian Reservations in conjunction with the proceeding for relicensing the said project which is pending before the Commission.

Representatives of the parties to the said proceeding may participate in the inspection. Such persons shall furnish their own meals and transportation and meet at 8 o'clock AM on June 1 and 2, 1978, in the parking area of the Mt. Vernon Motel, Escondido, Calif.

This notice shall be published in the

FEDERAL REGISTER and copies shall be transmitted to all parties as their names and addresses appear on the service list of the said proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14478 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. CP77-274]

MICHIGAN CONSOLIDATED GAS CO.— INTERSTATE STORAGE DIVISION

Notice of Petition To Amend

MAY 16, 1978.

Take notice that on March 13, 1978, Michigan Consolidated Gas Co.—Interstate Storage Division (Petitioner), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP77-274 a petition to amend the Commission's order of December 9, 1977, as amended, pursuant to section 7(c) of the Natural Gas Act so as to authorize the storage of up to 18,650,000 Mcf of natural gas for Panhandle Eastern Pipe Line Co. (Panhandle), for either 6 or 13 years, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

It is indicated that pursuant to the Commission's order of December 9, 1977, as amended January 4, 1978, Petitioner was granted authorization to

receive from, store and redeliver to Panhandle up to 12,400,000 Mcf of gas for either 6 or 13 years, pursuant to two gas storage agreements. The first storage agreement, dated October 31, 1978, as amended June 10, 1977, provides for the storage of up to 6,000,000 Mcf of gas for 100-day service, and the second storage agreement, dated November 1, 1978, as amended June 10, 1977, provides for the storage of up to 6,400,000 Mcf of gas for Off-Peak Service.

The petition states that in order to provide additional storage service needed by Panhandle's customers, Petitioner and Panhandle have entered into an amendment to the October 31, 1967 gas storage agreement, dated February 1, 1978, which provides for the increase in the maximum volume of gas to be stored for 100-day gas storage service from 6,000,000 Mcf to 12,500,000 Mcf. It is stated that if Panhandle should elect to defer redelivery from one winter period to the next of any part of the volumes stored, to the extent that such deferred volumes exceed 2,450,000 Mcf, rather than 1,200,000 Mcf as originally provided in said agreement of October 31, 1978, Panhandle would furnish 2 percent of such excess as compressor fuel, to permit cycling of such excess gas to maintain storage capacity.

Petitioner indicates that to render the additional gas storage service beginning with the 1978-79 storage

season, it would utilize the Taggart Storage Field and associated pipeline and compression facilities which the Commission has temporarily certified in Docket No. CP76-254.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14479 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. RP78-64]

MIDWESTERN GAS TRANSMISSION CO.

Order Instituting Investigation and Show Cause Proceeding

MAY 17, 1978.

Article XVII, Part 4, of the General Terms and Conditions of Midwestern Gas Transmission Co.'s (Midwestern) tariff¹ provides that Midwestern shall retain any refunds it may receive from its Southern System supplier, Tennessee Gas Pipeline Co. (Tennessee), until the Commission action requiring such refunds is final and nonappealable. Review and consideration of this tariff provision indicates that a Section 5 investigation should be instituted to determine the propriety of allowing the provision to remain in the tariff. For the reasons stated hereinafter, the Commission will order Midwestern to show cause why this tariff provision should not be amended by summary disposition to require the immediate crediting of supplier refunds to Account 191 for the benefit of its customers.

Article XVII, Part 4 of Midwestern's tariff provides as follows:

4. Flow-Through of Gas Supplier Refunds
4.1 Gas Supplier Refunds Subject to Flow-Through: Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller from Suppliers pursuant to final and nonappealable action by the Commission or the Courts applicable to gas purchased during the period beginning January 10, 1971, and continuing while Article XII is effective, except for refunds flowed through by Seller pursuant to Article III of the Amended Settlement Agreement dated May 24, 1973, in Docket Nos. RP71-16, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received for each Supplier, and any interest received from any Supplier shall be classified between demand and commodity components in proportion to the demand and commodity components of the principal amount of the refunds. Nothing in this Article XVII in any way changes the rights and obligations of Seller or its customer with regard to gas supplier refunds applicable to gas purchased prior to January 10, 1971.

¹Third Revised Volume No. 1, First Revised Sheet No. 82.

tion or the Courts applicable to gas purchased during the period beginning January 10, 1971, and continuing while Article XII is effective, except for refunds flowed through by Seller pursuant to Article III of the Amended Settlement Agreement dated May 24, 1973, in Docket Nos. RP71-16, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received for each Supplier, and any interest received from any Supplier shall be classified between demand and commodity components in proportion to the demand and commodity components of the principal amount of the refunds. Nothing in this Article XVII in any way changes the rights and obligations of Seller or its customer with regard to gas supplier refunds applicable to gas purchased prior to January 10, 1971.

4.2 Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account: Seller shall flow through Gas Supplier Refunds Subject to Flow-Through by reducing the balance of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller or at the time the related action of the Commission or the Courts becomes final and nonappealable, whichever is later. Seller shall not be required to pay interest on Gas Supplier Refunds Subject to Flow-Through.

This provision allows Midwestern to accept refunds resulting from collections in excess of prescribed just and reasonable revenues, but to refuse to flow such refunds through to its customers during the pendency of any review proceedings relating to those refunds.

There is no apparent justification for such a provision. The determination as to whether or not refunds shall be retained by the party who is initially obligated by a final Commission order to make such refunds, is made when the Commission and/or the reviewing Court determines whether or not to stay the refund obligation of that party pending judicial review. However, once the determination is made by the Commission and/or the Court that refunds should be made during the pendency of appellate review, then the FERC must, to the limits of its power, ensure that refunds are flowed through. The reasoning supporting this policy is that, to the extent possible, the FERC should ensure, in this category of cases, that the ultimate consumers receive the benefits of the refunds during the pendency of the case before the Courts for judicial review.² There is no apparent equitable or legal reason,³

²This is particularly true in this case where there is no provision that Midwestern pay interest on the retained amount if the supplier ultimately loses its case in Court.

³We note that Midwestern and its pipeline supplier, Tennessee, are both divisions of Tenneco, Inc. This common ownership suggests an even more compelling reason to require the immediate flow-through of all refunds Midwestern receives from Tennessee related to Tennessee's own Section 4 rate cases.

ties like Midwestern should be permitted to retain supplier refunds pending resolution of court review proceedings involving the supplier which may continue for some time.⁴ This policy requiring complete flow-through of supplier refunds was recently clarified and reaffirmed by the FPC in *Area Rate Proceeding, et al.*, (Hugoton-Anadarko) order issued March 17, 1975, affirmed on rehearing, order issued May 30, 1975.⁵ As noted above, Article XVII of Midwestern's tariff plainly contravenes this policy.

For the above-stated reasons, the Commission believes its proper to institute a Section 5 investigation and order Midwestern to show cause why Article XVII of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why Article XVII of its tariff should not be modified by summary disposition to require Midwestern to immediately credit supplier refunds to its deferred account when they are received.

The Commission has, on several occasions, summarily disposed of issues that turned on question of law and policy, rather than fact.⁶ The courts have found that, "When there is no dispute on a factual issue, the application of an administrative policy does not require a hearing", *Tennessee Gas Pipeline Company, et al. v. FPC*, 561 F.2d 955, 958, (D.C. Cir. 1977) citing: *Municipal Light Boards of Reading and Wakefield, Massachusetts*, 146 U.S. App. D.C. 294, 400 F.2d 1341 (1971), cert. den., 405 U.S. 989 (1972).⁷

The matter presently before us appears to raise no factual issue, only one of policy. It therefore appears entirely proper for the Commission, by summary disposition, to determine the

⁴A good example may be found in *Tennessee Gas Pipeline Co.*, Docket No. RP73-113. In that proceeding, the Commission ordered Tennessee to make refunds to certain customers, including Midwestern. (See Opinions No. 769 issued July 9, 1976). Rehearing of this order was denied in Opinion No. 769-A, issued May 31, 1977. Tennessee then filed a motion for stay of refunds pending judicial review, which was also denied by this Commission. Finally, Tennessee filed a motion with the Court of Appeals requesting a stay of its refund obligation. This motion was denied October 24, 1977. Court review of the order is still pending, and Midwestern's customers are still waiting for a portion of their refunds.

⁵Those orders abolished, with certain exceptions not relevant to the instant case, the so called "equitable entitlement" doctrine which for past periods provided a limited exception to the complete flow-through policy.

⁶e.g., *Mississippi River Transmission Corporation*, Docket No. RP75-20, rehearing denied August 1, 1975.

⁷See also: *Citizens for Allegan County, Inc. v. FPC*, 414 F.2d 1125 (D.C. Cir. 1969); *Pennsylvania Gas and Water Company v. FPC*, 463 F.2d 1242 (D.C. Cir. 1172).

question whether Article XVII of Midwestern's tariff is unjust and unreasonable and whether such provision should be modified as mentioned above. We have found it appropriate, however, to provide, through the show cause procedure instituted herein, an opportunity for Midwestern to show why the action proposed in this order is not appropriate.

The Commission finds: It is necessary and proper and in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission institute a Section 5 investigation and show cause proceeding as herein-after ordered.

The Commission orders: (A) The Commission hereby institutes an investigation pursuant to Section 5 of the Natural Gas Act and, pursuant to Sections 1.6(d) and 1.9(c) of the Commission's Rules of Practice and Procedure, directs Midwestern to show cause within 20 days of the issuance of this order why Article XVII of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why such tariff provision should not be modified by summary disposition to read as follows:

4. *Flow-Through of Gas Supplier Refunds*
4.1 *Gas Supplier Refunds Subject to Flow-Through:* Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller from Suppliers pursuant to final action by the Commission applicable to gas purchased during the period beginning January 10, 1971, and continuing while Article XII is effective, except for refunds flowed through by Seller pursuant to Article III of the Amended Settlement Agreement dated May 24, 1973, in Docket Nos. RP71-18, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received for each Supplier, and any interest received from any Supplier shall be classified between demand and commodity components in proportion to the demand and commodity components of the principal amount of the refunds. Nothing in this Article XVII in any way changes the rights and obligations of Seller or its customer with regard to gas supplier refunds applicable to gas purchased prior to January 10, 1971.

4.2 *Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account:* Seller shall flow through Gas Supplier Refunds Subject to Flow-Through by reducing the balance of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14480 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. TC78-41]

TENNESSEE GAS PIPELINE CO.

Extension of Time

MAY 17, 1978.

On May 12, 1978, Tennessee Natural Gas Lines, Inc. (TNGLI), a division of Tenneco Inc. filed a motion to extend the time to June 2, 1978, within which to file petitions to intervene or protests to the petition filed April 27, 1978, by Columbia Gas Transmission Corp. and noticed by the Commission on May 9, 1978. The motion states that Commission Staff Counsel does not object to the requested extension. On May 15, 1978, Chattanooga Gas Co. filed a joinder in TNGLI's motion for an extension of time, and Columbia Gas Transmission Corp. filed an answer in opposition to the request.

Upon consideration, notice is hereby given that an extension of time is granted to and including May 26, 1978, within which to file petitions to intervene or protests in this proceeding.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14481 Filed 5-23-78; 8:45 am]

[Docket No. CP78-321]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MAY 16, 1978.

Take notice that on May 9, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-321 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of up to 4,000 dekatherms (dt) equivalent of natural gas per day for Mid Louisiana Gas Co. (Mid Louisiana), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 4,000 dt of natural gas per day for Mid Louisiana pursuant to a transportation agreement dated March 31, 1978, which agreement provides that Mid Louisiana has natural gas available to it in the Lake Field, Plaquemines Parish, La. (Lake Washington) which Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), would transport and deliver to Applicant at the existing interconnection between their systems located in Allen Parish, La. (Kinder). Applicant would, in turn, receive up to a contract demand quantity of 4,000 dt per day from Tennessee and redeliver equivalent quantities, less 1.2 percent for compressor fuel and line loss make-up, to Mid Louisiana at existing interconnections between their systems located in East Feliciana Parish, La. (Ethel)

and St. James Parish, La. (Hester), it is said.

It is stated that for this service, Mid Louisiana would pay Applicant initially a monthly charge of \$6,400, and that Mid Louisiana would receive a credit to its monthly bill of 5.25 cents per dt for any quantities tendered within the contract demand quantity but not transported due to possible capacity limitations on Applicant's system.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14482 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. CP78-316]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

MAY 16, 1978.

Take notice that on May 4, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston,

Tex. 77001, filed in Docket No. CP78-316 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation, on an interruptible basis, of natural gas not to exceed the dekatherm (dt) equivalent of 7,000 Mcf per day and 15,000 Mcf per day, for Delmarva Power & Light Co. (Delmarva) and Elizabethtown Gas Co. (Elizabethtown) (CD-3 customers), respectively, for a period ending March 31, 1979, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that Delmarva and Elizabethtown have contracted with National Fuel Gas Supply Corp. (Supply Corp.) for one-year underground storage service in the amount of 1,000,000 Mcf and 1,500,000 Mcf, respectively, and have requested Applicant to transport injection and withdrawal quantities for their respective accounts. Applicant indicates that injection quantities would be delivered to Supply Corp. through existing facilities at the Wharton Storage Field in Pennsylvania, and that withdrawal quantities would be delivered to Delmarva and Elizabethtown at existing points of delivery to those customers in Pennsylvania and New Jersey, respectively.

It is stated that of the quantities transported, 3 percent during injection and 4 percent during withdrawal would be retained by Applicant for compressor fuel and line loss makeup, subject to change as operating conditions warrant. For all quantities transported and delivered, Delmarva and Elizabethtown would pay Applicant an initial rate of 9.55 cents per dt.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a

hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14484 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. CP77-374]

UNITED GAS PIPE LINE CO.

Further Notice of Petition to Amend

MAY 16, 1978.

Take notice that on May 9, 1978, United Gas Pipe Line Co. (United), P.O. Box 1478, Houston, Tex. 77001, filed in Docket No. CP77-374 a supplement to its petition to amend filed herein on April 28, 1978, pursuant to section 7(c) of the Natural Gas Act so as to provide for certain changes in said petition, all as more fully set forth in the supplement in this proceeding.

In the petition to amend United sought authorization to add new receipt point(s) from Mississippi River Transmission Corp. (Mississippi River), which was identified as a point on United's 18-inch line in section 10, T.20N, R. 3W, Lincoln Parish, La. By this supplement, United States that the receipt point(s) should have read section 10 and/or 11.

Also in the petition to amend United requested authorization to increase the volume of gas transported for Mississippi River from 5,000 Mcf per day to 6,055 Mcf. United now states that such increase is not contemplated with the terms of the amendment to the gas transportation agreement, and, therefore, this part of the application should be deleted. The gas to be received by United through the new receipt point(s) will be within the presently authorized maximum daily quantity of 5,000 Mcf, it is stated.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or

1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14485 Filed 5-23-78; 8:45 am]

[6740-02]

[Docket No. RP78-65]

EAST TENNESSEE NATURAL GAS CO.

Order Instituting Section 5 Investigation and Show Cause Proceeding

MAY 17, 1978.

Section 22, Part 4, of the General Terms and Conditions of East Tennessee Natural Gas Company's (East Tennessee) tariff provides that East Tennessee shall retain any refunds it may receive from its suppliers, including Tennessee Gas Pipeline Company (Tennessee), until the Commission action requiring such refunds is final and nonappealable. Review and consideration of this tariff provision indicates that a Section 5 investigation should be instituted to determine the propriety of allowing the provision to remain in the tariff. For the reasons stated hereinafter, the Commission will order East Tennessee to show cause why this tariff provision should not be amended by summary disposition to require the immediate crediting of supplier refunds to Account 191 for the benefit of its customers.

Section 22, Part 4 of East Tennessee's tariff provides as follows:

22.4 *Flow-Through of Gas Supplier Refunds*

(a) *Gas Supplier Refunds Subject to Flow-Through:* Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller pursuant to final and nonappealable action by the Commission or the Courts, applicable to gas purchased during the period beginning January 10, 1971, and continuing while Section 22 is effective, except for refunds made by East Tennessee pursuant to Section 5 of Article II of the Settlement Agreement in Docket Nos. RP75-114 et al., approved by the Commission's order dated October 13, 1976, and refunds made by Supplier pursuant to Article II of the Settlement Agreement dated August 16, 1971, approved by the Commission's Opinion No. 619 in Docket Nos. RP71-6, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received from Supplier, and any interest received from Supplier shall be classified between demand and commodity components in pro-

portion to the demand and commodity components of the principal amount of the refunds. Seller shall not be required to pay interest on amounts refunded under Section 22.4. Nothing contained in this Section 22.4 in any way changes the rights and obligations of Seller or its jurisdictional customers with regard to refunds applicable to gas purchased prior to January 10, 1971.

(b) *Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account.* Seller shall flow-through Gas Supplier Refunds Subject to Flow-Through by reducing the balances of the demand and commodity subaccounts, as appropriate, of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller or at the time the related action of the Commission or the Courts becomes final and nonappealable, whichever is later.

This provision allows East Tennessee to accept refunds resulting from collections in excess of prescribed just and reasonable revenues, but to refuse to flow such refunds through to its customers during the pendency of any review proceedings relating to those refunds.

There is no apparent justification for such a provision. The determination as to whether or not refunds shall be retained by the party who is initially obligated by a final Commission order to make such refunds, is made when the Commission and/or the reviewing Court determines whether or not to stay the refund obligation of that party pending judicial review. However, once the determination is made by the Commission and/or the Court that refunds should be made during the pendency of appellate review, then the FERC must, to the limits of its power, ensure that refunds are flowed through. The reasoning supporting this policy is that, to the extent possible, the FERC should ensure, in this category of cases, that ultimate consumers receive the benefits of the refunds during the pendency of the case before the Courts for judicial review.¹ There is no apparent equitable or legal reason,² why "middleman" jurisdictional entities like East Tennessee should be permitted to retain supplier refunds pending resolution of court review proceedings involving the supplier which may continue for some time.³ This policy requires

¹This is particularly true in this case where there is no provision that East Tennessee pay interest on the retained amount if the supplier ultimately loses its case in Court.

²We note that East Tennessee and its primary pipeline supplier, Tennessee, are both divisions of Tenneco, Inc. This common ownership suggests an even more compelling reason to require the immediate flow-through of all refunds Tennessee receives from Tennessee related to Tennessee's own Section 4 rate cases.

³A good example may be found in *Tennessee Gas Pipeline Co.*, Docket No. RP73-113. In that proceeding, the Commission ordered

ing complete flow-through of supplier refunds was recently clarified and reaffirmed by the FPC in *Area Rate Proceeding*, et al., (Hugoton-Anadarko) order issued March 17, 1975, affirmed on rehearing, order issued May 30, 1975.⁴ As noted above, Section 22.4 of East Tennessee's tariff plainly contravenes this policy.

For the above-stated reasons, the Commission believes it proper to institute a Section 5 investigation and order Tennessee to show cause why Section 22 of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why Section 22 of its tariff should not be modified by summary disposition to require East Tennessee to immediately credit supplier refunds to its deferred account when they are received.

The Commission has, on several occasions, summarily disposed of issues that turned on question of law and policy, rather than fact.⁵ The courts have found that, "When there is no dispute on a factual issue, the application of an administrative policy does not require a hearing", *Tennessee Gas Pipeline Company, et al. v. FPC*, 561 F.2d 955, 958 (D.C. Cir. 1977) citing: *Municipal Light Boards of Reading and Wakefield, Massachusetts*, 146 U.S. App. D.C. 294, 400 F.2d 1341 (1971), cert den., 405 U.S. 989 (1972).⁶

The matter presently before us appears to raise no factual issue, only one of policy. It appears therefore entirely proper for the Commission, by summary disposition, to determine the question of whether Section 22 of East Tennessee's tariff is unjust and unreasonable and whether such provision should be modified as mentioned above. We have found it appropriate, however, to provide, through the show cause procedure instituted herein, an opportunity for East Tennessee to show why the action proposed in this order is not appropriate.

Tennessee to make refunds to certain customers, including East Tennessee. (See: Opinion No. 769 issued July 9, 1976). Rehearing of this order was denied in Opinion No. 769-A, issued May 31, 1977. Tennessee then filed a motion for stay of refunds pending judicial review, which was also denied by this Commission. Finally, Tennessee filed a motion with the Court of Appeals requesting a stay of its refund obligation. This motion is still pending, and East Tennessee's customers are still waiting for a portion of their refunds.

⁴Those orders abolished, with certain exceptions not relevant to the instant case, the so called "equitable entitlement" doctrine which for past periods provided a limited exception to the complete flow-through policy.

⁵*Mississippi River Transmission Corporation*, Docket No. RP75-20, rehearing denied August 1, 1975.

⁶See also: *Citizens for Allegan County, Inc. v. FPC*, 414 F.2d 1125 (D.C. Cir. 1969); *Pennsylvania Gas and Water Company v. FPC*, 463 F.2d 1242 (D.C. Cir. 1972).

The Commission finds: It is necessary and proper and in the public interest and to aid in the enforcement of the Natural Gas Act that the Commission institute a Section 5 investigation and show cause proceeding as herein-after ordered.

The Commission orders: (A) The Commission hereby institutes an investigation pursuant to Section 5 of the Natural Gas Act and, pursuant to Sections 1.6(d) and 1.9(c) of the Commission's Rules of Practice and Procedure, directs East Tennessee to show cause within 20 days of the issuance of this order why Section 22 of its existing tariff should not be found to be unjust and unreasonable for the reasons set forth above and why such tariff provision should not be modified by summary disposition to read as follows:

22.4 Flow-Through of Gas Supplier Refunds

(a) *Gas Supplier Refunds Subject to Flow-Through:* Gas Supplier Refunds Subject to Flow-Through are refunds (including interest received) which have been received by Seller pursuant to final action by the Commission, applicable to gas purchased during the period beginning January 10, 1971, and continuing while Section 22 is effective, except for refunds made by East Tennessee pursuant to Section 5, Article II of the Settlement Agreement in Docket Nos. RP75-14, et al., approved by the Commission's order dated October 13, 1976, and refunds made by Supplier pursuant to Article II of the Settlement Agreement dated August 16, 1971, approved by the Commission's Opinion No. 619 in Docket No. RP71-6, et al. Gas Supplier Refunds Subject to Flow-Through shall be classified between demand and commodity components on the basis as received from Supplier, and any interest received from Supplier shall be classified between demand and commodity components in proportion to the demand and commodity components of the principal amount of the refunds. Nothing contained in this Section 22.4 in any way changes the rights and obligations of Seller or its jurisdictional customers with regard to refunds applicable to gas purchased prior to January 10, 1971.

(b) *Credit of Gas Supplier Refunds to Unrecovered Purchased Gas Cost Account:* Seller shall flow-through Gas Supplier Refunds Subject to Flow-Through by reducing the balances of the demand and commodity subaccounts, as appropriate, of the Unrecovered Purchased Gas Cost Account by the amount of such refunds at the time of receipt by Seller.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14477 Filed 5-23-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[IP 6G1705/T149 (FRL-899-3)]

PESTICIDE PROGRAMS

Extension of Temporary Tolerances, O-Ethyl O-[4-(methylthio)phenyl] S-propyl phosphorodithioate

On June 10, 1977, the Environmental Protection Agency (EPA) announced (42 FR 29956) a renewal of temporary tolerances for combined residues of the insecticide O-ethyl O-[4-(methylthio)phenyl] S-propyl phosphorodithioate and its cholinesterase-inhibiting metabolites in or on the raw agricultural commodities cottonseed at 0.5 part per million (ppm); the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep at 0.01 ppm; and in milk and eggs at 0.001 ppm. These tolerances were established (41 FR 14812) in response to a pesticide petition (PP 6G1705) submitted by Chemagro Agricultural Div., Mobay Chemical Corp., PO Box 4913, Kansas City, MO 64120. This renewal will expire June 3, 1978.

Chemagro Agricultural Div. has requested a one-year extension of these temporary tolerances both to permit continued testing to obtain additional data and to permit the marketing of the above raw agricultural commodities when treated in accordance with the provisions of the experimental use permit that is being extended concurrently under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 89 Stat. 751; 7 U.S.C. 137(a) et seq.). (A related document establishing a feed additive regulation for residues of the subject insecticide in cottonseed hulls and oil appears elsewhere in today's FEDERAL REGISTER.)

The scientific data reported and all other relevant material have been evaluated, and it has been determined that an extension of the temporary tolerances will protect the public health. Therefore, the temporary tolerances are extended on condition that the pesticide is used in accordance with the experimental use permit with the following provisions:

1. The total amount of the pesticide to be used must not exceed the quantity authorized by the experimental use permit.

2. Chemagro Agricultural Div. must immediately notify the EPA of any findings from the experimental use that have a bearing on safety. The firm must also keep records of production, distribution, and performance and on request make the records available to any authorized officer or employee of the EPA or the Food and Drug Administration.

These temporary tolerances expire June 3, 1978. Residues not in excess of

0.5 ppm remaining in or on cottonseed; 0.01 ppm remaining in the meat, fat, and meat byproducts of cattle, goats, hogs, horses, poultry, and sheep; and 0.001 ppm remaining in milk and eggs after this expiration date will not be considered actionable if the pesticide is legally applied during the term of and in accordance with the provisions of the experimental use permit and temporary tolerances. These temporary tolerances may be revoked if the experimental use permit is revoked or if any scientific data or experience with this pesticide indicate such revocation is necessary to protect the public health. Inquiries concerning this notice may be directed to the Special Registrations Branch, Registration Division (WH-567), Office of Pesticide Programs, Room 315, East Tower, 401 M Street, SW, Washington, D.C. 20460, 202-755-4851.

(Sec. 408(j), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(j)).)

Dated: May 9, 1978.

MARTIN H. ROGOFF,
Acting Director,
Registration Division.

[FR Doc. 78-14458 Filed 5-23-78; 8:45 am]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION

INCOME TAX REMITTANCE BY BANKS TO HOLDING COMPANY AFFILIATES

Statement of Policy

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Policy Statement.

SUMMARY: This policy statement reflects the judgment of the Corporation that certain questionable intercorporate tax practices may constitute unsafe and unsound banking practices. Notification is given that the agency intends to take appropriate supervisory action to obtain correction where such practices are found.

EFFECTIVE DATE: Immediately.

FOR FURTHER INFORMATION CONTACT:

Paul L. Sachtleben, Examination Specialist, Projects and Planning, Federal Deposit Insurance Corporation, Washington, D.C. 20429, 202-389-4483.

SUPPLEMENTARY INFORMATION: This policy statement is issued pursuant to the Financial Institutions Supervisory Act, 12 U.S.C. 1818, and the supervisory authority of the Federal

Deposit Insurance Corporation with respect to nonmember insured banks.

STATEMENT OF POLICY CONCERNING INCOME TAX REMITTANCE BY BANKS TO HOLDING COMPANY AFFILIATES

It is a common practice within the banking industry, as well as other industries, to use different accounting methods for IRS purposes and for financial statement purposes. Because timing differences arise from the use of different accounting methods, income and expenses reported on the financial statements differ from what is reported on the tax return. Generally accepted accounting practices and the Corporation's instructions for the preparation of the Reports of Income and Condition require banks to provide for any deferred income taxes resulting from these timing differences.

A bank that is a subsidiary of a bank holding company will often join in the filing of a consolidated income tax return. Several methods are currently used in determining the amount which the parent holding company may collect for each subsidiary's allocated share of the consolidated income tax obligation.

Some banks remit to their holding companies the entire amount of income tax expense computed for financial statement or Call Report purposes, including both the current provision and deferred income taxes. The bank receives no benefit by transferring the equivalent of its deferred taxes to its parent. Further, the bank's liquidity is unnecessarily reduced and/or the bank is deprived of income which may have been generated from the transferred funds.

Past transfers of the bank's deferred income taxes shall be reinstated on the bank's books. If cash or other consideration that the bank had previously passed up to the parent cannot be restored immediately, that amount shall be recorded on its books as a loan to the parent company and an appropriate level of interest charged. This loan is subject to the provisions of section 18(j) of the Federal Deposit Insurance Act. Of course, as with any applicable insider transaction, the requirements of §337.3 of the FDIC rules and regulations apply.

Any future transfer of deferred income taxes by a bank, or a refusal to reverse past transfers, may constitute an unsafe and unsound banking practice. As with any bank practice which has been determined to be unsafe and unsound, the Corporation may take appropriate supervisory action against the bank, ranging from informal efforts to obtain voluntary correction to formal proceedings under Section 8 of the FDI Act.

In summary, cash transfers paid by the bank to the holding company as a result of the consolidated income tax obligation (a) shall not exceed, but may be less than, the amount of tax the bank would have paid had a tax return been filed on a separate return basis, and (b) shall not be made prior to the approximate time that estimated payments or income tax returns are submitted to the IRS. Additionally, a bank which incurs a taxable loss shall be reimbursed in cash by the holding company to the extent that there is a tax benefit arising from these losses in the consolidated return, as determined in a manner consistent with the allocation of taxes to profitable subsidiaries.

Finally, the establishment of a formal tax allocation agreement between the bank and the parent holding company would be consistent with the responsibilities of the bank's board of directors.

By order of the Board of Directors, April 19, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-14531 Filed 5-23-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[No. AC-47]

FIRST FEDERAL SAVINGS AND LOAN ASSOCIATION OF OKEECHOBEE COUNTY, OKEECHOBEE, FLA.

Approval of Conversion Application; Final Action

MAY 18, 1978.

Notice is hereby given that on May 12, 1978, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corp., by Resolution No. 78-296 approved the application of First Federal Savings and Loan Association of Okeechobee County, Okeechobee, Fla. for permission to convert to a Florida stock association. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street NW., Washington, D.C. 20552 and the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Atlanta, Coastal States Building, 260 Peachtree Street NW., Atlanta, Ga. 30343.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-14462 Filed 5-23-78; 8:45 am]

[6720-01]

[No. AC-48]

WASHINGTON FEDERAL SAVINGS AND LOAN ASSOCIATION, SPRINGDALE, ARK.

Approval of Conversion; Final Action

MAY 18, 1978.

Notice is hereby given that on May 12, 1978, the Federal Home Loan Bank Board, as the operating head of the Federal Savings and Loan Insurance Corporation, by Resolution No. 78-297, approved the application of Washington Federal Savings and Loan Association, Springdale, Ark., for permission to convert to the stock form of organization. Copies of the application are available for inspection at the Office of the Secretary of said Corporation, 1700 G Street NW., Washington, D.C. 20552, and at the Office of the Supervisory Agent of said Corporation at the Federal Home Loan Bank of Little Rock, 1400 Tower Building, Little Rock, Ark. 72201.

RONALD A. SNIDER,
Assistant Secretary.

[FR Doc. 78-14461 Filed 5-23-78; 8:45 am]

NOTICES

[1610-01]

GENERAL SERVICES ADMINISTRATION

PRIVACY ACT OF 1974

New General Routine Use

AGENCY: General Services Administration.

ACTION: Notification of new general routine use for the GSA systems of records.

SUMMARY: The purpose of this document is to give notice, pursuant to the provisions of the Privacy Act of 1974, 5 U.S.C. 552a(e)(1), of intent to establish a new general routine use covering disclosures of information from the GSA systems of records to agents of GSA.

DATES: Any interested party may submit written comments regarding the proposal. To be considered, comments must be received on or before the 30th day following publication of this notice. The routine use shall become effective as proposed without further notice on June 23, 1978, unless comments are received which would result in a contrary determination.

ADDRESS: Address comments to General Services Administration (BR), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:

Mr. William Hiebert, Records Management Branch, Paperwork Management Division, 202-566-0674.

BACKGROUND

Although experts, consultants, and contractors of GSA act as agents for the Government in the performance of Federal duties, in some situations they may not fulfill all the requirements of officers and employees for purposes of the disclosure provisions of 5 U.S.C. 552a(b)(1). Although we consider that GSA currently has authority to transfer medical records to physicians to conduct physical examinations, in some cases it is necessary to transfer personnel records and other records to a physician to apprise him of the employment background of the individual he is to examine. The proposed general routine use is to clarify the status of experts, consultants, and contractors and to allow disclosure of personnel records and other records to physicians. We believe that these disclosures of information are consistent with the purposes for which the records were compiled.

Proposed routine use: The proposed general routine use is to be added to the appendix following the GSA notices of systems of records. The current appendix was published on September 21, 1977 (42 FR 47782 and

47783). The proposed new general routine use reads as follows:

ROUTINE USE—GSA AGENTS

A record from this system of records may be disclosed as a routine use: (1) to an expert, a consultant, or a contractor of GSA to the extent necessary to further the performance of a Federal duty, and (2) to a physician to conduct a fitness-for-duty examination of a GSA officer or employee.

Dated: May 16, 1978.

JANICE K. MENDENHALL,
Director of Administration.

[FR Doc. 78-14466 Filed 5-23-78; 8:45 am]

[6820-24]

[Intervention Notice 65: Docket No. 19960]

VIRGINIA STATE CORPORATION COMMISSION, VIRGINIA ELECTRIC POWER CO.

Proposed Intervention in Electric Rate Increase Proceeding

The Administrator of General Services seeks to intervene in a proceeding before the Virginia State Corporation Commission involving an application of Virginia Electric Power Co. for an increase in rates charged for electric service. The Administrator of General Services represents the interests of the executive agencies of the U.S. Government as users of electric power.

Persons desiring to make inquiries of GSA concerning this case should submit them, in writing, to Mr. Spence W. Perry, Assistant General Counsel, Regulatory Law Division, General Services Administration, 18th and F Streets NW., Washington, D.C. 20405, telephone 202-566-0726, on or before June 23, 1978, and refer to this notice number.

Persons making inquiries are put on notice that the making of an inquiry shall not serve to make any persons parties of record in the proceeding.

(Sec. 201(a)(4), Federal Property and Administrative Services Act (40 U.S.C. 481(a)(4)).)

Dated: May 17, 1978.

JAY SOLOMON,
Administrator of General Services.

[FR Doc. 78-14494 Filed 5-23-78; 8:45 am]

NOTICES

[4110-92]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Human Development Services

[Announcement Number 13608-781]

CHILD WELFARE RESEARCH AND DEMONSTRATION GRANTS PROGRAM

Availability of Research and Demonstration Grants

The administration for Children, Youth and Families, Office of Human Development Services, announces the availability of Fiscal Year 1978 funds for research and demonstration grants under the Child Welfare Research and Demonstration Grants Program, as authorized by 42 U.S.C. 606(a)(1) (A) and (B) (section 426, Part B, Title IV of the Social Security Act as amended). The regulations applicable to this program are contained in 42 CFR Part 205.

Applications must be received by July 21, 1978.

DEFINITIONS OF RESEARCH AND DEMONSTRATION

Research refers to a project to develop new knowledge or to evaluate existing knowledge in new settings.

Demonstration and/or replication refer to activities designed specifically to show the method of operation or applicability of a research or program model.

SCOPE OF THIS PROGRAM ANNOUNCEMENT

Applications will be received and competitively reviewed for the award of research and demonstration grants relating to the purpose and objectives of the program. Grant support is not available for ongoing programs or services (such as the provision of day care services), for projects that demonstrate a service that has already been established in other communities and is generally accepted as part of a comprehensive child welfare or child development program, or for staff training projects.

Since ACYF will be funding new research and demonstration grants in Fiscal Year 1978 under its National Center on Child Abuse and Neglect, it will not consider or fund child abuse and neglect projects under the authority of the Child Welfare Research and Demonstration Grants Program.

A. PROGRAM PURPOSE AND OBJECTIVES

The overall purpose of the Child Welfare Research and Demonstration Grants Program is to support major research and demonstration efforts in selected areas of high impact and national concern where the utilization of findings is expected to make a substantial contribution to the development and welfare of children and their

families. Grants will be made for projects which reflect the following four program objectives:

1. To test hypotheses and demonstrate the feasibility of specific program models which will enhance child and family development, child rearing, and family-institution relationships among families from different cultural groups, economic levels, and age groups. (ACYF is particularly interested in receiving grant applications which address the special concerns of teenaged parents and anticipates making approximately half of the grant awards within this program objective for projects which reflect these concerns.) All research or demonstration applications should address one or more of the hypotheses (questions) as follows:

a. *Child and Family Development.* (1) Within a given culture subgroup or socioeconomic level, how do coping abilities of families differ as a function of relative stress and available supports, utilized or non-utilized? Is age of parents a factor (e.g., teenaged parents)?

(2) Is family coping skill a significant predictor of child outcomes?

(3) What are important family process variables which mediate the effects of a variety of family structures on child development outcomes?

(4) What are the different supports needed by families at different stages in family development?

(5) What are important dimensions of family-child interactions which mediate effects of tv programming on the child's socialization?

b. *Child Rearing.* (1) What are the effects of: (a) Parental expectations on the child's aspirations and developmental outcomes? (b) child behavior on parental expectations?

(2) Are the interaction of family characteristics with school/program characteristics, and the quality of the relationships between the two systems, more powerful predictors of child outcome than the characteristics of either system alone?

(3) Is the presence of siblings and the nature of child-sibling relationship a significant source of support (or stress) to the child in helping (or hindering) social adaptation and development?

(4) Are interventions regarding child rearing most effective when they are sought by individuals rather than imposed upon them? And, if so, why is this the case?

(5) What are the high risk combinations of constitutional and environmental factors that will provide for the precise targeting of appropriate interventions?

c. *Family-Institution Relationships.* (1) What features of mediating structures (e.g., kinship networks, neighborhoods, churches, voluntary associ-

ations, and other primary support groups) make them more or less able to support family and child development?

(2) In what ways do service systems by-pass and undermine the functioning of mediating structures that support family and child development?

(3) What are the natural caregiving functions of extended kin across family development stages and across ethnic groups?

(4) What is the most useful typology for service systems that delineate types of intervention according to impact on mediating structures and thence on family and child development?

(5) Does community control of service systems enhance understanding by agency personnel of indigenous family forms and structures?

(6) What are the critical intra-organizational policies in community linkages for a service system that are necessary for establishing a base of acceptance in the local community?

2. To coordinate the activities of a task force involving interested citizens, community group representatives, foster parents, private agency child welfare professionals, public agency staff, and other family and children's advocates in order for a State to review and assess its foster family services systems, develop recommendations for changes in policies, procedures, program and licensing standards, or legislation and regulations. Demonstration applications will propose to conduct not more than one of the following activities:

(a) Carry out an assessment of foster family care services within the state and develop recommendations for improving services in accordance with the revised standards to be published by the American Public Welfare Association.

(b) Where the state has already completed a comprehensive assessment of its foster family services within the last three years, write or revise it foster family care regulations which provide the basis for program operation. They may involve licensing regulations as well as those for services to the foster child, the biological family, and foster family.

(c) Assist the agency in revising its foster family services manual or program guidelines, to incorporate changes which are recommended as a result of a comprehensive assessment completed during the previous three years.

(d) Combine a comprehensive assessment of the foster family services system with followup activities described in b above (revision of regulations) or c above (revision of services manual).

3. To demonstrate that the delivery of social services to children and their

families by public agencies can be improved through the utilization and implementation of Self-Assessment manuals and System Design materials geared toward improving the quality, timeliness, and efficiency of service delivery. (These two sets of materials, recently developed at the direction of the Children's Bureau, will be made available, in part, to prospective applicants as part of the application kit.) Two types of grants, service delivery demonstration projects and a collaborative research project, will be awarded.

a. *Service delivery* demonstration project applications will be expected to use the Self-Assessment and System Design materials in order to: (1) Assess current service delivery practices;

(2) Identify, define and put in priority order areas for needed improvements;

(3) Modify existing practices and procedures based on prior demonstrated successes and "best practices" from the field;

(4) Implement needed changes to improve service delivery in one or more local agencies;

(5) Implement changes county or State-wide based on the successes achieved in the local agencies; and,

(6) Document and assess the steps taken to improve service delivery to inform the field.

b. *Collaborative research* project applications will be expected to: (1) Interpret the self-assessment and system design materials to the "service delivery projects" and others in the field;

(2) Identify and interpret additional materials bearing on improving the delivery of social services to children and their families;

(3) Assist the service delivery projects in achieving local agency as well as county-wide or State-wide improvements in service delivery;

(4) Coordinate the research, systems design, development and implementation efforts among the service delivery project States;

(5) Provide guidance to the service delivery projects to assess their own progress;

(6) Promote technology transfer nationally to other State, county, or local agencies through refinement of existing materials or development of additional materials, dissemination and interpretation of materials, and other means; and,

(7) Provide an annual analytic report synthesizing the collaborative experience.

4. To identify research and demonstration projects which are relevant to ACYF's objective of increasing knowledge regarding the development and welfare of children and their families. These applications will be subject to the same competitive review process and criteria for evaluating research and demonstration projects.

B. ELIGIBLE APPLICANTS

Applicant eligibility is noted below for each of the four program objectives as previously stated in Section A:

Objective 1—Enhancement of child and family development. Public or private nonprofit organizations may apply.

Objective 2—Assessment of States' foster family services systems. The single State agency or its organizational unit responsible for social services to families and children, including foster family care services, may apply.

Objective 3—Improvement of the delivery of social services to children and families.

(a) *Service Delivery Projects*. Any State, county, or local public social service agency may apply.

(b) *Collaborative Research Project*. Any public or other nonprofit institution of higher learning or public or other nonprofit agency or organization engaged in research of child welfare activities may apply.

Objective 4—Other projects.

Public or private nonprofit organizations may apply. Under the statutory authority or this program, grants are not made to individuals even though they may be affiliated with a public or private nonprofit institution.

C. AVAILABLE FUNDS AND DURATION OF PROJECT

of the total appropriation of \$15,700,000 available in fiscal year 1978, ACYF expects to award approximately \$2,477,000 for each program objective as follows:

Objective 1—Enhancement of child and family development. ACYF will award 10-12 grants totaling approximately \$1,200,000 for one-three years, with an average award of \$125,000 per year. Of the \$1,200,000, \$600,000 will be awarded for five-six grants dealing with the specific concerns of teenaged parents.

Objective 2—Assessment of States' foster family services systems. ACYF will award four-six grants totaling \$192,000, for one year each, at \$25,000-\$50,000 depending upon salary schedule, geographical size, and travel and per diem costs of the particular state.

Objective 3—Improvement of the delivery of social services to children and families.

a. *Service delivery projects*. ACYF will award seven grants totaling \$560,000 for three years at \$80,000 per year.

b. *Collaborative research project*. ACYF will award one three-year grant at \$275,000 per year.

Objective 4—Other projects. ACYF will award three-four grants totaling \$250,000 for one-three years, with an average award of \$75,000 per year.

D. GRANTEE SHARE OF PROJECT

Program regulations require that all grantees share in the costs of projects.

It is generally expected that grantees will provide at least five percent of total project costs. Grantee contributions must be project-related and may be in cash or in kind.

E. THE APPLICATION PROCESS

1. *Availability of application forms*. In order to be considered for a grant under the Child Welfare Research and Demonstration Grants Program, an application must be submitted on the forms supplied and in the manner prescribed by the Administration for Children, Youth, and Families. Application kits which contain the prescribed application forms and information for the applicant may be obtained from:

Administration for Children, Youth, and Families, Research and Evaluation Division, P.O. Box 1182, Washington, D.C. 20013. (Attention: 13608-781) Telephone, 202-755-7755; 755-7758.

2. *Application submission*. The prescribed application form must be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of the grant award, including the regulations of the Program.

One signed original and two copies of the grant application, including all attachments, are required. The original and the two additional copies may be mailed or hand-delivered to:

Department of Health, Education, and Welfare, Office of Human Development Services, Switzer Building, Grants Management Branch, Room 1427, 330 C Street SW., Washington, D.C. 20201. (Attention: 13608-781.)

Hand-delivered applications are accepted during normal working hours of 9 a.m. to 5 p.m.

3. *Application consideration*. The Commissioner for Children, Youth, and Families determines the final action to be taken with respect to each grant application. Applications which do not conform to this announcement, or are not complete, or which do not meet the deadline will not be accepted for consideration, and applicants will be notified accordingly. Otherwise, all applications will be considered for funding.

All accepted grant applications will be subjected to a competitive review and evaluation conducted by persons independent of the program office who are experts in the areas of child and family development and welfare. The results of the competitive review supplement and assist the Commissioner's consideration of the competing applications. The Commissioner also takes into account the comments of the HEW Regional Offices and the headquarters program office. Comments on the applications may also be requested from appropriate specialists

and consultants both within and outside the Government.

After the Commissioner has decided either to disapprove or not to fund a competing grant application, the unsuccessful applicant will be notified by letter of that decision. The letter will include an explanation of the reasons for disapproval or non-funding or will indicate that an explanation may be obtained upon request.

4. *Grant awards*. The Commissioner for Children, Youth, and Families makes grant awards consistent with the purposes of the legislation, the regulations, and program announcements within the limits of Federal funds available for the purpose of supporting research and demonstration projects. The official grant award document is the Notice of Grant Awarded (NGA). The NGA sets forth in writing to the grantee the amount of funds awarded, the purpose of the grant, the terms and conditions of the grant award, the effective date of the award, the budget period for which support is given, and the total grantee participation. The initial award also specifies the total project period for which support is contemplated, although support beyond the first year is dependent upon the grantee's satisfactory progress and the availability of funds.

F. CRITERIA FOR REVIEW AND EVALUATION OF APPLICATIONS

All competing grant applications will be reviewed and evaluated against the following criteria:

1. That the estimated cost to the government for the proposed project is reasonable considering anticipated results;

2. That project personnel are or will be well qualified, and that the applicant organization has adequate resources;

3. That the proposed methodology or procedures, if well executed, are capable of attaining project objectives. Reviewers will consider the following:

a. Review of literature

b. Innovativeness of approach/design

c. Objectives/hypotheses clearly stated

d. Procedures

(1) Sample size

(2) Comparison/control group(s)

(3) Treatment(s)

(4) Design

(5) Measures/instruments

(6) Data analysis plan

(7) Time schedule

(8) Reports.

4. That the project objectives are identical with or capable of achieving the specific program purpose and objectives defined in the program announcement (See Section A1-4);

5. Dissemination/utilization plan.

a. Applicant indicates knowledge of appropriate users

b. Applicant presents an appropriate utilization plan, i.e., understands potential implications of results with regard to whichever of the following may be relevant: policy, programs, service delivery systems, legislation, research and demonstration activities, training, teaching, staffing, etc.;

6. Comparability of proposed study to other completed and/or ongoing studies.

a. Applicant indicates awareness of related completed and/or ongoing projects.

b. Applicant uses marker measures and marker variables for research comparability as appropriate.

7. Protection of human subjects. If subjects are at risk, appropriate safeguards have been taken.

G. CLOSING DATE FOR RECEIPT OF APPLICATIONS

The closing date for receipt of applications under this program announcement is July 21, 1978. An application will be considered to have arrived by the closing date if:

1. The application was sent by registered or certified mail not later than July 18, 1978 as evidenced by the U.S. Postal Service postmark, or on the original receipt from the U.S. Postal Service; or

2. The application is received on or before July 21, 1978 by the OHDS receiving office.

H. LATE APPLICATIONS

Late applications are not accepted. They are returned without consideration, and applicants are notified accordingly. (Catalog of Federal Domestic Assistance Program Number 13.608 Child Welfare Research and Demonstration Grants Program.)

Dated: May 8, 1978.

BLANDINA CARDENAS,
Commissioner for Children,
Youth and Families. Approved:
May 19, 1978. Arabella
Martinez,

Assistant Secretary for
Human Development Services.
[FR Doc. 78-14493 Filed 5-23-78; 8:45 am]

[4110-07]

Office of the Secretary

ADVISORY COUNCIL ON SOCIAL SECURITY

Public Meeting

AGENCY: Advisory Council on Social Security, HEW.

ACTION: Notice is hereby given of a public meeting of the Advisory Council on Social Security.

SUMMARY: Notice is given pursuant to Pub. L. 92-463, that the Advisory

Council on Social Security, established pursuant to section 706 of the Social Security Act, as amended, will meet on Thursday, June 8, 1978, from 9 a.m. to 5 p.m. in Room 800 of the Hubert H. Humphrey Building, 200 Independence Avenue SW., Washington, D.C. The meeting will be devoted to the topic of social security benefits, with particular emphasis upon how they relate to means-tested income programs and pension programs. The meeting is open to the public.

Individuals and groups who wish to have their interest in the social security program taken into account by the Council may submit written comments, views, or suggestions to Mr. Lawrence H. Thompson.

FOR FURTHER INFORMATION CONTACT:

Mr. Lawrence H. Thompson, Executive Director of the Advisory Council, P.O. Box 17054, Baltimore, Md. 21235. Telephone inquiries should be directed to Mr. Edward F. Moore, telephone number 301-594-3171.

(Catalog of Federal Domestic Assistance Program Numbers 13.800-13.807 Social Security Program.)

Dated: May 19, 1978.

LAWRENCE H. THOMPSON,
Executive Director, Advisory
Council on Social Security.

[FR Doc. 78-14499 Filed 5-23-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Secretary

[Docket No. N-78-874]

PRIVACY ACT OF 1974

Amendment to Routine Uses

AGENCY: Department of Housing and Urban Development.

ACTION: Notice of amendment of existing system of records.

SUMMARY: This amendment adds the Social Security Administration to the routine uses of HUD's Privacy Act system entitled Pay and Leave Records of Employees (HUD/DEPT-34).

EFFECTIVE DATE: The amendment shall become effective without further notice in 30 calendar days (June 23, 1978), unless comments are received on or before June 23, 1978, which would result in a contrary determination.

ADDRESS: Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold Rosenthal, Departmental Privacy Act Officer, telephone number 202-755-5192.

SUPPLEMENTARY INFORMATION: This amendment is necessitated by the provisions of Pub. L. 94-202 which require that agencies furnish W-2 (Wage and Tax Statement), W-2P (Statement for Recipients of Annuities, Pensions, or Retired Pay), and W-3 (Transmittal of Income and Tax Statements) to the Social Security Administration starting with tax periods beginning January 1, 1978.

The Department has determined that an Environmental Impact Statement is not required with respect to this notice.

NOTE.—It is hereby certified that the economic and inflationary impacts of this notice have been carefully evaluated in accordance with OMB Circular A-107.

Accordingly, the Department amends the routine uses of system HUD/DEPT-34 to read as follows:

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: See Routine Uses paragraphs in prefatory statement. Other routine uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes. The reporting of W-2 statements to Internal Revenue Service, Social Security Administration, the individual, and taxing authorities of States, the District of Columbia, territories, possessions, and local governments, except Social Security numbers will be reported only to such authorities that have satisfied the requirement set forth in section 7(a)(2)(B) of the Privacy Act of 1974. To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions; to GAO—for audit; to other Federal Government agencies—to facilitate employee transfers; and to State agencies—to verify workmen's compensation injury claims.

For the convenience of the public, the Department is printing below the system of records in its entirety including the modification. The prefatory statement containing General Routine Uses applicable to all of the Department's systems of records was published at 42 FR 54765 (October 7, 1977). Appendix A which lists the addresses of HUD's field offices was published at 42 FR 54777 (October 7, 1977).

HUD-DEPT-34

System name:

Pay and leave records of employees.

System location:

All Department offices. For a complete listing of offices, with addresses, see appendix A.

Categories of individual covered by the system:

HUD employees.

Categories of records in the system:

Name, social security number and employee number, grade, step, and salary; organization, retirement, or FICA data as applicable; Federal, State, and local tax deductions; regular and optional Government life insurance deduction(s), health insurance deduction and plan or code; cash award data; jury duty data; military leave data; pay differentials; union dues deductions; allotments, by type and amount; financial; institution code and employee account number; leave status and data of all types (including annual, compensatory, jury duty, maternity, military, retirement disability, sick, transferred, and without pay); time and attendance records, including leave applications and reports, individual daily time reports, adjustments to time and attendance, overtime reports, supporting data, such as medical certificates, number of regular, overtime, holiday, Sunday, and other hours worked; pay period number and ending dates; cost of living allowances; mailing address; coowner and/or beneficiary of bonds, marital status and number of dependents; and "Notification of Personnel Action."

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

See routine uses paragraphs in prefatory statement. Other routine uses: Transmittal of data to U.S. Treasury to effect issuance of paycheck to employees and distribution of pay according to employee directions for savings bonds, allotments, financial institutions, and other authorized purposes. The reporting of W-2 statements to Internal Revenue Service, Social Security Administration, the individual, and taxing authorities of States, the District of Columbia, territories, possessions, and local governments, except Social Security numbers will be reported only to such authorities that have satisfied the requirements set forth in section 7(a)(2)(B) of the Privacy Act of 1974. To the Civil Service Commission concerning pay, benefits, retirement deductions, and other information necessary for the Commission to carry on its Government-wide personnel functions; to GAO—for audit; to other Federal Government agencies—to facilitate employee transfers; and to State agencies—to verify workmen's compensation injury claims.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Manual, machine-readable, and magnetic media.

Retrievability:

Name of employee; social security number.

Safeguards:

Physical, technical, and administrative security is maintained with all storage equipment and/or rooms locked when not in use. Admittance, when open, is restricted to authorized personnel only. All payroll personnel and computer operators and programmers are instructed and cautioned on the confidentiality of the records. Manual files kept in lockable desks, file cabinets, and safes.

Retention and disposal:

Retained on site until after GAO audit, then disposed of, or transferred to Federal Records Storage Centers in accordance with fiscal records program approval by GAO, as appropriate, or General Record Schedules of GSA.

System manager and address:

Director, Office of Organization and Management Information, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Notification procedure:

For information, assistance, or inquiry about existence of records, contact the Privacy Act Officer at the appropriate location, in accordance with procedures in 24 CFR part 16. A list of all locations is given in appendix A.

Record access procedures:

The Department's rules for providing access to records to the individual concerned appear in 24 CFR part 16. If additional information or assistance is required, contact the Privacy Act Officer at the appropriate location. A list of all locations is given in appendix A.

Contesting record procedures:

The Department's rules for contesting the contents of records and appealing initial denials, by the individual concerned, appear in 24 CFR part 16. If additional information or assistance is needed, it may be obtained by contacting: (i) In relation to contesting contents of records, the Privacy Act Officer at the appropriate location. A list of all locations is given in appendix A; (ii) In relation to appeals of initial denials, the HUD Departmental Privacy Appeals Officer, Office of General Counsel, Department of Housing and

Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Record source categories:

Subject individuals, supervisors, timekeepers, official personnel records, previous employers, or other Federal Government agencies.

(5 U.S.C. 552a, 88 Stat. 1896; sec. 7(d) Department of HUD Act (42 U.S.C. 3535(d)).)

Issued at Washington, D.C., May 12, 1978.

PATRICIA ROBERTS HARRIS,
Secretary of Housing and
Urban Development.

(FR Doc. 78-14468 Filed 5-23-78; 8:45 am)

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

PUBLIC MEETINGS

The Interagency Geothermal Streamlining Task Force will hold a series of public meetings to discuss alternatives for streamlining the Federal geothermal leasing and environmental review procedures activities. The Task Force was created to assist the Interagency Geothermal Coordinating Council (IGCC) in developing recommendations for implementing the President's commitment that:

The Departments of the Interior and Agriculture will streamline leasing and environmental review procedures to remove unnecessary barriers to development of geothermal resources.

This objective was included in the President's comprehensive energy program submitted to Congress in April 1977. It responds to the fact that nearly seven and one-half years after the Geothermal State Act of 1970 (Pub. L. 91-581) was passed, there is no commercial geothermal production and utilization on Federal lands despite the fact that approximately two-thirds of the Nation's identified geothermal reservoirs exist on Federal land.

While there are also technological, environmental, and economic problems to be resolved in geothermal application, it is widely believed that the Federal leasing and post-lease permit programs, as set forth in CFR Title 43, Group 3200, and Title 30, Parts 270 and 271, are a major deterrent to development, since repetitive requirements results in major delays in obtaining lease and permits. Furthermore, non-uniform timeframes have impeded orderly planning for development.

The Task Force is therefore undertaking a comprehensive analysis of each step in the existing leasing and

permitting processes of the Bureau of Land Management, Forest Service, and Geological Survey which will identify and document the sources of and reasons for delay. The data analysis will be followed by analysis of the effects which would be exerted on the existing program by various options for program modification. The effectiveness of alternative options will be assessed in terms of their relative ability to support the IGCC's projected geothermal power on-line schedule while protecting the public interest and environment.

The purpose of the four public meetings announced below is to obtain public assistance in developing remedial options and receive public input to the decision making process. Comment is requested on the following options, and suggestions for additional alternatives are solicited.

OPTION 1.

IMPROVE THE PRESENT SYSTEM THROUGH CHANGES IN PROCEDURAL AND ADMINISTRATIVE MEASURES

This would maintain the basic features between the pre-lease and post-lease reviews but improve the procedures to conduct the reviews in a more uniform and efficient manner.

This option could be implemented through program modifications such as the following:

1. Use regional or areawide environmental analysis in the pre-lease review and conduct site specific studies only during the post-lease permitting process.

2. Set time limits or timeframes (through administrative directives and/or regulations) for issuance of lease and permits.

3. Promote interagency coordination in all cases of pre- and post-lease activities.

(a) Establish in each agency, field level coordinators for the geothermal program.

(b) Modify and formalize the existing Memorandum of Understanding to include the Departments of Energy, Agriculture and Interior and to establish guidelines for interagency cooperation in implementing the geothermal program.

(c) Establish uniform policy and guidelines for application of special lease stipulations.

(d) Standardize special lease stipulations of similar nature and intent (i.e., archaeological, endangered species, etc.)

4. Institute formal nomination procedures for KGRA's and non-competitive areas.

5. Allow no-surface-occupancy leases and/or leases limited to exploratory drilling in (a) wilderness study and other special areas and (b) where requested.

6. Modify KGRA regulations to:
(a) Allow for reclassification of geologic and competitive KGRA's.
(b) Abolish competitive interest KGRA's.

(c) Provide for direct thermal utilization areas.

7. Allow issuance of non-competitive leases unless the area is in a KGRA at time of application as opposed to time of lease issuance.

OPTION 2

BASE LEASING DECISIONS ON AREAWIDE ENVIRONMENTAL ASSESSMENT IN COMBINATION WITH LAND MANAGEMENT PLAN

This option is based on the existence of the planning requirements imposed by the Federal Land Policy and Management Act of 1976 (Pub. L. 94-759) and the National Forest Management Act of 1976 (Pub. L. 94-588) on BLM and the Forest Service, respectively. Where land management plans have been completed, this mechanism could be effectively initiated. Where land management plans are not complete, or where the existing plan does not consider geothermal energy production and utilization, two alternatives are available:

1. Complete or amend the land management plan to consider geothermal development with environmental assessment as appropriate.

2. Design the environmental assessment specifically for incorporation into the management plan at the next revision. This process would recognize the existing plan's limitations while providing supplementary information which could fulfill needs on a limited area for immediate leasing decisions. The area to be considered would be the area which might reasonably be assumed to be affected prior to scheduled revision.

OPTION 3

PROVIDE FOR SEPARATE ENVIRONMENTAL ANALYSIS OF EXPLORATION AND DEVELOPMENT PHASES, WITH INITIAL REVIEW OF EXPLORATORY IMPACTS COMPREHENSIVE REVIEW ONLY AFTER A DISCOVERY IS MADE.

"Exploration" would be redefined in the regulations to mean exploratory activity up to and including the drilling and testing of a deep well or wells to determine the presence or absence of a commercial resource. Leases would be issued with stipulations conditioning development on the results of a detailed environmental assessment after discovery. This option could be carried one step further by providing legislatively for reimbursement of exploration costs if development of a commercial resource is denied on environmental grounds.

Other options have been considered by the Task Force but their implement-

tation is not deemed feasible for various reasons. For information purposes they are stated below with the reason for rejection:

1. *Amend the Act to provide for exploration licenses for acreage in non-KGRA areas much larger than present limitations with a preference right to a lease for the usable acreage after discovery.* This approach is inconsistent with Department of the Interior mineral policies and could act as a restraint to development in that only one operator at a time would be permitted to conduct preliminary exploration at a time in any area.

2. *Amend the Act to provide for the use of the "locatable minerals" procedures now applied only to "hard rock" minerals.* This approach conflicts with the stated desire of the President and the Secretary of the Interior to do away with the location/patent system for hard rock minerals. In addition, it is difficult to define a "geothermal system" in terms of a specific land area because the limits of the heat and/or fluid sources cannot be precisely defined by any existing technology.

The public meetings on this subject are scheduled as follows:

JUNE 13, 1978

Hilton Inn, 1901 University Boulevard NE., Albuquerque, N.M.

JUNE 16, 1978

Suite 285, 350 South Figueroa, Los Angeles, Calif., (Place).

JUNE 23, 1978

Room 128, Salt Palace, Salt Lake City, Utah.

JUNE 27, 1978

Conference Room B in the Departmental Auditorium between 12th and 14th Streets NW., on Constitution Avenue, Washington, D.C.

Each meeting will begin at 9:30 a.m. and continue until those desiring to participate have been heard. Oral statements are limited to 10 minutes each. Written statements will be accepted until July 31 at the following address:

Winston B. Short, Chairman, Interagency Geothermal Streamlining Task Force, U.S. Department of the Interior, 19th at C Street NW., Washington, D.C. 20240.

Dated Washington, D.C., this 19th day of May, 1978.

WINSTON B. SHORT,
Chairman, Interagency Geothermal Streamlining Task Force.
[FR Doc. 78-14465 Filed 5-23-78; 8:45 am]

[4310-84]

Bureau of Land Management

[AA-6659-A]

ALASKA NATIVE CLAIMS SELECTION

On December 4, 1973, Choggiung Limited filed selection application AA-6659-A, as amended, under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611 (Supp. V, 1975)), for certain lands within the Dillingham area, specifically lands contained in quitclaim deed AA-12820, more particularly described as portions of lots 3 and 5 of U.S. Survey 2262.

On May 3, 1961, the State of Alaska filed selection application A-054379, as amended, pursuant to section 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339-340; 48 U.S.C. Ch. 2, Sec. 6(b) (1970)) for certain lands in the Dillingham area. The State selection, as amended, included the lands in lot 3, U.S. Survey 2262 which was tentatively approved on April 5, 1971. On April 12, 1971, the State of Alaska issued quitclaim deed (AA-12820) to the United States for a portion of lot 3, U.S. Survey 2262. This quitclaim deed was delivered to the Bureau of Indian Affairs.

Subsequently, on September 7, 1971, the Bureau of Land Management issued patent No. 50-72-0016 to the State of Alaska conveying all the United States' rights, title, privileges, immunities and appurtenances for lot 3, U.S. Survey 2262. Ownership and jurisdiction of all of lot 3, U.S. Survey 2262, including that portion contained in quitclaim deed AA-12820 was transferred from the United States to the State of Alaska by virtue of the patent.

In view of the above, Choggiung Limited must be and is hereby rejected to that portion of lot 3 of U.S. Survey 2262 contained in quitclaim deed AA-12820, more particularly described as follows:

A portion of lot 3 of U.S. Survey 2262 described by metes and bounds as follows:

Commencing for reference at corner No. 1 of U.S. Survey 2430, being also corner No. 13 of U.S. Survey 2732 A;

Thence N. 0° 06' E., 28.25 feet, along a common boundary of U.S. Survey 2430 and U.S. Survey 2732 A, to corner No. 4 of U.S. Survey 2262, being also corner No. 12 of U.S. Survey 2732 A;

Thence N. 0° 06' E., 160.00 feet, along the common boundary of U.S. Survey 2430 and U.S. Survey 2262, to the point of beginning;

Thence N. 89° 54' W., 250.00 feet;

Thence N. 0° 06' E., 38 feet, to a northerly boundary of said lot 3;

Thence S. 89° 54' E., 52.00 feet, along a northerly boundary of said lot 3;

Thence N. 0° 06' E., 162.00 feet, along a westerly boundary of said lot 3;

Thence S. 89° 54' E., 198.00 feet, to the common boundary of U.S. Survey 2430 and U.S. Survey 2262;

Thence S. 0° 06' W., 200.00 feet, along the common boundary of U.S. Survey 2430 and U.S. Survey 2262, to the point of beginning. Containing 0.955 acre (41,576 square feet), more or less.

Lot 5 of U.S. Survey 2262, containing 13.64 acres, was quitclaim deeded to the State of Alaska under section 46(a) of the Alaska Omnibus Act of June 25, 1959 (73 Stat. 152). On April 12, 1971, the United States acquired a portion of the surface estate of lot 5 of U.S. Survey 2262 in quitclaim deed AA-12820, containing approximately .193 acre.

In view of the foregoing, the surface estate of the following described land, selected pursuant to section 12(a), aggregating approximately .193 of an acre, is considered proper for acquisition by Choggiung Limited and is hereby approved for conveyance pursuant to section 14(a) of the Alaska Native Claims Settlement Act:

A portion of lot 5 of U.S. Survey 2262 described by metes and bounds as follows:

Commencing for reference at corner No. 1 of U.S. Survey 2430, being also corner No. 13 of U.S. Survey 2732 A;

Thence N. 0° 06' E., 28.25 feet, along a common boundary of U.S. Survey 2430 and U.S. Survey 2732 A, to corner No. 4 of U.S. Survey 2262, being also corner No. 12 of U.S. Survey 2732 A;

Thence N. 0° 06' E., 198.00 feet, along the common boundary of U.S. Survey 2430 and U.S. Survey 2262;

Thence N. 89° 54' W., 198.00 feet, to the southeasterly corner of said lot 5 and the point of beginning;

Thence N. 89° 54' W., 52.00 feet along the southerly boundary of said lot 5;

Thence N. 0° 06' E., 162.00 feet;

Thence S. 89° 54' E., 52.00 feet to the easterly boundary of said lot 5;

Thence S. 0° 06' W., 162 feet, along the easterly boundary of said lot 5, to the point of beginning.

Containing 0.193 acre (8,424 square feet), more or less.

All bearings are from true north.

The conveyance issued for the surface estate of the lands described above shall contain the following reservation to the United States:

Pursuant to section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file AA-6659-EE are reserved to the United States and are subject to further regulation thereby:

(a) (EIN 29 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

(b) (EIN 30 C) Easements for the transportation of energy, fuel, and natural resources which are the prop-

erty of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easements will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; Provided, however, That the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

This reservation has not been conformed to the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolution of the litigation *Calista, et al v. Andrus* and implementation of the Secretary's new easement policy.

The grant of the lands shall be subject to:

(1) Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

(2) Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under section 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way, or easement and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;

(3) The reservation of all oils, gases, coal, ores, minerals, fissionable materials, and fossils of every name, kind or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, fissionable materials, and fossils, and it also hereby expressly saves and reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right to enter by itself, its or their agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose of opening, developing, drilling, and working mines or wells on these or

other lands and taking out and removing therefrom all such oils, gases, coal, ores, minerals, fissionable materials and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself, its lessees, successors, and assigns forever, the right by its or their agents, servants and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, pipelines, power lines, and railroads, sink such shafts, drill such wells, remove such soil, and to remain on said lands or any part thereof for the foregoing purposes and to occupy as much of said lands as may be necessary or convenient for such purposes hereby expressly reserving to itself, its lessees, successors and assigns, as aforesaid, generally all rights and power in, to and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and rights hereby expressly reserved by the State of Alaska in quitclaim deed AA-12820 issued to the United States April 12, 1971;

(4) Requirements of section 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted as are prescribed in said section; and

(5) The terms and conditions of the agreement dated January 18, 1977, between the Secretary of the Interior, Bristol Bay Native Corporation, Choggiung Limited and other Bristol Bay village corporations. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Choggiung Limited, serialized AA-6659-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.

Choggiung Limited is entitled to conveyance of 161,280 acres of land selected pursuant to section 12(a) of the Alaska Native Claims Settlement Act. Upon conveyance of the 0.193 acre described herein, a total of approximately 48,673.20 acres will have been approved for conveyance to Choggiung Limited. The remaining entitlement will be conveyed at a later date.

Since the State of Alaska reserved the subsurface estate in the lands above-described no subsurface estate is available for conveyance to Bristol Bay Native Corporation pursuant to section 14(f) of the Alaska Native Claims Settlement Act.

There are no inland water bodies considered to be navigable within the land described.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the FEDERAL REGISTER and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

(1) Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.

(2) Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until June 23, 1978, to file an appeal.

(3) Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

(4) If Choggiung Limited or Bristol Bay Native Corporation objects to any easement which is identified for reservation in the conveyance, and which is subject to the discretion of the State Director and not reserved pursuant to an express Secretarial directive, a petition for reconsideration must be filed within 30 days from receipt of service with the State Director, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510. A copy of the petition should be served upon the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501. If a petition for reconsideration is not filed, it will be deemed that the right to contest any such easement has been waived.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. Further information on the manner of, and requirements for filing an appeal may be obtained from the Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

If an appeal is taken the adverse parties to be served are:

Choggiung Limited, P.O. Box 247, Dillingham, Alaska 99576.
Bristol Bay Native Corporation, P.O. Box 237, Dillingham, Alaska 99576.

State of Alaska, Division of Lands, 323 East Fourth Avenue, Anchorage, Alaska 99501.

ROBERT E. SORENSON,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-14460 Filed 5-23-78; 8:45 am]

[4310-84]

[Nev-025474]

NEVADA

Termination, in Part of Airport Lease

Notice is hereby given that Elko County, through and by the Board of County Commissioners, relinquished its airport lease as to the following described lands:

MOUNT DIABLO MERIDIAN, NEV.

T. 47 N., R. 65 E.
Sec. 7, lots 1, 2, and 3.

Therefore, at 10 a.m. on June 19, 1978, the lands will be relieved of the segregation effect of the lease.

WM. J. MALENCIK,
Chief, Division of
Technical Services.

[FR Doc. 78-14495 Filed 5-23-78; 8:45 am]

[4310-84]

[N-18193]

NEVADA

Airport Lease Application

MAY 16, 1978.

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), Wallace M. Dill (D Bar Ranch) has applied for an airport lease on the following land:

MOUNT DIABLO MERIDIAN, NEV.

T. 6 N., R. 66 E.,
Sec. 30, S $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{4}$.

The purpose of this notice is to inform the public that the filing of this application segregated the described public lands from all forms of appropriation under the public land laws. Interested persons desiring to express their views should promptly send their comments, together with their name and address, to the Ely District Manager, Bureau of Land Management, Star Route 5, Box 1, Ely, Nev. 89301.

WM. J. MALENCIK,
Chief, Division of
Technical Services.

[FR Doc. 78-14496 Filed 5-23-78; 8:45 am]

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[4310-84]

[NM 31870]

OKLAHOMA

Transfer of Jurisdiction of Acquired Indian Lands: Correction

MAY 15, 1978.

FR Doc. Volume 43, No. 82 as published in the FEDERAL REGISTER of Thursday, April 27, 1978, on pages 18048 and 18049, is corrected as follows:

Page 18048, line 12, third column is corrected to read "S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ " not "S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$."

Page 18049, line 17, first column is corrected to read "NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ " not "NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$."

Page 18049, line 28, first column, section 22 is corrected to read "N $\frac{1}{2}$ N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SE $\frac{1}{4}$."

Page 18049, line 52, column one is corrected to read "W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ not S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$."

Page 18049, line 71, column one include "E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ " in section 27, T. 14 N., R. 26 E.

FRED E. PADILLA,
Chief Branch of Lands
and Minerals Operations.

[FR Doc. 78-14497 Filed 5-23-78; 8:45 am]

[3510-25]

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

DEPARTMENT OF COMMERCE

Industry and Trade Administration

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1978 Among Producers Located in Guam

AGENCY: Bureau of Trade Regulation, Industry and Trade Administration.

ACTION: Allocation of duty-free quotas for calendar year 1978 among producers located in Guam.

SUMMARY: Pursuant to Public Law 89-805 the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of watch quotas among watch assembly firms in the insular possessions. Section 303.5(a)(2) of the Departments' Watch Quota Rules (15 CFR 303, 42 FR 62907 (1977)) provides for the annual allocation of watch quotas. The criteria for the calculation of the 1978 watch quotas among producers in Guam are contained in Section 1 of the Final Watch Quota Allocation Rules published in the FEDERAL REGISTER dated February 1, 1978 (43 FR 4274 (1978)). In announcing the allocation of quotas for producers located in

the Virgin Islands (43 FR 16797 (1978)), the Departments noted they had not completed their verification of the data on the annual application forms (ITA Form 334P) of the producers in Guam, and that the Guam allocation would be announced by separate notice as soon as the verification was completed. The Departments' verification of the Guam data has now been completed.

FOR ADDITIONAL INFORMATION CONTACT:

Mr. Richard M. Seppa, who can be reached by telephone on 202-377-2925.

SUPPLEMENTARY INFORMATION: The duty-free watch quota allocations for calendar year 1978 among producers located in Guam are as follows:

Name of firm	Number of units
1. Jerlian Watch Co., Inc.	450,643
2. Phoenix Industries, Inc.	39,357
Total	490,000

The preceding distribution of quota among the individual producers in Guam reflects: (1) Adjustments made in the data supplied on the producers' annual application forms as a result of the Departments' verification; and (2) Quota (150,000 units) set aside for allocation to new firms in Guam (Section 3 of the Annual Rules; 43 FR 4274 (1978); amended 43 FR 10718 (1978)). The number of watches and watch movements authorized for shipment on or after January 1, 1978, under initial quotas previously allocated by the Departments are to be applied against the allocations above, which are for the full calendar year 1978.

Dated: May 19, 1978.

RICHARD M. SEPPA,
Director, Statutory Import Programs Staff, Bureau of Trade Regulation, Industry and Trade Administration, Department of Commerce.

RUTH G. VAN CLEVE,
Director, Office of Territorial Affairs, Department of the Interior.

[FR Doc. 78-14638 Filed 5-23-78; 8:45 am]

[6820-41]

NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY

WORK PROGRAM; DISCUSSION, DEVELOPMENT AND REFINEMENT

Meeting

MAY 18, 1978.

Pursuant to section 10 of the Federal Advisory Committee Act of 1972

notice is hereby given that the National Advisory Council on Economic Opportunity will hold a two-day meeting on June 22 and 23, 1978 at the Claremont Hotel in Berkeley, Calif. The meeting will begin at 9:30 P.d.s.t. on June 22nd and will continue on June 23rd and is open to the public.

The purpose of the meeting will be to discuss, develop and refine a work program for the Advisory Council 1979 report. The Council will also visit the Spanish Speaking Unity Council of Oakland, Calif. as part of its field work for 1979.

The National Advisory Council on Economic Opportunity is authorized by section 605 of the Community Services Act to advise the President and the Director of the Community Services Administration on policy matters arising under the administration of the Act and to review the effectiveness and operations of programs under the Act.

For further information, contact the National Advisory Council on Economic Opportunity, 1725 K Street, NW., Suite 405, Washington, D.C. 20006, 202-254-3217.

WALTER B. QUETSCH,
Executive Director.

[FR Doc. 78-14453 Filed 5-23-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

SUBCOMMITTEE ON ETHICS AND VALUES IN SCIENCE AND TECHNOLOGY OF THE ADVISORY COMMITTEE ON SCIENCE AND SOCIETY

Part-Open Meeting

In accordance with the Federal Advisory Committee Act, Public Law 92-463, the National Science Foundation announces the following meeting:

Name: Subcommittee on Ethics and Values in Science and Technology (EVIST) of the Advisory Committee on Science and Society.

Date and time: June 18, 1978, 9:30 a.m.

Place: Room 651, National Science Foundation, 5225 Wisconsin Avenue NW., Washington, D.C.

Type of Meeting: Part-Open.

Contact person: Dr. William A. Blanpied, Program Director, Ethics and Values in Science and Technology, Office of Science and Society, National Science Foundation, Washington, D.C. 20550, Telephone 202-282-7770. Individuals planning to attend are requested to notify Dr. Blanpied by June 14, 1978.

Summary minutes: May be obtained from the Committee Management Coordination Staff, Division of Financial and Administrative Management, National Science Foundation, Room 248, Washington, D.C. 20550.

Purpose of Advisory Committee: To provide advice and recommendations concerning support of activities to explore the ethical and value issues associated with develop-

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ments in science and technology, in conjunction with the program of the National Science Foundation (NSF).

Agenda: 9:30 a.m. to 12:30 p.m. (Open). Reports and Discussion of Current Status and Future Directions for the EVIST Program and for the NSF Office of Science and Society. Discussion of Roles for the Sub-Committee in Program Monitoring and Development.

2 p.m. to 5 p.m. (Closed). Review and evaluate proposals as part of the selection process for awards.

Reason for closing: The categories and quality of applications presently under consideration for funding will be discussed. This will involve consideration of individual proposals currently being reviewed which include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government of the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10 (d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make determinations by the Director, NSF, on February 18, 1977.

Dated: May 18, 1978.

M. REBECCA WINKLER,
Committee Management
Coordinator.

[FR Doc. 78-14524 Filed 5-23-78; 8:45 am]

[7555-01]

SUBCOMMITTEE ON PUBLIC UNDERSTANDING OF SCIENCE OF THE ADVISORY COMMITTEE ON SCIENCE AND SOCIETY

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

Name: Subcommittee on Public Understanding of Science of the Advisory Committee on Science and Society.

Date and time: June 9, 1978, 9 a.m. to 5 p.m.

Place: The Exploratorium, San Francisco, Calif.

Type of meeting: Closed.

Contact person: Mr. George W. Tressel, Program Director, Public Understanding of Science, Office of Science and Society, National Science Foundation, Washington, D.C. 20550, telephone 202-282-7770.

Purpose of subcommittee: To provide advice and recommendations concerning support for projects in Public Understanding of Science.

Agenda: Review FY 1978 grants. Review and evaluate proposals as part of the selection process for awards.

Reason for closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are with exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Committee Management Officer pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determinations by the Acting Director, NSF on February 18, 1977.

Dated: May 18, 1978.

M. REBECCA WINKLER,
Committee Management
Coordinator.

[FR Doc. 78-14525 Filed 5-23-78; 8:45 am]

[7555-01]

ADVISORY COUNCIL STEERING COMMITTEE

Amendments to Notices of Meetings

The meeting of the National Science Foundation Advisory Council Steering Committee scheduled to be held on May 30, 1978 should be changed to May 31, 1978.

The meeting of the National Science Foundation Advisory Council Task Group No. 2 scheduled to be held on May 31, 1978 should be changed to May 30, 1978.

These notices appeared in the FEDERAL REGISTER on May 12, 1978 and May 16, 1978, respectively.

Dated: May 18, 1978.

M. REBECCA WINKLER,
Committee Management
Coordinator.

[FR Doc. 78-14526 Filed 5-23-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-348]

ALABAMA POWER CO., JOSEPH M. FARLEY NUCLEAR PLANT UNIT NO. 1

Order For Modification of License

I. The Alabama Power Co. (the licensee), is the holder of Facility Operating License No. NPF-2 which authorizes the operation of the nuclear power reactor known as Joseph M. Farley Nuclear Power Unit No. 1 (the facility) at steady reactor power levels not in excess of 2652 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corp. designed pressurized reactor (PWR) located at the licensee's site in Houston County Ala.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on January 14, 1977 an ECCS evaluation for proposed operation using 17x17 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was

based upon an ECS evaluation development by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 109 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of one half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2200°F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications describe in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will

conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this Order and in the SER, operation of the Joseph M. Farley, Unit No. 1 facility at a peaking factor limit of 2.32 which is now specified in the Technical Specifications will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, this limit provides reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable. The commitment was confirmed by the licensee's letter of April 7, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the George S. Houston Memorial Library, 212 West Vurdeshaw Street, Dothan, Ala. 36301.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Alabama Power Co., to Mr. Victor Stello, Office of Nuclear Reactor Regulation, dated April 7, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating License No. NPF-s is hereby amended by adding the following new provision:

As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

Dated at Bethesda, Md., this 27th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating
Reactors, Office of Nuclear
Reactor Regulation.

[FR Doc 78-14507 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-335]

FLORIDA POWER AND LIGHT CO.

Issuance of Amendment to Facility Operating
License

The U.S. Nuclear Regulatory Commission (the Commission) has issued

Amendment No. 25 to Facility Operating License No. DPR-67 issued to Florida Power and Light Co. (the licensee), which revised Technical Specifications for operation of St. Lucie Plant, Unit No. 1 (the facility), located in St. Lucie County, Fla. The amendment becomes effective 60 days after its date of issuance.

The amendment incorporates fire protection Technical Specifications on the existing fire protection equipment and adds administrative controls related to fire protection at the facility. This action is being taken pending completion of the Commission's overall fire protection review of the facility.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) and environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this statement.

For further details with respect to this action, see (1) the application for amendment dated February 23, 1978, (2) the Commission's letter to the licensee dated November 28, 1977, (3) Amendment No. 25 to License No. DPR-67, and (4) the Commission's related Safety Evaluation issued November 28, 1977. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Fla. A copy of items (2) through (4) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 12th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of
Operating Reactors.

[FR Doc. 78-14508 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket Nos. 50-498A, 50-499A]

HOUSTON LIGHTING & POWER CO., CITY OF
SAN ANTONIO, CITY OF AUSTIN, AND CENTRAL
POWER AND LIGHT CO., (SOUTH
TEXAS PROJECT, UNITS 1 AND 2)

Special Prehearing Conference

MAY 17, 1978.

In *Houston Lighting & Power Company, et al.* (South Texas Project, Units 1 and 2), CLI 77-13, 5 NRC 1303 (June 15, 1977), the Commission made a "determination" pursuant to Section 105c(2) of the Atomic Energy Act of 1954 as amended that there had been "significant changes" in the activities of Houston, a co-owner and co-construction permit holder of these nuclear units, which were sufficient to trigger the initiation of an operating license antitrust review. Houston's request for a waiver of the FSAR filing requirement was granted in order to provide an expedited operating license antitrust review. The Staff was directed to seek the antitrust advice of the Attorney General pursuant to Section 105c(1). (5 NRC at 1319, 1322).

On February 21, 1978, the Attorney General rendered the requested advice and concluded that changed circumstances required that an antitrust hearing be held on the operating license application. Houston filed a motion for the Commission "to order procedures" on February 22, which the Commission denied by its Order dated April 5, 1978 (7 NRC —). Such Order further directed the Director of Nuclear Reactor Regulation to issue a notice of antitrust hearing. Accordingly, a Notice of Antitrust Hearing on Operating License Application was duly published in the FEDERAL REGISTER (43 FR 15811, April 14, 1978).

This Licensing Board was designated in the notice of hearing to make a determination as to whether the activities under the proposed operating licenses will create or maintain a situation inconsistent with the antitrust laws on the basis of significant changes in the Applicants' activities which have occurred subsequent to the previous review by the Attorney General and the Commission in connection with the application for construction permits. In the event the Board makes an affirmative finding, it will also consider what relief, if any, would be appropriate. The parties to the hearing will be the Applicants, the NRC Staff, the Department of Justice if it so desires, and any other person admitted as a party pursuant to the provisions of 10 CFR 2.714. A petition for leave to intervene was required to be filed by May 15, 1978.

Pursuant to the notice of hearing, a petition for leave to intervene was filed by mail on April 28, 1978 by

Texas Utilities Generating Company and Dallas Power & Light Company, Texas Electric Service Company, and Texas Power & Light Company. Answers to the notice of antitrust hearing were filed by the Applicants City of San Antonio (May 3, 1978), Houston Lighting & Power Company (May 4, 1978), City of Austin (May 5, 1978) and Central Power and Light Co. (May 5, 1978).

The Board takes note of the expressed desire of all counsel for an expeditious resolution of relevant antitrust issues related to this operating license proceeding. We concur that it is in the public interest to minimize regulatory delays in the licensing process, and the active cooperation of counsel is essential for that purpose. In view of the professional attention these antitrust issues have received from expert counsel in this and other fora over an extended period of time, it is anticipated that protracted hearings will not be necessary in this proceeding. Schedules will be developed for the framing of issues of law and fact, the completion of discovery and the conduct of an evidentiary hearing under these standards. The Federal Rules of Civil Procedure and the Federal Rules of Evidence will be applied by analogy wherever they are reasonably applicable. All testimony of witnesses will be oral except for good cause made known and ruled upon in advance. Concise summaries of the testimony of witnesses shall be exchanged in advance, as well as all proposed exhibits, studies and other documents. The liberal use of depositions to focus issues and to shorten trial testimony is encouraged.

Please take notice that a special prehearing conference pursuant to the provisions of § 2.751a as amended (such amendments are effective on May 26, 1978) will be held at 9:30 a.m., local time, on June 21, 1978 in the Nuclear Regulatory Commission's Hearing Room, 5th Floor, East West Towers, located at 4350 East West Highway, Bethesda, Md. 20014.

All parties and any petitioners for intervention and counsel are directed to appear at such special prehearing conference where the Board will consider the identification of key issues in the proceeding, the delineation of the scope and dimension of the primary issues involved in the Commission's decision in 5 NRC 1303, the ruling on intervention petitions, and the establishment of a schedule for further actions in the proceeding. A statement of issues and contentions involved in this proceeding shall be discussed by counsel prior to the conference. Counsel are requested to report on the nature and extent of discovery obtained in other proceedings which might be useful in this action. Copies of all prehearing statements, motions,

briefs, points and authorities or other documents to be considered at the prehearing conference shall be in the hands of members of the Board by June 14, 1978.

It is so ordered.

Dated at Bethesda, Md., this 17th day of May 1978.

For the Atomic Safety and Licensing Board.

MARSHALL E. MILLER,
Chairman.

[FR Doc. 78-14509 Filed 5-23-78; 8:45 am]

[7590-01]

Low-Level Radiation Exposure

Decision Not to Conduct a Hearing to Refine or Reduce the Health Cost Figures Previously Adopted

The Nuclear Regulatory Commission announced its intention to conduct a rule making hearing to establish appropriate monetary values for the worth of reducing radiation doses to the public in its decision on Rulemaking Docket No. RM-50-2¹ (numerical guides for design objectives and limiting conditions for operation to meet the criterion "as low as practicable"² for radioactive materials in light-water-cooled nuclear power reactor effluents). In that decision, the Commission adopted interim values of \$1,000 per total-body man-rem and \$1,000 per man-thyroid-rem for use in a cost-benefit analysis of the need for additional radioactive effluent control systems to reduce population radiation exposures (Section IID of Appendix I to 10 CFR Part 50.) In adopting these values, the Commission noted that they were believed to be conservative as they were higher than previously published values of a dollar per man-rem value for the total body and that there were arguments that the worth of reductions in the collective (man-thyroid-rem) dose to the thyroid should be lower than the value for the total body.

However, experience has shown that a more precise determination of appropriate dollar per man-rem and dollar per man-organ-rem values is now unnecessary. The NRC staff has performed 30 evaluations of the cost-benefit analyses submitted in support of nuclear power reactor license applications as required by Section IID of Appendix I of 10 CFR Part 50. In each of these cases, it was found that no additional effluent control equipment

¹Published in the FEDERAL REGISTER of May 5, 1975 (40 FR 19439).

²This terminology was changed to "as low as is reasonably achievable" to conform to the terminology of the International Commission on Radiological Protection (FEDERAL REGISTER of December 19, 1975 at 40 FR 58847).

was required to meet the cost-benefit provisions of Section IID of Appendix I beyond the equipment that was required to meet the individual dose design objectives contained in Sections IIA, IIB, and IIC of Appendix I to 10 CFR Part 50. This experience indicates that, for most situations, the individual dose design objectives will be limiting, even for the conservative interim dollar per man-rem values. Further refinements are expected to provide lower numerical values, which would be even less likely to affect effluent treatment system requirements. For this reason the interim values of \$1,000 per total body man-rem and \$1,000 per man-thyroid-rem, although not precise, appear to remain usable values for regulatory decisionmaking.

Moreover, the Environmental Protection Agency (EPA) has issued generally applicable environmental radiation standards for uranium fuel cycle operations.³ These standards provide limits on doses to individual members of the public and limits on the quantities of certain long-lived radionuclides released from the nuclear fuel cycle to the general environment. These standards were developed by EPA through consideration of the potential health risks associated with various levels of effluent releases in relation to the costs of achieving these levels by procedures that did not require a precise assessment of the cost of radiation exposures. In the statement of considerations accompanying the proposed standards,⁴ EPA concluded that the two types of proposed standards "... are the most appropriate choice of criteria to provide effective limitation of the potential health impact on populations of short-lived and long-lived radioactive materials ..."

In the Commission's view, these EPA standards provide further assurance, in addition to the requirements of Appendix I to 10 CFR Part 50, that both individual and population doses from light-water-cooled nuclear reactor effluents will be as low as is reasonably achievable. The EPA standards also ensure that doses from lightwater reactors and associated fuel cycle facilities will be maintained at or below levels that are, in EPA's view, environmentally acceptable, without the need for a precise determination of the worth of radiation exposure reductions.

Other developments also affect the timeliness of proceeding with the pro-

posed rule making at this time. Recent amendments to the Clean Air Act provide for a study to be conducted by EPA to determine whether airborne emissions of radioactive materials contribute to air pollution which may be reasonably anticipated to endanger public health.⁵ This study and subsequent findings by the EPA might affect the present regulatory framework embodied in Appendix I and in 40 CFR Part 190 and, consequently, lessen the importance of undertaking this rule making hearing at this time.

The above considerations have led the Commission to reconsider the need for further efforts to redefine the worth of reducing radiation exposure to the general population. Rather than further postpone the rule making hearing until an unspecified future time, the Commission believes that the uncertainties that would be introduced in the regulatory process can best be avoided by cancelling the proposed rule making. This action does not preclude the possibility that such rule making will be reinstituted at a future time if a need develops for a more precise definition of dollar per man-rem and dollar per man-organ-rem values.

The cancellation of this rulemaking should not be interpreted as an abandonment by the Commission of the concept of a quantified cost-benefit analysis for defining as low as is reasonably achievable levels of radiation exposure. The Commission believes that the Appendix I rule making proceeding (Docket No. RM-50-2) and the subsequent experience with the Appendix I rule show that this concept has considerable merit and utility. In this regard, the Commission notes the opinions of the Advisory Committee on the Biological Effects of Ionizing Radiation of the National Academy of Sciences—National Research Council⁶ that:

Such analyses could facilitate rational and cost-effective safety and control procedures and the avoidance of health hazards and economic dislocations associated with excessive or inadequate expenditures in relation to risk. Health benefit/cost assessments, even though present data are incomplete, can provide some guidance to decision makers, direct attention to gaps in knowledge, indicate priorities for research, and stimulate the accumulation of needed data and analysis, and contribute to public understanding of the relevant issues and problems ... (page 6)

³Clean Air Act Amendments of 1977, Pub. L. 95-95, 91 Stat. 685 (1977), 42 U.S.C. 7401 et seq. (1977).

⁴National Academy of Sciences—National Research Council Advisory Committee on the Biological Effects of Ionizing Radiation, "Considerations of Health Cost-Benefit Analysis for Activities Involving Ionizing Radiation Exposure and Alternatives," issued as EPA Report in EPA 520/4-77-03 (1977).

The Commission will continue to strive for the reduction of radiation exposures from all licensed activities to as low as is reasonably achievable (ALARA) levels and, where practicable, to employ a quantitative cost-benefit analysis to better define such ALARA levels. At the present time, however, efforts to make this analysis more precise do not appear to be warranted by our experience to date.

The NRC staff will continue to accumulate experience with the implementation of the design objectives and the cost-benefit analysis of Appendix I to 10 CFR Part 50. This experience is being and will be incorporated into the on-going NRC efforts to develop detailed implementation procedures for EPA's uranium fuel cycle standards in 40 CFR Part 190. These efforts and the efforts by EPA and NRC to comply with the provisions of the Clean Air Act Amendments of 1977 will provide a basis for any further changes in the current regulatory framework for controlling releases of radioactive materials from the normal operation of NRC licensed nuclear power and fuel cycle operations.

Dated at Washington, D.C., this 18th day of May 1978.

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-14504 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-336]

NORTHEAST NUCLEAR ENERGY CO., CONNECTICUT LIGHT AND POWER CO., HARTFORD ELECTRIC LIGHT CO., AND WESTERN MASSACHUSETTS ELECTRIC CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-65 to Northeast Nuclear Energy Co., The Connecticut Light and Power Co., The Hartford Electric Light Co., and Western Massachusetts Electric Co., which revised Technical Specifications for operation of the Millstone Nuclear Power Station, Unit No. 2, located in the Town of Waterford, Conn. The amendment is effective as of its date of issuance.

This amendment revises the Technical Specifications to eliminate the monthly visual inspection of all inaccessible hydraulic snubbers with non-ethylene-propylene seal materials for the remainder of cycle 2. The visual inspection of such inaccessible snubbers is required if plant conditions allow access or if inspections of accessible snubbers reveal evidence of seal degradation.

The application for amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated April 26, 1978, as supplemented by letters dated April 11 and May 5, 1978, (2) Amendment No. 41 to License No. DPR-65, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Conn. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 15th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-14510 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. STN 50-437]

OFFSHORE POWER SYSTEMS, (MANUFACTURING LICENSE FOR FLOATING NUCLEAR POWER PLANTS)

Memorandum and Order Granting in Part Applicant's Motion (No. 8) To Establish Schedule.

On April 24, 1978, Applicant filed Motion (No. 8) To Establish Schedule. Natural Resources Defense Council (NRDC) filed a response on May 4th, the NRC Staff filed its response on May 8th, and Atlantic County Citizens Council on Environment (ACCCE) filed a response on May 9, 1978.

In the fifth prehearing conference order of May 17, 1976, we had stated

that the conditions, limitations and qualifications in the "Stipulation Covering Hearing Schedule" of the parties (except for NRDC) dated March 8, 1976 would be adhered to and the schedule therein would be followed as closely as is reasonably practicable. Further, as indicated in our Order of March 30, 1978, we have become increasingly concerned about the lack of progress toward the closing of the evidentiary record in this case, and we stated therein that we were prepared to reconsider the ruling in the Order of June 21, 1977 that any future hearing would be held in one continuous session. Hearings in the instant case have not been held since May 20, 1977. Clearly it is our duty to take appropriate action to avoid unnecessary delay (10 CFR 2.718)—we must advance this aging case toward final disposition. There has been no showing that any real harm or injury to any party would result from proceeding to receive evidence upon the issues set forth in the addendum to applicant's motion (No. 8) To Establish Schedule. Moreover, those issues set forth in the aforementioned addendum are related to Part II of the FES issued in September 1976. None of these issues relate either to the subject matter of the final addendum to Part II which the staff will publish on or before June 16, 1978 (see Order on March 30, 1978) or to the subject matter of Part III of the FES which the staff advises will be published in final form in September 1978. The stipulation and our orders of September 28, 1976 and of August 1, 1977 provide in substance that a party might move to amend or expand contentions (within a certain time) upon a showing of a rational connection between any new matters in the addendum to Part II and in Part III.

ORDER

In light of the discussion, supra, the Board allows in part, as hereinafter reflected, applicant's motion (No. 8) To Establish Schedule:¹

¹We deny that portion of the instant motion wherein applicant moves for summary disposition and requests that we establish a schedule, whereunder, beginning July 7, 1978, the parties would exchange briefs on NRDC's contention on programmatic impact statement. We neither understand nor appreciate applicant's resurrection of its motion for summary disposition and its request for scheduling which we had previously denied without prejudice in our order of October 11, 1977. Said order indicated that applicant could resubmit its motion and request only after the entire (finalized) FES had been issued. To proceed with summary disposition procedures might be a premature and wasted exercise since, in its response of May 4, 1978, NRDC reserved the right to file supplemental briefs or requests for reconsideration if the finalized addendum to Part II and the finalized Part III re-

1. Public hearing will be resumed on July 10, 1978 at 1:30 p.m. at the following location:

NRC Public Hearing Room, 5th Floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Md. 20014.

Thereafter, commencing at 9:30 a.m., the hearing will continue on weekdays through July 28, if necessary.

2. Testimony will be taken on the following issues and Board Questions:

(a) Atlantic County Contention I (impact on resort economics). Cross-examination of applicant's panel will be concluded, and thereafter Atlantic County and staff will call their witnesses.

(b) ACCCE Contention 3b (functional design of discharge outfall) admitted by order dated May 21, 1974, p. 5.

(c) ACCCE Contention 3f (dredging), admitted by order dated May 21, 1974, p. 6.

(d) ACCCE Contention II (net energy yield, cost-benefit balance), admitted by order of August 1, 1977, pp. 4 and 5.

(e) Issue retained By The Board:

"1. Section 12.10.4 of Part II of the FES is inadequate in that it does not take into account the special energy requirements needed to procure breakwater material, to construct the breakwater, to tow plants to the site and to provide shore to barge umbilicals". (Formerly Contention I, 4 in part of the City of Brigantine, which was retained as an issue in the Board's Order of August 1, 1977, pp. 12 and 13, after CB withdrew as a party).

(f) Board question:

"To what extent, if any, would the consideration of the utilization of heat pumps and of secondary and tertiary recovery from oil wells serve to modify the discussions and/or conclusions reached in Part II of the FES?" (Board's order of August 1, 1977, p. 10).

3. Written direct testimonies shall be submitted by no later than June 23, 1978 by the applicant and the staff. By said due date the intervening party who placed an issue (contention) into contest shall submit its written direct testimony, if any. With regard to the issue retained by the Board (par. 2e, supra) and with regard to the Board question (par. 2f, supra), by no later than June 23, 1978, the applicant and staff shall submit written direct testimonies, and the intervening parties, if desiring to do so, shall submit written direct testimonies by the aforesaid due date.

Dr. Schink concurs but was not available to sign the instant memorandum and order.

Reflected major alterations to the drafts of these two documents.

Dated at Bethesda, Md., this 18th day of May 1978.

It is so ordered.

THE ATOMIC SAFETY AND
LICENSING BOARD,
LESTER KORNBLITH,
Member,
SHELDON J. WOLFE,
Chairman.

[FR Doc. 78-14511 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-2781]

PHILADELPHIA ELECTRIC CO., ET AL

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Facility Operating License No. DPR-56 issued to Philadelphia Electric Co., Public Service Electric and Gas Co., Delmarva Power and Light Co., and Atlantic City Electric Co., which revised Technical Specifications for operation of the Peach Bottom Atomic Power Station Unit No. 3. The amendment is effective as of its date of issuance.

The amendment modifies the Technical Specifications for the Peach Bottom Atomic Power Station, Unit No. 3 to: (1) Permit operation of the facility during cycle 3 with up to 252 improved two water rod 8x8R reload fuel bundles, designed and fabricated by the General Electric Co. and having an average enrichment of 2.23 wt% ²³⁵U, and (2) revise the maximum average planar linear heat generation rates as determined by the reevaluation of the ECCS performance.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Notice of proposed issuance of amendment to Facility Operating License in connection with this action was published in the FEDERAL REGISTER on February 2, 1978 (43 FR 4468). No request for a hearing or petition for leave to intervene was filed following notice of the proposed action.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated December 19, 1977, as supplemented August 30, 1977, Jan-

uary 17, February 2 and 17, May 8 and 11, 1978, (2) Amendment No. 41 to License No. DPR-56, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 17th day of May 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-14512 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-2881]

POWER AUTHORITY OF THE STATE OF NEW YORK (INDIAN POINT NUCLEAR GENERATING UNIT NO. 3)

Order for Modification of License

I. The Power Authority of the State of New York (the licensee), is the holder of Facility Operating License No. DPR-64 which authorizes the operation of the nuclear power reactor known as Indian Point Nuclear Generating Unit No. 3 (the facility), at steady reactor power levels not in excess of 2,760 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corp. designed pressurized reactor (PWR) located at the licensee's site in Westchester County, N.Y.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on January 26, 1977, an ECCS evaluation for proposed operation using fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for the facility. The Westinghouse ECCS Evaluation Model has been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR part 50.46 and appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would

conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long-term cooling.

On March 23, 1978, Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this order and in the SER, operation of the Indian Point Unit No. 3 facility at the peaking factor limit specified in this order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the

NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable and to limit operation to achieve a peaking factor not exceeding the value specified herein. Such commitments were confirmed by the licensee's letter of April 10, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Hendrick Hudson Free Library, 31 Albany Post Road, Montrose, N.Y.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Power Authority of the State of New York, to Mr. A. Schwencer, Operating Reactors Branch No. 1, dated April 10, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR parts 2 and 50: *It is ordered*, That Facility Operating License No. DPR-64 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC Staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specifications limit for total nuclear peaking factor (F_p) for the facility shall be limited to 2.23.

Dated at Bethesda, Md., this 27th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO JR.,
Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc 78-14513 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-272]

PUBLIC SERVICE GAS & ELECTRIC CO., SALEM GENERATING STATION, UNIT NO. 1

Order For Modification of License

I. The Public Service Gas & Electric Co. (the licensee), is the holder of Facility Operating License No. DPR-70 which authorizes the operation of the nuclear power reactor known as Salem Generating Station, Unit No. 1 (the facility) at steady reactor power levels not in excess of 3,338 megawatts thermal (rated power). The facility con-

sists of a Westinghouse Electric Corp. designed pressurized reactor (PWR) located at the licensee's site in Salem County, New Jersey.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on December 27, 1976, an ECCS evaluation for proposed operation using 17x17 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR part 50.46 and appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry, and long-term cooling.

On March 23, 1978, Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and in-

corporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this order and in the SER, operation of the Salem facility at the peaking factor limit specified in this order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, this limit provides reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable and to limit operation to achieve a peaking factor not exceeding the value specified herein. These commitments were confirmed by the licensee's letter of April 17, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Salem Free Public Library, 112 West Broadway, Salem, N.J.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Public Service Gas & Electric Co., to Director NRR, dated April 17, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR parts 2 and 50: *It is ordered*, That Facility Operating License No. DPR-70 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_p) for the facility shall be limited to 2.21.

Dated at Bethesda, Md., this 27th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating
Reactors, Office of Nuclear Re-
actor Regulation.

[FR Doc 78-14514 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket No. 50-281]

VIRGINIA ELECTRIC & POWER CO., (SURRY
POWER STATION, UNIT NO. 2)

Order For Modification of License

I. The Virginia Electric & Power Co. (the licensee), is the holder of Facility Operating License No. DPR-37 which authorizes the operation of the nuclear power reactor known as Surry Power Station, Unit No. 2 (the facilities) at steady reactor power levels not in excess of 2441 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Corporation designed pressurized water reactor (PWR) located at the licensee's site in Surry County, Va.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on August 9, 1977 as supplemented August 26, October 14 and November 16, 1977 an ECCS evaluation for proposed operation using 15 x 15 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly deter-

mined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facility as soon as possible.

As discussed in this Order and in the SER, operation of the Surry Power Station, Unit No. 2, at the peaking factor limits specified in this Order, and in accordance with the operating surveillance requirements specified in this Order, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable to limit operation to achieve a peaking factor not exceeding the value specified herein, and to submit operating surveillance procedures to assure operation within such limits. Such procedures were submitted and the commitments confirmed by the licensee's letter of April 7, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Swem Library, College of William and Mary, Williamsburg, Va.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Virginia Electric Power Co., dated April 7, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating License No. DPR-37 is hereby amended by adding the following new provisions:

(1) As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_0) for the Surry Power Station, Unit No. 2 shall be limited to 1.81 for a steam generator tube plugging level of 20.8 percent or less and 1.79 for a steam generator tube plugging level of greater than 20.8 percent but less than 25 percent.

(3) Until further authorization by the Commission, the licensee shall conduct the operating surveillance program described in its letter of April 7, 1978 where APDM surveillance will be performed above 85 percent for Unit No. 2.

Dated at Bethesda, Md. this 28th day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating
Reactors, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-14515 Filed 5-23-78; 8:45 am]

[7590-01]

[Docket Nos. 50-266 and 50-301]

WISCONSIN ELECTRIC POWER CO., (POINT
BEACH NUCLEAR PLANT, UNIT NOS. 1 & 2)

Order For Modification of License

I. Wisconsin Electric Power Co. (the licensee) is the holder of Facility Operating License Nos. DPR-24 and DPR-27 which authorize the operation of the nuclear power reactors known as Point Beach Nuclear Plant, Unit Nos. 1 and 2 (the facilities) at steady reactor power levels not in excess of 1518 megawatts thermal (rated power). The facilities consist of

Westinghouse Electric Corp.-designed pressurized water reactors (PWRs) located at the licensee's site in Manitowoc County, Wis.

II. In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR 50.46, the licensee submitted on October 27, 1976 an ECCS evaluation for proposed operation using 14X14 fuel manufactured by the Westinghouse Electric Corp. This evaluation included limits on the peaking factor. The ECCS evaluation submitted by the licensee was based upon an ECCS evaluation developed by the Westinghouse Electric Corp. (Westinghouse), the designer of the Nuclear Steam Supply System for these facilities. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facilities' Technical Specifications, the ECCS cooling performance for the facilities would conform with the criteria contained in 10 CFR 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowed peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from correction of the error. The attached SER set forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facilities are submitted using the revised and corrected model, they will demonstrate that the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR 50.46(b). Such revised calculations fully conforming to 10 CFR 50.46 are to be provided for the facilities as soon as possible.

As discussed in this Order and in the SER, operation of the Point Beach facilities at a peaking factor limit of 2.32, which is now specified in the Technical Specifications, will assure that the ECCS will conform to the performance requirements of 10 CFR 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensee committed to provide a reevaluation of ECCS performance as promptly as practicable. This commitment was confirmed by the licensee's letter of April 6, 1978. The staff believes that the licensee's action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV. Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the University of Wisconsin-Stevens Point Library, Stevens Point, Wis.

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Wisconsin Electric Power Co. dated April 6, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's rules and regulations in 10 CFR Parts 2 and 50: *It is ordered*, That Facility Operating License Nos. DPR-24 and DPR-27 are hereby amended by adding the following new provisions:

As soon as possible, the licensee shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC staff and corrected for the errors described herein.

Dated at Bethesda, Md., this 28th day of April 1978.

For the Nuclear Regulator Commission.

VICTOR STELLO, Jr.,
Director, Division of Operating
Reactors, Office of Nuclear Re-
actor Regulation.

[FR Doc. 78-14517 Filed 5-23-78; 8:45 am]

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Revised Notice of Meeting

The meeting notice for the meeting previously scheduled on June 1-3, 1978 (published on May 17, 1978, FEDERAL REGISTER, volume 43, No. 96, pp. 21383-4) is revised as detailed below. This revision incorporates schedule changes due to the cancellation of the session for the Indian Point Nuclear Generating Station, Unit 3. The changes include cancellation of the session on Saturday, June 3, 1978.

The agenda for the subject meeting will be as follows:

THURSDAY, JUNE 1, 1978

8:30 a.m.-9:00 a.m.: *Executive Session (open)*—The Committee will hear and discuss the report of the ACRS Chairman regarding miscellaneous matters relating to ACRS activities including the appointment of new Committee members.

This session will be open to the public except for those portions which must be closed to protect information the release of which would represent an unwarranted invasion of personal privacy.

The Committee will hear and discuss the report of the ACRS Subcommittee and consultants who may be present regarding the request for operation at increased power of the Maine Yankee Atomic Power Station. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter and provisions for physical protection of this unit.

9:00 a.m.-11:00 a.m.: *Maine Yankee Atomic Power Station (open)*—The Committee will hear and discuss presentations by representatives of the NRC Staff and the Applicant related to the request to operate this unit at increased power. Portions of this session will be closed if necessary to discuss Proprietary Information applicable to this matter and provisions for physical protection of this unit.

11:00 a.m.-12:00 noon: *Executive Session (open)*—The Committee will hear and discuss reports of Subcommittees and Working Groups on a number of generic matters related to reactor safety including Anticipated Transients Without Scram and proposed revisions to NRC Regulatory Guides. The Subcommittee on the Vermont Yankee Nuclear Power Station will

also report on operating experience at this facility.

1:00 p.m.-2:15 p.m.: Report on Inter-agency Review of Nuclear Waste Management (open)—The Committee will hear and discuss a report by representatives of the NRC regarding NRC participation in the program for review of nuclear waste management and disposal.

2:15 p.m.-2:30 p.m.: Executive Session (open)—The Committee will discuss proposed use of Class 9 Accidents as a methodology for evaluation of alternate reactor sites.

2:30 p.m.-4:30 p.m.: Meeting with NRC Staff (open)—The Committee will hear and discuss a report by representatives of the NRC Staff regarding use of Class 9 Accidents as a methodology for evaluation of alternate sites for nuclear power plants.

4:30 p.m.-6:30 p.m.: Executive Session (open)—The Committee will discuss proposed ACRS positions and comments regarding generic matters related to nuclear power plant safety including the source term used in reactor safety analysis, the need for a quasi-judicial, statutory board to review reactor accidents, and radiobiological protection.

The Committee will also discuss its proposed report to the NRC on the Maine Yankee Nuclear Plant.

FRIDAY, JUNE 2, 1978

8:30 a.m.-11:30 a.m.: Meeting with NRC Staff (open)—The Committee will hear presentations from and hold discussions with members of the NRC Staff regarding recent licensing actions and operating experience including the seismic reevaluation of several nuclear power plants and review of a proposed safe shutdown system for the Oconee Nuclear Plant. A portion of this session will be closed to protect information related to physical protection of the Oconee Nuclear Plant.

Representatives of the NRC Staff and its contractors will also report to the ACRS on generic matters related to nuclear power plant safety including the bases for combination of seismic and other dynamic loads.

The future schedule for ACRS activities and topics proposed for consideration by the Committee will also be discussed.

11:30 a.m.-12:30 p.m.: Executive Session (open)—The Committee will discuss miscellaneous Committee activities including reorganization of ACRS Subcommittees and Working Groups and a proposed periodic report of ACRS activities.

1:30 p.m.-4:00 p.m.: Executive Session (open)—The Committee will discuss proposed ACRS comments regarding the establishment of a quasi-judicial, statutory board to investigate reactor accidents, and other generic matters considered during this meeting.

The Committee will also discuss its proposed report to the NRC on the Maine Yankee Nuclear Plant.

Procedures for the conduct of and participation in ACRS meetings were outlined in the FEDERAL REGISTER on October 31, 1977, page 56972. In accordance with these procedures, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Committee, its consultants, and Staff. Persons desiring to make oral statements should notify the ACRS Executive Director as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

I have determined in accordance with Subsection 10(d) of Pub. L. 92-463 that it is necessary to close portions of the meeting as noted above to protect Proprietary Information (5 U.S.C. 552b(c)(4)), to preserve the confidentiality of classified and proprietary information related to safeguarding of special nuclear material and the physical protection of nuclear facilities (5 U.S.C. 552b(c)(1) and (4)), and to protect information the release of which would represent an unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). Separation of factual information from information considered exempt from disclosure during closed portions of the meeting is not considered practical.

Background information concerning items to be considered during this meeting can be found in documents on file and available for public inspection in the Nuclear Regulatory Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20555 and in the following Public Document Rooms:

Maine Yankee Atomic Generating Station, Wiscasset Public Library, High Street, Wiscasset, Me. 04578.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the ACRS Executive Director, Mr. Raymond F. Fraley (telephone 202-634-1371), between 8:15 a.m. and 5 p.m. e.d.t.

Dated: May 19, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

(FR Doc. 78-14660 filed 5-23-78; 8:45 am)

[7590-01]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS, SUBCOMMITTEE ON RELIABILITY AND ACCIDENT PROBABILITIES

Meeting

The ACRS Subcommittee on Reliability and Accident Probabilities will hold an open meeting on June 8, 1978 in Room 1046, 1717 H Street NW., Washington, D.C. 20555 to consider whether the Nuclear Plant Reliability Data System reporting requirements should be made mandatory by the NRC.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows:

THURSDAY, JUNE 8, 1978

11 a.m. until the conclusion of business—The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the nuclear industry, the NRC Staff, and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. John C. McKinley, telephone 202-634-1371, between 8:15 a.m. and 5 p.m. e.d.t.

Dated: May 22, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

(FR Doc. 78-14661 filed 5-23-78; 8:45 am)

[8025-01]

SMALL BUSINESS ADMINISTRATION

(Delegation of Authority No. 30, Rev. 15, Amdt. 21)

PROGRAM ACTIVITIES IN FIELD OFFICES

Delegation of Authority

Delegation of Authority No. 30, Revision 15, republished in the FEDERAL REGISTER on February 25, 1976 (41 FR 8240), as amended (41 FR 16234, 17829, 28049, 36702, 47610, 50883, 42 FR 56990, 59153, 61347, 43 FR 55, 1577, 6667, 10998, and 13651), is hereby further amended to delegate authority to Regional Directors and Assistant Regional Directors for Administration to contract for services for SBA.

Accordingly, Delegation of Authority No. 30, Revision 15, Part X, Administration, is amended by adding paragraph 3 as set forth below and renumbering current paragraphs 3 thru 5 as paragraphs 4 thru 6.

PART X—ADMINISTRATION

Section A— . . .

1. . . .
2. . . .

3. **Contract for Services.** To contract for services for the agency not exceeding the monetary amount of \$2500 pursuant to Chapter 4 of Title 41, United States Code, subject to the limitations contained in section 257(a) and (h) of that chapter.

(a) Regional Director;
(b) Assistant Regional Director for Administration.

Effective date: May 24, 1978.

Dated: May 18, 1978.

A. VERNON WEAVER,
Administrator.
(FR Doc. 78-14440 Filed 5-23-78; 8:45 am)

[8025-01]

(Declaration of Disaster Loan Area No. 1476)

KENTUCKY

Declaration of Disaster Loan Area

Christian County and adjacent counties within the State of Kentucky constitute a disaster area as a result of damage caused by high winds, heavy rains and tornadoes which occurred on May 12-13, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 17, 1978, and for economic injury until the close of business on February 19, 1979, at:

Small Business Administration, District Office, Federal Office Building—Room 188, 600 Federal Place, Louisville, Ky. 40202.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: May 17, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.
(FR Doc. 78-14442 Filed 5-23-78; 8:45 am)

[8025-01]

(Declaration of Disaster Loan Area No. 1473)

RHODE ISLAND

Declaration of Disaster Loan Area

The area of the 200 Block of Front Street in the downtown section of the City of Pawtucket, Providence County, R.I., constitutes a disaster area because of damage resulting from a fire which occurred on April 12, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 17, 1978, and for economic injury until the close of business on February 16, 1979, at:

Small Business Administration, District Office, 57 Eddy Street, Room 710, Providence, R.I. 02903.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 11, 1978.

A. VERNON WEAVER,
Administrator.
(FR Doc. 78-14441 Filed 5-23-78; 8:45 am)

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

JOINT COMMITTEE FOR AGRICULTURAL DEVELOPMENT OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10 (a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the eleventh meeting of the Joint Committee on Agricultural Development of the Board for International Food and Agricultural Development on June 12 and 13, 1978.

The purpose of this meeting is to review the status of Title XII projects in Asia, Africa, Latin America and the Near East; to receive a progress report on baseline studies of research, education and extension; to review and discuss JCAD participation in Annual Budget Submission reviews; and to consider other business brought before the Committee.

The meeting on June 12, 1978, will convene in Regional Work Groups

(RWGs): Africa RWG at 9:30 a.m. in Room 3524, New State Department Bldg.; Asia RWG at 10 a.m. in Room 206 Rosslyn Plaza Bldg., 1601 North Kent Street, Rosslyn, Va.; and Near East RWG at 9:30 a.m. in Room 6484, New State Department Bldg. The Latin America RWG will not meet. The meeting on June 13, 1978, will convene from 9 a.m. to 5 p.m. in the Arlington Room of the Quality Inn, Pentagon City, 300 Army-Navy Drive, Arlington, Va., 22202. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting; or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Fletcher E. Riggs, Deputy Director, Office of Title XII Coordination, Development Support Bureau, is designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-9001.

Dated: May 11, 1978.

FLETCHER E. RIGGS,
AID Advisory Committee Representative, Joint Committee on Agricultural Development, Board for International Food and Agricultural Development.
(FR Doc. 78-14568 Filed 5-23-78; 8:45 am)

[4710-02]

JOINT RESEARCH COMMITTEE OF THE BOARD FOR INTERNATIONAL FOOD AND AGRICULTURAL DEVELOPMENT

Meeting

Pursuant to Executive Order 11769 and the provisions of Section 10 (a), (2), Pub. L. 92-463, Federal Advisory Committee Act, notice is hereby given of the twelfth meeting of the Joint Research Committee of the Board for International Food and Agricultural Development on June 13 and 14, 1978.

The purpose of this meeting is to discuss progress of current planning activities of contractors on sorghum-millet, fisheries-aquaculture, and small ruminant animals for collaborative research support programs (CRSP's); discussion of Auburn University's domestic and international research and technical services activities in fisheries and aquaculture; AID procedures for making contracts and grants for collaborative research support programs; and future plans for CRSP's and achieving balance between centrally funded contract research and CRSP's in agriculture, food and nutrition.

The meeting will convene at 9 a.m. and adjourn at 5 p.m. on June 13 and 14, 1978. The meeting will be held in Comer Hall, Rm. 109, School of Agriculture Administration Building, Auburn University, Auburn, Ala. The meeting is open to the public. Any interested person may attend, may file written statements with the Committee before or after the meeting, or may present oral statements in accordance with procedures established by the Committee, and to the extent the time available for the meeting permits.

Dr. Erven J. Long, Director, Office of Title XII Coordination, Development Support Bureau, is designated AID Advisory Committee Representative at the meeting. It is suggested that those desiring further information write to him in care of the Agency for International Development, State Department, Washington, D.C. 20523, or telephone him at 703-235-2243.

Dated: May 15, 1978.

ERVEN J. LONG,
AID Advisory Committee Representative,
Joint Research Committee,
Board for International Food and Agricultural Development.

[FR Doc. 78-14569 Filed 5-23-78; 8:45 am]

[4910-06]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

LOCAL RAIL SERVICES ASSISTANCE PROGRAM

Public Meeting

On January 4, 1978, the Federal Railroad Administration ("FRA") published in the FEDERAL REGISTER at 43 FR 858 final regulations implementing the local rail service assistance program established by section 5 of the Department of Transportation Act, as amended. These regulations, 49 CFR Part 266, set forth the procedures and requirements to be followed by States in applying for Federal funds under the program.

Various parties have requested an opportunity to meet with representatives of the FRA to discuss the new regulations and any problems that have arisen during the period since their publication. In response to these requests, the FRA will sponsor a public meeting to discuss those matters with interested members of the public. The meeting is scheduled for June 22, 1978, at 9:30 a.m., in Room 2230 of the Nassif Building, 400 Seventh Street SW., Washington, D.C.

Dated: May 17, 1978.

CHARLES SWINBURN,
Associate Administrator
for Federal Assistance.

[FR Doc. 78-14369 Filed 5-23-78; 8:45 am]

[4910-62]

Office of the Secretary

INTERNATIONAL AIR TRANSPORTATION NEGOTIATIONS

Proposed Policy Statement

AGENCY: Office of the Secretary, Department of Transportation.

ACTION: Notice of Proposed Policy Statement and Invitation for Public Participation.

SUMMARY: This document sets forth the proposed United States policy for the conduct of international air transport negotiations. This policy is designed to give guidance to those agencies responsible for the conduct of bilateral negotiations and set forth objectives that the United States will seek to obtain in the negotiations.

DATES: Public Hearing: June 27, 1978. Deadline for requests to testify: June 16, 1978. Deadline for written comments: July 13, 1978. Expected transmittal of proposed final policy statement to President: July 25, 1978.

ADDRESSES: Send comments on the proposed policy to: Docket Clerk, OST File No. 57, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. Comments will be available for public inspection and copying from 9 a.m. to 5:30 p.m. local time, Monday through Friday, except Federal holidays at: Office of the Assistant General Counsel for Regulation and Enforcement, Department of Transportation, Headquarters (Nassif) Building, Room 10100, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4723. Public hearing will be held beginning at 9 a.m. in: Department of Transportation, Headquarters (Nassif) Building, Room 2234, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Robert A. Holland, Deputy Director of Public and Consumer Affairs, 202-426-0434, 400 Seventh Street SW., Washington, D.C. 20590. Office hours are from 9 a.m. to 5:30 p.m., local time, Monday-Friday.

SUPPLEMENTARY INFORMATION: Over the last 8 months, an interagency group composed of the Departments of State, Transportation, Commerce, Defense, and Justice and the Office of Management and Budget, the Council on Wage and Price Stability, the Domestic Policy Staff and the Council of Economic Advisors has worked to put together a new statement to govern the conduct of United States international aviation negotiations. This Administration group has also had the full participation and assistance of the Civil Aeronautics Board, an independent agency. As in-

dedicated in the draft statement, the United States policy is to seek the greatest possible benefit for travelers and shippers and further develop international air transportation. The drafters believe that these benefits can best be achieved through the preservation and extension of competition among airlines in a fair marketplace.

During the course of the policy review, an outline of the policy was made available to the public and the Department of Transportation accepted comments on behalf of the interagency group with respect to that outline. While these comments have been very helpful, the interagency group believes that the draft final statement should be published formally for public comment prior to its submission to the President for approval.

In addition, the interagency group also believes that a public hearing to give interested parties a full opportunity to participate in an open forum would be conducive to the development of the final statement. For that reason, a public hearing will be held at the Department of Transportation Headquarters (Nassif) Building on June 27, 1978. Representatives of the major interested agencies will participate in the hearing and will participate in evaluation of the comments received in order to prepare a final statement to send to the President for final approval. Commenters are requested to address the specific issues of concern to them and to present concise statements of proposed modifications in the policy, if any. One copy of the testimony should be submitted at the hearing for the record.

Any person desiring to participate in the public hearing should advise Robert A. Holland at the address and telephone number shown above by June 16, 1978. Each request to testify must be accompanied by the following information:

1. Name, address and telephone number of person desiring to speak.
2. Organization or interest group represented, if any.
3. Summary of comment.
4. Amount of time desired.

Every effort will be made to accommodate all interested persons. The time allotted will depend on the number of persons seeking the opportunity to comment. Parties may consolidate presentations.

Issued in Washington, D.C., on May 19, 1978.

BROCK ADAMS,
Secretary of Transportation.

PROPOSED UNITED STATES POLICY FOR THE CONDUCT OF INTERNATIONAL AIR TRANSPORTATION NEGOTIATIONS

PREAMBLE

United States international air transportation policy is designed to provide the great-

est possible benefit to travelers and shippers. Our primary aim is furthering the maintenance and continued development of affordable, safe, convenient, efficient, and environmentally acceptable air services. Our policy for negotiating civil air transport agreements reflects our national goals in international air transportation. This policy provides a set of general objectives, designed particularly for major international air markets, on the basis of which United States negotiators can develop specific negotiating strategies.

Maximum consumer benefits can be best achieved through the preservation and extension of competition between airlines in a fair market place. Reliance on competitive market forces to the greatest extent possible in our international air transportation agreements will allow the public to receive improved service at low costs that reflect economically efficient operations. Competition and low prices are also fully compatible with a prosperous U.S. air transport industry and our national defense, foreign policy, international commerce and energy efficiency objectives.

Bilateral aviation agreements, like other international agreements, should serve the interests of both parties. Other countries have an interest in the economic prosperity of their airline industries, as we do in the prosperity of ours. The United States believes this interest is best served by a policy of expansion of competitive opportunity rather than restriction. By offering more services to the public, in a healthy and fair competitive environment, the international air transport industry can stimulate the growth in traffic which contributes both to profitable industry operations and to maximum public benefits.

A. *Goals of U.S. International Air Transportation Policy.* The U.S. will work to achieve a system of international air transportation that places its principal reliance on actual and potential competition to determine the variety, quality and price of air service. An essential means for carrying out our international air transportation policy will be to work for greater competitive opportunities for U.S. and foreign airlines and to promote new low-cost transportation options for travelers and shippers. Especially in major international air transport markets, there can be substantial benefits for travelers, shippers, airlines and labor from increasing competitive opportunities and reducing protectionist restrictions. Increasing the amount of U.S. flag air carrier transportation to and from the United States will contribute to the development of our foreign commerce, assure that more airlift resources are available for our defense needs, and promote and expand productivity and job opportunities in our international air transport industry.

B. *Translating Goals into Negotiating Objectives.* U.S. international air transportation policy cannot be implemented unilaterally. Our objectives have to be achieved in the system of international agreements that form the basic framework for the international air transportation system.

Routes, prices, capacity, scheduled and charter rules and competition in the market place are interrelated, not isolated problems to be resolved independently. Thus, the following objectives will be presented in negotiations as an integrated U.S. position:

1. Creation of new and greater opportunities for innovative and competitive pricing to respond to the varied service and price needs of different consumers,

2. Liberalization of charter rules and elimination of restrictions on charter operations,
3. Expansion of scheduled service through elimination of restrictions on capacity, frequency, and route and operating rights,
4. Elimination of discrimination and unfair competitive practices faced by U.S. airlines in international transportation,
5. Flexibility to designate multiple U.S. airlines in international air markets, and
6. Encouragement of maximum traveler and shipper access to international markets by permitting service through more non-stop gateway cities and improving the integration of domestic and international airline services.

EXPLANATION OF OBJECTIVES

1. *Pricing.* The U.S. will strive for a more competitive and innovative international aviation industry by placing special emphasis on low prices. U.S. agencies will develop procedures to accommodate a more competitive system for establishing scheduled air fares and rates. For charter services the U.S. will continue to insist on competitive pricing.

2. *Charters.* The introduction of charters (which are not subject to industry price agreements) acted as a major catalyst to the expansion of international air transportation in the 1960's. Charters are a competitive spur and exert downward pressure on the pricing of scheduled services. Rather than diverting traffic from scheduled operations, charters generate new traffic and help stimulate expansion in all sectors of the industry. Restrictions which have been imposed on the volume, frequency and regularity of charter services as well as requirements for approval of individual charter flights have restrained the growth of traffic and tourism and do not serve the interests of either party to an aviation agreement. Strong efforts will be made to obtain liberal charter provisions in bilateral agreements.

3. *Scheduled Services.* We will seek to increase the freedom of airlines from capacity and frequency restrictions. We will also work to maintain or increase the route and operating rights of our airlines where such actions improve international route systems and offer the consumer more convenient and efficient air transportation.

4. *Discrimination and Unfair Competitive Practices.* U.S. airlines must have the flexibility to conduct operations and market their services in a manner consistent with a fair and equal opportunity to compete with the airlines of other nations. We will insist that U.S. airlines have the business, commercial and operational opportunities to compete fairly. The United States will seek to eliminate unfair or destructive competitive practices that prevent U.S. airlines from competing on an equal basis with the airlines of other nations. Charges for providing airway and airport properties and facilities should be related to the costs due to airline operations and should not discriminate against U.S. airlines. These objectives were recognized by the Congress in legislation enacted in 1975, and their attainment is required if consumers are to obtain the benefits of an otherwise competitive international aviation system.

5. *Multiple Airline Designations.* The designation of new U.S. airlines in international markets that will support additional service is a way to create a more competitive environment and thus encourage improved service and competitive pricing.

6. *Maximum Access to International Markets.* Increasing the number of gateway

cities for non-stop air service offers the potential for increasing the convenience of air transportation for passengers and shippers and improving routing and market opportunities for international airlines. In addition, enhancing the integration of U.S. airline domestic and international air services benefits both consumers and airlines.

C. *Negotiating Principles.* The guiding principle of United States aviation negotiating policy will be to trade competitive opportunities, rather than restrictions, with our negotiating partners. We will aggressively pursue our interests in expanded air transportation and reduced prices rather than accept the self-defeating accommodation of protectionism. Our concessions in negotiations will be given in return for progress toward competitive objectives, and these concessions themselves will be of a liberalizing character.

Proposed bilateral agreements which do not meet our minimum competitive objectives will not be signed without prior Presidential approval.

[FR Doc. 78-14540 Filed 5-23-78; 8:45 am]

[4810-35]

DEPARTMENT OF THE TREASURY

Fiscal Service

[Dept. Circ. 570, 1977 Rev., Supp. No. 21]

AMERICAN AND FOREIGN INSURANCE COMPANY; SAFEGUARD INSURANCE COMPANY

Surety Companies Acceptable on Federal Bonds: Termination of Authority

Notice is hereby given that the certificates of authority issued by the Treasury to American and Foreign Insurance Company, New York, New York, and Safeguard Insurance Company, New York, New York, under Sections 6 to 13 of Title 6 of the United States Code, to qualify as acceptable sureties on Federal bonds are hereby terminated effective June 30, 1978.

American and Foreign Insurance Company was last listed as an acceptable surety on Federal bonds at 42 FR 34069 July 1, 1977. Safeguard Insurance Company was last listed as an acceptable surety on Federal bonds at 42 FR 34078 July 1, 1977.

With respect to any bonds currently in force with American and Foreign Insurance Company and Safeguard Insurance Company, bond-approving officers of the Government should secure new bonds with acceptable sureties in those instances where a significant amount of liability remains outstanding.

Dated: May 17, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of
Government Financial Operations.

[FR Doc. 78-14522 Filed 5-23-78; 8:45 am]

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NOTICES

[7035-01]

INTERSTATE COMMERCE
COMMISSION

[AB 18 (SDM)]

THE CHESSIE SYSTEM

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, §1121.23, that the Chessie System, has filed with the Commission its amended color-coded system diagram map in docket No. AB 18 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on May 1, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

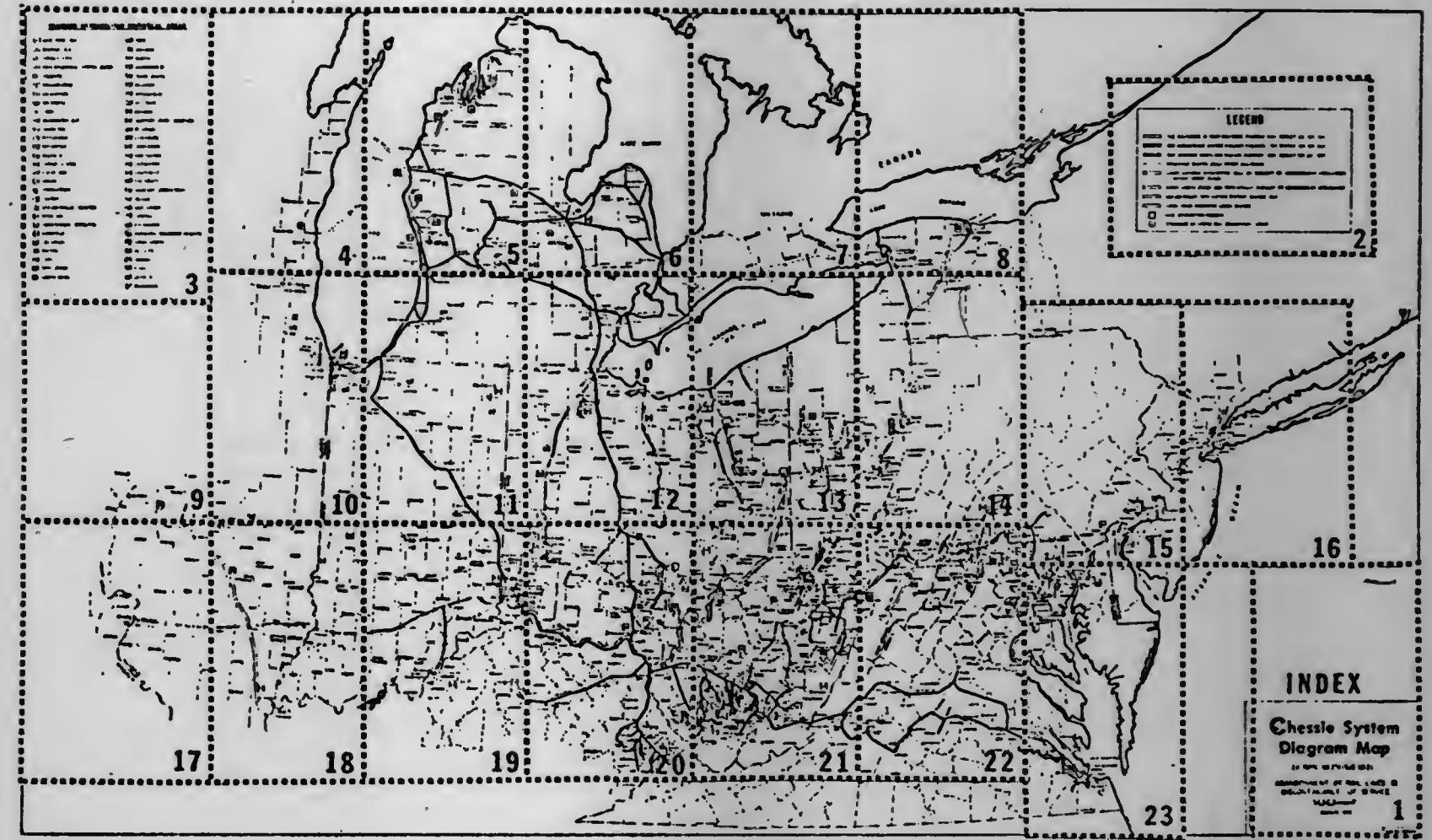
Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 18 (SDM).

H. G. HOMME, J. R.,
Acting Secretary.

¹AB 18 (SDM), The Chesapeake & Ohio Railway Co., AB 19 (SDM), The Baltimore & Ohio Railroad Co., and AB 69 (SDM), The Western Maryland Railway Co.

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Chessie System Diagram Map

EX PARTE NO.274 (SUB-NO.2)

ABANDONMENT OF RAIL LINES &
DISCONTINUANCE OF SERVICE

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MARCH 8, 1978

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LEGEND

- THE BALTIMORE & OHIO RAILROAD COMPANY (ICC DOCKET NO. AB-19).
- THE CHESAPEAKE & OHIO RAILWAY COMPANY (ICC DOCKET NO. AB-18).
- THE WESTERN MARYLAND RAILWAY COMPANY (ICC DOCKET NO. AB-69).
- TRackage RIGHTS OVER OTHER RAILROADS
- LINES CARRIER ANTICIPATES WILL BE SUBJECT OF ABANDONMENT APPLICATION WITHIN THREE YEARS.
- LINES UNDER STUDY AND POTENTIALLY SUBJECT TO ABANDONMENT APPLICATION.
- ABANDONMENT APPLICATION PENDING BEFORE I.C.C.
- LINES BEING OPERATED UNDER SUBSIDY
- 1 LINE DESCRIPTION NUMBER
- 1 STANDARD METROPOLITAN STATISTICAL AREA

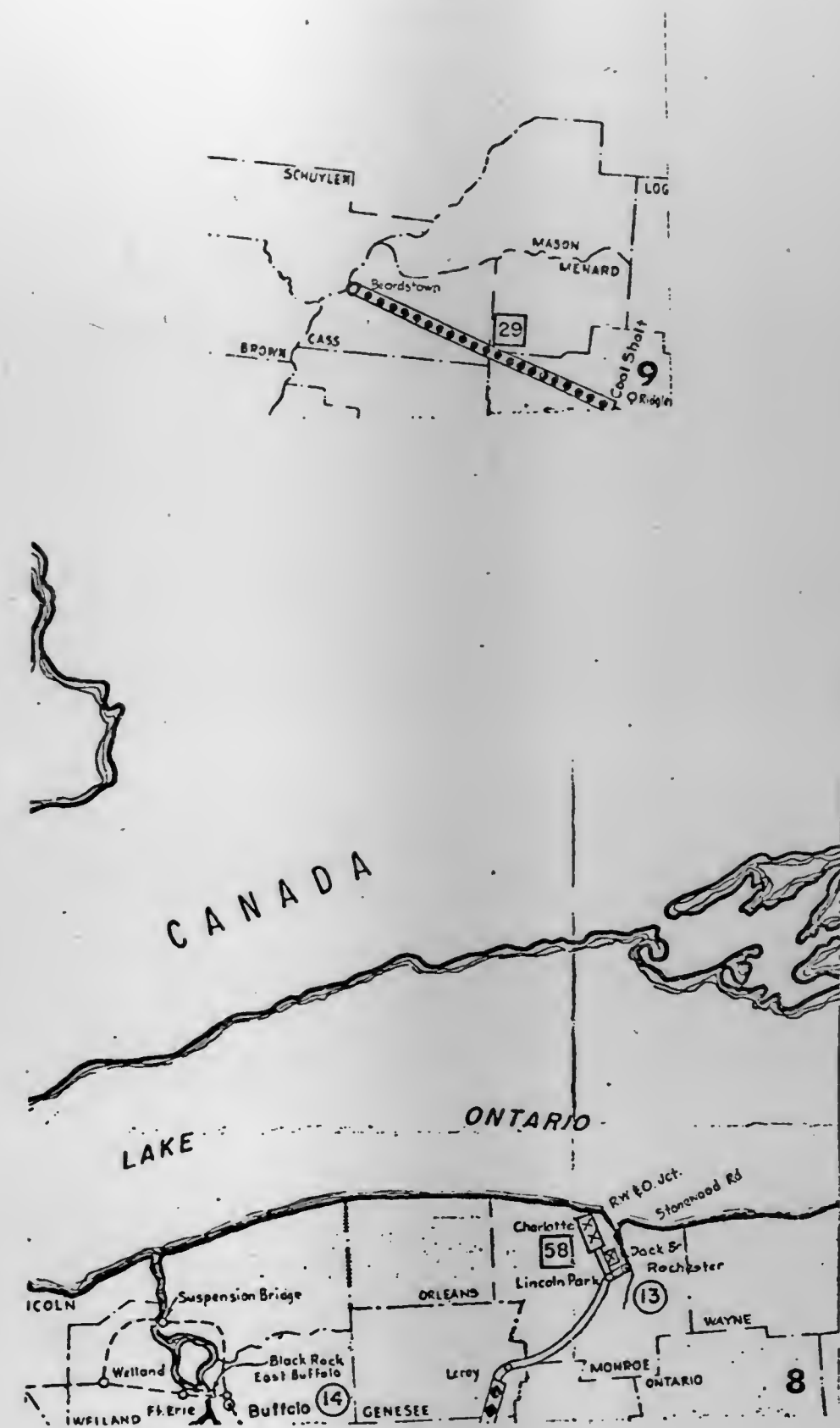
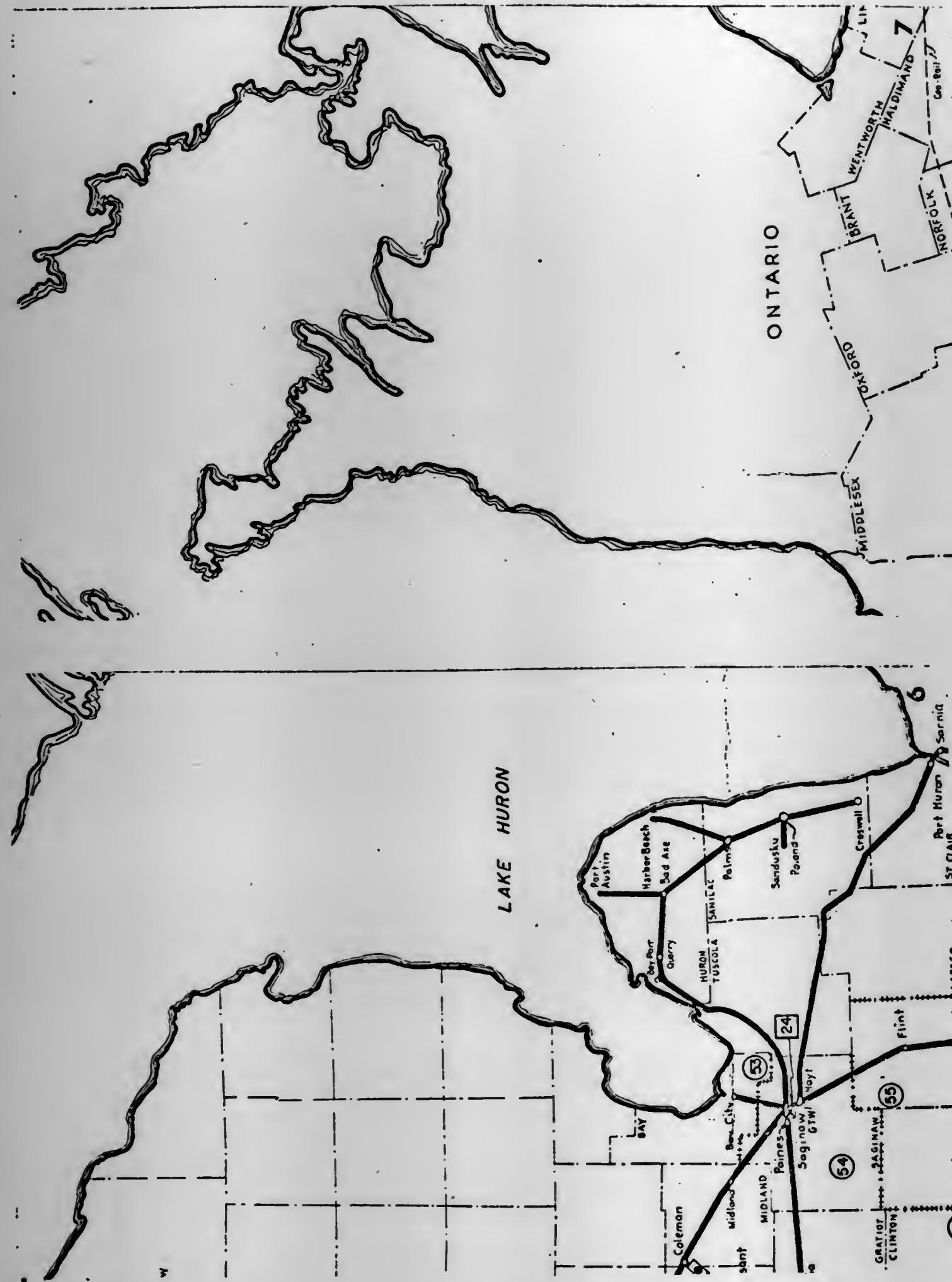
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STANDARD METROPOLITAN STATISTICAL AREAS

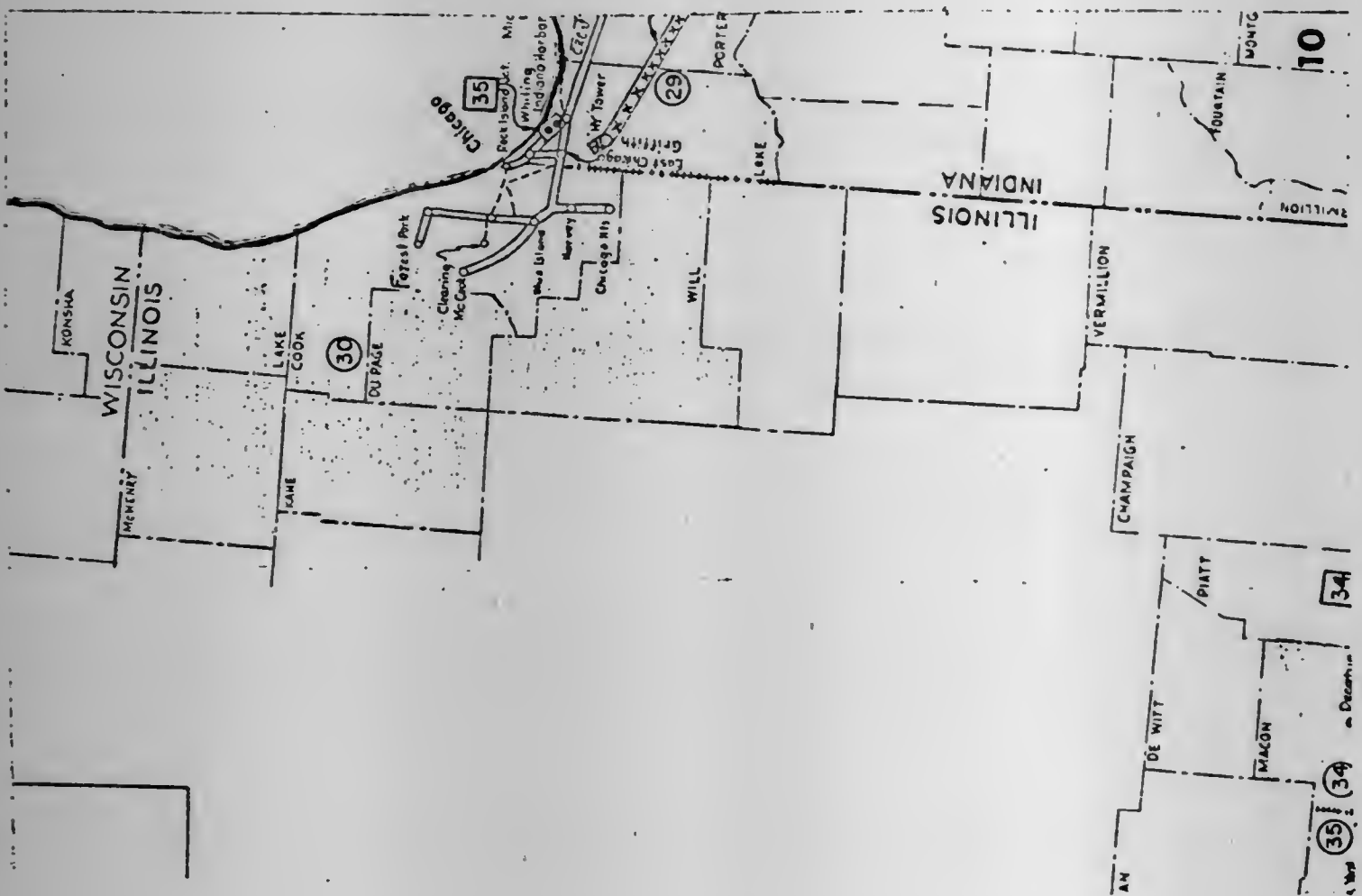
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| 1 NEW YORK, N.Y. | 28 GARY |
| 2 NEWARK, N.J. | 29 CHICAGO |
| 3 JERSEY CITY | 30 MUNCIE |
| 4 NEW BRUNSWICK - PERTH AMBOY | 31 INDIANAPOLIS |
| 5 TRENTON | 32 TERRE HAUTE |
| 6 PHILADELPHIA | 33 DECATUR |
| 7 WILMINGTON | 34 SPRINGFIELD |
| 8 BALTIMORE | 35 ST. LOUIS |
| 9 YORK | 36 NORFOLK |
| 10 WASHINGTON, D.C. | 37 NEWPORT NEWS - HAMPTON |
| 11 JOHNSTON | 38 RICHMOND |
| 12 PITTSBURGH | 39 LYNCHBURG |
| 13 ROCHESTER | 40 CHARLESTON |
| 14 BUFFALO | 41 HUNTINGTON |
| 15 LORAIN - ELYRIA | 42 LEXINGTON |
| 16 CLEVELAND | 43 LOUISVILLE |
| 17 AKRON | 44 CINCINNATI |
| 18 YOUNGSTOWN | 45 HAMILTON - MIDDLETOWN |
| 19 CANTON | 46 TOLEDO |
| 20 STEUBENVILLE - WEIRTON | 47 ANN ARBOR |
| 21 WHEELING | 48 LANSING |
| 22 PARKERSBURG - MARIETTA | 49 KALAMAZOO |
| 23 MANSFIELD | 50 MUSKEGON - MUSKEGON HEIGHTS |
| 24 COLUMBUS | 51 GRAND RAPIDS |
| 25 DAYTON | 52 BAY CITY |
| 26 LIMA | 53 SAGINAW |
| 27 FORT WAYNE | 54 FLINT |
| 28 SOUTH BEND | 55 DETROIT |
| | 56 MILWAUKEE |

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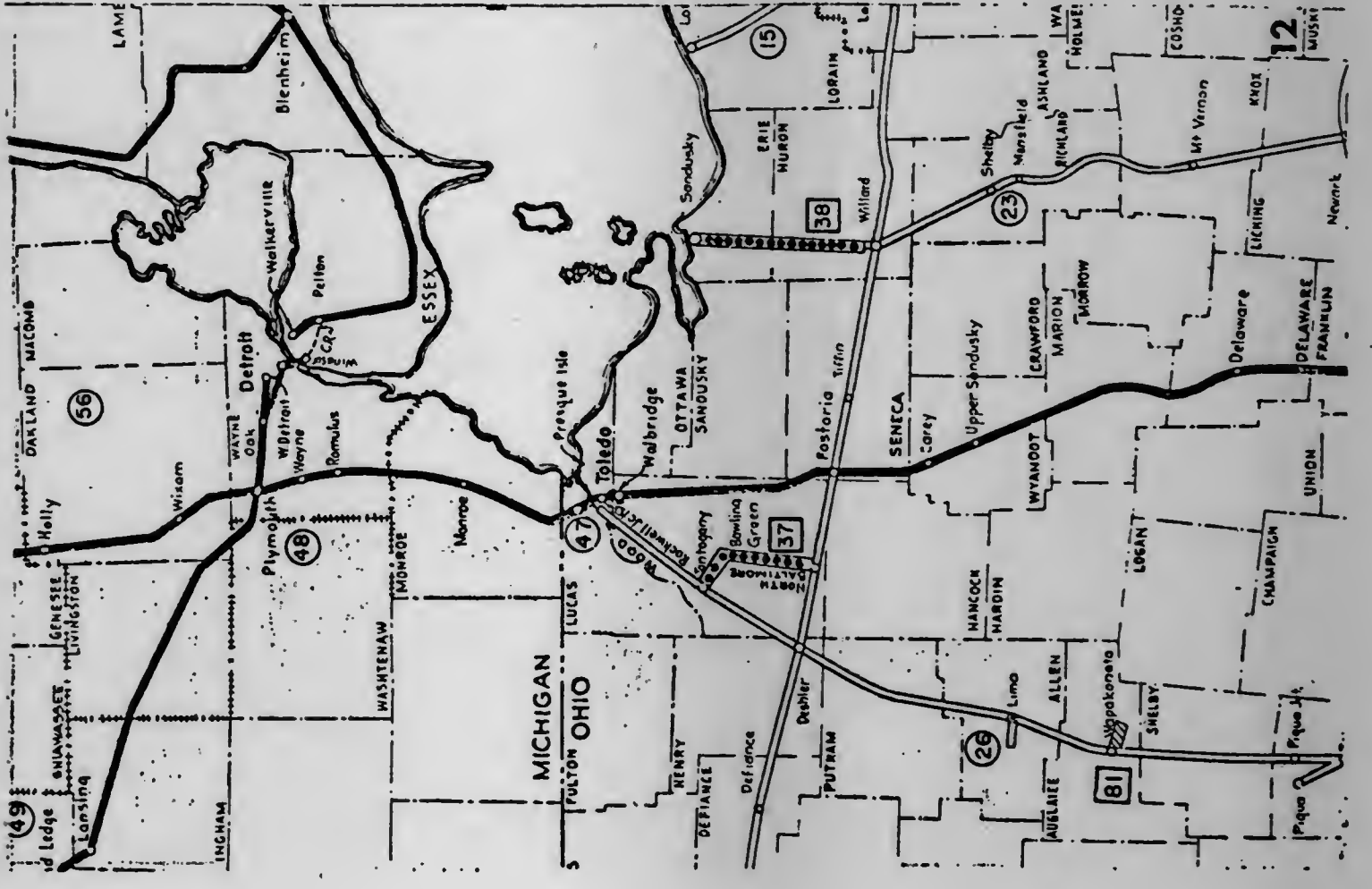




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FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

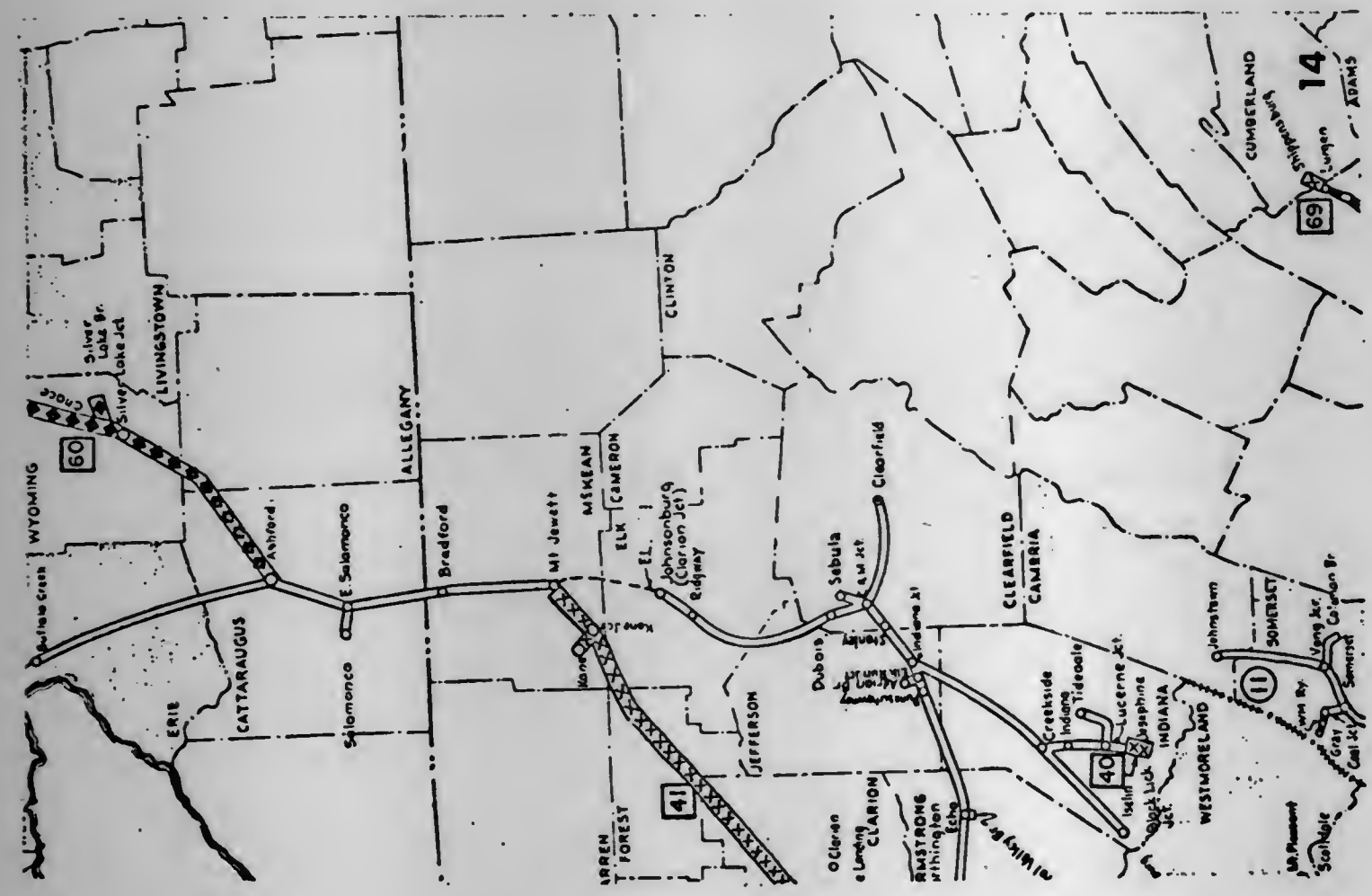
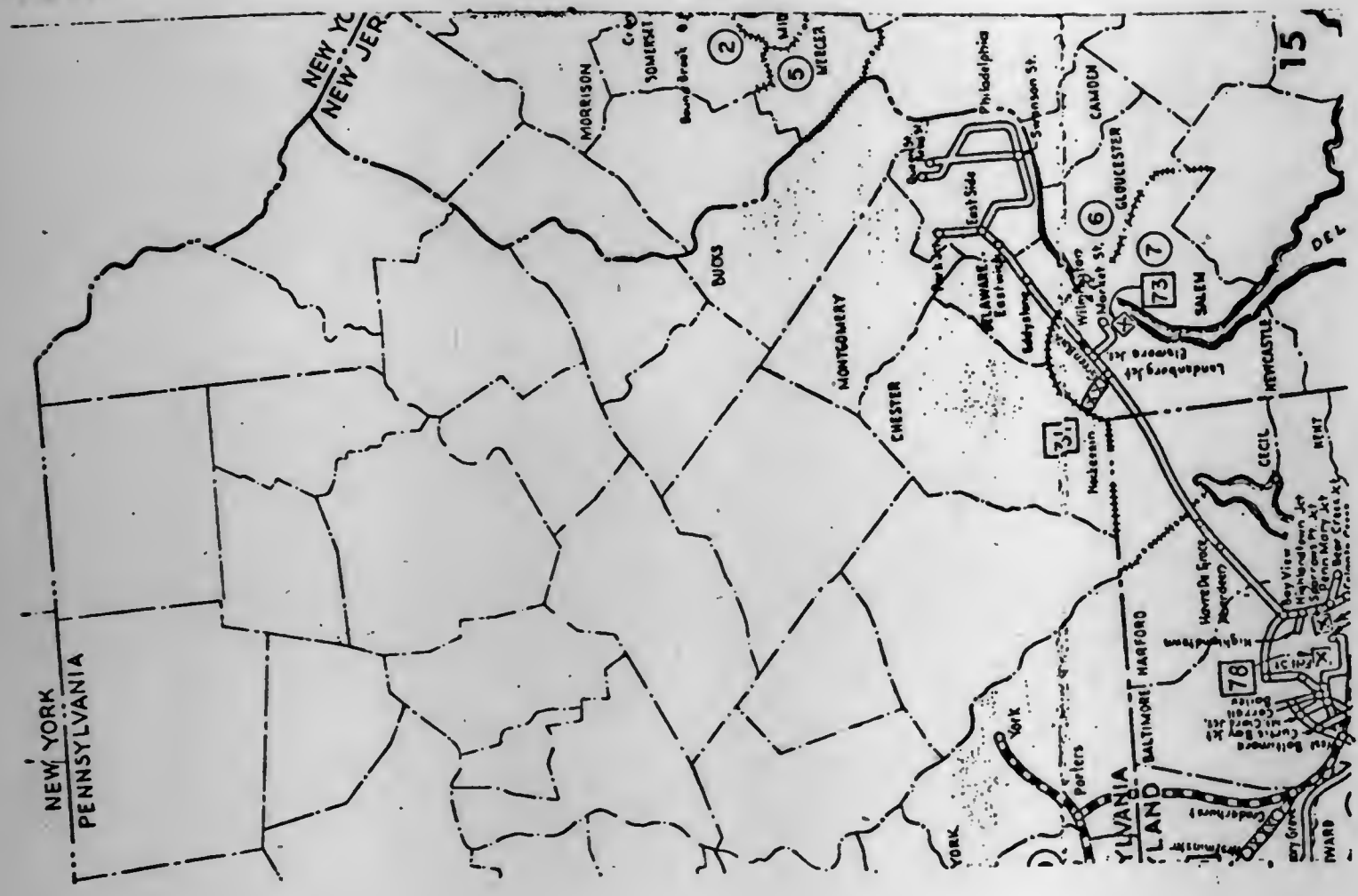


FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

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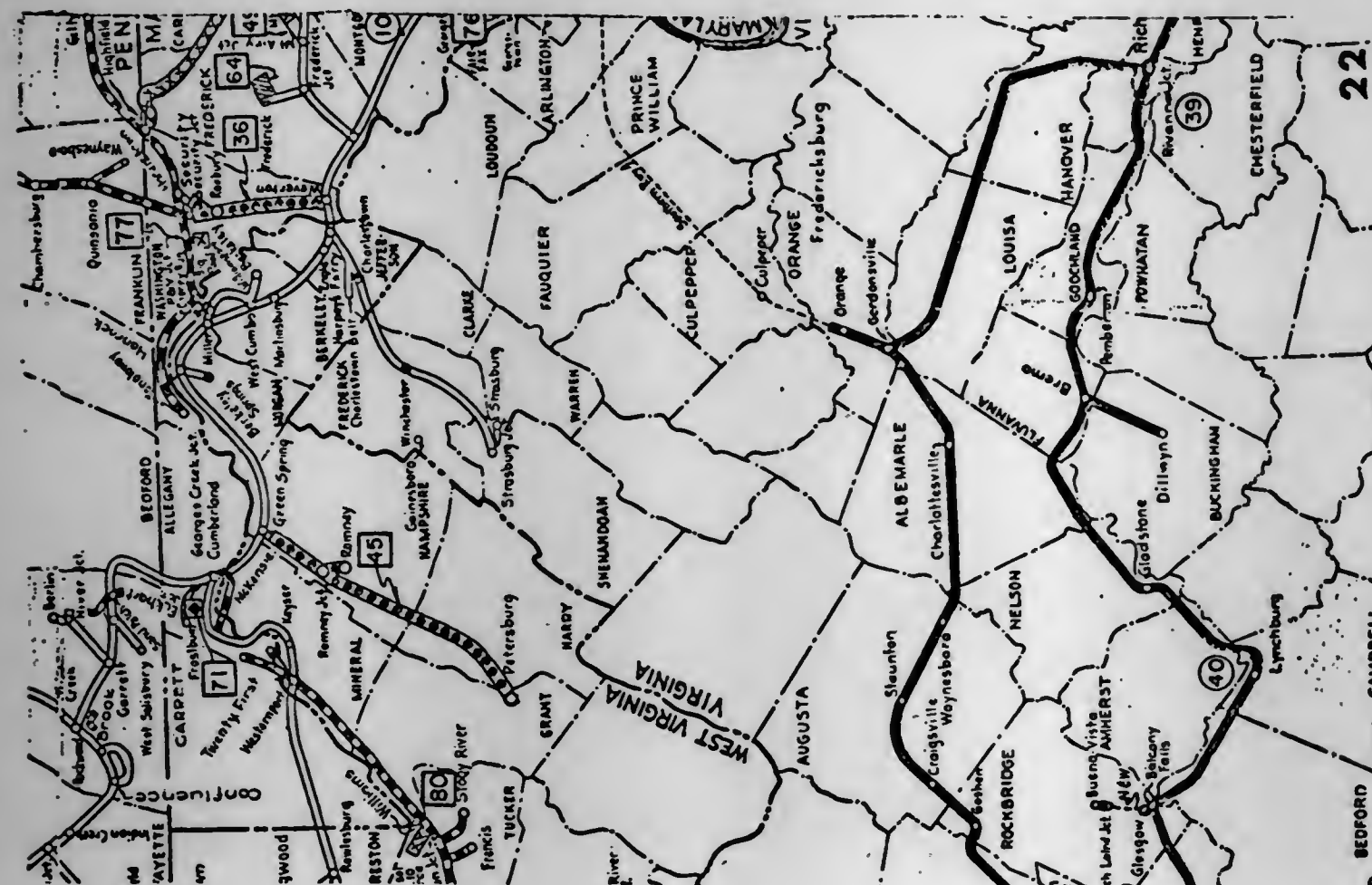
FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

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FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978



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FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

CHESIE SYSTEM LINES

Description of Lines to Accompany the System Diagram Map

CATEGORY (1)

Lines or portions of lines which the carrier anticipates will be the subject of an abandonment or discontinuance application to be filed within three years.

DELAWARE

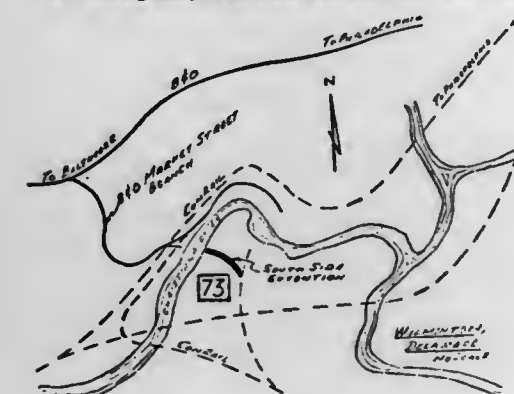
Map code [31]

Docket No. AB-19 (Sub. No. 3)

- (a) Landenberg Branch.
- (b) Located in State of Delaware.
- (c) Located in New Castle County.
- (d) Milepost 1.19 near Green Bank to milepost 10.18 near Hockessin.
- (e) Open agency station at Yorklyn (milepost 7.9) served by a traveling agent from Wilmington.

Map code [73]

- (a) South Side Extension.
- (b) Located in State of Delaware.
- (c) Located in New Castle County.
- (d) Station 0+00 to station 21+17 near Wilmington, a distance of 0.40 mile.
- (e) No agency stations located on the line.



INDIANA

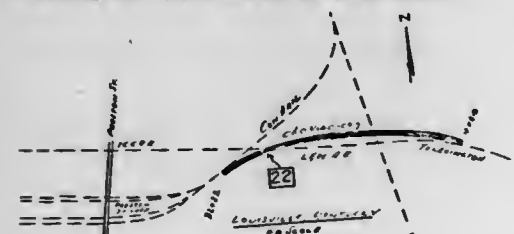
Map code [19]

- (a) Wabash Subdivision.
- (b) Located in State of Indiana.
- (c) Located in Starke, Porter, and Lake Counties.
- (d) Milepost 222.01 near LaCrosse to milepost 260.0 at HY Tower.
- (e) Agent located at Griffith (milepost 253.8).

KENTUCKY

Map code [22]

- (a) Preston Street Yard.
- (b) Located in Commonwealth of Kentucky.
- (c) Located in Jefferson County.
- (d) Station 4+20 to station 32+22 in Louisville, a distance of 0.53 mile.
- (e) Agency station at Louisville would not be included in abandonment.
- (f) Comments: Proposal calls for C&O to abandon operations at ConRail's Preston Street Yard and operate into K&IT's Youngstown Yard. C&O's viaduct track leading into yard would be abandoned.



NOTICES

Map code [27]

- (a) Levisa Fork Subdivision.
- (b) Located in Commonwealth of Kentucky.
- (c) Located in Pike County.
- (d) Station 56+00 to station 78+00, a distance of .42 mile.
- (e) No agency stations on the line.

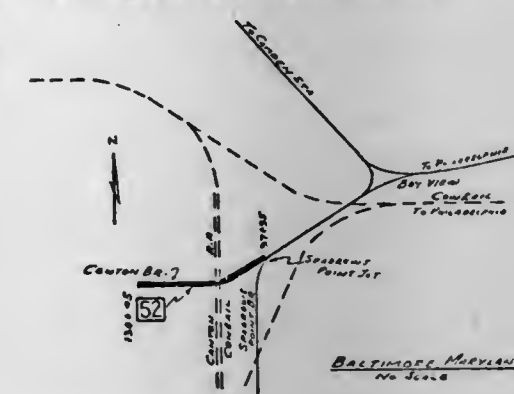
Map code [75]

- (a) Coon creek subdivision.
- (b) Located in Commonwealth of Kentucky.
- (c) Located in Pike County.
- (d) Milepost 0.0 at Johns Creek Junction to milepost 9.0 at Raccoon.
- (e) No agency stations on the line.

MARYLAND

Map code [52]

- (a) Canton Branch.
- (b) Located in State of Maryland.
- (c) Located in Baltimore City.
- (d) Milepost 1.86 at Sparrows Point Junction to milepost 2.47.
- (e) No agency stations on the line.

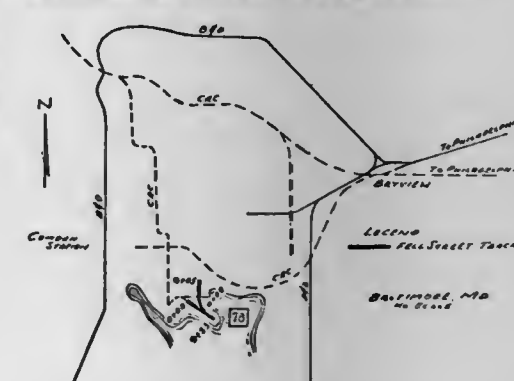


Map code [70]

- (a) East Subdivision.
- (b) Located in State of Maryland and Commonwealth of Pennsylvania.
- (c) Located in Carroll and Frederick Counties, Maryland and Adams County in Commonwealth of Pennsylvania.
- (d) Milepost 23.94 near Cedarhurst, Md. to milepost 69.14 at Highfield, Pa.
- (e) Agent located at Union Bridge, Md., (milepost 45.40).
- (f) Comment: Proposal calls for Short Line Railroad to acquire and operate the segment of line between Keymar (milepost 49.10) and Westminster (Milepost 32.20).

Map code [78]

- (a) Fell Street area.
- (b) Located in State of Maryland.
- (c) Located in Baltimore City.
- (d) Station 0+00 to station 9+53 at Baltimore, Md., a distance of .18 mile.
- (e) Agency station at Camden (Baltimore) would not be included in abandonment.



Map code [49]

- (a) Mt. Airy branch.
- (b) Located in station of Maryland.
- (c) Located in Frederick and Carroll Counties.
- (d) Station 1729+50 to station 1698+90 at Mt. Airy, a distance of .58 mile.
- (e) No agency stations on the line.

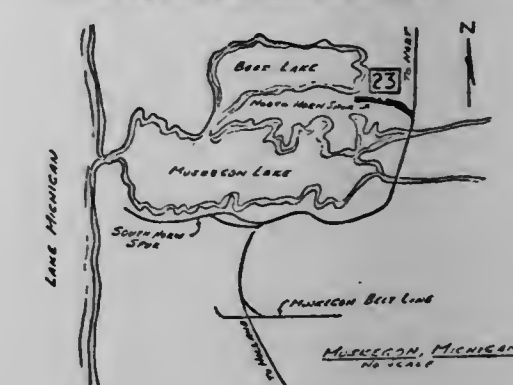
Map code [77]

- (a) Williamsport branch.
- (b) Located in State of Maryland.
- (c) Located in Washington County.
- (d) Milepost 0.00 at PV Junction to milepost 1.25 near Williamsport, Md.
- (e) No agency stations on the line.

MICHIGAN

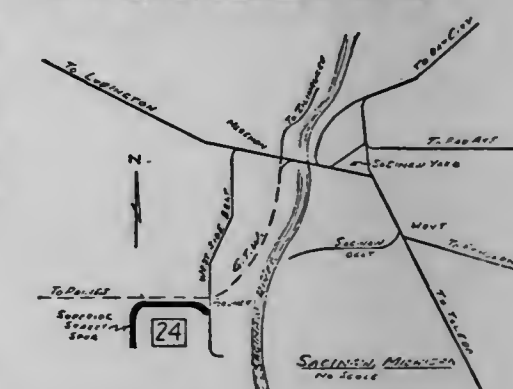
Map code [23]

- (a) North Horn spur.
- (b) Located in State of Michigan.
- (c) Located in Muskegon County.
- (d) Station 0+00 to station 55+71 at Muskegon, a distance of 1.06 miles.
- (e) No agency stations on the line.



Map code [24]

- (a) Superior Street spur.
- (b) Located in State of Michigan.
- (c) Located in Saginaw County.
- (d) Station 15+00 to station 68+68 at Saginaw, a distance of 1.02 miles.
- (e) No agency stations on the line.



NEW YORK

Map code [58]

- (a) Dock Branch Rochester Belt Line.
- (b) Located in State of New York.
- (c) Located in Monroe County.
- (d) Milepost 0.0 at Dock Junction to milepost 1.14. Milepost 6.89 to milepost 8.74 at R.W. & O. junction.
- (e) No agency stations on the line.

OHIO

Map code [20]

- (a) Athens Branch.
- (b) Located in State of Ohio.

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(c) Located in Athens County.
(d) Station 3943+45 at Armitage to station 4014+71 at Athens, a distance of 1.35 miles.

(e) No agency stations on the line.
(f) Comments: Abandonment of line only. Applicant abandoned operation over the line on November 12, 1973, Docket No. AB-18 (Sub No. 2).

Map code [53]

(a) Midland Branch.
(b) Located in State of Ohio.
(c) Located in Licking County.
(d) Milepost 2.18 near Newark to milepost 8.11.
(e) No agency stations on the line.

Map code [56]

(a) Portsmouth Branch.
(b) Located in State of Ohio.
(c) Located in Scioto County.
(d) Milepost 37.20 near South Webster to milepost 39.63 near Edmunds. Milepost 48.99 to milepost 49.47 near Portsmouth.
(e) No agency stations on the line.

Map code [57]

(a) Cleveland Terminal and Valley Branch (includes Huff Run Branch).
(b) Located in State of Ohio.
(c) Located in Carroll and Tuscarawas Counties.
(d) Milepost 4.28 near Sandyville to milepost 1.34 near Mineral City. Milepost 0.0 at Huff Run Junction to milepost 3.65.
(e) Open agency station at Mineral City (milepost 2.0) served by traveling agent from Dover. Non-agency station at James Mine (milepost 2.7) on Huff Run Branch served by traveling agent from Dover.

Map code [59]

(a) Home Avenue Branch.
(b) Located in State of Ohio.
(c) Located in Montgomery County.
(d) Station 9+45 to station 35+50, a distance of 0.49 mile. Station 113+50 to station 158+76, a distance of 0.86 mile.
(e) No agency stations on the line.

PENNSYLVANIA

Map code [79]

(a) Craigsville Branch.
(b) Located in Commonwealth of Pennsylvania.
(c) Located in Armstrong County.
(d) Milepost 1.54 to station 2.01 near Worthington, Pa. As information, station limits will be 81+45 to 106+26.
(e) No agency stations located on this line.

Map code [70]

(a) East Subdivision.
(b) Located in Commonwealth of Pennsylvania and State of Maryland.
(c) Located in Adams County in Commonwealth of Pennsylvania and in Carroll and Frederick Counties, Maryland.
(d) Milepost 23.94 near Cedarhurst, Md. to milepost 69.14 at Highfield, Pa.
(e) Agent located at Union Bridge, Md. (milepost 45.40).
(f) Comments: Proposal calls for Short Line Railroad to acquire and operate the segment of line between Keymar (milepost 49.10) and Westminster (milepost 33.20).

PENNSYLVANIA

Map code [40]

Docket No. AB-19 (Sub. No. 10)

(a) Indiana Branch.
(b) Located in Commonwealth of Pennsylvania.
(c) Located in Indiana County.
(d) Milepost 41.46 to milepost 44.69 near Black Lick Junction.
(e) No agency stations located on the line.

Map code [69]

(a) Lurgan Subdivision.
(b) Located in Commonwealth of Pennsylvania.
(c) Located in Franklin and Cumberland Counties.
(d) Milepost 32.65 near Lurgan to Milepost 34.0 near Shippenburg.
(e) No agency stations located on the line.

Map code [41]

Docket No. AB-19 (Sub. No. 34)

(a) Northern Branch (includes Kane Branch—0.64).
(b) Located in Commonwealth of Pennsylvania.
(c) Located in Armstrong, Clarion, Forest, Elk and McKean Counties.
(d) Milepost 66.83 near Parkers Landing to milepost 162.88 at Mt. Jewett.
(e) Agents located at Knox (milepost 86.9), Marienville (milepost 121.3), and Kane (milepost 152.8). Open agency station at Foxburg (milepost 69.4) served by traveling agent from Petrolia. Non-agency stations at St. Petersburg (milepost 73.0), Alum Rock (milepost 77.5), and Turkey (milepost 79.1) are served by a traveling agent from Petrolia.

WEST VIRGINIA

Map code [80]

(a) Sand Run.
(b) Located in State of West Virginia.
(c) Located in Tucker County.
(d) Milepost 0.00 near Williams, West Virginia to milepost 2.41 near Pierce, West Virginia. As information, station limits would be from station minus 1+11 to station 126+00, a distance of 12,711 feet.
(e) No agency stations on the line.

CHESSIE SYSTEM LINES

Description of Lines to Accompany the System Diagram Map

CATEGORY (2)

Lines or portions of lines under study and potentially subject to abandonment application.

DISTRICT OF COLUMBIA

Map code [61]

(a) Shepherd Industrial Track.
(b) Located in District of Columbia.
(c) Located in City of Washington.
(d) Milepost 5.76 at Shepherd Junction to milepost 11.76 at Shepherd.
(e) No agency stations on the line.

Map code [76]

(a) Georgetown Branch.
(b) Located in District of Columbia and Maryland.

(c) Located in Montgomery County, Md. and City of Washington.
(d) Milepost 0.0 at Georgetown Junction, Md. to milepost 10.98 at Georgetown, D.C.
(e) No agency stations on the line.

ILLINOIS

Map code [34]

Docket No. AB-19 (Sub. No. 26)

(a) Decatur Subdivision.
(b) Located in States of Illinois and Indiana.
(c) Located in Edgar, Douglas, Piatt, and Macon Counties of Illinois, and in Marion, Hendricks, Putnam, Parke, and Vermillion Counties of Indiana.
(d) Milepost 275.50 near Decatur, Ill. to milepost 245.75 near Ficklin, Ill. Milepost 225.0 near Newman, Ill. to milepost 130.39 near Speedway, Ind.
(e) Open agency stations in Illinois are LaPlace (milepost 264.3), Hammond (milepost 257.6), Atwood (milepost 240.7) and Chrisman (milepost 209.0). These stations are served by traveling agent from Tuscola. Traveling agent located at Montezuma, Ind. (milepost 191.9), also serves Russellville, Ind. (milepost 169.5).

INDIANA

Map code [34]

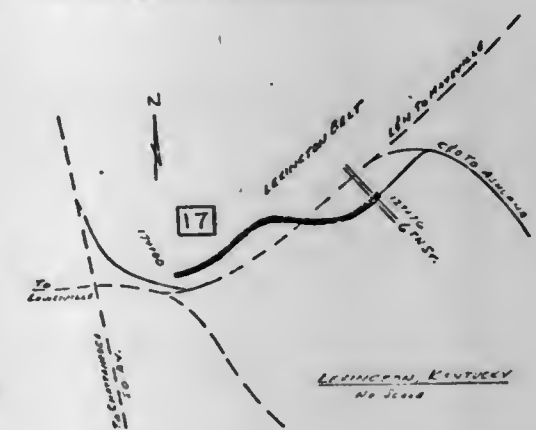
Docket No. AB-19 (Sub. No. 26)

(a) Decatur Subdivision.
(b) Located in States of Indiana and Illinois.
(c) Located in Marion, Hendricks, Putnam, Parke and Vermillion Counties of Indiana, and Edgar, Douglas, Piatt, and Macon Counties of Illinois.
(d) Milepost 130.39 near Speedway, Ind. to milepost 225.0 near Newman, Ill. Milepost 245.75 near Ficklin, Ill. to milepost 275.50 near Decatur, Ill.
(e) Traveling agent located at Montezuma, Ind. (milepost 191.9), also serves Russellville, Ind. (milepost 169.5). Open agency stations in Illinois are LaPlace (milepost 264.3), Hammond (milepost 257.6), Atwood (milepost 240.7) and Chrisman (milepost 209.0). These stations are served by traveling agent from Tuscola.

KENTUCKY

Map code [17]

(a) Lexington Belt.
(b) Located in Commonwealth of Kentucky.
(c) Located in Fayette County.
(d) Station 127+26 to station 174+00, a distance of 0.89 mile.
(e) No agency stations on the line.



MARYLAND

Map code [76]

(a) Georgetown Branch.
(b) Located in State of Maryland and District of Columbia.
(c) Located in Montgomery County and City of Washington.
(d) Milepost 0.0 at Georgetown Junction, Maryland to milepost 10.98 at Georgetown, D.C.
(e) No agency stations on the line.

Map code [71]

(a) Eckhart Branch.
(b) Located in State of Maryland.
(c) Located in Allegany County.
(d) Milepost 0.0 at Eckhart Junction to milepost 1.41.
(e) No agency stations on the line.

MICHIGAN

Map code [15]

(a) Hart Branch.
(b) Located in State of Michigan.
(c) Located in Muskegon and Oceana Counties.
(d) Milepost 72.25 near Montague to milepost 95.23 near Hart.
(e) Open agency station at Hart (milepost 95) served by traveling agent from Muskegon.

Map code [16]

(a) Ionia Branch.
(b) Located in State of Michigan.
(c) Located in Ionia County.
(d) Milepost 11.57 near Portland to milepost 26.30 at Ionia.
(e) Open agency station at Ionia (milepost 26.1) served by traveling agent from Lowell, Mich.
(f) Comment: Proposal calls for GTW to acquire and operate the portion of the line between milepost 25.38 and milepost 26.30 in Ionia.

Map code [18]

(a) Fremont Branch.
(b) Located in State of Michigan.
(c) Located in Muskegon and Newaygo Counties.
(d) Milepost 0.0 at Berry to milepost 20.28 near Fremont.
(e) Open agency station at Fremont (milepost 19.6) served by traveling agent from Muskegon.

NEW YORK

Map code [60]

(a) Main Line Fourth Subdivision Silver Lake Branch.
(b) Located in State of New York.
(c) Located in Genesee, Wyo., Allegany, and Cattaraugus Counties.
(d) Milepost 93.71 at or near Ashford to milepost 28.86 near LeRoy. Milepost 0 at Silver Lake Junction to milepost 2.27 near Chase.
(e) Agent located at Silver Springs (milepost 1).

OHIO

Map code [21]

(a) Cheviot and Miami Subdivisions.

NOTICES

(b) Located in State of Ohio.
(c) Located in Hamilton and Bulter Counties.
(d) Milepost 1.77 near Cincinnati to milepost 19.09 near Fernald.
(e) No agency stations on the line.

PENNSYLVANIA

Map code [54]

(a) 9th Street to Three Rivers Stadium in Pittsburgh.
(b) Located in Commonwealth of Pennsylvania.
(c) Located in Allegheny County.
(d) Station 7824+25 to station 7843+62, a distance of 0.36 mile.
(e) No agency stations on the line.

WEST VIRGINIA

Map code [72]

(a) Greenbrier, Cheat and Elk Branch.
(b) Located in State of West Virginia.
(c) Located in Randolph, Pocahontas and Webster Counties.
(d) Milepost 31.80 near Cheat Bridge to milepost 86.80 at Webster Springs. Station 0+00 to station 52+75 on Back Fork Branch near Webster Springs, a distance of one mile.
(e) No agency stations on the line.

CHESSIE SYSTEM LINES

Description of Lines to Accompany the System Diagram Map

CATEGORY (3)

Lines or portions of lines for which an abandonment or discontinuance application is currently pending before the Interstate Commerce Commission.

ILLINOIS

Map Code [29]

Finance Docket No. 26745

(a) Beardstown Branch.
(b) Located in State of Illinois.
(c) Located in Sangamon and Cass Counties.
(d) Milepost 184.46 near Coal Shaft to milepost 228.17 at Beardstown.
(e) Open agency station at Virginia (milepost 215) served by a traveling agent from Taylorville. Agent located at Beardstown, joint with Burlington Northern (milepost 228).
(f) Comments: ICC order, served June 1, 1976, authorized abandonment.

Map Code [32]

Finance Docket No. 26965

(a) Shawneetown Branch.
(b) Located in State of Illinois.
(c) Located in Clay, Wayne, White, and Gallatin Counties.
(d) Milepost 0.0 at Shawneetown to milepost 73.27 near Flora.
(e) Open agency stations at Cisne (milepost 63), Mill Shoals (milepost 43.5), Ridgeway (milepost 11.4), and Shawneetown (milepost 0.0). These stations are served by traveling agent from Flora.

(f) Comments: 5.36 miles of line between milepost 6.05 and milepost 0.69 are jointly owned by B&O and the Louisville & Nashville Railroad Company. Applicant seeks to abandon operations over this segment, but not the line of railroad. The Prairie Trunk Railway filed an application dated October 15, 1973, F.D. No. 27506, to acquire and operate the line. Application in F.D. No. 27506 was approved and application in F.D. No. 26965 was dismissed by order served March 15, 1977. Approval was appealed.

Map Code [33]

Docket No. AB-19 (Sub. No. 27)

(a) Flora to Sangamon Junction (103.29-mile segment of the Springfield Subdivision).
(b) Located in State of Illinois.
(c) Located in Clay, Effingham, Fayette, Shelby, Christian, and Sangamon Counties.
(d) Milepost 75.0 near Flora to milepost 178.29 at Sangamon Jct.
(e) Agent located at Taylorville (milepost 155.7). Open agency stations at Louis (milepost 81.3), Edgewood (milepost 95.6), Altamont (milepost 106.7), Cowden (milepost 121.9). These four stations are served by traveling agent from Flora. Open agency stations at Owaneco (milepost 148.3), Edinburg (milepost 164.6), and Rochester (milepost 174.8). These three stations are served by traveling agent from Taylorville.

INDIANA

Map Code [35]

Docket No. AB-19 (Sub. No. 37)

(a) Main Line Subdivision.
(b) Located in State of Indiana.
(c) Located in Lake County.
(d) Milepost 249.80 to milepost 251.78 in vicinity of Indiana Harbor.
(e) No agency stations on the line.
(f) Comments: Abandonment contingent on B&O, B&OCT and C&O acquiring trackage rights over ConRail from Pine Junction and Clark Junction to "HC" Tower, approximately 3.4 miles. Docket No. AB-18 (Sub. No. 25) covers the abandonment of trackage rights by Chesapeake & Ohio Railway over the segment of the line as shown in (d) above. Applications were approved by order served November 9, 1977 and upheld on appeal by order served January 31, 1978.

MARYLAND

Map Code [36]

Docket No. AB-19 (Sub. No. 20)

(a) Hagerstown Branch; Antietam Branch.
(b) Located in State of Maryland.
(c) Located in Washington County.
(d) Station 0+00 near Weverton to station 980+00 at Roxbury, a distance of 18.56 miles and station 0+00 to station 130+00 near Security, a distance of 2.46 miles, a total distance of 21.02 miles.
(e) No agency stations on the lines.
(f) Comments: By applications, B&O sought to abandon portions described in (d) above and WM sought to lease portions of

NOTICES

the Hagerstown and Antietam Branches, as set forth in F.D. No. 28348. Applications were approved by initial decision served November 8, 1977, as follows: (1) B&O abandon Hagerstown Branch between Valuation Stations 0+00 at Weverton, Md., and 980+00 at Roxbury, Md., and Antietam Branch between valuation stations 65+71 and 130+00 at or near Security, Md., and (2) WM lease Hagerstown Branch between valuation stations 980+00 at Roxbury, Md., and 1250+94 at Hagerstown, Md., and Antietam Branch between valuation stations 0+00 and 65+71, between valuation stations 130+00 and 194+21.3 at or near Security, Md. Initial decision was appealed.

MICHIGAN

Map Code [1]

Finance Docket No. 26757

- (a) Northport Branch.
- (b) Located in State of Michigan.
- (c) Located in Leelanau County.
- (d) Milepost 1.9 near Rennie to Milepost 29.56 at Northport.
- (e) No agency stations on the line.
- (f) Comments: Applicant seeks to abandon the lease and operation of Leelanau Transit Co. between Hatch's Crossing, milepost 5.52, and Northport, milepost 29.56. ICC order, served March 10, 1975, authorized abandonment. Stay order was issued on November 5, 1975 and removed by order served March 1, 1978.

Map Code [4]

Docket No. AB-18 (Sub. No. 5)

- (a) Elk Rapids Branch.
- (b) Located in State of Michigan.
- (c) Located in Grand Traverse and Antrim Counties.
- (d) Milepost 0.0 at Williamsburg to milepost 8.82 at Elk Rapids.
- (e) No agency stations on the line.

Map Code [5]

Docket No. AB-18 (Sub. No. 6)

- (a) Mount Pleasant Branch.
- (b) Located in State of Michigan.
- (c) Located in Isabella County.
- (d) Milepost 0.78, near Coleman, to milepost 12.42, near Mount Pleasant.
- (e) No agency stations on the line.
- (f) Comments: Applicant plans to serve Mount Pleasant by means of trackage rights over the former Ann Arbor Railroad between Clare and Mount Pleasant—F.D. No. 27412. Applications were approved by initial decision served December 7, 1977 and an appeal was filed.

Map Code [2]

Docket No. AB-18 (Sub. No. 19)

- (a) Petoskey Branch.
- (b) Located in State of Michigan.
- (c) Located in Grand Traverse, Kalkaska, Antrim, Charlevoix, and Emmet Counties.
- (d) Milepost 172.06 near Traverse City to milepost 247.98 near Bay View.
- (e) Open agency stations at Ellsworth (milepost 220.0), and Petoskey (milepost 247.0), served by traveling agent from Charlevoix. Agent located at Charlevoix (milepost 247.0).

Map Code [7]

Docket No. AB-18 (Sub. No. 20)

- (a) Traverse City Subdivision Petoskey and Northport Branches.

- (b) Located in State of Michigan.
- (c) Located in Manistee, Benzie, Grand Traverse, and Leelanau Counties.
- (d) Milepost 113.68 near Manistee to milepost 172.06 near Traverse City. Milepost 0.0 at Traverse City to milepost 2.77 near Rennie.
- (e) Agents located at Kaleva (milepost 131.8), and Traverse City (milepost 169.5).

Map Code [6]

Docket No. AB-18 (Sub. No. 21)

- (a) Car Ferry across Lake Michigan between Ludington, Mich., and Kewaunee, Milwaukee and Manitowoc, Wis. Ludington Branch.
- (b) Located in States of Michigan and Wisconsin.
- (c) Located in Mason County, Mich. Located in Milwaukee, Manitowoc, and Kewaunee Counties, Wis.
- (d) Ludington to Kewaunee, approximately 61 miles. Ludington to Milwaukee, approximately 97 miles. Ludington to Manitowoc, approximately 60 miles. Milepost 137.54 to milepost 137.66 at Ludington.
- (e) Agents located at Milwaukee (Jones Island), Manitowoc, and Kewaunee (joint with GB&W). Agency Station at Ludington (milepost 137) not included in abandonment.

OHIO

Map code [37]

Docket No. AB-19 (Sub. No. 33)

- (a) Bowling Green Branch.
- (b) Located in State of Ohio.
- (c) Located in Wood County.
- (d) Station -2+14 near Tontogany to station 1010+40.2 at North Baltimore.
- (e) Open agency station at Bowling Green (milepost 5.4) served by traveling agent from Lima, Ohio.
- (f) Comment: By order served October 31, 1977, abandonment was authorized between valuation stations -2+14 and 980+00. The approval was appealed.

Map code [38]

Docket No. AB-19 (Sub. No. 36)

- (a) Sandusky Branch.
- (b) Located in State of Ohio.
- (c) Located in Huron and Erie Counties.
- (d) Milepost 87.75 near Willard to milepost 117.50 at Sandusky.
- (e) Agent located at Sandusky (milepost 115.5).
- (f) Comment: Application was approved by initial decision served March 16, 1978.

Map code [39]

Docket No. AB-19 (Sub. No. 19)

- (a) Ohio and Little Kanawha Branch.
- (b) Located in the State of Ohio.
- (c) Located in Muskingum, Morgan and Washington Counties.
- (d) Milepost 9.16 near Philo to milepost 44.97 near Relief.
- (e) Open agency station at Malta (milepost 24.7) served by traveling agent from Zanesville. Non-agency station at Beckett (milepost 43.7) served by traveling agent from Parkersburg, W. Va.
- (f) Comment: Application was approved by initial decision served August 25, 1977. Approval was appealed.

Map code [9]

Docket No. AB-18 (Sub. No. 10)

- (a) Pomeroy Branch.

- (b) Located in State of Ohio.
- (c) Located in Hocking, Vinton, Gallia and Meigs Counties.

- (d) Milepost 51.29 near Oldtown to milepost 69.43 near Creola. Milepost 78.09 near Dundas to milepost 135.05 near Pomeroy.

- (e) Agent located at Gallipolis (milepost 114.6).

- (f) Comments: Applicant seeks to abandon operations only over 17.87-mile segment between Milepost 114.13 near Gallipolis and milepost 132.0 near Pomeroy. By order dated November 5, 1975, the ICC granted C&O's petition for authority to amend the application to eliminate therefrom that portion of Branch between milepost 69.43 near Creola and milepost 78.09 near Dundas.

Map code [9]

- By application filed on December 22, 1976, F.D. No. 28084, applicant and Baltimore & Ohio Railroad Co. seek authority for B&O to lease and operate a portion of branch between milepost 69.43 near Creola and milepost 78.09 near Dundas. Applications were approved in part and appeals were filed.

Map code [10]

Docket No. AB-18 (Sub. No. 24)

- (a) Cheviot Subdivision.
- (b) Located in State of Ohio.
- (c) Located in Hamilton County.
- (d) Milepost 0.20 to milepost 1.77 in Cincinnati.
- (e) No agency stations located on line.
- (f) Comment: Application was approved by order served November 29, 1977, and certificate was served on January 31, 1978.

Map code [11]

Docket No. AB-18 (Sub. No. 15)

- (a) Armitage Branch.
- (b) Located in State of Ohio.
- (c) Located in Hocking and Athens Counties.
- (d) Milepost 52.45 near Oldtown to milepost 62.9 near Nelsonville.
- (e) No agency stations located on line.

PENNSYLVANIA

Map Code [42]

Docket No. AB-19 (Sub. No. 11)

- (a) Smithfield & Masontown Branch.
- (b) Located in Commonwealth of Pennsylvania.
- (c) Located in Fayette County.
- (d) Milepost 2.06 near Strum to milepost 8.64 near Leckrone.
- (e) Non-agency stations located at Smiley (milepost 2.6), Shoaf (milepost 3.6), and Leckrone (milepost 8.6) are served by traveling agent from Conneville, Pa.
- (f) Comments: Application was partially approved by initial decision served February 22, 1978. Abandonment was approved between valuation stations 226+68 and 420+99. Certificate has not yet been issued.

Map Code [43]

Docket No. AB-19 (Sub. No. 35)

- (a) Big Run Branch.
- (b) Located in Commonwealth of Pennsylvania.
- (c) Located in Lawrence County.
- (d) Milepost 4.03 to milepost 6.53 near New Castle.
- (e) No agency stations on the line.
- (f) Comment: Application was approved, in part, by order served March 14, 1978.

WISCONSIN

Map Code [6]

Docket No. AB-18 (Sub. No. 21)

- (a) Car Ferry across Lake Michigan between Ludington, Mich. and Kewaunee, Milwaukee and Manitowoc, Wis. Ludington Branch.
- (b) Located in States of Wisconsin and Michigan.
- (c) Located in Milwaukee, Manitowoc, and Kewaunee Counties, Wis. Located in Mason County, Mich.

- (d) Ludington to Kewaunee, approximately 61 miles. Ludington to Milwaukee, approximately 97 miles. Ludington to Manitowoc, approximately 60 miles. Milepost 137.54 to milepost 137.66 at Ludington.

- (e) Agents located at Milwaukee (Jones Island), Manitowoc, and Kewaunee (joint with GB&W). Agency station at Ludington (milepost 137) not included in abandonment.

WEST VIRGINIA

Map Code [13]

Docket No. AB-18 (Sub. No. 12)

- (a) Dingess Run Branch.
- (b) Located in State of West Virginia.
- (c) Located in Logan County.
- (d) Milepost 1.63 near Fort Branch to milepost 3.48 near Wanda.
- (e) No agency stations on the line.
- (f) Comment: Application was approved by order served December 9, 1976, and certificate was served on March 16, 1977.

Map Code [12]

Docket No. AB-18 (Sub. No. 17)

- (a) Greenbrier Branch.
- (b) Located in State of West Virginia.
- (c) Located in Greenbrier and Pocahontas Counties.
- (d) Milepost 3.06 near North Caldwell to milepost 95.10 near Durbin.

- (e) Agent located at Marlinton (milepost 57).

- (f) Comments: The applicant and Western Maryland Railway filed a section 5(2) application on February 4, 1976, F. D. No. 28109, seeking authority for WM to lease and operate the portion of the branch between milepost 95.10 near Durbin and milepost 97.94 near Bartow. Applications were approved by initial decision served January 12, 1978. The approval was appealed.

Map Code [46]

Docket No. AB-19 (Sub. No. 24)

- (a) Elk Branch.
- (b) Located in State of West Virginia.
- (c) Located in Clay and Kanawha Counties.
- (d) Milepost 67.19 near Hartland to milepost 95.94 near Clendenin.
- (e) No agency stations on the line.
- (f) Comments: The applicant and Chesapeake & Ohio Railway filed a section 5(2) application on August 12, 1976, F. D. No. 28255, seeking authority for C&O to lease and operate the portion of the branch from milepost 95.94 near Clendenin to milepost 114.04 near Charleston. The abandonment application was approved by initial decision served March 8, 1977, and upheld on appeal by order served September 26, 1977. This decision was stayed by order served October 31, 1977. The lease application was approved by Initial Decision served March 7, 1978.

Map Code [45]

Docket No. AB-19 (Sub. No. 32)

- (a) South Branch.
- (b) Located in State of West Virginia.
- (c) Located in Hampshire, Hardy, and Grant Counties.
- (d) Milepost 0.61 near Green Spring to milepost 52.01 at Petersburg.
- (e) Agent located at Petersburg (milepost 51.9).
- (f) Comment: Application was approved by initial decision served December 29, 1977.

Appeal was filed and disposed of by order served February 27, 1978.

[FR Doc. 78-14148 Filed 5-23-78; 8:45 am]

[7035-01]

[AB 1 (SDM)]

CHICAGO AND NORTH WESTERN
TRANSPORTATION CO.

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, §1121.23, that the Chicago and North Western Transportation Co., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 1 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on May 10, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be requested at the office of the Commission, Section of Dockets, by requesting docket No. AB 1 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.

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CHICAGO AND NORTH WESTERN TRANSPORTATION COMPANY

AB-1
SYSTEM DIAGRAM MAP

49-CFR SEC. 1121.20

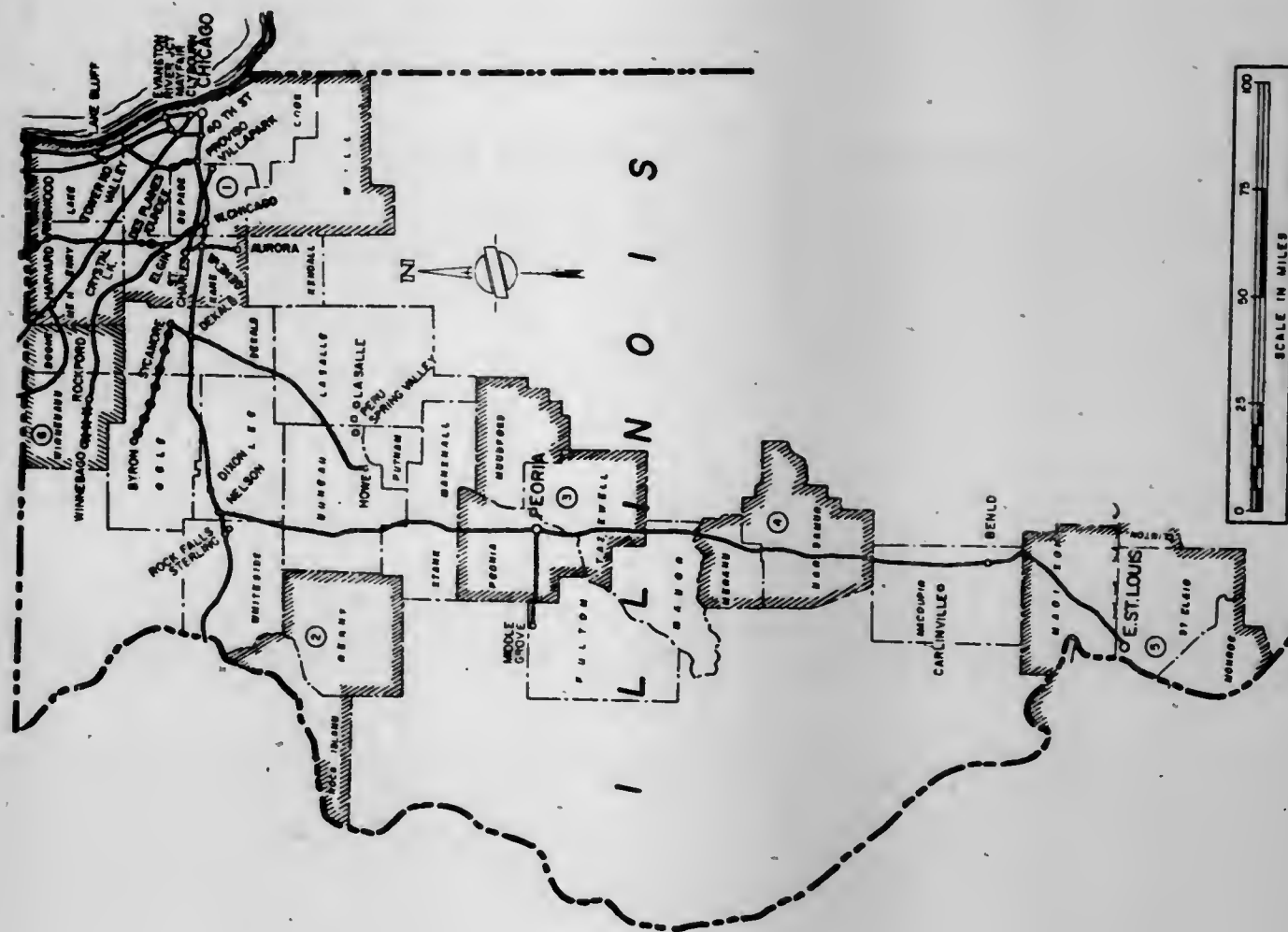
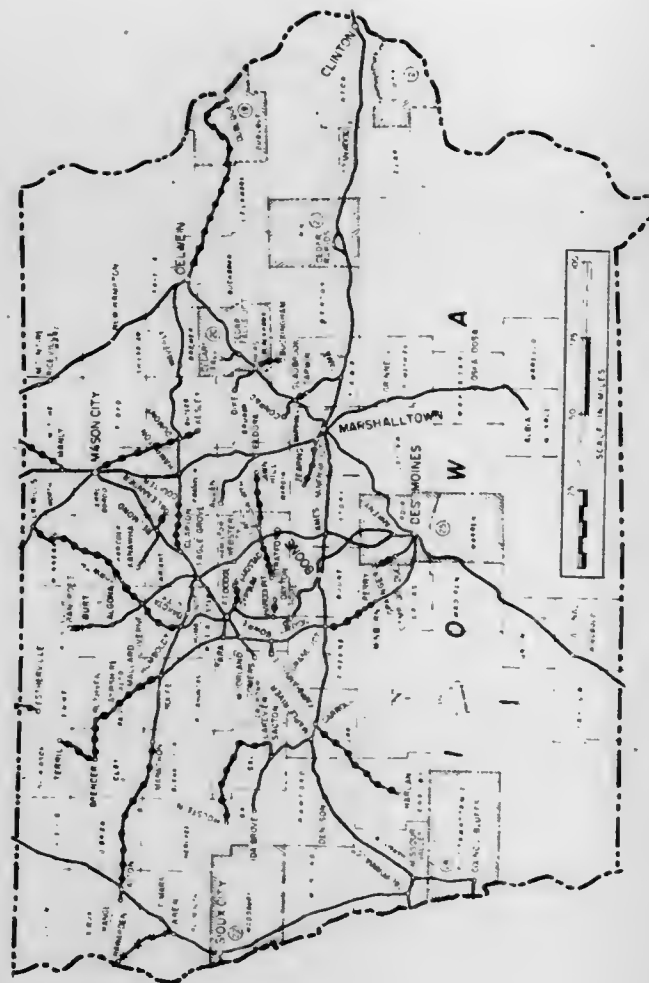
DATE: APRIL 13, 1978

STANDARD METROPOLITAN STATISTICAL AREAS

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|-------------------------|------------------------|
| ① CHICAGO | ⑩ DULUTH-SUPERIOR |
| ② DAVENPORT-ROCK ISLAND | ⑪ MINNEAPOLIS-ST. PAUL |
| ③ PEORIA | ⑫ ROCHESTER |
| ④ SPRINGFIELD | ⑬ SIOUX FALLS |
| ⑤ ST. LOUIS | ⑭ DUBUQUE |
| ⑥ ROCKFORD | ⑮ WATERLOO-CEDAR FALLS |
| ⑦ KENOSHA | ⑯ CEDAR RAPIDS |
| ⑧ RACINE | ⑰ SIOUX CITY |
| ⑨ MILWAUKEE | ⑱ LINCOLN |
| ⑩ MADISON | ⑲ OMAHA |
| ⑪ LA CROSSE | ⑳ DES MOINES |
| ⑫ GREEN BAY | ㉑ ST. JOSEPH |
| ⑬ APPLETON | ㉒ KANSAS CITY |
| ⑭ EAU CLAIRE | |

LEGEND

- | | | |
|--------|-------|---|
| RED | ●—● | CATEGORY 1. ANTICIPATED SUBJECT OF ABANDONMENT APPLICATION WITHIN 3 YEARS. 49 CFR SEC. 1121.20 (b)(1) |
| GREEN | ■—■ | CATEGORY 2. POTENTIALLY SUBJECT TO ABANDONMENT. 49 CFR SEC. 1121.20 (b)(2) |
| YELLOW | □—□ | CATEGORY 3. APPLICATION PRESENTLY PENDING BEFORE COMMISSION. 49 CFR SEC. 1121.20 (b)(3) |
| BROWN | — — — | CATEGORY 4. OPERATED UNDER SUBSIDY 49 USC SEC. 16 (b)(5) 49 CFR SEC. 1121.20 (b)(4) |
| BLACK | ——— | CATEGORY 5. OTHER LINES OWNED OPERATED. 49 CFR SEC. 1121.20 (b)(5) |
| BLACK | ——— | STATE BOUNDARY LINES |
| BLACK | ——— | COUNTY BOUNDARY LINES |
| BLACK | ——— | SMSA BOUNDARY LINES |

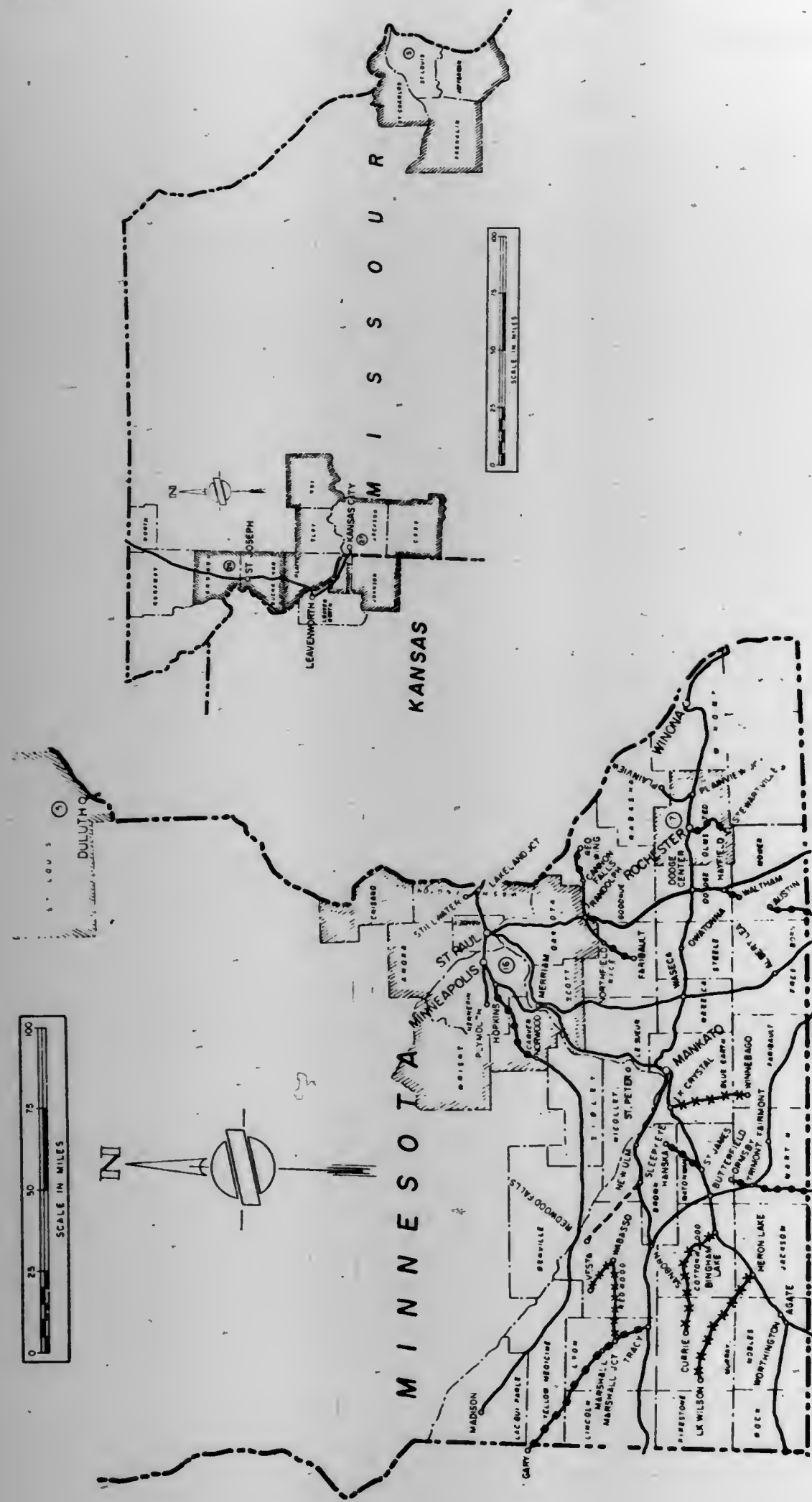


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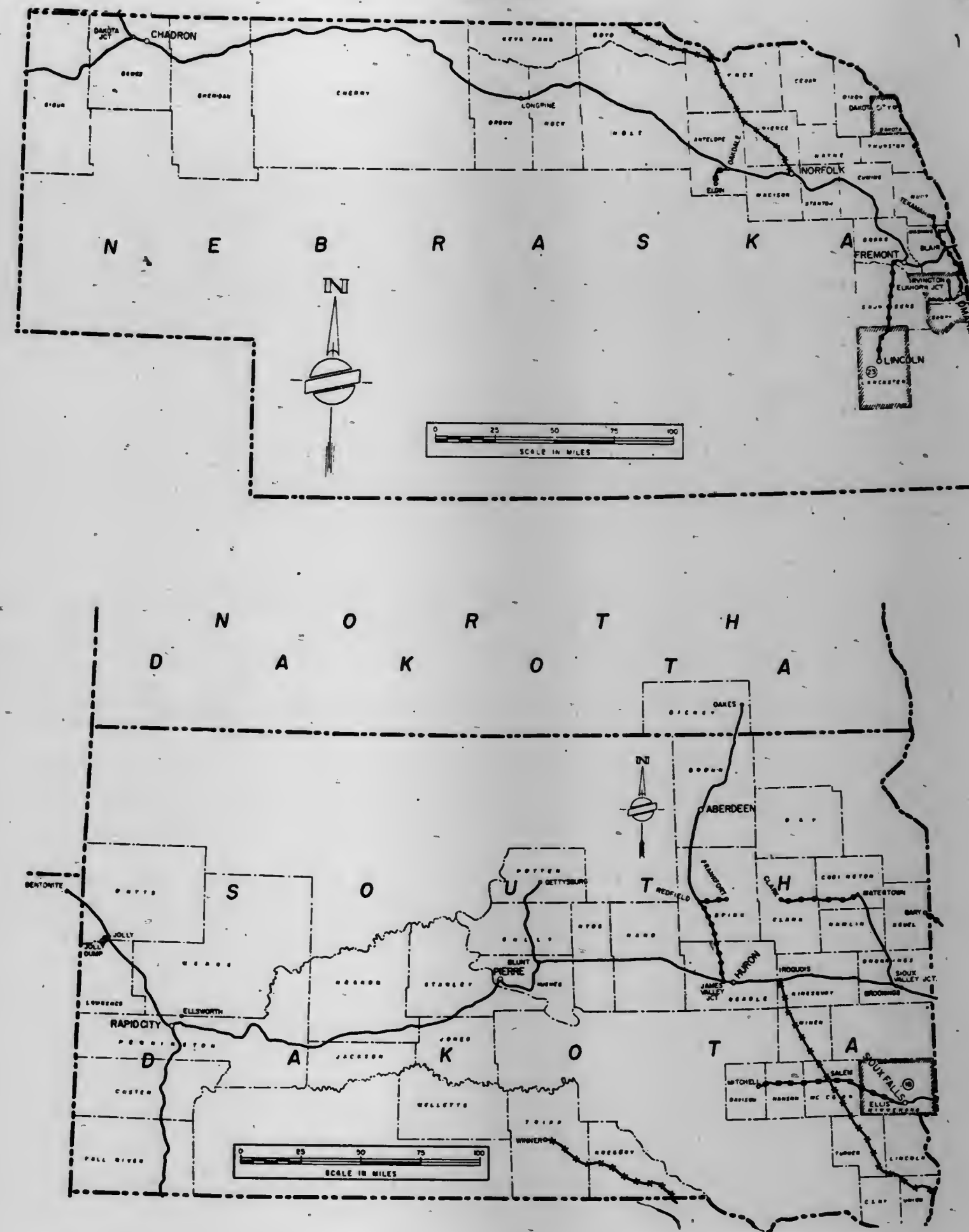
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FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978



FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

CHICAGO AND NORTH WESTERN
TRANSPORTATION CO., AB-1

Description of all lines or portions of lines identified on the Chicago and North Western Transportation Co. System Diagram Map, as amended, falling within category 1. 49 CFR § 1121.21

CATEGORY 1

All lines or portions of lines which the Chicago and North Western Transportation Co. anticipates will be the subject of an abandonment or discontinuance application to be filed within the 3-year period following the date upon which the diagram, or any amended diagram, is filed with the Interstate Commerce Commission. 49 CFR § 1121.20(b)(1).

Iowa

- (a) Mallard to Ayrshire (10.6 mile portion of Tara Subdivision).
- (b) Entire segment is located in the State of Iowa.
- (c) Entire segment is located in Palo Alto County.
- (d) M.P. 227.9 to M.P. 217.3
- (e) Central agent at Rolfe (unaffected) is responsible for associate stations of Curlew and Ayrshire.

Comments.—This proposal does not involve industries located at Mallard. This segment is a portion of the Rolfe to Ayrshire segment that was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. The segment from Rolfe to Mallard (11.6 miles) will remain in category 2.

- (a) Carroll to Harlan (40.2 miles—entire Harlan Subdivision).
- (b) Entire segment is located in the State of Iowa.
- (c) Entire segment is located in Carroll, Crawford and Shelby Counties.
- (d) M.P. 421.7 to M.P. 461.9.

(e) Agent located at Harlan and central agent located at Carroll (unaffected) is responsible for associate stations of Manning and Irwin, and closed station of Halbur.

Comments.—Proposal does not include industries located at Carroll. This entire segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541.

- (a) Coulter to Clarion (westerly 17.9 miles of Waverly Subdivision).
- (b) Entire segment is located in the State of Iowa.
- (c) Entire segment is located in Franklin and Wright Counties.
- (d) M.P. 326.5 to M.P. 344.4.

(e) Central agent located at Clarion (unaffected) is responsible for closed station of Solberg and central agent located at Hampton (unaffected) is responsible for closed station of Rowan.

Comment.—Proposal does not involve industries located at Coulter or Clarion.

- (a) Lu Verne to Corwith (8.6 mile portion of Forest City Subdivision).
- (b) Entire segment located in the State of Iowa.
- (c) Entire segment located in Kossuth and Hancock Counties.
- (d) M.P. 186.6 to M.P. 178.0.

(e) Central agent at Britt (unaffected) is responsible for associate station of Corwith and closed station of Hanna.

Comments.—Proposal does not include industries located at Lu Verne. This entire segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541.

(a) Manly, Iowa to Austin, Minnesota (33.2 mile portion of Mason City Subdivision).

(b) Entire segment is located in the States of Iowa and Minnesota.

(c) Entire segment is located in Worth and Mitchell Counties, Iowa and Mower County, Minnesota.

(d) M.P. 48.0 to M.P. 14.8.

(e) Central agent at Austin is responsible for associate station of Lyle and closed stations of Bolan and Meltonville.

Comments.—Proposal does not include industries located at Manly. This segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. This proposal does include Austin, Minn. and is no longer contingent on a trackage rights agreement with the C.M.St.P. & P. RR.

(a) Oelwein to Dubuque (73.1 miles, entire Dubuque Subdivision).

(b) Entire segment is located in the State of Iowa.

(c) Entire segment is located in Fayette, Buchanan, Delaware and Dubuque Counties.

(d) M.P. 245.0 to M.P. 171.9.

(e) Central agent at Dubuque is responsible for associate station of Dyersville and closed stations of Durango, Graf, Farley, Petersburg, and Almorat. Central agent at Oelwein (unaffected) is responsible for associate station of Aurora and closed stations of Thorpe, Dundee, Lamont, and Stanley.

Comments.—Proposal does not include industries located at Oelwein. This segment was in category 1 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. Proposal now includes Dubuque and is no longer contingent on a trackage rights agreement with the C.M.St.P. & P. RR.

Minnesota

(a) Cannon Falls to Red Wing (20.5 mile portion of Red Wing Subdivision).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Goodhue County.

(d) M.P. 74.3 to M.P. 94.8.

(e) Agent at Red Wing is responsible for closed station of Welch.

Comments.—This proposal does not include industries located at Cannon Falls. This segment was in category 2 on map published May 3, 1977, FR Vol. 42, No. 85, pp. 22532-22541. Proposal now includes Red Wing and is no longer contingent on a trackage rights agreement with the C.M.St.P. & P. and B.N.

(a) Hayfield to Waltham 95.2 miles (entire Waltham spur).

(b) Entire segment is located in the State of Minnesota.

(c) Entire segment is located in Dodge and Mower Counties.

(d) M.P. 0.0 to M.P. 5.2.

(e) Central agent at Austin (unaffected) is responsible for associate station of Waltham.

(a) Manly, Iowa to Austin, Minnesota. Line description is on page 3 (Iowa).

(a) Riceville, Iowa to Randolph, Minnesota. Line description is on page 4 (Iowa).

South Dakota

(a) Watertown to Clark (westerly 29.5 miles of Watertown Subdivision).

(b) Entire segment is located in the State of South Dakota.

(c) Entire segment is located in Codington and Clark Counties.

(d) M.P. 321.5 to M.P. 351.0.

(e) Central agent at Watertown (unaffected) is responsible for associate stations of Henry and Clark, and closed stations of Kampeka and Elrod.

Comment.—Proposal does not include industries located at Watertown.

Wisconsin

(a) Wisconsin Rapids to Marshfield (21.9 mile portion of Wisconsin Rapids Subdivision).

(b) Entire segment is located in the State of Wisconsin.

(c) Entire segment is located in Wood County.

(d) M.P. 142.5 to M.P. 184.4.

(e) Central agent at Wisconsin Rapids (unaffected) is responsible for closed stations of Vesper and Arpin.

Comments.—Proposal does not include industries located at Wisconsin Rapids or Marshfield. Proposal is contingent on agreement with C.M.St.P. & P. RR and Soo Line RR for trackage rights between Wisconsin Rapids and Marshfield. Proposal is for discontinuance of operations only over 10.7 miles of Soo Line trackage, and abandonment operations and track for 11.2 miles.

[FR Doc. 78-14147 Filed 5-23-78; 8:45 am]

[7035-01]

[AB156 (SDM)]

DELAWARE AND HUDSON RAILWAY CO.

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Delaware and Hudson Railway Co., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 156 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on March 31, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the office of the Commission, Section of Dockets, by requesting docket No. AB 156 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.

DELAWARE AND HUDSON RAILWAY CO.

DESCRIPTION OF TROY BRANCH, COHOES, NEW YORK TO WATERFORD, NEW YORK

Category 1—discontinuance (AB156)

ICC regulation 1121.21.

- (a) A certain portion of the Troy Branch.
- (b) Line is located in the State of New York.

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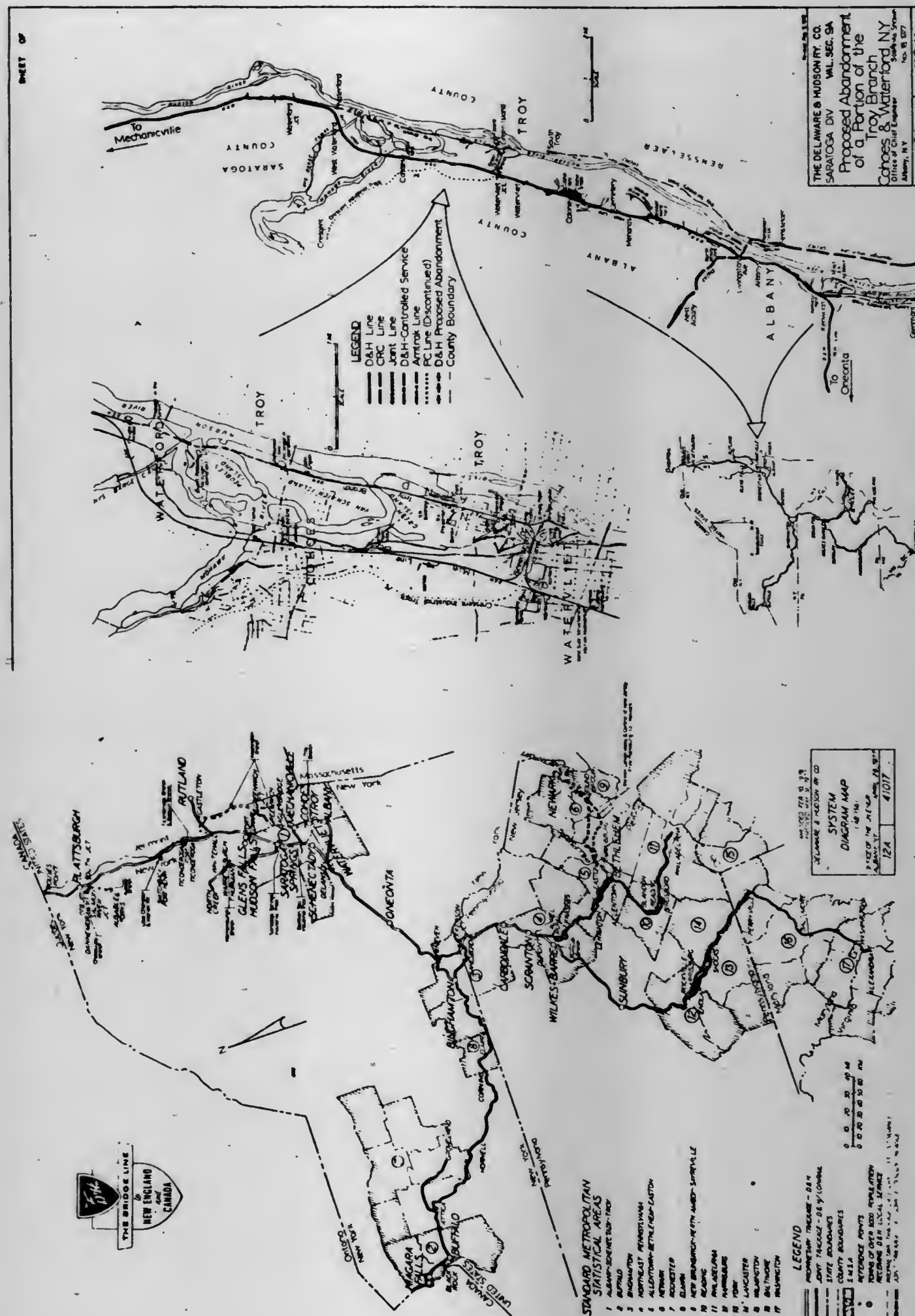
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NOTICES

- (c) Line is located in the Counties of Albany and Saratoga.
- (d) Line extends from M.P. T-3.11 in the City of Cohoes to M.P. T-4.55 in the Village of Waterford, constituting 7,596 feet or 1.22 miles of line, 4,326 feet, or 0.82 mile, in Albany.
- (e) There are no agency or terminal stations located on the line in question.

NOTICES



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[7035-01]

[AB 158 (SDM)]

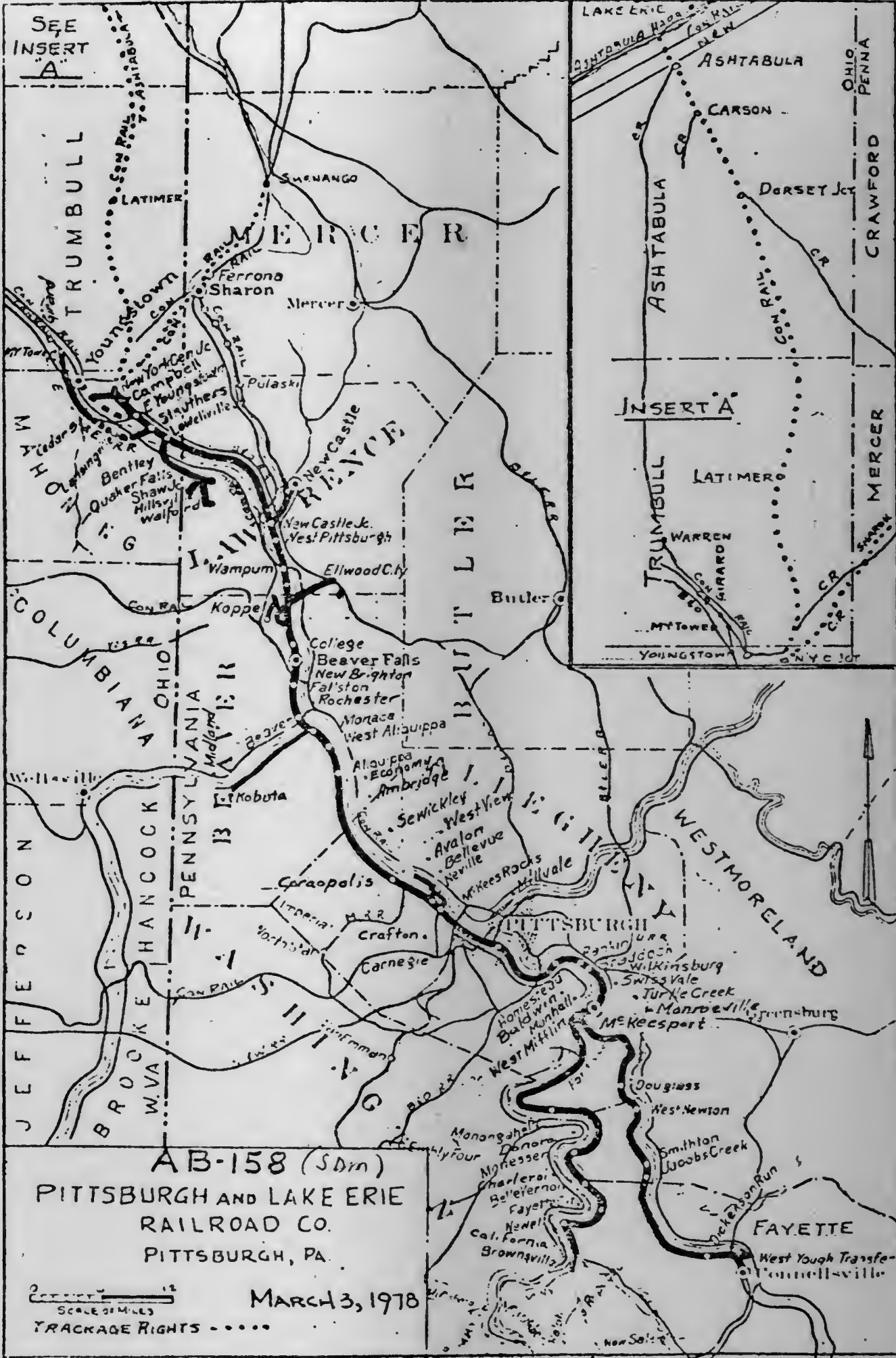
THE PITTSBURGH & LAKE ERIE RAILROAD CO.

Amended System Diagram Map

Notice is hereby given that, pursuant to the requirements contained in Title 49 of the Code of Federal Regulations, § 1121.23, that the Pittsburgh & Lake Erie Railroad Co., has filed with the Commission its amended color-coded system diagram map in Docket No. AB 158 (SDM). The maps reproduced here in black and white are reasonable reproductions of that amended system diagram map and the Commission on April 27, 1978, received a certificate of publication as required by said regulation which is considered the effective date on which the amended system diagram map was filed.

Color-coded copies of the map have been served on the Governor of each state in which the railroad operates and the Public Service Commission or similar agency and the State designated agency. Copies of the map may also be requested from the railroad at a nominal charge. The maps also may be examined at the Office of the Commission, Section of Dockets, by requesting docket No. AB 158 (SDM).

H. G. HOMME, Jr.,
Acting Secretary.



Red.—All lines or portions of lines which are anticipated to be the subject of an abandonment or discontinuance application to be filed within three years following April 30, 1977.

Green.—All lines or portions of lines potentially subject to abandonment which are under study and believed to be the subject of a future abandonment application because of either anticipated operating losses or excessive rehabilitation costs as compared to potential revenues.

Yellow.—All lines or portions of lines for which an abandonment or discontinuance application is pending before the Commission as of April 30, 1977.

Brown.—All lines or portions of lines which are being operated under the Rail Services Continuation provisions of the Interstate Commerce Act or the Regional Rail Reorganization Act of 1973 as of April 30, 1977.

Black.—All other lines or portions of lines which are owned and operated either directly or indirectly.

The lines of the The Pittsburgh and Lake Erie Railroad Co. designated in Categories Red, Green or Yellow are described as follows:

Red—Pennsylvania

1. (a) Ellwood City Track (Ellwood City Branch); (b) State of Pennsylvania; (c) Beaver and Lawrence Counties; (d) Milepost 1 to milepost 3.7 (end); (e) No agency stations.

2. (a) Mahoning State Line Track (Old Walford Branch); (b) State of Pennsylvania;

(c) Lawrence County; (d) Milepost 3.8 to milepost 7.8; (e) No agency stations.

Green—Pennsylvania

(a) Mahoning State Line Track (Old MSL RR); (b) States of Pennsylvania and Ohio; (c) Lawrence County, PA, and Mahoning County, OH; (d) Milepost 0 to milepost 3.6; (e) No agency stations;

Green—Ohio

(a) Mahoning State Line Track (Old MSL RR); (b) States of Pennsylvania and Ohio; (c) Lawrence County, PA, and Mahoning County, OH; (d) Milepost 0 to milepost 3.6; (e) No agency stations.

[FR Doc. 78-14150 Filed 5-23-78; 8:45 am]

[7035-01]

Petitions for declaratory order; Administrative Procedure Act

MAY 18, 1978.

On March 6, 1978, eighteen railroads filed a petition for a declaratory order under section 554(3) of the Administrative Procedure Act. The petitioners seek a determination that named tariffs, as set forth in the appendix hereto, published by Traffic Executive Association-Eastern Railroads, where reference to certain ex parte general increases had been omitted, the increases were nonetheless applicable.

The proceeding has been assigned Docket No. 36864.

The petitioning railroads state that over 3,000 claims have already been filed based on the omission of reference to those ex parte increases.

It has come to the attention of the Commission that some of these claims have been declined by the railroads. On the other hand, it seems that many shippers and/or receivers have not as yet filed claims with the railroads. In any event, shippers and/or receivers of traffic moving under the tariff involved, whether or not they have filed claims with the railroads, should file informal complaints with the Commission's Bureau of Traffic for the purpose of tolling the statute under section 16(3) of the Interstate Commerce Act. Such complaints should conform with the Commission's General Rules of Practice, make reference to this notice and be addressed to:

Mr. Scott Walker, Chief, Section of Rates & Informal Cases, Bureau of Traffic, Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C. 20423.

H. G. HOMME, Jr.,
Acting Secretary.

APPENDIX

ICC NO.	TARIFF	COMMODITY	ITEM	CHALLENGED	AMENDED	EX PARTE INVOLVED
				PUBLICATION REFERENCE SUPPLEMENT NO.	PUBLICATION REFERENCE SUPPLEMENT NO.	
C-373	68-X	GENERAL COMMODITY	X-299	146	161	299, 303, 305
	68-X	GENERAL COMMODITY	X-305	161	175	305, 305-RE, 310, 313
C-91	96-P	SALT	X-299	99	105	Trf. Cancelled, 299 303, 305
C-748	102-G	GENERAL COMMODITY	X-299	32	35	299, 303, 305
C-755	115-W	GENERAL COMMODITY	X-299	43	45	299, 303, 305
C-972	155-A	GENERAL COMMODITY	X-299	10	12	299, 303, 305
C-346	165-G	BASES FOR RATES	X-299	29	35	299, 303, 305
C-956	197-Y	STONE	X-299	11	16	299, 303, 305
C-621	348-Q	GENERAL COMMODITY	X-299	38	40	299, 303, 305
C-880	349-J	SCRAP IRON	X-299	67	82	299, 303, 305
C-636	351-E	GRAIN	X-299	83	87	299, 303, 305
C-889	360-K	RULES FOR EXHIBITS & FAIRS	X-299	11	17	299, 303, 305
C-894	440-B	TOBACCO	X-299	14	18	299, 303, 305
C-970	449-N	CEMENT	X-299	18	24	299, 303, 305
C-702	469-B	IRON & STEEL	X-299	174	207	299, 303, 305
C-829	515-G	RULES & REG.	X-299	32	39	299, 303, 305
C-648	534-F	SALT	X-299	158	168	299, 303, 305
C-408	539-D	STONE	X-299	63	68	299, 303, 305
C-914	548-D	GEN. EXPORT	X-299	22	37	299, 303, 305
C-845	563-J	LIME	X-299	23	28	299, 303, 305
C-980	576-I	REFRACTORIES	X-299	11	21	299, 303, 305
C-823	594-B	BRICK, etc	X-299	66	86	299, 303, 305
4202	607-A	LIME	X-299	152	162	299, 303, 305
C-967	688-G	FOODSTUFF	X-299	27	33	299, 303, 305
C-433	692-A	SUGAR	X-299	119	126	299, 303, 305
C-803	696-F	ALUMINUM	X-299	33	48	299, 303, 305
C-718	697-E	FOODSTUFF	X-299	75	82	299, 303, 305
C-527	698-D	FERTILIZERS	X-299	76	81	299, 303, 305
C-888	724-D	LIME, LIME-STONE	X-299	10	14	299, 303, 305
C-931	731-D	STONE	X-299	20	27	299, 303, 305
C-812	740-C	HEAVY DUTY FLAT CARS	X-299	30	34	299, 303, 305
C-804	744-C	AUTO PARTS	X-299	64	67	299, 303, 305
C-794	745-D	AUTO PARTS	X-299	46	49	299, 303, 305
C-964	767-J	LIME	X-299	11	15	299, 303, 305
C-961	769-G	LIME	X-299	7	10	299, 303, 305
C-960	770-I	LIME	X-299	7	10	299, 303, 305
C-945	772-G	GRAIN	X-299	35	36	299, 303, 305
C-651	787	AUTO PARTS	X-299	126	132	299, 303, 305
C-843	790-D	WEIGHING & REWEIGHING	X-299	13	23	299, 303, 305
C-751	793	ALL-COMMODITIES	X-299	86	96	299, 303, 305
C-1008	E-2009	GENERAL COMMODITY	X-299	28	36	295, 299, 303, 305

[FR Doc. 78-14338 Filed 5-23-78; 8:45 am]

[7035-01]

[Notice No. 666]

ASSIGNMENT OF HEARINGS

MAY 19, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. BB 10 (Sub-No. 11), Norfolk and Western Railway Co. abandonment between New Castle and Rushville, in Henry and Rush Counties, IN, and No. AB 10 (Sub-No. 12), Norfolk and Western Railway Co. abandonment between Connorsville and New Castle, in Henry, Wayne and Fayette Counties, IN, now assigned July 24, 1978, at New Castle, IN, are postponed to September 11, 1978 (1 week), at New Castle, IN, in a hearing room to be later designated.

MC-F-13499, B. J. McAdams, Inc.—Control—Southern Trucking Corp., is now assigned for hearing July 11, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 97876 (Sub-No. 206), Anderson Trucking Service, Inc., now being assigned for further Pre-hearing conference on the 31st day of May 1978, at the Offices of the Interstate Commerce Commission, Washington, DC.

MC 1515 Sub-No. 7 M1, Greyhound Lines, Inc., is assigned for hearing June 26, 1978 at Phoenix, AZ and will be held at Room 235, P.O. Building, 522 North Central.

MC 143169 Sub-No. 1, Harry Brotton & Henry Lucero, d.b.a. Lucero Film Service, is assigned for hearing June 5, 1978, at Phoenix, AZ, and will be held in the Saguro Room 1831, Second Floor, West Jefferson.

MC 144009, Allstates Transworld Van Lines, Inc., now assigned for prehearing conference May 23, 1978, at Washington, DC, is postponed to June 27, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 95876 (Sub-No. 206), Anderson Trucking Service, Inc., now assigned for further pre-hearing conference on May 30, 1978, at Washington, DC is canceled and application dismissed.

MC 121649 Sub-No. 5, Milan Express, Inc., is now assigned for hearing July 10, 1978 (1 week) at the Holiday Inn, Room 402, Junction I-40 and U.S. 45 Bypass, Jackson, TN; and will continue July 17, 1978 (1 week) at the Holiday Inn, Rhodes Room, Junction U.S. 45 and U.S. 78-North, Tupelo, MS.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14537 Filed 5-23-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1315, Exception No. 2]

GRAIN SHIPMENTS

Inspection and Grading

To: All railroads.

The grain tariffs of certain railroads provide additional free time for the furnishing of billing instructions authorizing the movement from origin of carloads of grain in order to provide sufficient time to secure inspection and grade prior to billing. Shipments inspected and graded at origin are not normally subject to inspection at destination prior to placement for unloading. The total time for loading, sampling and grading at origin is substantially less than the time required for loading and subsequent destination inspection and grading prior to placement. Because Revised Service Order No. 1315 limits to twenty-four (24) hours the free time allowed for loading and furnishing instructions for forwarding, many shippers of grain are reverting to destination inspection in order to avoid demurrage at origin, thus increasing the total time required for loading and inspection.

It is ordered, That, pursuant to the authority vested in the Railroad Service Board by section (a)(1)(ix) of Revised Service Order No. 1315, car loads of grain which are inspected and graded at origin shall be granted the free-time periods provided by the applicable tariffs authorizing such services, subject to a maximum free-time period not to exceed thirty-six (36) hours.

It is further ordered, That cars of grain given thirty-six (36) hours free time for loading, inspection and billing shall not be eligible for inspection at destination or at any point intermediate between origin and destination. Billing on such cars must be endorsed:

Waive inspection—Inspected at origin

Effective 7:00 a.m., May 17, 1978.
Issued at Washington, D.C., May 16, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael, Member Joel E. Burns not participating.

ROBERT S. TURKINGTON,
Acting Chairman,
Railroad Service Board.

[FR Doc. 78-14539 Filed 5-23-78; 8:45 am]

[7035-01]

[Revised Service Order No. 1252; I.C.C. Order No. 56-A]

CHICAGO, ROCK ISLAND AND PACIFIC RAILROAD CO.

Rerouting Traffic

To all railroads:
Upon further consideration of I.C.C. Order No. 56 (Chicago, Rock Island and Pacific Railroad Company), and good cause appearing therefor:

It is ordered, That:
I.C.C. Order No. 56 is vacated.

It is further ordered, That this amendment shall become effective at 11:59 p.m., May 12, 1978, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 12, 1978.

INTERSTATE COMMERCE
COMMISSION,
ROBERT S. TURKINGTON,
Agent.

[FR Doc. 78-14538 Filed 5-23-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409). 5 U.S.C. 552b(e)(3).

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[6320-01]

1
[M-130; Amdt. 2, May 19, 1978]

CIVIL AERONAUTICS BOARD.

Notice of deletion and addition of items to the May 19, 1978, meeting agenda.

TIME AND DATE: 9:30 a.m., May 19, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: Addition: 6a. Clarification of the effective date of Order 78-5-85 granting a stay of the charter-scheduled service transfer provisions of the tour operator blanket waiver (BPDA). Deletion: 24. Dockets 29706, 31216 and 31956—Motion of Allegheny for immediate hearing on its application for Philadelphia-Bermuda nonstop authority and motion of Eastern to dispense with a hearing, (Memo No. 7541-B, BPDA, BIA).

STATUS: 1-27, open; 28, closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

SUPPLEMENTARY INFORMATION:

On April 19, 1978, the Board orally granted a blanket waiver to all air carriers and charter operators of various provisions of the charter rules, including permitting charter operators who are forced to cancel a flight due to insufficient sales to transfer passengers to a comparable scheduled flight. By Order 78-5-85, dated May 15, 1978, the Board stayed, "effective immediately", the charter-scheduled service transfer provision of the blanket waiver. A number of questions have been raised as to the meaning of "effective immediately", and particularly whether agreements entered into before the date of the stay may still be honored. Because the Board's decision in Order 78-5-85 may affect numerous flights,

and to avoid further confusion, the Board must meet as soon as possible to clarify its action.

The Chief Judge wishes to attach some comments and he did not receive Item 24 on time to do so and still have the item considered at Friday's meeting. Accordingly, the following Members have voted that agency business requires Item 6a be added to the May 19th agenda and Item 24 be deleted and rescheduled for May 25, 1978 agenda and that no earlier announcement of these changes was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia

Member, Elizabeth E. Bailey
[S-1089-78 Filed 5-22-78; 3:51 pm]

[6320-01]

2
[M-130; Amdt. 3]

CIVIL AERONAUTICS BOARD.

Notice of deletion of item from the May 19, 1978 meeting agenda.

TIME AND DATE: 9:30 a.m., May 19, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 13. Docket 27918, North Atlantic Fares Investigation, (Memo No. 5317-G, BPDA)

STATUS: 1-27, open; 28, closed.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

SUPPLEMENTARY INFORMATION:

In order to provide OGC with sufficient time to do additional work Item 13, Docket 27918, North Atlantic Fares Investigation was deleted from the May 19, 1978 meeting agenda and will be rescheduled for the May 25, 1978 agenda. Accordingly, the following Members have voted that agency business requires the deletion of Item 13 and that no earlier announcement of this change was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1090-78 Filed 5-22-78; 3:51 pm]

[6320-01]

3

[M-132; Amdt. 1]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the May 25, 1978 meeting agenda.

TIME AND DATE: 10 a.m., May 25, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 10A Docket 27918, North Atlantic Fares Investigation (Memo No. 5317-G, BPDA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary,
202-673-5068.

SUPPLEMENTARY INFORMATION: In order to provide OGC with sufficient time to do additional work Item 13, Docket 27918 was deleted from the May 19th agenda and added to the May 25, 1978 meeting agenda. Accordingly, the following Members have voted that agency business requires the addition of Item 10a on the May 25th agenda and that no earlier announcement of this change was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1091-78 Filed 5-22-78; 3:51 pm]

[6320-01]

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[M-132; May 18, 1978]

CIVIL AERONAUTICS BOARD.

TIME AND DATE: 10 a.m., May 25, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT:

1. Ratification of items adopted by notation.

2. Dockets 28848, 29445, 29186, 28115, 21162, and 28800, Improved Authority to Wichita Case; Las Vegas-Dallas/Fort Worth Nonstop Service Investigation; Memphis-Twin Cities/Milwaukee Case; Midwest-Atlanta Nonstop Service Investigations; Ohio/Indiana Points Nonstop Service Investigation; Phoenix-Des Moines/Milwaukee Route Proceeding (Instructions to Staff) (OGC).

3. Dockets 30591 and 30587, Colonial Airlines (Instructions to Staff) (OGC).

4. Docket 28098, Petition for Reconsideration of order cancelling Category Y tariffs—Request for Instructions (Memo No. 7644-B, OGC).

5. Docket 32058, *Petition of Anthony R. Martin-Trigona to "Unbundle" Meal Service from Air Fares* (Memo No. 7877, OGC, BIA, BPDA, OEA).

6. Consumer Abuses by Tour Operators—Proposed Interpretive Letter (Memo No. 7497-A, 7497, BOE, BPDA, OGC, OCA, OEA).

7. Dockets 29910, 31083, 31086 and 32259, applications of Braniff, Frontier, North Central and American for unrestricted non-stop authority between Omaha and Dallas/Ft. Worth (Memo No. 7968, BPDA, BALJ).

8. Dockets 29706, 31218 and 31956—Motion of Allegheny for immediate hearing on its application for Philadelphia-Bermuda nonstop authority and motion of Eastern to dispense with a hearing (Memo No. 7541-A, BPDA, BIA).

9. Docket 26951, Petition of Trans International Airlines flight engineers for reimbursement of expenses involved in disputes surrounding integration of seniority lists with Saturn flight engineers (Memo No. 5763-D, BPDA).

10. Mainland-San Juan fare reductions proposed by Delta (BPDA).

11. Dockets 30777 and 30332, IATA agreements revalidating and amendment existing resolutions on currency matters and sleeper surcharges (Memo No. 7963, BPDA, BIA).

12. Docket 32214, Braniff's emergency exemption request to provide nonstop service between Dallas/Ft. Worth and Frankfurt, Paris, Amsterdam and Madrid for a period of one year (Memo No. 7973, BIA, OGC).

13. Docket 30790, *Miami-Luxembourg Low-fare Service Investigation*—Request for instructions (BIA, BALJ, BPDA, OGC, OEA).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

[S-1092-78 Filed 5-22-78; 3:51 pm]

[6740-02]

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FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 2 p.m., May 19, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED: Docket Nos. CI77-702, CI78-499, CI78-501, CI78-767, Pennzoil Louisiana and Texas Offshore, Inc.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, 202-275-4166.

[S-1084-78 Filed 5-22-78; 12:18 pm]

[7030-01]

INDIAN CLAIMS COMMISSION.

TIME AND DATE: 10:15 a.m. June 1, 1978.

PLACE: Room 600, 1730 K Street NW., Washington, D.C.

STATUS: Open to the public

Dockets 158 and 231, *Sac and Fox*; Docket 301, *Oneida*, Petition to Intervene; and Docket 332-C, *Yankton Sioux*.

FOR MORE INFORMATION:

David H. Bigelow, Executive Director, Room 640, 1730 K Street NW., Washington, D.C. 20006, 202-653-6174.

[S-1085-78 Filed 5-22-78; 3:44 pm]

[7545-01]

NATIONAL LABOR RELATIONS BOARD.

TIME AND DATE: 11 a.m., Tuesday, June 20, 1978.

PLACE: Board Conference Room, Sixth Floor, 1717 Pennsylvania Avenue NW., Washington, D.C. 20570.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Consideration of applicant qualified for appointment to Administrative Law Judge.

CONTACT PERSON FOR MORE INFORMATION:

William A. Lubbers, Executive Secretary, Washington, D.C. 20570, 202-254-9430.

Dated: Washington, D.C., May 22, 1978.

By direction of the Board.

GEORGE A. LEET,
Associate Executive Secretary,
National Labor Relations Board.

[S-1088-78 Filed 5-22-78; 3:44 pm]

[7910-01]

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, June 1, 1978; 9:30 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Hercules, Inc., affiliated with: Haveg Industries, Inc., Haskon, Inc.; fiscal year ending December 31, 1970.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: May 22, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-1086-78 Filed 5-22-78; 3:44 pm]

[7910-01]

RENEGOTIATION BOARD.

DATE AND TIME: Thursday, June 8, 1978; 9:30 a.m.

PLACE: Conference Room, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

STATUS: Closed to public observation.

MATTER TO BE CONSIDERED: Polaron Products, Inc. (Consolidated), Polaron Products of Pennsylvania, Inc., Polaron Products of Mississippi, Inc.; fiscal year ended November 30, 1969.

CONTACT PERSON FOR MORE INFORMATION:

Kelvin H. Dickinson, Assistant General Counsel-Secretary, 2000 M Street NW., Washington, D.C. 20446, 202-254-8277.

Dated: May 22, 1978.

HARRY R. VAN CLEVE,
Acting Chairman.

[S-1087-78 Filed 5-22-78; 3:44 pm]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 20612, May 12, 1978.

STATUS: Closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.,

PREVIOUSLY ANNOUNCED TIME AND DATE: Wednesday, May 17, 1978, 9 a.m.; Thursday, May 18, 1978, 1:30 p.m.,

CHANGES IN THE MEETINGS: Additional items considered or to be considered.

The following additional items were considered by the Commission at a closed meeting immediately following the open meeting on Wednesday, May 17, 1978:

Suspension of trading; Settlement of injunctive action; Formal orders of investigation; and Other litigation matter.

The following additional item will be considered by the Commission at the closed meeting on Thursday, May 18, 1978:

Formal order of investigation.

Chairman Williams, Commissioners Loomis, Evans, Pollack and Karmel determined that Commission business required consideration of these matters and that no earlier notice thereof was possible.

May 18, 1978.

[S-1083-78 Filed 5-22-78; 12:18 pm]

WEDNESDAY, MAY 24, 1978
PART II



SMALL BUSINESS
ADMINISTRATION

DEPARTMENT OF THE
ARMY, Corps of
Engineers

GENERAL SERVICES
ADMINISTRATION/Public
Buildings Service

DEPARTMENT OF THE
TREASURY

FLOODPLAIN
MANAGEMENT AND
WETLANDS PROTECTION

Implementation of Executive
Orders 11988 and 11990

[8025-01]

Title 13—Business Credit and Assistance

CHAPTER I—SMALL BUSINESS ADMINISTRATION

[Rev. 1, Amdt. 1]

PART 116—POLICIES OF GENERAL APPLICATION

Subpart D—Floodplain Management and Wetlands Protection

INTERIM RULE

AGENCY: Small Business Administration.

ACTION: Interim rule.

SUMMARY: This rule adds a new subpart to the Small Business Administration regulation part 116 in order to implement Executive Orders 11988 (Floodplain Management) and 11990 (Protection of Wetlands). Policy and procedures are being established for carrying out the Agency's financial assistance programs in accordance with these Executive Orders.

DATES: Effective date: July 24, 1978. Comments by: June 23, 1978.

ADDRESS: Comments in duplicate, may be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Richard L. Wray, Financial Analyst, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, telephone 202-653-6470.

SUPPLEMENTARY INFORMATION: On May 24, 1977, Executive Order 11988 was issued for the following purposes: (1) To avoid to the extent possible the long and short term adverse impacts associated with the occupancy and modification of floodplains; and (2) to avoid direct or indirect support of floodplain development wherever there is a practicable alternative. This Executive Order applies to Federal agencies engaged, among other things, in conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities. This Executive Order (Sec. 2(d)) directs that Federal agencies issue regulations and procedures by May 24, 1978, and this interim rule is intended to comply with that requirement. The U.S. Water Resources Council (WRC) published guidelines for implementing E.O. 11988 in the FEDERAL REGISTER on February 10, 1978 at 43 FR 6030. These regulations follow closely the WRC

guidelines in setting forth policy and procedures for floodplain management relating to disaster assistance granted under the Small Business Act, and the Small Business Investment Act, as amended. The main emphasis of these regulations is on compliance with Executive Order 11988, Floodplain Management. However, in cases where Executive Order 11990—Protection of Wetlands would apply, these regulations also set forth policy and procedures to implement that Executive Order. Further implementation of Executive Order 11990, as appropriate, will be included in revisions to other subparts of these regulations. Implementing this regulation is expected to increase processing time by 60 or 90 days for loans to which the Executive Order applies. Special reference is made to subpart B of this part. In order to insure that these regulations can be published in time to comply with the Executive Order's date of May 24, 1978, SBA has determined that it is necessary to publish this amendment as an interim rule effective upon July 24, 1978. Interested parties and government agencies are encouraged to submit written comments, suggestions, data, or arguments regarding this rulemaking to the Associate Administrator for Finance and Investment, whose address appears above. All submission received on or before June 23, 1978, will be evaluated and acted upon in the same manner as if this document were a proposal. All comments shall be available for inspection at the address listed.

A finding of inapplicability with respect to economic impact has been prepared in accordance with Executive Order 11821. A Finding of Inapplicability of section 102(2)(c) of the National Environmental Policy Act of 1969 has been made. It is the position of the signatories to the finding that this regulation in itself has no significant impact on the human environment beyond those impacts of Executive Orders 11988 and 11990.

NOTE:—The Small Business Administration has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11281 and OMB Circular A-107.

Pursuant to Small Business Act, Pub. L. 85-536 (15 U.S.C. 631); Small Business Investment Act of 1958, Pub. L. 85-699 (15 U.S.C. 661); EO 11988, 42 FR 26951 and EO 11990, 42 FR 26961, title 13 part 116 is amended by the addition of the following subpart.

Subpart D—Floodplain Management and Wetlands Protection

Sec.

116.30 General.

116.31 Definitions.

116.32 Inapplicable actions.

116.33 Actions covered by Executive Orders 11988 and 11990.

Sec.

116.34 Policies.

116.35 Decisionmaking process.

Appendix A—Decisionmaking Process for E.O. 11988.

Appendix B—Sources of Floodplain Information and Technical Assistance Services for determining whether a location is in a floodplain.

AUTHORITY: Small Business Act, Pub. L. 85-536 (15 U.S.C. 631); Small Business Investment Act of 1958, Pub. L. 85-699 (15 U.S.C. 661); EO 11988, 42 FR 26951 and EO 11990, 42 FR 26961.

Subpart D—Floodplain Management and Wetlands Protection

§ 116.30 General.

(a) **Purpose.** The purpose of this subpart is to prescribe the policies and procedures for implementing Executive Orders 11988 and 11990.

(b) **Scope.** This subpart covers policies, procedures, standards, and criteria for determining the applicability of, Executive Orders 11988 and 11990 to all the financial assistance programs authorized by the Small Business Act and the Small Business Investment Act as amended. These regulations are intended for the use of Agency personnel who have specific responsibilities under the regulations and applicants for financial assistance from SBA.

(c) **Responsibilities.** The following personnel and agencies have responsibilities under these executive orders which are described briefly here and may be discussed in more detail elsewhere in this subpart.

(1) **Administrator.** The Administrator is responsible for assuring that all Federal assistance given under his statutory authority meets the requirements of these executive orders. Such authority may be delegated to Regional and District Directors and to other agency personnel with loan approval authority as is deemed appropriate and published in the FEDERAL REGISTER.

(2) **Participation.** Eligible financial institutions who intend to request SBA participation in financial assistance to an applicant for a loan on an immediate or deferred (guaranteed) basis must have complied with the requirements of these Executive Orders before submitting the application for participation to the SBA.

(3) **Direct.** Applicants for direct financial assistance from SBA shall present with their applications evidence: (i) as to whether the location for which financial assistance is proposed is in a floodplain; (ii) if in a floodplain, that such assistance is in compliance with local land use plans; (iii) that any necessary construction or use permits will be issued; and (iv) if the SBA approves such financial assistance, such assistance would be in accordance with the Executive Orders, these regulations and the "Guidelines

for Implementing Executive Order 11988—Floodplains Management" published by the U.S. Water Resources Council (USWRC); see 43 FR 6030, Feb. 10, 1978.

§ 116.31 Definitions.

Throughout this subpart, the following basic definitions shall apply:

(a) **Base flood.** Is that flood which has a 1 percent chance of occurring in any given year (also known as a 100-year flood). This term is used in the National Flood Insurance Program (NFIP) to indicate the minimum level of flooding to be used by a community in its floodplain management regulations.

(b) **Base floodplain.** An area subject to flooding by the base flood.

(c) **Channel.** A natural or artificial watercourse of perceptible extent, with a definite bed and banks to confine and conduct continuously or periodically flowing water.

(d) **Critical action.** Any activity for which even a slight chance of flooding would be too great.

(e) **Facility.** Any man placed item other than a structure.

(f) **Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland and/or tidal waters, and/or the unusual and rapid accumulation or runoff of surface waters from any source.

(g) **Floodplain.** The relatively flat area or lowlands adjoining a river, stream or other waterbody (ocean, lake, wetland, or other standing water) which has been or may be covered by floodwater. Properly stated, a reference to floodplain is accompanied by a modifier indicating which level of flooding will inundate the referenced floodplain, e.g., the 0.2 percent chance (500-year) floodplain.

(h) **1 percent chance flood.** The flood having 1 chance in 100 of being exceeded in any 1-year period (a large flood). The likelihood of exceeding this magnitude increases in a time period longer than 1 year. For example, there are two chances in three of a larger flood exceeding the 1 percent chance flood in a 100-year period.

(i) **Practicable.** Capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as the economic needs of the loan applicant who may be a disaster victim; the environment, cost, or technology.

(j) **Structures.** Walled or roofed buildings, including mobile homes and gas or liquid storage tanks that are primarily above ground (as set by the NFIP).

(k) **Wetlands.** Those areas that are inundated by surface or ground water with a frequency sufficient to support

and under normal circumstances does or would support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds (as defined in Executive Order 11990, Protection of Wetlands).

§ 116.32 Inapplicable actions.

(a) **General.** The Administrator has determined that certain types of actions typically do not create adverse effects or incompatible development on wetlands or in the floodplain. Therefore public review and a finding of inapplicability on a case-by-case basis in such instances is not necessary. For the following types of actions the Administration by its responsible officials to whom the authority has been delegated may determine on a case-by-case basis that the situation does not warrant application of the full 8-step decision-making process after completion of Step 1:

(1) Actions located outside the base floodplain and critical actions located outside the 500-year floodplain which do not directly or indirectly support floodplain development and which do not impact on the base floodplain.

(2) Repairs to damaged Facilities. Repairs to Facilities in which the cost of the repairs, as determined immediately before the repairs, is less than fifty percent (50 percent) of the fair market value of the Facility.

(3) Replacement of building contents, materials and equipment. The determination of applicability of these procedures to this action will be guided by the determination for the Facility in which the materials and equipment are located. For instance, liquid gas storage Facilities might require the full determination process which non-degrading inventory and materials would not.

(4) Hazard Mitigation Measures. Actions taken by an applicant to mitigate natural hazards including safe land-use and construction practices.

(5) Generally, working capital loans of any amount solely for debt payment, carrying accounts receivables, acquisition of non-water degradable inventory and equipment as determined under subparagraph (3) of this paragraph;

(6) All SBA loan assistance of \$300,000 or less;

§ 116.33 Actions covered by Executive Orders 11988 and 11990.

This section includes actions which because of the potential for harm to the Facility or to the Floodplain will generally require application of the full review and 8-step decision-making process as set forth in this subpart.

(a) Construction or acquisition of new Facilities under either Section 7(a) of the Small Business Act (15 U.S.C. 636) or Section 502 of the Small Business Investment Act (15 U.S.C. 696).

(b) Repair and restoration of damaged Structures in which the cost of repairs, as determined immediately before the repairs, is equal to or greater than fifty percent (50 percent) of the market value of the structure or, is the case of a physical disaster, the pre-disaster value of the Structure.

(c) Replacement of destroyed structures.

(d) No designation of a Neighborhood Business Revitalization Area will be made within a 1 percent Floodplain.

§ 116.34 Policies.

(a) SBA will ascertain the accuracy and completeness of the material relating to compliance with the Executive Orders and determine whether (1) there are feasible alternatives to the provision of financial assistance to businesses located in Structures within the Floodplain; (2) whether Structures built in or repaired and restored as in § 116.33(b) and (c) herein, are to be repaired and restored in full compliance with the Flood Insurance Protection Act; (3) SBA will also discuss with any applicant for assistance or participating institution the economic consequences of remaining in or locating in a Floodplain area.

(b) SBA will continue to require Flood Insurance as set forth in Subpart B hereof and take appropriate action to assure that applicants are aware of their continuing responsibility to maintain such insurance and that no future Federal disaster assistance will be available if such insurance is not maintained.

(c) SBA will identify flood hazards and evaluate the potential effects of any non-exempt actions it may be requested to finance in Wetlands or in a Floodplain to achieve the goals and objectives set forth by the two executive orders.

(d) SBA will comply fully with the requirements of the two executive orders to give early public notice and full publicity to appropriate steps in the decision-making process set forth in this subpart.

(e) SBA will assure that its program implementation and budget requests reflect consideration of flood hazards, protection of the Wetlands, and Floodplain management in accordance with applicable standards and the WRC guidelines.

(f) SBA will coordinate its implementation of these two executive orders under this subpart with the implementation of NEPA to achieve the requirements of all these programs in the decisionmaking process with minimum duplication or conflict.

§ 116.35 Decision-Making Process.

(a) *General*—Individuals responsible to the Administrator for executing this decision-making process must be thoroughly familiar with the two Executive Orders, the USWRC Guidelines, and with this subpart. Questions requiring clarification of any aspect of this Subpart should be referred to the Associate Administrator for Finance and Investment for his review and determination. Any delegate is responsible to the Administrator for appropriate execution of this decision-making process in each case, involving any non-exempt action funded by an SBA loan in the Wetlands or in a Floodplain (See Appendix A for flow chart of this 8-step process).

(b) *Step 1—Determine if a proposed action is in the Base Floodplain.* The first step in complying with the Order is to determine whether or not a proposed action is located in the Base Floodplain.

(1) *Step 1.A. Types of Floodplain*—(i) *Riverine Floodplains.* Riverine Floodplains are valley areas adjacent to any size stream or river which can be covered by floodwaters. Flooding in these areas results from excessive rainfall, snowmelt, or a combination thereof. If runoff is increased to the point that the carrying capacity of the channel is exceeded, flooding occurs. Flooding also occurs when the capacity of the stream channel is reduced by natural obstructions (ice or debris, dams, sediment, and vegetation) and man-placed obstruction (Structures and Facilities). Some areas flood either from tributary stream overflow, backwater from a major stream, or from both simultaneously.

(ii) *Coastal Floodplains.* Coastal Floodplains border lakes, estuaries, oceans, or similar bodies of standing water. Flooding in these areas is due to landward flows caused by unusually high tides, waves from high winds, storm surges, tsunamis (large waves in the sea associated with very strong earthquakes or other impulsive disturbances), or by a combination of these causes.

(iii) *Special Floodplain Areas.* Special Floodplain areas encompass sheet flow or shallow flooding areas, Wetlands, and sinkholes. Sheet flow occurs where a clearly defined channel is absent and where the path of flooding is unpredictable and indeterminate. In some cases, high velocity flow may occur with sheet flow, as it does commonly on debris cone Floodplains (alluvial fans). These cones build up from eroded geological debris that is carried by mountain streams and deposited when the stream encounters an abrupt decrease in slope. Other Flood problems are caused when development occurs in areas drained by sinkholes which often become plugged.

(2) *Step 1.B. Limits of Flooding.* For purposes of the Order, SBA will be

concerned at a minimum with the Floodplain area which would be inundated by a Flood having a one percent chance of occurring in any year—the so called “100 year or Base Flood” because the Administrator or his delegate must support any decision to conduct, support, or allow an action (i.e., “Structure”, “Facility” or “activity”) to be financially assisted within this area. In addition, such delegation should consider the implications of the occurrence of a Flood larger than the Base Flood on the economics and safety of a proposed Floodplain action. If a proposed action would be especially dangerous when exposed to larger Floods, consideration must be given to the larger Floodplain area. (See (b)(4) “Critical Actions.”)

(3) *Procedures for Determining a Floodplain Location.* The following is a guide for obtaining the Floodplain information needed to make a determination.

(i) *Areas of Predominantly Private Land Ownership.* If a decision involves a publicly or privately owned site within an area of predominantly private ownership, a map showing the Flood hazard areas will usually be available in the community or SBA Office or can be obtained from the Federal Insurance Administration (FIA), HUD. Detailed maps showing the elevations and boundaries of the “100-year” (Zones A and V) and “500-year” (Zone B) Floodplains are known as “Flood Insurance Rate Maps” (FIRM). Many of the communities which have a FIRM also have a Flood Insurance Study Report (FIS) containing detailed Flood information. Some 13,000 less detailed maps showing the approximate areas of the base (Zone A) Floodplain are available for most of the remaining communities. These are called “Flood Hazard Boundary Maps” (FHBM). Similar information, some very detailed, is also available from the agencies in Appendix B. The search for Flood hazard information should follow the sequence below. The detailed map (FIRM) or the Flood Insurance Study (FIS) report should be consulted first. If a detailed map (FIRM) is not available, obtain an approximate boundary map (FHBM) from the same source as in the preceding step. If the proposed site is at or near the “100-year” boundary, if data on Flood elevations are needed, or if the map does not delineate the Flood hazard boundaries in the vicinity of the proposed site—seek detailed information and assistance from the agencies listed in Appendix B. If an approximate boundary map (FHBM) is not available or if the map does not delineate the Flood hazard boundaries in the vicinity of the proposed site—seek detailed information and assistance from the agencies listed in Appendix B. If the agencies listed do not

have or know of detailed information and are unable to assist in determining whether or not the proposed site is in the Base Floodplain—report this fact to the nearest SBA office director and obtain guidance.

(ii) *Areas of Predominately State Land Holdings.* If a decision involves an area or location within extensive State holdings, it is unlikely that FIS reports and FIRM or FHBM maps would be available. In this event, information should be sought from the State land administering agency before information and/or assistance is sought from the agencies listed in Appendix B.

(iii) *Actions located out of the Base Floodplains as shown on either the FIRM or FHBM would meet the minimum requirements and no further action is required for compliance with the Order, unless the action impacts on the Base Floodplain, indirectly supports Floodplain development, or is a Critical Action.*

(4) *Step 1.C. As indicated previously, the minimum Floodplain of concern for certain Critical Actions is the area subject to inundation from a Flood having a 0.2 percent chance of occurring in any given year (500-Floodplain). This Floodplain includes both Zones A and B as shown on FIRM's. Some key questions in identifying critical actions are:*

(i) If flooded, would the proposed action create an added dimension to the disaster as could be the case for liquified natural gas terminals and Facilities producing and storing highly volatile, toxic, or water-reactive materials?

(ii) Given the Flood warning lead-time available, would the occupants of buildings such as hospitals, schools, and nursing homes be insufficiently mobile to avoid loss of life and injury?

(iii) Would essential and irreplaceable records, utilities, and/or emergency services be lost or become inoperative if flooded?

(c) *Step 2—Early Public Review.*—(1) *General.* The objective of public involvement is to provide sufficient information early enough in the process of making decisions affecting Floodplains so that the public can have impact on the decision outcome. The order includes requirements that the public be provided adequate information, opportunity for review and comment, and an accounting for the rationale for proposed actions affecting Floodplains. Approval by such groups will not affect the financial determination to be made by SBA.

(2) *Procedures.* Compliance with the requirements of § 116.30 (c)(2) and (3) requires that applicants will have notified local and State officials of the proposed request for financial assistance, and any requirements for public hearings will have been initiated by

such requests for building permits, licenses, etc. However, SBA deciding officials will determine on a case-by-case basis if there is a need for further publicity and public hearing and arrange for such additional dissemination of information, hearings, or written comments as are appropriate and necessary to comply with the intent and spirit of these Executive Orders and implementing regulations. Such determination must recognize SBA's responsibility to reach as broad an audience as possible and provide for public input before alternative actions have been precluded. If there is a reasonable likelihood that a plan or proposed action or its alternatives will impact on a Floodplain, then it should be announced as early as that is known, and not delayed until much more detailed information is developed. Public notice must precede major site identification and analysis so the public can have an input early in the decision-making process of preliminary site screening and selection. If not, public choice options may be foreclosed, or decisions will not be based on similarly detailed information bases. It is recognized, because of the type of financial assistance available from SBA and the limited effect of such assistance which is authorized only to individual businesses or homeowners in disaster areas, that public involvement will be minimal. It is the intention of this provision for public involvement to emphasize SBA's commitment to and desire to comply with the spirit and letter of the Executive Orders. It should also be noted that no SBA actions are subject to OMB Circular A 95 procedures which is a recognition of the minor impact of SBA actions.

(d) *Step 3—Identify and Evaluate Practicable Alternatives to Locating in the Base Floodplain.* Having determined that a proposed action is located in the Base Floodplain, the designated official is required to identify and evaluate practicable alternatives to locating in the Base Floodplain. Alternatives to be evaluated include: carrying out the proposed action at a location outside the Base Floodplain (alternative sites); other means which accomplish the same purpose as the proposed action (alternative actions) and no action.

(1) *Step 3.A. Alternative Sites.* Alternative sites must be identified and the practicability of such sites evaluated. If a practical site exists outside the Base Floodplain, the proposed action must not be located in the Base Floodplain. Whenever a Floodplain site is the only practical alternative, the SBA analysis leading to this conclusion should be fully documented. In determining the practicability of a non-Floodplain site, the general concepts of site feasibility apply. At a minimum site practicability shall be addressed in the light of the following:

(i) Natural (topography, habitat, hazards, etc.);

(ii) Social (aesthetics, historic and cultural values, land use patterns, etc.);

(iii) Economic (cost of space, construction, services, relocation, and the needs of the applicant, who may be a disaster victim); and legal (deeds, leases, etc.).

(2) *Step 3.B. Alternative Actions.* Alternative actions must be considered before a decision is made to carry out an action in the Base Floodplain. These are actions which substitute for the proposed action in that they comprise new solutions or approaches which serve the same function or purpose as that proposed, but which have less potential for harm.

(3) *Step 3.C. No Action.* No action is also an alternative, and assessment of this course is required. The alternative of no action probably cannot be fully evaluated until a determination has been made in Step 4 of the harm to or within the Floodplain resulting from the proposed action.

(e) *Step 4—Identify Impacts of the Proposed Action.* If the designated official has determined that the only practicable alternative is locating in the Base Floodplain, the impacts of the proposed action must be identified. Similarly, where actions proposed to be located out of the Floodplain will affect the Base Floodplain, impacts resulting from these actions must be identified. Since the Order is based primarily on NEPA, SBA can draw upon the impact identification and assessment experience and guidance which it has developed in its implementation of NEPA. The concepts of impact assessment applicable to both NEPA and the Order are identical, with the Order's focus being narrower. The following discussion addresses general concepts of impact identification and assessment (Step 4.A), and the two areas of concern which are impacted as a result of the occupancy and modification of Floodplains; lives and property (Step 4.B), and Floodplain values (Step 4.C).

(1) *Step 4.A. General Concepts.* In his review of a proposed action that is not exempt, the designated official shall specifically consider and document:

(i) Impacts associated with modification of Wetlands or Floodplains regardless of its location; (ii) additional impacts which may occur when certain types of actions may support subsequent actions which have additional impacts of their own; (iii) adverse impacts of the proposed action on lives and property and on natural and beneficial Floodplain or Wetland values; (iv) the three basic types of impacts discussed in the following paragraphs.

(2) *Step 4.A.1. Direct and Indirect Support of Floodplain or Wetland De-*

velopment. An action supports Floodplain development if it encourages, allows, serves, or otherwise facilitates additional Floodplain development. The designated official may consider whether or not proposed repair or restorative work has the effect of maintaining the status that existed prior to a major disaster in evaluating its impacts. Direct support results from actions located in Wetlands or on the Floodplain, while indirect support results from those outside. All such impacts shall be evaluated.

(3) *Step 4.A.2. Types of Impacts.* The three basic types of impacts which must be addressed are:

(i) Positive and negative impacts: both must be identified, even though the focus of impact identification and assessment is on negative or adverse impacts. This is necessary in order to identify the full range of impacts against which to weigh the practicability of a proposed action. In addition, it must be recognized that impacts which are beneficial to some, may be harmful to others.

(ii) Concentrated and dispersed impacts: Both may result from any action. The impact is concentrated if it occurs at or near the site of the action and is dispersed if it occurs at a site remote from the action.

(iii) *Short and long-term impacts.* Both must be analyzed in order to evaluate the total impact of an action. Short-term impacts are temporary changes occurring during or immediately following an action and usually persist for a short while. Long-term impacts occur during or after an action and may take the form of delayed changes or changes resulting from the cumulative effects of many individual actions. Long-term impacts may persist for a considerable time and may continue indefinitely.

(4) *Step 4.A.3. Sources of Impacts.* Regardless of the source of impacts, the designated official is required to identify the types of impacts discussed above which arise from proposed actions when these impacts affect the Floodplain. Thus, this requirement applies to actions proposed both in and out of the Base Floodplain (or the 500-year Floodplain where a Critical Action is proposed). The location of the action causing the impact determines which of the requirements of the Order must be met. For actions proposed in the Base Floodplain (or the 500-year Floodplain where a Critical Action is proposed), all of the requirements of the Order must be met. For actions, proposed out of the Base Floodplain, however, the Order does not require that the public notice and findings discussed in Steps 2 and 7 be prepared. Similarly, since in these cases the action causing the impacts in the Base Floodplain is located outside of it, the practicability test (Step 3) is

not required. As a minimum, however, the designated official must identify these impacts and minimize ensuing harm to or within the Floodplain which would result if the action is taken as proposed. Because there is no requirement for public notice or the practicability test, the minimization responsibility (Step 5) takes on added significance. The designated official shall apply the public notice procedures and alternate site and action evaluation to actions proposed out of the Floodplain which will result in impacts to Floodplain.

(5) *Step 4.B. Lives and Property.* After determining that a proposed action is in the Base Floodplain, the risk to lives and property involved in using that site must be determined. This requires an understanding of the magnitude and consequences of Flooding that can be expected.

(6) *Step 4.B.1. Nature of Hazard and Risk.* Two basic types of Floods are used in determining flood hazards:

(i) *Historic Floods.* Often these can be the basis for deciding whether a proposed site is in a hazardous area. However, the fact that a certain level of Flooding has been observed indicates little about how Floods are likely to occur in the future. Even where records extend over a long period of time, the highest observed Flood must not be used as the only guide for decision-making. With very few exceptions, Flooding at any site can be expected to reach higher levels than those previously recorded because larger storms, urbanization, Floodplain encroachment, or other factors affect Flooding.

(ii) *Probability Flood.* These are statistically derived Floods. The one percent chance (100-year or Base) Flood is the term which describes the magnitude of Flooding, used by FIA as the minimum acceptable level to which a community must regulate the Floodplain in order to qualify for the National Flood Insurance Program.

(7) *Step 4.B.2. High Hazard Areas.* High hazard areas are those portions of riverine and coastal Floodplains nearest the source of Flooding. These are the frequently flooded areas that become areas of major flood dynamics during large Floods. Here Flood waters exert their maximum pressures, erosion is greatly accelerated and loss potential is increased. Additionally, these are the areas of coastal and riverine Floodplains within which many of the most critical Floodplain values are concentrated. In riverine situations, the high hazard area is that portion of the Floodplain where impedance to flood flow resulting from man's occupancy can increase Flood heights and consequently the area subject to Flooding. In coastal Floodplains the high hazard area is usually confined to the beach area in front of

high bluffs or the crest of primary or foredunes, where wave impact is the most significant inducing factor. In light of the high loss potential and the likelihood of significant adverse effects to Floodplain values associated with the conduct, support or allowance of actions in these portions, the designated official must rigorously apply the Order's charge to avoid these areas.

(8) *Step 4.B.3. Evaluation of Flood Hazard.* In preparing the Damage Survey Report for a proposed action in the Wetlands or in the Floodplain, the designated official shall make a determination in the field whether the 8-step decision making process may be involved and shall record his determination on the Damage Survey Report. If his determination is affirmative, he shall clearly identify and describe the hazard involved and shall answer the following questions:

(i)—Is the proposed action to be located in the floodway portion of the riverine Floodplain, or the coastal high hazard area?

(ii)—Is the proposed action in a flood-fringe area such as the flood-fringe portion of a riverine Floodplain or the backwater areas of a coastal Floodplain?

(iii)—Is the flood hazard aggravated by the presence of, or potential for, destructive velocity flows, Flood-related erosion, subsidence or sinkholes, or other special problems?

(iv)—Is there a combination of Flood sources present which may Flood simultaneously in the area (e.g., river and ocean)?

(9) *Step 4.C. Natural and Beneficial Floodplain Values.* Water and the adjacent Floodplain exist in nature in a state of dynamic equilibrium. If one part of a coastal or riverine system is disturbed, the entire system usually readjusts toward a new equilibrium. Thus, Floodplain actions must be viewed with caution and a careful assessment made of their impact on natural and beneficial Floodplain values. Floodplains in their natural or relatively undisturbed state serve water resource values (natural moderation of Floods, water quality maintenance, and groundwater recharge), living resource values (fish, wildlife, and plant resources), cultural resources values (open space, natural beauty, scientific study, outdoor education, and recreation), and cultivated resource values (agriculture, aquaculture, and forestry).

(f) *Step 5—Minimize, Restore, Preserve.*—(1) *General.* The requirements of the Order to minimize, restore, and preserve, apply if a proposed action will result in harm to or within the Floodplain. The term "harm," as used in the context of the Order, applies to both lives and property (Step 4.B.), and natural and beneficial Floodplain

values (Step 4.C.). The concept of minimization (Step 5.A.), applies to harm. The concept of restoration and preservation (Step 5.A.) applies only to Floodplain values. Step 5.C. discuss some mechanisms which may be applied to achieve these three requirements.

(2) *Step 5.A. Minimize.* Minimize is a demanding standard and requires that harm be reduced to the smallest possible degree. From the standpoint of lives and property, potential harm to or within the Floodplain must be reduced to the smallest possible amount or degree. The goal is to avoid increasing the Flood loss potential associated with the level of the Base Flood prior to the proposed action. Where a Critical Action is proposed (see Step 2.C.) the goal is associated with higher levels of Flooding. The Order's requirement to minimize potential harm applies to (i) the investment at risk, or the Flood loss potential of the action itself, (ii) the impact the action may have on others, and (iii) the impact the action may have on Floodplain values. In his review and findings the designated official shall specify how actions will be designed and modified to minimize harm to or within the Floodplain.

(3) *Step 5.B. Restore and Preserve.* In the context of this Order, "restore" focuses upon conditions existing as a result of prior actions, while "preserve" focuses upon the impacts of a proposed action. Restore means to reestablish a setting or environment in which the natural and beneficial Floodplain values can again operate. Where Floodplain values have been degraded by past actions, the designated official must identify, evaluate, and implement measures to restore the values diminished or lost. Preserve means to prevent modification to the natural Floodplain environment, or to maintain it as closely as possible to its natural state. If an action will result in harm to or within the Floodplain, the designated official must design or modify the action to assure that it will be carried out in a manner which preserves as much of the natural and beneficial Floodplain values as is possible.

(4) *Step 5.C. Methods of Minimize, Restore and Preserve.* A wide range of methods have been developed over time to minimize harm to lives and property from Flood hazards. In the recent past, other methods directed toward minimizing harm to natural and beneficial environmental values, including those associated with the Floodplain, have also been developed. The technology and methodologies for achieving restoration and preservation are not as well documented nor understood, but currently are receiving increasing attention. The tools and approaches, which are directed toward

attaining these three goals of the Order, should be considered and applied at all stages of a proposed action, as appropriate, e.g., during the planning, design, construction, operation and maintenance of a proposed project.

(g) *Step 6—Reevaluate Alternatives.*—(1) *General.* Having identified the impacts the proposed action would have on the Floodplain (Step 4), methods to minimize these impacts, and opportunities to restore and preserve Floodplain values (Step 5); the proposed action should now be reevaluated. For proposed actions in the Base Floodplain, the reevaluation should consider if the action is still feasible at this site. If not, consider limiting the action to make non-Floodplain sites practicable. If neither is acceptable, the alternative is no action. If the proposed action is outside the Base Floodplain but has impacts which cannot be minimized (Step 5), consider whether the action can be modified or relocated to eliminate or reduce the identified impacts, or if the no action alternative should be chosen. The reevaluation should also include a provision for comparison of the relative adverse impacts associated with the proposed action located in and out of the Floodplain. The comparison should emphasize Floodplain values. However, a site out of the Floodplain should not be chosen if the overall harm is significantly greater than that associated with the Floodplain site.

(2) *Step 6.A Location in the Base Floodplain.* In determining whether the proposed action will be located in the Base Floodplain, the designated official must ascertain that the Floodplain site is the only practicable alternative. Further, the importance of the location must clearly outweigh the requirements of the Order to:

(i)—Avoid direct or indirect support of floodplain development wherever there is a practicable alternative;

(ii)—Reduce the risk of flood loss;

(iii)—Minimize the impact of floods on human safety, health and welfare; and

(iv)—Restore and preserve the natural and beneficial Floodplain values.

(3) *Step 6.B Limit Action.* If an action proposed to be located in the Floodplain cannot satisfy the four requirements in Step 6.A., consider reducing the criteria for the proposed

action. This would lower the threshold for what constitutes a practicable alternative. New alternative actions and sites could then be identified and previously rejected ones reevaluated for practicability based on scaled-down expectations.

(4) *Step 6.C. No Action.* If neither of the above courses of action are feasible, reevaluate the no action alternative.

(h) *Step 7—Findings and Public Explanation.*—(1) *General.* If reevaluation results in the determination that there is no practicable alternative to locating in or impacting the Floodplain, a statement of findings and public explanation must be provided for the proposed action. The SBA Public Statement of Findings and Explanation should explain how any tradeoff analysis was conducted by the agency in making its findings. Some existing Regional public notice procedures may already satisfy part of the requirements of the Order. However, procedures must incorporate the development and issuance of a written statement of findings and public explanation which includes:

(i)—A description of why the proposed action must be located in the Floodplain;

(ii)—A description of all significant facts considered in making the determination including alternative sites and actions;

(iii)—A statement indicating whether the actions conform to applicable State or local Floodplain protection standards;

(2) In addition, and in keeping with the concept of the overall public involvement process discussed in Step 2, the following items should be included in the statement of findings and public explanation:

(i)—A statement, if appropriate, indicating why the NFIP criteria are demonstrably inappropriate for the proposed action (for instance, marinas, piers, docks, etc. must be at the water level);

(ii)—A provision for publication in the FEDERAL REGISTER or other appropriate vehicle;

(iii)—A provision for a brief comment period prior to agency action (15 to 30 days);

(iv)—A description of how the activity will be designed or modified to

minimize harm to or within the Floodplain.

(v)—A statement indicating how the action affects natural or beneficial Floodplain values;

(vi)—A statement listing other involved agencies and individuals.

(3) *Step 7.A.* The Administrator must develop procedures to provide for similar notice and explanation of why a proposed action is to be located in a Floodplain.

(4) *Step 7.B. Actions Subject to NEPA.* For actions subject to NEPA which take place in the Base Floodplain, the public review requirements discussed above should include the nine items listed in the introduction to this step. Section 2(a)(4) of the Order requires the same public notice procedures for Federal actions in the Floodplain even though impacts are not significant enough to require the preparation of any environmental impact statement (EIS) under Section 102(2)(C) of NEPA (Pub. L. 91-190). Under NEPA procedures, a final EIS is circulated for public and interagency review and comment. A minimum of 30 days is required to allow a review and to receive responses from the public and governmental agencies. These comments must then be considered. The findings must be made in conjunction with a final SBA decision, and the formal statement of findings required by the Order must be issued prior to initiating the proposed action. A final EIS should explain, if appropriate, why the responsible official has recommended or why SBA might support an action located in a Floodplain.

(5) *Step 7.C. All Actions Located in the Base Floodplain.* A statement of findings (including the explanatory information discussed in 7.A.) must be issued by the Administrator in compliance with Section 2(a)(2) of the Order. This applies to all proposed actions located within or impacting on the Floodplain, including proposed actions whose impacts are not significant enough or are not otherwise required to complete and EIS.

(i) *Step 8—Implement Action.* With the conclusion of the decisionmaking process described in Steps 1-7, the proposed action can be implemented. However, there is a continuing responsibility for insuring that the action is carried out in compliance with the Order.

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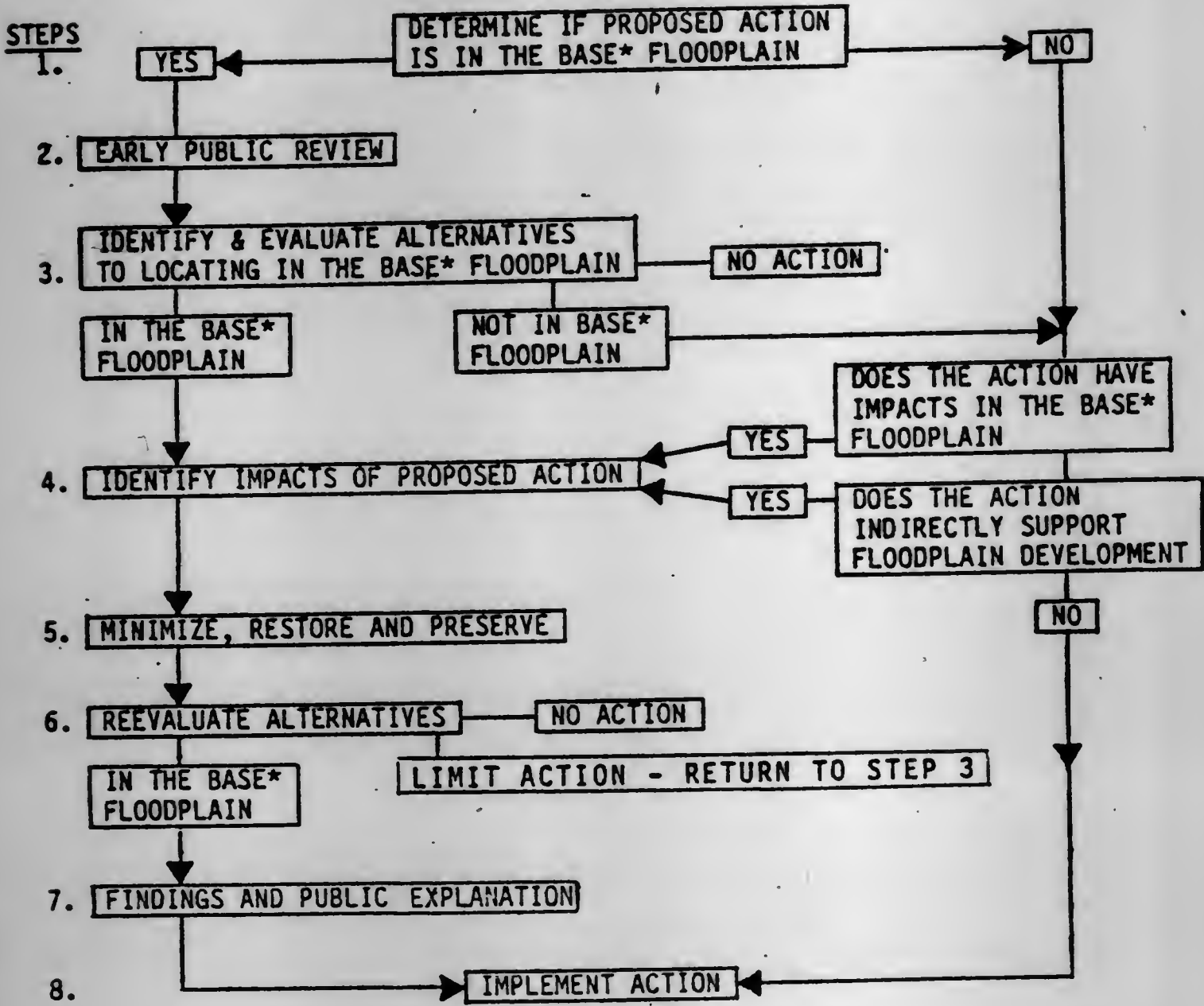
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RULES AND REGULATIONS
APPENDIX A

DECISION-MAKING PROCESS FOR E.O. 11988



* FOR CRITICAL ACTIONS SUBSTITUTE "500 YEAR" FOR "BASE".

APPENDIX B

SOURCES OF FLOODPLAIN INFORMATION AND TECHNICAL ASSISTANCE SERVICES
FOR DETERMINING WHETHER A LOCATION IS IN A FLOODPLAIN

Agency*	Floodplain Maps And Profiles		Technical * Assistance Services
	Riverine	Coastal	
Department of Agriculture: Soil Conservation Service.....	0	0	0
Department of the Army: Corps of Engineers.....	0	0	0
Department of Commerce: National Oceanic Atmospheric Administration.....	.....	0	0
Department of Housing and Urban Development: Federal Housing Administration.....	.....	.....	0
Department of the Interior: Geological Survey.....	0	0	0
Bureau of Land Management.....	0	0	.....
Bureau of Reclamation.....	0	.....	0
Tennessee Valley Authority.....	0	.....	0
Delaware River Basin Commission.....	0	0	0
Susquehanna River Basin Commission.....	0	.....	0
States.....	Varies from State to State.		0

*See Appendix A, WRC Guidelines, for detailed description.

A. VERNON WEAVER,
Administrator.

Dated: May 19, 1978.

[FR Doc. 78-14502 Filed 5-23-78; 8:45 am]

[3710-92]

DEPARTMENT OF DEFENSE

Corps of Engineers, Department of the Army

[33 CFR Part 239]

WATER RESOURCES POLICIES AND
AUTHORITIESImplementation of Executive Order 11988 on
Floodplain ManagementAGENCY: U.S. Army Corps of Engi-
neers.

ACTION: Proposed regulation.

SUMMARY: This proposed regulation prescribes policies to be used by the Corps of Engineers in implementing Executive Order 11988, Floodplain Management as it pertains to the planning, design and construction of civil works projects, and to the activities under the operation and maintenance and the regulatory programs of the Corps.

DATE: Comments must be received by June 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Maurice B. Jackson, 202-693-6807, or write: Office of the Chief of Engineers, Forrestal Building, Washington, D.C. 20314, Attn: DAEN-CWR-R.

Dated: May 19, 1978.

C. A. SELLECK, Jr.,
Colonel, Corps of Engineers,
Executive Director of Civil Works.

PART 239—WATER RESOURCES POLICIES AND
AUTHORITIES: IMPLEMENTATION OF EXECU-
TIVE ORDER 11988 ON FLOOD PLAIN MAN-
AGEMENT

- Sec.
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AUTHORITY: E.O. 11988, 43 FR 6030, February 10, 1978.

§ 239.1 Purpose.

The purpose of this regulation is to provide policy and guidance for Corps of Engineers implementation of Executive Order 11988, Floodplain Management, as it pertains to the planning, design and construction of Civil Works projects, and to the activities under the operation and maintenance and the regulatory programs of the Corps.

§ 239.2 Applicability.

This regulation is applicable to all OCE elements and all field operating agencies having Civil Works responsibilities.

§ 239.3 References.

- (a) Executive Order 11988, Floodplain Management, May 24, 1977.
(b) Water Resources Council, Floodplain Management Guidelines for Implementing E.O. 11988, February 10, 1978 (43 FR 6030).
(c) Water Resources Council, A Unified National Program for Flood Plain Management, July 1976.
(d) 33 CFR Parts 320 through 329 (42 FR 37121-37164, July 19, 1977).
(e) ER 1105-210.
(f) ER 1105-2-230.
(g) ER 1105-2-240.
(h) ER 1105-2-250.
(i) ER 1105-2-251.
(j) ER 1105-2-502.
(k) ER 1105-2-800.
(l) ER 1105-2-811.
(m) ER 1120-2-117.
(n) ER 1165-2-500.

§ 239.4 Definitions.

(a) "Action" is any Federal activity including (1) acquiring, managing, and disposing of Federal lands and facilities; (2) providing federally undertaken, financed, or assisted construction and improvements; and (3) conducting Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulating, and licensing activities.

(b) "Base Floodplain" is the one percent chance floodplain.

(c) "Minimize" is to reduce to the smallest possible amount or degree.

(d) "Practicable" is capable of being done within existing constraints. The test of what is practicable depends upon the situation and includes consideration of the pertinent factors, such as environment, cost or technology.

(e) "Preserve" is to prevent modification to the natural floodplain environment or to maintain it as closely as possible to its natural state.

(f) "Restore" is to re-establish a setting or environment in which the natural functions of the floodplain can again operate.

§ 239.5 Background.

Executive Order 11988, Floodplain Management, signed May 24, 1977, revoked and replaced Executive Order 11296 issued August 10, 1966. The new Order is based in part on the National Environmental Policy Act of 1969 (NEPA) and adds new prominence to the environmental aspects of floodplains that were not present in Executive Order 11296. Federal agencies are required, during the decisionmaking process, to recognize significant public

values of floodplains and to consider the public benefits that will be derived from the restoration and preservation of floodplains. The new Order requires agencies to amend their existing procedures and regulations within one year in consultation with the Water Resources Council (WRC), Federal Insurance Administration (FIA) and the Council on Environmental Quality (CEQ). In this regard, a task force was formed under the leadership of WRC for the purpose of developing broad guidance on the interpretation of the Order to assist Federal agencies in developing their procedures and regulations. The efforts of the task force resulted in the publication of the Floodplain Management Guidelines for Implementing EO 11988 in the FEDERAL REGISTER on February 10, 1978, (43 FR 6030) (Reference 3b). The guidelines provide an explanation of key terms in the Order, floodplain management concepts, and procedures necessary to comply with the EO. The Order requires that agency procedures incorporate the conceptual framework of floodplain management as set out in the "Unified National Program for Flood Plain Management." (Reference 3c). The Unified Program has as a goal sound floodplain management that embodied the "wise use, conservation, development and utilization of interrelated land and water resources to serve objectives of economic efficiency, environmental quality and social well-being as consonant with responsibilities assigned to respective levels of government by law."

§ 239.6 The objective of the order.

The objective of the Executive Order is to avoid to the extent possible the long and short term adverse impacts associated with occupancy and modification of floodplains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. The Order requires Federal agencies to provide leadership and take action to:

- (a) Avoid the base floodplain unless it is the only practicable alternative;
(b) Reduce the hazard and risk of flood loss;
(c) Minimize the impact of floods on human safety, health and welfare; and
(d) Restore and preserve the natural and beneficial floodplain values. Direct support of floodplain development is an action in the floodplain that encourages, allows, serves or otherwise facilitates additional floodplain development. An example of direct support would be provision of flood protection measures to undeveloped or underutilized floodplain lands for the purposes of permitting future development and growth.

§ 239.7 General policy.

It shall be Corps policy to formulate projects which, to the extent possible,

avoid the adverse impacts associated with use of floodplains and avoid inducing development in the base floodplain unless there is no practicable alternative to the development. The decision on whether a practicable alternative exists shall be based on the advantages and disadvantages of floodplain sites and non-floodplain sites. Factors to be considered include conservation, economics, aesthetics, natural and beneficial values served by floodplains, impact of floods on human safety, locational advantage, the functional need for locating the development in the floodplain, historic values, fish and wildlife habitat values, endangered and threatened species, Federal and State designations of wild and scenic rivers, refuges, etc., recreation, water supply, water quality, food production, and, in general, the needs and welfare of the people. The test of practicability will apply to both the Corps action and to any induced development caused by the action. When it is determined that no practicable alternative to actions in the floodplain exist, the features or qualities of the floodplain that make it advantageous over alternative non-floodplain sites shall be described and adequately supported. The practicability analysis is not required for lots or small tracts of vacant lands in closely spaced urban areas, unless these vacant areas have retained most of the unique environmental values associated with undisturbed floodplains.

§ 239.8 General procedures.

The basic determinations necessary to implement the Executive Order are:

- (a) Determine whether the proposed action is in the base floodplain.
(b) If so, determine whether there is a practicable alternative to locating the action in the base floodplain as outlined in 7 above.
(c) Identify adverse impacts due to the action and the induced development and identify losses of natural and beneficial values of the floodplain.
(d) If the proposed action induces development in the base floodplain, determine if there is a practicable alternative to the development as outlined in § 239.7.
(e) As part of the multiobjective planning approach under the Principles and Standards, determine viable methods to minimize the adverse impacts of the action and the induced development and methods to restore and preserve the natural and beneficial values of the floodplain. Successive iterations of the planning process as called for in ER 1105-2-200 should be used to develop methods for minimization (see paragraphs 10 and 11). This includes reevaluation of the no action alternative.
(f) Advise the general public if the proposed action will be located in the

floodplain. The policies and procedures of ER 1105-2-502 shall be utilized to the extent possible to advise the public.

(g) Recommend the most desirable plan responsive to the established planning objectives and consistent with the requirements of the Executive Order stated in § 239.6 above.

§ 239.9 Assessment of impacts.

The determination called for in § 239.8c above, requires an assessment of the impacts of the action. Impact identification and assessment apply to both the Corps action and to the induced development, if any, that would occur in the base floodplain with the proposed action, but not in the absence of the action. Existing procedures and guidance for identifying and assessing impacts are contained in ER 1105-2-240 for multiobjective planning and ER 1105-2-507 for responding to NEPA requirements. These procedures are designed to ensure that all significant adverse and beneficial effects of actions are identified and measured. ER 1105-2-240 requires identifying sources of impacts, tracing impacts, describing the magnitude of impacts and specifying the location, timing, and duration of impacts. ER 1105-2-507 generally requires the identification of impacts and effects of an action on the environment. In this regard, impact identification and assessment procedures required by existing regulations meet the requirements of the EO and shall be followed.

§ 239.10 Minimize.

As previously defined, minimize is to reduce to the smallest possible amount or degree. The goal of minimization is to avoid the adverse impacts associated with induced floodplain use. "Minimize" as defined in the WRC guidelines is broad and open-ended. There is an implicit acceptance of practical limitations which makes it consistent with the Principles and Standards. It is expected that all practicable workable means and measures will be utilized to minimize adverse impacts. Application of "minimization" to Corps activities and programs will require careful consideration and evaluation of the floodplain action and any adverse impacts of induced floodplain development. For example, successive iterations of the planning process should normally result in the deletion of separable segments of a project when such segment protects undeveloped land and induces development in the floodplain for which there would be another practicable non-floodplain alternative.

§ 239.11 Restore and preserve.

Restoration and preservation are methods of enhancing the natural and beneficial values of floodplains. Such

values are primarily environmental quality (EQ) objectives. Therefore, restoration and preservation should be considered as EQ components of overall plans or as EQ Plans under the Principles and Standards and the ER 1105-2-200 series. The implementation of actions or measures to restore or preserve floodplain values shall be recommended in reporting documents if they fall under existing Corps authorities. If they are not within existing authorities of the Corps, the report shall describe how the measures can be implemented. Example of actions that could be taken to restore floodplain values are as follows:

- (a) Relocate non-conforming structures and facilities out of the floodplain.
(b) Reestablish damaged floodplain ecosystems.
(c) Restore, preserve, and create wetlands, marshes, and etc.
(d) Implement measures that will enhance fish and wildlife values.
(e) Restore and revegetate damaged beaches and dunes.

§ 239.12 Regulatory.

The policy in this regulation is consistent with the general policies for evaluating permit applications under the Corps of Engineers regulatory program as contained in reference 3d. Section 2(c) of the Order pertaining to the issuance of permits or licenses requires agencies to: (a) Consider and evaluate flood hazards for actions in floodplains; (b) provide early public review of plans or proposals in floodplains for which the impact is not significant to require preparation of an EIS; and (c) provide guidance to applicants to enable them to evaluate the effects of their proposal on the floodplain prior to submitting an application. Parts 320.4 and 325.3 of reference 3d contain policies and procedures that comply with the intent of the Order for items 1 and 2 above, respectively, and shall be continued. A forthcoming Corps of Engineers regulation will provide broad general guidance that will assist an applicant in preparing an application for a permit to evaluate early in the planning process the effects the proposal will have on the floodplain.

§ 239.13 Reporting requirements and public involvement.

When a determination has been made that there is no practicable alternative to locating an action in the floodplain, the EO requires the reporting of this finding by various procedures. In addition, the Order requires early public review of plans whenever an action is proposed for the floodplain. The Order requirements generally include and relate to reporting procedures that are presently accomplished under existing Corps regula-

tions, with some minor exceptions. The following additional information shall be included in existing reporting requirements, as appropriate, for general investigation studies, projects in engineering and design stages, studies under the special continuing authorities program, and activities under the operations and maintenance program.

(a) *Section 2(a)(2)*. If there is no practicable alternative to locating an action in the floodplain, a public notice shall be prepared and circulated to the general public. The notice shall include the following: (1) A description of why the action must be located in the floodplain; (2) a description of significant facts considered in making the determination to locate in the floodplain, including alternative sites and actions considered and any tradeoffs that were made; and (3) a statement indicating whether the proposal conforms to applicable State or local floodplain protection standards. The public notice issued upon completion of a study action or its equivalent will serve as the means to satisfy this requirement of the Order. Public notices shall provide specific information pertaining to subparagraphs (1), (2) and (3) of this paragraph, and the notices shall be appropriately disseminated to the general public in the affected area.

(b) *Section 2(a)(3)* requires the submission of a notice, not to exceed three pages in length, including a location map, to State and areawide A-95 Clearinghouse for the geographic area affected, when an action is to be located in the floodplain. Continuation of existing procedures and requirements stated in ER 1105-2-811 will comply with the intent of the Order with the exception that future notices to clearinghouses shall also include the additional information requested in paragraph (a) of this section.

(c) *Section 2b*. Requests for new authorizations or new appropriations for construction starts transmitted to the Office of Management and Budget shall provide information on whether a proposed Corps action will be located in the floodplain. If the proposed action is located in the floodplain the transmittal to OMB shall provide information on compliance with the EO. This shall include statements on whether the action affects the natural and beneficial values of the floodplains; steps taken to minimize potential harm to or within the floodplain caused by the action; and steps taken to restore and preserve the natural and beneficial floodplain values of the floodplain area.

(d) *Statement of findings*. Since Corps actions in the floodplain are subject to NEPA, the Statement of

Findings that accompanies the EIS (paragraph 6b of ER 1105-2-509), or covered in the feasibility report will include, in addition to existing requirements, the following:

(1) Reasons why the proposed action must be located in the floodplain.

(2) Facts considered in making the determination to locate in the floodplain, including alternative sites and actions considered.

(3) Statement on whether the proposed action conforms to applicable State or local floodplain protection standards.

(4) Statement on whether the action affects the natural and beneficial values of the floodplain.

(5) Description of steps taken to design or modify the proposed action in order to minimize potential harm to or within the floodplain; and

(6) A general listing of other involved agencies, groups, and organizations.

(e) *Public involvement*. To insure that adequate information and opportunities are provided early in the decision-making process to allow the public to participate effectively in floodplain management decisions, a public involvement program shall: (1) Include as broad an audience as possible; (2) provide continuous interaction and involvement opportunities for the public during the decision-making process; (3) provide information which promotes the fullest understanding of the proposed action; and (4) provide timely opportunities for all segments of the public to affect an action or plan before alternative actions have been precluded. The policies and objectives for public involvement contained in ER 1105-2-800 for planning Civil Works projects are generally parallel to the requirements of the Order. However, public participation programs shall include early, specific reference to Executive Order 11988 and its objectives. The public in the affected area shall be advised early, through the public participation process, whenever a proposed plan will result in action in the base floodplain.

§ 239.14 Application of EO to Civil Works program.

The provisions of Executive Order 11988 shall be implemented by each agency not later than May 24, 1978.

(a) *Preauthorization studies*. At the earliest stages of planning, the policy and procedures of this regulation shall be incorporated in the multiobjective planning process (ER 1105-2-200 series of regulations) to a scope and level of detail appropriate for preauthorization studies. For those studies for

which reports have been completed and forwarded by the reporting officers, supplemental information concerning the implementation of the Executive Order has been requested by DAEN-CWP under a separate action.

(b) *Advanced engineering and design*. Reporting officers shall insure that projects in the advanced engineering and design stage comply with the intent and objective of the Executive Order as set forth in this regulation.

(c) *Continuing authorities program* (ER 1105-2-50). The policies and procedures of this regulation are applicable to the planning and design of projects under the Continuing Authorities Program. Current studies under the Continuing Authorities Program shall incorporate the policies and procedures of this regulation early in the multi-objective planning process as required by ER 1105-2-50.

(d) *Projects under construction*. The Order does not apply to projects presently under construction, or to projects for which all of the funds have been appropriated through fiscal year 1978, or to projects and programs for which a draft or final environmental impact statement was filed prior to October 1, 1977, as part of AE&D activities.

(e) *Operation and Maintenance Activities*. The policies and procedures of this regulation are applicable to operation and maintenance activities of the Corps of Engineers. District Engineers shall insure that projects operated and maintained by the Corps comply with the policies and procedures set forth in this regulation and 33 CFR 209.145.

(f) *Emergency Activities*. Emergency and flood-related activities conducted under Pub. L. 84-99 essential to saving lives and protecting property and public health and safety, are exempt from the provisions of the Order (e.g. the requirement to prepare and circulate a notice of a proposed activity in the floodplain). However, rehabilitation activities performed under Pub. L. 84-99 by the Corps shall be carried out in a manner that reflects compliance with the spirit and intent of the Executive Order. This shall include providing leadership and taking actions to:

- (1) Avoid harm to the natural and beneficial values of floodplains;
- (2) Minimize the impact of floods on human safety, health and welfare;
- (3) Restore the natural and beneficial floodplain values that have been impacted by an emergency action.

[FR Doc. 78-14541 Filed 5-23-78; 8:45 am]

[6820-23]

GENERAL SERVICES ADMINISTRATION

[GSA Order ADM 1095.]

CONSIDERATION OF FLOOD PLAINS AND WETLANDS IN DECISIONMAKING

GSA Procedures Regarding Floodplains and Wetlands

AGENCY: General Services Administration.

ACTION: Request for public comments.

SUMMARY: This notice announces that GSA is publishing internal procedures to be followed in implementing the laws and Executive orders concerning all GSA actions that affect flood plains and wetlands. This notice is intended to inform the public of the actions that will be taken within GSA to minimize the impact of floods on human safety, health, and welfare; to minimize the destruction, loss, or degradation of wetlands; and to preserve and enhance the natural beneficial value of flood plains and wetlands.

DATE: Comments must be received on or before June 23, 1978.

ADDRESS: Comments should be addressed to the General Services Administration (PRE), Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:

Mr. Carl W. Penland, Acting Director, Environmental Affairs Division, Office of Space Management, Public Buildings Service, General Services Administration, Washington, D.C. 20405, 202-566-1416.

Dated: May 18, 1978.

JAMES B. SHEA, Jr.,
Commissioner,
Public Buildings Service.

[ADM 1095.]

GSA ORDER

CONSIDERATION OF FLOOD PLAINS AND WETLANDS IN DECISIONMAKING

1. *Purpose*. This order prescribes the uniform procedures to be followed in implementing the laws and Executive orders concerning all GSA actions that affect flood plains and wetlands, consistent with the basic statutory responsibilities governing GSA program operations. This order also provides a basis for publication, when required, of service and staff office orders and instructions explicitly directed toward the particular functions, activities, and personnel of each organization.

2. *Background*. a. The laws and Executive orders to be implemented include the National Environmental Policy Act of 1969 (42 U.S.C. 4321, et

seq.), hereinafter referred to as NEPA; the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001, et seq.); the Flood Disaster Protection Act of 1973 (Pub. L. 93-234, 87 Stat. 975); Executive Order 11988, of May 24, 1977, entitled "Floodplain Management," hereinafter referred to as the Flood Plains Order; the Guidelines issued by the Water Resources Council for implementing Executive Order 11988, published in the FEDERAL REGISTER on February 10, 1978, 43 FR 6030; and Executive Order 11990, of May 24, 1977, entitled "Protection of Wetlands," hereinafter referred to as the Wetlands Order.

b. Section 1 of the Flood Plains and Wetlands Orders requires that each agency shall provide leadership and shall take action to minimize the impact of floods on human safety, health, and welfare, to minimize the destruction, loss, or degradation of wetlands, and to preserve and enhance the natural and beneficial values of flood plains and wetlands. The Flood Plains and Wetlands Orders were issued to restrict Federal activities in flood plains and wetlands and in furtherance of the National Environmental Policy Act, the National Flood Insurance Act, and the Flood Disaster Protection Act. They are intended to prevent to the extent possible the long- and short-term adverse impacts associated with the occupancy, destruction, or modification of flood plains and wetlands and to avoid direct or indirect support of flood plain development and new construction in wetlands wherever there is a practicable alternative.

c. Compliance with the Flood Plains and Wetlands Orders is required for the following Federal activities;

- (1) The acquisition, management, and disposition of Federal lands and facilities;
- (2) The provision of federally undertaken, financed, or assisted construction and improvements; and
- (3) The planning for and conducting of Federal activities and programs affecting land use, including but not limited to water and related resources planning, regulating, and licensing activities.

d. The more detailed requirements of the Flood Plains Order apply to actions which impact upon both flood plains and wetlands.

3. *Responsibilities*. The Head of the Service or Staff Office or Regional Administrator under whose jurisdiction the action is being planned, hereinafter referred to as the responsible official, is responsible for the implementation of this order.

4. *Requirements*. a. Before taking any action in or affecting a flood plain or wetland, the responsible official shall:

- (1) Determine if the proposed action is in a base flood plain or wetland, as defined in par. 1 of the attachment.

(2) Provide public notice and allow early public review of the preliminary proposal.

(3) Identify and evaluate alternatives which do not affect the base flood plain or wetland.

(4) Determine whether the action would adversely impact or indirectly support development in the base flood plain or wetland.

(5) Determine how to minimize the adverse impacts.

(6) Present the finding to the public for review.

(7) Reevaluate the alternatives to the proposed action.

b. The responsible official shall take no action in or affecting flood plains or wetlands unless the Administrator determines that it is the only practicable alternative.

5. *Applicability*. a. This order applies to the following actions involving flood plains and wetlands, including, but not limited to:

- (1) Real property acquisition, (2) facility design and construction, (3) buildings alteration, (4) buildings operation, (5) stockpile management and operation, and (6) real property disposal to non-Federal public or private parties.

b. If a Federal agency requests conveyance of a property containing a flood plain or wetland, that agency is responsible for compliance with the Flood Plains and Wetlands Orders.

ATTACHMENT

1. *Definitions*. a. *Flood plains*. "Flood plains" are the lowland and relatively flat areas adjoining inland and coastal waters including flood-prone areas of offshore islands, including, at a minimum, that area subject to a 1 percent or greater chance of flooding in any given year. Flood plains may be, but are not necessarily, wetlands.

b. *Wetlands*. "Wetlands" are those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or, seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, pot-holes, wet meadows, river outflows, mud flats, and natural ponds. Wetlands may be, but are not necessarily, located in flood plains.

c. *Based flood plains*. "Based flood plains" are those areas which have a 1 percent or greater chance of flooding in any given year, the so-called 100-year flood plains.

d. *Critical actions*. "Critical actions" are those actions which should not be exposed to even a slight chance of flooding. For example, activities for storage of volatile, toxic, or water-re-

active materials; hospitals and schools which may not be sufficiently mobile to avoid loss of life and injury; and utilities and emergency services which would be inoperative if flooded.

e. **Critical action flood plains.** "Critical action flood plains" are those areas which have a 0.2 percent chance of flooding any given year, the so-called 500-year flood plains.

2. **Meeting goals.** The goals of the Flood Plains and Wetlands Orders shall be met by the following:

a. The GSA site selection processes shall be amended to preclude the acquisition of facilities through purchase or lease within:

(1) Base flood plains and wetlands,
(2) Areas in which the action would adversely impact or indirectly support development in the base flood plain or wetland, and

(3) Critical action flood plains, if the proposed use would be especially dangerous when exposed to larger floods.

Exceptions are permissible only when the Administrator determines that no practicable alternative exists.

b. Land use plans shall be formulated in a manner which will avoid adverse impacts to flood plains and wetlands.

c. The alteration of facilities shall be discouraged within base flood plains and wetlands if the action would enlarge or modify the use of the facility and increase or change the environmental impacts on natural or human resources. Normal maintenance and repair to existing buildings are exempt from this requirement.

d. When it is proposed to dispose of any interest in surplus real property located in a flood plain or wetland to non-Federal public or private parties, the advertisement and conveyance documents shall reference and identify those uses that are restricted under Federal, State, or local regulations and shall attach other appropriate property use restrictions or withhold the properties from conveyance.

3. **The decisionmaking process.** The decisionmaking process for those GSA activities listed in par. 5. of the transmittal order shall include the following steps.

a. **Determination.** In the early stages of planning an action, the responsible official shall determine if the action will involve the disposal of a base flood plain or wetland or if it could involve the use of a base flood plain or wetland.

(1) A determination regarding flood plains should be made by inspecting Department of Housing and Urban Development flood plain maps of the property or by referring to a more detailed source, if available. This process and sources of flood plain information and technical assistance services are described in part II, step 1 of the Water Resources Council Guidelines.

(2) A determination regarding wetlands should be made by inspecting the property and by applying the definition in subpar. 1b. However, if a determination cannot be made on the basis of the definition and inspection, the information should be obtained from the Department of the Interior, the Corps of Engineers, the Environmental Protection Agency, or from city or county planning and zoning agencies.

(3) When a determination is made that the action will not involve the use or disposal of a base flood plain or wetland, the responsible official shall determine if the proposed action will have any indirect impact by performing the analysis in d, below.

b. **Early public review.** As soon as it becomes apparent that the proposed action may involve a base flood plain or wetland, the action shall undergo early public review to allow interested parties the opportunity to offer their views.

(1) Distribution of notices for early public review shall occur:

(a) Immediately after determining that a surplus property is in a flood plain or wetland,

(b) As soon as possible after the establishment of a delineated area which does not specifically exclude base flood plains and wetlands as acceptable sites, or

(c) As soon as possible after it becomes apparent that any GSA action may involve the use of or have an impact upon a base flood plain or wetland.

(2) The responsible official shall provide those individuals and groups who normally receive EIS's and those groups having specific interest in flood plain and wetland management a description of the property, plan, or proposal and (for flood plains only) as much of the material that has been developed to date to satisfy the A-95 clearinghouse review requirements of the Floodplains Order.

c. **Alternatives.** If the proposed action could be in a base flood plain or wetland or could affect a base flood plain or wetland, the responsible official shall consider the following alternatives:

(1) Carrying out the proposed action at a location outside the base flood plain or wetland (alternative sites),

(2) Using other means which accomplish the purpose of the proposed action (alternative actions), and

(3) Taking no action.

d. **Impacts.** The impacts of each alternative shall be identified and analyzed as discussed in part II, step 4 of the Water Resources Council Guidelines.

(1) The responsible official shall consider economic, environmental, and other pertinent factors when evaluating the impacts of the alternatives.

The NEPA implementation processes are the principal means of identifying impacts. The three basic types of impacts which must be assessed are: (a) Positive and negative, (b) concentrated and dispersed, and (c) short- and long-term.

(2) The responsible official may assume that he has complied with this order if the proposed action is not located in a base flood plain or wetland and the impact analysis concludes that the action will have neither direct nor indirect impact on the base flood plain or wetland.

e. **Decision.** (1) After the environmental assessment, final EIS, or other impact analyses and alternative studies have been completed on an action which would be located in or which may have an impact upon a base flood plain or wetland, the responsible official shall recommend a course of action to the Administrator. The Administrator may decide to take the action only if: (a) No practicable alternative exists, or (b) the requirements of subpar. 2d are followed for real property disposal actions.

(2) If the conditions in a or b, above, are met and the action is the subject of an environmental assessment or an EIS, the environmental assessment or the final EIS shall state that the preferred alternative involves a base flood plain or wetland.

f. **Minimize impacts.** (1) If the action is to be undertaken in a base flood plain, it must be in accordance with the standards and criteria, and consistent with the intent of, the National Flood Insurance Program (24 CFR 1909). It may deviate from this only to the extent that the standards of the flood insurance program are demonstrably inappropriate for the action. This means that projects will be designed and carried out as they would be to meet the substantive requirements for eligibility under the Flood Insurance Program even through GSA projects are not insured under this program.

(2) All reasonable actions shall be taken to "floodproof" the project and to design or modify the project to minimize potential harm to or within the flood plain. Elevation of the structure above the flood level shall always be taken instead of filling in land.

(3) If the action is to be undertaken in a wetland, the action shall be designed or modified using all practicable measures consistent with the intent of the National Environmental Policy Act and the Wetlands Order to minimize harm to the wetland.

g. **Public notice.** Public notices are not required by the Wetlands Order. However, the responsible official shall consider the impacts of the action and the level of concern the public has shown, or would show if it were aware of the action, and determine whether

the public interest would be served by a public notice. The public notice shall be prepared and issued as follows.

(1) The responsible official shall prepare the public notice, not exceeding three pages in length, which shall include: (a) An explanation why the action is proposed in the base flood plain or wetland, (b) a statement indicating whether the action conforms to State and local flood plain or wetland standards, (c) a list of the alternatives considered, and (d) a location map.

(2) The public notice shall be transmitted to: (a) State and areawide A-95 clearinghouses, (b) individuals and groups who normally receive EIS's on the actions in the geographical area, and (c) groups which have special interest in flood plain or wetland management.

(3) Distribution of the public notice for actions affecting a base flood plain or wetland shall occur as soon as possible after: (a) The distribution of a final EIS which states a preferred alternative, (b) the approval of an environmental assessment and negative declaration, or (c) the decision to take an action which is not included in categories a and b, above.

The transmittal letter for the final EIS may serve as the public notice if the transmittal letter meets the content requirements of subpar. 1, above.

(4) The public notice shall be circulated for a commenting period of not less than 15 days prior to commencement of the action. The 15 days may run concurrently with the 30-day commenting period on the final EIS if the final EIS transmittal letter serves as the public notice.

(5) All GSA notices on actions subject to OMB Circular A-95 must state, if known, whether or not the action is located in a base flood plain or wetland.

(6) Public hearings may be held when the responsible official determines that public hearings are the best method of notifying the public about the proposed action. A decision to hold a public hearing shall be based on the significance of the impact of the action on the base flood plain or wetland and the degree of interest the public has expressed or would express if it were aware of the action. If public hearings are held under the EIS process on the proposed action, these hearings will meet the requirement for hearings under the Flood Plains Order.

h. **Reevaluate.** The Administrator shall reevaluate his decision to take an

action affecting a base flood plain or wetland if significant new information is revealed in comments on the final EIS or comments received during the public review period.

1. **Implement.** When the actions in a thru h, above, have been taken, the proposed action may be implemented.

4. **Critical actions.** The development of proposals which are critical actions shall follow the decisionmaking process in par. 3, substituting the term "critical action flood plain" for "base flood plain."

5. **Requests for authorization or appropriation.** When the proposed action necessitates a request for Congressional authorization or appropriation, the request to OMB must indicate the action is in compliance with the policy and mandatory provisions of the Flood Plains and Wetlands Orders.

[FR Doc. 78-14521 Filed 5-23-78; 8:45 am]

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

FLOODPLAIN MANAGEMENT AND PROTECTION OF WETLANDS

Implementation of Executive Order 11988 and 11990

AGENCY: Department of the Treasury.

ACTION: Implementation of Executive Orders 11988 and 11990, dated May 24, 1977, in accordance with section 2(d) of Executive Order 11988, and section 8 of Executive Order 11990.

SUMMARY: This Treasury memorandum is published for public review as required by Council on Environmental Quality (CEQ) and U.S. Water Resources Council (WRC) guidelines for implementing Executive Order 11988.

COMMENT DATE: Written comments must be received on or before June 23, 1978.

ADDRESS: Comments should be mailed or delivered to: Director of Administrative Programs, room 2438, Main Treasury, Department of the Treasury, Washington, D.C. 20220, Attention: AAE.

FOR FURTHER INFORMATION CONTACT:

Mr. James M. Wright or Mr. Gerald W. Coe at 202-376-0289.

SUPPLEMENTARY INFORMATION: Since the Department of the Treasury does not, as a general rule, engage in activities which would impact upon floodplains or wetlands, no separate Departmental procedures will be issued to implement these Executive Orders. The Treasury Procedures for Preparation and Coordination of Environmental Impact Statements (39 FR 14796, April 26, 1974) will, however, be revised to include requirements concerning floodplain management and protection of wetlands.

Dated: May 18, 1978.

ROBERT R. FREDLUND,
Director of Administrative Programs.

EXECUTIVE ORDERS 11988, FLOODPLAIN MANAGEMENT, AND 11990, PROTECTION OF WETLANDS

MAY 18, 1978.

My memorandum of October 28, 1977, subject as above, provided you with copies of Executive Orders 11988 and 11990 and advised that further Departmental instructions would be forthcoming. Since the Department does not, as a general rule, engage in activities which would impact upon floodplains or wetlands, no separate Departmental procedures will be issued to implement these Executive Orders. The Treasury Procedures for Preparation and Coordination of Environmental Impact Statements (39 FR 14796, April 26, 1974) will, however, be revised to include requirements concerning floodplain management and protection of wetlands.

In the event any bureau should contemplate action within or adjacent to, or which would impact upon a floodplain or wetlands, it shall be the joint responsibility of the Bureau Environmental Quality Officer and Bureau Facility Managers to assure compliance with the provisions of Executive Orders 11988 and 11990 in accordance with the Treasury Environmental Impact Statement (EIS) Procedures. Floodplain management and protection of wetlands should be addressed, as necessary, in the current format of Treasury environmental impact statements or assessments until such time as the Treasury EIS Procedures are revised, or the Council on Environmental Quality issues its new regulations under the National Environmental Policy Act (NEPA).

All matters pertaining to floodplains and wetlands shall be immediately brought to the attention of the Assistant Director (Environmental Programs), Office of Administrative Programs.

Treasury Administrative Circular No. 243, Evaluation of Flood Hazards, dated August 27, 1973, is hereby rescinded.

ROBERT R. FREDLUND,
Director of Administrative programs.

[FR Doc. 78-14529 Filed 5-23-78; 8:45 am]

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Registered Property

WEDNESDAY, MAY 24, 1978
PART III



DEPARTMENT OF
STATE

FISHERY
CONSERVATION AND
MANAGEMENT ACT OF
1976

Applications for Permit to Fish
off Coasts of U.S.

[4710-09]

DEPARTMENT OF STATE

[Public Notice 609]

FISHERY CONSERVATION AND MANAGEMENT
ACT OF 1976Applications for Permits To Fish Off the Coasts
of the United States

The Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) (the "Act") provides that no fishing shall be conducted by foreign fishing vessels in the Fishery Conservation Zone of the United States after February 28, 1977, except in accordance with a valid and applicable permit issued pursuant to section 204 of the Act.

The Act also requires that all applications for such permits be published in the FEDERAL REGISTER.

Additional applications for fishing during 1978 have been received from the Governments of the Republic of Cuba, Mexico, the Polish People's Republic, and the Union of Soviet Socialist Republics, and are published herewith.

Dated: May 17, 1978.

JAMES A. STORER,
Director,
Office of Fisheries Affairs.

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. CU-78-0138

1. Name of Vessel "Golfo de Guacanayabo" 2. Visual Identifier (Call Sign) COGT
3. Type of Vessel REFRIGERATED CARGO 4. Length 163.00 mts.
5. Gross Tonnage 10,549.07 T. 6. Net Tonnage 6,436.66 T. 7. Speed (knots) 27
8. Owner's Name and Address Empresa "Flota Cubana de Pesca", Muelle "Osvaldo Sanchez", Desamparados y Mercado, Luyano, Apartado 74, Habana, Cuba.
9. Types of Processing Equipment None

10. Fisheries for Which Permit is Requested: Silver and Red Hake directed fisheries.

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
					X (including cargo transport resupply and crews transfer)

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. MX-78-0034

1. Name of Vessel CONCHITA PELAYO 2. Visual Identifier (Call Sign) XCAP
3. Type of Vessel STERN TRAWLER 4. Length 38 M
5. Gross Tonnage 380 6. Net Tonnage 250 7. Speed (knots) 12
8. Owner's Name and Address SALMEDINA DE MEXICO S. A.
AV. JUAREZ NO. 14, 7° Piso - Mexico, D. F.
9. Types of Processing Equipment FREEZER, MECHANICAL WASHER, and Eviscerator

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
NWA	LONG FINNED SQUID	BOTTOM TRAWL	X	X	
	SHORT FINNED	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. PL-78-0042

1. Name of Vessel CRATER 2. Visual Identifier (Call Sign) GPXA
3. Type of Vessel STERN TRAWLER 8-15 4. Length 83 m
5. Gross Tonnage 2327 6. Net Tonnage 949 7. Speed (knots) 12.5
8. Owner's Name and Address DEEP SEA FISHERY AND FISHING SERVICE
ENTERPRISE "DALMOR" 81 - 963 GDYNIA POLAND
9. Types of Processing Equipment BADER I 181, 47 x 2, II-188, 47 x 2, 413, 47
III - 181, 47 x 2

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
WOC	HAKE JACK MACKEREL	MID-WATER TRAWL	X	X	
GOA	POLLOCK ATKA MACKEREL	BOTTOM TRAWL	X	X	
	OTHER GROUND FISH	MID-WATER TRAWL	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. PL-78-0043

1. Name of Vessel TUNIK 2. Visual Identifier (Call Sign) SGNS
3. Type of Vessel STERN TRAWLER 4. Length 89.89 m
5. Gross Tonnage 2395 6. Net Tonnage 988 7. Speed (knots) 15.0
8. Owner's Name and Address DEEP SEA FISHERY AND FISHING SERVICE
72-602 STIMONSOTE TINA SOFIANA 1
9. Types of Processing Equipment FLASH FREEZER, PLANT FREEZER, PELLETIZER, FISH MEAL AND OIL PLANT

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
WOC	HAKE PAC JACK MACKEREL	PELAGIC TRAWL	X	X	
GOA	POLLOCK ATKA MACKEREL	BOTTOM TRAWL	X	X	
	OTHER GROUND FISH	" "	X	X	

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☒ No ☐ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

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NOTICES

FISHING VESSEL IDENTIFICATION FORM (FOREIGN)

No. **UR-78-0238**

1. Name of Vessel **SULAK** Visual Identif-
2. Flag (Call Sign) **UPTO**
3. Type of Vessel **FISH PROCESSING BAZE** 4. Length **174**
5. Gross Tonnage **18011** 6. Net Tonnage **11076** 7. Speed (knots) **14.3**
8. Owner's Name and Address **BAZE OF TRAWLING AND REFRIGERATING MARINE,**
VLADIVOSTOK, USSR
9. Types of Processing Equipment **FREEZER, PRESERVES LINE, FISHMEAL PLANT,**
FISH DRESSING LINE

10. Fisheries for Which Permit is Requested:

Fishery Plans	Target Species	Gear To Be Used	Catching	Processing	Other Support
GOA	Pollock	-		X	X

11. Are Fishing Activities Requested in Support of Vessels of a Different Flag:

☐ No ☒ Yes (If yes, attach supplemental sheet showing flag of other vessels, fishery, species, quantities, dates, locations and specific activities requested.)

To conduct the support operation to U.S. catchers working for Marine Resources Co., Inc.

UR-78-0238

Support of approximately 5-6 U.S. flag vessels fishing for Marine Resources Co. of Seattle.

FISHERY - G.O.A.

SPECIES - pollock and about 20% of other finfish as a by-catch

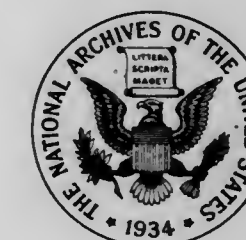
QUANTITIES - approximately 10,000 MT to be processed for Marine Resources Co. from catches they will purchase from U.S. fishing vessels

DATES - July - December 1978

[FR Doc. 78-14474 Filed 5-23-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 101—WEDNESDAY, MAY 24, 1978

WEDNESDAY, MAY 24, 1978
PART IV



IMPROVING GOVERNMENT REGULATIONS

Proposals for Implementing Executive Order 12044

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Registered
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PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the **FEDERAL REGISTER**:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Selective Service System	April 11	15211
Energy Department	May 1	18634
National Capital Planning Commission.....	May 15	20945
National Aeronautics and Space Administration ...	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
Defense Department	May 22	21994
Administrative Committee of the Federal Register	May 22	21995
Office of Management and Budget	May 22	21997
Civil Service Commission	May 23	22157

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Interior Department	May 25
Postal Service	May 25
State Department	May 25
National Foundation on the Arts and the Humanities	May 25
Council on Environmental Quality	May 25
Railroad Retirement Board	May 25
Housing and Urban Development Department	May 25
American Battle Monuments Commission	May 25
Community Services Administration	May 25
Small Business Administration	May 25
Pension Benefit Guaranty Corporation	May 25
Equal Employment Opportunity Corporation	May 25
Labor Department	May 26
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NOTICES

[4810-25]

DEPARTMENT OF THE TREASURY

Office of the Secretary

DRAFT REPORT FOR IMPLEMENTATION OF EXECUTIVE ORDER 12044 ON IMPROVING GOVERNMENT REGULATIONS

AGENCY: Department of the Treasury.

ACTION: Draft implementation report required by Executive Order 12044.

SUMMARY: This draft report is published for public comment as required by section 5(a) of Executive Order 12044. A copy has also been provided to the Office of Management and Budget. Subsequent to review and comment, a revised report will be submitted to the Office of Management and Budget for approval before final publication in the **FEDERAL REGISTER** in accordance with section 5(b) of the Order.

COMMENT DATE: Written comments must be received on or before July 24, 1978.

ADDRESS: Comments must be mailed or delivered to: the Assistant Secretary (Administration), Room 3442 Main Treasury, Department of the Treasury, Washington, D.C., 20220, Attention: RIIP.

FOR FURTHER INFORMATION CONTACT: Mr. Anthony V. DiSilvestre, Regulatory Improvement Implementation Project (RIIP) Coordinator, at 202-566-2966.

SUPPLEMENTARY INFORMATION: This draft report is in three parts. Part One briefly describes the current process by which the Treasury Department develops regulations. Part Two describes the proposed process for future development of regulations in accordance with Executive Order 12044. The proposed process, in the form of a draft Treasury directive, includes criteria for defining significant regulations, for identifying which regulations will require regulatory analyses, and for selecting existing regulations to be reviewed. Part Three provides a list of Treasury regulations proposed to be considered for an initial review in accordance with sections 4 and 5(a) of the Executive Order.

Consideration will be given to public comments on Parts Two and Three of this draft report in the preparation of a revised Treasury report. Comments received on the draft report will be available for public inspection, and reproduction (at a cost of ten cents per page), in the Treasury Library, Room 5030 Main Treasury.

CURRENT PROCESS BY WHICH THE DEPARTMENT OF THE TREASURY DEVELOPS REGULATIONS

PREFACE

The Department of the Treasury is a decentralized agency which has no single "regulations office" preparing regulations for the Department as a whole. This function is performed by an organizational unit within each Treasury bureau or office that issues regulations. Consequently, the following process for developing Treasury regulations is a composite of the current procedures used by the various bureaus and offices. Exceptions to this general process are indicated in the text. In order to develop this material, each Treasury bureau or office which drafts regulations was asked to submit a description of the specific process by which they do so. Copies of the individual descriptions are available for public inspection, or reproduction, in the Treasury Library, Room 5030 Main Treasury.

I. ESTABLISHMENT OF REGULATIONS

A. Responsibility. All bureaus, offices, or other components of the Treasury Department (hereafter referred to as "bureaus") which draft regulations: (1) have a distinct organizational unit responsible for drafting regulations; or (2) assign responsibility for drafting regulations to their legal counsel. The unit responsible for drafting regulations will be referred to as the "regulatory office".

B. Source of Regulations. Treasury regulatory proposals are generated by:

- (1) New legislation;
- (2) Requests from the Office of the Secretary of the Treasury;
- (3) Requests from offices within the bureau;
- (4) Legal decisions in court cases; and
- (5) Suggestions or petitions from taxpayers, industry, or consumers.

C. Study of Regulatory Proposal. Proposals for regulations are evaluated by the regulatory office or by other offices within the bureaus or Office of the Secretary. In some cases, information may be solicited from other Government agencies or interested members of the public prior to beginning regulatory action. After establishment of a regulatory project, the regulatory office may notify officials in the Office of the Secretary of the expected scope and content of the regulation and furnish a brief description of any significant policy issues.

D. Requirement for Notice of Proposed Rulemaking.

(1) Normally a notice of proposed rulemaking will be prepared before a final regulation is issued.

(2) Under 5 U.S.C. 553, certain regulations may be issued without notice

of proposed rulemaking. If a regulation is issued without notice, the reason is generally stated in the final document.

(3) In some cases, the U.S. Customs Service and the Bureau of Alcohol, Tobacco and Firearms issue an advance notice of proposed rulemaking to solicit information from the public or to involve the public at an early stage in the rulemaking process.

II. PROPOSED RULEMAKING

A. Preliminary Draft:

(1) A specialist or attorney in the regulatory office prepares a preliminary draft of the document. A senior specialist or attorney within the office then reviews the document.

(2) The preliminary draft is furnished to and informally reviewed by staff members of the office within the bureau having primary operation or legal responsibility. The preliminary draft is typically reviewed by the appropriate legal counsel and the head of the bureau, and may be reviewed by officials within the Office of the Secretary, or other Government agencies.

(3) Comments from offices to which the preliminary draft was circulated are reviewed. The regulatory office may modify the draft regulation accordingly. Informal meetings may be held to discuss changes or to resolve questions. In some cases, policy differences are resolved by the bureau heads.

B. Final Draft:

(1) The regulatory office then prepares a final draft of the document. This document is reviewed by affected program personnel, managers, and the legal counsel for the bureau.

(2) The head of the bureau signs the document.

(3) If the regulation has significant effect on State and local governments, it is sent to the Advisory Commission on Intergovernmental Relations for comment under the provisions of Office of Management and Budget Circular A-85. In such cases, thirty days are usually allowed for comment.

(4) The document is then sent to the responsible Assistant Secretary of the Treasury or the General Counsel for review and approval, as appropriate.

(5) After approval by the Assistant Secretary or General Counsel, the document is transmitted to the Executive Secretary of the Treasury in accordance with Treasury Directive 50-04.E, "Procedures for Preparing Documents Which Impact the Public", dated September 26, 1977. The transmittal memorandum describes any important policy considerations and recommends whether the document should be reviewed by the Secretary of Deputy Secretary.

(6) Upon approval by the appropriate official within the Office of the Secretary, the document is returned to

the regulatory office within the bureau.

C. Federal Register Publication:

(1) The proposed regulation is certified by the regulatory office and sent to the FEDERAL REGISTER for publication. The U.S. Customs Service also publishes proposed rulemaking in the Customs Bulletin.

(2) The notice of proposed rulemaking allows the public 30-60 days to comment on the proposed regulation. All written comments are ordinarily available for public inspection. Some bureaus also schedule public hearings or allow members of the public to request hearings on proposed regulations.

(3) If a public hearing is held on a proposed regulation, officials from the bureau or Office of the Secretary will attend. Transcripts of hearings, when recorded, are made available to the public at cost.

III. FINAL REGULATION (TREASURY DECISION)

A. *Evaluation of Comments.* Written comments and oral testimony from public hearings are evaluated by the bureau. The regulatory office usually summarizes comments received and furnishes them to other offices within the bureau.

B. *Preliminary Draft.* The regulatory office then may prepare a preliminary draft of the final regulation, modified, if necessary, by public comments. If radical changes are made, the notice of proposed rulemaking may be withdrawn and a new one issued. The preliminary draft is next reviewed within the bureau as outlined in section II.A above.

C. *Final Draft.* The regulatory office will then prepare a final draft of the regulation which will be reviewed within the bureau and Office of the Secretary as outlined in section II.B above. For some regulations, an Economic Impact Statement may be prepared in accordance with Treasury Directive 50-04.D, "Inflation Impact Statements for proposed Legislation, Regulations or Rules", dated October 8, 1976.

D. Federal Register Publication.

(1) After approval of the final regulation by the Office of the Secretary, it is returned to the regulatory office, certified, and sent to the FEDERAL REGISTER for publication. The U.S. Customs Service, Bureau of Alcohol, Tobacco and Firearms, and the Internal Revenue Service also publish final regulations in their own publications.

(2) Final regulations will ordinarily be effective not less than 30 days after publication in the FEDERAL REGISTER. A bureau may, however, under 5 U.S.C. 553(d), determine that an earlier effective date is necessary.

(3) After FEDERAL REGISTER publication, the regulation is incorporated

into the next annual revision of the appropriate title of the Code of Federal Regulations.

PART TWO

PROPOSED PROCESS BY WHICH THE DEPARTMENT OF THE TREASURY WILL DEVELOP AND REVIEW REGULATIONS

PREFACE

Part Two describes the proposed new process by which Treasury will develop and review regulations. This description is in the form of a proposed Treasury directive which will instruct Treasury bureaus and offices on the procedures they shall follow in compliance with Executive Order 12044. Treasury directives are not normally made available for public comment. As part of this report, however, public comment is being solicited on the proposed procedures outlined in the directive.

Although this proposed Treasury directive has not as yet received final approval, all Treasury bureaus and offices will be expected to comply with it effective May 22, 1978, even though it is subject to change as a result of public comment on this report as a whole. *Summary of the New Process.* The key element in Treasury's proposed procedures is a work plan. This work plan will be required before a bureau or office may initiate any action, other than preliminary studies, relating to the development or review of a regulation. The work plan will provide a summary description of the regulation, and a statement as to its need and statutory authority, policy issues raised, potential alternatives, and whether the regulation should not be considered significant. Secretarial approval of the work plan will allow the originating office to proceed with the regulatory action. Major changes involving regulations described in any work plan may necessitate that the plan be revised and reaproved.

Under the proposed procedure, all Treasury regulations codified in the Code of Federal Regulations will be defined as significant regulations unless they are identified and approved in the work plan as being non-significant. The proposed directive also establishes criteria which may be used to identify non-significant regulations.

Treasury bureaus or offices issuing regulations will be required by the proposed procedures to publish a semi-annual agenda of significant regulations being developed or reviewed. The agenda itself will be compiled from the approved work plans for each regulation, and will be published by the responsible bureau or office with the approval of the Secretary.

Each bureau or office will be required also to periodically review its regulations to determine if they meet

the policy objectives of Executive Order 12044. The proposed procedures list criteria to be used in identifying those regulations for review. Significant regulations so identified will appear in each bureau or office's semi-annual agenda.

Some significant regulations may have a major economic impact on the general economy, on individual industries, geographical regions, or levels of government. For these regulations, the originating office will be required to prepare a regulatory analysis. Criteria for the selection of regulations for this analysis are outlined in the proposed procedure. The bureau or office will make the draft regulatory analysis publicly available when regulations are proposed; a final copy will be available upon publication of final regulations.

Under the proposed procedures, Secretarial approval is required for the issuance of all significant regulations. This approval would be conditioned upon the determination that the regulations meet certain important criteria specified in the procedures.

PROPOSED DIRECTIVE

The text of the proposed Treasury directive is as follows:

Subject: Criteria and Procedures for the Preparation, Review, and Approval of Regulations.

1. *Purpose.* This Directive establishes policies, criteria, and procedures for the issuance of new regulations, the review of existing regulations, and the preparation of regulatory analyses, and makes assignments of related responsibilities. This Directive is intended to improve the quality of Treasury regulatory practices. It is not intended to create delay in the process.

2. *Scope.* This Directive applies to the Office of the Secretary and all bureaus.

3. *Authority and References.* a. Executive Order 12044, "Improving Government Regulations," dated March 23, 1978 (43 FR 12661).

b. FEDERAL REGISTER Document Drafting Handbook, dated January 1975.

c. 1 CFR 18.12, Preparation of Preambles for FEDERAL REGISTER Documents.

d. TD 50-04.A "Filing Documents for Publication with the FEDERAL REGISTER", dated September 22, 1975.

4. *Cancellation.* a. TD 50-04.D, "Inflation Impact Statements for Proposed Legislation, Regulations or Rules", dated October 8, 1976.

b. TD 50-04.E, "Procedures for Preparing Documents Which Impact the Public", dated September 26, 1977.

5. *Applicability.* a. *In general.* The Department through its bureaus and offices issues regulations which, for

the purposes of this Directive, are divided into three categories. The first category consists of internal directives, generally published in Treasury directives systems. The second consists of regulations which impact on the public and which are published in the FEDERAL REGISTER and codified in the Code of Federal Regulations. The third consists of notices and other essentially nonpermanent matters published in the FEDERAL REGISTER, but not codified in the Code of Federal Regulations. The policies set forth in paragraph 7 and the responsibilities assigned by paragraph 14 of this Directive govern all three categories. The principal purpose of this Directive is to implement Executive Order 12044. In recognition of this, the criteria and procedures described in paragraphs 8 through 13 relate principally to the second category of regulations.

b. *Specific nonapplicability.* Specifically, the criteria and procedures set forth in paragraphs 8 through 13 do not apply to:

(1) Internal management documents issued in the Department of the Treasury Directives Manual, the Treasury Personnel Manual, the Treasury Fiscal Requirements Manual, the Treasury Procurement Regulations, and similar or related constituent unit directives systems;

(2) Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557); and

(3) Regulations issued with respect to a military or foreign affairs function of the United States.

c. *Notice section material.* Materials which are published in the Notice section of the FEDERAL REGISTER are also not subject to the criteria and procedures set forth in paragraphs 8 through 13. The FEDERAL REGISTER publication of these materials shall include an express statement to the effect that the published material does not meet the Department's criteria for significant regulations. However, in the discretion of the office or person proposing issuance, or when directed by higher authority, material to be published in the Notice section may be made subject to the criteria and procedures to the extent possible.

d. *Waiver.* The provisions of paragraphs 8 through 13 may be waived with respect to regulations, otherwise subject to those provisions, when the regulations are issued in response to an emergency, or are governed by short-term deadlines imposed by a statute or judicial decision. However, when such waiver is necessary, the FEDERAL REGISTER publication of the regulation shall include a statement of the reasons why it is impractical or contrary to the public interest to follow the procedures of this Directive, together with the name and title

of the policy official responsible for the determination.

6. *Effective date.* The provisions of this Directive are effective as of May 22, 1978. However, any regulation in the process of preparation on that date, which, on or prior to September 1, 1978, either is published in the FEDERAL REGISTER in proposed form, or has been, or was scheduled to be, the subject of a public hearing, will not require a work plan (paragraph 9.b.) or a regulatory analysis (paragraph 12) unless otherwise directed by higher authority. This period of transition is provided in order that the issuance of any regulation, which has already been published or is now close to publication as a notice of proposed rulemaking, will not be delayed. Also, in the case of any regulation on which work has been commenced prior to May 22, 1978, but which has not been published in the FEDERAL REGISTER in proposed form, or has not been, or has not been scheduled to be, the subject of a public hearing, a work plan will not be required until further work is performed with respect to that regulation.

7. *Policy.* It is the policy of the Department of the Treasury that the spirit as well as the letter of Executive Order 12044 be followed in the development of regulations. To achieve this objective, regulations shall be developed through a process which ensures that:

a. The need for, and the purposes of, the regulation are clearly established;

b. The Secretary and other policy officials are able to exercise effective oversight;

c. Opportunity exists, as otherwise required, for early participation and comment by other Federal agencies, State and local governments, businesses, organizations, and individual members of the public;

d. Meaningful alternatives are considered and analyzed before the regulation is issued; and

e. Compliance costs, paperwork and other burdens on the public are minimized.

8. *Criteria for Significant Regulations.* Each regulation or amendment to an existing regulation which is to be (or has been) issued by the Department of the Treasury or a component thereof, published in the FEDERAL REGISTER, and codified in the Code of Federal Regulations is considered to be a significant regulation. Any document which is not published in the FEDERAL REGISTER, or published there, but not codified in the Code of Federal Regulations, is not significant and may not be a regulation. A regulation which would otherwise be eligible for consideration as a significant regulation may, nonetheless, with Secretarial approval, be determined not to be a significant regulation. Such determination shall be expressly justified. Examples of qualifying justifications are the following. The regulation or amendment:

a. Is required to implement a statute, an international agreement, a court decision, or a regulatory action of another agency, bureau, or office, and no substantial element of discretion is afforded the rulemaker;

b. Is non-substantive;

c. Is essentially procedural;

d. Does not materially change existing, or establish new, policy;

e. Does not impose substantial additional requirements or costs on, or substantially alter the legal rights or obligations of, those affected thereby; or

f. Is addressed to, and primarily impacts, Federal officials or employees, and not the general public, business entities or State and local governments.

9. *Development or Review of Regulations—A. Approval to develop or review regulations.* No action, other than preliminary studies, on any regulation which is to be, or has been, published in the FEDERAL REGISTER and codified in the Code of Federal Regulations, shall be undertaken without Secretarial approval of a work plan.

b. *Work plan to be furnished the Secretary.* The initiating office wishing to gain approval of such a regulation project shall prepare a work plan in memorandum form from the bureau or office head, through the appropriate policy review officials to the Secretary. Each work plan shall be serially numbered by the bureau or office. The work plan shall contain the following information:

(1) A description of the subject matter of the regulation project and whether a new regulation, or revision or rescission of an existing regulation is proposed;

(2) A justification of the need for a new or revised regulation or other action proposed;

(3) The statutory basis for the regulation;

(4) The name and telephone number of a knowledgeable official;

(5) If applicable or possible, a statement of whether a regulatory analysis will be prepared, or a statement as to when and how it will be determined whether such an analysis will be prepared;

(6) A brief description of the policy issues involved;

(7) A brief discussion of potential alternative approaches to be explored for solving the issues;

(8) The plan for obtaining public comments, which shall address whether a public hearing or conference will be held;

(9) The target dates for completion of the following steps in the development of the regulation:

(a) Completion of advance notice of proposed rulemaking or notice of intent (if any), and proposed publication date for such notice;

(b) Completion of the draft regulatory analysis, if applicable, and the preliminary draft of the notice of proposed rulemaking;

(c) Completion of the final draft of proposed rulemaking, the period of review within Treasury, and the proposed date for publication in the FEDERAL REGISTER;

(d) Expiration of the period for written comments and completion of hearing, if any;

(e) Completion of the final regulatory analysis, if applicable, and the preliminary draft of the final rulemaking; and

(f) Completion of the final draft, the period for review within Treasury, and the proposed date for publication in the FEDERAL REGISTER;

(10) If applicable, the reasons why the regulation should not be considered significant in accordance with paragraph 8; and

(11) A recommendation that the work plan receive Secretarial approval.

c. *Work plan for non-significant regulations.* If a work plan in accordance with b.(10) above states reasons why the regulation should not be considered significant, the work plan shall fully address the matters in b.(1) through b.(5) and b.(10), and may address all other matters in an abbreviated, conclusionary manner. For example, with respect to b.(9), only the information in b.(9)(f) need be specified.

d. *Approval of work plan.* Any reviewing official may disapprove or direct that work plan be revised. By concurring and forwarding the work plan to the next reviewer, each reviewing official will be deemed to recommend approval of the work plan as presented. Approval of a work plan is limited to the Secretarial level. The initiating office may be required to revise the work plan prior to, or as a condition of, approval. An approved work plan is a commitment by the initiating bureau or office that the regulation project will be undertaken in conformity with the approved plan. Bureau and office heads will be held accountable for carrying out the plan as approved, whether revised or amended.

e. *Revision or amendment of work plan.* (1) The originating office may, at any time during the development or a regulation, initiate a revision of an approved work plan. Unless the Secretary has determined the regulation not to be significant, a material, substantive revision of items (1), (2), (3), (5), (6), (7), or (8) of the work plan, prior to publication of a notice of proposed rulemaking, requires resubmission for Secretarial approval. Any such revision made to the work plan

after such publication does not require resubmission, but shall be explained in connection with approval of the final regulation under paragraph 13.c. A revision of item (9) also requires resubmission, if the target dates under (a), (c), or (f) are to be delayed for more than three months. In such event, the resubmission for approval shall state the reasons for the delay. Revision of item (10), at any time, requires resubmission for Secretarial approval.

(2) Non-material, non-substantive changes in any item, and changes in item (9), other than as specified in e.(1) above, of approved work plans for significant regulations, or any changes (other than to item (10)) to work plans covering regulations identified as non-significant, may be accomplished by amendment. Amendments do not require Secretarial approval.

(3) Revisions or amendments to approved work plans shall be made by placing brackets "[]" around material to be deleted and underlining new language. This will permit immediate focus on changes and will provide a continuous history of the work plan.

f. *Opportunity for public participation.* As otherwise required, and in accordance with paragraph 7.c., each bureau and office shall give the public, in general, and State and local governments or their representatives, in particular, an early and meaningful opportunity to participate in the regulatory process. Bureaus and offices may consider a number of ways to provide this opportunity, including:

(1) Publishing an advance notice of proposed rulemaking;

(2) Holding open conferences or public hearings;

(3) Sending notices of proposed regulations to publications likely to be read by those affected; and

(4) Notifying interested parties directly. Bureaus and offices shall allow at least 60 days for comment on proposed significant regulations. If this is not possible, the regulation shall be accompanied by a brief statement of the reason why a shorter time period is necessary.

10. *Semiannual Agenda—*a. *Schedule of semiannual agenda.* Each year, by September 1, starting in 1978, the head of each bureau or office shall submit to the Executive Secretary, a statement of the dates on which the bureau or office proposes to publish its semiannual agenda. The Executive Secretary shall compile the Department's publication schedule on the basis of these submissions and, with Secretarial approval, submit the schedule for publication in the FEDERAL REGISTER on the first Monday in October of each year, starting in 1978.

b. *Semiannual agendas.* Each bureau or office shall publish its semiannual agenda in accordance with the schedule published in the FEDERAL REGISTER

in October of each year, and may publish a supplement at any time. The head of each bureau or office shall submit the semiannual agenda, or supplements thereto, for FEDERAL REGISTER publication by signing below the subscription, "By direction of the Secretary of the Treasury".

(1) Each semiannual agenda shall be composed of two parts, a list of significant regulations under development, and a list of significant existing regulations to be reviewed. Regulations determined to be nonsignificant may also be listed. For each regulation, the semiannual agenda shall contain items (1) through (5) of the approved work plan. The semiannual agenda shall also indicate the status of regulations listed on prior semiannual agendas.

(2) Upon publication of a semiannual agenda or supplement, the bureau or office shall also furnish a copy to the Executive Secretary.

11. *Review of Existing Regulations—*a. *Criteria.* Bureaus or offices shall periodically review their existing regulations to determine if they are achieving the policy goals set forth in paragraph 7. Selection of regulations for review shall be made on the basis of the following criteria listed in the order of their significance. Regulations which:

(1) Were issued prior to enactment of legislation which either materially alters the statute under which the regulations were issued or provides significantly different rules concerning the subject regulatory matter from the rules contained in the regulations;

(2) Are the subject of meaningful criticism directed at the agency by the public;

(3) Apply only with respect to a period of time for which the opportunity has expired for the agency to secure compliance;

(4) Were issued with respect to circumstances or conditions which are no longer material;

(5) Have not been invoked by those affected or the government for more than 1 year;

(6) The bureau or office considers are complied with at an unacceptable level by a significant portion of the public;

(7) By their terms (and without regard to the requirements of an underlying statute or court decision) impose a reporting, recordkeeping, or other burden on those affected thereby;

(8) May duplicate or overlap other regulations of the Federal Government;

(9) Have been the subject of a significant volume of litigation questioning their validity or interpretation;

(10) Contain substantive rules that are not simply interpretative rules, general statements of policy or rules of agency organization, procedure, or

practice and which have not been significantly revised in the preceding 6 years; and

(11) Are complex and can be clarified and simplified.

b. *Identification.* The head of each bureau or office shall ensure that the bureau or office maintains a systematic process for the identification of regulations for review using the criteria set forth above.

c. *Work plan.* The bureau or office proposing a regulation for review shall prepare and obtain Secretarial approval of a work plan in accordance with paragraph 9, prior to starting the review of the regulation. Review of a regulation shall follow the procedural steps applicable to the development of new regulations.

d. *Agenda.* Significant regulations approved for review shall be included in the semiannual agenda as provided in paragraph 10.

12. *Regulatory Analysis—*a. *Responsibility.* Some significant regulations may have major economic consequences for the general economy, for individual industries, geographic regions, or levels of government. For these regulations, a regulatory analysis shall be prepared. Such an analysis shall be a careful examination of alternative approaches, which is undertaken early in the regulatory process in order to be available to reviewers and the Secretary.

b. *Criteria.* A regulatory analysis shall be prepared for significant regulations or amendments to existing regulations which will, or can reasonably be calculated or estimated to, result in:

(1) An annual impact (positive, negative, or combination) on the general economy of \$100 million or more;

(2) An annual increase in costs or prices for an individual industry, geographic region, level of government, or identifiable class of individuals or business entities of \$40 million or more; or

(3) An effect on an individual industry, geographical region, or level of government which is of such a magnitude, without reference to a particular dollar threshold, that:

(a) The continued existence of an industry, or significant sector thereof, is seriously threatened;

(b) Severe dislocation, market disruptions, or shortages of labor would result; or

(c) The ability of a governmental unit to continue to carry out its governmental functions is seriously undermined. A regulatory analysis will not be required if the economic or other consequences meeting the above criteria flow directly from the statute, international agreement, or court decision being implemented. In such event, an abbreviated, conclusionary statement setting forth these facts shall be prepared in lieu of a regulatory analysis.

c. *Discretion.* In addition to the specific criteria in b. above, a work plan submitted for Secretarial approval may provide that a regulatory analysis shall be prepared on any proposed significant regulation or amendment to an existing regulation. The Secretary may also direct that such an analysis be prepared as part, or as a condition, of Secretarial approval of the original or revised work plan.

d. *Preparation of draft regulatory analysis.* When an approved work plan requires a regulatory analysis, the originating office shall prepare a draft prior to, or at the time of, the actual drafting of the proposed regulation. The originating office shall obtain such information, expertise, assistance, or review as is necessary from any available source within and outside the Government. However, no essential data shall be sought (other than data protected from disclosure by law) from the private sector that is already available to the Government, even if in some other form. If it, nonetheless, becomes necessary to seek essential data from the private sector, it shall be done in the least burdensome manner, and in accordance with applicable laws concerning reports by the public and the safeguarding of proprietary information. Each regulatory analysis shall contain, as a minimum, the following:

(1) A succinct statement of the problem;

(2) A description of the major alternative ways of dealing with the problem that were considered; and

(3) An analysis of the economic consequences of each alternative and a detailed explanation of reasons for choosing one alternative over the others.

e. *Preparation of final regulatory analysis.* The originating office shall prepare the final regulatory analysis, using the same process as with the draft, to reflect changes resulting from public participation in the rulemaking process. The final regulatory analysis shall accompany the final rulemaking through all review and approval levels, including Secretarial approval.

f. *Availability.* An explanation of the regulatory approach selected or favored and a short description of other alternatives considered shall be included in both the notice of proposed rulemaking and the final rulemaking. Also, a statement shall be included as to how the public may obtain a copy of the draft or final regulatory analysis.

13. *Approval of regulations—*a. *Proposed regulations.* Each advance notice of proposed rulemaking, or notice of intent to hold a public hearing or conference, or notice of proposed rulemaking issued in accordance with an approved work plan shall be

signed by, or at the direction of, the bureau or office head, approved, if otherwise required, by the appropriate policy official, and submitted by the bureau or office to the FEDERAL REGISTER for publication. If the approval work plan includes a determination that the rulemaking does not involve a significant regulation, a statement shall be included in the notice that the regulation does not meet the Treasury criteria for a significant regulation.

b. *Nonsignificant final regulations.* Final regulations which have been determined not to be significant in an approved work plan shall be signed by the bureau or office head, approved, if otherwise required, by the appropriate policy official, and submitted by the bureau or office to the FEDERAL REGISTER for publication. The final rulemaking shall include a statement that the regulation does not meet the Treasury criteria for a significant regulation.

c. *Significant final regulations.* Regulations which are significant shall be signed by the bureau or office head, approved, if otherwise required, by the appropriate policy official, and forwarded to the Executive Secretary for the Secretarial determination that the regulation should be approved for publication in the FEDERAL REGISTER. The Secretarial determination shall be requested by a memorandum from the appropriate policy official. The memorandum shall contain or transmit the following:

(1) The justification of the need for the new or revised regulation or other final action;

(2) A brief discussion demonstrating the adequacy of consideration given to both the direct and indirect effects of the regulation;

(3) A brief discussion of alternative approaches considered and the reason(s) why the approach chosen is considered the least burdensome of the acceptable alternatives;

(4) Evidence that public comments received during the development of the regulation have been considered and that an adequate response has been prepared, addressing the issues raised by the comments;

(5) Documentation of new reporting burdens or recordkeeping requirements necessary for compliance;

(6) A plan for evaluating the effectiveness of the regulation after its issuance;

(7) A copy of the final regulatory analysis, where applicable; and

(8) A recommendation for Secretarial authorization to publish the regulation.

Approval of the recommendation to authorize publication of the regulation will evidence that the Secretary has determined the regulation to be needed and that all steps preliminary

to publication have been satisfactorily completed. It will also evidence that the regulation has been reviewed, that it is written in plain English, and that it contains the name, address, and telephone number of a knowledgeable, responsible official. After approval, the regulation shall be submitted to the Federal Register for publication by the bureau or office.

14. **Responsibilities**—a. Heads of bureaus of offices shall ensure that:

(1) The initiation, preparation, publication, and review of regulations by their respective organizations are conducted in accordance with this Directive;

(2) Proposed regulation projects, which require a work plan, are submitted for Secretarial approval with well articulated work plans responsive to the requirements of this Directive and that work plans are accomplished as approved and by the specified target dates; and

(3) The President's objectives as expressed in Executive Order 12044 and this Directive are met as fully as possible.

b. Under Secretaries, the General Counsel, and Assistant Secretaries shall ensure that heads of bureaus and offices reporting to them receive the cooperation and assistance they may require to carry out their responsibilities under this Directive, and that every responsibility is carried out.

c. The Assistant Secretary for Economic Policy and, where appropriate, the Assistant Secretary for Tax Policy shall assist and cooperate with heads of bureaus and offices in preparing regulatory analyses, when required, and review, and advise the Secretary on, the adequacy of such analyses. The Office of Tax Analysis shall prepare those portions of regulatory analyses respecting Internal Revenue Service regulations dealing with economic consequences.

d. The Executive Secretary shall serve as the principal point of contact with the Office of Management and Budget and other agencies on the improvement of regulations and provide staff support to the Secretary by:

(1) Compiling and publishing the annual listing of semiannual agenda publication dates;

(2) Reviewing work plans;

(3) Maintaining a current file of approved work plans;

(4) Monitoring bureau and office publication and compliance with semiannual agendas and, for that purpose, maintaining a current file of published agendas;

(5) Reviewing, and maintaining a current file of, regulatory analyses in draft and final form;

(6) Reviewing final rulemaking requests and ensuring that each such request and final rule complies with this Directive and is ready for Secretarial approval; and

(7) Monitoring and evaluating the effectiveness of this Directive, in terms of the Executive Order which it implements, and providing a report on such effectiveness to the Secretary by January 15, 1980.

15. **Judicial Review**—Nothing in this Directive is intended to provide new grounds for judicial review or to be interpreted as superseding any existing statutory obligation governing rulemaking.

16. **Expiration**—Unless extended, this Directive expires on September 30, 1980.

17. **Office of Primary Interest**—Office of the Executive Secretary, Immediate Office of the Secretary.

W. MICHAEL BLUMENTHAL.

PART THREE

LIST OF EXISTING REGULATIONS SELECTED FOR INITIAL REVIEW

The following Department of the Treasury regulations have been selected for the initial review required by section 5(a)(4) of Executive Order 12044. The regulations are listed by bureau or office, in alphabetical order, and are identified by: (1) Code of Federal Regulations (CFR) or United States Code (U.S.C.) citation; (2) title or subject matter; and (3) the reason(s) for the proposed review based on the numbered criteria of paragraph 11.a., of the proposed directive set forth in part Two.

A. BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

(1) 27 CFR part 4, Labeling and advertising of wine (10).

(2) 27 CFR part 5, Labeling and advertising of distilled spirits (10).

(3) 27 CFR part 6, Inducements furnished to retailers (10).

(4) 27 CFR part 7, Labeling and advertising of malt beverages (10).

(5) 27 CFR part 201 subpart Q, Distilled spirits plants, stamps (1).

(6) 27 CFR part 211, Distribution and use of denatured alcohol and rum (10, 11).

(7) 27 CFR part 213, Distribution and use of tax-free alcohol (10, 11).

(8) 27 CFR part 240, Wine (10, 11).

(9) 27 CFR part 245, Beer (10, 11).

B. COMPTROLLER OF THE CURRENCY

(1) 12 CFR part 1, Investment securities regulation (11).

(2) 12 CFR 4.1a, Central and field organization; delegations (4).

(3) 12 CFR part 7 subpart B, Loans secured by real estate (1, 4).

(4) 12 CFR part 9, Fiduciary power of national banks and collective investment funds (4).

C. CUSTOMS SERVICE

(1) 19 CFR part 4, Vessels in foreign and domestic trades (10, 11).

(2) 19 CFR part 6, Air commerce regulations (10, 11).

(3) 19 CFR part 7, Customs relations with insular possessions and Guantanamo Bay Naval Station (10, 11).

(4) 19 CFR part 10, Articles conditionally free, subject to a reduced rate, etc. (10, 11).

(5) 19 CFR part 11, Packing and stamping; marking (10, 11).

(6) 19 CFR part 12, Special classes of merchandise (10, 11).

(7) 19 CFR part 18, Transportation in bond and merchandise in transit (10, 11).

(8) 19 CFR part 19, Customs warehouses, container stations, and control of merchandise therein (10, 11).

(9) 19 CFR part 22, Drawback (10, 11).

(10) 19 CFR part 24, Customs financial and accounting procedure (10, 11).

(11) 19 CFR part 54, Certain importations temporarily free of duty (10, 11).

(12) 19 CFR 4.71 and 6.8, Exportation of livestock by air (10).

(13) 19 CFR 6.14(d), Color of aircraft to be furnished Customs (10).

(14) 19 CFR parts 10, 18, 125, 162, 171, and 172, Relief from fines, penalties, forfeitures, and liquidated damages (2).

(15) 19 CFR 101.3, Realignment of Customs stations; extension of port of entry limits (2, 4).

(16) 19 CFR 101.4, Elimination of Customs stations; designation of port of entry (2, 4).

(17) 19 CFR part 103, Availability of information (1).

(18) 19 CFR 111.30, Annual status report/customhouse brokers (1).

(19) 19 CFR 141.89, Classification of imported footwear (7).

(20) 19 CFR part 146, Foreign Trade Zone processing costs (9).

(21) 19 CFR 152.24, American selling price for footwear (2).

(22) 19 CFR 6.7(d), Foreign repairs and equipment purchases by U.S. aircraft (2).

(23) 19 CFR 123.9, Correction of manifest; border traffic (9, 10).

(24) 19 CFR 4.22 and part 148, Conforming amendments required by Panama Canal Treaty (1).

(25) 19 CFR part 6, Control of aircraft liquor kits (6, 10, 11).

(26) 19 CFR part 6, Designation of international and landing rights airports (4).

(27) 19 CFR 6.2(a), Compensation for aircraft inspection at other than international airports (10).

(28) 19 CFR 6.10, Use of navigation lights by aircraft from contiguous foreign country (10).

(29) 19 CFR 6.13, Revocation of international airport status—Akron, Ohio (4).

(30) 19 CFR parts 10, 18, 19, 54, 112, 148, and 151, Record retention requirements (10).

(31) 19 CFR 10.68, Duty-free return of articles without formal entry (10).

(32) 19 CFR part 12, Noise Control Act of 1972; implementation (1).

(33) 19 CFR 12.73, Motor vehicle emission standards (1).

(34) 19 CFR 12.85, Boat safety regulations (1).

(35) 19 CFR parts 19 and 144, Land-clearing certificates; control of merchandise in bonded warehouses (10).

(36) 19 CFR 19.2(a), 19.40, and 24.12(a)(iii), Fees for establishment of container stations and bonded warehouses (4, 10).

(37) 19 CFR 19.4, 19.6, 19.12, and 144.38, Supervision of bonded warehouses (7).

(38) 19 CFR 22.13(a), 22.13(h), and 22.20a, Identification of merchandise for drawback (10, 11).

(39) 19 CFR 101.3, Changes in Customs field organization—Flint, Saginaw/Bay City, Sault Ste. Marie, Mich; Dalton Cache, Alaska (2, 4).

(40) 19 CFR 111.30(a), Customhouse broker's records (2, 4).

(41) 19 CFR 113.14, 151.42, and 151.47, Licensing of public gaugers; delegation of authority (2, 4, 10, 11).

(42) 19 CFR part 114, ATA/ECS carnets; conforming changes (10, 11).

(43) 19 CFR 127.29, Sale and disposal of unclaimed and abandoned chemicals (10, 11).

(44) 19 CFR 127.31, Disposition of proceeds of sale of unclaimed or abandoned merchandise (10, 11).

(45) 19 CFR 132.15 and 142.11(c), Quota merchandise (2, 4).

(46) 19 CFR part 133, Conforming amendments required by Copyright Act of 1976 (1).

(47) 19 CFR 133.21(c), Trademarks; obliteration (10, 11).

(48) 19 CFR part 141, Statistical information on Customs forms (10, 11).

(49) 19 CFR 142.1 and 142.2, Special permits for immediate delivery of quota-class merchandise (10, 11).

(50) 19 CFR 143.3, Waiver of surety on importations less than \$1,000 (7, 10, 11).

(51) 19 CFR 144.36, Entry of restricted merchandise (4, 10, 11).

(52) 19 CFR part 146, Foreign Trade Zones; letters of credit (4, 10, 11).

(53) 19 CFR part 148, Importations; foreign government; waiver of entry if merchandise undutiable (4, 10, 11).

(54) 19 CFR 148.73, Baggage declaration requirement; military personnel (4, 10, 11).

(55) 19 CFR 151.13, Transportation of containerized merchandise by non-bonded carrier (4, 10, 11).

(56) 19 CFR 153.10, Antidumping—fair value: circumstances of sale (4, 10, 11).

(57) 19 CFR 174.11, Matters subject to protest; notice (4, 10, 11).

D. BUREAU OF GOVERNMENT FINANCIAL OPERATIONS

(1) 31 CFR part 120, Proclamations and Executive Orders concerning banking (3, 4, 5).

(2) 31 CFR part 240, Indorsement and payment of checks drawn on the U.S. Treasury (1).

(3) 31 CFR part 245, Issue of substitutes of lost, destroyed, mutilated, and defaced checks drawn on the U.S. Treasury (1).

(4) 31 CFR part 248, Issue of substitutes of lost, stolen, destroyed, mutilated, and defaced checks of the United States drawn on accounts maintained in depository banks in foreign countries or U.S. territories or possessions (1).

(5) 31 CFR part 253, Payments under the Act of Congress approved August 31, 1962, on unpaid balances of awards Philippine War Damage Commission (1, 3).

(6) 31 CFR part 254, Payments on account of awards and appraisals in favor of nationals of the United States on claims against the Government of Mexico (1, 3).

(7) 31 CFR part 256, Payments under judgments and private relief acts (1).

(8) 31 CFR part 270, Availability of records (1, 8).

(9) 31 CFR part 290, Loans to public or private agencies under Refugee Relief Act of 1953 (1, 3).

E. INTERNAL REVENUE SERVICE

(1) 26 U.S.C. 3, Tax tables for individuals (1).

(2) 26 U.S.C. 11, Tax on corporations (1).

(3) 26 U.S.C. 37, Credit for the elderly (1).

(4) 26 U.S.C. 105, The exclusion for disability pay (1).

(5) 26 U.S.C. 217, Deduction for moving expenses (1).

(6) 26 U.S.C. 303, Distributions in redemption of stock to pay death taxes (1).

(7) 26 U.S.C. 368, Treatment of exchange funds in corporate reorganizations (1).

(8) 26 U.S.C. 501, Social clubs (1).

(9) 26 U.S.C. 584, Definition of common trust funds of banks (1).

(10) 26 U.S.C. 856-859, Definition and taxation of real estate investment trusts (1).

(11) 26 U.S.C. 902 and related sections, Gross-up of dividends from less developed country corporations (1).

(12) 26 U.S.C. 904, Treatment of capital gains for purposes of the foreign tax credit (1).

(13) 26 U.S.C. 904, Transitional rules for carryback and carry over of foreign tax credits as a result of repeal of the per country limitation (1).

(14) 26 U.S.C. 995, DISC: Military sales and incremental export gross receipts (1).

(15) 26 U.S.C. 1234, Options to buy or sell (1).

(16) 26 U.S.C. 1250, Recapture of depreciation on real property (1).

(17) 26 U.S.C. 1348, The 50 percent maximum tax on earned income (1).

(18) 26 U.S.C. 1491 and 1057, The excise tax on transfers of property to foreign persons to avoid U.S. income tax (1).

(19) 26 U.S.C. 4041, The retailer's excise tax on special fuels (1).

(20) 26 U.S.C. 4061-4063, Manufacturer's excise tax concerning motor vehicle (1).

(21) 26 U.S.C. 4071-4073, The manufacturer's excise tax concerning tires and inner tubes (1).

(22) 26 U.S.C. 4081-4102, The Manufacturer's excise tax concerning gasoline and lubricating oil (1).

(23) 26 U.S.C. 6012, Returns by fiduciaries (1).

(24) 26 U.S.C. 6851 and 7429, Jeopardy and termination assessments (1).

(25) 26 U.S.C. 7502, Timely mailing treated as timely filing (1).

F. OFFICE OF REVENUE SHARING

(1) 31 CFR part 51 subpart E, Non-discrimination in programs funded with entitlement funds, fiscal assistance to State and local governments (6, 8, 11).

(2) 31 CFR part 51 subpart G, Proceedings for reductions in entitlement, withholding or repayment of funds, fiscal assistance to State and local governments (11).

G. OFFICE OF THE SECRETARY

(1) 31 CFR part 1 subpart A, Disclosure of records under 5 U.S.C. 552, as amended (11).

(2) 31 CFR part 1 subpart C, Disclosure of records pertaining to individuals (11).

This report consisting of three parts is submitted for the Department of the Treasury.

Dated: May 19, 1978.

W. MICHAEL BLUMENTHAL,

Secretary of the Treasury.

[FR Doc. 78-14501 Filed 5-19-78; 2:46 pm]

[6050-01]

ACTION

IMPROVING ACTION REGULATIONS

Response to Executive Order 12044

AGENCY: ACTION.

ACTION: Request for Public Comment.

SUMMARY: ACTION is issuing this notice to obtain comments on its proposals for implementing Executive Order No. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978) "the Executive

Order". The proposals include procedures for developing new regulations and analyzing their potential impact, revising existing outdated or burdensome regulations, and increasing public participation in the development of regulations. New regulations will include a statement classifying them as major, significant, or non-significant.

DATE: Comments by July 31, 1978.

ADDRESS: Send comments to Harry N. MacLean, General Counsel, ACTION, Room M-607, 806 Connecticut Avenue NW., Washington, D.C. 20525, 202-254-3116.

FOR FURTHER INFORMATION CONTACT:

Harry N. MacLean, General Counsel, ACTION, Room M-607, 806 Connecticut Avenue NW., Washington, D.C. 20525, 202-254-3116.

DRAFT REPORT:

- I. Background
- II. Proposals for Implementation
- III. Comment Procedure

I. BACKGROUND

In the Executive Order the President directed each Executive Agency to improve existing and future regulations so that they are clear, effective, efficient, and not unnecessarily burdensome. The Director of ACTION supports the objectives of the Executive Order, especially the objective of providing for early and meaningful public participation in the development of ACTION regulations.

Public awareness of and participation in ACTION programs focuses on the agency's assignment of Volunteers in Service to America (VISTA) to public agencies and private nonprofit organizations, the award of grants to operate Older American Volunteer Programs (OAVP) to such agencies and organizations, and the assignment of Peace Corps Volunteers for service abroad.

ACTION's proposals for improving its regulations emphasize the goals of early participation by interested members of the public in the development of clearly written regulations.

For purposes of the draft report, "regulations" include advance notices of proposed rulemaking, proposed regulations, final regulations, and guidelines which are published in the FEDERAL REGISTER.

II. PROPOSALS FOR IMPLEMENTATION

This draft report outlines ACTION's response to Section 5 of the Executive Order, Implementation. In accordance with the requirements of Section 6 of the Executive Order, Coverage, this draft report covers regulations concerning grants awarded by ACTION. Regulations concerning volunteers are exempt from coverage under Section

6.(b)(3), as they are matters related to agency management and personnel. The draft report proposals are divided into the four (4) areas described in Section 5.

1. A BRIEF DESCRIPTION OF THE PROCESS FOR DEVELOPING REGULATIONS AND THE CHANGES THAT HAVE BEEN MADE TO COMPLY WITH THE EXECUTIVE ORDER.

In the past, ACTION has not used a formal process to develop regulations. The agency intends to set up a process in which:

a. Employees responsible for initiating and implementing agency programs and policies will propose the regulation and indicate whether they consider the proposed regulation significant;

b. A working group composed of representatives of the Evaluation Division of the Office of Policy and Planning, the Office of Administration and Finance, the Office of General Counsel, the relevant program office (Domestic and Anti-Poverty Operations, International Operations, Policy and Planning, Voluntary Citizen Participation) will evaluate the proposed regulation to determine whether a regulation is necessary to accomplish the stated purpose, to examine alternatives to the issuance of the proposed regulation, and to determine the potential effect of the proposed regulation on agency policy and the public;

c. If the working group finds that the proposed regulation is significant, a notice and brief synopsis of the proposed regulation will be published in the FEDERAL REGISTER setting a time 60 days later and place for an open meeting at which interested members of the public may submit oral and/or written comments; comments will also be solicited from state and local governments or their representative organizations through notices in their trade journals; if it is not deemed significant, a notice providing for a 60-day comment period only will be published in the FEDERAL REGISTER.

d. The Director of Communications, or her designee, will review and edit the proposed regulation to ensure that it is clearly and simply written;

e. The General Counsel, or his designee, will review the proposed regulation to ensure that it is legally sufficient and consistent with agency policy;

f. After the meeting or at the end of the comment period, the working group, the Director of Communications (or her designee) and the General Counsel, or his designee, will review the proposed regulation and the comments received in response to the FEDERAL REGISTER and trade journal notices; if it is deemed significant it will be forwarded to the Director of ACTION with information sufficient for him to determine whether:

(1) There is a need for such a regulation;

(2) There are direct and indirect effects of such a regulation;

(3) The issuance of such a regulation is the least burdensome of the listed alternatives considered;

(4) Public comments have been considered and responded to adequately;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens and record-keeping requirements necessary for compliance with it;

(7) The name, address, and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed by the Evaluation Division of the Office of Policy and Planning;

g. When the Director is satisfied that the criteria for significant regulations under paragraph f have been met, he shall sign the regulation and it shall be published in the FEDERAL REGISTER as a final regulation; if the proposed regulation is not significant, it will be forwarded to the responsible official for signature and publication as a final regulation in the FEDERAL REGISTER.

2. THE PROPOSED CRITERIA FOR DEFINING SIGNIFICANT AGENCY REGULATIONS.

An ACTION regulation concerning grant eligibility, grant requirements, or other grant-related factors, will be considered significant if it falls within one or more of the following categories:

a. the regulation causes substantial public interest or controversy;

b. the regulation affects an important agency policy or program;

c. The regulation imposes substantial compliance and reporting requirements.

3. THE PROPOSED CRITERIA FOR IDENTIFYING WHICH REGULATIONS REQUIRE REGULATORY ANALYSIS.

ACTION does not issue regulations with major economic consequences which will result in (a) an annual effect on the economy of \$100 million or more; or (b) a major increase in costs or prices for individual industries, levels of government or geographic regions. Therefore, no criteria are proposed. If, in the Director's discretion, a regulatory analysis is necessary, ACTION will establish and publish criteria at that time.

4. THE PROPOSED CRITERIA FOR SELECTING EXISTING REGULATIONS TO BE REVIEWED AND A LIST OF REGULATIONS THAT THE AGENCY WILL CONSIDER FOR ITS INITIAL REVIEW.

a. ACTION's proposed criteria for selecting existing grant-related regula-

tions to be reviewed will be the same as those for defining significant regulations:

(1) The regulation causes substantial public interest or controversy; or

(2) The regulation affects an important agency policy or program; or

(3) The regulation imposes substantial compliance and reporting requirements.

b. ACTION will consider for its initial review the following regulations:

(1) 45 CFR § 1209.2-3, Retired Senior Volunteer Program (RSVP) Cost Sharing. This regulation section sets forth required percentages of local cost sharing for ACTION-funded RSVP grants. The agency proposes to alter both the policy of requiring local cost sharing and the RSVP program by rescinding § 1209.2-3 and abolishing the local cost sharing requirement.

(2) 45 CFR Part 1206, Grants and Contracts—Suspension and Termination and Denial of Application for Refunding. This part sets forth the rules and procedures for the suspension and termination of financial assistance to grantees and for the denial of applications for refunding of continuation grants. There are no current proposals to alter agency policy regarding this part, but ACTION intends to review the regulation and examine its impact on affected grantees.

(3) 45 CFR Part 1222, Participation of Project Beneficiaries. This part pro-

vides the requirements for the meaningful participation of specified project beneficiaries in the planning, development, and implementation of project activities. ACTION will review the requirements of this part as they affect project beneficiaries who receive assistance from the Office of Policy and Planning to run demonstration grant programs.

c. In addition to reviewing existing published regulations, ACTION intends to review the agency's internal directives that affect grant assistance and recipients to determine whether any such directives should be developed and published in accordance with the regulation development process described in this draft report.

d. ACTION will publish semiannually an agenda of significant regulations under development or review. On October 2, 1978, ACTION will publish a schedule in the FEDERAL REGISTER showing the dates during fiscal year 1979 when the semiannual agenda will be published. Each agenda will:

(1) Be approved by the Director of ACTION prior to publication;

(2) Describe the existing or proposed regulations being considered;

(3) Explain the need and legal basis for the action being taken;

(4) Contain the status of regulations previously listed on the agenda; and

(5) Include the name and telephone number of a knowledgeable agency official.

If ACTION receives comments on specified regulations in the agenda from state and local governments or national organizations representing general purpose state and local governments, ACTION will develop a plan for consultation with state and local governments in the development of those regulations.

III. COMMENT PROCEDURE

ACTION invites interested members of the public to participate in the development of the procedures to implement the Executive Order. Written comments should be submitted to Harry N. MacLean, General Counsel, ACTION, Room M-607, 806 Connecticut Avenue NW., Washington, D.C. 20525. Indicate "Executive Order Comments" on the envelope. ACTION will consider all comments received by July 31, 1978, before taking further action on these matters.

The procedures and policies contained in this draft report, unless extended, will expire on June 30, 1980.

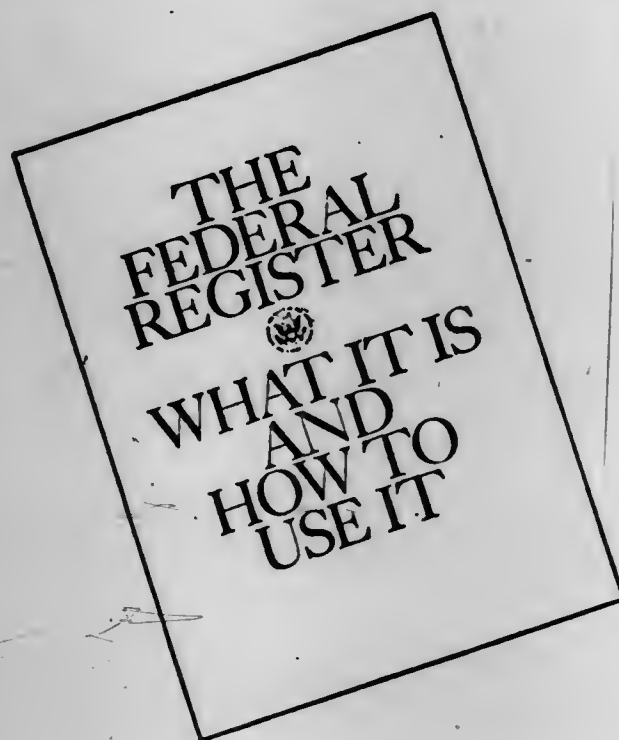
Issued in Washington, D.C., May 18, 1978.

SAM BROWN,
Director.

[FR Doc. 78-14546 Filed 5-19-78; 4:37 pm]

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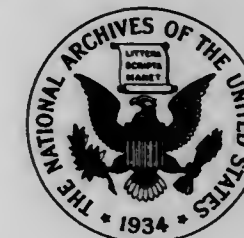
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UMI

THURSDAY, MAY 25, 1978



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

Reservations for June are being accepted for the free Friday workshops on how to use the FEDERAL REGISTER. The sessions are held at 1100 L Street NW., Washington, D.C. in room 9409 from 9 to 11:30 a.m.

Each session includes a brief history of the FEDERAL REGISTER, the difference between legislation and regulations, the relationship of the FEDERAL REGISTER to the Code of Federal Regulations, the elements of a typical FEDERAL REGISTER document, and an introduction to the finding aids.

FOR RESERVATIONS call: Martin V. Franks, Workshop Coordinator, 202-523-3517.

SUNSHINE ACT MEETINGS 22517

IMPROVING GOVERNMENT REGULATIONS

Thirteen departments and agencies issue proposals implementing Executive Order 12044 (Part II of this issue) 22573
Index to other proposals 22572

TRANSPORTATION OF HAZARDOUS WASTE MATERIAL

DOT/MTB proposes amendments to Hazardous Materials Regulations and schedules hearing for 6-20-78 (Part IV of this issue) 22476

SAVINGS AND LOAN ASSOCIATIONS

FHLBB adopts nondiscrimination regulations; effective 7-1-78 22332
FHLBB proposes nondiscrimination requirement concerning appraisals; comments by 7-28-78 22374

EXPORT OF COMMODITIES

Commerce/ITA issues regulations regarding cooperation in an international (COCOM) program to control exports to Communist countries; effective 5-24-78 22343

UNIFORM SYSTEM OF ACCOUNTS

SEC proposes to amend its system of accounts for Mutual and Subsidiary Service Companies; comments by 8-1-78; proposed effective 1-1-79 22379

SAFEGUARDS ON NUCLEAR MATERIAL

NRC proposes rules that will permit the International Atomic Energy Agency to apply its safeguards to certain nuclear activities in the United States; comments by 7-24-78 22365

AVOCADOS

USDA/AMS prescribe import regulations and quality and maturity requirements (2 documents); effective 5-29-78 (Part VIII of this issue) 22660

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Register

ISSUE MISNUMBERED SHOULD READ ISSUE 102

AGENCY PUBLICATION ON ASSIGNED DAYS OF THE WEEK

The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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DOT/FAA	USDA/FNS		DOT/FAA	USDA/FNS
DOT/OHMO	USDA/FSQS		DOT/OHMO	USDA/FSQS
DOT/OPSO	USDA/REA		DOT/OPSO	USDA/REA
	CSC			CSC
	LABOR			LABOR
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	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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This is a continuing listing of public bills that have become law, the text of which is not published in the FEDERAL REGISTER. Copies of the laws in individual pamphlet

form (referred to as "slip laws") may be obtained from the U.S. Government Printing Office.

[Last Listing: May 23, 1978]

H.R. 8331 Pub. L. 95-283
Securities Investor Protection Act Amendments of 1978 (May 21, 1978; 92 Stat. 249) Price: \$1.10.

H.J. Res. 873 Pub. L. 95-284
Making an urgent supplemental appropriation for the disaster loan program of the Small Business Administration for the fiscal year ending September 30, 1978, and for other purposes. (May 21, 1978; 92 Stat. 276) Price \$5.00.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-01]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE
SECRETARY OF AGRICULTUREPART 2—DELEGATIONS OF AUTHORITY
BY THE SECRETARY OF AGRICULTURE
AND GENERAL OFFICERS
OF THE DEPARTMENTRevision of Delegations of Authority
Pertaining to Department Safety
and Health Program

AGENCY: Department of Agriculture.

ACTION: Final rule.

SUMMARY: This document revises the delegations of authority pertaining to the Safety and Health Program within the Department. The department has determined that the objectives can best be obtained by consolidating the functions into a new Office of Safety and Health Management reporting directly to the Assistant Secretary for Administration.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION
CONTACT:

Julius C. Jimeno, Acting Director,
Office of Safety and Health Management,
U.S. Department of Agriculture,
Washington, D.C. 20250, 202-
447-8247.

Subpart C—Delegations of Authority
to the Deputy Secretary, Assistant
Secretaries, the Director of Economics,
Policy Analysis and Budget,
and the Director, Office of Governmental
and Public Affairs

1. Section 2.25 is amended by revoking and reserving paragraphs (e) (10) (xviii) and (xix) and adding a new paragraph (f) to read as follows:

§ 2.25 Delegations of authority to the Assistant Secretary for Administration.

(e) *Related to personnel.* . . .

(10) . . .

(xviii) [Reserved]

(xix) [Reserved]

(f) *Related to safety and health management.* (1) Provide Department-wide leadership, development, coordination, and implementation of policies, standards, techniques, and procedures, and represent the Department in complying with:

(i) Section 19 of the Occupational Safety and Health Act of 1970.

(ii) Executive Order 11807.

(iii) Guidelines of the Secretary of Labor related to safety and health of Federal employees, 29 CFR Part 1960.

(2) Coordinate Department requests and comments related to rulemaking under Section 6 of the Occupational Safety and Health Act of 1970.

(3) Provide Department-wide liaison and coordination of safety and health activities with the Department of Labor (DOL), Department of Health, Education and Welfare (HEW), Environmental Protection Agency (EPA), Department of Commerce (DOC), Department of Transportation (DOT), Civil Service Commission (CSC), General Services Administration (GSA), safety and health components of state and local governments and universities, and other affected or interested organizations and parties.

(4) Determine and/or provide Department-wide technical services and regional staff support for the safety and health programs.

(5) Develop and maintain a Department-wide integrated automatic data processing system for gathering and disseminating data and information related to injury/illness and property damage incidents.

(6) Promulgate Department policies, standards, techniques, and procedures, and represent the Department in administering the workers' compensation program.

(7) Develop and administer the Department's occupational health and preventive medical program.

(8) Exercise final authority in all safety and health matters, including individual cases, that involve the jurisdiction of more than one General Officer.

Subpart J—Delegations of Authority
by the Assistant Secretary for Administration

2. A new § 2.76 is added to read as follows:

§ 2.76 Director, Office of Safety and Health Management.

(a) *Delegations.* Pursuant to § 2.25(f), the following delegations of authority are made by the Assistant Secretary for Administration to the Director, Office of Safety and Health Management:

(1) Provide Department-wide leadership, development, coordination, and implementation of policies, standards, techniques, and procedures, and represent the Department in complying with:

(i) Section 19 of the Occupational Safety and Health Act of 1970.

(ii) Executive Order 11807.

(iii) Guidelines of the Secretary of Labor related to safety and health of Federal employees, 29 CFR Part 1960.

(2) Coordinate Department requests and comments related to rulemaking under Section 6 of the Occupational Safety and Health Act of 1970.

(3) Provide Department-wide liaison and coordination of safety and health activities with the Department of Labor (DOL), Department of Health, Education, and Welfare (HEW), Environmental Protection Agency (EPA), Department of Commerce (DOC), Department of Transportation (DOT), Civil Service Commission (CSC), General Services Administration (GSA), safety and health components of State and local governments and universities, and other affected or interested organizations and parties.

(4) Determine and/or provide Department-wide technical services and regional staff support for the safety and health programs.

(5) Develop and maintain a Department-wide integrated automatic data processing system for gathering and disseminating data and information related to injury/illness and property damage incidents.

(6) Promulgate Department policies, standards, techniques, and procedures, and represent the Department in administering the workers' compensation program.

(7) Develop and administer the Department's occupational health and preventive medical program.

(b) *Reservations.* The following authorities are reserved to the Assistant Secretary for Administration:

(1) Exercise final authority in all safety and health matters, including individual cases, that involve the jurisdiction of more than one General Officer.

dition of more than one General Officer.

3. Section 2.78 is amended by revoking and reserving paragraphs (a)(10) (xviii) and (xix) as follows:

§ 2.78 Director, Office of Personnel.

- (a) *Delegations.* . . .
(10) . . .
(xviii) [Reserved].
(xix) [Reserved].

(5 U.S.C. 301 and Reorganization Plan No. 2 of 1953.)

Dated: May 17, 1978.

For Subpart C:

CAROL TUCKER FOREMAN,
Acting Secretary of Agriculture.

For Subpart J:

JOAN S. WALLACE,
*Assistant Secretary
for Administration.*

[FR Doc. 78-14612 Filed 5-24-78; 8:45 am]

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Valencia Orange Reg. 590; Valencia Orange Reg. 589, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This action establishes the quantity of fresh California-Arizona Valencia oranges that may be shipped to market during the period May 26-June 1, 1978, and increases the quantity of such oranges that may be so shipped during the period May 19-25, 1978. Such action is needed to provide for orderly marketing of fresh Valencia oranges for the periods specified due to the marketing situation confronting the orange industry.

DATES: The regulation becomes effective May 26, 1978, and the amendment is effective for the period May 19-25, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to the marketing

agreement, as amended, and Order No. 908, as amended (7 CFR Part 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under this marketing order, and upon other information, it is found that the limitation of handling of Valencia oranges, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on May 22 and 23, 1978, to consider supply and market conditions and other factors affecting the need for regulation, and recommended quantities of Valencia oranges deemed advisable to be handled during the specified weeks. The committee reports the demand for Valencia oranges continued to show overall strength.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the *FEDERAL REGISTER* (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation and amendment are based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and the amendment relieves restrictions on the handling of Valencia oranges. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

1. Section 908.890 is added as follows:

§ 908.890 Valencia Orange Regulation 590.

Order. (a) The quantities of Valencia oranges grown in Arizona and California which may be handled during the period May 26, 1978, through June 1, 1978, are established as follows:

- (1) District 1: 390,000 cartons; (2) District 2: 520,000 cartons; (3) District 3: 90,000 cartons.

(b) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" mean the same as defined in the marketing order.

2. Paragraph (a) (1) and (3) in § 908.889 Valencia Orange Regulation 589 (43 FR 21636), is hereby amended to read:

- (1) District 1: 501,000 cartons; (3) District 3: 221,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated: May 24, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-14673 Filed 5-24-78; 1:13 pm]

[4410-10]

**Title 8—Aliens and Nationality
CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE**

**Designation of Harlingen, Tex.
Suboffice as a District Office**

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rule amends the regulations of the Immigration and Naturalization Service to redesignate the suboffice of this Service in Harlingen, Tex., as a district office. Establishment of a new district office in Harlingen is necessary because the workload in all Service activities has increased dramatically in the lower Rio Grande Valley area. The entire area is now served by the San Antonio District Office. Creation of a district office in Harlingen is intended to reduce the disproportionately large workload now borne by the San Antonio district office, improve supervision of the ports of entry in Southern Texas, reduce lost work and travel time, and improve service to the public.

EFFECTIVE DATE: April 1, 1978.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 I Street NW., Washington, D.C. 20536. Telephone 202-376-8373.

SUPPLEMENTARY INFORMATION: The San Antonio, Tex., District is currently too large, having under its jurisdiction over 400 employees, six of the twelve largest ports of entry on the Southern border, an alien processing center, and a suboffice located in Harlingen, Tex. The Harlingen Suboffice, which has a staff of 28 persons, covers the seven counties in the lower Rio Grande Valley (Kleberg, Brooks, Kenedy, Willacy, Starr, Hidalgo and Cameron). The workload in all Service activities is increasing dramatically in this area. This has increased the workload placed on both the Harlingen Suboffice and the San Antonio District Office. The San Antonio District Office expends considerable time and cost in supervision of Service activities in the lower Rio Grande Valley.

A review of authorized staffing levels and workload data indicates

that there is sufficient workload in all Service activities in the lower Rio Grande Valley to support establishment of a full district office in lieu of the suboffice in Harlingen. The redesignation of Harlingen as a district office would reduce the disproportionately large workload in the San Antonio District and more equitably distribute the workload and span of control among the Texas districts. Additionally, supervision over the ports of entry in Southern Texas would improve, lost work and travel time would be reduced, and service to the public would be improved.

Accordingly, the amendments described below will be made to the indicated sections of Title 8 of the Code of Federal Regulations.

In 8 CFR 100.4(a), District No. 40 will be added to the list of districts under the jurisdiction of the Southern Regional Office.

In 8 CFR 100.4(b), District No. 14 San Antonio, Tex., will be amended by deleting the following counties: Brooks, Cameron, Hidalgo, Kenedy, Kleberg, Starr and Willacy; 8 CFR 100.4(b) will be further amended by adding District No. 40, Harlingen, Tex., which will have jurisdiction over the following counties in the State of Texas: Brooks, Cameron, Hidalgo, Kenedy, Kleberg, Starr and Willacy; 8 CFR 100.4(c)(1) will be amended by deleting Harlingen, Tex., because Harlingen is being redesignated as a district office.

In 8 CFR 100.4(c)(2) in District No. 14 San Antonio, Tex., the list of Class A ports will be amended by deleting Brownsville, Tex., Falcon Heights, Tex., Hidalgo, Tex., Los Ebanos, Tex., Port Isabel, Tex., Progreso, Tex., Rio Grande City, Tex., and Roma, Tex. 8 CFR 100.4(c)(2) will be further amended by adding District No. 40 Harlingen, Tex., which will have jurisdiction over the following Class A ports: Brownsville, Tex.; Falcon Heights, Tex.; Hidalgo, Tex.; Los Ebanos, Tex.; Port Isabel, Tex.; Progreso, Tex.; Rio Grande City, Tex. and Roma, Tex.

In 8 CFR 100.4(c)(3) District No. 14 will be amended by deleting the Rio Grande Valley International Airport at Brownsville, Tex., from the list of airports indicated under that district. 8 CFR 100.4(c)(3) will be further amended by adding District No. 40 Harlingen, Tex., to have jurisdiction over the Rio Grande Valley International Airport at Brownsville, Tex.

8 CFR 100.4(e) will be amended by substituting the title "special inquiry officer" with "immigration judge," and by adding District No. 40 to the list because an immigration judge will be stationed in the Harlingen, Tex., district office.

8 CFR 103.10 will be amended by deleting Harlingen, Tex., because Harlingen is being redesignated as a district

office. Service records will be obtainable from the new district office as at present.

8 CFR 242.1 will be amended by deleting Harlingen, Tex., because Harlingen has been redesignated as a district office.

In the light of the foregoing, Chapter I of Title 8 of the Code of Federal Regulations is hereby amended as set forth below.

PART 100—STATEMENT OF ORGANIZATION

§ 100.4 [Amended]

1. In § 100.4(a), the second sentence is amended to read as follows:

(a) *Regional offices.* . . . The Southern Regional Office, located in Dallas, Tex., has jurisdiction over Districts 6, 14, 15, 20, 26, 28, 38 and 40, and Border Patrol Sectors 15, 16, 17, 18, 19, 20, and 21. . . .

2. In § 100.4(b), District No. 14, San Antonio, Tex. is revised by deleting certain counties from the jurisdiction of that office. The jurisdiction of District No. 14 as revised, reads as follows:

(b) *District offices.* . . .

14. *San Antonio, Tex.* The district office in San Antonio, Tex., has jurisdiction over the following counties in the State of Texas: Aransas, Atascosa, Benders, Bastrop, Bee, Bell, Bexar, Blanco, Brazos, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Coke, Coleman, Comal, Concho, Coryell, Crockett, De Witt, Dimmit, Duval, Edwards, Falls, Fayette, Frio, Gillespie, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Irion, Jackson, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kerr, Kimble, Kinney, Lampasas, La Salle, Lavaca, Lee, Live Oak, Llano, McCulloch, McLennan, McMullen, Mason, Maverick, Medina, Menard, Millam, Mills, Nueces, Reagan, Real, Refugio, Robertson, Runnels, San Patricio, San Saba, Schleicher, Sterling, Sutton, Taylor, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb, Williamson, Wilson, Zapata, Zavala.

3. § 100.4(b) is further amended by adding District No. 40, Harlingen, Tex., with jurisdiction over the counties listed below, as follows:

40. *Harlingen, Tex.* The district office in Harlingen, Tex. has jurisdiction over the following counties in the State of Texas: Brooks, Cameron, Hidalgo, Kenedy, Kleberg, Starr and Willacy.

4. In § 100.4(c)(1), the list of offices therein enumerated is amended by deleting Harlingen, Texas. As amended, § 100.4(c)(1) reads as follows:

(c) *Suboffices.* . . .
(1) *Interior locations.*

Albany, N.Y.
Albuquerque, N. Mex.
Boise, Idaho
Cincinnati, Ohio
Fairbanks, Alaska
Fresno, Calif.

Las Vegas, Nev.
Louisville, Ky.
Memphis, Tenn.
Oklahoma City, Okla.
Pittsburgh, Pa.
Reno, Nev.
Sacramento, Calif.
Salt Lake City, Utah
St. Louis, Mo.
Spokane, Wash.
Syracuse, N.Y.
Tucson, Ariz.

5. In § 100.4(c)(2) the list of Class A ports under District No. 14, San Antonio, Tex. is revised by deleting several ports, and as revised, reads as follows:

(c) . . .
(2) *Ports of entry for aliens arriving by vessel or by land transportation.* . . .

DISTRICT NO. 14—SAN ANTONIO, TEX.

CLASS A

Amistad Dam, Tex.
*Corpus Christi, Tex. (the port of Corpus Christi includes, among others, the port facilities at Harbor Island, Ingleside, and Port Lavaca-Point Comfort, Tex.)
Del Rio, Tex.
Eagle Pass, Tex.
Laredo, Tex.

6. § 100.4(c)(2) is further amended by adding new District No. 40, Harlingen, Tex., and the Class A Ports over which it has jurisdiction, to read as follows:

DISTRICT NO. 40—HARLINGEN, TEX.

CLASS A

*Brownsville, Tex.
*Falcon Heights, Tex.
*Hidalgo, Tex.
*Los Ebanos, Tex.
*Port Isabel, Tex.
*Progreso, Tex.
*Rio Grande City, Tex.
*Roma, Tex.

7. In § 100.4(c)(3), District No. 14 is amended by deleting reference to the Rio Grande Valley International Airport at Brownsville, Tex. The section is further amended by adding District No. 40, Harlingen, Tex., to have jurisdiction over the above-named airport. As amended, § 100.4(c)(3) reads as follows:

(c) . . .
(3) *Ports of entry for aliens arriving by aircraft.* . . .

DISTRICT NO. 14—SAN ANTONIO, TEX.

Del Rio, Tex., Del Rio International Airport
Eagle Pass, Tex., Eagle Pass Airport
Laredo, Tex., Laredo International Airport

McAllen, Tex., Miller International Airport

DISTRICT NO. 40—HARLINGEN, TEX.

Brownsville, Tex., Rio Grande Valley International Airport at Brownsville, Tex.

8. 8 CFR 100.4(e) is revised to read as follows:

(e) *Immigration Judges.* Immigration Judges are stationed at the following district headquarters: Districts 2, 3, 6, 7, 8, 9, 12, 13, 14, 15, 16, 19, 21, 25, 38, 39 and 40.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS: AVAILABILITY OF SERVICE RECORDS

9. In § 103.10(a)(1), the first sentence is amended by deleting "Harlingen, Tex." As amended, the first sentence of § 103.10(a)(1) reads as follows:

§ 103.10 Requests for records under the Freedom of Information Act.

(a) *Place and manner of requesting records.*—(1) *Place.* Records shall be made available in the Central Office, each regional office, any district office, and the following offices: Agana, Guam; Albany, N.Y.; Cincinnati, Ohio; Hammond, Ind.; Las Vegas, Nev.; Memphis, Tenn.; Milwaukee, Wis.; Norfolk, Va.; Pittsburgh, Pa.; Providence, R.I.; Reno, Nev.; St. Louis, Mo.; Salt Lake City, Utah; Spokane, Wash.; additionally in particular cases, a district director may designate any other Service office.

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING AND APPEAL

10. In § 242.1(a), the third sentence is amended by deleting "Harlingen, Tex." As amended, the third sentence of § 242.1(a) reads as follows:

§ 242.1 Order to show cause and notice of hearing.

(a) *Commencement.* . . . Orders to show cause may be issued by district directors, acting district directors, deputy district directors, assistant district directors for investigations, and officers in charge at Albany, N.Y.; Charlotte Amalie, Virgin Islands; Cincinnati, Ohio; Hammond, Ind.; Mil-

waukee, Wis.; Norfolk, Va.; Oklahoma City, Okla.; Pittsburgh, Pa.; Providence, R.I.; Salt Lake City, Utah; St. Louis, Mo.; Spokane, Wash.

(Sec. 108, 66 Stat. 173; (8 U.S.C. 1103).)

These amendments are published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the amendments contained in this order relate to agency organization and management. *Effective date.* These amendments are effective as of April 1, 1978.

Dated: May 19, 1978.

LEONEL J. CASTILLO,
Commissioner of
Immigration and Naturalization.
[FR Doc. 78-14584 Filed 5-24-78; 8:45 am]

[6720-01]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

(No. 78-302)

PART 528—NONDISCRIMINATION REQUIREMENTS

PART 531—STATEMENTS OF POLICY

Fair Lending Regulations and Guidelines

AGENCY: Federal Home Loan Bank Board ("Bank Board").

ACTION: Final amendments.

SUMMARY: These amendments to the Bank Board's fair lending regulations and policy statement: (1) Prohibit member institutions from automatically refusing to lend because of the age or location of a dwelling; (2) prohibit loan decisions based on discriminatory appraisals; (3) emphasize that there is a right to file a written loan application; (4) require member institutions to have written loan underwriting standards which are available to the public upon request; (5) revise the Equal Housing Lender poster which member institutions display in their lobbies; and (6) establish a new monitoring system for fair lending enforcement and analysis. Updating

changes were made to reflect Equal Credit Opportunity Act and Community Reinvestment Act provisions, as well as to strengthen the Bank Board's ability to enforce member institutions' compliance with these and other Federal laws which prohibit discriminatory lending practices. Readers may also be interested in Bank Board Resolution No. 78-303 (published concurrently with these amendments), which proposes to require member institutions to give applicants a copy of the property appraisal when an application is denied or receives other adverse action on the basis of the appraised property value.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION, CONTACT:

Harry W. Quillian, Associate General Counsel, or Patricia C. Trask, Attorney, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Telephone numbers: 202-377-6440, 6444.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On November 1 and 2, 1977, the Bank Board adopted resolutions proposing amendments to update and strengthen its nondiscrimination-lending regulations and policy statement which reflect provisions of the Federal Fair Housing Act, the Equal Credit Opportunity Act (ECOA), and the Community Reinvestment Act (CRA). Bank Board Resolution No. 77-636 of November 1, 1977, proposed major changes to Part 528 and § 531.8 (12 CFR Part 528 and § 531.8) of the Rules and Regulations for the Federal Home Loan Bank System. Published November 14, 1977, at 42 FR 58953, the proposed changes would have: (1) Prohibited denials of loans and loan applications based on a dwelling's age or location; (2) required member institutions to have written loan underwriting standards; and (3) added prohibitions against discriminatory lending practices based on borrower characteristics protected under the ECOA. The public comment period on this proposal closed January 9, 1978.

Bank Board Resolution No. 77-637 of November 2, 1977, proposed several other amendments to Part 528 to enable the Bank Board to monitor compliance by member institutions with fair lending rules. Published November 8, 1977, at 42 FR 58182, these changes would have: (1) Defined an application for a loan from a member institution; (2) revoked obsolete rules concerning the Bank Board's Fair Housing Information Survey; (3) set up monitoring rules for fair lending enforcement; and (4) provided for a lender designation survey of selected member institutions to determine

whether patterns and practices of discriminatory lending could be more easily found if loan applicants' race and sex were noted by the lender when applicants chose not to provide that information. This proposal's public comment period ended December 9, 1977.

PUBLIC COMMENT

The Bank Board received approximately 330 public comment letters on each proposal, an estimated 75 percent of which were from member institutions. The remaining 25 percent were from Federal, State and local government agencies and officials, public interest groups, savings and loan trade groups, two members of Congress, and individual depositors. Opposed were the responding members of Congress, most member institutions, industry trade groups, several State regulatory agencies which enforce State nondiscrimination regulations, and a number of individual depositors. In favor were several industry trade groups, most responding Federal agencies and officials, and national, State, and local groups concerned with lending issues.

Opponents generally recommended that the Bank Board withdraw all, or portions, of both proposals on the ground that they would be unnecessary, unworkable, and burdensome. Proponents, on the other hand, supported the proposals, and made recommendations for changes to strengthen various provisions.

Bank Board's decision. The Bank Board has carefully considered all arguments. It recognizes that successful programs to encourage member institutions to invest in areas in communities which may now be underserved requires an effort by more than savings and loan institutions. However, these regulations and guidelines are an important step to assure that member institutions are not making arbitrary lending decisions based on unsubstantiated assumptions. Therefore, the final regulations and policy statement reflect a three-pronged approach by which (1) the Bank Board will monitor compliance through enforcement procedures; (2) member institutions will be encouraged to examine and evaluate their own commitment to fair lending; and (3) the public will have access to more information to assist them in obtaining equal treatment in the lending process.

Further, it is the Bank Board's intent that Federally-chartered savings and loan institutions shall be governed solely by Part 528 and § 531.8.

DISCUSSION OF AMENDMENTS

REGULATIONS

Although the monitoring section was separately covered by one proposal, it has been combined with the rest

of the nondiscrimination-in-lending regulations and policy statement, and discussed in numerical order. Major changes from the proposals are: (1) No new "application" definition has been adopted; (2) monitoring information will not be required on telephone inquiries not treated as applications; (3) the loan application register has been simplified; (4) a right to file a written loan application has been emphasized; (5) member institutions are prohibited from basing underwriting decisions upon discriminatory property appraisals; (6) copies of member institutions' written loan underwriting standards must be made available to the public upon request; and (7) the Fair Lending Poster has been simplified, and contains a prohibition against discouraging loan inquiries or applications.

These rules also revoke obsolete Fair Housing Information Survey requirements.

Section 528.1 Definitions. The Bank Board has decided not to adopt a definition of "application" for a loan or other service. Public comments raised a number of problems which could be encountered for recordkeeping, data collection, and reporting if the proposed definition were used. The Bank Board favors the uniformity and continuity of permitting member institutions to continue using the application definition in Federal Reserve Regulation B, as recently interpreted by that Agency in Public Information Letter 8. The letter clarifies when a loan inquiry becomes an application for purposes of Regulation B and Bank Board regulations.

Existing definitions have been alphabetized and redesignated.

Section 528.1a Supplementary guidelines. This provision, which refers the reader to the Bank Board's policy statement, has been more logically placed at the start of the regulations, redesignated accordingly, and modified to refer to Regulation B.

Section 528.2 Nondiscrimination in lending and other services. This section has been amended to separate requirements of various statutes. Paragraph (a) adds to present regulations the prohibition against discrimination in lending on the basis of a dwelling's age or location. Many commenters interpreted the proposal to mean that age and location could not be considered at all in the appraisal process, and that, as a result, institutions would be required to make unsafe loans. However, as amplified in the guidelines, this section prohibits arbitrary refusals to consider a loan, or make a loan, because a property is old or located in an area which the institution may have assumed is declining. The condition and utility of the improvements may, of course, be considered, as may conditions of the area which can be reliably related to risk.

These may include street conditions, amenities, availability of public utilities and municipal services, and exposure to flooding and land faults. Arbitrary refusals to consider a property, however, may result in further deterioration of existing housing stock, and may limit the areas and price range of housing for prospective borrowers.

Paragraph (b) has been clarified to state that each applicant's income shall be considered without prejudice (discounting is not permitted) when a joint application for a loan is filed; and paragraph (c) now contains a separate reference to ECOA-protected borrower characteristics. The requirement of written loan underwriting standards has been moved to a new section.

Section 528.2a Nondiscriminatory appraisal and underwriting. This entirely new section resulted from public comments recommending expansion of the proposed requirement that member institutions have written loan underwriting standards. Since the underwriting process takes into consideration the creditworthiness of the borrower and the value of the property which will secure a loan, the Bank Board has decided to adopt an amendment which, in paragraph (a)(1), prohibits use of discriminatory appraisals.

Paragraph (b) requires that the written loan underwriting standards of member institutions be available to the public, upon request, at each office. The Bank Board believes this will help borrowers evaluate their own ability to qualify for a loan and to understand better the factors which are considered in the loan underwriting process.

Section 528.3 Nondiscrimination in applications. The language of paragraph (a) has been simplified to make clearer that no member institution may discourage loan applications or inquiries, i.e., discriminatorily refuse to answer questions about loans, imply that no loan would be approved, or application considered, on the basis of any protected borrower characteristic or because of the age or location of a dwelling. This practice, commonly called "pre-screening", is of major concern to the Bank Board.

New paragraph (b) therefore requires that member institutions notify a person inquiring about a loan or loan terms that he or she may file a written application, and that a copy of the institution's loan underwriting standards is available.

Section 528.4 Nondiscriminatory advertising. This section has been shortened, and changed to include property age and location.

Section 528.5 Equal Housing Lender Poster. In response to public comments, the Bank Board has obtained approval (under 12 CFR 110.25(b)) of

a new, simplified Equal Housing Lender poster which must be displayed in each office of member institutions. In addition to streamlining and clarifying wording, the Bank Board has added a prohibition against discouraging loan applications, and included all three avenues of relief for an applicant who believes he or she has been discriminated against. (The proposed poster had only mentioned the complaint process; the final form adds that an aggrieved applicant may talk to the management or consider filing a civil lawsuit.)

Section 528.6 *Monitoring information.* The difficulty of obtaining monitoring information from telephone callers was addressed often in public comment letters, which have persuaded the Bank Board to change the requirement. Paragraph (a) has been modified to include only in-person or written applications.

Paragraph (b) requires that, whenever possible, all lenders designate race and sex of each applicant if that information is not voluntarily supplied. This requirement replaces the temporary lender designation survey which, upon reconsideration, the Bank Board determined to be less useful than uniform lender designation. The Bank Board acknowledges that there may be some incorrect designation of race/ethnic origin, and also some awkwardness experienced by member institutions' employees. However, more complete data than is being provided under existing voluntary monitoring provisions may be more effective in detecting patterns or practices of discriminatory lending.

Paragraph (c), regarding notice to applicants of the reason for monitoring, no longer refers to Regulation B's model residential loan application form as an example because of wording differences which make such form inappropriate for use by member institutions. It should be noted that the notice used by member institutions is also required of their service corporations which originate loans for, or sell loans to, the parent.

Paragraph (d), which proposed that all member institutions keep a loan application register, has been retained, but now requires fewer columns of data and less frequent handling. Substantial negative comment was received from member institutions and their trade groups, which believed that the paperwork generated by the register would be unmanageable and incomplete. Recommendations were made to drop this requirement, or shorten the sample register to four or five columns. Writers who favored the register as a monitoring tool, however, pointed out that more information was needed in order to make any worthwhile analysis of lending practices.

The Bank Board has considered the usefulness of each column of information for assessing the nature and extent of discriminatory lending. It has decided to shorten the register kept by member institutions to 23 columns. This change will minimize cost and paperwork while providing a management and examination tool for identifying missed lending opportunities and detecting lending patterns which may show a need for closer examination of lending practices.

In addition to being shorter, the register will require handling fewer times than the proposed one, and may be kept in any format chosen by a member institution. The Bank Board requires, however, that the register include at least all data contained in the sample loan application register in § 528.6(d).

In addition to developing the shortened register form, the Bank Board has undertaken to collect and analyze more detailed loan application data from a sampling of selected member institutions' loan applications. The Bank Board intends to evaluate the usefulness of these data, and through a process of evaluation of both the data obtained and the collection methodologies used will establish a uniform system to enable it to monitor compliance at minimal cost to the public and member institutions consistent with effective enforcement of these regulations.

On the basis of this evaluation, the Bank Board will decide whether to continue requiring member institutions to use the shortened register, use a more comprehensive one, or to begin some alternative monitoring system.

Paragraph (e), reporting requirements, has been changed to permit Bank Board collection of monitoring data for analysis. The Bank Board does not intend to require reports to be filed at present. This provision has been preserved, however, to facilitate reporting if experience under the monitoring section proves that it would be useful. Reporting of totals of loan applications received, denied, etc., for each race, sex, age, and marital status category, has been dropped.

No exemption would be made for institutions which must file reports under State fair housing laws because uniform data collection would be necessary for analysis if the Bank Board requires reporting in the future.

Information reported to the Bank Board for fair lending analysis would be kept in such manner as to ensure compliance with Privacy Act requirements.

Proposed paragraph (f) would have required retention of all loan application documents, including worksheets, for 25 months. To avoid problems such as whether records are to be retained in hardcopy or on microfilm, and

when the time period begins running for the 25 months, the Bank Board has revised paragraph (f) to require the same recordkeeping as Federal Reserve Regulation B.

Section 531.8 *Guidelines for non-discriminatory underwriting standards.* Present paragraph (a) of the guidelines, although not part of the proposal, has been modified to conform to the regulations by adding reference to property age and location.

Few public comments addressed proposed paragraphs (c) (1), (2), and (3), which discuss discrimination on the basis of sex or marital status, age, and income of spouses who apply jointly for a loan. Paragraphs (c)(1) and (c)(3) contain minor clarifying changes. Proposed paragraph (c)(2), regarding age, has been dropped in favor of regulation B's discussion of this factor.

Paragraph (c)(5) (applicant's prior history) has been modified to include reference to the potentially discriminatory effect of member institutions' preferring applicants who either do or have done business with the institution. The Bank Board received many comments expressing concern that this section was intended to require member institutions to disregard an applicant's prior credit history. However, the Bank Board believes that the opening sentence of paragraph (c)(5) which states, "... the loan decision should be based upon a realistic evaluation of all pertinent factors respecting an individual's creditworthiness, without giving undue weight to any one factor" adequately addresses this concern.

Paragraph (c)(6) has been clarified by adding that lending on less favorable terms in an area because of its racial composition is unlawful.

Paragraph (c)(7) amplifies the prohibitions against arbitrary refusals to lend because of a dwelling's age or location. The Bank Board received many comments on this paragraph which suggested the need for extensive clarification or other explanation of its meaning. In response, the Bank Board has revised this paragraph to state more effectively that loan decisions should be based on present market value (including consideration of specific improvements to be made by the borrower) and the likelihood that adequate value will be retained over the term of the loan. Any factors which may negatively affect its value in the near future should be clearly documented.

Paragraph (d), marketing practices, has been modified slightly, but not substantively changed because the Bank Board is considering the most effective method of implementing the Community Reinvestment Act. In the meantime, paragraph (d) expresses the Bank Board's policy on measures which may be taken by member insti-

tutions to evaluate their marketing programs in view of fair lending requirements.

These regulations and guidelines are adopted effective July 1, 1978, except that §§ 528.2a(b), 528.5(b), and 528.6 (c) and (d) are adopted effective September 1, 1978, so that member institutions may have adequate time to prepare new posters, disclosure notices, underwriting standards, and loan application registers.

Accordingly, the Bank Board hereby amends 12 CFR part 528 and § 531.8 as follows, effective July 1, 1978, except that as hereby adopted or revised §§ 528.2a(b), 528.5(b), and 528.6 (c) and (d) are effective September 1, 1978:

§ 528.1 [Amended]

1. In § 528.1, paragraphs (a) and (b) are redesignated as (b) and (c), respectively and new paragraph (a) is added to read as follows:

(a) *Application.* For purposes of this part and § 531.8, an application for a loan or other service is as defined in Regulation B, 12 CFR 202.2(f).

2. New § 528.1a is added to read as follows:

§ 528.1a Supplementary guidelines.

The Board's § 531.8 policy statement supplements, and should be read together with, part 528. Refer also to 12 CFR 202, Federal Reserve Regulation B.

3. Section 528.2 is revised to read as follows:

§ 528.2 Nondiscrimination in lending and other services. (See also, § 531.8 (b) and (c).)

(a) No member institution may deny a loan or other service, or discriminate in fixing the amount, interest rate, duration, application procedures, collection or enforcement procedures, or other terms or conditions of such loan or other service on the basis of the age or location of the dwelling, or on the basis of the race, color, religion, sex, or national origin of:

- (1) An applicant or joint applicant;
- (2) Any person associated with an applicant or joint applicant regarding such loan or other service, or with the purposes of such loan or other service;
- (3) The present or prospective owners, lessees, tenants, or occupants of the dwelling(s) for which such loan or other service is to be made or given;
- (4) The present or prospective owners, lessees, tenants, or occupants of other dwellings in the vicinity of the dwelling(s) for which such loan or other service is to be made or given.

(b) A member institution shall consider without prejudice the combined income of joint applicants for a loan or other service.

(c) No member institution may discriminate against an applicant for a loan or other service on any prohibited basis (as defined in 12 CFR 202.2(z)).

4. New § 528.2a is added to read as follows:

§ 528.2a Nondiscriminatory appraisal and underwriting. (See also, § 531.8 (b), (c)(6), and (c)(7).)

(a) *Appraisal.* No member institution may use or rely upon an appraisal of a dwelling which the institution knows, or reasonably should know, is discriminatory on the basis of the age or location of the dwelling, or is discriminatory per se or in effect under the Fair Housing Act of 1968 or the Equal Credit Opportunity Act.

(b) *Underwriting.* Each member institution shall have clearly written, nondiscriminatory loan underwriting standards, available to the public upon request, at each of its offices. Each institution shall, at least annually, review its standards, and business practices implementing them, to ensure equal opportunity in lending.

5. Section 528.3 is amended to read as follows:

§ 528.3 Nondiscrimination in applications. (See also, § 531.8 (a) through (d).)

(a) No member may discourage, or refuse to allow, receive, or consider, any application, request, or inquiry regarding a loan or other service, or discriminate in imposing conditions upon, or in processing, any such application, request, or inquiry on the basis of the age or location of the dwelling, or on the basis of the race, color, religion, sex, national origin, or other characteristics prohibited from consideration in § 528.2(c) of this part, of the prospective borrower or other person, who:

- (1) ...
- (2) ...
- (3) ...
- (b) A member institution shall inform each inquirer of his or her right to file a written loan application, and to receive a copy of the institution's underwriting standards.

6. In § 528.4, the text preceding the logo is revised to read as follows:

§ 528.4 Nondiscriminatory advertising.

No member institution may directly or indirectly engage in any form of advertising which implies or suggests a policy of discrimination or exclusion in violation of title VIII of the Civil Rights Act of 1968, the Equal Credit Opportunity Act, or this part. Advertisements other than for savings shall include a facsimile of the following logotype and legend (except that the legend "Equal Opportunity Lender" may be substituted for the legend "Equal Housing Lender"): ...

7. In § 528.5(b), the text following the logo is revised to read as follows:

§ 528.5 Equal housing lender poster.

(a) ...
(b) ...

We do business in accordance with the Federal Fair Housing Law and the Equal Credit Opportunity Act.

It is illegal to: Discourage a loan inquiry or refuse to accept a written loan application;

Discriminate in fixing the amount, interest rate, duration, application procedures, or other terms or conditions of a loan; or

Deny a loan for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling on the basis of race, color, national origin, religion, sex, marital status or age; or because a person receives income from a public assistance program, or has in good faith exercised any right under the consumer credit protection act.

If you believe you have been discriminated against, you may: Speak with the management of this institution;

Complain to the Office of Community Investment, Federal Home Loan Bank Board, Washington, D.C. 20552, or the Assistant Secretary for Fair Housing and Equal Opportunity, Department of Housing and Urban Development, Washington, D.C. 20010; or

Consider filing a civil suit under Federal laws.

8. Section 528.6 is revised to read as follows:

§ 528.6 Monitoring information.

(a) *Information to be requested.* (1) Each member institution which receives an in-person or written application from a natural person for a loan related to a dwelling shall request, but not require, either on the application form or a form referring to the application, the following information regarding the applicant and joint applicant (if any):

(i) Race/national origin, using the categories American Indian or Alaskan Native; Asian or Pacific Islander; Black; White; Hispanic; Other (specify);

(ii) Sex;

(iii) Marital status, using the categories married, unmarried, and separated; and

(iv) Age.

(b) If the applicant(s) choose not to provide the information or any part of it, that fact shall be noted on the monitoring form, and the member institution shall, to the extent possible, on the bases of sight and/or surname, designate race and sex of each loan applicant and joint applicant.

(c) *Disclosure notice.* Any form used to collect monitoring information required by paragraph (a) shall contain a written notice that such information is requested by the Federal government to monitor compliance with Fed-

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eral statutes which prohibit member institutions from discriminating on those bases against applicants for a loan or other service, and that the member institution is required to note race and sex, on the basis of sight and/or surname, if the applicant(s) choose not to do so.

(c) **Loan application register.** For examination purposes, each member institution shall maintain a current, readily accessible loan application register containing at a minimum the information required by the Board on the following sample form:

No. 78-302

LOAN APPLICATION REGISTER

NAME, AND ADDRESS OF ASSOCIATION

[illegible]

INSTRUCTIONS FOR PREPARATION OF SAMPLE
LOAN APPLICATION REGISTER

Application number. Indicate the application number in this column. Each application must be assigned a number at the time of receipt. The number should identify the application and facilitate locating it if the requested loan is not made.

Loan number (if applicable). If a loan is made as a result of the application, show the loan's identifying number.

Census tract. Show the property's census tract number in this column. If no census tract number has been assigned to the area in which the property is located then show the property's zip code.

APPLICANT

Sex.—Indicate "M" for male, "F" for female.

Race.—Indicate by using the following code: (1) American Indian or Alaskan Native, (2) Asian or Pacific Islander, (3) Black, (4) White, (5) Hispanic, or (6) Other.

Marital status.—Indicate by using the following code: (1) Married, (2) unmarried, or (3) separated.

Age.—Self-explanatory.

Lender designated. Indicate with a "X" if any of the monitoring information was refused by the applicant. If refused, the member institution must complete the monitoring information. Enclose in parenthesis any monitoring information completed by the member institution.

Co-applicant. To be completed in the same manner as indicated under Applicant above.

FINAL LOAN TERMS

Interest rate. Show the annual interest rate of the loan made.

Amount. Show the principal amount of the loan made.

Term. Show the term of the loan made. Indicate by "M" if shown in months and by "Y" if shown in years.

Fees. Show the sum of all fees and charges imposed directly or indirectly by the association and which are payable directly or indirectly by the borrower as an incident to or as a condition of the loan but excluding the following: (1) Interest, (2) hazard, credit life, accident, health, or loss-of-income insurance, and (3) escrows for real estate taxes and hazard insurance.

Loan-to-value ratio (percent). Show the ratio of the loan amount to the appraised value of the security property. Show "NA" if the loan is unsecured.

Year property built. Show the year or approximate year that the security property was built. If application is for an unsecured loan, indicate by "NA".

DISPOSITION

Any loan term changed/accepted. Indicate with a "X" if the loan offered was on terms other than those requested by the applicant but the applicant accepted such terms.

Any loan term changed/not accepted. Indicate with a "X" if the loan offered was on terms other than those requested by the applicant and the applicant did not accept the loan offered.

Denied. Indicate with a "X" if the loan application was denied by the association.

Withdrawn by applicant. Indicate with a "X" if the application was withdrawn by the applicant.

(e) Reporting. Each member institution shall report monitoring data to

the Board in such manner as the Board may prescribe.

(f) Recordkeeping. For purposes of this Part, each member institution shall retain records as required by 12 CFR 202.12.

§ 531.8 [Amended]

1. In § 531.8, paragraph (a) is revised to read as follows:

(a) **General.** Fair housing and equal opportunity in home financing is a policy of the United States established by Federal Statutes and Presidential orders and proclamations. In furtherance of the Federal civil rights laws and the economical home financing purposes of the statutes administered by the Board, the Board has adopted, in Parts 528 and 529 of this subchapter, nondiscrimination regulations which, among other things, prohibit arbitrary refusals to consider loan applications on the basis of the age or location of a dwelling, and prohibit discrimination based on race, color, religion, sex, or national origin in fixing the amount, interest rate, duration, application procedures, collection or enforcement procedures, or other terms or conditions of housing related loans. This section provides supplementary guidelines to aid member institutions in developing and implementing nondiscriminatory lending policies. Each member institution should re-examine its underwriting standards at least annually in order to ensure equal opportunity.

2. In § 531.8, paragraph (c)(1) is revised to read as follows:

(c) **Discriminatory practices.**—(1) **Discrimination on the basis of sex or marital status.** The Civil Rights Act of 1968 and the National Housing Act prohibit discrimination in lending on the basis of sex. The Equal Credit Opportunity Act, in addition to this prohibition, forbids discrimination on the basis of marital status. Refusing to lend to, requiring higher standards of creditworthiness of, or imposing different requirements on, members of one sex or individuals of one marital status, is discrimination based on sex or marital status. Loan underwriting decisions must be based on an applicant's credit history and present and reasonably foreseeable economic prospects, rather than on the basis of assumptions regarding comparative differences in creditworthiness between married and unmarried individuals, or between men and women.

3. In § 531.8, paragraph (c)(2) is revoked and present (c)(3) is redesignated as (c)(2).

4. In § 531.8, paragraph (c)(4) is redesignated as (c)(3) and revised to read as follows:

(c) **Income of husbands and wives.** A practice of discounting all or part of either spouse's income where spouses apply jointly is a violation of Section 527 of the National Housing Act. As with other income, when spouses apply jointly for a loan, the determination as to whether a spouse's income qualifies for credit purposes should depend upon a reasonable evaluation of his or her past, present, and reasonably foreseeable economic circumstances. Information relating to child-bearing intentions of a couple or an individual may not be requested.

5. In § 531.8, paragraph (c)(5) is redesignated as (c)(4) and a new paragraph (c)(5) is added to read as follows:

(c) **Applicant's prior history.** Loan decisions should be based upon a realistic evaluation of all pertinent factors respecting an individual's creditworthiness, without giving undue weight to any one factor. The member institution should, among other things, take into consideration that: (a) In some instances, past credit difficulties may have resulted from discriminatory practices; (b) a policy favoring applicants who previously owned homes may perpetuate prior discrimination; (c) a current, stable earnings record may be the most reliable indicator of creditworthiness, and entitled to more weight than factors such as educational level attained; (d) job or residential changes may indicate upward mobility; and (e) preferring applicants who have done business with the lender can perpetuate previous discriminatory policies.

6. In § 531.8, paragraphs (c)(6) and (c)(7) are revised to read as follows:

(c) **Income level or racial composition of area.** Refusing to lend or lending on less favorable terms in particular areas because of their racial composition is unlawful. Refusing to lend, or offering less favorable terms (such as interest rate, downpayment, or maturity) to applicants because of the income level in an area can discriminate against minority group persons.

(7) **Age and location factors.** Sections 528.2, 528.2a, and 528.3 prohibit

loan denials based upon the age or location of a dwelling. These restrictions are intended to prohibit use of unfounded or unsubstantiated assumptions regarding the effect upon loan risk of the age of a dwelling or the physical or economic characteristics of an area. Loan decisions should be based on the present market value of the property offered as security (including consideration of specific improvements to be made by the borrower) and the likelihood that the property will retain an adequate value over the term of the loan. Specific factors which may negatively affect its short-range future value (up to 3-5 years) should be clearly documented. Factors which in some cases may cause the market value of a property to decline are recent zoning changes or a significant number of abandoned homes in the immediate vicinity of the property. However, not all zoning changes will cause a decline in property values, and proximity to abandoned buildings may not affect the market value of a property because of rehabilitation programs or affirmative lending programs, or because the cause of abandonment is unrelated to high risk. Proper underwriting considerations include the condition and utility of the improvements, and various physical factors such as street conditions, amenities such as parks and recreation areas, availability of public utilities and municipal services, and exposure to flooding and land faults. However, arbitrary decisions based on age or location are prohibited, since many older, soundly constructed homes provide housing opportunities which may be precluded by an arbitrary lending policy.

7. In § 531.8, a new paragraph (d) is added to read as follows:

(d) **Marketing practices.** Member institutions should review their advertising and marketing practices to ensure that their services are available without discrimination to the community they serve. Discrimination in lending is not limited to loan decisions and underwriting standards; an institution does not meet its obligations to the community or implement its equal lending responsibility if its marketing practices and business relationships with developers and real estate brokers improperly restrict its clientele to segments of the community. A review of marketing practices could begin with an examination of an institution's loan portfolio and applications to ascertain whether, in view of the demographic characteristics and credit demands of the community in which the institution is located, it is adequately

quately serving the community on a nondiscriminatory basis. The Board will systematically review marketing practices where evidence of discrimination in lending is discovered.

(Title VIII, Pub. L. 95-128, 91 Stat. 1147 (12 U.S.C. 2901); Title VII, Pub. L. 93-495 (15 U.S.C. 1691); Title VIII, Pub. L. 90-284, 82 Stat. 81 (42 U.S.C. 3601-3619), 16 Stat. 144, 14 Stat. 27 (42 U.S.C. 1981); EO 11063, 27 FR 11527; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); secs. 402, 403, 407, 48 Stat. 1258, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 78-14701 Filed 5-24-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-WE-7-AD; Amdt. 39-3216]

PART 39—AIRWORTHINESS DIRECTIVES

AirResearch Model TSCP700-4B and -5 APU's

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires removal from service of 29 serial number specified first stage compressor disks on TSCP700-4B and -5 auxiliary power units (APU's). These disks are suspected to be from a forging lot inadvertently exposed to overheat during the forging cycle with resultant degradation of material properties. This amendment is required to prevent a high energy release of first stage compressor blades and disk parts due to the possible fatigue failure of certain disks.

DATE: Effective date, May 30, 1978. **Compliance schedule.**—Within 3,000 cycles total time in service or within 300 cycles after the effective date of this AD, whichever occurs later.

FOR FURTHER INFORMATION CONTACT:

Jerry J. Presba, Executive Secretary, Airworthiness Directives Review Board, Federal Aviation Administration, Western Region, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calif. 90009, telephone 213-536-6351.

SUPPLEMENTARY INFORMATION: The FAA has learned from the manufacturer that 29 first stage disks, P/N 969600-1 and -2, which were exposed to overheating during the forging cycle were shipped in TSCP700-4B and -5 APU's or as spares before the problem was discovered. Extensive investigation and limited testing of other affected disks by the manufacturer has determined that the service life of the discs is reduced to approximately 3,000 cycles.

Because there is reason to believe that some of these disks may be approaching the 3,000 cycle life the safety problem requires the timely accomplishment of corrective action to remove these disks from service.

To provide for those operators who have already accomplished the 3,000 cycle inspection presently required, the AD makes provision for replacement of first stage disks at a time period not to exceed 300 cycles after the effective date of this AD.

Since a situation exists that requires immediate adoption of this amendment, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are William C. Moring, Aircraft Engineering Division, and Frederick C. Woodruff, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

AIRRESEARCH MANUFACTURING COMPANY OF ARIZONA: Applies to AirResearch Model TSCP700-4B and -5 Auxiliary Power Units (APU's) which have first stage compressor disks P/N's 969600-1 or -2 installed, of the serial numbers listed.

Disk Serial Number

7-03501-2503	7-03501-2532
7-03501-2504	7-03501-2533
7-03501-2506	7-03501-2545
7-03501-2507	7-03501-2546
7-03501-2510	7-03501-2548
7-03501-2511	7-03501-2549
7-03501-2513	7-03501-2553
7-03501-2514	7-03501-2552
7-03501-2519	7-03501-2558
7-03501-2522	7-03501-2559
7-03501-2523	7-03501-2606
7-03501-2526	7-03501-2619
7-03501-2527	7-03501-2713
7-03501-2529	7-03501-2743
7-03501-2531	

Compliance required before accumulating a total of more than 3,000 cycles on the first stage compressor disks, or within the next 300 cycles after the effective date of this AD, whichever occurs later, unless already accomplished:

To prevent a high energy release of first stage compressor blades and disk parts due to the possible fatigue failure of the disk, accomplish the following:

(a) Remove the first stage disk from the compressor section of the APU and replace with like serviceable part.

(b) For purposes of this AD:

(1) A cycle is defined as a start and acceleration to at least 95 percent high pressure spool (N₁) rpm followed by a shutdown, during which low pressure spool (N₂) rpm reaches, or exceeds, 97 percent rpm nominal. If, in any start, operating and shutdown sequence, the low pressure spool (N₂) is prevented from exceeding 91 percent rpm nominal, only one-half of a cycle must be recorded.

(2) Operators who have not kept a record of operating starts in individual disks may assume two starts have occurred for each recorded APU operating hour of service, or any other cycle per hour ratio approved by the operators' assigned FAA maintenance inspector. *Provided*, The request contains substantiating data to justify the alternative ratio.

(3) Operators who have not kept a record of APU operating hours of service shall estimate hours of APU operation equating APU operation to airplane hours time in service using a ratio approved by the operators' assigned FAA maintenance inspector and justified by substantiating data.

NOTE—AirResearch Service Bulletin TSCP700-49-5016 dated April 25, 1978 refers to the same subject.

This amendment becomes effective May 30, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.89.)

NOTE—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949 and OMB Circular A-107.

Issued in Los Angeles, Calif., on May 11, 1978.

JAY R. ADSEN,
Acting Director,
FAA Western Region.

[FR Doc. 78-14603 Filed 5-24-78; 8:45 am]

[4910-13]

[Airworthiness Docket Nos. 76-SW-41 and 76-SW-52; Amdt. 39-3221]

PART 39—AIRWORTHINESS DIRECTIVES

Bell Models 206A, 206B, 206A-1, 206B-1, and 206L Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment supersedes two existing airworthiness direc-

tives applicable to Bell Models 206A, 206B, 206A-1, 206B-1, and 206L helicopters by reducing the retirement time of the tension-torsion straps from 1,200 hours to 600 hours and retirement from service no later than January 1, 1979. This amendment is needed because the FAA has determined that the existing AD's are inadequate to prevent all possible failures of the tension-torsion straps which could result in loss of the helicopter.

DATES: Effective date: July 3, 1978. Compliance schedule, as prescribed in body of AD.

ADDRESS: The applicable service bulletins and technical manuals may be obtained from Bell Helicopter Textron, P.O. Box 482, Fort Worth, Tex. 76101.

FOR FURTHER INFORMATION CONTACT:

Tom A. Dragset, Airframe Section, Engineering and Manufacturing Branch, ASW-212, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex., telephone number 817-624-4911, extension 517.

SUPPLEMENTARY INFORMATION: This amendment supersedes Amendment 39-2773, 41 FR 53777, AD 76-24-07 and 39-2782, 41 FR 53778, AD 76-24-08. Amendment 39-2773 currently requires replacement of the tension-torsion straps, P/N 206-011-127-1, every 1,200 hours on Bell Model 206L helicopters. Amendment 39-2782 currently requires replacement of the tension-torsion straps, P/N 206-010-105-3, every 1,200 hours and replacement of associated inboard strap fittings with a new, 100 percent shot-peened fitting on Bell Models 206A, 206B, 206A-1, and 206B-1 helicopters. After issuing these amendments, one strap failure occurred at 800 hours' total time in service. The National Transportation Safety Board has recommended that the agency issue an airworthiness directive to require a reduction in service life of the tension-torsion strap assembly from 1,200 hours to 600 hours until the cause of these failures can be determined and eliminated. Bell Helicopter and the FAA have determined that the cause of premature failure is due to the type of coating material being used. Accordingly, the manufacturer of the tension-torsion straps has reinstituted the use of the original coating material. Based on this, a notice was published in 42 FR 56339 on October 25, 1977, which proposed to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring replacement of certain tension-torsion straps, P/N 206-010-105-3, 206-010-105-5, and 206-011-127-1, every 600 hours on all Bell Model 206 series helicopters.

Interested persons have been afforded an opportunity to participate in the

making of the amendment. In response to the proposal, six letters were received from helicopter operators, one from Bell Helicopter Textron, and one from the Bendix Corp., objecting to the proposal. One letter was received from the National Transportation Safety Board supporting the proposal. Those objecting to the proposal, except for Bendix, were not opposed to the AD if it would apply to offshore operators only. The FAA position is that it would be impossible to properly administer an FAA airworthiness directive that would only apply to certain operators using the aircraft in a specific environment.

Bendix was opposed because they are not aware of any basis for the proposal. In our opinion, the basis for the proposal is that the failure of the tension-torsion strap is apparently due to the type of coating material being used. Therefore, the retirement time of these straps should be reduced and the straps eventually should be removed from service. Since preparation of the proposal, Bell Helicopter Textron has issued Service Bulletins 206-78-1 and 206L-78-1 requiring retirement of all tension-torsion straps, P/N 206-010-105-3, 206-010-105-5, and 206-011-127-1 no later than January 1, 1979. In the interest of safety, the agency has determined that the AD should be issued as proposed, modified by the requirement of the Bell service bulletins. In addition, the requirement for replacement of the inboard strap fittings remains in effect for the Models 206A, 206B, 206A-1, and 206B-1 helicopters.

DRAFTING INFORMATION

The principal authors of this document are Tom A. Dragset, Aerospace Engineer, Flight Standards Division, and James O. Price, Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. 76101.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by superseding Amendments 39-2773, 41 FR 53777, AD 76-24-07 and 39-2782, 41 FR 53778, AD 76-24-08 as follows:

BELL: Applies to Models 206A, 206B, 206A-1, 206B-1, and 206L helicopters, equipped with main rotor blade tension-torsion straps, P/N 206-010-105-3, P/N 206-010-105-5, or P/N 206-011-127-1, certificated in all categories.

Compliance required as indicated.
(a) For straps with less than 550 hours' total time in service on the effective date of this AD, accomplish the following prior to attaining 600 hours' total time in service or January 1, 1979, whichever occurs first.

(1) Remove each strap having the applicable part numbers, if installed, and remove

associated inboard strap fittings, P/N 206-010-155-11 and -15, if installed.

(2) Install straps, P/N 206-011-147-1 or -5, and inboard strap fittings, P/N 206-011-140-1, on Models 206A, 206B, 206A-1, and 206B-1 or P/N 206-011-147-3 or -7 straps on Model 206L in accordance with the applicable Model 206 Maintenance and Overhaul Instructions or in accordance with equivalent FAA approved instructions.

(b) For straps with 550 hours' or more total time in service on the effective date of this AD, accomplish paragraphs (a)(1) and (a)(2) of this AD within the next 50 hours' time in service or January 1, 1979, whichever occurs first, unless already accomplished.

(c) The retirement time of the tension-torsion straps, P/N 206-010-105-3, P/N 206-010-105-5, and P/N 206-011-127-1, is reduced from 1,200 hours to 600 hours, and these straps must be retired from service by January 1, 1979, regardless of time in service. The inboard strap fittings, P/N 206-010-155-11 and -15, must be removed from service as noted in paragraph (a)(1) of this AD. Replacement tension-torsion straps, P/N 206-011-147-1 and -5 and P/N 206-011-147-3 and -7 have a 1,200-hour life with no calendar life restriction.

This amendment becomes effective July 3, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.89.)

NOTE—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Fort Worth, Tex., on May 16, 1978.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc. 78-14605 Filed 5-24-78; 8:45 am]

[4910-13]

[Docket No. 73-CE-16-AD; Amdt. 39-3215]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna 340 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule (revision).

SUMMARY: This amendment revises Airworthiness Directive (AD) 73-22-1 by amending the applicability statement to delete the requirement for installation of Cessna Service Kit SK-421-56 on Cessna Model 421 (S/N 421-0151) airplane so long as this airplane remains in compliance with Supplemental Type Certificate (STC) SA599CE. Modification of this airplane per the STC makes installation of Cessna Service Kit SK-421-56 unnecessary and unpracticable.

DATES: Effective date: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Engineering and

Manufacturing Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64108, telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: AD 73-22-1 (38 FR 28649) required installation of Cessna Service Kit SK-421-56 and applicable check list and flight manual as specified in Cessna Service Letter ME73-5, Supplement 1 on certain serial numbers of Cessna 340 and 400 series airplanes, including airplane Model 421 (S/N 421-0151). This action was necessary to prevent the collection of fuel in the wing leading edge area and to provide additional instructions on preflight inspections and ground or inflight fire procedures. It has now come to the attention of the FAA that the incorporation of STC SA599CE on aircraft (S/N 421-0151) effectively prevents the entry of flammable fluids or vapors into this area of the wing. Accordingly, the requirement for the installation of the service kit, which provides for flammable fluid, venting and drainage in the wing leading edge area, should not apply to that airplane. Therefore, action is being taken to amend the applicability statement of AD 73-22-1 to except Model 421 (S/N 421-0151) from the requirement for installation of Cessna Service Kit SK-421-56. Since this amendment is relieving in nature, and is in the public interest, notice and public procedure hereon are impractical and good cause exists for making the amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are: Donald L. Page, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly, and pursuant to the authority delegated to me by the Administrator, Sec. 39.13 of the Federal Aviation Regulations (14 CFR Sec. 39.13) is amended, by amending AD 73-22-1 (Amendment 39-1735) as follows:

Add a second sentence to the Applicability Statement following the word "airplane" which states: "Model 421 (S/N 421-0151) airplane is excepted from the requirement for the installation of Cessna Service Kit SK-421-56 so long as it complies with STC SA599CE."

This amendment becomes effective on May 29, 1978.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and Sec. 11.89 of the Federal Aviation Regulations (14 CFR Sec. 11.89).)

NOTE—The Federal Aviation Administration has determined that this document

does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 11, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-14650 Filed 5-24-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-33, Amdt. No. 39-3222]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Model PA-34-200T Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (A. D.) which requires inspection and replacement, as necessary, of certain fuel lines and the installation of protective sleeves on a fuel line and on the mixture control cable on Piper Model PA-34-200T series airplanes. The A. D. is needed to prevent the mixture control cable chafing the fuel supply line which could result in fuel leakage.

DATES: Effective: May 31, 1978. Compliance required within the next 10 hours time in service after the effective date of this A. D. unless already accomplished.

ADDRESSES: The applicable service bulletin, Piper Service Bulletin 596, may be obtained from Piper Aircraft Corp., 820 East Bald Eagle Street, Lockhaven, Pa. 17745. Copies of Piper Service Bulletin 596 are maintained in the A. D. Rules Docket, Room 264, Federal Aviation Administration, Southern Region, 3400 Whipple Street, East Point, Ga.

FOR FURTHER INFORMATION CONTACT:

Gil Carter, ASO-214, Propulsion Section, Engineering and Manufacturing Branch, Southern Region, P.O. Box 20636, Atlanta, Ga. 30320, telephone: 404-763-7435.

SUPPLEMENTARY INFORMATION: There have been reports of fuel leakage due to fuel line damage caused by chafing between the mixture control cable and the fuel supply line in the right engine aft nacelle. Since this condition is likely to exist or develop on other airplanes of the same type design, an Airworthiness Directive is being issued which requires inspection for a chafed fuel line and replacement as necessary and installation of protective sleeves on Piper Model PA-34-200T series airplanes.

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

DRAFTING INFORMATION

The principal authors of this document are Gili Carter, Flight Standards Division, and Eddie L. Thomas, Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended, by adding the following new Airworthiness Directive:

PIPER AIRCRAFT CORPORATION. Applies to Model PA-34-200T, serial numbers 34-757001 through 34-7870207, certificated in all categories.

Compliance is required within the next 10 hours time in service after the effective date of this A. D. unless already accomplished.

To prevent a fuel leak, accomplish the following:

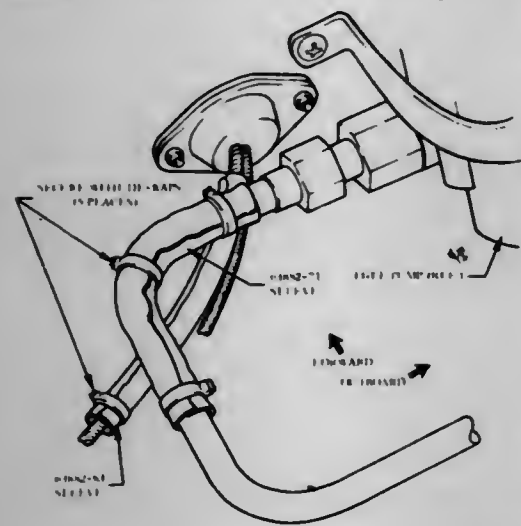
(a) Remove right engine nacelle aft hatch assembly.

(b) Inspect the fuel inlet line to the boost pump for evidence of chafing by the mixture control cable.

(c) If chafing is evident, replace the fuel line with the approved fuel line, Piper Part Number 95153-145. Install protective sleeve, Piper Part Numbers 63882-73 and 63882-83, or equivalent fuel resistant flexible sleeves on the fuel supply line and the mixture control cable. Secure the sleeves in place with tie raps, Piper Part Number 488-702 or equivalent fuel resistant devices, (see figure below). Leak check the fuel line using normal maintenance procedures.

(d) If no chafing is evident, remove existing clamps or Koroseal tie (if installed) and install protective sleeves, Piper Part Number 63882-73 and 63882-83, or equivalent fuel resistant flexible sleeves on the fuel supply line and the mixture control cable. Secure the sleeves in place with tie raps, Piper Part Number 488-702, or equivalent fuel resistant devices, (see figure below).

(e) Replace nacelle aft hatch assembly and make appropriate maintenance record entry.



An alternate method of compliance must be approved by the Chief, Engineering and Manufacturing Branch, Federal Aviation Administration, Southern Region.

Piper Service Bulletin 596 also pertains to this same subject.

This amendment becomes effective May 31, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (99 U.S.C. 1655(c)); 14 CFR 11.69.)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., May 17, 1978.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc. 78-14606 Filed 5-24-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-CE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW POINT ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area, Knob Noster, Mo. (Whiteman AFB) and Alteration of Transition Area, Sedalia, Mo.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The nature of this Federal action is to divide the presently existing Sedalia, Mo., transition area into two separate transition areas, one of which will serve the Sedalia, Mo., Memorial Airport (Sedalia, Mo. transition area) and the other to serve Whiteman AFB, Mo. (Knob Noster, Mo., transition area). The purpose of this amendment is to eliminate confusion since the present Sedalia, Mo., transition area designation consists of two separate unconnected areas serving the two airports, which are approximately 18 miles apart.

EFFECTIVE DATE: July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64108, Telephone, 816-374-3408.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart G of Part 71 of the Federal Aviation Regulations (14 CFR Part 71)

is to designate a transition area at Knob Noster, Mo., and to alter the transition area at Sedalia, Mo. Presently, the Sedalia, Mo., transition area serves both Whiteman AFB, Knob Noster, Mo., and the Sedalia, Mo., Memorial Airport. These two airports are approximately 18 miles apart. Confusion will be eliminated if the present Sedalia transition area is split into two separate transition areas to serve the respective airports. Since this change is primarily clarifying in nature, notice and public procedure hereon under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making this amendment effective in less than thirty (30) days after its publication.

DRAFTING INFORMATION

The principal authors of this document are Dwaine E. Hiland, Air Traffic Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

Accordingly, Subpart G, § 71.181, of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), is amended, effective 0901 G.M.T. July 13, 1978, by designating a transition area at Knob Noster, Mo. and altering the Sedalia, Mo. transition area as follows:

Knob Noster, Mo.

(WHITEMAN AFB)

That airspace extending upward from 700 feet above the surface within an 8 mile radius of Whiteman AFB (latitude 38°43'50" N., longitude 93°33'00" W.); within 2 miles each side of Whiteman AFB ILS localizer south course, extending from the 8 mile radius area to 8 miles south of the OM.

Sedalia, Mo.

That airspace extending upward from 700 feet above the surface within a 6.5 mile radius of Sedalia Memorial Airport (latitude 38°42'15" N. longitude 93°11'00" W.); within 3 miles each side of the 010 bearing from Sedalia Memorial Airport, extending from the 6.5 mile radius area to 8 miles north of the airport; and within 3 miles each side of the 176° bearing from Sedalia Memorial Airport, extending from the 6.5 mile radius area to 8 miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation (49 U.S.C. 1655(c)); Sec. 11.69 of the Federal Aviation Regulations (14 CFR 11.69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 10, 1978.

JOHN E. SHAW,
Acting Director, Central Region.

[FR Doc. 78-14611 Filed 5-24-78; 8:45 am]

[6320-01]

CHAPTER II—CIVIL AERONAUTICS BOARD

SUBCHAPTER F—POLICY STATEMENTS

(Regulation PS-77, Amdt. 56)

PART 399—STATEMENTS OF GENERAL POLICY

Availability of Internal Staff Memoranda Discussed and Acted Upon in Open Meetings

AGENCY: Civil Aeronautics Board.

ACTION: Final rule.

SUMMARY: This final rule announces the discretionary release of certain internal staff memoranda discussed and acted on by the Civil Aeronautics Board at its open meeting, so that the public can better understand those meetings.

DATES: Adopted: May 19, 1978. Effective: June 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Phyllis Kaylor or Carol Light, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428, Phone: 202-673-5068 and 673-5233 respectively.

SUPPLEMENTARY INFORMATION: So that members of the public will have an opportunity to more fully understand what they have observed at the Board's open meetings, the Board has determined to make most portions of the internal staff memoranda discussed and acted on at open meetings routinely available to the public. The discretionary release of this material does not make it a basis for comment by the public or parties of Board matters and does not implement or affect the Board's responsibilities under the Freedom of Information Act.

Because this rule relates solely to matters of agency procedures, notice and public comment on it are not required. The Board amends Part 399 (14 CFR Part 399) effective June 19, 1978, as follows:

1. Amend the Table of Contents of Part 399 as follows:

Subpart I—Policies Relating to Disclosure of Information

Sec.

399.102 Routine public release of certain internal staff memoranda discussed at open Board meetings.

2. Add a new § 399.102 to read as follows:

§ 399.102 Routine public release of certain internal staff memoranda discussed at open Board meetings.

(a) The Civil Aeronautics Board conducts the majority of its business in open public sessions under the Government in the Sunshine Act. During the course of these meetings, a variety of items is discussed. Most items are presented to the Board in the form of a staff memorandum which outlines the issue for Board determination, recommends a proposed disposition, and usually contains a draft order, notice, rule, or opinion for the Board's consideration. If the Board approves the staff recommendation, the draft issuance is adopted subject to the Board's changes in the proposed language. Adoption of the staff recommendation at an open meeting does not constitute final Board disposition of the item. The Board acts only by the subsequent public issuance. The Board, as a matter of discretion, has determined to make routinely available most portions of internal staff memoranda acted on during the course of its open meetings so that the public will have an opportunity to more fully understand what is has observed at the open sessions.

(b) Internal staff memoranda are not part of the record of the proceeding; they are working papers created during the process of decisionmaking and this discretionary release does not alter their status. Thus, the Board has no obligation to consider documents, pleadings, filings, or other material based on the contents of released internal staff memoranda.

(c) This policy of discretionary release is independent of the Board's responsibilities under the Freedom of Information Act. Accordingly, material may be withheld from routinely released memoranda and later reviewed when a written FOIA request is submitted. If any material is withheld from routinely released memoranda, the memoranda will so state.

(d) As a service to members of the public attending open meetings, the Board will provide one free copy of each routinely released memorandum to individuals making an in-person request following that day's meeting at the Board's Docket Section, Room 714. All other requests for copies of routinely released memoranda are subject to the Board's fee schedule set forth in Part 389 and should be made in writing to the Office of the Secretary.

A set of each meeting's routinely released memoranda will be available for public inspection and copying in the Board's Public Reference Room, Room 710, for one week following the meeting at which they are discussed. A permanent copy of each routinely released memorandum will be placed in a separate section of the Docket(s) discussed in each released memorandum.

(Sec. 204, of the Federal Aviation Act of 1958, as amended; 72 Stat. 743 as amended; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-14699 Filed 5-24-78; 8:45 am]

[3510-25]

Title 15—Commerce and Foreign Trade

CHAPTER III—INDUSTRY AND TRADE ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 385—SPECIAL COUNTRY POLICIES AND PROVISIONS

Advisory Notes for Selected CCL Entries

AGENCY: Office of Export Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The United States and certain other countries cooperate in an international (COCOM) program to control the export of certain commodities to Communist countries. Some of these commodities are more likely to be approved for export to these destinations than others. This revision identifies those that are more likely to be approved, and is intended to provide guidance to the exporting community.

EFFECTIVE DATE: May 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles C. Swanson, Director, Operations Division Office of Export Administration, Department of Commerce, Washington, D.C. 20230 202-377-4196.

SUPPLEMENTARY INFORMATION: The United States and its NATO allies (excluding Iceland) and Japan cooperate in an international (COCOM) control program designed to restrict the export of commodities and technical data of strategic significance to the

USSR, Eastern Europe and the People's Republic of China. Certain of the commodities under this COCOM control have both strategic and peaceful uses, and on a case-by-case basis, may be approved for export to these destinations after a review by the Office of Export Administration. This review generally includes an analysis of the kinds and quantities of the commodities proposed for export, their military or civilian uses, the unrestricted availability abroad of the same or comparable items, the country of destination, the ultimate end-users in the country of destination and the intended end-use. While each application to export a COCOM commodity undergoes this review, certain of the commodities are more likely to be approved than others. In order to provide guidance to the export trade, these commodities have been identified and are listed in Supplement No. 1 to Part 385.

Accordingly, the Export Administration Regulations (15 CFR 385) are revised as follows:

1. Section 385.2 is revised to read:

§ 385.2 Country groups Q, W, and Y; U.S.S.R., East European Communist Countries, Laos, and People's Republic of China.

The Export Administration Act of 1969, as amended, states that it is the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations, except those countries with which such trade has been determined by the President to be against the national interest." The Act also states that it is the policy of the United States "to restrict the export of goods and technology which would make a significant contribution to the military potential of any other nation or nations which would prove detrimental to the national security of the United States" and that export controls should be used "to the extent necessary to exercise the necessary vigilance over exports from the standpoint of their significance to the national security of the United States." Accordingly, and in compliance with the other Sections of the Export Administration Act of 1969, the Department conducts a continuing review of commodities and technology to assure that prior approval is required for the export or reexport of U.S.-origin commodities and technical data to the U.S.S.R., Albania, Bulgaria, Czechoslovakia, Estonia, German Democratic Republic, Hungary, Laos, Latvia, Lithuania, Poland, People's Republic of China, and Romania only if the commodities or technical data have a potential for being used in a manner that

¹See Supplement 1 to Part 370 for listing of Country Groups.

would prove detrimental to the national security of the United States. The general policy of the Department, however, is to approve applications or requests to export or reexport such commodities and technical data to these destinations when the Department determines, on a case-by-case basis, that the commodities or technical data are for a civilian use and would otherwise not make a significant contribution to the military potential of the country of destination that would prove detrimental to the national security of the United States. To permit such policy judgments to be made, each export application and reexport request is reviewed in the light of prevailing policies with full consideration of all relevant aspects of the proposed transaction. The review generally includes an analysis of the kinds and quantities of commodities or technologies to be shipped; their military or civilian uses; the unrestricted availability abroad of the same or comparable items; the country of destination; the ultimate end-users in the country of destination, and the intended end-use.

Applications covering certain commodities and technical data that are controlled by the United States and certain other nations that cooperate in an international export control system and are proposed for export or reexport to Country Groups Q, W, or Y may have to be forwarded to the Coordinating Committee (COCOM) of this international export control system for consideration in accordance with established COCOM procedures.

Although each proposed transaction is considered individually, certain goods on the Commodity Control List are more likely to be approved than others. See Supplement No. 1 to this Part 385 for an identification of such goods. The text of the current edition of Supplement No. 1 to Part 385, as published in the U.S. Department of Commerce Export Administration Regulations, is hereby incorporated by reference pursuant to 5 U.S.C. 552(a) and 1 CFR Part 51.

¹Copies of Supplement No. 1 to Part 385, entitled Advisory Notes For Selected CCL Entries, are available at the following places:

Superintendent of Documents, Government Printing Office, Washington, D.C. 20402; Exporters Service Staff, Office of Export Administration, Industry and Trade Administration, Department of Commerce, Washington, D.C. 20230; and District Offices of the Industry and Trade Administration, Department of Commerce.

A copy of Supplement No. 1 to Part 385 is also on file and available for inspection at the Office of the Federal Register, Washington, D.C. 20408.

(Sec. 4 Pub. L. 91-184, 83 Stat. 642 (50 U.S.C. App. 2403), as amended; E.O. 12002, 42 FR 35623 (1977); Department Organization Order 10-3, dated December 4, 1977, 42 FR 64721 (1977); and Industry and Trade Administration Organization and Function Order 45-1, dated December 4, 1977, 42 FR 64718 (1977).)

Dated: April 24, 1978.

STANLEY J. MARCUSS,
Deputy Assistant Secretary
for Trade Regulation.

NOTE.—Incorporation by reference provisions approved by the Director of the Federal Register on April 24, 1978.

[FR Doc. 78-14731 Filed 5-24-78; 8:45 am]

[4810-22]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 78-143]

PART 153—ANTIDUMPING

Impression Fabric of Man-Made Fiber from Japan

AGENCY: United States Customs Service, Treasury Department.

ACTION: Finding of Dumping.

SUMMARY: This notice is to advise the public that separate antidumping investigations conducted by the U.S. Treasury Department and the U.S. International Trade Commission have resulted in determinations that impression fabric of man-made fiber from Japan, with the exception of that produced and sold by two producers, is being sold at less than fair value and that these sales are likely to injure an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise, with the exception of that produced and sold by two producers, will be liable for the possible assessment of special dumping duties.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

David R. Chapman, Technical Branch, Duty Assessment Division,

All changes to Supplement No. 1 to Part 385, including amendments, deletions, revocations, redesignations, and corrections will be announced in the Federal Register and issued in Export Administration Bulletins which are published by the Office of Export Administration, Industry and Trade Administration, Department of Commerce, Washington, D.C. 20230 in the form of replacement pages or insert sheets.

U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)) (referred to in this notice as "the Act"), gives the Secretary of the Treasury responsibility for making a determination of sales at less than fair value. Pursuant to this authority the Secretary has determined that impression fabric of man-made fiber, finished, whether slit or uncut, and not linked (hereinafter, "impression fabric of man-made fiber") from Japan, other than that produced and sold for export by Asahi Chemical Industry Co., Ltd. (Asahi) and the Shirasaki Tape Co., Ltd. (Shirasaki), is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of December 30, 1977 (42 FR 65344-45)).

Section 201(a) of the Act (19 U.S.C. 160(a)) gives the United States International Trade Commission responsibility for determination of injury or likelihood of injury. The Commission has determined, and on March 28, 1978, it notified the Secretary of the Treasury, that an industry in the United States is likely to be injured by reason of the importation of impression fabric of man-made fiber from Japan, except that produced and sold for export to the United States by Asahi and Shirasaki, that is being, or is likely to be, sold at less than fair value within the meaning of the Act. (Published in the FEDERAL REGISTER of April 4, 1978 (43 FR 14143)).

Section 153.46 of the Customs Regulations (19 CFR 153.46) is amended by adding the following to the list of findings of dumping currently in effect:

Commodity, Country, and T.D.

Impression fabric of man-made fiber, finished, whether slit or uncut, and not linked, except that produced and sold by Asahi Chemical Industry Co., Ltd., and the Shirasaki Tape Co., Ltd., Japan, 78-143.

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

Dated: May 19, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

[FR Doc. 78-14651 Filed 5-24-78; 8:45 am]

[6560-01]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

[FRL 899-4; FAP 3H5030/R32]

PART 193—TOLERANCES FOR PESTICIDES IN FOOD ADMINISTERED BY THE ENVIRONMENTAL PROTECTION AGENCY

Dalapon

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the herbicide dalapon in potable water. The amendment to the regulations was requested by the U.S. Department of the Interior. This rule establishes a maximum permissible level for residues of dalapon in potable water.

EFFECTIVE DATE: Effective on May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-2516.

SUPPLEMENTARY INFORMATION: On March 7, 1978, the EPA published in the FEDERAL REGISTER (43 FR 9319) a notice of proposed rulemaking to amend 21 CFR 193.105 by establishing a regulation permitting the use of the herbicide dalapon (2,2-dichloropropionic acid) in potable water at 0.2 part per million (ppm) when present therein as a result of the application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States. This notice was published in connection with a petition (FAP 3H5030) submitted by the U.S. Department of the Interior, Bureau of Reclamation, Washington, D.C. 20240. (A related document concerning the establishment of tolerances for residues of dalapon on a variety of crops and crop groupings appears elsewhere in today's FEDERAL REGISTER.) No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking. The data submitted in petition and other relevant material have been evaluated, and it is concluded that the pesticide can be safely used in the pre-

scribed manner when such use is in accordance with the label and labeling registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973; 7 U.S.C. 136 et seq.). Therefore, the regulation is being established as proposed.

Any person adversely affected by this regulation may, on or before June 26, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in quintuplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 25, 1978, 21 CFR Part 193 is amended as set forth below.

Dated: May 15, 1978.

(Sec. 409(c)(1) of the Federal Food, Drug, Cosmetic Act (21 U.S.C. 348(c)(1)).)

EDWIN L. JOHNSON,
Deputy Assistant
Administrator
for Pesticide Programs.

Part 193, Subpart A, is amended by adding the new § 193.105 as follows:

§ 193.105 Dalapon.

A tolerance of 0.2 part per million is established for residues of the herbicide dalapon (2,2-dichloropropionic acid) in potable water when present therein as a result of the application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States.

[FR Doc. 78-14599 Filed 5-24-78; 8:45 am]

[7590-01]

Title 10—Energy

CHAPTER I—NUCLEAR REGULATORY COMMISSION

PART 2—RULES OF PRACTICE

Authority of Secretary to Rule on Procedural Matters

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending its regulation governing its policy on granting of extensions of time for Commission review of certain decisions and actions by expanding the authority of the Secretary of the Commission to grant such extensions.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT: Stephen S. Ostrach, 202-254-8017.

SUPPLEMENTARY INFORMATION: None.

Because this amendment relates solely to matters of internal agency practice, general notice of proposed rulemaking is unnecessary.

Pursuant to section 161 of the Atomic Energy Act of 1954, 42 U.S.C. 2201, and 5 U.S.C. 553, 10 CFR 2.772 is amended by deleting the word "and" at the end of paragraph (c), by replacing the period at the end of paragraph (d) with a semicolon ";", and adding new paragraphs (e), (f) and (g) to read:

§ 2.772 Authority of the Secretary to Rule on Procedural Matters.

(e) Extend the time for the Commission to rule on a petition for review under 10 CFR 2.786(b); (f) Extend the time for the Commission to grant review on its own motion under 10 CFR 2.786(a); and (g) Extend time for Commission review on its own motion of a Director's denial under 10 CFR 2.206(c).

For the Commission.

Dated at Washington, D.C., this 19th day of May 1978.

SAMUEL J. CHILK, Secretary of the Commission.

[FR Doc. 78-14663 Filed 5-24-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3766]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Columbia Heights, Anoka County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Columbia Heights, Anoka County, Minn.

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jackson Pond.....	43rd Ave. and Jackson St.	896
Pond near 5th St. and 39th Ave. NE. (unnamed).	44th Ave. and Quincy St.	896
Rainfall.....	5th St. and 39th Ave. NE.	902
	Tyler St. NE., 500 ft north of intersection with 44th Ave. NE.	1014
	Fairway Dr., 600 ft west along Drive from intersection with 49th Ave. NE.	1004

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Columbia Heights, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Columbia Heights, are available for review at City Hall, 590 40th Avenue NE., Columbia Heights, Minn.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Columbia Heights, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13775 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3768]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Hugo, Washington County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Hugo, Washington County, Minn.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Hugo, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Hugo, are available for review at City Hall, 5524 Upper 146th Street, Hugo, Minn.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Hugo, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hardwood Creek ...	Elmcrest Ave. North	902
	U.S. Highway 61	918
	County State Aid Highway 4.	921
East tributary to Hardwood Creek..	Ingersoll Ave. North	927
Clearwater Creek..	Elmcrest Ave.	912
	129th St. North	913
South branch of Clearwater Creek.	140th St. North	913
North branch of Clearwater Creek.	Frenchman Rd. North	914
	Burlington Northern Inc. RR.	920
	U.S. Highway 61	930
	169th St. North	932
Bald Eagle Lake	Shoreline	913

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968) as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13776 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3769]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Le Sueur, Le Sueur County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Le Sueur, Le Sueur County, Minn.

lected locations in the city of Le Sueur, Le Sueur County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Le Sueur, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Le Sueur, are available for review at City Hall, Le Sueur, Minn.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Le Sueur, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Minnesota River....	U.S. Highway 169	745
	Bridge St. and Minnesota Highway 93.	748

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended

(42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ, Federal Insurance Administrator.

[FR Doc. 78-13777 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3841]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Mound, Hennepin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Mound, Hennepin County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Mound, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Mound, Hennepin County, Minn., are available for review at City Hall, 5341 Maywood Road, Mound, Minn.

FOR FURTHER INFORMATION CONTACT: Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Mound, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Minnetonka..	Shoreline.....	931
Dutch Lake	do.....	940
Langdon Lake	do.....	935

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13778 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3842]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Orono, Hennepin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Orono, Hennepin County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood

elevations, for the city of Orono, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Orono, Minn., are available for review at Orono City Hall, Orono, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Orono, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unnamed tributary to Stubbs Bay, Lake Minnetonka.	Tonka Ave..... Crestview Ave..... Leaf St. crossing at approximately 2,300 ft above the mouth.	936 940
Pond E.....	Watertown Rd.....	970
Pond F.....	Shoreline.....	964
Pond B.....	do.....	961
Pond A.....	do.....	931
Pond C.....	do.....	931
Pond D.....	do.....	931
Pond G.....	do.....	936
Pond H.....	do.....	935
Carman Bay, Lake Minnetonka.	Casco Point Rd., approximately 500 ft southwest along the road from its intersection with Frederick St.	931
West Arm, Lake Minnetonka.	Pageress Point Rd., approximately 550 ft southwesterly along the road from its intersection with Concordia St.	931

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Arm, Lake Minnetonka.	Shoreline.....	931
Crystal Bay, Lake Minnetonka.	do.....	931

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13779 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3770]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Prior Lake, Scott County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Prior Lake, Scott County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Prior Lake, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Prior Lake, are available for review at City Hall, 4629 Dakota Street SE., Prior Lake, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Prior Lake, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Spring Lake.....	Near Shoreline.....	914
Prior Lake	do.....	909

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13780 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3957]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Red Wing, Goodhue County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Red

Wing, Goodhue County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Red Wing, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Red Wing, Goodhue County, Minn., are available for review at City Hall, Red Wing, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Red Wing, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hay Creek	Chicago, Milwaukee, St. Paul and Pacific RR.—downstream of Main St.	689
	Main St.....	693
	Chicago, Milwaukee, St. Paul and Pacific RR.—upstream of Main St.	693
	U.S. Highway 61	693
	Chicago and Northwestern RR.	694

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Featherstone Road*.....	695
	do.....	697
	Pioneer Trail	705
Trout Brook	Driveway downstream of Pioneer Trail*.....	713
	do.....	716
	Pioneer Trail*	716
	do.....	720
Spring Creek.....	Chicago and Northwestern RR.	690
	U.S. Highway 61	696
	do.....	699
	Spring Creek Avenue*	718
	do.....	722

*Downstream.
**Upstream.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13781 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3843]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Roseau, Roseau County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Roseau, Roseau County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Roseau, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Roseau, Roseau County, Minn., are available for review at City Hall, Roseau, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Roseau, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roseau River	3d St.	1,049
	Center St.	1,049
	Corporate limit (southernmost crossing).	1,051

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13782 Filed 5-24-78; 8:45 am)

[4210-01]

(Docket No. FI-3656)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Senatobia, Tate County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Senatobia, Tate County, Miss.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Senatobia, Miss.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Senatobia, Tate County, Miss., are available for review at City Hall, 135 North Front Street, Senatobia, Miss.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Senatobia, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Senatobia Creek	State Highway 4	252
	Gravel Rd.	265
Hickahala Creek tributary 1.	Strayhorn St.	282
	Tate St.	291
Hickahala Creek tributary 2.	Illinois Central Gulf RR	282
	Panola St. (U.S. Highway 51).	273
Hickahala Creek tributary 2A.	Tate St.	301
	Strayhorn St.	282
Hickahala Creek tributary 3.	Tate St.	282
	Norfleet Rd.	246
Hickahala Creek tributary 3A.	Robinson St.	268
	Main St./State Highway 4.	263
Bonner Creek	Interstate 55	252
	Ward St.	265
	U.S. Highway 51	270

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13783 Filed 5-24-78; 8:45 am)

[4210-01]

(Docket No. FI-4037)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for The Unincorporated Areas of Jackson County, Missouri

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Unincorporated Areas of Jackson County, Mo.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the Unincorporated Areas of Jackson County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the Unincorporated Areas of Jackson County, Mo. are available for review at the County Planning and Zoning Office, First Floor, County Court House (Annex), 306 W. Kansas, Independence, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Unincorporated Areas of Jackson County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fire Prairie Creek	At the western corporate limits of Levasy, Mo.	723
	Just upstream of O'Donnell Rd.	724
	180 feet upstream of Buckner-Tarney Rd.	730
	Just downstream of U.S. 24 (westbound).	731
Mill Creek	325 feet upstream of U.S. 24 (eastbound).	732
	At the southern corporate limits of Sugar Creek, Mo.	774
Rocky Branch	1800 feet downstream of Quarry Rd.	783
	Just upstream of Quarry Rd.	799
	750 feet upstream of Quarry Rd.	803
Missouri River	At the western corporate limit of Levasy, Mo.	713

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Just downstream of the Atchison, Topeka, & Santa Fe RR.		718
	3.8 miles upstream of the Atchison, Topeka, & Santa Fe RR.	723
5.7 miles downstream of confluence of Mill Creek.		726
	At confluence of Mill Creek.	732
2.4 miles upstream of confluence of Mill Creek.		735

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13784 Filed 5-24-78; 8:45 am)

[4210-01]

(Docket No. FI-3410)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Kansas City, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Kansas City, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Kansas City, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Kansas City, are available for review at City Hall, 414 East 12th, 29th Floor, Kansas City, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Kansas City, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Shoal Creek	76th St.	791
	Brighton Rd.	822
Mill Creek	Cypress Rd.	841
	Jackson St.	845
Missouri River	Indiana St.	870
	Northeast 56th St.	890
Paseo Highway bridge	I-435 bridge	742
	Hannibal Bridge	749
Old Maids Creek	Linden Rd.	796
	Antioch Bridge	780
Rock Creek (Avondale)	Winn Rd.	785
	Parvin Rd. culvert	806
Rock Creek	I-35	810
	North Parvin Rd.	819
Rocky Branch	Brighton Ave.	821
	Northeast 132d St.	869
Searcy Branch	Birmingham Rd.	738
	Highway 210	743
2d Creek	New St.	749
	Russel Rd.	778
2d Creek West	Parvin Rd.	789
	U.S. 71	928
Shoal Creek	Culvert Northwest 108th St. (downstream).	962
	Culvert Northwest 108th St. (upstream).	965
Line Creek	108th St.	961
	Birmingham Rd.	743
Fishing River	Hughes Rd.	746
	Brighton Ave.	804
1st Creek	Northwest 68th St. and county road AA.	829
	North Stark Ave.	804
East Fork Shoal Creek	Baughman Rd.	971
	Missouri Highway 152	821

RULES AND REGULATIONS

[4210-01]

[Docket No. FI-4036]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the Village of Lewis and Clark, Buchanan County, Mo.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Lewis and Clark, Buchanan County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Lewis and Clark, Buchanan County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the village of Lewis and Clark are available for review at the home of the city clerk, 400 Lake Crest Boulevard, Lewis and Clark Village, Rushville, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Lewis and Clark, Buchanan County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	Southern corporate limit at Missouri Highway 45.	788
	At intersection of Lake Shore Dr. and Cedar St.	790

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13788 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3580]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Levasy, Jackson County, Mo.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Levasy, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Levasy, Jackson County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Levasy are available for review at City Hall, Levasy, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Levasy, Jackson County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	West corporate boundary.	711
	East corporate boundary.	713
Fire Prairie Creek	Westbound U.S. Route 24 bridge near river mile 1.4.	708
	Route "H"	715
	Westbound U.S. Route 24 bridge near river mile 4.6.	721
	West corporate boundary.	723

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13787 Filed 5-24-78; 8:45 am]

RULES AND REGULATIONS

[4210-01]

[Docket No. FI-3960]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the Village of Mackenzie, St. Louis County, Mo.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Mackenzie, St. Louis County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Mackenzie, St. Louis County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Mackenzie, St. Louis County, Mo., are available for review at the Office of the Village Clerk, 7108 Holly Hills, Mackenzie, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Mackenzie, St. Louis County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
No Name Creek	Eastern corporate limits	425
	Downstream of Mackenzie Rd.	428

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13788 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3962]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW**Final Flood Elevation Determination for the City of Broken Bow, Custer County, Nebr.**

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Broken Bow, Custer County, Nebr. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Broken Bow, Custer County, Nebr.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Broken Bow are available for review at the City Clerk's Office, City Hall, 314 South 10th Avenue, Broken Bow, Nebr.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Broken Bow, Custer County, Nebr.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mud Creek	Eastern corporate limits	2,468
	Just upstream of Burlington Northern Bridge	2,472
	Just upstream of 5th Ave.	2,474
	300 ft downstream of 9th Ave.	2,475
	Just upstream of 9th Ave.	2,477
	Just downstream of 10th Ave.	2,478
	Just downstream of 12th Ave.	2,479
	1,750 ft upstream of 12th Ave.	2,480
	100 ft upstream of western corporate limits	2,482
	200 ft upstream of western corporate limits	2,484
Unnamed tributary	Confluence with Mud Creek	2,475
	Just upstream of Burlington Northern Bridge	2,479
	450 ft upstream of North B St.	2,480
	125 ft downstream of North E St.	2,483
	Just upstream of North E St.	2,486
	600 ft downstream of North L St.	2,487
	Just downstream of 17th Ave.	2,484

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

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Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13789 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-3987]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of York, York County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of York, York County, Nebr. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of York, York County, Nebr.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of York are available for review at City Hall, York, Nebr.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of York, York County, Nebr.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the

Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beaver Creek	Upstream side at County Rd., 5.3 mi downstream of Blackburn Ave.	1,569
	Upstream side at County Rd., 3.5 mi downstream of Blackburn Ave.	1,578
	Blackburn Ave.	1,589
	U.S. Highway 61	1,592
	Academy Ave.	1,596
	3 mi upstream of Academy Ave.	1,601
	At County Rd., 4.1 mi upstream of Academy Ave.	1,614
Tributary A	At confluence with Beaver Creek	1,579
	Nobes Rd.	1,605
	4th St.	1,616
	8th St.	1,624
Tributary B	At confluence with Beaver Creek	1,594
	8th St.	1,605
	10th St.	1,607
	12th St.	1,616
	Burlington Northern RR. (downstream face).	1,623
Tributary C	At confluence with Beaver Creek	1,590
	4th Street	1,600
	0.3 mi upstream of 4th St.	1,600
	At County Rd., 0.3 mi upstream of 4th St.	1,631
	Burlington Northern RR. (downstream face).	1,628

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13790 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-2633]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Borough of Florham Park, Morris County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the borough of Florham Park, Morris County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the borough of Florham Park, Morris County, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the borough of Florham Park, Morris County, N.J., are available for review at the Borough Hall, 111 Ridgedale Avenue.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the borough of Florham Park, Morris County, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

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flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Passaic River	Corporate limits (downstream)	176
	Columbia Turnpike	177
	Passaic Ave.	177
	Corporate limits (upstream)	178
Black Cat Ditch	Vreeland Rd.	176
	Fernwood Rd.	179
	Columbia Turnpike	189
	Brooklake Rd.	192
Fish's Brook	do	177
	Lakeview Ave.	195
	Brooklake Rd.	177
	Dam	177
Spring Garden Brook	East Madison Ave.	181
	Corporate limits (upstream)	183
	Corporate limits (downstream)	183
	Ridgedale Ave.	185
Pinch Brook	Corporate limits (upstream)	186
	Corporate limits (downstream)	183
	Columbia Turnpike	183
	Private road	183

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13791 Filed 5-24-78; 8:45 am]

[4210-01]

[Docket No. FI-2378]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Township of Moorestown, Burlington County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Moorestown, Burlington County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Moorestown, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Moorestown, are available for review at Township Hall, 111 West Second Street, Moorestown, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Moorestown, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North branch, Pennsauken Creek	Moorestown Pike**	11
	Lenola Rd.**	12
Strawbridge Lake	Pleasant Valley Rd.**	21
	Church St.**	23
Pompeston Creek	Middlesex Rd.**	34
	New Albany Rd.**	44
Swedes Run	West Maple Ave.**	54
	Garwood Rd.**	57
Kendles Run	Westfield Rd.**	47
	Creek Rd.**	14

**Upstream side of road.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13792 Filed 5-24-78; 8:45 am]

[3710-08]

Title 32—National Defense

CHAPTER V—DEPARTMENT OF THE ARMY

[EP 405-1-2]

PART 641—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES

Subpart I—Records and Reports

AGENCY: U.S. Army Corps of Engineers, DoD.

ACTION: Final rule.

SUMMARY: This amendment modifies internal reporting requirements to eliminate submission of annual relocation assistance reports to the General Services Administration. Pursuant to Federal Property Management Regulation Amendment A-26 published in the FEDERAL REGISTER, March 13, 1977 (42 FR 14097), the General Services Administration has canceled the requirement that Federal agencies responsible for implementing Pub. L. 91-646 submit annual reports to GSA. Notwithstanding this action, the Department of the Army continues to require certain reports for internal management purposes for Federal and federally assisted projects.

EFFECTIVE DATE: May 9, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Garland P. Thompson, Homeowners Assistance Division, Real Estate Directorate, Office of the Chief of Engineers, Washington, D.C. 20314, 202-693-6786.

NOTE:—The Chief of Engineers has determined that this rule does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107. (Statutory Authority Pub. L. 90-483).

Dated: May 9, 1978.

THOMAS J. WOODALL,
Lieutenant Colonel, Corps of Engineers, Acting Executive Director, Engineer Staff.

In consideration of the above, subpart I of part 641 of subchapter J 32 CFR is amended by revising §§ 641.272, 641.273(b), and 641.274(b) as set forth below:

§ 641.272 Reports control symbol.

RCS DAEN-RE-18 and RCS DAEN-RE-22 are assigned to reports required by § 641.273.

§ 641.273 Reporting requirements.

(b) RCS DAEN-RE-22. Summary statistical data pertaining to land and relocation costs during the fiscal year by local interests in connection with federally assisted projects will be reported. ENG form 4660-R will be used for this purpose.

§ 641.274 Reporting instructions.

(b) *Annual Reports.* Annual reports required by RCS DAEN-RE-22 will be dispatched in sufficient time to reach HQDA (DAEN-REH-O) Washington, D.C. 20314 by November 1 of each year.

[FR Doc. 78-14647 Filed 5-24-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 872-2]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Massachusetts Revision

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This rule approves the Massachusetts State Implementation Plan (SIP) for the Pioneer Valley Air Pollution Control District. The Plan requires: (1) Service stations having stationary storage tanks with a capacity equal to or greater than 2,000 gallons to install equipment to control volatile organic compounds from being emitted into the atmosphere during delivery of motor vehicle fuel to service stations, and (2) firms of 250 or more employees to offer carpool matching services and mass transit pass programs to their employees and to report on those efforts. The intended effect of this rule is to improve air quality in the Pioneer Valley Air Pollution Control District.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Barbara H. Ikalainen, Air Branch,

EPA Region I, Room 2113, J. F. K. Federal Building, Boston, Mass. 02203, 617-223-5630.

SUPPLEMENTARY INFORMATION: On May 31, 1972, pursuant to Section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved, with exceptions, the Massachusetts State Implementation Plan (SIP) for the attainment of National Ambient Air Quality Standards (NAAQS).

On August 9, 1977 a proposal was published in the FEDERAL REGISTER (42 FR 40220) to approve two regulations for the Pioneer Valley Air Pollution Control District. The first regulation requires Stage I vapor recovery controls at gasoline dispensing facilities with storage capacity equal to or greater than 2,000 gallons. The second regulation requires that firms employing 250 or more employees offer carpool matching services to their employees and a mass transit pass program, where appropriate. Firms with 1,000 or more employees would additionally have to offer vanpooling services. All firms subject to the regulation would also have minor reporting requirements to fulfill. The proposed revision was submitted to EPA by the Acting Commissioner of the Department of Environmental Quality Engineering on May 31, 1977 and was accompanied by a summary of the public hearing comments and by copies of the regulations and the recommendation of the Director of Air and Hazardous Materials to approve the regulations as submitted. Several public comments were received by EPA in response to the proposed approval notice. A summary of the issues raised follows.

Thirteen responses were received; five responses were directed towards the Stage I Vapor Recovery proposal and eight responses were directed towards the proposed Carpooling regulation. Many of the letters which were opposed to specific details of one or both of the regulations voiced general support of the intent of the regulation.

The five responses to the Stage I vapor recovery proposal iterated three major concerns: One, that EPA should defer approval of the regulation until EPA reviews the ambient air quality standards for photochemical oxidants; two, that EPA should defer approval of the regulation until the Commonwealth revises the SIP; and three, that EPA should defer approval of the regulation until the economic impact upon small business is examined.

In response to the first concern, that EPA should defer approval of the regulation until re-evaluation of the national ambient air quality standard, the Administrator has responded to a similar request made by the American Petroleum Institute in a FEDERAL REG-

ISTER Notice dated, August 11, 1977, in which he concluded that, "the re-evaluation of existing data provides no ground for delaying implementation of, and compliance with, regulations to control hydrocarbons." Therefore, Region I is proceeding uniformly to require the implementation of hydrocarbon controls, as appropriate, throughout the New England states.

In response to the second concern that EPA should defer approval of the regulation until the Commonwealth has completed a comprehensive revision of the SIP, it should be understood that the promulgation of this regulation is a necessary part of their SIP revision, and is likely to be necessary no matter what other controls are also adopted.

The third concern, that the economic impact of this regulation upon small businesses and small privately owned service stations be evaluated, has been addressed. The Office of Air Quality Planning and Standards' evaluative report indicated that the influence of Stage I regulations upon small businesses was no greater than any other competitive economic burden and that marginal operations would be affected as they would be by any other free market competitive force. ("Ref. Economic Impact of Stage I Vapor Recovery Regulations," Arthur D. Little, Inc., November 1976.) This report is available from EPA at the address listed above.

Pioneer Valley Air Pollution Control District Rule 2.5 is different from the Federal Stage I vapor recovery regulation in the following respects. The Federal Stage I vapor recovery regulations include additional provisions requiring the installation of vapor recovery systems at bulk plants and bulk terminals; marine fuel storage facilities and aviation fuel storage facilities; and newly installed tanks with a capacity greater than 250 gallons. In addition the Federal Stage I vapor recovery regulations require that the vapor laden delivery vessels be designed and maintained to be vapor tight at all times.

In order to demonstrate whether the differences in control between Pioneer Valley Air Pollution Control District Rule 2.5 and the Federally promulgated vapor recovery regulations are significant, the Pioneer Valley Air Pollution Control District should quantify, in conjunction with its 1979 SIP submission, the impact on emissions resulting from not including aviation fuel storage facilities and marine fuel storage facilities in the requirement to install vapor recovery systems. In addition, a determination should be made, in conjunction with the 1979 SIP submission, of the magnitude of emissions resulting from the exclusion of bulk plant and newly installed tanks of a capacity less than 2,000 gal-

lons from the requirement to install vapor recovery systems. Regarding a requirement that vapor laden delivery vessels be designed and maintained to be vapor tight at all times, the 1979 SIP submissions should revise Rule 2.5 to include such a provision.

Eight letters were received on the proposed carpooling regulation. The greatest amount of concern was voiced about the criminal penalties associated with the regulation. Most of those writing indicated that they believed that employers would be subject to criminal penalties if their employees did not form carpools or use the pass programs offered. This is not true. Criminal penalties are only available against employers who fail to take the required measures to encourage their employees to carpool or to patronize mass transit.

Five of the eight letters recommended a voluntary plan without any mandatory measures. First, it should be noted that the mandatory measures require only that employers offer carpool matching services and mass transit passes if the service is reasonably available to their employees; the employees do not have to use these services if they do not wish to. The only other mandatory requirements are reporting requirements which state that employers must report to "Masspool" on their efforts to offer these programs and their employees' response. EPA does not consider these mandatory measures to constitute a burden on any employer or employee.

Four of the letters requested a public hearing. Public hearings were held by the Massachusetts Department of Environmental Quality Engineering on June 9, 1978 at 2 p.m. at the Auditorium of the Springfield Community College and again at 7 p.m. at the Springfield City Hall. These hearings were held in conformance with the provisions of the state Administrative Procedure Act, and satisfy the EPA requirements in the Code of Federal Regulations (40 CFR, Part 51.4(b)).

Three letters commented that the carpool regulation would cause undue economic burden. The experience of firms who have participated in this program since 1975 in the Boston Metropolitan Area has been that there is very little expense associated with this regulation and that in fact employee acceptance and active participation in the program has been an asset to the firms, some of which feel it has been good for morale.

Three letters commented that the vanpooling requirements were particularly unfair because of expenses anticipated. These requirements apply only to firms employing 1,000 or more employees and the economics of the situation are dependent upon the number of employees who would be interested

in participating. If there are not enough interested employees (15 per van) then vanpooling would not have to be implemented.

Three comments were received which stated that there was inadequate mass transit to service all the firms subject to these regulations and that therefore they should not be required to offer any "pass programs". The regulations require that firms offer the pass program to employees who wish to participate, if appropriate. If the firms can show that there is a lack of transit service or other valid reasons, they will not be required to offer a pass program.

Two of the letters objected to the employee size cutoff of 250: One letter recommended no size cutoff so that all firms in the Pioneer Valley Air Pollution Control District would be affected, and a second letter recommended a higher size cutoff so that only very large firms would be affected.

The 250 cutoff figure was chosen because it was believed that matching opportunities for the carpool matching services offered by Masspool would be better in firms of this size or bigger. However, any smaller firms who wish to use Masspool matching services may ask to do so. The same reasoning holds true for the pass program; any individual who wishes a mass transit pass could receive one from the transit authority.

The comments received during the comment period do not appear to raise any reason to delay approval of these regulations as part of the Massachusetts State Implementation Plan (SIP).

After evaluation of the State's submittal, the Administrator has determined that the Massachusetts revision meets the requirements of the Clean Air Act and 40 CFR Part 51. Accordingly, this revision is approved as a revision to the Massachusetts Implementation Plan for the Pioneer Valley Air Pollution Control District with the understanding that the State and EPA will reevaluate Rule 2.5, the Stage I vapor recovery provision, in light of the State's 1979 SIP submittal.

(Sec 110(a), Clean Air Act, as amended (42 U.S.C. 7401 et seq).)

Dated: May 19, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Chapter I, Title 40, Code of Federal Regulations, is amended as follows:

Subpart W—Massachusetts

1. Section 52.1120(c)(15) is revised to read as follows:

§ 52.1120 Identification of Plan

(c) * * *

(15) A revision to Regulation 2.5, Compliance with Emission Limitations, and to Regulation 16, Reduction of Single Passenger Commuter Vehicle Use, for the Pioneer Valley Air Pollution Control District, submitted on May 20, 1977, by the Acting Commissioner of the Executive Office of Environmental Affairs, Department of Environmental Quality Engineering.

[FR Doc. 78-14665 Filed 5-24-78; 8:45 am]

[6560-01]

[FRL 886-1]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Mississippi: Approval of Plan Revisions

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Mississippi implementation plan is revised by changing the State regulations which apply to the incineration of cotton gin waste. The incineration of this waste is no longer covered by a mass emission standard of 0.2 grains of particulate matter per dry standard cubic foot (sdcf), but rather is covered by a visible emission standard of 40 percent opacity. The plan is also revised by changes in State regulations governing open burning. The effect of this revision is to change procedures and establish more specific conditions for certain types of open burning.

EFFECTIVE DATE: June 26, 1978.

ADDRESSES: Copies of the materials submitted by the State of Mississippi may be examined during normal business hours at the following locations: Public Information Reference Unit, Library Systems Branch, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460. Air Programs Branch, Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308. Air and Water Pollution Control Commission, Robert E. Lee Building, Jackson, Miss. 39205.

SUPPLEMENTARY INFORMATION: On May 26, 1976, following notice and public hearing in conformity with 40 CFR 51.4, the Mississippi Air and Water Pollution Control Commission adopted changes in § 3.8, Incineration, of its air pollution control regulation APC-S-1. The revised § 3.8 was submitted for EPA's approval on August 30, 1977; a clarifying submittal was made on November 14, 1977. The original § 3.8 is retained as subsection 3.8(a) and is unchanged except for refer-

ences to the exemption provided in a new subsection 3.8(b) for the incineration of waste from the ginning of cotton. Such incineration is no longer covered by the incinerator emission standard of 0.2 grains of particulate matter per dry standard cubic foot, but by a visible emission standard of 40 percent opacity. Startup operation may produce emissions of greater opacity for up to 15 minutes per startup in any one hour, except that there may be no more than three startups in any one 24-hour period. In submitting this revision, the State asserts that its implementation will not adversely affect the attainment and maintenance of the national ambient air quality standards since a more appropriate and enforceable emission standard is provided.

On September 27, 1977, the Mississippi Air and Water Pollution Control Commission, following notice and public hearing in conformity with 40 CFR 51.4, adopted changes in § 3.7, Open Burning, of its air pollution control regulation APC-S-1. These changes were submitted for EPA's approval on October 31, 1977. The primary effect of these changes is on procedures; they do not create less restrictive emission limits. Also, more specific conditions are established for certain types of open burning. These are now detailed.

Fires set in accordance with recognized agricultural and forestry practices (sub-section (a)) must (1) receive approval of the Mississippi Forestry Commission, (2) be conducted in the period extending from one hour after sunrise to one hour before sunset or at any other time when weather conditions will permit good dispersion of air pollutants, and (3) not be started with fuels which would produce excessive visible emissions.

Waste vegetation resulting from site or right-of-way clearing (subsection (g)) may be burned under the following conditions. (1) Starter fuels must not cause excessive visible emissions. (2) the burning must be permitted by local ordinance. (3) The burning must be conducted at least 500 yards from an occupied dwelling; this restriction may be reduced to 50 yards if forced draft air is provided for combustion. (4) The burning must be conducted at least 500 yards from commercial airport property, private airfields or marked aircraft approach corridors; closer burning may be permitted only with the approval of airport authorities. (5) The burning must not produce a traffic hazard. (6) No burning may be done during a High Fire Danger Alert issued by the Mississippi Forestry Commission or an Emergency Air Pollution Episode Alert issued by the Mississippi Air and Water Pollution Control Commission.

The open burning of oil field waste products (subsection (k)) is limited to

tank bottoms and other refuse, other than liquid oil, which cannot practically be disposed of otherwise; the Air and Water Pollution Control Commission may approve the burning of spilled oil if it cannot be recovered. The following conditions apply to the burning of oil field wastes. (1) The permission of the State Oil and Gas Board must be obtained. (2) Burning must occur between 8 a.m. and 5 p.m. and last no longer than 45 minutes. (3) No burning shall be conducted under the alert conditions described in the preceding paragraph.

These revisions in the Mississippi plan were announced as proposed rulemaking in the FEDERAL REGISTER on December 30, 1977 (42 FR 65208), at which time the public was invited to submit written comments on them. No comments were received, however.

CURRENT ACTION

The Administrator has determined that implementation of the present plan revisions will not adversely affect the attainment and maintenance of the national ambient air quality standards in Mississippi. Accordingly, they are hereby approved. This approval action is effective June 26, 1978, and is taken under the authority provided in section 110 of the Clean Air Act (42 U.S.C. 4710).

Dated: May 18, 1978.

DOUGLAS M. COSTLE,
Administrator.

Chapter I of Title 40, Code of Federal Regulations, is amended as follows:

Subpart Z—Mississippi

In § 52.1270, paragraph (c) is amended by adding subparagraphs (8) and (9) as follows:

§ 52.1270 Identification of plan.

* * * * *

(c) * * *

(8) Revised regulations for the incineration of cotton ginning waste, submitted on August 30 and November 14, 1977, by the Mississippi Air and Water Pollution Control Commission.

(9) Revised regulations for open burning, submitted on October 31, 1977, by the Mississippi Air and Water Pollution Control Commission.

[FR Doc. 78-14598 Filed 5-24-78; 8:45 am]

[6560-01]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 889-5; PP 3E 1385/R134]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Dalapon

AGENCY: Office of Pesticide Programs, Environmental Protective Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes tolerances for residues of the herbicide dalapon. The amendment to the regulations was requested by the U.S. Department of the Interior. This rule establishes maximum permissible levels for residues of dalapon on a variety of crops and crop groupings.

EFFECTIVE DATE: Effective on May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs EPA, 401 M Street SW., Washington, D.C. 20460, 202-755-2516.

SUPPLEMENTARY INFORMATION: On March 7, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 9323) in response to a pesticide petition (PP 3E1385) submitted to the Agency by the United States Department of the Interior (USDI), Bureau of Reclamation, Washington, D.C. 20240. This petition proposed that 40 CFR 180.150 be amended by the establishment of tolerances for residues of the herbicide dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States in programs of the USDI Bureau of Reclamation in or on the following raw agricultural commodities and commodity groups:

Flaxseed, forage grasses, forage legumes, and wheat at 2 parts per million (ppm).

Cucurbits, grain crops (except wheat), leafy vegetables, and seed and pod vegetables at 0.5 ppm.

Avocados, citrus fruits, cottonseed, fruiting vegetables, hops, nuts, pome fruits, root crop vegetables, small fruits, at 0.2 ppm. (A related document concerning the establishment of a food additive regulation for residues of dalapon in water appears elsewhere in this issue of the FEDERAL REGISTER). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.150 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before June 26, 1978, file written objections with the Hearing Clerk, EPA, Room 1019, East Tower, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in triplicate and should specify both the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought.

Effective on May 25, 1978, Part 180, Subpart C, § 180.150 is amended by adding tolerances for flaxseed, forage grasses, forage legumes, and wheat at 2 ppm; cucurbits, grain crops (except wheat), leafy vegetables, and seed and pod vegetables at 0.5 ppm; and avocados, citrus fruits, cottonseed, fruiting vegetables, hops, nuts, pome fruits, root crop vegetables, small fruits, and stone fruits at 0.2 ppm as set forth below.

(Sec.408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(e)).)

Dated: May 15, 1978.

EDWIN L. JOHNSON,
Deputy Assistant
Administrator
for Pesticide Programs.

Part 180, Subpart C, Section 180.150 is revised (1) by designating the existing tolerances as paragraph (a), (2) by deleting the negligible residue designation ("N"), (3) by establishing the new paragraph (b) containing tolerances for residues of dalapon resulting from application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States, and (4) by editorially restructuring paragraph (a) into a tabular alphabetized listing, to read as follows:

§ 180.150 Dalapon; tolerances for residues.

(a) Tolerances are established for residues of the herbicide dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium salt or sodium-magnesium salt mixtures in or on the following raw agricultural commodities.

Commodity:	Parts per million
Almonds.....	10
Almonds hulls.....	50
Apples.....	3
Apricots.....	1
Asparagus.....	30
Bananas.....	5
Beans.....	1
Beans, straw.....	1
Beets sugar (roots).....	5

Commodity:	Parts per million
Beets, sugar (tops).....	5
Cattle, mby.....	0.2
Cattle, meat.....	0.2
Coffee beans.....	2
Corn, ear, dried (K+C).....	10
Corn, fodder.....	5
Corn, forage.....	5
Corn, fresh (including sweet K+CWHR).....	5
Corn, grain.....	10
Cottonseed.....	35
Cranberries.....	5
Eggs.....	0.2
Flaxseed.....	75
Goats, mby.....	0.2
Goats, meat.....	0.2
Grapefruit.....	5
Grapes.....	3
Grasses, pasture.....	10
Grasses, range.....	10
Hogs, mby.....	0.2
Hogs, meat.....	0.2
Lemons.....	5
Limes.....	5
Macadamia nuts.....	1
Milk.....	0.1
Oranges.....	5
Peaches.....	15
Pears.....	3
Peas, shelled.....	15
Peas, unshelled.....	15
Peas, vine, with pod.....	15
Peas, vine, without pod.....	15
Pecans.....	0.1
Pineapples.....	3
Plums.....	1
Potatoes.....	10
Poultry, (excluding kidney).....	3
Poultry, kidney.....	9
Sheep, mby.....	0.2
Sheep, meat.....	0.2
Sorghum.....	1
Sorghum, forage.....	5
Soybeans.....	1
Soybeans, straw.....	1
Sugarcane.....	0.1
Tangerines.....	5
Walnuts.....	5

(b) Tolerances are established for residues of dalapon (2,2-dichloropropionic acid) resulting from application of dalapon sodium-magnesium salt mixtures to irrigation ditch banks in the western United States in or on the following raw agricultural commodities. Where tolerances are established at higher levels from other uses of dalapon on the subject crops, the higher tolerance applies also to residues from the irrigation ditch bank use.

Commodity:	Parts per million
Avocados.....	0.2
Citrus fruits.....	0.2
Cottonseed.....	0.2
Cucurbits.....	0.5
Flaxseed.....	2.0
Fruits, pome.....	0.2
Fruits, small.....	0.2
Fruits stone.....	0.2
Grain crops (exc wheat).....	0.5
Grasses, forage.....	2
Hops.....	0.2
Legumes, forage.....	2
Nuts.....	0.2
Vegetables, fruiting.....	0.2
Vegetables, leafy.....	0.5
Vegetables, root crop.....	0.2
Vegetables, seed and pod.....	0.5
Wheat.....	2

[FR Doc. 78-14600 Filed 5-24-78; 8:45 am]

[6560-01]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

[FRL 899-7]

PART 413—ELECTROPLATING POINT SOURCE CATEGORY

Public Hearing

AGENCY: Environmental Protection Agency.

ACTION: Public hearing.

SUMMARY: EPA gives notice that it will conduct a public hearing concerning interim final pretreatment limitations for existing sources under the Federal Water Pollution Control Act. The purpose of this hearing is to solicit clarification of previously submitted comments and to receive additional comments on these pretreatment regulations for the electroplating point source category. The intended effect of this hearing is to afford an opportunity for individuals to participate to the fullest extent in the rulemaking process.

SUPPLEMENTARY INFORMATION: On July 12, 1977, the Environmental Protection Agency published in the FEDERAL REGISTER interim final pretreatment limitations for existing sources, pursuant to section 307(b) of the Federal Water Pollution Control Act. On February 14, 1978, the Environmental Protection Agency proposed additional pretreatment limitations for existing sources. The public comment period for both limitations closes on June 19, 1978.

In order to afford an opportunity for individuals to participate to the fullest extent in the rulemaking process, notice is hereby given that the Environmental Protection Agency will conduct a public hearing in which it will solicit clarification of previously submitted comments and receive additional comments on these pretreatment regulations for the electroplating point source category.

Persons who have submitted comments on the aforementioned regulations are invited to clarify these comments and submit additional information and data. Other individuals, who have not already done so, are encouraged to participate in this decision-making process.

Parties wishing to submit comments in writing are urged to do so. The presiding officer is authorized to establish reasonable restrictions on the nature or amount of documentary material or oral statements presented at the hearing giving due regard to the relevancy of any such information and to the avoidance of undue repetitiveness of the information presented. Comments submitted in advance of the hearing should be mailed to the Environmen-

tal Protection Agency, 401 M Street SW., Washington, D.C. 20460, Attention Distribution Officer, WH-552.

Expenses incurred by individuals in attending this public hearing are the responsibility of the individual and not the Environmental Protection Agency.

DATE: This hearing, open to the public, will be held on June 22 and 23, 1978, at 9 a.m. in the GSA Auditorium, 18 and F Streets, Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Harold B. Coughlin, Effluent Guidelines Division, EPA (WH-552), 401 M Street SW., Washington, D.C. 20460 by telephone at 202-426-2560.

Dated: May 18, 1978.

THOMAS C. JORLING,
Assistant Administrator for
Water and Hazardous Materials.

[FRL Doc. 78-14636 Filed 5-24-78; 8:45 am]

[4910-22]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Amdt. No. 77-5]

PART 395—HOURS OF SERVICE OF DRIVERS

Deletion of Section Requiring an Out-of-Service Driver Sticker

AGENCY: Federal Highway Administration, DOT.

ACTION: Amendment.

SUMMARY: This rule deletes the requirement for an Out-of-Service Driver Sticker to be placed on a vehicle when a driver has been declared out of service. It is felt inappropriate to place a sticker on a vehicle when it is the driver who is being placed out of service. This amendment will eliminate the present Form MCS-88.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Principal Program Contact—Gerald J. Davis, Chief, Driver Requirements Branch, Regulations Division, Bureau of Motor Carrier Safety, Department of Transportation, Washington, D.C. 20590, 202-426-9767.

Principal Lawyer—Gerald M. Tierney, Attorney, Motor Carrier and Highway Safety Law Division, Office of the Chief Counsel, Federal High-

way Administration, Department of Transportation, Washington, D.C. 20590, 202-426-0834.

SUPPLEMENTARY INFORMATION: Section 395.13(b)(2) of the Federal Motor Carrier Safety Regulations (FMCSR) which presently sets forth action to be taken when a driver is declared "out of service," is being eliminated.

The Driver Equipment Compliance Check Form (MCS-63) provides a section to complete when a driver is declared out of service. A provision is also made for the driver to sign this section. Therefore, the Out-of-Service Driver Sticker (Form MCS-88) is of limited value since it is inappropriate to place a sticker on a vehicle when it is the driver who is being placed out of service.

In addition, since the information contained in § 395.13(b)(1) is nothing more than instructions to our field staff it should not be contained in the FMCSR.

Also, the elimination of the Out-of-Service Driver Sticker is consistent with the current Government practice to help minimize paperwork and eliminate forms where possible.

NOTE.—The Federal Highway Administration has determined that this document does not contain a major proposal according to the criteria established by the Department of Transportation pursuant to Executive Order 12044.

§ 395.13 [Deleted].

For the foregoing reasons, paragraph (b) of 49 CFR 395.13 is deleted.

(Sec. 204, Interstate Commerce Act (49 U.S.C. 304); Sec. 6, Department of Transportation Act (49 U.S.C. 1655); delegation of authority at 49 CFR 1.48 and 301.60, respectively.)

Issued: May 16, 1978.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.
[FRL Doc. 78-14658 Filed 5-24-78; 8:45 am]

[4910-22]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

[Docket No. 1-5; Notice 24]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Brake Hoses

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 106-74, Brake Hoses, to exempt hydraulic brake hose to be used only in assemblies having keyed end fittings from the striping require-

ment, to exempt air and vacuum brake hose assemblies having renewable or reusable end fittings from the assembly labeling requirement, to exempt certain end fittings that are to be used on plastic vacuum brake hose from the end fitting labeling requirement, to provide for a stamping alternative to banding for the labeling of assemblies having crimped or swaged end fittings, to exempt coiled nylon air brake hose from the length change requirement for air brake hose, and to exempt wire reinforced air brake and vacuum brake hose from the adhesion requirements. This rule responds to industry requests for less expensive labeling alternatives and for relief from several performance requirements in the standard that are not appropriate for certain hose designs.

DATE: Effective date: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Fred Redler, Crash Avoidance Division, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-0853.

SUPPLEMENTARY INFORMATION: This amendment is based on a notice of proposed rulemaking published December 30, 1976 (41 FR 58365). Nineteen comments were received in response to that notice and were given full consideration in the formulation of this final rule. The comments were primarily supportive of the proposed changes.

Based on a petition by one committee of the American Society for Testing and Materials (ASTM), the proposal specified an increase in the "brake fluid compatibility" test temperature from 200° F to 212° F. The ASTM Committee petitioned for the increase so that the temperature would be compatible with the equivalent 100° Centigrade (C) value that has been proposed for adoption as a standard test temperature by the International Standards Organization. Several commenters strongly objected to this slight increase in the test temperature. Commenters stated that there is no safety justification for the proposed change and that the increase, over the 70-hour test period, could cause significant changes in test results and lead to the rejection of good hose. Four foreign commenters noted that the inner tubing of much imported brake hose is made from natural rubber rather than the synthetic materials that are generally used in the United States. They argued that this small temperature increase could rule out the use of natural rubber, which has certain desirable properties and which has, otherwise, proven satisfactory in the past.

General Motors stated that the International Standards Organization has apparently not proposed a tem-

perature of 100° C for this test and that the test temperature for "brake fluid compatibility" should remain at 200° F. ASTM Committee D-11.31 stated that the ASTM Committee that requested the change (D-11.45) was not authorized to seek the change, and the ruling ASTM Committee does not approve of the temperature increase.

Based on consideration of these comments, the NHTSA has concluded that an increase in temperature for "brake fluid compatibility" testing of brake hose is not justified. Therefore, the proposed change is not adopted.

This amendment exempts air and vacuum brake hose assemblies having renewable or reusable end fittings from the existing labeling requirement (banding) for brake hose assemblies (by specifying assembly labeling requirements only for brake hose assemblies having end fittings attached by crimping or swaging). Further, the new assembly labeling requirement provides for alternative methods of labeling by banding or by stamping (or etching or embossing) of one end fitting on the assembly. The new provisions do not require the date of assembly to be placed on the label, whether banding or stamping is used.

Paccar recommended retention of the existing requirement that the date of assembly be included in assembly labeling. Paccar contended that date of assembly is important for purposes of determining the shelf-life of an assembly. The NHTSA concludes that the assembly date is not necessary for this purpose, because it is the brake hose that generally determines the assembly shelf-life. Since the hose must bear its date of manufacture under existing requirements, this should suffice as an indicator of the entire assembly's shelf life.

Several commenters stated that the assembly labeling requirements should be deleted altogether, arguing that brake hose assembly failures are most likely to result from installation errors and damage in service rather than from improper production of the assembly. Samuel Moore and Company argued that all assembly labeling should be totally optional. While data demonstrate that most assembly failures result from improper installation or later damage, identity of the assembler is still important. If assembly labeling were not required, only reputable assemblers might identify themselves with their products. The door would be opened to the marketing of substandard hose assemblies, and there would be no way to identify the assembler in the event a safety-related defect or a noncompliance necessitated recall.

Samuel Moore and Company also stated that the proposed assembly labeling requirement would discriminate against manufacturers of crimped and

swaged air brake hose assemblies, since the requirements would not be applicable to assemblies having renewable or reusable end fittings. The agency did not require labeling for assemblies having renewable or reusable end fittings because it has been found that such labeling is impractical. With reusable end fittings the assembler's identity could be lost or misapplied by a person who re-assembles the set at a later date, and the chances for confusion concerning who assembled the set would be great.

Paccar commented that the "stamping" option for assemblies having crimped or swaged end fittings could create confusion also, and that all assembly labeling requirements should be deleted. While the NHTSA agrees that some confusion might exist, labeling of assemblies having permanent end fittings is substantially more practicable and offers less possibility for confusion than labeling of assemblies having renewable or reusable end fittings. Most of the hypotheticals posed by Paccar involved situations in which permanent end fittings are stamped with the fitting manufacturer's designation (which is not required by the standard). Paccar contends confusion as to who is responsible for the assembly could result when an assembler later applies his band to the assembly or when a repair shop in the field produces an assembly using stamped end fittings.

Since end fittings that are to be attached to hose by crimping or swaging are not required to be labeled, the NHTSA concludes that it is the responsibility of the fitting manufacturer who chooses to stamp his fittings to keep adequate records whether a certain production lot of fittings are sold by themselves or whether they are used in assemblies that are also produced by the fitting manufacturer.

Paccar also argued that large assemblers who also manufacture end fittings would have an economic advantage over assemblers whom they supply with end fittings, since end fittings are usually stamped with the fitting manufacturer's designation. With the stamping labeling alternative, the fitting manufacturer who also makes assemblies would not have to further label his assemblies, whereas, an assembler who purchased his end fittings would have to pay either the cost of special labeling of end fittings or that of banding.

The NHTSA recognizes that there are several items of higher cost borne by small assemblers but disagrees that the assembly labeling requirements are discriminatory as suggested by Paccar. As mentioned earlier, manufacturers of permanent end fittings are not required to label their fittings (and if they do so they bear the additional cost by choice). Therefore,

under the new assembly labeling requirements, assemblers who are also permanent end fitting manufacturers and small assemblers who do not manufacture end fittings are on the same footing; both are required to label only once, either by banding or by stamping the end fitting. Of course, independent of any standard, an assembler who produces all components of his product can generally manufacture an assembly at a lower cost than an assembler who purchases components for his product.

Further, from a practical standpoint, the larger assemblers who also supply end fittings to smaller assemblers are not generally in competition with the smaller assemblers. Rather, they deal with large volume users in competition with other large suppliers. The small assemblers are generally only in competition with other small assemblers who are in the same position with respect to cost of assembly labeling. The requirements are, therefore, made final as proposed.

Several commenters pointed out that the notice proposing these amendments deleted an existing exemption from the assembly labeling requirements of the standard. Assemblies that are assembled and installed by a vehicle manufacturer in vehicles manufactured by him are currently excepted from the requirements of paragraph S5.2.4. The deletion in the proposal was inadvertent, and the exception is included in the new paragraph S5.2.4 specified in this amendment.

General Motors noted that the proposed new paragraph S5.2.4.1 (the stamping option for assembly labeling) did not specify any criteria for the manufacturer's designation, and asked whether the designation could consist of block capital letters or symbols representative of the assembler. General Motors also requested concurrence in their assumption that, as a manufacturer of both bulk brake hose and hose assemblies, they would be permitted under the stamping option to use one designation for bulk hose and a different designation for hose assemblies. Finally General Motors recommended that the phrase "shall be permanently etched, embossed, or stamped," in proposed paragraph S5.2.4.1 and in existing paragraph S5.2.4, be changed to read, "shall be etched, embossed, or stamped by means of deformation of the material." They argued that the word "permanently" should be deleted since any marking can eventually be obliterated by corrosion, rust, abuse, or other means.

The NHTSA agrees with the clarifications and editorial changes requested by General Motors, and the changes are included in these amendments of the hose assembly and end

fitting labeling requirements. The NHTSA concurs with General Motors' assumption that it is permitted to stamp its bulk hose and its assemblies with different designations. The word "permanently" is deleted from paragraphs S5.2.3 and S5.2.4, as it was from paragraph S5.2.2 in a previous notice (41 FR 28505, July 12, 1976).

International Harvester objected to the proposal to exempt hydraulic brake hose used in assemblies with keyed end fittings from the striping requirement of paragraph S5.2.1. Harvester stated that its hose assemblies with keyed end fittings are designed with different orientations for the left and right hand sides of vehicles. Each could be installed with a 20° twist if inadvertently installed on the wrong side of the vehicle. Since the striping requirement is intended to prevent twisted installation, this amendment only exempts hose for use in an assembly whose end fittings prevent its installation in a twisted orientation.

Commenters supported the proposed exemption from labeling of end fittings used in factory-made, non-repairable plastic vacuum brake hose assemblies (such as those used by Mercedes-Benz). The proposal is therefore made final.

Commenters also agreed with the proposed exemption of coiled nylon air brake hose from the "length-change" requirement of paragraph S7.3.6. The requirement is therefore amended as proposed.

Paragraphs S7.3.7 and S9.2.9 are amended to exempt wire-reinforced brake hose from the adhesion requirements of the standard, since the adhesion test does not give sufficiently repeatable results in the case of wire-reinforced brake hose. A substitute test for this type hose is under consideration.

The Dairy Equipment Company stated that all assembly labeling requirements were eliminated by a notice published November 26, 1977 (41 FR 52055) which revised paragraphs S12 and S13 of the standard. The Company's interpretation of that amendment is incorrect. As explained in the preamble to that notice, the revision of paragraphs S12 and S13 permits the indefinite use in new vehicles of hose assemblies manufactured prior to the effective date of the labeling requirement for assemblies.

This does not mean that new hose, end fittings and assemblies produced after specific effective dates do not have to meet the labeling requirements of the standard. For example, a hose assembly manufactured today must bear the required assembly labeling even if it is constructed of hose or end fittings that do not have DOT labeling because they were manufactured prior to September 1, 1974.

Since this amendment relieves restrictions, the agency has determined

that it will have negligible economic impact. The environmental effects of the amendment should be positive. Elimination of the banding requirement will save approximately 30,000 pounds of material annually.

The engineer and lawyer primarily responsible for the development of this rulemaking document are Fred Redler and Hugh Oates, respectively.

Because these amendments relieve restrictions and create no additional burdens, the National Highway Traffic Safety Administration (NHTSA) finds, for good cause shown, that an immediate effective date is in the public interest.

In consideration of the foregoing, Standard No. 106-74 (49 CFR 571.106-74) is amended as follows:

§ 571.106-74 [Amended]

1. S5.2.1 is amended by the addition of a sentence at the end of the paragraph to read:

However, hydraulic brake hose manufactured for use only in an assembly whose end fittings prevent its installation in a twisted orientation in either side of the vehicle, need not meet the requirements of S5.2.1.

2. S5.2.2(d) is amended to read:

(d) The nominal inside diameter of the hose expressed in inches or fractions of inches.

3. To conform with S5.1 which was amended in Notice 16 (40 FR 12088) on March 17, 1975, the text of S5.2.3 is deleted, and the word "Reserved" is substituted.

4. S5.2.4 is amended and a new S5.2.4.1 is added to read:

S5.2.4 Each hydraulic brake hose assembly, except those assembled and installed by a vehicle manufacturer in vehicles manufactured by him, shall be labeled by means of a band around the brake hose assembly as specified in this paragraph or, at the option of the manufacturer, by means of labeling as specified in S5.2.4.1. The band may at the manufacturer's option be attached so as to move freely along the length of the assembly, as long as it is retained by the end fittings. The band shall be etched, embossed, or stamped in block capital letters, numerals or symbols at least one-eighth of an inch high with the following information:

(a) The symbol DOT constituting certification by the hose assembler that the hose assembly conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of the hose assembly, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation

may consist of block capital letters, numerals or a symbol.

S5.2.4.1 At least one end fitting of a hydraulic brake hose assembly shall be etched, stamped or embossed with a designation at least one-sixteenth of an inch high that identifies the manufacturer of the hose assembly and is filed in accordance with S5.2.4(b).

5. To conform to editorial revisions of S5.1, S5.2.2 and S5.3.2, S7.2 is amended to read:

S7.2 Labeling

S7.2.1 *Hose*. Each air brake hose shall be labeled, or cut from bulk hose that is labeled, at intervals of not more than 6 inches, measured from the end of one legend to the beginning of the next, in block capital letters and numerals at least one-eighth of an inch high, with the information listed in paragraphs (a) through (e). The information need not be present on hose after it has become part of a brake hose assembly or after it has been installed in a motor vehicle.

(a) The symbol DOT, constituting a certification by the hose manufacturer that the hose conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of the hose, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals, or a symbol.

(c) The month, day, and year, or the month and year, of manufacture, expressed in numerals. For example, 10/1/74 means October 1, 1974.

(d) The nominal inside diameter of the hose expressed in inches or fractions of inches, or the nominal outside diameter of plastic tubing expressed in inches or fractions of inches followed by the letters OD. (Examples of inside diameter: $\frac{1}{2}$, $\frac{3}{4}$ ($\frac{1}{2}$ SP in the case of $\frac{1}{2}$ inch special air brake hose). Example of outside diameter: $\frac{1}{2}$ OD.)

(e) The letter "A" shall indicate intended use in air brake systems. In the case of a hose intended for use in a reusable assembly, "AI" or "AII" shall indicate Type I or Type II dimensional characteristics of the hose as described in Table III.

S7.2.2 *End fittings*. Except for an end fitting that is attached by deformation of the fitting about a hose by crimping or swaging, at least one component of each air brake hose fitting shall be etched, embossed, or stamped in block capital letters and numerals at least one-sixteenth of an inch high with the following information:

(a) The symbol DOT, constituting a certification by the manufacturer of that component that the component conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of that component of

the fitting, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals, or a symbol.

(c) The letter "A" shall indicate intended use in air brake systems. In the case of an end fitting intended for use in a reusable assembly, "AI" or "AII" shall indicate use with Type I or Type II hose, respectively.

(d) The nominal inside diameter of the hose to which the fitting is properly attached expressed in inches or fractions of inches, or the outside diameter of the plastic tubing to which the fitting is properly attached expressed in inches or fractions of inches followed by the letters OD (See examples in S7.2.1(d)).

S7.2.3 *Assemblies*. Each air brake hose assembly made with end fittings that are attached by crimping or swaging, except those assembled and installed by a vehicle manufacturer in vehicles manufactured by him, shall be labeled by means of a band around the brake hose assembly as specified in this paragraph or, at the option of the manufacturer, by means of labeling as specified in S7.2.3.1. The band may at the manufacturer's option be attached so as to move freely along the length of the assembly, as long as it is retained by the end fittings. The band shall be etched, embossed, or stamped in block capital letters, numerals or symbols at least one-eighth of an inch high, with the following information:

(a) The symbol DOT, constituting certification by the hose assembler that the hose assembly conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of the hose assembly, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals or a symbol.

S7.2.3.1 At least one end fitting of an air brake hose assembly made with end fittings that are attached by crimping or swaging shall be etched, stamped or embossed with a designation at least one-sixteenth of an inch high that identifies the manufacturer of the hose assembly and is filed in accordance with S7.2.3(b).

6. S7.3.6 is amended by the addition of the parenthetical phrase "(other than a coiled nylon tube for use in an assembly that meets the requirements of § 393.45 of this title)" following the phrase "An air brake hose".

7. S7.3.7 is amended by the addition of the phrase "Except for hose rein-

forced by wire," at the beginning of the text.

8. To conform with editorial revisions of S5.1, S5.2.2 and S5.2.3, S9.1 is revised to read:

S9.1 Labeling

S9.1.1 *Hose*. Each vacuum brake hose shall be labeled, or cut from bulk hose that is labeled, at intervals of not more than 6 inches, measured from the end of one legend to the beginning of the next, in block capital letters and numerals at least one-eighth of an inch high, with the information listed in paragraphs (a) through (e). The information need not be present on hose after it has become part of a brake hose assembly or after it has been installed in a motor vehicle.

(a) The symbol DOT, constituting a certification by the hose manufacturer that the hose conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of the hose, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals or a symbol.

(c) The month, day, and year, or the month and year, of manufacture, expressed in numerals. For example, 10/1/74 means October 1, 1974.

(d) The nominal inside diameter of the hose expressed in inches or fractions of inches, or the nominal outside diameter of plastic tubing expressed in inches or fractions of inches followed by the letters OD (Example of inside diameter: $\frac{1}{2}$, $\frac{3}{4}$. Example of outside diameter: $\frac{1}{2}$ OD.)

(e) The letters "VL" or "VH" shall indicate that the component is a light-duty vacuum brake hose or heavy-duty vacuum brake hose, respectively.

S9.1.2 *End Fittings*. Except for an end fitting that is attached by heat striking or by interference fit with plastic vacuum hose or that is attached by deformation of the fitting about a hose by crimping or swaging, at least one component of each vacuum brake hose fitting shall be etched, embossed, or stamped in block capital letters and numerals at least one-sixteenth of an inch high with the following information:

(a) The symbol DOT, constituting a certification by the manufacturer of that component that the component conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of that component of the fitting, which shall be filed in writing with: Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals or a symbol.

(c) The letters "VL" or "VH" shall indicate that the end fitting is intended for use in a light-duty or heavy-duty vacuum brake system, respectively.

(d) The nominal inside diameter of the hose to which the fitting is properly attached expressed in inches or fractions of inches, or the outside diameter of the plastic tubing to which the fitting properly attached expressed in inches or fractions of inches followed by the letters OD (See examples in S9.1.1(d)).

S9.1.3 *Assemblies*. Each vacuum brake hose assembly made with end fittings that are attached by crimping or swaging and each plastic tube assembly made with end fittings that are attached by heat shrinking or dimensional interference fit, except those assembled and installed by a vehicle manufacturer in vehicles manufactured by him, shall be labeled by means of a band around the brake hose assembly as specified in this paragraph or, at the option of the manufacturer, by means of labeling as specified in S9.1.3.1. The band may at the manufacturer's option be attached so as to move freely along the length of the assembly, as long as it is retained by the end fittings. The band shall be etched, embossed, or stamped, in block capital letters and numerals at least one-eighth of an inch high, with the following information:

(a) The symbol DOT, constituting certification by the hose assembler that the hose assembly conforms to all applicable motor vehicle safety standards.

(b) A designation that identifies the manufacturer of the hose assembly, which shall be filed in writing with:

Office of Vehicle Safety Standards, Crash Avoidance Division, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. The designation may consist of block capital letters, numerals or a symbol.

S9.1.3.1 At least one end fitting of a vacuum brake hose assembly made with end fittings that are attached by crimping or swaging, or of a plastic tubing assembly made with end fittings that are attached by heat shrinking or dimensional interference fit shall be etched, stamped or embossed with a designation at least one-sixteenth of an inch high that identifies the manufacturer of the hose assembly and is filed in accordance with S9.1.3(b).

9. S9.2.9 is amended by the addition of the phrase "Except for hose reinforced by wire," at the beginning of the text.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.50.)

Issued: May 17, 1978.

HOWARD J. DUGOFF,
Acting Administrator.

[FR Doc. 78-14342 Filed 5-24-78; 8:45 am]

[4910-59]

[Docket No. 78-06; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Definitions; Correction

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Correction; final rule.

SUMMARY: In FR Doc. 78-5913 appearing at page 9606 in the FEDERAL REGISTER of March 9, 1978, the following changes should be made:

(1) The amendatory language for § 571.108 is corrected to read as follows:

"3. Standard No. 108, Lamps, reflective devices, and associated equipment (49 CFR 571.108), is amended by deleting from paragraph S3 the definition of 'Speed attainable in 1 mile'."

(2) Paragraph 5 amending § 571.121 should be a separate section to read as follows:

"5. Standard No. 122, Motorcycle brake systems (49 CFR 571.122), is amended by deleting from paragraph S4 the definition of 'Speed attainable in 1 mile'."

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David Fay, Engineering Systems Staff, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2817.

(Secs. 102, 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1391, 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 19, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate
Administrator for Rulemaking.

[FR Doc. 78-14548 Filed 5-24-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[7590-01]

NUCLEAR REGULATORY COMMISSION

[10 CFR Parts 40, 50, 70, 75, and 150]

SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

Proposed Rule

AGENCY: U.S. Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The United States and the International Atomic Energy Agency have negotiated an agreement which will permit the Agency to apply its safeguards to certain nuclear activities in the United States. The Nuclear Regulatory Commission is considering regulations which would enable the United States to be in compliance with respect to licensed activities, as soon as the agreement enters into force. The implementing regulations include provisions requiring licensees: (1) To submit information concerning their installations, for the use of IAEA; (2) to establish, maintain, and follow prescribed material accounting and control procedures; (3) to provide specific reports; and (4) to permit inspection by IAEA representatives. The proposed rules are being published at this time so that the issuance of final regulations may be accomplished promptly once the Senate gives its consent.

DATE: Comment period expires July 24, 1978.

ADDRESSES: (1) Written comments should be submitted to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch; (2) the US/IAEA agreement, the document, "Agreement between the United States of America and the International Atomic Energy Agency for the Application of Safeguards in the United States of America," is available at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. Single copies may be obtained without charge by writing to the Division of Technical Information and Document Control, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT:

Mr. L. C. Solem, Office of Standards Development, U.S. Nuclear Regula-

tory Commission, Washington, D.C. 20555, phone 301-443-6936; Mr. James R. Wolf, Office of the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-492-7437; or Mr. Paul K. Morrow, Office of Nuclear Materials Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, phone 301-427-4004.

SUPPLEMENTARY INFORMATION: The U.S. Nuclear Regulatory Commission (NRC) is considering amending its regulations to implement, with respect to NCR and Agreement State licensees, the Agreement between the United States and the International Atomic Energy Agency (IAEA or Agency) for the Application of Safeguards in the United States of America (hereafter called the Agreement). The amendments include a new proposed 10 CFR part 75, "Safeguards on Nuclear Material—Implementation of US/IAEA Agreement," and conforming amendments to 10 CFR part 40, "Licensing of Source Material," 10 CFR part 50, "Licensing of Production and Utilization Facilities," part 70, "Special Nuclear Material," and 10 CFR part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274."

The Agreement would enter into force when the U.S. notifies the Agency that its constitutional and statutory requirements have been met. On February 9, 1978, the President submitted the Agreement to the Senate for advice and consent to ratification.

The amendments will not be issued as final regulations until the Senate gives its advice and consent to ratification. Thereupon, licensees whose installations are determined by the United States to be eligible for application of safeguards under the Agreement, and identified as such on a list to be provided by the United States to the IAEA, will be required to comply with the proposed regulations. The requirements would not apply to ore processing or to activities at installations which have been determined to have direct national security significance.

The Agreement contemplates that the Agency will be entitled to review certain information for each facility (such as a power reactor or a fuel fabrication facility) on the U.S. eligible installation list so as to define conditions (such as the scope of material

balance areas) for the application of safeguards at the particular installation concerned. Licensees would be required to submit the specified information to the Commission when regulations are adopted. At a later date, when the Agreement enters into force, the installation information would be transmitted to the Agency. The Agency would be authorized to send inspectors to verify the information supplied by the NRC about the installation. It is anticipated at that time, pursuant to individual notice from the NRC, licensees would be required to implement their material accounting and control procedures. As installations are selected by the Agency under the Agreement for the application of safeguards, those installations would become subject to IAEA safeguards inspection by Agency representatives.

It should be noted that the regulations reflect not only the provisions of the main body of the Agreement (relating to installations identified by the IAEA for the application of safeguards, including inspection activity), but also the provisions of the Protocol to the Agreement (which relates to other installations on the eligible list and does not include inspection activity), as supplemented, respectively, by proposed Subsidiary Arrangements and Transitional Subsidiary Arrangements.

Certain details of implementation of the Agreement (for example, definition of IAEA material balance areas, codes to be used in reporting the composition of nuclear material, and requirements for replacing Agency equipment at an installation subject to IAEA safeguards inspection) will be developed on a case-by-case basis. Those details, as agreed to between the Agency and the United States, will be incorporated in a Facility Attachment (to the Subsidiary Arrangements or Transitional Subsidiary Arrangements, as the case may be) for the particular installation. A licensee will be consulted by the Commission during the process of negotiation of the Facility Attachment applicable to his installation. The Commission would be authorized, however, to specify such matters even before the relevant Facility Attachment has been prepared.

BACKGROUND AND AUTHORITY

More than a hundred nations, including the United States, are parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), 21 U.S.T.

483, T.I.A.S. 6839. The NPT sets out the undertaking of the parties " . . . to cooperate in facilitating the application of International Atomic Energy Agency safeguards on peaceful nuclear activities." In furtherance of this objective " . . . Each non-nuclear-weapon State Party to the Treaty undertakes to accept [IAEA] safeguards " . . . for the exclusive purpose of verification of the fulfillment of its obligations assumed under " . . . [the] Treaty with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices."

Although this requirement does not apply to the United States and other nuclear-weapon parties, at the time the Treaty was signed, July 1, 1968, it was the announced policy of the United States that it would voluntarily accept the application of IAEA safeguards to all its nuclear activities, except those of direct national security significance. This offer, which has been reaffirmed by later Administrations, was first made by President Johnson on December 2, 1967, on the occasion of the 25th anniversary of the first nuclear chain reaction, when he stated:

I want to make it clear, very clear, to all the world that we in the United States are not asking any country to accept safeguards that we are unwilling to accept ourselves.

So I am, today, announcing that when such safeguards are applied under the treaty, the United States will permit the International Atomic Energy Agency to apply its safeguards to all nuclear activities in the United States—excluding only those with direct national security significance.

Under this offer, the agency will then be able to inspect a broad range of U.S. nuclear activities, both governmental and private " . . .

In a later Presidential statement it was explained further that the offer was made "in order to encourage the widest possible adherence to the Treaty by demonstrating to other nations that they would not be placed at a commercial disadvantage by reason of the application of safeguards under the Treaty."

The offer described above reflects a long-standing policy of cooperation between the United States and the Agency. The International Atomic Energy Agency Participation Act of 1957 provided for the participation of the United States in the Agency "consistent with and in furtherance of the purposes of the Agency set forth in its Statute and the policy concerning the development, use, and control of atomic energy as set forth in the Atomic Energy Act of 1954, as amended," 22 U.S.C. 2022. The Statute of the Agency, 8 U.S.T. 1093, T.I.A.S. 3873, provides that the IAEA is to " . . . seek to accelerate and enlarge the contribution of atomic energy to peace, health, and prosperity throughout the

world " . . . Under the Statute, " . . . The Agency is authorized " . . . to establish and administer safeguards " . . . at the request of a State " . . .

The Commission is required under section 122 of the Atomic Energy Act of 1954, as amended, "to give maximum effect to the policies contained in any international arrangement. In light of the provisions of the Treaty on the Non-Proliferation of Nuclear Weapons and the IAEA Statute, as well as the U.S./IAEA Safeguards Agreement, the Commission has the responsibility to implement the Agreement, if ratified, with respect to activities subject to its regulatory authority.

This can be accomplished pursuant to section 161 of the Atomic Energy Act, which authorizes the Commission to:

b. Establish by rule, regulation, or order, such standards and instructions to govern the possession and use of special nuclear material [or] source material " . . . as the Commission may deem necessary or desirable to promote the common defense and security " . . .

i. Prescribe such regulations or orders as it may deem necessary " . . . to guard against the loss or diversion of " . . . special nuclear material " . . . [and] to prevent any use or disposition thereof which the Commission may determine to be inimical to the common defense and security " . . .

o. Require by rule, regulation, or order, such reports, and the keeping of such records with respect to, and to provide for such inspections of, activities " . . . under licenses " . . . as may be necessary to effectuate the purposes of the Act " . . .

p. Make, promulgate, issue, rescind, and amend such rules and regulations as may be necessary to carry out the purposes of this Act.

Section 3 of the Act declares that it is the purpose of the legislation to effectuate stated policies by providing, among other things, for:

c. A program for Government control of the possession, use, and production of atomic energy and special nuclear material, whether owned by the Government or others, so directed as to make the maximum contribution to the common defense and security and the national welfare, and to provide continued assurance of the Government's ability to enter into and enforce agreements with nations or groups of nations for the control of special nuclear materials and atomic weapons.

The application of the proposed regulations to Agreement State licensees is in conformity with section 274m. of the Act, which preserves the authority of the Commission " . . . to issue " . . . regulations " . . . to protect the common defense and security " . . . or to guard against the loss or diversion of special nuclear material."

"The regulatory functions of the Atomic Energy Commission were transferred to the Nuclear Regulatory Commission by sec. 201(f) of the Energy Reorganization Act of 1974.

ANALYSIS

GENERAL PROVISIONS

The regulations contained in 10 CFR part 75 would apply to persons licensed to possess source or special nuclear material at "installation". The term "installation" includes a production facility or utilization facility as defined in the Act and the Commission's regulations, a uranium hexafluoride production plant, a fuel fabrication plant, and any other location where the possession of more than one effective kilogram of nuclear material is authorized by a license issued by NRC or an Agreement State. The term also includes a critical facility, which is a "utilization facility" under NRC regulations.

The exclusion of ore processing operations conforms to standard IAEA safeguards practices. The exclusion of activities of direct national security significance reflects the condition announced at the time of the original offer by the United States; the Executive Branch will indicate, through the listing of eligible installations, those installations which will be eligible for Agency safeguards and which are therefore not of direct national security significance to the United States.

As is the case with many parts of the Commission's regulations, provision is made for granting exemptions in appropriate situations. One circumstance which might justify the exercise of this authority is that the application of the proposed regulations would result in burdens upon licensees that go beyond safeguards requirements in non-nuclear-weapon States. (Article 3(c) of the Agreement.) An exemption would only be granted upon a finding that the action is authorized by law, consistent with the Agreement, not inimical to the common defense and security and otherwise in the public interest.

The definition of "effective kilogram", as applied to possession of uranium-233, retains the definition contained in existing NRC regulations instead of the one provided in Article 90G of the Agreement. In the unlikely event that use of this definition would impose duties upon persons that would not otherwise be called for under the Agreement, an exemption may be granted under § 75.3.

INSTALLATION INFORMATION

The scope of the required information is adapted primarily from Articles 43 and 46 of the Agreement and Articles 6 and 9 of the Protocol. Under these provisions, the IAEA has the right, which it is expected to exercise, to have this information provided for all facilities on the U.S. eligible list. Licensees who are subject to the regulations may be required to provide the information to the Commission within

45 days after being requested by the Commission. (It is contemplated that such a request would be made to existing licensees following promulgation of the regulations as effective final rules.)

Under the Agreement, the Agency is to require only the minimum amount of information needed to fulfill its responsibilities and must take every precaution to protect commercial and industrial secrets or any other confidential information coming to its knowledge, and must examine on premises of the United States (without physical transmission to the IAEA) installation information considered by the United States to be particularly sensitive. The proposed regulations would allow a licensee to request that sensitive information be withheld from being transmitted physically to the Agency. The information would be withheld while such a request is considered. The Director, Office of Nuclear Reactor Regulation (for all nuclear power plants and non-power reactor installations) or Director, Office of Nuclear Material Safety and Safeguards (for other installations) would ordinarily rule upon requests pertaining to sensitive information, but, if appropriate, could refer a specific matter to the Commission for direction. The decision would reflect an effort to achieve an effective balance between legitimate concerns of licensees, including protection of competitive positions, and the undertaking of the United States to cooperate to facilitate the implementation of the safeguards provided for in the Agreement.

MATERIAL ACCOUNTING AND CONTROL

The provisions relating to material accounting and control are adapted primarily from Articles 32, 51, 54, 55, and 56 of the Agreement and Articles 13, 16, 17, and 18 of the Protocol. Licensees subject to the regulations would be required to describe their procedures in the information submitted to the Commission and then to maintain and follow such procedures. The Commission may require modifications in the procedures, where necessary to conform to the Agreement; such required modifications would be communicated to the licensee in writing.

The Commission anticipates that, for most purposes, the program already undertaken by a special nuclear material licensee who is subject to the material accounting and control procedures described in §§ 70.51(e), 70.57, and 70.58 of the Commission's regulations (10 CFR 70.51(e), 70.57, and 70.58) will satisfy the corresponding requirements of the proposed 10 CFR part 75. Some program adjustments may be required, however, especially with respect to the identification to Agency material balance areas and the

need to account for materials on the basis of individual batches.

REPORTS

The proposed reporting requirements are adapted primarily from Articles 60 through 66 of the Agreement and Articles 21 through 25 of the Protocol. The initial and routine accounting reports are to be submitted on prescribed Forms DOE/NRC-741, Nuclear Material Transaction Report and DOE/NRC-742, Material Status Report, which have been revised and will be revised further, as necessary, to conform to the provisions of the Agreement. The reporting requirements, which are applicable to source material licensees as well as special nuclear material licensees, will not be implemented until the licensee is given appropriate individual notice. In some cases, arrangements with respect to the installation concerned may have been negotiated between the United States and the Agency, and formalized in the form of facility attachments to the Subsidiary Arrangements or Transitional Subsidiary Arrangements, before notice to initiate reports is issued. However, if Agency material balance areas have not been defined, the initial report to the Commission would list material, by Reporting Identification Symbol (RIS), on an installation-wide basis.

The circumstances requiring a special report are in some respects broader than those set forth in the Commission's present special nuclear material regulations. A report is required not only when there has been an actual loss or possible unlawful diversion, but also whenever there may have been a loss of material associated with any unusual incident or circumstances and whenever there occurs an impairment of containment that would allow unauthorized removal of material. Special reports are to be communicated to the appropriate Regional Office of the NRC Office of Inspection and Enforcement.

INSTALLATIONS DESIGNATED FOR AGENCY SAFEGUARDS

Only those installations which from time to time have been identified by the Agency for safeguards application under Article 2(b) of the Agreement, and which are covered specifically by Subsidiary Arrangements as provided by Article 39, are subject to IAEA safeguards inspections. (Installations to be covered by Transitional Subsidiary Arrangements requirements of the Protocol are not subject to inspection but may be visited by Agency representatives for purposes related to verification of installation information.) Inspections of Agency-designated installations may be scheduled or unannounced, as provided by Article 9(c) of the Agreement, but will be arranged so

as to reduce to a minimum the possible inconvenience and disturbance to the licensees' activities and so as to ensure protection of industrial secrets or any other confidential information coming to the inspectors' knowledge.

Generally, the NRC reporting requirements are the same for installations designated for safeguards application as for those not so designated. With respect to the former, however, advance notification of certain transfers is required so as to allow the Agency to verify imports or exports (pursuant to Article 89(a)) and withdrawals (Article 12(a)). Advance notification is not necessary for imports of material not safeguarded previously under prior arrangements with the Agency (including yellowcake which is to be converted into uranium hexafluoride).

The identification of specific installations that will be subject to safeguards, and therefore to inspections, is a matter to be decided by the Agency. Under Article 2(c) of the Agreement, however, the Agency will proceed in a manner which the Agency and the United States mutually agree takes into account constitutional or statutory requirements to avoid discriminatory treatment as between commercial firms similarly situated. It is expected that with respect to each class of installation (e.g., power reactors, fuel fabrication plants, etc.) selection will be on a rotating basis and will involve installations of advanced design incorporating new technology and those which are sensitive in terms of international competition.

The designation of a particular installation for Agency safeguards application will be communicated to the licensee by notice from the Commission. The notice to nuclear power plants and non-power reactors installations will be issued by the Director, Office of Nuclear Reactor Regulations. The notice to all other installations will be by the Director, Office of Nuclear Material Safety and Safeguards.

Under Article 14 of the Agreement, the Agency will reimburse the licensee for certain expenses incurred in connection with inspection activities. Specific cost items to be borne by the Agency will be enumerated in the applicable Facility Attachment.

ENFORCEMENT

The purpose of proposed § 75.51 is to provide a clear basis for enforcement or other administrative action where appropriate.

Agreement State licensees would be subject to Commission enforcement orders, as well as injunctions and criminal penalties as provided by the Atomic Energy Act, but would not be subject to license modification, suspension, or revocation as such.

PARTS 40, 50, AND 70 AMENDMENTS

The amendments to Parts 40, 50, and 70 provide the means for the Commission and the IAEA to obtain necessary information during construction of nuclear reactors or other installations. In each case, failure to furnish the required information sufficiently far in advance may be grounds for denial of a license, or delay in issuance of a license. This would result, in the case of source material license applications, by virtue of the Commission's inability to make the finding, under 10 CFR 40.32(d), that "The issuance of the license will not be inimical to the common defense and security . . .". The same result would obtain in the case of facility operating licenses and special nuclear material licenses by virtue of the provisions of 10 CFR 50.40(c) and 10 CFR 70.31(d), respectively.

The principle being applied in each instance is that adherence to the Agreement contributes to the common defense and security by encouraging universal adherence to an effective nuclear safeguards system. It is vital, if the safeguards are to be effective, that the control procedures be in force before nuclear material is received. The proposed amendments would serve this purpose in the United States and would thereby encourage other countries to furnish needed information during construction, with the result that the worldwide safeguards system will be strengthened.

PART 150 AMENDMENTS

Under Section 274m. of the Atomic Energy Act, the agreement entered into between the Commission and the Governor of any State providing for the discontinuance of Commission regulatory authority does not . . . affect the authority of the Commission under subsection 161 b. or i. (of the Act) to issue rules, regulations, or orders to protect the common defense and security . . . The Commission would set forth here, as it has with respect to certain other matters, the nature and extent of the Commission's continued authority in the Agreement States.

ENVIRONMENTAL ASSESSMENT

The Department of State has been designated as lead agency under the National Environmental Policy Act of 1969 for environmental review related to the Agreement. The Department has completed an environmental impact appraisal and has determined that implementation of the Agreement will not affect significantly the human environment and that an impact statement is not required. The Commission concurs with this determination. The regulations that are the subject of this notice are administrative

and procedural and give rise to no substantive and significant environmental impacts other than those flowing directly from the Agreement itself. Accordingly, there has been no separate environmental impact appraisal for the rules that are now being proposed.

NOTICE

Pursuant to the Atomic Energy Act of 1954, as amended, the Energy Reorganization Act of 1974, as amended, and section 553 of Title 5 of the United States Code, notice is hereby given that adoption of the following new 10 CFR Part 75 and amendments to 10 CFR Parts 40, 50, 70, and 150 are contemplated. All interested persons who desire to submit written comments or suggestions in connection with the proposed amendments should submit them to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Chief, Docketing and Service Branch, by July 24, 1978.

Copies of comments regarding the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

It is proposed to amend 10 CFR Chapter I as follows:

PART 40—LICENSING OF SOURCE MATERIAL

1. The citation of authority is amended by adding a new paragraph as follows:

AUTHORITY: . . . Section 40.31(g) also issued under sec. 122, 68 Stat. 939, (42 U.S.C. 2152).

2. Section 40.4 is amended by adding paragraph (p) as follows:

§ 40.4 Definitions.

(p) "Effective kilogram" means (1) for the source material uranium in which the uranium isotope uranium-235 is greater than 0.005 weight percent (0.5%) of the total uranium present: 10,000 kilograms, and (2) for any other source material: 20,000 kilograms.

3. Section 40.31 is amended by adding paragraph (g) as follows:

§ 40.31 Application for specific licenses.

(g) An applicant for a license to possess and use source material in a uranium hexafluoride production plant or a fuel fabrication plant and any other applicant for a license to possess and use more than one effective kilogram of source material (except for ore processing, as defined in § 75.4(1) of this chapter) should file with the Commission, at least 9 months prior to the

date when the applicant desires to receive such source material (or earlier upon request by the Commission), the installation information described in § 75.11 of this chapter; and the applicant shall permit verification by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6, 75.11-75.14 of this chapter. The Commission will grant an exemption from this provision, upon application, if it determines that the installation will not be included on the United States eligible list.

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

4. The citation of authority is amended by inserting the following new sentence between the existing first and second sentences:

AUTHORITY: . . . Section 50.78 also issued under sec. 122, 68 Stat. 939, 42 U.S.C. 2152.

5. The last sentence of the citation of authority is amended by inserting the phrase "and § 50.78" between the words "§§ 50.70-50.71" and "issued under sec. 1610."

6. Section 50.78, "Installation information and verification," with accompanying caption, is added to read as follows:

US/IAEA SAFEGUARDS AGREEMENT

§ 50.78 Installation information and verification.

Each holder of a construction permit shall, if so requested by the Commission, submit installation information, permit verification by the International Atomic Energy Agency, and take such other action as may be necessary to implement the Safeguards Agreement, in the manner set forth in §§ 75.6, 75.11-75.14 of this chapter.

PART 70—SPECIAL NUCLEAR MATERIAL

7. The citation of authority is amended by adding the following sentence:

AUTHORITY: . . . section 70.21(g) also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152).

8. Section 70.21 is amended by adding paragraph (g) as follows:

§ 70.21 Filing.

(g) An applicant for a license to possess and use more than one effective kilogram of special nuclear material should file with the Commission, at least 9 months prior to the date when the applicant desires to receive such special nuclear material, the installation information described in § 75.11 of

this chapter; and the applicant shall permit verification by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6, 75.11-75.14 of this chapter. The Commission will grant an exemption from this provision, upon application, if it determines that the installation will not be included on the United States eligible list.

PART 75—SAFEGUARDS ON NUCLEAR MATERIAL—IMPLEMENTATION OF US/IAEA AGREEMENT

9. A new Part 75 is added to read as follows:

GENERAL PROVISIONS

Sec.
75.1 Purpose.
75.2 Scope.
75.3 Exemption.
75.4 Definitions.
75.5 Interpretations.
75.6 Delivery of information, reports, and other communications.
75.7 Agency representatives.

INSTALLATION INFORMATION

75.11 Installation information.
75.12 Communication of information to the Agency.
75.13 Verification.
75.14 Supplemental information.

MATERIAL ACCOUNTING AND CONTROL

75.21 General requirements.
75.22 Accounting records.
75.23 Operating records.
75.24 Retention of records.

REPORTS

75.31 General requirements.
75.32 Initial report.
75.33 Accounting reports.
75.34 Inventory change reports.
75.35 Material balance reports.
75.36 Special reports.
75.37 Disclosure of reports to Agency.

INSTALLATIONS DESIGNATED FOR AGENCY SAFEGUARDS

75.41 Designation.
75.42 Inspections.
75.43 Circumstances requiring advance notification.
75.44 Timing of advance notification.
75.45 Content of advance notification.
75.46 Agency seals on nuclear material.
75.47 Expenses.

ENFORCEMENT

75.51 Violations.

AUTHORITY: Secs. 53, 63, 122, 161, Pub. L. 83-703, 68 Stat. 930, 932, 939, 948 as amended (42 U.S.C. 2073, 2093, 2152, 2201); Sec. 201, as amended, Pub. L. 93-438, 88 Stat. 1242 (42 U.S.C. 5841).

For purposes of Sec. 223, Pub. L. 83-703, 68 Stat. 958, as amended (42 U.S.C. 2273), the provisions of this part issued under Sec. 1610, Pub. L. 83-703, 68 Stat. 950, as amended (42 U.S.C. 2201(c)).

GENERAL PROVISIONS

§ 75.1 Purpose.

This part establishes a system of nuclear material accounting and nuclear material control to implement, with respect to NRC and Agreement State licensees, the Agreement between the United States and the International Atomic Energy Agency (IAEA) for the Application of Safeguards in the United States.

§ 75.2 Scope.

(a) Except as provided in § 75.3, the requirements in this part apply to all persons licensed by the Commission or Agreement States to possess source or special nuclear material at an installation, as defined herein, on the United States eligible list.

(b) The United States eligible list is a list of installations eligible for IAEA safeguards under the US/IAEA Safeguards Agreement which the Secretary of State or his designee files with the Commission, a copy of which shall at all times be available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. In accordance with the provisions of the Agreement, there will be excluded from the United States eligible list:

- (1) Activities having direct national security significance.
- (2) Mining and ore processing activities.

§ 75.3 Exemptions.

The Commission may, upon application of any interested person or upon its own initiative, grant exemptions from the requirements of this part that it determines are authorized by law and consistent with the Agreement, are not inimical to the common defense and security, and are otherwise in the public interest.

§ 75.4 Definitions.

As used in this part:

(a) Unless otherwise defined below, the terms defined in § 40.4, § 50.2, and § 70.4 of this chapter have the same meaning when used in this part.

(b) "Agency" means the International Atomic Energy Agency (IAEA) or its duly authorized representatives.

(c) "Agreement," except as used in the term "Agreement State," means the Agreement between the United States and the Agency for the Application of Safeguards in the United States, including the Protocol thereto.

(d) "Agreement State" as designated in Part 150 of this chapter means any State with which the Commission has entered into an effective agreement under subsection 274b. of the Act.

(e) "Batch" means a portion of nuclear material handled as a unit for accounting purposes at a key measurement point and for which the composi-

tion and quantity are defined by a single set of specifications or measurements. The nuclear material may be in bulk form or contained in a number of separate items.

(f) "Containment" means:

(1) The application of any devices designed to limit the mobility of nuclear material, the access of personnel, and the unauthorized operation of equipment such as transfer valves and sampler lines; and

(2) Structural elements, including the design of buildings and layout of equipment, which minimize and control access to nuclear material.

(g) "Effective kilogram" means a unit used in safeguarding nuclear material. The quantity is:

(1) For special nuclear material: The amount specified in § 70.4(t) of this chapter.

(2) For source material: The amount specified in 40.4(p) of this chapter.

(h) "IAEA material balance area" means an area established for IAEA accounting purposes, such that:

(1) The quantity of nuclear material in each transfer into or out of each material balance area can be determined; and

(2) The physical inventory of nuclear material in each material balance area can be determined when necessary in accordance with specified procedures.

(i) "Installation" means:

(1) A production facility or utilization facility as defined in § 50.2 of this chapter;

(2) A uranium hexafluoride production plant;

(3) A fuel fabrication plant; and

(4) Any location where the possession of more than one effective kilogram of nuclear material is authorized pursuant to Parts 40 or 70 of this chapter, or pursuant to an Agreement State license.

(j) "Key measurement point" means a location where nuclear material appears in such a form that it may be measured to determine material flow or inventory. Key measurement points thus include, but are not limited to the inputs and outputs (including measured discards) and storages in material balance areas.

(k) "Nuclear material" means any source material or any special nuclear material.

(l) "Ore processing" means uranium milling and other procedures for producing U₃O₈ from uranium ore or from uranium concentrates produced as a byproduct from phosphate production plants.

(m) "Surveillance" means human or instrumental monitoring of plant activities to detect nuclear material movement.

(n) "United States eligible list" means the list of installations described in § 75.2.

§ 75.5 Interpretations.

Except as authorized specifically by the Commission in writing, no interpretation of the meaning of the regulations in this part by any officer or employee of the Commission other than a written interpretation by the General Counsel will be recognized to be binding upon the Commission.

Item	Section	Manner of delivery
Installation information	75.11	To the cognizant director.
Sensitive information	75.12	Do.
Supplemental information	75.14	Do.
Initial report	75.32	In accordance with printed instructions for preparation of form DOE/NRC-742.
Inventory change reports	75.34	In accordance with printed instructions for preparation of form DOE/NRC-741.
Material balance reports (and statement of the physical inventory)	75.35	In accordance with printed instructions for preparation of form DOE/NRC-742.
Special reports	75.36	To the regional office of the NRC Office of Inspection and Enforcement listed in app. A of pt. 73 of this chapter for the region in which the installation is located.
Transfers (advance notification)	75.43	Do.
Delays	75.44	Do.
Other communications		To the cognizant director.

(b) If an installation is a nuclear power plant or a non-power reactor for which a construction permit or operating license has been issued (and without regard to the issuance of licenses to receive and possess nuclear material at the installation), the cognizant Director is the Director, Office of Nuclear Reactor Regulation. For all other installations, the cognizant Director is the Director, Office of Nuclear Material Safety and Safeguards.

(c) Communications to the Directors, Office of Nuclear Material Safety and Safeguards or Office of Nuclear Reactor Regulation, may be delivered by mail, addressed to such Director at the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, or may be addressed to such Director and delivered in person at the Commission's offices 1717 H Street NW., Washington, D.C., or 7920 Norfolk Avenue, Bethesda, Md.

§ 75.7 Agency representatives.

Each licensee subject to the provisions of this part shall recognize as a duly authorized representative of the Agency any person bearing Agency credentials who is either accompanied by a Commission inspector or whose credentials have been confirmed in writing or by phone by the Commission.

INSTALLATION INFORMATION

§ 75.11 Installation information.

(a) Each licensee subject to the provisions of this part shall submit to the Commission, within 45 days after written request is made by the Commission,

§ 75.6 Delivery of information, reports, and other communications.

(a) All information and reports required to be submitted pursuant to the provisions of this part, and other communications concerning these regulations, shall be delivered as follows:

sion, the following information with respect to any installation in which the licensee carries out licensed activities:

(1) The identification of the installation, stating its general character, purpose, nominal capacity (thermal power level, in the case of power reactors), and geographic location, and the name and address to be used for routine purposes;

(2) A description of the general arrangement of the installation with reference, to the extent feasible, to the form, location and flow of nuclear material and to the general layout of important items of equipment which use, produce or process nuclear material;

(3) A description of features of the installation relating to material accounting, containment and surveillance; and

(4) A description of the existing and proposed procedures at the installation for nuclear material accounting and control, with special reference to material balance areas established by the licensee, measurement of flow and procedures for physical inventory taking.

(b) Each licensee shall thereafter submit to the Commission information with respect to any modification or change at the installation affecting the information described in paragraph (a) of this section. Such information shall be submitted:

(1) With respect to a modification or change which will necessitate a change in a license condition or technical specification or which will decrease the effectiveness of the material accounting and control procedures,

at least 70 days before the modification or change is scheduled to be completed;

(2) With respect to any other modification or change, at the time the first inventory change report is submitted after the modification or change is completed.

(c) The information specified in paragraphs (a) and (b) of this section shall be prepared on forms supplied by the Commission and shall be detailed sufficiently to enable the Agency to make determinations in a knowledgeable manner.

(d) The Agency determinations referred to in this section are:

(1) Identification of the features of installations and nuclear material relevant to the application of safeguards to nuclear material in sufficient detail to facilitate verification;

(2) Determination of IAEA material balance areas to be used for Agency accounting purposes and selection of those strategic points which are key measurement points and which will be used to determine flow and inventory of nuclear material;

(3) Establishment of the nominal timing and procedures for taking of physical inventory of nuclear material for Agency accounting purposes;

(4) Establishment of the records and reports requirements and records evaluation procedures;

(5) Establishment of requirements and procedures for verification of the quantity and location of nuclear material; and

(6) Selection of appropriate combinations of containment and surveillance methods and techniques at the strategic points at which they are to be applied.

§ 75.12 Communication of information to the Agency.

(a) Except as otherwise provided in this section, the Commission will furnish to the Agency all information submitted in accordance with §§ 75.11 and 75.14.

(b)(1) A licensee may request that information of particular sensitivity, which it claims to be commercial or financial information within the meaning of § 9.5(a)(4) of this chapter, not be transmitted physically to the Agency. A licensee who makes such a request should, at the time the information is submitted, identify the pertinent document or part thereof and make a full statement of the reasons supporting its request.

(2) In deciding upon such a request, it is the policy of the Commission to achieve an effective balance between legitimate concerns of licensees, including protection of competitive positions, and the undertaking of the United States to cooperate to facilitate the implementation of the safeguards provided for in the Agreement. In

reaching a decision, the Commission will take into account the obligation of the Agency to take every precaution to protect commercial and industrial secrets and other confidential information coming to its knowledge in the implementation of the Agreement.

(3) If a request is denied, the Commission will notify the applicant with a statement of reasons. The notice of denial will specify a time, not less than ten (10) days after the date of the notice, when the information will be transmitted physically to the Agency.

(4) If a request is granted, the Commission will determine a location where the information will remain readily available for examination by the Agency, and will so inform the licensee.

(c) A request made under § 2.790(b) of this chapter, will not be treated as a request under this section unless the application makes specific reference to this section, nor shall a determination to withhold commercial or financial information from public disclosure necessarily require a determination that such information not be transmitted physically to the Agency.

§ 75.13 Verification.

Each licensee subject to the provisions of this part shall afford to the Agency, at all reasonable times, opportunity to visit the installation to verify the installation information.

§ 75.14 Supplemental information.

(a) At the time information is submitted in accordance with § 75.11, and promptly whenever changes are made, each licensee subject to the provisions of this part shall submit to the Commission:

(1) Information on organizational responsibility for material accounting and control, including information with respect to separation of functions to provide internal checks and balances.

(2) Health and safety rules to be observed by the Agency inspectors at the installation.

(b) A submission hereunder shall indicate, by reference to this section or other explicit statement, that the information is being supplied for purposes of implementation of the US/IAEA Safeguards Agreement.

MATERIAL ACCOUNTING AND CONTROL

§ 75.21 General requirements.

(a) Each licensee subject to the provisions of this part shall establish, maintain and follow written material accounting and control procedures as provided in this section.

(b) The procedures shall be based on a structure of IAEA material balance areas and, with respect to each batch of nuclear material, shall provide for measurements of flow and inventory taking at key measurement points.

(c) The procedures and the IAEA material balance areas shall be those communicated in writing by the Commission to the licensee, based upon Agency determinations. In the absence of such communication, and to the extent that any such communication may be incomplete, the licensee shall employ the procedures described by him in the information submitted under § 75.11 except that he may treat the entire installation as a single IAEA material balance area unless he has received specific directions to the contrary.

(d) The material accounting and control procedures required by this section shall include:

(1) A measurement system for the determination of the quantities of nuclear material received, produced, shipped, lost or otherwise removed from inventory, and the quantities on inventory;

(2) The evaluation of precision and accuracy of measurements and the estimation of measurement uncertainty;

(3) Procedures for identifying, reviewing and evaluating differences in shipper/receiver measurements;

(4) Procedures, including frequency, for taking a physical inventory;

(5) Procedures for the evaluation of accumulations of unmeasured inventory and unmeasured losses;

(6) Maintenance of accounting and operating records.

(e) The licensee shall implement the procedures required by this section as soon as the Commission gives the licensee notice requiring it to do so.

(f) The requirements of this section are in addition to any other requirements, including those set forth in § 70.51(e), § 70.57, and § 70.58 of this chapter, that may apply to the licensee.

§ 75.22 Accounting records.

(a) The accounting records required by § 75.21 shall include, for each IAEA material balance area:

(1) All inventory changes, so as to permit a determination of the book inventory at any time;

(2) All measurement results that are used for determination of the physical inventory; and

(3) All adjustments and corrections that have been made in respect to inventory changes, book inventories and physical inventories.

(b) The records shall show, for each batch of nuclear material: material identification, batch data and source data. The "batch data" means a separate listing of the total weight of each element of nuclear material, including isotopic composition for special nuclear material, with plutonium and enriched uranium measured in grams and natural or depleted uranium and thorium measured in kilograms. The "source data" are the data recorded to generate the batch data.

(c) For each inventory change the records shall show the date of the inventory change and, when appropriate, the originating material balance area, the receiving material balance area, or the recipient.

§ 75.23 Operating records.

The operating records required by § 75.21 shall include, for each IAEA material balance area:

(a) Those operating data which are used to establish changes in the quantities and composition of nuclear material;

(b) The data obtained from the calibration of tanks and instruments and from sampling and analyses, the procedures employed to control the quality of measurements, and the derived estimates of random and systematic error;

(c) A description of the sequence of the actions taken in preparing for, and in taking, a physical inventory, to ensure that it is correct and complete; and

(d) A description of the actions taken to ascertain the magnitude and cause of any accidental or unmeasured loss that might occur.

§ 75.24 Retention of records.

The records referred to in §§ 75.22 and 75.23 shall be retained by the licensee for at least five years.

REPORTS

§ 75.31 General requirements.

Each licensee subject to the provisions of this part shall make an initial report, and thereafter shall make accounting and special reports. Such reports shall be based on the records kept in accordance with § 75.21. At the request of the Commission, the licensee shall amplify or clarify any report with respect to any matter relevant to implementation of the Agreement; such amplification or clarification shall be in writing and shall be submitted within twenty (20) days or such other time as may be specified in the Commission's request.

§ 75.32 Initial report.

(a) The initial reporting date shall be the last day of the calendar month in which the Commission gives the licensee notice that an initial report is required.

(b) The initial report, to be submitted to the Commission on Form DOE/NRC-742, Material Status Report, in accordance with printed instructions for completing the form, shall list, by batch and IAEA material balance area, the quantities of nuclear material contained in or at an installation as of the initial reporting date.

(c) The initial report shall be dispatched within twenty (20) days after the initial reporting date.

§ 75.33 Accounting reports.

(a) The accounting reports for each IAEA material balance area shall consist of (1) inventory change reports showing all changes in the inventory of nuclear material and (2) material balance reports showing the material balance based on a physical inventory of nuclear material actually present.

(b) The reports shall be based on data available as of the date of reporting and may be corrected at a later date, as required.

§ 75.34 Inventory change reports.

(a) Inventory change reports, to be submitted on Form DOE/NRC-741, Nuclear Material Transaction Report, and prepared in accordance with printed instructions for completing the form, shall specify identification and batch data for each batch of nuclear material, the date of the inventory change, and, as appropriate, the originating material balance area and the receiving material balance area or the recipient.

(b) Inventory change reports, when appropriate, will be accompanied by concise notes (in the Miscellaneous block of Form DOE/NRC-741):

- (1) Explaining the inventory changes on the basis of the operating records provided for under § 75.23; and
- (2) Describing the anticipated operational program for the installation, including the schedule for taking physical inventory and such other items related to the Agreement as may specifically be requested by the Commission.

(c) Inventory change reports shall be completed and distributed as soon as possible after the inventory change occurred or is established.

§ 75.35 Material balance reports.

(a) Material balance reports, to be submitted on Form DOE/NRC-742, Material Status Report, and prepared in accordance with printed instructions for completing the form, shall include the following entries:

- (1) Beginning physical inventory;
- (2) Inventory changes (first increases, then decreases);
- (3) Ending book inventory;
- (4) Shipper/receiver differences;
- (5) Adjusted ending book inventory;
- (6) Ending physical inventory; and
- (7) Inventory difference (material unaccounted for).

A statement of the physical inventory, listing all batches separately and specifying material identification and batch data for each batch, shall be attached to each material balance report.

(b) Material balance reports shall be dispatched as soon as possible and in any event within twenty (20) days after the physical inventory has been taken.

§ 75.36 Special reports.

Special reports shall be made immediately to the Director of the NRC Regional Office, by telephone if:

- (a) Any unusual incident or circumstances indicate that there is or may have been loss of nuclear material covered by the applicable license; or
- (b) The containment has changed from that specified in the license to the extent that unauthorized removal of nuclear material has become possible.

§ 75.37 Disclosure of reports to Agency.

The Commission may communicate to the Agency any reports submitted to it under the provisions of this part or any information contained in such reports.

INSTALLATIONS DESIGNATED FOR AGENCY SAFEGUARDS**§ 75.41 Designation.**

The Commission, by written notice, will designate those installations which, in accordance with identifications made from time to time by the IAEA, are subject to the application of Agency safeguards.

§ 75.42 Inspections.

(a) Each licensee who has been given notice, pursuant to § 75.41, shall afford to the Agency at all reasonable times opportunity to inspect its designated installation.

(b) Each licensee shall permit the Agency, in conducting any such inspections, to:

- (1) Examine the records kept pursuant to § 75.21;
- (2) Observe that the measurements of nuclear material at key measurement points for material balance accounting are representative;
- (3) Verify the functioning and calibration of instruments and other measuring control equipment.
- (4) Observe that samples at key measurement points for material balance accounting are taken in accordance with procedures which produce representative samples, to observe the treatment and analysis of the samples, and to obtain duplicates of such samples;
- (5) Use the Agency's own equipment for independent measurement and surveillance; and
- (6) Take other actions contemplated by the Agreement, as evidenced by written notice from the Commission, including for example:

- (i) Installation of Agency equipment for measurement and surveillance; and
- (ii) Application of Agency seals and other identifying and tamper-indicating devices to containments.

(c) Each licensee shall, at the request of an Agency inspector:

- (1) Analyze the Agency's analytical standards; and

(2) Ship samples taken for the Agency's use, in accordance with applicable packaging and export licensing regulations, by the method of carriage and to the address specified by the inspector.

(d) Nothing in this section shall be deemed to require or authorize the licensee to carry out any operation that would otherwise constitute a violation of the terms of any applicable license, regulation or order of the Commission.

§ 75.43 Circumstances requiring advance notification.

(a) Each licensee who has been given notice, pursuant to § 75.41, shall give advance written notification to the Commission with respect to the international and domestic transfers specified in this section.

(b) *Exports.* Notification is required with respect to any export of nuclear material for peaceful purposes, in an amount exceeding one effective kilogram directly or indirectly to any non-nuclear-weapon state (as referred to in Article III(2) of the Treaty on the Non-Proliferation of Nuclear Weapons, 21 U.S.T. 483). If the licensee anticipates that it will make two or more shipments for peaceful purposes, within any period of 90 days, directly or indirectly to destinations in the same non-nuclear-weapon state, notification is required with respect to each shipment if the aggregate quantity of nuclear material to be transferred exceeds one effective kilogram.

(c) *Imports.* (1) Notification is required (to the fullest extent possible on the basis of available information) with respect to nuclear material which immediately prior to export is subject to safeguards, under an agreement with the Agency, in the country from which the material, directly or indirectly, is being exported. Such notification is only required, however, if the quantities of nuclear material are as specified in paragraph (c)(2) of this section.

(2) Notification is required with respect to any import of nuclear material of the character described in paragraph (c)(1) of this section in an amount exceeding one effective kilogram. Also, if the licensee anticipates that it will receive two or more shipments of nuclear material of that character, within any period of 90 days, from points of origin in the same country, notification is required with respect to each shipment if the aggregate quantity of such nuclear material to be received exceeds one effective kilogram.

(d) *Domestic transfers.* Notification is required with respect to any transfer of nuclear material in the United States other than:

- (1) Transfers to installations on the United States eligible list; and
- (2) Transfers of small quantities in the form of samples containing less

than 0.01 effective kilogram per sample.

§ 75.44 Timing of advance notification.

(a) Except as provided in paragraph (b) of this section, notification to the Commission, where required by § 75.43, shall be given:

(1) In the case of exports and domestic transfers, at least twenty days in advance of the preparation of the nuclear material for shipment from the installation.

(2) In the case of imports, at least twelve days in advance of the unpackaging of nuclear material at the installation.

(b) For a particular receipt or shipment of nuclear material, the Commission may approve a shorter notice period than that specified by paragraph (a) of this section.

(c) The licensee shall inform the Commission, by phone, as soon as possible, with respect to any delay in the receipt (or unpackaging) or the shipment (or preparation for shipment) of nuclear material for which advance notification is required. New dates should be provided, if known.

§ 75.45 Content of advance notification.

(a) The notifications required by § 75.43 shall include the weight of nuclear material being received or shipped, the chemical and isotopic composition and physical form, the estimated date and place at the reporting installation where the nuclear material is to be unpackaged or prepared for shipment (and where the quantity and composition can be verified), the applicable IAEA material balance area at the reporting installation, the approximate number of items to be received or shipped, and the probable dates of receipt or shipment. The notification shall indicate that the information is being supplied pursuant to § 75.43.

(b) The notifications required with respect to exports and imports shall also include:

- (1) If available, a general description of containers (including, in the case of exports, features that would permit sealing);
- (2) Destination of export or origin of import (by country and, if known, place);
- (3) Means of transport; and
- (4) Expected date and place of arrival in the destination country (for exports or in the United States (for imports)).

§ 75.46 Agency seals on nuclear material.

A licensee who has been given notice, pursuant to § 75.41 shall not break an Agency seal on any nuclear material except at the time such nuclear material is being unpackaged.

§ 75.47 Expenses.

(a) Under the Agreement, the Agency undertakes to reimburse a li-

censee, who has been given notice, pursuant to § 75.41 for extraordinary expenses incurred as a result of a specific request by an Agency inspector: *Provided*, That the Agency has agreed in advance to do so. The Agreement also contemplates that in any case the Agency will bear at least the direct and reasonable cost of making additional measurements or taking samples at the specific request of an Agency inspector.

(b) The advance agreement of the Agency to reimburse the licensee for certain categories of expenses may be set forth in written notice from the Commission to the licensee.

(c) The Commission will take such action as it finds to be appropriate to assist the licensee with respect to the reimbursement of any expense which, under the Agreement, is to be borne by the Agency.

ENFORCEMENT**§ 75.51 Violations.**

(a) An injunction or other court order may be obtained prohibiting any violation of any provision of the Atomic Energy Act of 1954, as amended, or title II of the Energy Reorganization Act of 1974, or any regulation or order issued thereunder. A court order may be obtained for the payment of a civil penalty imposed pursuant to section 234 of the Act for violation of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109 of the Act, or section 206 of the Energy Reorganization Act of 1974, or any rule, regulation, or order issued thereunder, or any term, condition, or limitation of any license issued thereunder, or for any violation for which a license may be revoked under section 186 of the Act. Any person who willfully violates any provision of the Act or any regulation or order issued thereunder may be guilty of a crime and, upon conviction, may be punished by fine or imprisonment or both, as provided by law.

(b) The Commission may issue such orders to secure compliance with the provisions of this part or to prohibit any violation of such provisions as may be proper to protect the common defense and security. Enforcement actions, including proceedings instituted with respect to Agreement State licensees, will be conducted in accordance with the procedures set forth in § 2.201 (notice of violation) and § 2.202 (order to show cause) of this chapter; only NRC licensees, however, shall be subject to license modification, suspension, or revocation as such as a result of such enforcement actions.

PART 150—EXEMPTIONS AND CONTINUED REGULATORY AUTHORITY IN AGREEMENT STATES UNDER SECTION 274

10. The citation of authority is amended by adding the following paragraph:

AUTHORITY: Sec. 150.17a also issued under sec. 122, 68 Stat. 939 (42 U.S.C. 2152). For purposes of sec. 223, 68 Stat. 958, as amended (42 U.S.C. 2273), § 150.17a issued under sec. 161b., 68 Stat. 950 (42 U.S.C. 2201(b)).

§ 150.10 [Amended]

11. Section 150.10, "Persons exempt", is amended by inserting in the first sentence "150.17a," between "150.17", and "150.18".

12. Section 150.17a "Compliance with Requirements of U.S./IAEA Safeguards Agreement" is added to read as follows:

§ 150.17a Compliance with requirements of US/IAEA Safeguards Agreement.

(a) For purposes of this section, the terms "effective kilogram", "ore processing", "installation", and "U.S. eligible list" have the meaning set forth in § 75.4 of this chapter.

(b) Each person who, pursuant to an Agreement State License, is authorized to possess source material in amounts greater than 1 effective kilogram (except in ore processing) is subject to the provisions of part 75 of this chapter and shall comply with all its applicable provisions. An applicant for such a license shall file with the Commission, at least 9 months prior to the date when the applicant desires to receive such source material or earlier upon request by the Commission, the installation information described in § 75.11 of this chapter; and the applicant shall permit verification by the International Atomic Energy Agency and take such other action as may be necessary to implement the US/IAEA Safeguards Agreement, in the manner set forth in §§ 75.6, 75.11-75.14 of this chapter. The Commission will grant an exemption from this requirement, upon application, if it determines that the installation will not be included on the U.S. eligible list.

Dated at Washington, D.C., this 22d day of May 1978

For the Nuclear Regulatory Commission.

SAMUEL J. CHILK,
Secretary of the Commission.

[FR Doc. 78-14664 Filed 5-24-78; 8:45 am]

[7590-01]

[10 CFR Part 50]

LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Generic Issue of Financial Qualification

AGENCY: Nuclear Regulatory Commission.

ACTION: Initiation of rulemaking.

SUMMARY: Notice is hereby given that the Nuclear Regulatory Commission has instructed the staff to initiate a rulemaking proceeding with respect to the requirement for demonstrating financial qualifications to obtain Part 50 licenses for production and utilization facilities. The staff intends to consider the factual, legal and policy aspects of the financial qualifications issue, as well as the adequacy of the present rules and practices involved.

DATE: Comments are due on or before July 24, 1978.

ADDRESS: Send comments to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555.

FOR FURTHER INFORMATION CONTACT:

Mr. Donald Skovholt, 301-492-7492.

SUPPLEMENTARY INFORMATION: The staff wishes to receive comments regarding this issue from interested parties. These comments should address the aspects identified above and include any suggestions for specific changes to the rules.

Following receipt of all such comments and suggestions in response to this notice, the staff will evaluate them and determine whether, in the view of the staff, changes to the rules are desirable. If considered desirable, the staff would then recommend initiation of appropriate further rulemaking proceedings.

All interested persons who desire to submit written comments or suggestions should send their comments to the Director, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, on or before July 24, 1978.

Dated at Bethesda, Md., this 18th day of May 1978.

For the Nuclear Regulatory Commission.

LEE V. GOSSICK,
Executive Director for Operations.
[FR Doc. 78-14505 Filed 5-24-78; 8:45 am]

[6720-01]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 528]

[No. 78-303]

FEDERAL HOME LOAN BANK SYSTEM**Nondiscrimination Requirements**

AGENCY: Federal Home Loan Bank Board ("Bank Board").

ACTION: Proposed amendment.

SUMMARY: This amendment would require member institutions to send loan applicants a copy of the property

appraisal with the Regulation B adverse action notice when an application is rejected or otherwise adversely acted on because the property's appraised value is too low to secure the loan requested. Presently, institutions may simply state that there is inadequate collateral. The Bank Board believes that a copy of the appraisal would better explain the reason for the loan decision. Readers may also be interested in the Bank Board's final nondiscrimination-in-lending regulations (Bank Board Resolution No. 78-302), published concurrently with this proposal, which provide, among other things, that lending decisions may not be based on discriminatory appraisals.

COMMENTS MUST BE RECEIVED ON OR BEFORE: July 28, 1978.

ADDRESS: Send comments to the Office of the Secretary, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552. Comments available for public inspection at this address.

FOR FURTHER INFORMATION CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, D.C. 20552, telephone 202-377-8440.

SUPPLEMENTARY INFORMATION: The Bank Board proposes to amend 12 CFR 528.2a of the rules and regulations for the Federal Home Loan Bank System by adding thereto a new subparagraph (a)(2), as summarized above. This would provide applicants with information not usually available to them, but just as important as reasons for a loan denial or other adverse action based upon individual creditworthiness. When a loan is denied, or is offered on less favorable terms than generally available because of any reason related to applicants' employment history, income, length of residence in the area, etc., the information can be verified by applicants from personal knowledge. However, a loan decision based upon inadequate collateral can be verified by applicants only if the institution provides a copy of the appraisal, or if the applicants order another appraisal.

In addition to comments on this proposal, the Bank Board invites suggestions of alternative methods dissatisfied applicants could use to confirm the fairness of an appraisal.

Accordingly, the Board proposes to amend 12 CFR 528.2a by redesignating paragraph (a) thereof as (a)(1) and adding new subparagraph (a)(2) to read as follows:

§ 528.2a. Nondiscriminatory appraisal and underwriting (see also § 531.8 (b), (c)(6), and (c)(7)).

(a) (1) Appraisal. . . .

(2) When an institution denies or takes other adverse action on a loan application because the appraised value of the property is inadequate to secure the loan amount requested, a copy of the appraisal shall accompany the adverse action notice required under 12 CFR 202.9.

(Title VIII, Pub. L. 95-128 91 Stat. 1147 (12 U.S.C. 2901); Title VII, Pub. L. 93-495 (15 U.S.C. 1691); Title VIII, Pub. L. 90-284, 82 Stat. 81 (42 U.S.C. 3601-3619), 16 Stat. 144, 14 Stat. 27 (42 U.S.C. 1981); E.O. 11063, 27 FR 11527; sec. 17, 47 Stat. 736, as amended (12 U.S.C. 1437); secs. 402, 403, 407, 48 Stat. 1256, 1257, 1260, as amended (12 U.S.C. 1725, 1726, 1730); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); Reorg. Plan No. 3 of 1947, 12 FR 4961, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 78-14700 Filed 5-24-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 78-NE-12]

AIRWORTHINESS DIRECTIVES

Pratt & Whitney JT8D -1, -1A, -1B, -7, -7A, -7B -9, and -9A Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to adopt an airworthiness directive (AD) that would require a third stage turbine blade displacement inspection and installation of improved blade retention rivets and washers on JT8D model engines. The proposed AD is needed to prevent third stage turbine blade retention failure which could result in failure of the low turbine shaft and/or penetration of engine casings by turbine blade and vane debris.

DATE: Comments must be received on or before July 31, 1978.

ADDRESSES: Send comments on the proposal in duplicate to: Federal Aviation Administration, Office of the Regional Counsel, New England Region, Attention: Rules Docket No. 12, New England Executive Park, Burlington, Mass. 01803. The applicable service bulletins and maintenance and engine manuals may be obtained from: Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. A

copy of each of the service bulletins and maintenance and engine manuals is contained in the Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591, or Rules Docket, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Jay J. Pardee, Propulsion Section (ANE-214), Engineering and Manufacturing Branch, Flight Standards Division, Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803; telephone: 617-273-7347.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact, concerned with the substance of the proposed AD, will be filed in the Rules Docket.

The FAA has determined that failures of third stage turbine blade retention devices have occurred resulting in blade loss and penetration of the engine casings and fan ducts and in some cases, separation of the low turbine shaft. The low turbine shaft failure occurs when it contacts the high turbine shaft inner wall and a machining action takes place. Contact between the shafts is caused by a high rotating unbalance load applied to the low turbine shaft following loss of third stage turbine blades. Since this condition is likely to exist or develop in other engines of the same type design, the proposed AD would require repetitive blade displacement inspections and eventual installation of improved blade retention rivets and washers. The blade displacement inspection would be required until the improved retention rivet, P/N 759351, is installed as required by Pratt & Whitney Aircraft Service Bulletin No. 4592. Engines incorporating the older service repair rivet, P/N 618749, in accordance with Pratt & Whitney Aircraft Service Bulletin No. 1903, are not subject to the blade displacement inspection requirement.

The blade rivet failures have occurred randomly with respect to operating time, and no specific time interval can be identified for incorporation of improved blade retention rivets. The proposed compliance date of June 30, 1980, is therefore based on availability of replacement parts and the earliest possible operator maintenance schedule. The blade displacement inspection will be required until the improved retention rivets are installed and will be done initially at 3,000 hours since installation of third stage turbine blades in the third stage turbine disk and every 1,000 hours thereafter. This interval is based on known failure statistics.

DRAFTING INFORMATION

The principal authors of this document are Jay J. Pardee, Propulsion Section, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel, New England Region.

THE PROPOSED AMENDMENT

Accordingly, the Federal Aviation Administration proposes to amend § 39.13 of part 39 of the Federal Aviation Regulations (14 CFR 39.13) by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT: Applies to Pratt & Whitney Aircraft JT8D -1, -1A, -1B, -7, -7A, -7B, -9, and -9A turbofan engine models not incorporating third stage turbine blade retention rivets, P/N 759351 or P/N 618749.

Compliance required as indicated, unless already accomplished.

To prevent third stage turbine blade rivet failure which could result in failure of the low turbine shaft and/or noncontainment of turbine blade and vane debris, accomplish the following:

1. Inspect engines for proper position of the third stage turbine blade in the disk blade slot in accordance with the procedures in the Pratt & Whitney Aircraft JT8D Maintenance Manual, P/N 481671, section 72-00, Borescope or Radioisotope Inspection of Third Stage Turbine Blade, or equivalent means approved by the Chief, Engineering and Manufacturing Branch, New England Region, prior to the accumulation of 3,000 hours time in service since installed in disk or within the next 600 hours time in service after the effective date of this AD, whichever is later, and every 1,000 hours time in service thereafter. Engines with third stage turbine blade roots displaced axially more than 0.032 inch relative to the disk rear surface must be removed prior to further flight. Engines with third stage turbine blade mismatch or axial displacement 0.032 inch or less shall be subject to 300 hour repetitive displacement inspections. Engines with third stage turbine blade mismatch confirmed by an initial displacement inspection and two 300 hour repetitive displacement inspections may revert to the 1,000 hour repetitive inspection interval.

NOTE:—(a) Mismatch of the blade relative to the disk is the result of manufacturing tolerance build-up; (b) displacement of the

blade is axial movement of the blade relative to its position when originally installed; (c) a piece of 0.032 inch safety wire may be used with the borescope technique as a guide to determine the position of the blade relative to the disk rear face.

2. Install improved third stage turbine blade retention rivets, P/N 759351, in accordance with Pratt & Whitney Aircraft Service Bulletin No. 4592, Revision 1, dated August 20, 1976, or later FAA approved revision, by June 30, 1980.

Upon request of the operator, an FAA maintenance inspector, subject to prior approval of the Chief, Engineering and Manufacturing Branch, FAA, New England Region, may adjust the inspection intervals specified in this AD to permit compliance at an established inspection period of the operator if the request contains substantiating data to justify the increase for that operator.

The manufacturer's service bulletins and maintenance and overhaul manuals identified and described in this directive are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Technologies Corporation, 400 Main Street, East Hartford, Conn. 06108. These documents may also be examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C. 20591. A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C. and at New England Region.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, as amended, (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

Issued in Burlington, Mass. on May 16, 1978.

NOTE:—The incorporation by reference provisions of this document was approved by the Director of the FEDERAL REGISTER on June 19, 1967.

ROBERT E. WHITTINGTON,
Director,
New England Region.

[FR Doc. 78-14604 Filed 5-24-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-12]

TRANSITION AREA, CASSVILLE, MO.**Proposed Designation**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Cassville, Mo., to provide controlled airspace for aircraft executing a new instrument approach procedure to the

Cassville, Mo., Municipal Airport, which is based on the Neosho, Mo., VORTAC.

DATES: Comments must be received on or before August 1, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 1, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the

Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Cassville, Mo. To enhance airport usage, a new instrument approach procedure to the Cassville, Mo. Municipal Airport, is being established based on the Neosho, Mo., VORTAC, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700-foot Above Ground Level (AGL) within which aircraft will be provided controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

CASSVILLE, MO.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Cassville Municipal Airport (latitude 36°41'46" N, longitude 93°53'56" W); and within 2.5 miles each side of the Neosho VORTAC 108° radial, extending from 5 mile radius area to 25 miles east of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 11, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-14607 Filed 5-24-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-101]

TRANSITION AREA, WASHINGTON, MO.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Washington, Mo., to provide controlled airspace for aircraft executing a new instrument approach procedure

to the Washington Memorial Airport, Washington, Mo., which is based on the Foristell, Mo., VORTAC.

DATES: Comments must be received on or before August 1, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 1, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the

Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Washington, Mo. To enhance airport usage, a new instrument approach procedure to the Washington Memorial Airport, Washington, Mo., is being established based on the Foristell, Mo., VORTAC, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700-foot Above Ground Level (AGL) within which aircraft will be provided controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

WASHINGTON, MO.

Washington Memorial Airport, Washington, Mo. That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Washington Memorial Airport (latitude 38°35'40" N, longitude 90°59'55" W) and with 1 1/4 miles each side of the Foristell, Mo. VORTAC R-193° extending from the 5 mile radius areas to 7 1/4 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 11, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-14608 Filed 5-24-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-9]

TRANSITION AREA, BOWLING GREEN, MO.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rule Making (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Bowling Green, Mo., to provide controlled airspace for aircraft executing

a new instrument approach procedure to the Bowling Green, Mo., Municipal Airport, which is based on the Quincy, Ill., VORTAC.

DATES: Comments must be received on or before August 1, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Dwaine E. Hiland, Airspace Specialist, Operations, Procedures and Airspace Branch, Air Traffic Division, ACE537, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 1, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the

Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Bowling Green, Mo. To enhance airport usage, a new instrument approach procedure to the Bowling Green, Mo., Municipal Airport is being established based on the Quincy, Ill., VORTAC, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails designation of a transition area at and above 700-foot Above Ground Level (AGL) within which aircraft will be provided controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

BOWLING GREEN, MO.

Bowling Green Municipal Airport, Bowling Green, Mo. That airspace extending upward from 700 feet above the surface within a 5 mile radius of the Bowling Green Municipal Airport (latitude 39°22'15" N, longitude 091°13'30" W) and within 2 1/4 miles each side of the Quincy, Ill. VORTAC R-174° extending from the 5 mile radius area to 7 miles north of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 11, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-14609 Filed 5-24-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-GL-101]

TRANSITION AREA

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The nature of this Federal action is to designate additional controlled airspace near Taylorville, Ill., to accommodate a new (NDB) instru-

ment approach procedure into the Taylorville Municipal Airport established on the basis of a request from the Taylorville Airport officials to provide that facility with instrument approach capability. The intended effect of this action is to insure segregation of the aircraft using this approach procedure in instrument weather conditions, and other aircraft operating under visual conditions.

DATES: Comments must be received on or before June 29, 1978.

ADDRESSES: Send comments on the proposal to FAA Office of Regional Counsel, AGL-7, Attention: Rules Docket Clerk, Docket No. 78-GL-10, 2300 East Devon Avenue, Des Plaines, Ill. 60018. A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018.

FOR FURTHER INFORMATION CONTACT:

Doyle Hegland, Airspace and Procedures Branch, Air Traffic Division, AGL-530, FAA, Great Lakes Region, 2300 East Devon Avenue, Des Plaines, Ill., 60018, telephone 312-694-4500, extension 456.

SUPPLEMENTARY INFORMATION: The floor of the controlled airspace in this area will be lowered from 1,200 feet above ground to 700 feet above ground. The development of the proposed instrument procedures necessitates the FAA to lower the floor of the controlled airspace to insure that the procedure will be contained within controlled airspace. The minimum descent altitude for this procedure may be established below the floor of the 700-foot controlled airspace. In addition, aeronautical maps and charts will reflect the area of the instrument procedure which will enable other aircraft to circumnavigate the area in order to comply with applicable visual flight rule requirements.

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Regional Counsel, AGL-7, Great Lakes Region, Rules Docket No. 78-GL-10, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Ill. 60018. All communications received on or before September 7, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this notice of proposed rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-430, 800 Independence Avenue SW., Washington, D.C. 20591, or by calling 202-426-8058. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2 which describes the application procedures.

THE PROPOSAL

The FAA is considering an amendment to Subpart C of Part 71 of the Federal Aviation regulations (14 CFR Part 71) to establish a 700-foot controlled airspace transition area near Taylorville, Ill. Subpart C of Part 71 was republished in the *Federal Register* on January 3, 1978 (43 FR 440).

DRAFTING INFORMATION

The principal authors of this document are Doyle W. Hegland, Airspace and Procedures Branch, Air Traffic Division, and Joseph T. Brennan, Office of the Regional Counsel.

THE PROPOSED AMENDMENT

Accordingly, the FAA proposes to amend § 71.181 of Part 71 of the Federal Aviation regulations as follows: In § 71.181 (43 FR 440) the following transition area is added:

TAYLORVILLE, ILL.

That airspace extending upward from 700 feet above the surface within a 5 statute mile radius of the Taylorville Municipal Airport (latitude 39°32'05" N., longitude 89°19'45" W.) and within 3 statute miles each side of the 348° true bearing of the Taylorville NDB extending from the 5 statute mile radius area to 8 statute miles north of the Taylorville NDB.

This amendment is proposed under the authority of section 307(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); sec. 11.61 of the Federal Aviation regulations (14 CFR 11.61).

NOTE.—The Federal aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

— Issued in Des Plaines, Ill., on May 12, 1978.

JOHN TRUHAN,
Acting Director,
Great Lakes Region.

(FR Doc 78-14610 Filed 5-24-78; 8:45 am)

[6320-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 208]

(EDR-355; Docket 32139; Dated May 19, 1978)

TERMS, CONDITIONS AND LIMITATIONS OF CERTIFICATES TO ENGAGE IN SUPPLEMENTAL AIR TRANSPORTATION

Elimination of Advertising Requirements

AGENCY: Civil Aeronautics Board.

ACTION: Notice of proposed rulemaking.

SUMMARY: In response to a petition the Board proposes to amend its rules so as to eliminate the requirements that supplemental air carriers include the words "supplemental air carrier" in their advertisements, and conduct business in the name set forth in their certificate except as expressly authorized by the Board.

DATES: Comments by: July 25, 1978. Reply comments by: August 9, 1978. Comments and other relevant information received after these dates will be considered by the Board only to the extent practicable. Requests to be put on the service list by June 5, 1978. Docket section prepares the service list and sends it to each person listed, who then serves his comments on others on the list.

ADDRESSES: Twenty copies of comments should be sent to Docket 32139, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C. 20428. Individuals may submit their views as consumers without filing multiple copies. Comments may be examined in Room 711, Civil Aeronautics Board, 1825 Connecticut Avenue NW., Washington, D.C., as soon as they are received.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard B. Dyson, Office of General Counsel, Rules Division, 1825 Connecticut Avenue NW., Washington, D.C. 20428, 202-673-5444.

SUPPLEMENTARY INFORMATION: Part 208 of the Board's economic regulations sets forth the terms, conditions, and limitations of certificates to engage in supplemental air transportation. Section 208.30(a) requires a supplemental air carrier to include the words "supplemental air carrier" in all advertising in which it holds out its services to the public as an authorized air carrier.¹

¹Section 208.30(a) provides: "No supplemental air carrier shall advertise its services or hold itself out to the public as an air carrier authorized to engage in air transportation unless it includes the words 'supplemental air carrier' in such advertising."

Trans International Airlines, Inc. (TIA), and World Airways, Inc., filed a petition for rulemaking to amend Part 208 by deleting the advertising requirement of section 208.30(a). Petitioners argued that the requirement is a vestigial remnant of the Board's early efforts to "protect" the public from nonscheduled air carriers and that its inclusion in advertisements unfairly stigmatizes supplemental air carriers in the minds of the public. Moreover, petitioners contended that because no similar qualification is imposed on the advertising of foreign "supplemental" air carriers, section 208.30(a) is discriminatory, placing U.S. flag supplementals at a competitive disadvantage relative to their foreign counterparts.

Trans World Airlines, Inc. (TWA), answered the petition in opposition. TWA argued that an important distinction exists between scheduled and supplemental air carriers and that section 208.30(a) serves a "real and present purpose in denoting the statutory role of the supplemental air carrier."

After consideration of the matter, we have tentatively decided to grant the joint petition and revoke section 208.30(a). The Board promulgated section 208.30(a) as a regulation in ER-454, effective May 13, 1966. The advertising requirement was adopted from the terms of the interim certificates issued to supplemental air carriers pursuant to the 1962 amendments to the Act, Pub. L. 87-528.² The incorporation of this advertising clause into the interim certificates appears to have resulted from the Board's desire to warn the public of possible unreliable operations by nonscheduled airlines.³

The Board has no reason to believe that at this time the charter services offered by supplemental carriers differ in any substantial way from those of the scheduled carriers. We therefore do not accept TWA's argument that

²See Supplemental Air Service Proceeding, Docket 13795, 45 CAB 231 at 296 and 423 (1966).

³In *Large Irregular Carriers, Exemptions*, 11 CAB 609 (1950), decided May 25, 1950, the Board stated:

"[I]nquiries and informal complaints received by the Board have indicated dissatisfaction on the part of travelers because the service rendered by the irregular carriers was not as reliable or satisfactory as the service furnished by the certificated carriers operating on regular schedules." (P. 617.)

"To prevent misleading of the public, we shall provide that any carrier granted an exemption shall not hold out, expressly or otherwise, that it operates on a frequent or regular basis between any two points, and that such carrier shall, in any advertisement of its services, disclose in a clear and prominent manner that they are offered on an irregular basis only and shall not include in any such advertising any list or schedule of flights." (P. 621.)

the statutory distinctions between supplemental and scheduled carriers must be reflected in a requirement that supplementals so identify themselves in all their advertising. We are not aware that any significant consumer interest is served by the present requirement.

Secondly, section 208.30(a) may have a discriminatory effect, as petitioners argue, in view of the absence of a similar requirement for foreign "supplemental" (charter-only) air carriers. Although the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 1159b(a), does not require identical provisions for both domestic and foreign supplementals, there Congress did state that "U.S. air carriers . . . have become subject to a variety of discriminatory and unfair competitive practices in their competition with foreign air carriers." There does not appear to be sufficient cause to impose the 208.30(a) burden on U.S. supplementals when no similar restriction is placed on their foreign counterparts.

By granting the petition and eliminating section 208.30(a), the Board will not lose its power to control supplementals' advertising. In addition to the enforcement of certificates, the Board can act under section 411 of the Act to prohibit any "unfair or deceptive practice or unfair method of competition." Under the proposed change, however, supplemental air carriers would be free to identify themselves in any way that is not misleading to the public.

We also take this occasion to propose revocation of § 208.30(b), which provides that no supplemental air carrier shall conduct business in any name other than that set forth in its certificate, except as expressly authorized by the Board. The purpose of preventing the confusing use of names by all carriers, including supplementals, is adequately met by the provisions in 14 CFR Part 215. Section 215.2 specifically prohibits air carriers from holding themselves out to the public under any name except that in which they received Board authorization. Since that general prohibition applies to supplementals, the specific prohibition in § 208.30(b) is no longer necessary.

PROPOSED RULE

The Board proposes to amend Part 208 of its economic regulations (14 CFR Part 208) as follows:

1. The Table of Contents would be amended by deleting and reserving § 208.30 of Subpart A, as follows:

Sec.
§ 208.30 [Reserved]

2. Section 208.30 would be deleted and reserved, as follows:

§ 208.30 [Reserved]

(Secs. 204, 401, and 411 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754, 769; 49 U.S.C. 1324, 1371, 1381.)

By the Civil Aeronautics Board.

PHYLLIS T. KAYLOR,
Secretary.

(FR Doc. 78-14703 Filed 5-24-78; 8:45 am)

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 250, 256]

[Release No. 35-20547; File No. S7-741]

UNIFORM SYSTEM OF ACCOUNTS FOR MUTUAL AND SUBSIDIARY SERVICE COMPANIES

Proposed Amendments

AGENCY: Securities and Exchange Commission.

ACTION: Proposed amendments.

SUMMARY: The Commission proposes to amend its Uniform System of Accounts for Mutual and Subsidiary Service Companies promulgated pursuant to the Public Utility Holding Company Act of 1935 and provide for a system of accounts which follows, with modifications, the Federal Energy Regulatory Commission's Uniform System of Accounts. The Commission also proposes to amend rule 93 to require service companies to keep their accounts and records in accordance with the proposed amended Uniform System of Accounts. Adoption of these proposals would require the service companies to (1) design subaccounts and keep memorandum and time records to facilitate the preparation of reports and statements required by regulatory commissions and facilitate the conduct of audit and account inspection programs, (2) establish a work order system to accumulate reimbursable costs and charges to customers, and (3) account for compensation to be paid for use of capital.

DATES: Comments must be received on or before August 1, 1978. Proposed effective date: Not later than January 1, 1979.

ADDRESS: Comments should refer to file S7-741 and should be submitted in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All comments will be available for public inspection.

FOR FURTHER INFORMATION CONTACT:

Leon C. Rubin, 202-523-5677 or Robert P. Wason, 202-523-5685, Division of Corporate Regulation, 500 North Capitol Street, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: The Uniform System of Accounts for Mutual and Subsidiary Service Companies ("Uniform System of Accounts") was adopted May 12, 1936. Historically, the activities of service companies have centered on accounting, administration, financing, and engineering services. Today, such companies' services have been expanded to include data processing, modeling, fuel management and analysis, rate analysis, systems analysis, budgeting, and other support services. There are presently 11 jurisdictional subsidiary companies which, during 1977, rendered over \$363 million of services, at cost, to the jurisdictional electric and gas operating utilities. The cost of these services represented 2.10 percent of operating revenues of these utilities.

Operating utilities not part of holding company systems generally perform these functions themselves, with the aid of independent contractors. Many of these operating utilities are subject to the jurisdiction of the Federal Energy Regulatory Commission ("FERC"), formerly the Federal Power Commission, and keep their accounts and records in accordance with the FERC Uniform System of Accounts ("FERC System of Accounts"). Most of the remaining operating utilities keep their accounts and records in accordance with the uniform system of accounts prescribed by their respective state regulatory commissions, which in most instances is similar to the FERC System of Accounts. The FERC System of Accounts is designed for operating utilities. Although it is broad enough to cover the costs associated with self performed service functions, it does not deal with the accounting requirements of service, at cost, by a separate service company to a group of associated utility companies. The proposal would replace the Commission's present system of accounts, adopted in 1936, for such separate service companies with a system consistent with the FERC accounts and also provide accounts analyzing service company revenues and the rate of return on service company capital, all of which are included generally in the cost of service of the operating utilities. The proposal would require service companies to keep their accounts and records in accordance with the proposed revised Uniform System of Accounts. It would require the service company to design a subaccount structure and to keep memorandum and time records appropriate to any service functions or departmental structures needed for a full accounting of all transactions of such company.

The Commission believes that the proposed revision would: (1) facilitate coordination of accounts for consolidation purposes, (2) facilitate the preparation of reports and statements required by regulatory commissions and the conduct of audit and account inspection programs, and (3) incorporate compliance with generally accepted accounting principles, standards and regulations.

Accordingly, pursuant to provisions of the Public Utility Holding Company Act of 1935 (Secs. 13, 15, and 20(a), 49 Stat. 825, 828, 833; 15 U.S.C. 79m, 79o, 79t), the Commission proposes to amend 17 CFR Chapter II as follows:

1. By revising § 250.93 to read as follows:

§ 250.93 Accounts and records of mutual and subsidiary service companies.

Every mutual service company and every company whose organization and conduct of business the Commission has found, pursuant to § 250.88, to meet the requirements of section 13(b) (49 Stat. 825; 15 U.S.C. 79m), shall keep such accounts, cost-accounting procedures, correspondence, memoranda, papers, books, and other records in such manner and preserve them for such periods, as are prescribed in the Uniform System of Accounts for Mutual and Subsidiary Service Companies under the Public Utility Holding Company Act of 1935 (49 Stat. 803, et seq.; 15 U.S.C. 79a to 79z-5), dated May 12, 1936, as amended¹ and shall keep no other records with respect to the same subject matter except (a) records other than accounts, (b) records required by state law, (c) subaccounts or supporting accounts which are not inconsistent with the accounts required by such uniform system, and (d) such other accounts as may be authorized by the Commission. This section, as amended, shall become effective not later than January 1, 1979, except that a company as to which the Commission does not grant such approval, or make such finding, until after that date shall not be subject to this section until the first of the month following such approval or finding.

2. By revising and restating Part 256 to read as follows:

PART 256—UNIFORM SYSTEM OF ACCOUNTS FOR MUTUAL SERVICE COMPANIES AND SUBSIDIARY SERVICE COMPANIES SUBJECT TO THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

GENERAL INSTRUCTIONS

Sec.
256.00-1 Preface.

¹Copies of the printed pamphlet containing the Uniform System of Accounts for Mutual and Subsidiary Service Companies, as amended, are available upon request from the Securities and Exchange Commission.

Sec.
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AUTHORITY: Secs. 13, 15, 20, 49 Stat. 825, 828, 833; 15 U.S.C. 79m, 79o, 79t.

GENERAL INSTRUCTIONS

NOTE.—Cross references to accounts are made by citing the account number, e.g., account 201 instead of the corresponding section number (§ 256.201).

CROSS REFERENCES.—For general rules and regulations, Public Utility Holding Company Act of 1935, see Part 250 of this chapter. For uniform system of accounts for public utility holding companies, Public Utility Holding Company Act of 1935, see Part 257 of this chapter.

§ 256.00-1 Preface.

(a) The accompanying Uniform System of Accounts for Mutual Service and Subsidiary Service Companies represents a modernization of the ac-

counting system for such companies to provide a detailed system of accounts which is tailored to expanded services, including data processing, rate analysis, system analysis, budgeting and other support services presently being rendered by such companies. This Uniform System of Accounts is not applicable to: (1) companies engaged in the financing, acquisition, exploration, development or production of fuel; and (2) companies engaged in the financing or ownership of fuel transportation and handling equipment.

(b) It has been the Commission's task to provide a system comprehensive enough to cover the traditional services and the present services being performed by such companies, yet elastic enough to permit adaptation to varying requirements; a system which, faithfully applied, will provide information essential in the administration of section 13 of the Public Utility Holding Company Act of 1935, will be workable and reasonably simple from an operating viewpoint, and free from unnecessary complexities or burdensome requirements which might render it incompatible with the interests of investors or consumers.

(c) The uniform system of accounts provided requires the service company to (1) design subaccounts and keep memorandum and time records to facilitate the preparation of reports and statements required by regulatory commissions and facilitate the conduct of audit and account inspection programs, (2) establish a work order system to accumulate reimbursable costs and charges to customers, and (3) account for compensation to be paid for use of capital.

(d) Credits to the accounts or memorandum records may be made upon the basis of estimated costs to associate companies which shall conform as nearly as may be practicable to actual costs, provided that at stated intervals adjustments to actual costs shall be made. Such adjustments may be made at intervals during the fiscal year, but final adjustments shall be made at the end of such year. Overbillings or underbillings arising from these adjustments should be cleared through the appropriate account and offset by adjustments to other accounts involved.

(e) The "expense" accounts provided have been designed to show the cost of each general class of service furnished by the service company and with a view toward securing an equitable allocation thereof to the associate companies served.

Consideration was given to a further and more extended classification of service costs so as to more extensively identify them with the several functional processes of the associate companies served. In this connection, each service company shall maintain a work

order system for accumulating reimbursable costs and charges to customers and maintain time records for all service company employees within reasonable cost benefit standards in order to secure a more exact allocation of all expenses assignable to the several functional processes and chargeable to the companies served. It is believed that the results to be obtained from the system now prescribed, together with the more detailed information to be called for in the annual reports, will supply a better basis of identifying cost than is presently available.

CROSS REFERENCE: For rule adopting this Uniform System of Accounts, see § 250.93. For regulations under section 13 of the Act, see §§ 250.80 to 250.95.

§ 256.01-1 Companies for which this system of accounts is prescribed.

(a) This Uniform System of Accounts is designed for use by:

(1) Any company operating, or organized to operate, as a mutual service company under the provisions of Section 13 of the Public Utility Holding Company Act of 1935, and

(2) Any subsidiary company whose organization and conduct of business the Commission has found to meet the requirements of Section 13(b) of the Public Utility Holding Company Act of 1935, with respect to the performance of services or construction work for, or the sale of goods to, associate companies.

(b) This Uniform System of Accounts is not applicable to: (1) companies engaged in the financing, acquisition, exploration, development or production of fuel; and (2) companies engaged in the financing or ownership of fuel transportation and handling equipment.

§ 256.01-2 Application to companies doing business with nonassociate companies.

While this Uniform System of Accounts is designed for companies whose principal business is the performance of services or construction for associate companies at cost, it contemplates situations in which the service company may perform service or construction for nonassociate companies in transactions in which charges are not limited to cost. In recognition of the element of profit in such cases, a subaccount is included in the "Income" group for "Excess or deficiency on servicing nonassociate persons." In computing charges to associate companies, any net credit to this account must be deducted from amounts reimbursable by associate companies for compensation for use of capital invested in the service company. A deficiency, however, may not be charged directly or indirectly to an associate company unless such charge is authorized by a State or Federal Com-

mission having jurisdiction. To the extent not so authorized, such a deficiency will effectively reduce the net return on capital invested in the service company.

§ 256.01-3 General structure of accounting system.

(a) The accounts provided herein are in two general categories: balance sheet accounts and income and expense accounts. Subsidiary accounts are provided for the details of account 101, service company property.

(b) The income and expense accounts include, under separate divisions, accounts for recording the revenue or income earned or received and also appropriate accounts for all expenses of operation, maintenance, taxes, interest, all elements of cost allocable to the service performed, and compensation for the use of capital. Appropriate subdivisions or subaccounts should be provided for each service company department or division.

(c) All disbursements and expenses of the service company for service performed for associate companies are recoverable from such companies. In the interest of minimizing questions as to the propriety of charges for reimbursement, each service company shall maintain a work order system for accumulating all direct costs. To the maximum extent possible, such costs shall be accumulated by direct charges. All employees, including officers, of the service company shall keep, within reasonable cost benefit standards, time records which permit ready identification of the hours worked, account numbers charged, department, work order number and other code designations that facilitate proper classification.

(d) The numbers to the right of the decimal point in most cases correspond with the respective account number in the Uniform System of Accounts for Public Utilities and Licensees (18 CFR Part 101) of the Federal Energy Regulatory Commission and shall be considered as parts of the account titles. Each service company, company, however, may adopt for its own purposes a different system of account numbers provided that the account numbers herein prescribed shall appear in the descriptive headings of the ledger accounts and, if practicable, on various original source documents. Service companies adopting a different system of account numbers for their own purposes shall keep readily available a list which indicates its account numbers and the corresponding account numbers provided herein. Records of service companies shall be maintained in a manner permitting ready analysis by prescribed accounts (with direct reference to the source of each item of the books of original

entry) and permitting preparation of financial operating statements directly from such records at the end of each accounting period.

§ 256.01-4 Construction and centralized procurement accounting.

(a) Specific accounts have not been provided in which to classify expenditures made in the performance of construction contracts, under which the service company undertakes to construct physical property for associate or nonassociate companies. The difference in the nature of undertakings which will be embraced in such contracts renders impracticable an attempt to prescribe the accounts applicable in all cases. The service company shall keep records to show the cost of each construction project, the amount of service costs allocated thereto, and such additional classification of expenditures relating to a construction project as will meet the accounting requirements of the associate company for which the work is performed.

(b) Service costs allocated to construction shall include the proper proportion of salaries, expense of officers and employees, pay of employees on the service company's regular staff specifically assigned to construction work, and other expenses of maintaining the service company's organization and equipment. Cost of materials, construction payrolls, outside services, and other expenses directly attributable to construction work shall be excluded from the accounting system of the service company and charged directly by the vendor or supplier to the associate companies' construction project.

(c) Service costs allocated to centralized procurement activities shall include only the cost of the support services performed by the service company in connection with the procurement of goods for associate companies. Cost of goods procured shall be excluded from the accounting system of the service company and charged directly by the vendor or supplier to the associate company concerned. The service company shall keep records indicating the cost of goods, if any, it procures for each associate company and the amount of service costs allocated thereto. These records should be maintained to meet the Federal Energy Regulatory Commission's accounting requirements for electric and gas companies.

§ 256.01-5 Determination of service cost accounting.

(a) Service at cost and fair allocation of costs require, first of all, an accurate accounting for the elements which make up the aggregate expense of conducting the business of the service company. In the accounts herein prescribed, the total amounts included

in the expense accounts during any period plus such amount as appropriately may be added as compensation for the use of capital constitute cost during such period.

§ 256.01-7 Departmental classification required.

The importance of "salaries and wages" as an element of cost requires analysis of this item of expense by departmental or other functional category in accordance with the departmental organization of the service company. To the extent practicable, such departmental organization should be established along lines which will provide a readily available basis for analysis.

§ 256.01-8 Records.

(a) The books of account and other records of the service company shall be so kept as to show fully the facts pertaining to all entries in these accounts. All such entries shall be supported by sufficient detailed information to permit ready identification and audit.

(b) The books and records referred to herein shall include not only accounting records in a limited technical sense but all other records such as minute books, stock books, reports, working papers, memoranda, etc., which may be useful in developing the history of or facts regarding any transactions of the service company.

(c) No company shall destroy any records except as authorized by the provisions of Part 256(a) of this chapter.

(d) The accounts may be subdivided, provided such subdivisions do not impair the integrity of the prescribed accounts. The titles of all subdivisions or subaccounts shall refer by number to the accounts of which they are subdivisions.

(e) Clearing-accounts shall be kept when necessary or useful in making proper distribution of items to the appropriate accounts prescribed herein or in accumulating overhead type items such as rent, utility, employee benefits, etc., that are to be allocated to work orders.

(f) As of the effective date of this Uniform System of Accounts, the several accounts prescribed herein shall be opened by transferring thereto the balances carried in the accounts previously maintained by the service company. The service company is authorized to make such subdivisions, reclassification, or consolidations of such balances as are necessary to meet the requirements of this Uniform System of Accounts.

(g) Except where this Uniform System of Accounts accords specific treatment for specified accounts, all accounts and financial statements shall be maintained in accordance

with Regulation S-X and Accounting Series Releases of this Commission. The Uniform System of Accounts promulgated by the Federal Energy Regulatory Commission, as amended from time to time, and the interpretations thereof adopted from time to time by the Federal Energy Regulatory Commission, and accounting regulations and orders of any other Federal or State Commission having jurisdiction over associate companies shall be compiled with unless expressly inconsistent with the requirements of this system and Regulations S-X.

§ 256.01-9 Definitions.

Definitions contained in the Public Utility Holding Company Act of 1935 shall be applicable to terms not specifically defined herein.

(a) "Accounts" means the accounts prescribed by this Uniform System of Accounts.

(b) "Associate company" means any company in the same holding company system.

(c) "Company" or "the company," when not otherwise indicated in the context, means the service company.

(d) "Commission" means the Securities and Exchange Commission.

(e) "Direct cost" shall include those costs which can be separately identified through a work order system, without unreasonable effort or expense, as being applicable to services performed to associate and nonassociate companies. Cost incidental or directly related to a directly charged item shall be classified as direct costs.

(f) "Federal commission" means any Federal agency, including the Securities and Exchange Commission, which has jurisdiction to regulate public utility companies in some relevant respect.

(g) "Federal Energy Regulatory Commission" means the Federal Energy Regulatory Commission or any successor thereto.

(h) "Holding company system" means any holding company, together with all of its subsidiary companies and all mutual service companies of which such holding company or any subsidiary company thereof is a member company.

(i) "Indirect cost" shall include those costs which cannot be separately identified without unreasonable effort or expense, and includes overhead, general services and support cost on a departmental basis.

(j) "Mutual service company," "service company" or "subsidiary service company" means a company approved by the Commission as a mutual service company or a subsidiary company of a registered holding company found by the Commission to be organized and conducted as to meet the requirements of Section 13(b) of the Act and the provisions of Rule 88 promulgated

thereunder but shall not include: (1) companies engaged in the financing, acquisition, exploration, development or production of fuel; and (2) companies engaged in the financing or ownership of fuel transportation and handling equipment.

(k) "Operating company" means an electric utility company or gas utility company as defined in the Act.

(l) "Person" means an individual or company.

(m) "State commission" means any commission, board, agency, or officer, by whatever name designated, or a State, municipality, or other political subdivision of a State which under the laws of such state has jurisdiction to regulate public-utility companies.

(n) "Uniform system of accounts" means the Uniform System of Accounts for Mutual Service Companies and Subsidiary Service Companies prescribed herein, as amended from time to time.

(o) "Work order system" means a system for the accumulation of service company cost on a job, project or functional basis which utilizes schedules and worksheets and is necessary for the accounting of charges billed to associate and nonassociate companies.

§ 256.01-10 Unbilled items.

When the amount of any know item affecting these accounts cannot be accurately determined in time for inclusion in the accounts of the fiscal year in which the transaction occurs, the amount of the item shall be estimated and included in the proper accounts. When the item is billed, the necessary adjustments shall be made through the accounts in which the estimate was recorded. If, during the interval between the date of inclusion of the item in the accounts and the date on which it is billed, a substantial difference from the initial estimate is determined, appropriate adjustments shall be made in the current accounts to cover such difference. The service company is not required to anticipate minor items which would not appreciably affect these accounts.

§ 256.01-11 Submission of questions.

To promote and maintain uniformity in accounting, the service companies shall submit all questions of doubtful interpretation of the prescribed accounting to the Division of Corporate Regulation or its successor for consideration and decision.

BALANCE SHEET ACCOUNTS: ASSETS AND OTHER DEBIT ACCOUNTS

1. SERVICE COMPANY PROPERTY

§ 256.101 Service company property.

This account shall include the cost of service company property included in subaccounts 301 and 303 through 311 prescribed herein.

§ 256.107 Construction work in progress.

This account shall include the total of the balances of work orders for service company property in process of construction. Work orders shall be cleared from this account as soon as practicable after completion of the job.

§ 256.108 Accumulated provision for depreciation and amortization of service company property.

(a) This account shall be credited with the amounts charged to account 403, Depreciation and Amortization Expense.

(b) At the time of retirement of depreciable service company property, this account shall be charged with the book cost of the property retired and the cost of removal, and shall be credited with the salvage value and any other amounts recovered, such as insurance, unless the company maintains costs and related reserves for specific units or types of property.

(c) Individual subaccounts for each classification of property listed under account 101 shall be maintained.

2. INVESTMENTS

§ 256.123 Receivables from associate companies.

This account shall only include notes receivable, advances, and other balances in open accounts with associate companies, which are not subject to current settlement.

§ 256.124 Other investments.

This account shall include the cost of investments in securities, club memberships, associations, life insurance policy for employees, or other miscellaneous investments, other than account 136, Temporary cash investments. This account shall not be used for investments in securities of, and/or advances to, associate companies. The account shall be maintained in such manner as to show the nature and amount of each investment.

3. CURRENT AND ACCRUED ASSETS

§ 256.131 Cash.

This account shall include the amount of current cash funds except working funds.

§ 256.134 Special deposits.

This account shall include deposits with fiscal agents or others for special purposes. Entries to this account shall specify the purpose for which the deposit is made.

§ 256.135 Working funds.

This account shall include cash advanced to officers, agents, employees and others as petty cash or working funds.

§ 256.136 Temporary cash investments.

This account shall include the cost of investments, such as demand and time loans, bankers' acceptances, United States Treasury obligations, marketable securities, and other similar investments, acquired for the purpose of temporarily investing cash.

§ 256.141 Notes receivable.

This account shall include the cost of all notes receivable and similar evidences of amounts due within one year from persons other than associate companies. The account shall be so maintained as to show separately amounts due from officers, directors, employees and others.*

§ 256.143 Accounts receivable.

This account shall include amounts due on open accounts, other than amounts due from associate companies.

§ 256.144 Accumulated provision for uncollectible accounts.

This account shall be credited with amounts provided for losses on notes and accounts receivable which may become uncollectible, and also with collections on accounts previously charged hereto.

§ 256.145 Notes receivable from associate companies.**§ 256.146 Accounts receivable from associate companies.**

These accounts shall include notes and balances in open accounts due from associate companies which are expected to be paid in full within one year. Items which are not paid within twelve months from due date shall be transferred to account 123, Investments in associate companies.

NOTE.—Expenditures which do not pertain to performance of services by the service company should be paid directly by the associate company. Accommodation payments, if appropriate, for the account of an associate company would be included in this account, but shall be segregated in a subaccount.

§ 256.152 Fuel stock expenses undistributed.

The service company shall utilize this account, where appropriate, to include the cost of service company labor and of office supplies used and operating expenses incurred with respect to the review, analysis and management of fuel supply contracts or agreements, the accumulation of fuel information and its interpretation, the logistics and handling of fuel, and other related support functions, as a service to the associate companies engaged in the procurement and transportation of fuel. This account shall be maintained to show the expenses attributable to each associate compa-

ny through the use of work orders. All expenses of a service company's fuel department or functions shall be cleared through this account.

§ 256.154 Materials and supplies.

The service company shall utilize this account, where appropriate, to include the costs of materials and supplies held for use by the service company in performing its services. The cost of material and supplies attributable to work orders for service company property in process of construction shall be charged to account 107, Construction work in progress. Materials and supplies issued shall be credited hereto and charged to the appropriate expense or other accounts on the basis of a unit price determined by the use of cumulative average, first-in-first-out, or such other method of inventory accounting as conforms with generally accepted accounting standards consistently applied.

§ 256.163 Stores expense undistributed.

(a) The service company shall utilize this account, where appropriate, to include the service cost of labor and expenses incurred with respect to centralized procurement activities rendered to associate or nonassociate companies.

(b) Items.

(1) Supervision of purchasing and stores department to extent assignable to materials handled through stores.

(2) Purchasing department activities in checking material needs, investigating sources of supply, analyzing prices, preparing and placing orders, and related activities to extent applicable to materials handled through stores.

(3) Unloading from shipping facility and putting in storage.

(4) Inspecting and testing materials and supplies when not assignable to specific items.

(5) Keeping stock records, including recording and posting of material receipts and issues and maintaining inventory record of stock.

(6) Communication service.

(7) Cash and other discounts not practically assignable to specific materials, freight, express, etc., when not assignable to specific items, transportation expense, and excise and other similar taxes not assignable to specific materials.

This account shall be maintained to show the expenses attributable to each associate company through the use of work orders. All expenses of a service company's centralized procurement activities shall be cleared through this account.

(c) Any amounts applicable to fuel costs should be included in account 152, Fuel stock expenses undistributed.

§ 256.165 Prepayments.

This account shall include amounts representing prepayments of insurance, rents, taxes, interest and miscel-

laneous items, and appropriate subaccounts shall be maintained in respect of each class of prepayment.

§ 256.174 Miscellaneous current and accrued assets.

This account shall include the cost of all other current and accrued assets not provided for elsewhere. The records supporting this account shall be maintained so as to show the nature of each asset included herein.

4. DEFERRED DEBITS**§ 256.181 Unamortized debt expense.**

This account shall include expenses related to the issuance or assumption of debt securities. Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, and the amounts thereof shall be charged to account 431, Other interest expense.

§ 256.184 Clearing accounts.

This account shall include undistributed balances in clearing accounts at the date of the balance sheet. Balances shall be substantially cleared not later than the end of the calendar year.

§ 256.186 Miscellaneous deferred debits.

This account shall include all debits not provided for elsewhere, such as the costs of service performed which have not been billed to associate or nonassociate companies and unusual or extraordinary expenses, not included in other accounts, and items the proper final disposition of which is undertain. The records supporting the entries to this account shall be so kept that the service company can furnish full information as to the purpose, monthly balance, status, write-off and duration of each deferred debit.

§ 256.188 Research, development, and demonstration expenditures.

(a) The service company shall utilize this account, where appropriate, for the cost of all expenditures of research, development and demonstration undertaken by or sponsored through the service company except those expenditures properly chargeable to account 107, Construction work in progress.

(b) All cost shall be transferred from this account by the end of each fiscal year to the appropriate accounts of the associate companies benefiting from these expenditures.

(c) This account shall be so maintained as to show separately each project along with complete detail of the nature and purpose of the research, development and demonstration project together with the related costs.

§ 256.190 Accumulated deferred income taxes (prepaid).

(a) This account shall be debited and account 411, Provision for deferred income taxes—credit, or account 421, Miscellaneous income, as appropriate, shall be credited with an amount equal to that by which income taxes payable for the year are higher because of the inclusion of certain items in income for tax purposes, which items for general accounting purposes will not be fully reflected in the service company's determination of annual net income until subsequent years.

(b) This account shall be credited and account 410, Provision for deferred income taxes, or account 421, Miscellaneous Income, as appropriate, shall be debited with an amount equal to that by which income taxes payable for the year are lower because of prior payment of taxes as provided by paragraph (a) above, because of difference in timing for tax purposes of particular items of income or income deductions from that recognized by the service company for general accounting purposes.

(c) Vintage year records with respect to entries to this account, as described above, and the account balance shall be so maintained as to show the factor of calculation with respect to each annual amount of the item or class of items for which deferred tax accounting by the service company is utilized.

LIABILITIES AND OTHER CREDIT ACCOUNTS**5. PROPRIETARY CAPITAL****§ 256.201 Common stock issued.**

This account shall include the par or stated value of all common capital stock issued and outstanding.

§ 256.211 Miscellaneous paid-in capital.

This account shall include the balance of all other credits for paid-in capital which are not properly includable in the foregoing accounts.

§ 256.215 Appropriated retained earnings.

This account shall include the amount of retained earnings which has been appropriated or set aside for specific purposes. Separate subaccounts shall be maintained under such titles as will designate the purpose for which each appropriation was made.

§ 256.216 Unappropriated retained earnings.

This account shall include the balance, either debit or credit, arising from earnings. All dividends shall be charged to this account. It shall not include amounts properly includable in account 211, Miscellaneous paid-in capital. Entries to this account shall be sufficiently detailed for ready analysis of the account.

6. LONG-TERM DEBT

Separate accounts shall be maintained for each class of obligation, and records shall be maintained to show for each class the terms of the obligations, including the date of obligation, date of maturity, interest dates and rates, and security for the obligations.

§ 256.221 Bonds.

This account shall include in a separate subaccount for each class and series of bonds the face value of the actually issued and unmatured bonds which have not been retired or cancelled; also the face value of such bonds issued by others the payment of which has been assured by the service company.

§ 256.223 Notes and advances from associate companies.

This account shall include the face value of notes and balances on open accounts due to associate companies. It does not include notes and open accounts representing indebtedness subject to current settlement which are includable in account 233, Notes payable to associate companies or account 234, Accounts payable to associate companies.

§ 256.224 Other long-term debt

This account shall include all long-term debt not provided for elsewhere and not subject to current settlement.

§ 256.225 Unamortized premium on long-term debt.

(a) This account shall include the excess of the cash value of consideration received over the face value upon the issuance or assumption of long-term debt securities.

(b) Amounts recorded in this account shall be amortized over the life of each respective issue under a plan which will distribute the amount equitably over the life of the security. The amortization shall be on a monthly basis, with the amounts thereof to be credited to account 427, Interest on long-term debt or account 431, Other interest expense.

§ 256.226 Unamortized discount on long-term debt-debit.

(a) This account shall include the excess of the face value of long-term debt securities over the cash value of consideration received therefor, related to the issue or assumption of all types and classes of debt.

(b) Amounts recorded in this account shall be amortized over the life of the respective issues under a plan which will distribute the amount equitably over the life of the securities. The amortization shall be on a monthly basis, with the amounts thereof charged to account 427, Interest on long-term debt or account 431, Other interest expense.

7. CURRENT AND ACCRUED LIABILITIES**§ 256.231 Notes payable.**

This account shall include the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness, payable on demand or within a time not exceeding one year from date of issue, to other than associate companies.

§ 256.232 Accounts payable.

This account shall include all amounts payable by the service company within one year other than amounts payable to associate companies.

§ 256.233 Notes payable to associate companies.**§ 256.234 Accounts payable to associate companies.**

These accounts shall include notes and balances in open accounts due to associate companies within one year.

§ 256.236 Taxes accrued.

(a) This account shall be credited with the amount of taxes accrued during the accounting period, corresponding debits being made to the appropriate accounts for tax charges. Such credits may be based upon estimates, but from time to time during the year as the facts become known the amount of the periodic credits shall be adjusted so as to include as nearly as can be determined in each year the taxes applicable thereto. Any amount representing a prepayment of taxes applicable to the period subsequent to the date of the balance sheet shall be shown under account 165, Prepayments.

(b) The records supporting the entries to this account shall be kept so as to show for each class of taxes the amount accrued, the basis for the accrual, the accounts to which charged, and the amount of tax paid.

§ 256.237 Interest accrued.

This account shall include the amount of interest accrued on all liabilities of the service company. Supporting records shall be maintained so as to show the amount of interest accrued on each obligation.

§ 256.238 Dividends declared.

This account shall include the amount of dividends which have been declared but not paid.

§ 256.241 Tax collections payable.

This account shall include the amount of taxes collected by the service company through payroll deductions or otherwise pending transmittal of such taxes to the proper taxing authority.

§ 256.242 Miscellaneous current and accrued liabilities.

This account shall include the amount of all other current and accrued liabilities not provided for elsewhere. The records supporting this account shall be maintained so as to show the nature of each liability included herein.

8. DEFERRED CREDITS

§ 256.253 Other deferred credits.

This account shall include advance billings and receipts and other deferred credit items, not provided for elsewhere, including amounts which cannot be entirely cleared or disposed of until additional information has been received. Subaccounts by category of credits should be established.

§ 256.255 Accumulated deferred investment tax credits.

This account shall be credited and account 411.5, Investment tax credit, debited with investment tax credits deferred by companies which do not apply such credits as a reduction of the overall income tax expense in the year in which a tax credit is realized. A proportionate amount shall be debited to account 411.5, Investment tax credit, as determined in relation to the average useful life of service company property to which the tax credit relates or such lesser period of time as may be adopted.

(b) Records shall be maintained identifying the service company property giving rise to the investment tax credits for each year with the weighted-average service life of such properties and any unused balances of such credits. Such records are not necessary unless the tax credits are deferred.

9. ACCUMULATED DEFERRED INCOME TAXES

§ 256.282 Accumulated deferred income taxes.

(a) The text of these accounts is designed primarily to cover deferrals of Federal income taxes. However, they are also to be used when making deferrals of state and local income taxes. Service companies which have service company property and which have deferred taxes on income with respect thereto shall separately classify such deferrals in the accounts provided below so as to allow ready identification.

(b) This account shall be credited and account 410, Provision for deferred incomes taxes, shall be debited with tax effects related to property described in paragraph (a) above where taxable income is lower than pretax accounting income due to differences between the periods in which revenue and expense transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income.

(c) This account shall be debited and account 411, Provision for deferred income taxes—credit, shall be credited with tax effects related to property described in paragraph (a) above where taxable income is higher than pretax accounting income due to differences between the periods in which revenue and expense transactions affect taxable income and the periods in which they enter into the determination of pretax accounting income.

(d) Records with respect to entries to this account, as described above, and the account balance shall be so maintained as to show the factors of calculation and the separate amounts applicable to the additions of each vintage year for each class, group, or unit. The underlying calculations to segregate and associate deferred tax amounts with the respective vintage years may be based on reasonable methods of approximation, if necessary, consistently applied.

SERVICE COMPANY PROPERTY ACCOUNTS

Sec.

- 256.301 Organization.
- 256.303 Miscellaneous intangible plant.
- 256.304 Land and land rights.
- 256.305 Structures and improvements.
- 256.306 Leasehold improvements.
- 256.307 Equipment.
- 256.308 Office furniture and equipment.
- 256.309 Automobiles, other vehicles and related garage equipment.
- 256.310 Aircraft and airport equipment.
- 256.311 Other service company property.

§ 256.301 Organization.

This account shall include all fees paid to Federal or State governments for the privilege of incorporation and expenditures incident to organizing a corporation or other form of organization and putting it into readiness to do business including cost of obtaining certificates authorizing the service company to engage in its business, fees and expenses for incorporation, fees and expenses for mergers or consolidations, office expenses incident to organizing the service company, and other expenditures incident to the organization of the service company such as stock, minute books and corporate seal.

NOTE.—This account shall not include any discounts upon securities issued or assumed, nor shall it include any costs or expenses in connection with the authorization, issuance and sale of securities of the service company.

§ 256.303 Miscellaneous intangible plant.

(a) This account shall include the cost of patent rights, licenses, privileges, and other intangible property necessary or valuable in the conduct of the service company's operations and not specifically chargeable to any other account.

(b) This account shall be maintained in such a manner that the service com-

pany can furnish full information with respect to the amounts included herein.

NOTE.—When any item included in this account is retired or expires, the book cost thereof shall be credited hereto and charged to account 426.5, other deductions.

§ 256.304 Land and land rights.

(a) This account shall include the cost of any right, title, or interest in land held by the service company, including without limitation the cost of land owned in fee by the service company and the cost of easements, rights of way, and any other similar interests in land.

(b) When special assessments for improvements provide for deferred payments, the full amount of the assessments shall be charged to the appropriate land account and the unpaid balance shall be carried in an appropriate liability account. Interest on unpaid balances shall be charged to the appropriate interest account. If any part of the cost of improvement is included in the general tax levy, the amount thereof shall be charged to the appropriate tax account.

(c) Separate entries shall be made for the acquisition, transfer, or sale of each parcel of land, and each land right. A record shall be maintained showing the nature of ownership, full legal description, area, map reference, purpose for which used, city, county and tax district in which situated, from whom purchased or to whom sold, payment given or received, other costs, contract date and number, date of recording of deed, and book and page number of record.

(d) If at the time of acquisition of an interest in land such interest extends to buildings or other improvements which are then devoted to the service company's operations, the land and improvements shall be separately appraised and the cost allocated to land and buildings or improvements on the basis of the appraisals. If the improvements are removed or wrecked without being used in operations, the cost of removing or wrecking shall be charged and the salvage credited to the account in which the cost of the land is recorded.

§ 256.305 Structures and improvements.

(a) This account shall include the cost of all buildings and facilities and fixtures permanently attached thereto which are owned by the service company.

(b) The cost of foundations which are specially provided for machinery, apparatus, or other equipment of the company shall be charged to the same account as the cost of such machinery, apparatus, or equipment.

(c) Other fixtures temporarily attached to buildings shall not be included in the cost of the building but in the equipment account.

§ 256.306 Leasehold improvements.

This account shall include all costs incurred by the service company in improvements of, remodeling of, or installation of additional facilities in rented offices or buildings to suit tenant's needs.

§ 256.307 Equipment.

This account shall include the cost of equipment owned by the service company and used in rendering services such as micro-wave, communications and dispatching, automatic data processing, information storage and retrieval equipment, research and laboratory testing, construction, meter repairing, and printing and stationery. Subaccounts shall be maintained by classes of equipment for each service rendered.

§ 256.308 Office furniture and equipment.

This account shall include the cost of office furniture and equipment owned by the service company and used in rendering services, e.g., bookcases, shelves, desks, tables, chairs, desk equipment, safes, drafting-room equipment, filing cabinets, storage and other cabinets, floor covering, library and library equipment, accounting machines, electronic calculators, typewriters and other mechanical office equipment.

§ 256.309 Automobiles, other vehicles and related garage equipment.

This account shall include the delivered cost of all service company owned automobiles, vans, trucks, and other vehicles used by the service company in its operations. The cost of all tools, implements, and other equipment used in the inspection, maintenance, repair and overhaul of vehicles shall also be included in this account.

§ 256.310 Aircraft and airport equipment.

This account shall include the delivered cost of all service company owned aircraft and accessories thereto used by the service company in its operations. The cost of all tools, implements and other equipment used in the inspection, maintenance, repair and overhaul of aircraft shall also be included in this account.

§ 256.311 Other service company property.

(a) This account shall include the cost of service company property owned by the service company not provided for elsewhere.

(b) This account shall be maintained in such a manner that the service company can furnish full information with respect to the amounts included herein.

INCOME AND EXPENSE ACCOUNTS

1. INCOME

All invoices for services rendered to associate companies shall be submitted

with sufficient information and in sufficient detail as to permit the associate company to identify the charge as if it had itself provided the services and in terms of the system of accounts prescribed by the regulatory authority to which it is subject.

§ 256.457 Services rendered to associate companies.

This account shall include amounts billed to associate companies for services rendered at cost. See accounts 457-1 through 457-5. Overbillings or underbillings arising from adjustments of estimated to actual cost should be cleared through this account and concurrent adjustments made to other accounts involved.

§ 256.458 Services rendered to nonassociate persons.

This account shall include amounts billed for services rendered to nonassociate persons. See Accounts 458-1 through 458-4.

§ 256.421 Miscellaneous income or loss.

This account shall include all income or loss items not provided for elsewhere. All income items in this account shall be deducted from and all loss items shall be added to the total compensation for equity otherwise computed as the amount reimbursable for equity invested in the service company.

2. EXPENSE

§ 256.920 Salaries and wages.

(a) This account shall include salaries, wages, bonuses and other consideration for services, with the exception of director's fees paid directly to officers and employees of the service company.

(b) This account shall be supported by time records and appropriately referenced to detailed records subdividing salaries and wages by departments or other functional organization units. See General Instructions.

§ 256.921 Office supplies and expenses.

(a) This account shall include office supplies and expenses incurred in connection with the general administration of service company operations assignable to specific administrative or general departments and not specifically provided for in other accounts. This includes the expenses of the various administrative and general departments, the salaries and wages of which are includable in account 920.

(b) This account may be subdivided in accordance with a classification appropriate to the departmental or other functional organization of the service company.

§ 256.922 Administrative expenses transferred—credit.

This account shall be credited with administrative expenses recorded in

accounts 920 and 921 which are transferred to construction costs of the asset and other debit accounts.

§ 256.923 Outside services employed.

(a) This account shall include the fees and expenses of professional consultants and others for general services with the exception of fees and expenses for outside services of account 928, Regulatory commission expense and account 930.1, General advertising expenses. Separate subaccounts shall be provided for auditing, legal, engineering, management consulting fees and any other fees of professional or outside services that are material in amount.

(b) Records shall be so maintained to permit ready analysis showing nature of service, identity of the person furnishing the service, and affiliation if any.

§ 256.924 Property insurance.

(a) This account shall include the cost of insurance premiums to protect the service company against losses and damages to owned or leased property used in its operations. Recoveries from insurance companies or others for property damages shall be credited to the account charged with the cost of the damage. If the damaged property has been retired, the credit shall be to the appropriate account for accumulated provision for depreciation.

(b) Records shall be kept so as to show the amount of coverage for each class of insurance carried, the property covered, and the applicable premiums. Any dividends distributed by mutual insurance companies shall be credited to the accounts to which the insurance premiums were charged.

§ 256.925 Injuries and damages.

(a) This account shall include the cost of premiums for insurance to protect the service company against claims for injury, liability and damage claims of employees or others and losses of such character not covered by outside insurance.

(b) Reimbursements from insurance companies or others for expenses charged hereto on account of injuries and damages and insurance dividends or refunds shall be credited to this account.

§ 256.926 Employee pensions and benefits.

This account shall include pensions paid to or on behalf of retired employees, or payments for the purchase of annuities for this purpose, when the service company has definitely, by contract, committed itself to a pension plan under which the pension funds are irrevocably devoted to pension purposes. This account shall also include payments made under employee benefit programs such as medical and surgical benefits, disability benefits,

life insurance, savings and thrift plans, and other similar benefits. Include, also, expenses incurred in medical, educational or recreational activities for the benefit of employees.

§ 256.928 Regulatory commission expense.

This account shall include all expenses, properly includable in service company operating expenses, incurred by the service company in connection with formal cases before regulatory commissions, or other regulatory bodies, on its own behalf or on behalf of associated companies, including payments made to a regulatory commission for fees assessed to the service company for pay and expenses of such commission, its officers, agents and employees, and for filings or reports made under regulations of regulatory commissions. The service company shall be prepared to show the cost of each formal case.

§ 256.930.1 General advertising expenses.

This account shall include the cost of materials used and expenses incurred in advertising and related activities, the cost of which by their content and purpose are not provided for elsewhere.

ITEMS

1. Advertising in newspaper, periodicals, billboards, radio, etc.
2. Advertising matter such as posters, bulletins, booklets and related items.
3. Fees and expenses of advertising agencies and commercial artists.
4. Postage and direct mail advertising.
5. Printing of booklets, dodgers, bulletins, etc.
6. Supplies and expenses in preparing advertising materials.
7. Office supplies and expenses.

§ 256.930.2 Miscellaneous general expenses.

(a) This account shall include the cost of expenses incurred in connection with the general management of the service company not provided for elsewhere.

ITEMS

1. Industry association dues for company memberships.
2. Contributions for conventions and meetings of the industry.
3. Communication service not chargeable to other accounts.
4. Trustee, registrar, and transfer agent fees and expenses.
5. Stockholders meeting expenses.
6. Dividend and other financial notices.
7. Printing and mailing dividend checks.
8. Directors' fees and expenses.
9. Publishing and distributing annual reports to stockholders.
10. Public notices of financial, operating and other data required by regulatory statutes, not including, however, notices required in connection with security issues or acquisitions of property.
11. Other general expenses not provided for elsewhere.

(b) Records shall be so maintained to permit ready analysis by item showing the nature of the expense and identity of the person furnishing the service.

§ 256.931 Rents.

This account shall include rents including taxes paid for the property of others used, occupied or operated in connection with service company functions. Provide subaccounts for major grouping such as office space, warehouses, other structure, office furniture, fixtures, computers, data processing equipment, micro-wave and telecommunication equipment, airplanes, automobiles, etc. The cost, when incurred by the lessee, of operating and maintaining leased property, shall be charged to the accounts appropriate for the expense as if the property were owned.

§ 256.932 Maintenance of structures and equipment.

This account shall include materials used and expenses incurred in the maintenance of property owned, the cost of which is includable in accounts 305 through 311, and of property leased from others. Provide subaccounts by major classes of structures and equipment, owned and leased.

256.403 Depreciation and amortization expense.

This account shall include the amount of depreciation and amortization for all service plant, and leasehold improvements, the cost of which is includable in accounts 305 through 311. Provide subaccounts by each class of service company property owned and leased.

§ 256.408 Taxes other than income taxes.

(a) This account shall include the amount of state unemployment insurance, franchise taxes, federal excise taxes, social security taxes, and all other taxes assessed by Federal, State, County, Municipal, or other local governmental authorities, except income taxes.

(b) When it is not possible to determine the exact amount of taxes, the amount shall be estimated and adjustments made in current accruals as the actual tax levies become known.

(c) This account shall be kept in such manner as to show the amount of each class of taxes.

NOTE A.—Taxes applicable to property construction or investments may be charged to the account in which the property construction or investment is included. Special assessments for street and similar improvements shall be included in the appropriate service company property account. Gasoline and other miscellaneous taxes shall be charged, where practicable, to the same account as the materials on which the tax is levied.

NOTE B.—Interest on tax refunds or deficiencies shall not be included in this account but in account 421, Miscellaneous income, or account 431, other interest expense, as appropriate.

§ 256.409 Income taxes.

(a) This account shall include the amount of local, state and federal taxes on income properly accruable during the period covered by the income statement to meet the actual liability for such taxes. As the exact amount of taxes become known, the current tax accruals shall be adjusted accordingly so that this account, as nearly as can be ascertained, shall include the actual taxes payable which are chargeable to service company operations.

(b) Interest on tax refunds or deficiencies shall not be included in this account but in account 421, Miscellaneous income, or account 431, other interest expense, as appropriate.

§ 256.410 Provision for deferred income taxes.

This account shall be debited and Accumulated Deferred Income Taxes shall be credited with an amount equal to any deferral of taxes on income as provided by the text of account 282. No entries required to be made to this account shall be netted against any credit amounts appropriately includable in account 411, Provision for deferred income taxes—credit.

§ 256.411 Provision for deferred income taxes—credit.

This account shall be credited and Accumulated Deferred Income Taxes debited with an amount equal to the portion of taxes on income payable for the year which is attributable to a deferral of taxes on income in a prior year, in accordance with the plan of deferred tax accounting provided by the text of account 282. No entries required to be made to this account shall be netted against any debit amount appropriately includable in account 410, Provision for deferred income taxes.

§ 256.411.5 Investment tax credit.

This account shall be debited with the amounts of investment tax credits related to service company property that are credited to account 255, Accumulated deferred investment tax credits, by service companies which do not apply the entire amount of the benefits of the investment credit as a reduction of the overall income tax expense in the year to which such credit is realized (see account 255).

(b) This account shall be credited with the amounts debited to account 255 for proportionate amounts of tax credit deferrals allocated over the average useful life of property to which the tax credits relate or such

lesser period of time as may be adopted by the service company.

§ 256.426.1 Donations.

This account shall include all payments or donations for charitable, social or community welfare purposes.

§ 256.426.5 Other deductions.

This account shall include other miscellaneous expenses which are nonoperating in nature but which are properly deductible before determining total income before interest charges. Records shall be so maintained by subaccount to permit ready analysis showing the nature of the expense and identity of the person furnishing the service.

NOTE.—Preliminary survey and investigation expenses related to abandoned projects, when not written-off to the appropriate operating expense account, shall be included in this account.

§ 256.427 Interest on long-term debt.

This account shall include the amount of interest accrued on outstanding long-term debt owed by the service company to nonassociate persons.

§ 256.430 Interest on debt to associate companies.

This account shall include interest accrued on amounts included in account 223, Notes and advances from associate companies, account 224, Other long-term debt, and account 233, Notes payable to associate companies. The records supporting the entries to this account shall be so kept as to show to whom the interest is to be paid, the period covered by the accrual, the rate of interest and the principal amount of the advances or other obligations on which the interest is accrued. Separate subaccounts should be maintained for each related debt account.

§ 256.431 Other interest expenses.

This account shall include all interest charges not provided for elsewhere.

ANALYSIS OF REVENUE AND INCOME

To facilitate a uniform analysis of revenues and income, subaccounts shall be maintained as follows:

REVENUES SERVICES RENDERED TO ASSOCIATE COMPANIES

- 256.457-1 Direct cost charged to individual associate companies.
- 256.457-2 Indirect costs charged to individual associate companies.
- 256.457-3 Direct costs charged to groups of associate companies.
- 256.457-4 Indirect costs charged to groups of associate companies.
- 256.457-5 Compensation for use of capital—associate companies.

SERVICES RENDERED TO NONASSOCIATE PERSONS

- 256.458-1 Direct costs charged to nonassociate persons.

- 256.458-2 Indirect costs charged to nonassociate persons.
- 256.458-3 Compensation for use of capital—nonassociate persons.
- 256.458-4 Excess or deficiency on servicing nonassociate persons.

Paragraph (a) of Rule 91 provides in pertinent part that a servicing transaction shall be deemed to be performed at no more than cost if the price of such service does not exceed a fair and equitable allocation of expenses plus reasonable compensation for necessary capital procured through the issuance of capital stock. Such compensation as approved by the Commission may be computed monthly and shall be treated in the same manner as though it were a corporate overhead expense and allocated between accounts 457 and 458 on the ratio of all direct and indirect charges billed.

§ 256.457-1 Direct costs charged to individual associate companies.

This account shall include those costs which can be separately identified through a work order system, without unreasonable effort or expense, as being applicable to services performed for individual associate companies. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.457-2 Indirect costs charged to individual associate companies.

This account shall include those costs of services performed for individual associate companies which cannot be separately identified without unreasonable effort or expense and therefore must be allocated. This account would include overhead, general services and support cost on a departmental basis. Included in this account will be all salaries, wages and other costs not charged directly or otherwise allocated. Journal or memorandum entries should be prepared monthly, by departments, for all such cost accumulated and billed to customers. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.457-3 Direct costs charged to groups of associate companies.

This account shall include those costs which can be separately identified through a work order system, without unreasonable effort or expense, as being applicable to services performed for groups of associate companies. This would include such services as power pool cost, accounting cost and project costs such as plant requirement studies, research and development cost and specific planning programs for the entire system or smaller groups thereof. Journal or memorandum entries should be prepared monthly to distribute these costs to

the individual companies. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.457-4 Indirect costs charged to groups of associate companies.

This account shall include those costs of services performed for groups of associate companies which cannot be separately identified without unreasonable effort or expense and therefore must be allocated. This account would include overhead, general services and support cost on a departmental basis. Included in this account as an overhead item will be an allocable portion of all salaries, wages and other costs not charged directly. The amounts would be as set forth in the same monthly departmental journal or memorandum entries referred to for these costs in Account 457-2. The entries should be prepared monthly by departments to distribute these costs to individual companies. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.457-5 Compensation for use of capital—associate companies.

This account shall include only the portion of compensation for use of equity capital and intercompany interest on indebtedness before income taxes which is properly allocable to services rendered to each associate company after adjustments for other income reflected in accounts 421 and 458-4. A statement to support the basis for the compensation and how it was calculated should be attached to each billing of the associate companies.

§ 256.458-1 Direct costs charged to nonassociate persons.

This account shall include those direct costs which can be separately identified through a work order system, without unreasonable effort or expense, as being applicable to service performed for nonassociate persons. This account shall not include any compensation for use of equity capital or interest on indebtedness.

§ 256.458-2 Indirect costs charged to nonassociate persons.

This account shall include those costs of services performed for nonassociate persons which cannot be separately identified without unreasonable effort or expense and therefore must be allocated. This account would include overhead, general services and support cost on a departmental basis and accumulated in a general work order system. Included in this account will be an allocable portion of all salaries, wages and other costs not charged directly. The amounts would be as set forth in the same monthly

departmental journal or memorandum entries referred to for these costs in account 457-2. This account shall not include any compensation for use of equity capital or intercompany interest on indebtedness.

§ 256.458-3 Compensation for use of capital—nonassociate persons.

This account shall include only the portion of compensation for use of equity capital and intercompany interest on indebtedness before income taxes which is properly allocable to services rendered to nonassociate persons. A statement to support the basis for the compensation and how it was calculated should be attached to a separate journal entry, ledger system, or memorandum file.

§ 256.458-4 Excess or deficiency on servicing nonassociate persons.

This account shall include the amount by which the aggregate price received for services rendered to nonassociate persons differs from the sum of the total direct and indirect costs and compensation for use of capital which are properly allocable to such services. (Accounts 458-1 through 458-3).

INSTRUCTIONS

Any excess revenue (net credit balance) from servicing nonassociate persons must be deducted from amounts reimbursable by associate companies for compensation for use of capital invested in the service company, account 457-5. A deficiency (net debit balance) from servicing nonassociate persons may not be charged to associate companies unless such charge is authorized by a State or Federal Commission having jurisdiction. To the extent not so authorized, such a deficiency will effectively reduce the net return on capital invested in the service company. Procedure for computing amounts credited to Accounts 457-5 and 458-3:

1. Compute the amount of return for use of capital as authorized by the Commission.
2. Allocate the return computed between Accounts 457-5 and 458-3.
3. Deduct the net credit balances of Accounts 421 and 458-4 from the computed return allocated to Account 457-5.

All compensation for the use of equity capital and intercompany interest on indebtedness which is properly allocable to services rendered should be allocated to associate and nonassociate companies on the ratio of all direct and indirect charges billed, except as otherwise authorized.

COMMENTS

All comments on the matters discussed in this release should be submitted to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. All such communications should refer to File No. S7-741 and will be available for public inspection.

PROPOSED RULES

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 17, 1978.

[FR Doc. 78-14634 Filed 5-24-78; 8:45 am]

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-3813]

CITY OF BEAUMONT, RIVERSIDE COUNTY, CALIFORNIA

Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 3384 of the FEDERAL REGISTER of January 25, 1978.

EFFECTIVE DATE: January 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

The following flood elevation should be deleted:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Highland Springs Channel.	8th St.	2601

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13904 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-4120]

CITY OF BUENA PARK, ORANGE COUNTY, CALIF.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Buena Park, Orange County, Calif.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Clerk's Office, City Hall, 6650 Beach Boulevard, Buena Park, Calif.

Send comments to: Mr. Forrest L. Yaberg, Director of Public Works, city of Buena Park, City Hall, 6650 Beach Boulevard, Buena Park, Calif. 90620.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Buena Park, Calif., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community

must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own or pursuant to policies established by other Federal, States, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brea Creek	Dale St., between Brea Creek and Atchison, Topeka & Santa Fe RR.	87
Fullerton Creek	Northeast side of Manchester Blvd at 10th St.	82
	Beach Blvd., between 10th St. and Melrose St.	1
Brea Creek	Beach Blvd. at Emery St.	1

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance
Administrator.

[FR Doc. 78-13905 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4114]

CITY OF RICHMOND, CONTRA COSTA COUNTY, CALIF.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Richmond, Contra Costa County, Calif.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Richmond, Calif.

Send comments to Honorable Donald Wagerman, Mayor of Richmond, Civic Center Plaza, City Hall, Richmond, Calif. 94804.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street, SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Richmond, Contra Costa County, Calif. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rheem Creek	Goodrick Ave. (upstream side).	9
	Southern Pacific Transportation Co. RR. (upstream side).	16
	Atchison, Topeka & Santa Fe RR. (upstream side).	23
Wildcat Creek	Garden Tract Rd. (downstream side).	9

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
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San Pablo Bay	Coastline	6
San Francisco Bay	do	6

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13906 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4115]

TOWN OF BEACON FALLS, NEW HAVEN COUNTY, CONN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Beacon Falls, New Haven County, Conn.

These base (100-year) flood elevation are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the town hall, Beacon Falls, Conn. Send comments to: Mr. Leonard F. D'Amico, First Selectman, Town of Beacon Falls, Town Hall, 10 Maple Avenue, Beacon Falls, Conn. 06403.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

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SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Beacon Falls, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Naugatuck River ...	Southern corporate limit.	99
	Pines Bridge Rd.....	113
	Confluence of Bronson Brook.	127
	Depot St.....	132
	Confluence with Spruce Brook.	153
	Confluence with Egypt Brook.	161
	Northern corporate limit at the confluence of Beacon Hill Brook.	167
	Hemp Swamp Brook.	113
	Lopus Rd.....	126
	At private crossing 680 ft above Lopus Rd.	161
Bronson Brook	Access rd.....	168
	At a point 520 ft upstream of access rd.	205
	At a point 550 ft downstream of Pines Bridge Rd.	217
	Pines Bridge Rd.....	231
	Rimmon Rd.....	232
	At a point 290 ft upstream of Rimmon Rd.	127
	Route 8.....	156
	At dam 1,070 ft upstream of Route 8.	179
	At Weir 1,970 ft upstream of Route 8.	211
	Confluence of Bronson Brook tributary.	216
Bronson Brook tributary.	Bethany Rd.....	241
	Munson Rd.....	260
	Private crossing 470 ft upstream of Munson Rd.	

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Beacon Hill Brook	Lasky Rd.....	278
	At a point 600 ft upstream of Lasky Rd.	286
	Route 8.....	167
	Andrasko Rd.....	171
	Cotton Hollow Rd.....	183
	Confluence with unnamed tributary.	226
	Northeastern corporate limit.	265

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13907 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-41161]

THE CITY OF CHAPMAN, DICKINSON COUNTY, KANS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Chapman, Dickinson County, Kans. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Chapman, Kans. Send comments to: Mayor Ted Canfield, City Hall, Chapman, Kans.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line

800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Chapman, Dickinson County, Kans., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Smokey Hill River..	Approximately 100 ft upstream of Marshall St.	1,113
	Logan Rd. (extended)....	1,113
Chapman Creek	At intersection of 4th Street and Anderson Sts.	1,114
	Approximately 100 ft downstream of the intersection of Marshall St. and Kimberly Lane.	1,115

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13908 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-41171]

CITY OF BROCKTON, PLYMOUTH COUNTY, MASS.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of Brockton, Plymouth County, Mass.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the City Planner, City Hall, Brockton, Mass. 02401.

Send comments to: Mayor David Crosby or Mr. Barry Conner, Office of the City Planner, City Hall, Brockton, Mass. 02401.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of Brockton, Plymouth County, Mass., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community

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must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Salisbury Plain River.	Just upstream of Meadow Lane.	75
	Perkins Ave.....	84
	Just upstream of Otis St.	90
Salisbury Brook	Just upstream of Spring St.	122
	Just upstream of Moraine Rd.	126
Trout Brook	Just upstream of Crescent St.	90
	East Ashland St.....	97

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13909 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-41181]

VILLAGE OF BRONXVILLE, WESTCHESTER COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Bronxville, Westchester County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the

second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Bronxville, N.Y.

Send comments to: Mr. James E. Gordon, Village Administrator of Bronxville, Village Hall, 200 Pondfield Road, Bronxville, N.Y. 10708.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Bronxville, Westchester County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a). These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Bronx River	Midland Ave.....	84
	Parkway Rd.....	86
	Palmer Ave.....	88
	Dam	94
	Upstream corporate limits.	94

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended;

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42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13910 Filed 5-24-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-41191]

VILLAGE OF DEPOSIT, DELAWARE COUNTY, N.Y.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Deposit, Delaware County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Clerks Office, Deposit, N.Y.

Send comments to: President Myrlin Page, 146 Front Street, Deposit, N.Y. 13754.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Deposit, Delaware County, New York, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Branch Delaware River.	Approximately 100 ft upstream New York State route 10.	989
	Just downstream northern corporate limits.	994
Oquaga Creek.....	Just upstream of Mill St. Bridge.	994
Butler Brook.....	Approximately 150 ft upstream of Front St.	991
	Just upstream of Elm St.	997
Big Hollow.....	Just upstream Second Street abutments.	1002
Bone Creek.....	Just upstream of Front St.	1015
	Just downstream of 4th St.	1060

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13911 Filed 5-24-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-31691]

UNINCORPORATED AREAS OF DURHAM COUNTY, N.C.

Revision of Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the unincorporated areas of Durham County, N.C.

Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 42 FR 38526 on July 28, 1977, and in The Durham Herald published on August 7 and August 17, 1977, and hence supersedes those previously published rules.

DATES: The period for comments will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at the Durham County Soil Conservation Agency, Agriculture Building, and the Durham County Planning Department, Durham, N.C.

Send comments to: Mr. Ed Swindell, Jr., County Manager, or Mr. Deryl Bateman, Director, Durham County Planning Department, 226 East Main Street, Durham, N.C., 27701.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Durham County, N.C., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Eno River.....	Approximately 150 ft downstream of State Route 1401.	358
Eno River tributary 3.	Just upstream of State Route 1449.	417
Crooked Creek.....	Approximately 150 ft upstream of State Route 1003.	422
Crooked Creek tributary 1.	Approximately 500 ft upstream of confluence with Crooked Creek.	454
Sevenmile Creek...	Just upstream of dam at State Route 1556.	423
	Just upstream of State Route 1449.	437
Ellerbe Creek.....	Just upstream of Jimmy Glenn Rd.	269
Little River.....	Just upstream of State Route 1628.	304
	Approximately 250 ft upstream of U.S. Highway 501.	350
	Just upstream of State Route 1647.	396
Little River tributary 1.	Approximately 150 ft upstream of State Route 1003.	453
Little River north fork.	Just upstream of State Route 1461.	471
Little River north fork tributary 1.	Approximately 120 ft upstream State Route 1464.	463
Little River south fork.	Approximately 100 ft upstream State Route 1461.	441
	Just upstream of State Route 1003.	466
Cabin Creek.....	Just upstream of State Route 1684.	322
Little Lick Creek...	Just upstream of State Route 1814.	275
Little Lick Creek tributary 1B.	Just upstream of NC 98..	284
Chunky Pipe Creek.	Approximately 100 ft upstream of State Route 1815.	271
Panther Creek.....	Just upstream of State Route 1818.	290
Lick Creek.....	Approximately 150 ft downstream of State Route 1902.	280
	Just upstream of State Route 1905.	293
Lick Creek tributary 1.	Confluence with Lick Creek.	300
Stirrup Iron Creek	Just downstream of G.E. access Rd.	336
Stirrup Iron Creek tributary A.	Approximately 1,000 ft upstream of State Route 1969.	323
Stirrup Iron Creek tributary B.	Confluence with Stirrup Iron Creek.	322
New Hope Creek tributary 1.	Just downstream of State Route 1113.	262
Northeast Creek....	Just upstream of State Route 1102.	251
	Just upstream of NC 54..	259
	Just upstream of State Route 1945.	268
	Just upstream of State Route 1121.	280
Northeast Creek tributary C.	Just upstream of State Route 1102.	259
	Just upstream of State Route 1254.	273
Northeast Creek tributary D.	Just upstream of State Route 1103.	245
Northeast Creek north prong.	Just upstream of State Route 1182.	269
Northeast Creek north prong tributary A.	Confluence with Northeast Creek north prong.	282
Burdens Creek.....	Approximately 200 ft downstream of Alston Ave.	256

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of Jenkins Rd. (State Route 1975).	266
Two Bottle Creek..	Just downstream of NC 54.	271

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13912 Filed 5-24-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-41201]

THE VILLAGE OF BRIDGEPORT, BELMONT COUNTY, OHIO

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Bridgeport, Belmont County, Ohio.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Building, 301 Main Street, Bridgeport, Ohio.

Send comments to: The Honorable Samuel Lofton, Mayor, Village of Bridgeport, 302 Main Street, Bridgeport, Ohio 43912.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line,

800-424-8872 room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Bridgeport, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ohio River.....	Downstream corporate limit.	659
	Upstream corporate limit.	659
Wheeling Creek.....	Upstream corporate limit.	660

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13913 Filed 5-24-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-41211]

TOWNSHIP OF MIDDLETOWN, DELAWARE COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township or Middletown, Delaware County, Pa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the office of the Township Manager, Lima, Pa.

Send comments to: Mr. Donald L. Glackin, Township Manager of Middletown, P.O. Box 157, Lima, Pa.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Middletown, Delaware County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ridley Creek	Downstream corporate limits.	70
	Fox Rd. (extended)	99
	Media Station Rd. (upstream).	113
	Baltimore Pike (downstream).	117
	Baltimore Pike (upstream).	120
	Media by-pass (upstream).	129
	Rose Tree Rd. (upstream).	129
	Confluence of Spring Run.	129
	Approximately 160 ft downstream of confluence of Dismal Run.	140
	Chester Creek.....	
Chester Creek.....	Dutton Mill Rd. (downstream corporate limits).	49
	Conrail Crossing approximately 2,850 ft upstream of Dutton Mill Rd. (upstream).	55
	Knowlton Rd. (upstream).	62
	Confluence of Crum Run.	63
	Mount Alverno Rd. (upstream).	67
	Confluence of Chrome Run.	68
	Pennel Rd. (Pa. route 452) (upstream).	83
	Conrail crossing approximately 770 ft upstream of Pennel Rd. (upstream).	85
	Covent Rd. (upstream)...	105
	Hollow Hill Rd. (confluence of West Branch Chester Creek) (upstream).	106
Lenni Road (upstream) ..	Lenni Road (upstream) ..	115
	Conrail crossing approximately 700 ft downstream of Station Rd. (upstream).	134
	Station Rd. (upstream) ..	135
	Baltimore Pike (upstream).	141
	Confluence of Rocky Run.	141
	Conrail crossing approximately 2,050 ft downstream of Darlington Rd. (upstream).	146
	Darlington Rd. (upstream).	149
	Forge Rd. (upstream)	168
	Dam approximately 1,320 ft upstream of Forge Rd. (downstream).	176
	Dam approximately 290 ft downstream of upstream corporate limits (downstream).	189
Upstream corporate limits.	Upstream corporate limits.	204
	Rocky Run	
	Approximately 200 ft upstream of Old Forge Rd.	255
	Forge Rd. (downstream)	263
	Forge Rd. (upstream)	288
	Brook Lane (upstream) ..	294
	Upstream corporate limits.	302
	Chrome Run	
	Confluence with Chester Creek.	68
	St. Andrews Dr. (Downstream).	74

Source of flooding	location	Elevation in feet, national geodetic vertical datum
	St. Andrews Dr. (upstream).	80

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719).

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13914 Filed 5-24-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4122]

BOROUGH OF PUNXSUTAWNEY, JEFFERSON COUNTY, PA.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Borough of Punxsutawney, Jefferson County, Pa.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Civic Center, Punxsutawney, Pa.

Send comments to: Honorable Paul Jordan, Mayor of Punxsutawney, Mahoning East Civic Center, Punxsutawney, Pa. 15767.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Borough of Punxsutawney, Jefferson County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mahoning Creek ..	Corporate limits (east) ..	1,237
	P.C.R.R. (Conrail) ..	1,228
	(abandoned).	
	Corporate limits (west) ..	1,227

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13915 Filed 5-24-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4123]

CITY OF RED BANK, HAMILTON COUNTY, TENN.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the pro-

posed base (100-year) flood elevations listed below for selected locations in the city of Red Bank, Hamilton County, Tenn.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, Red Bank, Tenn.

Send comments to: Honorable John D. Carnes, Mayor of Red Bank, City Hall, 3117 Dayton Boulevard, Red Bank, Tenn. 37415.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line, 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Red Bank, Hamilton County, Tenn. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Stringers Branch ..	Corporate Limits	654
	U.S. Highway 127 and State Highway 8.	654
	Spur State Highway 27 ..	663
	Strawberry Lane.....	664
	Dayton Blvd. (U.S. Highway 27).	666
	Merriman Ave.....	669
	Midvale St.....	674
	Kildare St.....	680
	Memorial Dr.....	687
	Hawkins St.....	693
	Dayton Blvd. (U.S. Highway 27).	699
	Laurel St.....	704
	Lancaster St.....	706
	Newberry St.....	712
	Fair St.....	714
Dayton Blvd. (U.S. Highway 27).	Dayton Blvd. (U.S. Highway 27).	716
	Euclid Ave.....	725
	Leawood St. Bridge	736

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13916 Filed 5-24-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4124]

CITY OF TEXARKANA, BOWIE COUNTY, TEX.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Texarkana, Bowie County, Tex.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bulletin Board in the Lobby of City Hall, Texarkana, Tex.

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Send comments to: Hon. David L. Keller, Mayor of Texarkana, City Hall, P.O. Box 1967, Texarkana, Tex. 75501.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Texarkana, Bowie County, Tex. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Howard Creek.....	Buchanan Rd. (upstream).	270
	Flower Acre Rd. (upstream).	285
	U.S. Highway 59 (downstream).	286
South Wagner Creek.	Findley St. (upstream)...	296
	Buchanan Rd. (upstream).	273
	Garber St. (upstream)....	278
	Findley St. (upstream)....	281
	Robinson Rd. (downstream).	290
	Kilgore St. (downstream).	301
	U.S. Highway 67 (downstream).	307
Wagner Creek.....	Texas and Pacific RR. (upstream).	266
	U.S. Highway 59 (Lakeside Dr.) (downstream).	270
	Findley St. (upstream)...	278

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	U.S. Highway 67 (downstream).	287
	Westlawn Dr. (downstream).	295
Cowhorn Creek.....	U.S. Highway 67 (downstream).	283
	West 15th St. (downstream).	293
	Lumpkin Rd. (upstream).	301
	College Dr. (downstream).	306
	Kennedy Lane (upstream).	313
	Interstate 30 (downstream).	325
Cowhorn Creek, west tributary.	Confluence of Cowhorn Creek (downstream).	316
Days Creek.....	Interstate 30 (upstream) Corporate Limits (upstream).	326
Nix Creek.....	South Day St. (upstream).	275
Swampoodle Creek.	Confluence of Days and Nix Creek (upstream).	280
	West 3d St. (upstream)...	277
	U.S. Highway 67 (downstream).	286
	West 17th St. extended (downstream).	287
	U.S. Highway 82 (New Boston Rd.) (downstream).	297
	College Dr. (downstream).	300
Swampoodle Creek tributary.	Texas Blvd. (downstream).	315
	Pines St. (downstream)...	313
Swampoodle Creek west channel.	Kansas City Southern RR. (upstream).	318
	College Dr. (downstream).	315
		317

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

Gloria M. Jimenez,
Federal Insurance Administrator.

[FR Doc. 78-13917 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3163]

THE TOWN OF JOHNSON, LAMOILLE COUNTY, VT.

Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 42 FR 38732 of the FEDERAL REGISTER of July 29, 1977.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The original notice published on July 29, 1977 as 42 FR 38732 is in error and should be corrected to read as follows:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gihon River.....	Town/village of Johnson corporate limits.	564
	Just upstream of town/village of Johnson corporate limits.	569
	500 ft downstream State route 100-C.	570
	Just downstream of State route 100-C.	577
	Just upstream of State route 100-C.	578
	Just downstream of dam	586
	Just upstream of dam....	608
	1,100 ft upstream of dam.	613
	Just downstream of town Highway 33.	614
	Just upstream of town Highway 33.	619
	One-half mile upstream of town Highway 33.	620
	Three-quarter mile upstream of town Highway 33.	621
Bell Brook.....	260 ft upstream at mouth at Gihon River.	577
	320 ft upstream at mouth at Gihon river.	581
	530 ft upstream at mouth at Gihon River.	582
	1,000 ft upstream at mouth at Gihon River.	603
	370 ft downstream of town Highway 32.	619
	100 ft downstream of town Highway 32.	626
	Just upstream of town Highway 32.	627
	690 feet upstream of town Highway 32.	634
Lamoille River.....	West corporate limits....	469
	Just downstream of Ithiel Falls.	476
	580 ft downstream of Smith Brook.	486
	Just downstream of State route 15.	489
	Just upstream of State route 15.	491
	One mile upstream of State route 15.	493
	West town/village of Johnson corporate limits.	497
	Southeast town/village of Johnson corporate limits.	500
	1,600 ft upstream town/village of Johnson corporate limits.	502
	3,200 ft upstream town/village of Johnson corporate limits.	517
	Three-quarter mile upstream town/village of Johnson corporate limits.	528

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FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872. Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Redmond, King County, Wash., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and CFR 24 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of Northeast 116th St. Approximately 300 ft upstream of State Highway 908.	28
	Just upstream of Leary Way.	31
	Mouth of Sammamish River..	31
Bear Creek.....	Approximately 300 ft upstream of State Highway 202.	43
	Approximately 300 ft downstream of Northeast 95th St.	56
Evans Creek.....	192d Ave. NE. (extended).	52

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	500 ft downstream of Vermont Northern RR.	530
	Just upstream of Vermont Northern RR.	533
Foot Brook.....	East corporate limits.....	536
	290 ft downstream of State route 15.	492
	Just downstream of State route 15.	494
	Just upstream of State route 15.	496
	530 ft upstream of State route 15.	503

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 20, 1978.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 78-13918 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4125]

CITY OF REDMOND, KING COUNTY, WASH.

Proposed Flood Elevation Determinations

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Redmond, King County, Wash.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Planning Department, 15670 Northeast 85th Street, Redmond, Wash.

Send comments to: Mayor Selwyn Young, 15670 Northeast 85th Street, Redmond, Wash. 98052.

Issued: April 20, 1978.

Gloria M. Jimenez,
Federal Insurance Administrator.
[FR Doc. 78-13919 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3164]

VILLAGE OF JOHNSON, LAMOILLE COUNTY, VT.

Proposed Flood Elevation Determinations; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 42 FR 38733 of the FEDERAL REGISTER of July 29, 1977.

EFFECTIVE DATE: July 29, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410; 202-755-5581 or toll free line, 800-424-8872.

The original notice published on July 29, 1977 at 42 FR 38732 is in error and should be corrected to read as follows:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lamoille River.....	West corporate limits.....	497
	Just downstream of Railroad St. bridge.	499
	South corporate limits....	500
Gihon River.....	Mouth at Lamoille River.	499
	Just upstream of Pearl St.	499
	200 ft upstream of Pearl St.	502
	900 ft downstream of School St.	505
	530 ft downstream of School St.	515
	Just upstream of School St.	525
	160 ft upstream of School St.	526
	425 ft upstream of School St.	533
	100 ft downstream of dam.	546
	Just upstream of dam.....	558
	680 ft upstream of dam..	561
	1,100 ft upstream of dam.	562
	East corporate limits.....	565

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and the Secretary's del-

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egation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13920 Filed 5-24-78; 8:45 am]

[4210-01]

Federal Insurance Administration

[24 CFR Part 1917]

[Docket No. FI-412]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR GRANT COUNTY, OREG.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Grant County, Ore. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bulletin Board in the Courthouse, Canyon City, Ore. Send comments to: Honorable Francis E. R. Cole, County Judge of Grant County, Canyon, Ore.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Grant County, Ore. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
John Day River	From below Mount Vernon to above John Day, 1,200 ft upstream of U.S. Highway 26 crossing west of Mount Vernon.	2,803
	Downstream corporate limits of Mount Vernon.	2,833
	Upstream corporate limits of Mount Vernon.	2,845
	Road leading to Luce School (upstream side).	2,956
	Western corporate limits of John Day.	3,045
	Projection of east end of county fair grounds track within John Day.	3,074
	1,350 ft downstream from confluence of Little Pine Creek.	3,112

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13921 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4128]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF SALEM, MARION, AND POLK COUNTIES, OREGON

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own; or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Salem, Marion, and Polk Counties, Ore.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Civic Center, 555 Liberty Street, Salem, Ore. Send comments to: Mr. Robert S. Moore, City Manager of Salem, 555 Liberty Street, Salem, Ore. 97301.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Salem, Marion, and Polk Counties, Ore. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own; or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Willamette River	Downstream corporate limits.	138
	Center St.	142
	Upstream corporate limits.	145
Shelton Ditch	Mouth.	142
	Upstream Church St.	147
	Upstream Winter St.	149
	Upstream 12th St.	155
	Upstream 14th St.	161
	Upstream Lee St.	168
	Upstream Ford St.	176
	Upstream Airport Rd.	185
Mill Creek	Mill Creek control structure.	189
	Shelton ditch control structure.	191
	Upstream Mission St.	197
	Upstream Cascade.	204
	Gateway Park Bridge.	221
	Upstream Interstate Route 5.	228
	Upstream River Bend Gravel Co. Haul Rd.	237
	Upstream Salem-Turner Rd.	246
	Upstream Prison Annex Rd.	257
	Upstream corporate limits.	257

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13922 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4129]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE TOWNSHIP OF BIRMINGHAM, DELAWARE COUNTY, PA.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Birmingham, Delaware County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the

second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Township Supervisor, Chadds Ford, Pa. Send comments to: Mr. Harold F. Jones, Chairman of the Board of Supervisors of Birmingham, P.O. Box 189, Chadds Ford, Pa. 19317.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581, or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Birmingham, Delaware County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own; or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Brandywine Creek	Rock Hill Rd. (extended).	160
	Upstream side of Route 100 crossing.	162
	Upstream side of Conrail crossing.	168
	Baltimore Pike (upstream side) (crossing).	170
	Upstream corporate limits.	172
Harvey Run	Route 100 crossing (upstream side).	168

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Source of flooding	Location	Elevation in feet, above mean sea level
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Upstream side Ring Rd. crossing.	185
Heyburn Rd. (downstream side).	211
Private Rd. crossing at headwaters.	306

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13923 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-413]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE CITY OF McKEESPORT, ALLEGHENY COUNTY, PA.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the City of McKeesport, Allegheny County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Engineer's Office, 201 Lysle Boulevard, McKeesport, Pa. Send comments to: Honorable Thomas J. Fullard, Mayor of McKeesport, 201 Lysle Boulevard, City Hall, McKeesport, Pa. 15132.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line

800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the City of McKeesport, Allegheny County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Monongahela River.	Upstream corporate limits.	746
	Confluence of Youghiogheny River.	744
	Confluence of Crooked Run.	743
	Downstream corporate limits.	742
Youghiogheny River.	Upstream corporate limits.	749
	Confluence of Long Run	746
	15th Ave.	744
	Mouth.	744
Long Run	Upstream corporate limits.	791
	Upstream of Shopping Center Dr.	759
	Corporate limits (downstream of shopping center).	757
	Long Run Rd.	747
	Mouth.	746
Crooked Run	Upstream corporate limits.	816
	Upstream of Avberle Ave.	807
	Upstream of 5th Ave.	799
	Upstream of Pennsylvania Ave.	794
	Downstream limit of detailed study.	785

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33

FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13924 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4131]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE TOWNSHIP OF RALPHO, NORTHUMBERLAND COUNTY, PA.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Ralpho, Northumberland County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, Intersection of Market and Valley Avenue, Elysburg, Pa. Send comments to: Mr. Harry W. Slagle, Chairman of the Board of Supervisors of Ralpho, P.O. Box 168, Elysburg, Pa. 17824.

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C., 20410;

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Ralpho, Northumberland County, Pa., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shamokin Creek	Route 61 Bridge (upstream).	596
	Irish Valley Road Bridge (upstream).	604
	Bridge No. 1 (750 ft downstream of corporate limits) (upstream).	613
	Dam No. 1 (500 ft downstream of corporate limits) (upstream).	618
	Upstream corporate limits.	617
Pocahontas Creek.	Downstream corporate limits (Route 242).	540
	L.R. 49134 (upstream)....	559
	Pine View Rd. (upstream).	572
	Market St. (upstream)....	588
	Footbridge (250 ft upstream of Market St.) (upstream).	588
	Dam No. 1 (1,000 ft above Market St.) (upstream).	590
	Township Route 509 (upstream).	593
	Dam No. 2 (1,000 feet above township Route 509) (upstream).	597
	State Route 487 (upstream).	600
South branch Roaring Creek.	Downstream corporate limits.	604
	Footbridge No. 1 (1,000 ft above corporate limits) (upstream).	609
	Footbridge No. 2 (1,100 ft above corporate limits) (upstream).	610
	Footbridge No. 3 (1,550 ft above corporate limits) (upstream).	610
	Footbridge No. 4 (1,850 ft above corporate limits) (upstream).	613
	Township Route 604 (upstream).	647
	Bear Hollow Rd. (upstream).	661
	Township Route 802 (upstream).	676
	Township Route 459 (downstream).	720

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13925 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4132]

PROPOSED FLOOD ELEVATION DETERMINATIONS FOR THE TOWNSHIP OF UPPER TYRONE, FAYETTE COUNTY, PA.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Township of Upper Tyrone, Fayette County, Pa. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comments will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Owensdale School, Connellsville Road 2, Upper Tyrone, Pa. Send comments to: Mr. Roy Weaver, Chairman of the Board of Supervisors of Upper Tyrone, Star Route, Scottsdale, Pa. 15863.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410. 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Township of Upper Tyrone, Fayette County, Pa. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L.

93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128; and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Youghiogheny River.	Downstream corporate limits, of the Township of Upper Tyrone.	859
	Confluence of Galley Run.	863
	Upstream corporate limits of the Township of Upper Tyrone.	864
Jacobs Creek	State Route 819	1,022
	Chessie System RR.	1,027
	State Route 110	1,028
	Conrail bridge	1,029
	Bridge St.	1,033
	Confluence of Stauffer Run.	1,034
	Dexter Rd.	1,035
	U.S. Route 119	1,036
	State Route 26151	1,038
	Upstream corporate limits of the Township of Upper Tyrone.	1,039
Galley Run	Confluence with Youghiogheny River.	863
	State Route 26085	864
	Chessie System RR.	870
	bridge (680 ft upstream of State Route 26088).	

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13926 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4133]

Proposed Flood Elevation Determinations for Guadalupe County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Guadalupe County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Courthouse, Seguin, Tex. Send comments to: Hon. Pat Baker, County Judge of Guadalupe County, Courthouse, Seguin, Tex. 78155.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Guadalupe County, Tex. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal,

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State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cibola Creek	Lookout Rd. upstream	758
	Interstate Highway upstream	751
	Frontage Rd. upstream	750
	Selma Rd. upstream	735
	Main St. upstream	715
	Schaefer Rd. upstream	675
	Lower Seguin Rd. upstream	653
	Weir Rd. upstream	648
	Frontage Rd. upstream	621
Guadalupe River	Upstream county boundary	586
	T.P.—dam: above	583
	0.1 mi below	551
	McQueeney Dam	538
	State Highway 78 upstream	533
	Interstate Highway 10 upstream	516
	U.S. Highway 90 upstream	515
	T.P.—4 dam: above	511
	0.7 mi below	494
	State Highway 123 upstream	486
	State Highway 123 by-pass upstream	475
	Nolte Dam	468
	Farm to market 466	463
	Confluence of Geronimo Creek	458
	Confluence of Mill Creek	418
	Downstream county boundary	383
San Marcos River	Upstream county boundary	546
	Farm to market 1979	518
	Farm to market 1977	488
	County Rd. 237 upstream	411
	South Pacific RR	382
	State Highway 80 upstream	364
	Downstream county boundary	358
Santa Clara Creek	County Rd. 361 upstream	717
	County Rd. 374 upstream	680
	County Rd. 354 upstream	657
	Southern Pacific RR	634
	Farm to market 78	631
	Farm to market 465	605
	County Rd. 312 upstream	594
	Interstate Highway 10 upstream	576
	County Rd. 304 upstream	567
	County Rd. 315 upstream	560
Santa Clara Creek tributary No. 1	County Rd. 367 upstream	670
	Confluence of Santa Clara Creek tributary No. 2	652
	Southern Pacific RR	635
	Farm to market 78	632
	Confluence of Santa Clara Creek	596

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Santa Clara Creek tributary No. 2	County Rd. 354 upstream	666
	Confluence with Santa Clara Creek tributary No. 1	652
Cotton Creek south	County Rd. 419 upstream	582
	County Rd. 413 upstream	528
	County Rd. 411 upstream	513
	County Rd. 411C upstream	493
	State Highway 123 upstream	476
	Confluence of Guadalupe River	468
Elm Creek north	County Rd. 411B upstream	526
	Farm to market 467	516
	Confluence of Cottonwood Creek south	492
Alligator Creek	County Rd. 140 upstream	620
	Farm to market 758	614
	County Rd. 107A upstream	606
	County Rd. 105 upstream	592
	Confluence with Geronimo Creek	590
Elm Creek south	County Rd. 4128 upstream	516
	County Rd. 409B upstream	504
	Farm to market 467 upstream	486
	County Rd. 8,300 feet above County Rd. 412D	471
	County Rd. 412D upstream	463
	Downstream county boundary	459
Geronimo Creek	County Rd. 130 upstream	612
	State Highway 123 upstream	574
	County Rd. 121 upstream	572
	County Rd. 118 upstream	560
	Farm to market 20	515
	Interstate Highway 10 upstream	499
	Southern Pacific RR	495
	U.S. Highway 90 upstream	491
	U.S. Highway 90A upstream	472
Cottonwood Creek north	County Rd. 245 upstream	563
	Downstream County Rd. 245 upstream	558
	Farm to market 1978	555
	Downstream County Rd. 245	549
	Farm to market 1979	522
	County Rd. 244A upstream	493
	Farm to market 1339	474
	Confluence with York Creek	452
York Creek	Upstream county boundary	544
	County Rd. 105 upstream	527
	State Highway 123 upstream	503
	Confluence of Long Creek	483
	County Rd. 231 upstream	464
	County Rd. 241A upstream	457
	Farm to market 20	437

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	County Rd. 238 upstream	425
Long Creek	Farm to market 1979	563
	Dam No. 10: above	561
	0.2 mi below	532
	County Rd. 152 upstream	524
Walnut Creek	Interstate Highway 10 upstream	547
	Southern Pacific RR	546
	Corporate limits	538

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13927 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3864]

Proposed Flood Elevation Determinations for the Town of Ludlow, Windsor County, Vt.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 43 FR 3587 of the FEDERAL REGISTER of January 26, 1978.

EFFECTIVE DATE: January 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

The following location:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	100 ft downstream of Pleasant St.	972
should be corrected to read:		
Black River	280 ft downstream of Pleasant St.	972
(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development		

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Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13928 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4134]

Proposed Flood Elevation Determinations for Dinwiddie County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Dinwiddie County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the County Administrator, Dinwiddie County, Va. Send comments to: Mr. W. C. Knott, County Administrator of Dinwiddie County, P.O. Drawer 70, Dinwiddie, Va. 23841.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Dinwiddie County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Reedy Creek	At upper Appomattox Canal	110
	upstream side of Norfolk Western RR. crossing	114
	Upstream side of State Route 600 crossing	117
	Upstream side of telephone line crossing	122

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended 39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13929 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4135]

Proposed Flood Elevation Determinations for the Town of Gate City, Scott County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Gate City, Scott County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Gate City, Va. Send comments to: Hon. Darrell Dougherty, Mayor of Gate City, P.O. Box 486, Town Hall, Gate City, Va. 24251.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the Proposed determinations of base (100-year) flood elevations for the town of Gate City, Scott County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Moccasin Creek	Downstream corporate limits	1,260
	Gate City water supply plant	1,268
	Upstream corporate limits	1,275
Little Moccasin Creek	Confluence with Big Moccasin Creek	1,266
	Upstream side of U.S. Highways 23, 58, and 42	1,281

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Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Upstream side of Moccasin St.	1,297
	Upstream side of Horton St.	1,312
	Upstream side of Ruth Subdivision Rd.	1,338
	Upstream corporate limits.	1,347

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 1, 1978.

PATRICIA ROBERTS HARRIS
Secretary.

[FR Doc. 78-13930 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4136]

Proposed Flood Elevation Determinations for
Henrico County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Henrico County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Administration Building, Parham and Hungary Spring Rds., Henrico County, Va. Send comments to: Mr. William S. Dewhirst, Acting County Manager of Henrico County, P.O. Box 27032, Richmond, Va. 23272.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line

800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Henrico County, Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Henrico County, upstream.	148
	Pittaway Creek at Richmond City limits.	139
	Bosher Dam	135
	Huguenot Bridge	128
Gillie Creek	Laburnum Ave.	104
	Interstate 48	90
	East Richmond Rd.	63
	Henrico County, at city of Richmond, downstream.	47
Stony Run	U.S. Route 33	97
	Interstate 64, upstream.	94
	Henrico County boundary, downstream.	77
Upham Brook	U.S. Route 33	175
	Bird Hill Rd.	169
	Azalea Ave.	130
	U.S. Route 1	128
	Interstate I-95	115
	U.S. Route 1-301	108
	Wilkinson Rd.	103
	Mountain Rd.	185
North Run	Confluence of Hungary Creek	175
	Parham Rd.	181
	Confluence of Rocky Branch	151
	Confluence of Thorpe Branch	143
	Lakeside Ave.	138
	Confluence with Upham Brook	118
Hungary Creek	Dam, 2,600 ft upstream from Staples Mill Rd.	224
	Staples Mill Rd.	216
	Richmond.	208
	Fredericksburg & Potomac RR.	

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Purcell Rd.	198
	Woodman Rd.	188
	Confluence with North Run.	175
Rocky Branch	U.S. Route 33	202
	Hermitage Rd.	183
	Rocky Branch Lane	152
	Confluence with North Run.	151
Thorpe Branch	Pershing Ave.	189
	Norman Ave.	173
	Confluence with North Run.	143
Tuckahoe Creek	Confluence of Broad Branch	148
	Patterson Ave.	145
	Confluence with James River.	143
Deep Run	Interstate 64	176
	3 Chopt Rd.	172
	Confluence of Stony Run.	158
	Pump Rd.	148
	Confluence of Tuckahoe Creek.	145
Stoney Run	Church Rd.	202
	Fallon Bridge Dr.	156
	Confluence with Deep Run.	156

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13931 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4137]

Proposed Flood Elevation Determinations for
Henry County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Henry County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines

of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the County Administrator, Collinsville, Va. Send comments to: Mr. John M. Richardson, County Administrator of Henry County, P.O. Box 7, Collinsville, Va. 24078.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll-free line 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Henry County, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Leatherwood Creek	Bear Branch Confluence	736
	Virginia Route 648	705
	upstream.	
	West Fork Confluence	686
	Camp Branch	683
	Confluence.	
	West Bound Lane	682
	Highway 58 upstream.	
	East Bound Lane	682
	Highway 58 upstream.	
	Southern RR	664
	Virginia Route 820	664
	Virginia Route 850	648
	upstream.	
West Fork Leatherwood Creek	Reservoir No. 3 Dam	747
	Confluence of Wet Branch.	746
	Virginia Route 67	728
	upstream.	
	Confluence of Reservoir No. 2.	714

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Confluence with Leatherwood Creek.	686		Private Drive 1,800 feet upstream of Meadow La.	784
Wet Branch	Reservoir No. 4 Dam	752		Meadow La. upstream	774
	Virginia Route 628	746		Dyer Rd. upstream	765
	upstream.			Private Drive 1,100 feet upstream of Virginia Route 57.	752
	Confluence with West Fork.	746		Virginia Route 57	749
Reservoir No. 2 Branch	Leatherwood Creek	772		upstream.	
	Reservoir No. 2 Dam	771		Edgewood Rd. upstream	747
	Virginia Route 855	719		Virginia Route 608	741
	upstream.			upstream.	
	Virginia Route 720	714		Confluence with Reed Creek.	741
	upstream.			Virginia Route 606	884
	Virginia Route 57	714		upstream.	
Jones Creek	Virginia Route 667	735		Virginia Route 804	869
	upstream.			upstream.	
	Private Drive upstream of U.S. Highway 220.	732		Norfolk & Western Ry...	802
	U.S. Highway 220	729		upstream.	
	upstream.			Virginia Route 674	796
	Southern Ry.	723		upstream.	
Beaver Creek	Martinsville Reservoir	775		Confluence with Smith River.	789
	Dam.			Virginia Route 674	791
	Virginia Route 714	772		upstream.	
	upstream.			Confluence of Town Creek.	789
	Virginia Route 108	757		upstream.	
	upstream.			Virginia Route 666	763
	Private Drive	753		upstream.	
	Confluence of Little Beaver Creek.	742		Riverside Dr. upstream	758
	U.S. Highway 220	729		Main St. upstream	755
	upstream.			Church St. upstream	751
	Confluence of Jones Creek.	723		upstream.	
	Norfolk & Western Ry...	719		Blackberry Creek.	747
	Southern Ry.	718		Alternate Route 57	736
	Virginia Route 57	716		upstream.	
	upstream.			U.S. 220 By-pass	729
	Confluence with Smith River.	716		upstream.	
	Confluence with Little Beaver Creek.	759		Confluence of Reed Creek.	728
Little Beaver Creek	Virginia Route 108	749		New Virginia Route 609	724
	Confluence with Beaver Creek.	742		upstream.	
	upstream.			Jordan Creek	723
Daniels Creek	Sarah Ave. upstream	856		Confluence.	
	Virginia Highway 220	856		Norfolk & Western Ry...	722
	upstream.			Confluence of Beaver Creek.	716
	West Paul St. upstream.	850		upstream.	
	Eliza Reamy Ave.	838		Confluence of Grassy Creek.	709
	upstream.			upstream.	
	Redd Boulevard	832		Martinsville Dam	675
	upstream.			U.S. Highway 220	675
	Coffman Drive	823		upstream.	
	upstream.			Virginia Route 966	670
	Virginia Route 609	813		upstream.	
	upstream.			Norfolk & Western Ry. downstream of Route 966.	666
	Wheeler Ave. upstream	805		Confluence of Marrow Bone Creek.	623
	Virginia Route 1142	788		Confluence of Leatherwood Creek.	608
	upstream.			Virginia Route 636	595
	Private Drive	775		upstream.	
	Virginia Route 57	731		Virginia Route 622	575
	upstream.			upstream.	
Reed Creek	Virginia Route 665	854		Downstream County Line.	562
	upstream.			County Line	1,198
	Private Road	797		upstream.	
	Virginia Route 609	762		Virginia Route 687	1,165
	upstream.			upstream.	
	U.S. 220 (Business)	756		Virginia Route 832	1,159
	upstream.			upstream.	
	Virginia Route 57	745		Confluence of Hales Pond Creek.	876
	upstream.			Virginia Route 676	850
	Confluence of Little Reed Creek.	741		upstream.	
	U.S. 220 By-pass	741		Virginia Route 779	830
	upstream.			upstream.	
	Norfolk & Western Ry...	740		Virginia Route 698	814
Little Reed Creek	Private Drive upstream of Va. Route 669.	896		upstream.	
	Virginia Route 669	833		Virginia Route 780	784
	upstream.			upstream.	
	Private Road 1,500 feet downstream of Va. Route 669.	811		Private Drive 2,000 feet downstream of Virginia Route 780.	775

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Private Drive 2,500 feet upstream of Alternate Route 57.	760
	Alternate Route 57 upstream.	747
	Confluence with Smith River.	747
Rangley Creek.....	Private Drive 1,500 feet upstream of Valley Dr. Creek confluence.	833
	Confluence of Valley Dr. Creek.	821
	Private Drive 1,500 feet upstream of Virginia Route 683.	817
	Virginia Route 683 upstream.	811
	U.S. Highway 220 upstream.	742
Jordon Creek.....	Virginia Route 683 upstream.	830
	Confluence of Meadow Creek upstream.	802
	U.S. Highway 220 By-pass.	744
	Confluence of Rangley Creek.	740
	Private Drive.....	738
	Virginia Route 684 upstream.	734
	Virginia Route 1163 upstream.	729
	Norfolk & Western Ry... upstream.	724
	Virginia Route 682 upstream.	724
	Confluence with Smith River.	724
Meadows Creek.....	Private Road.....	859
	Confluence with Jordan Creek.	802
Grassy Creek.....	U.S. Highway 58 upstream.	894
	Virginia Route 875 upstream.	890
	Abandoned Railroad.....	854
	U.S. Highway 220 upstream.	834
	Confluence with Smith River.	709
Little Marrowbone Creek.	Private Drive.....	743
	Virginia Route 641 upstream.	735
	Virginia Route 1313 upstream.	696
	Confluence with Marrowbone Creek.	692
Marrowbone Creek.	Marrowbone Reservoir Dam.	740
	Virginia Route 688 upstream.	726
	Virginia Route 687 upstream.	710
	Confluence of Little Marrowbone Creek.	692
	U.S. 220 South Bound Lane upstream.	692
	U.S. 220 North Bound Lane upstream.	692
	Virginia Route 782 upstream.	684
	Norfolk & Western Ry... Fisher Dam.....	679
	Virginia Route 641 upstream.	658
	Confluence with Smith River.	624
	Confluence with Smith River.	622
Camp Branch.....	Reservoir No. 6 Dam.....	701
	Virginia Route 630 upstream.	683
	Virginia Route 9984 upstream.	683
	Confluence with Leatherwood Creek.	683

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33

FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13932 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4138]

Proposed Flood Elevation Determinations for the City of Roanoke, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Roanoke, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, 215 Church Street, Roanoke, Va. Send comments to: Mr. Warren E. Trent, Director of Flood Control for the City of Roanoke, Municipal Building, 215 Church Street, Roanoke, Va. 24001.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, 202-755-5581 or toll free line, 800-424-8872, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Roanoke, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)),

42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Roanoke River.....	Upstream Tayloe Ave.....	908
	Upstream Main St. (U.S. 220).	945
	Upstream Corporate Limit.	984
Tinker Creek.....	Upstreamside Orange Ave.	925
	Downstreamside Preston Ave.	980
Glade Creek.....	Upstream Vinton Mill Rd.	913
	Downstreamside Berkley Rd.	927
Glade Creek Tributary.	Upstream State 653.....	937
	Downstreamside U.S. 460.	999
Lick Run.....	Upstream 8th St.....	919
	Upstream Orange Ave.....	940
	Upstream 10th St.....	982
Trout Run.....	Upstream 5th st.....	931
	Upstream 7th St.....	941
Barnhardt Creek...	Downstreamside U.S. 11.	997
	Upstream U.S. 11.....	1,002
	Upstreamside Glenmoor Dr.	1,018
Mudlick creek.....	Downstream Mudlick Rd.	961
	Upstream Side Grandin Road.	1,003
Carvin creek.....	Upstream Hollins Rd. (State 801).	983
	Downstream Hershberger Rd.	985
Carnard Branch....	Upstream Riverland Rd.	918
	Upstream Findlay Rd.....	958
Gumspring Branch.	Upstream Garden City Dr.	980
Murray Run.....	Upstream Tipton Ave.....	1,068
	Upstream Brandon Ave.....	940
	Upstream West Dr.....	980
	Upstream Ogden Rd.....	1,068
Ore Branch.....	Upstream Wiley Dr.....	937
	Upstream Broadway Ave.	961
Ore Branch Tributary.	Upstreamside State 419..	1,097
	Upstreamside Franklin Rd. (U.S. 220).	1,107
Peters Creek.....	Upstream Norfolk & Western RR.	967
	Upstream Peachtree Dr.	1,024

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended;

PROPOSED RULES

42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13933 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4139]

Proposed Flood Elevation Determinations for Rockbridge County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Rockbridge County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Administration Building, Courthouse Square, Lexington, Va. Send comments to: Mr. Donald G. Austin, County Administrator of Rockbridge County, County Administration Building, Courthouse Square, Lexington, Va. 24450.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Rockbridge County, Va. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)),

42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, above mean sea level
James River.....	Upstream county limits..	767
	Botetourt county limits..	761
	Highway 759 bridge.....	735
	Downstream county limits.	710
Buffalo Creek.....	5,515 ft above Possum Run.	962
	3,360 ft above Possum Run at Private Dr.	955
	3,200 ft above Possum Run.	954
South River.....	Norfolk & Western Ry... State Route 718.....	1,008
	State Route 631.....	990
	6,480 ft above mouth.....	917
	3,000 ft above mouth.....	1,089
	State Route 608.....	1,050
	Confluence of Woods Creek.	1,020
Maury River at Lexington.		912
	U.S. Route 11.....	911
Maury River at Rockbridge Baths.	23,340 ft above confluence of Cedar Grove Branch.	1,164
	20,000 ft above confluence.	1,136
	State Route 623 (extended).	1,120
	State Route 39 (extended).	1,112
	State Route 602 (extended).	1,103
	8,400 ft above confluence.	1,078
Calf Pasture River at Camp Virginia.	10,060 ft above Little Calf Pasture River.	1,378
	8,000 ft above river.....	1,371
	State Route 801.....	1,363
Calf Pasture River at Goshen.	5,900 ft above confluence of Goshen Creek.	1,408
	State Route 46.....	1,400
	State Route 746.....	1,398
	Mouth Goshen Creek.....	1,393
Mill Creek.....	4,870 ft above mouth.....	1,426
	Downstream corporate limits, Town of Goshen.	1,411

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13934 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4140]

Proposed Flood Elevation Determinations for the Town of Fort Gay, Wayne County, W. Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Town of Fort Gay, Wayne County, W. Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Wayne Street, Fort Gay, W. Va. Send comments to: Honorable J. R. Hall, P.O. Box 336, Fort Gay, W. Va. 25514.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line, 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Fort Gay, W. Va., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed

to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Sandy River....	Corporate limits, 26.46 mi above mouth.	576
	Confluence with Tug and Levisa Forks.	577
Tug Fork	Louisa-Fort Gay toll bridge.	577
Mill Creek	Norfolk and Western Ry Cedar Heights Rd.....	578

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13935 Filed 5-24-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-37141]

Proposed Flood Elevation Determinations for Vernon County, Wis; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 61963 of the FEDERAL REGISTER of December 7, 1977.

EFFECTIVE DATE: December 7, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

The following correction is made:

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
West Fork Kickapoo River.	Salem Ridge Road.....	874

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13936 Filed 5-24-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION Coast Guard

[33 CFR Part 117]

[CGD 78-048]

DRAWBRIDGE OPERATION REGULATIONS

Pequonnock River, Connecticut

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The city of Bridgeport, Connecticut, has requested that the operation regulations for the Grand Street drawbridge be amended to no longer require openings of the draw at any time. Presently, the draw is required to open upon at least 24 hours notice. The draw was last opened in 1961. This action would save the cost of maintaining the operating machinery.

DATE: Comments must be received before June 27, 1978.

ADDRESS: Comments should be submitted to the Commander (oan), Third Coast Guard District, Governors Island, New York, N.Y. 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rule making by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal. Copies of all written communications received will be available for examination by inter-

ested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The reach of the Pequonnock River above the Grand Street bridge has not been used by vessels which required openings of this bridge since 1961 or for at least 16 years. For this reason the Coast Guard is considering allowing the draw to remain permanently closed.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by revising § 117.130(a)(5) to read as follows:

§ 117.130 Pequonnock River, Yellow Mill Channel, and Johnson Creek, Bridgeport, Conn.; bridges.

(a) ***

(5) *Grand Street Bridge.* The draw need not open for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement, under Executive Order 11821, as amended and OMB Circular A-107.

Dated: May 19, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc. 78-14709 Filed 5-24-78; 8:45 am]

[4910-14]

[33 CFR Part 117]

[CGD 78-061]

DRAWBRIDGE OPERATION REGULATIONS

Wading River, New Jersey

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Burlington County Board of Chosen Freeholders requests regulations to govern the operation of their County Road 542 bascule bridge across Wading River, mile 5.0, New Jersey. The present regulations require this bridge to open on signal. The proposed regulations would require at least 24 hours' notice for an opening. A review of the logs submitted by the applicant shows a total of nine openings were provided in the last five years, broken down as follows: 1973—4 openings; 1974—2 openings; 1975—0 openings; 1976—3 openings; 1977—0 openings. These openings were solely for recreational craft. This change will relieve the bridge owner of the responsibility of having a draw-tender present at all times.

DATE: Comments must be received before June 27, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Third Coast Guard District, Governors Island, New York, New York 10004.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Third Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new subparagraph (9) to § 117.225(f) to read as follows:

PROPOSED RULES

§ 117.225 Navigable waters in the State of New Jersey; bridges where constant attendance of draw tenders is not required.

(f) ***

(9) *Wading River, Burlington County Road 542, N.J.* The draw shall open on signal if at least 24 hours' notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5)).

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: May 19, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc. 78-14707 filed 5-24-78; 8:45 am]

[33 CFR Part 183]

[CGD 77-191]

BOATS AND ASSOCIATED EQUIPMENT

Raceboat; Safety and Labeling Exemptions

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: This advance notice solicits public participation in the formulation of a proposed rule that would exempt raceboats from the manufacturer requirements of Part 183 of Title 33 of the Code of Federal Regulations. Regulations issued under the authority of the Federal Boat Safety Act of 1971 require builders of boats under 20 feet to display capacity information listing maximum persons capacity, maximum horsepower capacity, maximum weight capacity and to provide flotation. There are also requirements regarding construction of the electrical systems and fuel systems for gasoline-powered inboard boats. Many builders of raceboats have petitioned for, and have been granted, relief from these requirements. The Coast Guard believes that the arguments presented by these petitioners have general applicability to all builders of raceboats, and therefore may justify a general exemption.

DATES: Comments must be received on or before August 23, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-191), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Sev-

enth Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Capt. George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to submit written data, views, or arguments. Written comments should include the docket number (CGD 77-191), the name and address of the person submitting the comments, and the specific question to which each comment is addressed.

DRAFTING INFORMATION

The principal persons involved in drafting this notice are: Mr. Lysle B. Gray, Project Manager, and Lt. G. S. Karavitis, Project Attorney, Office of Boating Safety.

DISCUSSION

Many raceboats fall within the definition of "boat" as used in the Federal Boat Safety Act of 1971. The Act states, in part, that a boat is any vessel used primarily for noncommercial purposes. The Coast Guard has promulgated a series of regulations concerning safe loading, safe powering, flotation, and display of capacity information for boats less than 20 feet in length. There are also regulations applicable to the fuel systems and electrical systems on inboard boats powered by gasoline engines. These regulations detail manufacturer requirements intended to protect the public from safety hazards that the Coast Guard has identified in the design and construction of boats, as well as to provide information about the safe operating capacities of boats.

Some manufacturers build boats which are used solely for racing. Many of these boats are not suitable for operation by the average boater. Raceboats are not designed to meet the hazards encountered by the recreational boater who may be operating in a variety of water environments out of the presence of other vessels which could render assistance. The typical raceboat is operated at high speeds on a specified course under organized and supervised conditions. This is usually in the presence of safety patrols, with rescue craft available in case of emergency. In addition, the organizations which conduct boat races have their own rules governing the construction of raceboats. These rules are enforced by inspections of the raceboats prior to each series of races.

The National Boating Safety Advisory Council which was established under the authority of the Federal

Boat Safety Act of 1971, has discussed the question of exempting raceboats from the regulations. The Council recommended that raceboats could be exempted from regulation if a suitable warning label was posted in each boat to inform the user or a prospective buyer that the raceboat did not comply with Coast Guard regulations. The Coast Guard agrees with this concept. This advance notice of proposed rulemaking is being issued to seek public assistance in developing a rule which defines the term "raceboat," and which specifies the wording of a warning label to be placed on raceboats or to suggest alternative approaches to this problem. Comments are specifically requested in the following areas of interest:

A. DEFINITION OF RACEBOAT

Raceboats are not always readily identifiable by their form or shape, or on the basis of power or performance. Some classes of raceboats are specially built family runabout ski boats whose external appearance is indistinguishable from their recreational counterparts. On the other hand, some recreational boats are designed and built to imitate the appearance of popular raceboats. These boats, however, are not intended for use as raceboats, but intended for recreational use. An example is the popular "SK" or "Ski" boat. For this reason, it is desirable to have a definition of raceboats. In suggesting a definition of raceboats, it should be kept in mind that a "boat" is a vessel used for noncommercial purposes. Thus, any raceboat used for commercial purposes is not subject to construction regulation and need not be excepted.

QUESTIONS

- (1) How can the Coast Guard define the term "raceboat" so that there can be a common and consistent understanding among Coast Guard enforcement personnel, boat manufacturers, and boat operators or buyers as to what boats are intended to qualify for the exemption?
- (2) What, if any, difficulties might be encountered in attempting to apply and enforce a definition of "raceboat"?

B. LABELS

A key element in the approval of the raceboat proposal by the National Boating Safety Advisory Council was the provision that a raceboat would be required to have a warning label. This label would be required to be permanently displayed on a boat in a conspicuous place. The label is intended to provide sufficient warning to any purchaser or user that the boat is constructed for a specialized purpose. The raceboat label would indicate that the boat did not comply with certain construction safety standards.

QUESTIONS

- (1) Would a warning label on a raceboat provide adequate protection to the boat buyer and user?
- (2) If not, what alternative approach should be used?

C. CONTENT OF LABELS

During discussions with the National Boating Safety Advisory Council and with state boating law enforcement authorities, a proposal was developed for a label having the following general form:

WARNING—RACEBOAT. DOES NOT COMPLY WITH U.S. COAST GUARD MANUFACTURER CONSTRUCTION STANDARDS. THIS BOAT AND ITS OPERATION MUST COMPLY WITH ALL OTHER BOATING LAWS AND REGULATIONS.

QUESTIONS

- (1) Are there any changes in the text of the proposed warning label that should be considered?
- (2) Does this label adequately warn persons of the hazards of using a raceboat?
- (3) Is the label understandable?
- (4) What problems might be created by use of this label?

D. BOATING LAW ENFORCEMENT

The raceboat problem was discussed informally with a group of six state boating law administrators. Their views varied concerning the impact of the proposed label on enforcement of boating safety laws. Some anticipated difficulties, while others expected no change, or even an improvement in enforcement.

QUESTIONS

- (1) What would be the effect on enforcement of boating safety laws if manufacturers were permitted to sell raceboats which do not comply with the construction requirements of 33 CFR Part 183 if they labeled the boats with a warning?
- (2) Should there be any penalty if a manufacturer affixed raceboat warning labels to boats which were, in fact, not designed for racing?
- (3) What, if any, sanctions should be used to prevent operators from using a raceboat for some other purpose not associated with boat races?
- (4) What changes in state boating laws might be necessary or desirable if boats are sold with a raceboat label similar to the proposal?

E. IMPACT ON CONSUMERS AND BOATING SAFETY

Some persons have expressed concern that the raceboat label might become a status symbol which would lead to misuse by both the boat builders and certain boat buyers. The possession and use of a raceboat might appeal to some persons who are not capable of using it properly or safely.

It is argued that boat manufacturers would use the raceboat label as a means to avoid the expense of complying with safety standards when building recreational boats. Certain types of operators who tend to be reckless, might purchase such boats, not for racing in sanctioned races, but for recreational use.

QUESTIONS

- (1) To what extent, and in what manner, is it likely that consumers may purchase raceboats for recreational use?
- (2) Should boats defined as "raceboats" and having a warning label be prohibited from being used other than in races or race related activities?
- (3) What would be the reaction of the typical boat buyer if a manufacturer placed a raceboat label on a boat intended to be sold for recreational use?
- (4) How can the Coast Guard control the use of raceboat labels by manufacturers?
- (5) Should the Coast Guard devise a system to revoke an individual manufacturer's right to use the raceboat label?
- (6) What actions by the manufacturer should be considered grounds for revocation?
- (7) Will insurance companies provide coverage for a raceboat being used as a recreational boat?

(Sec. 5(a), Sec. 6, 85 Stat. 215 (46 U.S.C. 1454, 1455); 49 CFR 1.46(n)(1).)

Dated: May 17, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc. 78-14674 Filed 5-24-78; 8:45 am]

[4910-59]

National Highway Traffic Safety
Administration

[49 CFR Part 512]

(Docket No. 78-10; Notice 11)

CONFIDENTIAL BUSINESS INFORMATION

Notice of Proposed Rulemaking

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice of proposed rulemaking and invitation for financial assistance in the preparation of comments.

SUMMARY: This notice proposes procedures by which the National Highway Traffic Safety Administration will consider claims that information submitted to it should be considered confidential business information. The notice also proposes the form and content requirements for asserting a claim that information submitted to the

agency is confidential business information, and states the circumstances under which the agency may disclose information which is claimed to be confidential business information. Finally, the notice proposes several class determinations relating to confidentiality. These procedures will clarify and expedite the processing of information for which confidential treatment is requested. The notice is issued in response to problems posed by a rising number of requests for confidential treatment of information submitted to the agency.

DATE: Comments on this notice must be received by July 10, 1978. Applications for financial assistance to aid in the preparation of comments on this notice must be received on or before June 9, 1978.

ADDRESSES: Comments should refer to the docket number and be submitted to: Docket Section, Room 5108, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that ten copies be submitted. Applications for financial assistance should be submitted to Ms. Jeanette Feldman, Public and Consumer Affairs, National Highway Traffic Safety Administration, Room 5232, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

David A. Zisser, Office of the Chief Counsel, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-9511.

SUPPLEMENTARY INFORMATION: In recent months, the activities of the National Highway Traffic Safety Administration, especially in the area of automotive fuel economy, have resulted in a marked increase in claims for confidential treatment of information obtained by the agency. This increased incidence of claims for confidential treatment of information has created a need for a procedural regulation setting out how the agency will consider claims for confidentiality, and the circumstances under which the agency may release information which is claimed to be confidential. This proposed regulation addresses that need.

The proposed regulation would apply to all information obtained by the agency for any purpose and from any source. In general, the proposed regulations sets out how a claim for confidential treatment of information should be asserted and supported (§512.4), and the legal standards the agency will apply in evaluating such claims (§512.5). In addition, the proposed regulations specify the notice which will be afforded submitters of information regarding any action on

their claim for confidentiality, including notice of the agency's determination to release information (§§512.4, 512.6, 512.7, and 512.8). Finally, the proposed regulation specifies the circumstances in which the agency may release information which is confidential or which is claimed to be confidential (§§512.8 and 512.10). Section 512.8 is particularly important since it enables the Administrator to release confidential business information to the public if that information is relevant to an agency proceeding, such as rulemaking.

The agency believes that expeditious decisions on claims for confidentiality will benefit both the agency and the submitters of information. Therefore, in most cases the agency will make its confidentiality determinations within ten working days of receipt of the information. Moreover, the determination of confidentiality will be made on the basis of the justification for confidentiality submitted at the time of asserting the claim for confidentiality, and the agency will not, except in special circumstances, consider additional support for claims of confidentiality made at a later time.

In the past, some submitters of information supplied a complete justification for a claim for confidential treatment in bits and pieces in the course of an extended correspondence with the agency. The agency wishes to make clear that that ad hoc, time consuming, and expensive process will no longer be allowed under this proposed regulation. The agency has indicated the type of information that is necessary to support a claim for confidential treatment of information. The agency has made clear that supplemental justification will not be considered absent special circumstances, and has made clear that a submitter's complete justification must be made at the time of the submission of the information claimed to be confidential. The agency recognizes that it may be burdensome for a submitter of information to fully justify the claims for confidentiality at the time of the submission of the information. However, a full justification at the outset is necessary for the agency to make an orderly and prompt determination. Moreover, the agency believes that requiring a full justification for confidentiality will reduce the number of specious claims that may be made. Finally, the agency notes that in many cases of legitimate claims for confidential treatment of information, the information in question will fall within a class of information found, under these regulations, to be presumptively confidential, and will not require a justification for confidential treatment.

With respect to information obtained under National Traffic and Motor Vehicle Safety Act of 1966 as

amended, and Titles I, IV and V of the Motor Vehicle Information and Cost Savings Act, as amended, the proposed regulation allows the Administrator to release admittedly confidential information, in certain specified circumstances, when it is determined to be in the public interest to do so. For example, the Administrator may determine that release of certain confidential business information is necessary to allow a meaningful opportunity for public comment on a rule. This discretionary release authority is given explicitly to the Administrator in both the National Traffic and Motor Vehicle Safety Act of 1966, as amended, and in Titles I, IV, and V of the Motor Vehicle Information and Cost Savings Act, as amended. The agency realizes that release of competitively harmful information can create hardship for the submitter of the information. Therefore, the Administrator will consider carefully both the public interests and the private harms attendant to the release of such information. In addition, the submitter of confidential information which the Administrator contemplates releasing will receive reasonable advance notice of that contemplated release. Further, the submitter and other interested persons will have an opportunity to comment on the harm that will result and the public interest that will be served, and will be permitted to suggest ways to release the information in a way that will eliminate or reduce the private harm, without sacrificing the public benefits.

The proposed regulation provides somewhat different substantive standards for determining confidentiality for information obtained in connection with Title V of the Motor Vehicle Information and Cost Savings Act, as amended, (relating to automotive fuel economy) than are provided for information obtained in connection with other agency tasks. Section 505 (d)(1) of the Cost Savings Act (15 U.S.C. 2005 (d)(1)) establishes the substantive standard for confidentiality for information obtained in connection with Title V. The proposed regulation reflects that standard. For other information, the agency is proposing the substantive standards for confidentiality that are developed by judicial interpretation of the Freedom of Information Act (5 U.S.C. 552). See, e.g., *National Parks and Conservation Association v. Morton*, 162 U.S. App. D.C. 223, 88 F.2d 765 (1974).

Support for a claim for confidential treatment of information must describe how the submitter of the information ensures the secrecy of the information. In addition, the submitter must inform the agency of the instances known to the submitter where that information has become available to persons or organizations other than

the submitter. Furthermore, the submitter of information must certify under oath that the submitter has made diligent efforts to determine whether the information has become available to parties other than the submitter, and that all such known instances have been indicated to the agency. These requirements are designed to prevent a situation where confidential status is claimed for information that is not secret. It is elementary that the secrecy of information is an indispensable element of its eligibility for confidential treatment. However, in the past, some submitters of information have requested confidential treatment for information that is not secret. This practice not only creates needless work for the agency, but sometimes may result in some undeserving information obtaining confidential status.

The agency does not take the position that knowledge by any persons other than the submitter of information necessarily vitiates a claim for confidential status for that information. There are situations where information can be made known to persons other than the submitter of the information and still be secret, such as when information has been disclosed to a government agency or another business, such as a supplier, which has agreed to keep the information confidential. The agency does believe that all known cases of disclosure of the information, both authorized and unauthorized, must be considered by the agency in determining whether any legitimate interest in the confidentiality of the information has been compromised. Therefore, all known disclosure of information must be made known to the agency for evaluation.

The agency believes that this certification requirement is a reasonable one. Submitters of information are not required to state under oath that there have been no inadvertent or unauthorized disclosures of information claimed to be confidential. Rather, submitters of information are required to certify only that a diligent effort has been made to determine whether inadvertent or unauthorized disclosure has occurred, and to identify known instances of such disclosure. Submitters need make no representations with respect to unknown instances of inadvertent or unauthorized disclosure of information that are not discoverable by the exercise of due diligence. However, submitter will be required to notify the agency of instances of disclosure which become known after the required certification.

The proposed regulation provides for determinations of elements of confidentiality for certain types of information on a class basis. These classes will establish rebuttable presumptions relating to confidentiality, which will

in turn alleviate at least part of the burden of supporting a claim for confidentiality. Although making class determinations relating to business confidential information is a difficult undertaking (as evidenced by the fact that few agencies make such determinations), the agency believes that to the extent that such meaningful classes can be identified and described, class determinations will ease the burdens of both the agency and submitter of information in making and processing claims for confidential treatment of information. It should be noted that the fact that an item of information may fall within a class that makes it presumptively confidential in no way limits the authority of the Administrator to release that information pursuant to §§ 512.3 or 512.10 of this part. Moreover, confidentiality may be claimed for information not falling within a class if the submitter of the information complies fully with section 512.4 of this part.

Initial class determinations, which are proposed in Appendix B, establish classes of information whose disclosure would, the agency concludes result in significant competitive damage, or would likely result in substantial competitive harm, as appropriate, if disclosed to the public. The effect of claiming confidentiality for information falling in one of these classes is to remove the necessity for making a showing of substantial competitive harm, or significant competitive damage, under § 512.4(b) (6) or (7). With respect to the information obtained by the agency in connection with Title V of the Motor Vehicle Information and Cost Savings Act, the Center for Auto Safety has argued that such information may be withheld as confidential business information only if disclosure would result in significant damage to the automobile industry, rather than to a particular manufacturer. That position is based upon an interpretation of section 505(d)(1) of the Cost Savings Act, which governs the withholding of information obtained under Title V. Section 505(d)(1) provides in relevant part, that information subject to it may be withheld from public disclosure as confidential business information only if disclosure of the information "would result in significant competitive damage." It is argued that this language, which does not specify competitive damage to the person submitting the information, is intended to authorize withholding information only if disclosure would damage competition, and not the competitive position of a particular person or company. The agency rejects that interpretation, and believes that "significant competitive damage" within the meaning of section 505(d)(1) can mean damage to the competitive position of a single person or manufacturer.

The agency notes the courts, in interpreting the confidential business information exemption of the Freedom of Information Act, 5 U.S.C. 552(b)(4), have clearly found that harm to a single person is sufficient to invoke the protection of that exemption. See, e.g., *National Parks and Conservation Association v. Morton*, 162 U.S. App. D.C. 223, 498 F. 2d 765 (1974), where the court stated that information may be withheld as confidential business information if its disclosure would be likely to "cause substantial harm to the competitive position of the person from whom the information was obtained." The agency believes that Congress wished to incorporate into section 505(d)(1) a meaning similar to that contained in those judicial statements, where harm to the competitive position of a single manufacturer was sufficient to allow confidentiality. Congress did not expressly state that the only damage that could justify withholding information was damage to an entire industry. Indeed, Congress used the term "competitive damage", which seems to focus on an individual, rather than a term such as "damage to competition" which goes beyond harm to an individual to harm an industry. Moreover, the agency notes that where Congress clearly intended the impact of actions under Title V on the competitive structure of the automotive industry to be considered, Congress provided that the Federal Trade Commission, an agency with substantial expertise in matters concerning the competitive structure of industries, perform a review. See section 508(b)(4) of the Cost Savings Act. Since there is no provision in section 505(d)(1) for an FTC review of the competitive effects of releasing business information, the agency believes that Congress did not intend an evaluation of the effect on the competitive structure of the industry to be necessary to support a claim of confidentiality.

The classes of information proposed in Appendix B are types of information which, if released to the public, would, in the agency's opinion, result in significant competitive damage, or would likely result in substantial competitive harm. The classes are intended to include only information which is sufficiently specific so that a competitor of the submitter of the information would gain a large competitive advantage over the submitter if the information became publicly known. Class 1, which relates to blueprints, reflects a judgment that blueprints or drawings which do not contain production process data, such as specifications, or which have as their subject items in the public domain for more than five years, or have as their subject things that could be easily manufactured without access to the blue-

prints or drawings, are not sufficiently sensitive to warrant a presumption that their release would harm the competitive position of the submitter or anyone else. The agency chose the five year period because that period represents the average design cycle for automobiles. Information falling in classes 2 and 3, future model specific product plans and model specific projections of future sales mix, would presumptively result in harm to the submitter if released. However, the agency believes that projections of product plans or sales mix more than three years into the future are often insufficiently specific, or if specific, are often insufficiently reliable to presumptively result in harm or damage to the submitter's competitive position. The agency chose the three year period for product plans and mix projections because three years represents the normal planning cycle when a manufacturer must settle upon reasonably certain plans. Of course, any submitter is free to claim confidential status for any type of blueprints, or for projections which extend further than three years in the future, although the submitter will have to make all the showings required in § 512.4.

Although only three classes of information, the disclosure of which would presumptively result in adverse competitive consequences, have been proposed at this time, the agency contemplates that additional classes of information may be established in the future. Therefore, the agency solicits comments regarding other potential classes of information the release of which might be deemed presumptively harmful, such as projections of investment levels relating to particular programs, cost information (both actual and projected), or studies of demand elasticities.

Finally, in § 512.10, the proposed regulation allows the agency to release any information, including confidential business information, in certain circumstances, or to certain persons. These situations are limited to cases where the submitter of the information has consented to its release, or where the recipient of the information would be bound to maintain its confidentiality, such as another Federal agency, or a contractor, or where the agency would have no authority to refuse to release the information, such as when the information is requested by the Congress, or when the release is ordered by a Federal court. This section in no way limits or otherwise affects the discretionary release authority contained in section 512.8. Rather, § 512.10 only allows the agency to release information in the limited circumstances in which release of the information would not compromise an interest in confidentiality, or where

the agency would not have the authority to refuse to release information.

Because Part 512 is procedural, it is exempt from the notice and comment provisions of the Administrative Procedure Act, 5 U.S.C. 553(b)(A). However, in light of the great interest in the agency's treatment of confidential information shown by both potential submitters of information, and the general public, the agency has determined that the public interest would best be served by waiving the notice and comment exemption in this instance, and issuing Part 512 as a notice of proposed rulemaking.

The economic impacts of this proposal have been considered and agency Administration has determined there is no significant economic impact.

It is the judgment of this agency, based on available information, that no significant environmental impact would result from execution of this action.

In consideration of the foregoing, it is proposed that Title 49, Code of Federal Regulations, be amended by adding a new Part 512, Confidential Business Information, to read as set forth below.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

NHTSA invites all qualified individuals and organizations financially unable to participate in this proceeding to apply for financial assistance. All applications submitted before the deadline specified at the beginning of this notice will be examined by an evaluation board, composed of NHTSA and Department of Transportation officials, to determine whether each applicant is eligible to receive funding. Consideration of late applications is at the discretion of the evaluation board.

In general, an applicant is eligible if (1) it represents an interest whose rep-

resentation can reasonably be expected to contribute to a full and fair determination of the issues in the proceeding, (2) its participation is reasonably necessary to represent that interest, (3) it can competently represent that interest, and (4) it lacks sufficient resources to participate in the absence of such assistance. If more than one applicant representing the same or similar interest is deemed eligible, the board will either select the applicant which can make the strongest presentation or select more than one applicant if the eligible applicants seek to represent significantly different points of view or proposals. Compensation is available only for reasonable out-of-pocket expenses necessary to the applicant's participation, to the extent the agency's budget for this purpose will permit. Payment is made as soon as possible after the selected applicant has completed its work and submitted a claim.

Each applicant should specify in its application which rulemaking actions and issues it proposes to address in its application for funding is approved, and the nature of its proposed work product. Applicants must submit as part of their application all information required by Section 5 of the financial assistance regulations which governed the operation of last year's public participation demonstration programs. 42 FR 2864 (January 13, 1977). Failure to submit the required information may result in delays in evaluation and possible disqualification of the application.

The lawyer principally responsible for the development of this proposal is David A. Zisser.

The lawyer principally responsible for the development of Appendix B is Bruce C. Buckheit.

Issued on May 19, 1978.

HOWARD J. DUGOFF,
Acting Administrator, National
Highway Traffic Safety Administration.

- Sec.
- 512.1 Purpose and scope.
- 512.2 Applicability.
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- 512.9 Class determinations.
- 512.10 Disclosure of information in certain circumstances.

AUTHORITY: Sec. 9, Pub. L. 89-670, 80 Stat. 931 (49 U.S.C. 1657); sec. 112, Pub. L. 89-563, 80 Stat. 725, amended Pub. L. 91-265, 84 Stat. 262 (15 U.S.C. 1401); sec. 119, Pub. L. 89-563, 80 Stat. 728, (15 U.S.C. 1407); sec. 104, Pub. L. 92-513, 86 Stat. 950, (15 U.S.C. 1914); sec. 204, Pub. L. 92-513, 86 Stat. 957;

(15 U.S.C. 1944); sec. 408, Pub. L. 92-513 as added Pub. L. 94-364, 90 Stat. 985 (15 U.S.C. 1990d), sec. 505 Pub. L. 94-183, 89 Stat. 908 (15 U.S.C. 2005), delegation of authority at 49 CFR 1.50.

§ 512.1 Purpose and scope.

The purpose of this part is to establish the procedure by which the NHTSA will consider claims that information submitted to the NHTSA, or which the NHTSA otherwise obtains, is confidential business information, as described in 5 U.S.C. 552(b)(4).

§ 512.2 Applicability.

(a) This part applies, in accordance with its terms, to all information which is submitted to the NHTSA, or which the NHTSA otherwise obtains, except as provided in paragraph (b).

(b) Information received as part of the procurement process, is subject to the Federal Procurement Regulations, 41 CFR, Chapter 1, as well as this part. In any case of conflict between the Federal Procurement Regulations and this part, the provisions of the Federal Procurement Regulations prevail.

§ 512.3 Definitions.

"NHTSA" means the National Highway Traffic Safety Administration.

"Administrator" means the Administrator of the National Highway Traffic Safety Administration.

"Chief Counsel" means the Chief Counsel of the National Highway Traffic Safety Administration.

"Confidential business information" means information described in 5 U.S.C. 552(b)(4).

§ 512.4 Asserting a claim for confidential treatment of information.

(a) Any person submitting information to the NHTSA and requesting that it be withheld from public disclosure as confidential business information shall—

(1) Stamp or mark "confidential" or some other term which clearly indicates the presence of information claimed to be confidential, on the top of each page containing information claimed to be confidential.

(2) Mark each item of information which is claimed to be confidential and which appears on a page marked in accordance with paragraph (a)(1) of this section, with brackets "[]".

(3) If an entire page is claimed to be confidential, indicate clearly that the entire page is claimed to be confidential.

(4) Submit the documents containing allegedly confidential information directly to the Office of Chief Counsel, National Highway Traffic Safety Administration, Room 5219, 400 Seventh Street SW., Washington, D.C.

(5) In the case of a document containing information which is claimed

to be confidential submitted in connection with a NHTSA activity for which there is a public file or docket, simultaneously submit to the NHTSA a copy of the document from which information claimed to be confidential is deleted, for placement in the public file or docket pending the determination of the claim for confidential treatment.

(6) Simultaneously submit to the NHTSA in writing the name, address, and telephone number of a representative for receipt of notice under this part.

(b) For each item of information marked confidential in accordance with paragraph (a) of this section, the submitter of the information shall submit information supporting the claim for confidential treatment to the NHTSA with the item. Such supporting information must show—

(1) That the information claimed to be confidential is a trade secret, or commercial or financial information.

(2) Measures taken by the submitter of the information to ensure that the information has not been disclosed or otherwise made available to any person, company, or organization other than the submitter of the information.

(3) Insofar as is known by the submitter of the information, the extent to which the information has been disclosed, or otherwise become available, to persons other than the submitter of the information, and why such disclosure or availability does not compromise the confidential nature of the information.

(4) Insofar as is known by the submitter of the information, the extent to which the information has appeared publicly, regardless of whether the submitter has authorized that appearance or confirmed the accuracy of the information (include citations to such public appearances, and an explanation of why such appearances do not compromise the confidential nature of the information).

(5) Prior determinations of the NHTSA or other Federal agencies or Federal courts relating to the confidentiality of the information, or similar information, including class determinations under this part (include any written notice or decision connected with any such prior determination, or a citation to any such notice or decision, if published in the FEDERAL REGISTER).

(6) Except for information submitted to the agency in connection with the NHTSA's functions under Title V of the Motor Vehicle Information and Cost Savings Act, as amended, whether the submitter of the information asserts that disclosure would be likely to result in substantial competitive harm, what the harmful effects of disclosure would be, why the effects should be

viewed as substantial, and the causal relationship between the effects and disclosure.

(7) For information submitted to the agency in connection with the NHTSA's functions under Title V of the Motor Vehicle Information and Cost Savings Act, whether the submitter of the information asserts that disclosure would result in significant competitive damage, what that damage would be, why that damage should be viewed as significant, and the causal relationship between the damage and disclosure.

(8) If information is voluntarily submitted, within the meaning of section 512.5(a)(2) of this part, why disclosure by the NHTSA would be likely to prevent the NHTSA from obtaining information in the future.

(9) The period of time for which confidentiality is claimed (permanently or until a certain date or the occurrence of a certain event) and why earlier disclosure would result in the harms set out in paragraphs (b), (6), (7), or (8) of this section as the case may be.

(c)(1) If any element of the showing to support a claim for confidentiality required under paragraph (b) of this section is presumptively established by a class determination affecting the information for which confidentiality is claimed, the submitter of information need not establish that element again under paragraph (b).

(2) If the Chief Counsel believes that information which a submitter of information asserts to be within a class of information set out in Appendix B is not within that class, the Chief Counsel—

(A) Notifies the submitter of the information that the information does not fall within the class as claimed, and briefly explains why the information does not fall with the class, and

(B) Affords the submitter of the information a reasonable amount of time, not less than 10 working days, to comply fully with paragraph (b) of this section.

(d) Information in support of a claim for confidentiality submitted to the NHTSA under paragraph (b) of this section must consist of objective data to the maximum extent possible. To the extent that opinions are given in support of a claim for confidential treatment of information, the submitter of the information shall submit in writing to the NHTSA the basis for the opinions, and the name, title, and credentials showing the expertise of the person supplying the opinion.

(e) The submitter of information for which confidential treatment is requested shall submit to the NHTSA with the request a certification in the form set out in Appendix A from the submitter, or an agent of the submitter, that a diligent inquiry has been made to determine that the informa-

tion has not been disclosed, or otherwise appeared publicly, except as indicated in accordance with paragraph (b) (3) and (4) of this section.

(f) A single showing in support for a claim that information is confidential, in accordance with paragraph (b) of this section, may be used to support a claim for confidential treatment of more than one item of information claimed to be confidential. However, general or nonspecific assertions or analyses may be insufficient to form an adequate basis for the agency to find that information may be afforded confidential treatment, under section 512.3, and may result in the denial of a claim for confidentiality.

(g) Where confidentiality is claimed for information obtained by the submitter from a third party, such as a supplier, the submitter of the information is responsible for obtaining all information or certifications from the third party necessary to comply with paragraph (b).

(h) A submitter of information shall promptly amend supporting information provided under paragraph (b) if the submitter obtains information upon the basis of which the submitter knows that the supporting information was incorrect when provided, or that the supporting information, though correct when provided, is no longer correct and the circumstances are such that a failure to amend the supporting information is in substance a knowing concealment.

(i) Noncompliance with this section may result in a waiver or denial of a claim for confidential treatment of information. However, failure to provide the certification required in paragraph (e) of this section shall result in a denial of the claim. Noncompliance with paragraph (h) of this section may subject a submitter of information to civil or criminal penalties.

(1) If the provisions of paragraph (a) of this section are not complied with at the time the information is submitted to the NHTSA so that the NHTSA is not aware of a claim for confidentiality, or the scope of a claim for confidentiality, the claim for confidentiality is waived unless the agency is notified of the claim before the information is disclosed to the public. Placing the information in a public docket or file is disclosure to the public within the meaning of this part, and any claim for confidential treatment of information so disclosed is precluded.

(2) A request that information be afforded confidential treatment may be denied if the submitter of the information does not provide with the request all of the supporting information required in paragraph (b) of this section, and will be denied if the information provided is insufficient to establish that the information may be afforded confidential treatment under the sub-

stantive tests set out in section 512.3. The Chief Counsel may notify a submitter of information of inadequacies in the supporting information, and may allow the submitter additional time to supplement the showing, but is under no obligation to provide either notice or additional time to supplement the showing.

(j) Information received that is identified as confidential and whose claim for confidentiality is supported in accordance with this section will be kept confidential until a determination of its confidentiality is made under section 512.6 of this part. Information will not be publicly disclosed except in accordance with this part.

§ 512.5 Substantive standards for affording information confidential treatment.

(a) Information obtained by the NHTSA, except for information obtained by the NHTSA under Title V of the Motor Vehicle Information and Cost Savings Act, may be afforded confidential treatment if it is:

(1) A trade secret, or
(2) Commercial or financial information; and
(3) Not already publicly available; and

(4) Information, which if disclosed, would be likely to result in substantial competitive harm to the submitter of the information, or

(5) Voluntarily submitted, and failure to afford the information confidential treatment would impair the ability of the NHTSA to obtain similar information in the future. Information whose production the NHTSA could not compel by compulsory process is voluntarily submitted information within the meaning of this part.

(b) Information obtained by the NHTSA under Title V of the Motor Vehicle Information and Cost Savings Act may be afforded confidential treatment if it is:

(1) A trade secret, or
(2) Commercial or financial information; and
(3) Not already publicly available; and
(4) Information, which if disclosed, would result in significant competitive damage.

§ 512.6 Determination of confidentiality.

(a) The decision of whether an item of information may be afforded confidential treatment under this part is made by the Office of Chief Counsel.

(b) The determination of confidentiality is made within ten working days of the Chief Counsel's receipt of the information and knowledge that the information is claimed to be confidential if—

(1) The information relates to a rule-making proceeding for which a public docket has been established,

(2) The information relates to a petition before the NHTSA for which a public docket has been established,

(3) The information relates to a proceeding under Part B of Subchapter I of the National Traffic and Motor Vehicle Safety Act,

(4) The information relates to an investigation or proceeding by the NHTSA to enforce any regulation or standard, or

(5) The information is received under a reporting requirement established by the NHTSA.

(c) If information does not come under paragraph (b) of this section when received by the NHTSA, but is later determined to be information described in paragraph (b), the determination of confidentiality is made within ten working days after it is determined that the information is information described in paragraph (b).

(d) For information not described under paragraph (b) of this section, the determination of confidentiality is made within ten working days after the NHTSA receives a request for that information under the Freedom of Information Act.

(e) The timing requirements prescribed in paragraphs (b), (c), and (d) of this section may be extended by the Chief Counsel for good cause shown on the Chief Counsel's own motion, or on request from any person. An extension of the timing requirement of paragraph (d) is made only in accordance with 5 U.S.C. 552. Any extension of time is accompanied by a written statement setting out the reasons for the extension.

(f) A person submitting information to the NHTSA with a request that the information be withheld from public disclosure as confidential business information is given notice of the Chief Counsel's determination regarding the request.

(1) If a request for confidentiality is granted, the submitter of the information is notified in writing that the information is being kept confidential and the length of time during which the information will be kept confidential.

(2) If a request for confidentiality is denied in whole or in part, the submitter of the information is notified in writing of that denial, and is informed that the information will be placed in a public docket on a specified date, which is no less than ten working days after the submitter of the information has received notice of the denial of the request for confidential treatment if practicable, or some earlier date if the Chief Counsel determines that the public interest requires that the information be placed in a public file on such earlier date.

(g) A submitter of information whose request for confidential treatment is denied may petition for reconsideration of that denial only on the basis of information or arguments that were not available at the time the

original request for confidentiality was made. The Chief Counsel may postpone placing the information in a public file in order to allow additional time to consider the petition for reconsideration. Petitions for reconsideration under this section shall be addressed to the Chief Counsel.

(h) If information which has been a subject of a confidentiality determination under this section is requested under the Freedom of Information Act, the Office of Chief Counsel advises the office processing that request whether the information has been determined to be confidential.

§ 512.7 Modification of confidentiality determinations.

(a) A determination that information is confidential business information remains in effect in accordance with its terms, unless modified by a later determination based upon—

(1) Newly discovered or changed facts,

(2) A change in the applicable law,

(3) A class determination under section 512.9 of this part, or

(4) The initial determination's being clearly erroneous.

(b) If the NHTSA believes that an earlier determination of confidentiality should be reconsidered based on one or more of the factors listed in paragraphs (a)(1)-(4) of this section, the submitter of the information is notified in writing of the NHTSA's intention to reconsider that earlier determination, and the reasons for that reconsideration, and is given an opportunity to comment which is not less than ten working days from the receipt of notice under this paragraph.

§ 512.8 Discretionary release of confidential business information.

(a) Information that has been determined or claimed to be confidential business information under § 512.6 of this part may be disclosed to the public by the Administrator notwithstanding such determination or claim if disclosure would be in the public interest as follows:

(1) Information obtained under Part A, Subchapter I of the National Traffic and Motor Vehicle Safety Act, relating to the establishment, amendment, or modification of Federal motor vehicle safety standards, may be disclosed when relevant to a proceeding under that part.

(2) Information obtained under Part B, Subchapter I of the National Traffic and Motor Vehicle Safety Act, relating to defects relating to motor vehicle safety, and failures to comply with applicable motor vehicle safety standards, may be disclosed if the Administrator determines that disclosure is necessary to carry out the purposes of that Act.

(3) Information obtained under Titles I, IV, or V of the Motor Vehicle

Information and Cost Savings Act may be disclosed when that information is relevant to a proceeding under the title under which the information was obtained.

(b) No information is disclosed under this section unless the submitter of the information is given written notice of the Administrator's intention to disclose information under this section. Written notice is given at least ten working days before the day of intended release, although the Administrator may provide shorter notice is the Administrator finds that such shorter notice is in the public interest. The notice under this paragraph includes a statement of the Administrator's reasons for considering the disclosure of information under this section, and affords the submitter of the information an opportunity to comment on the contemplated release of information. The Administration may also give notice of the contemplated release of information to other persons, and may allow such other persons the opportunity to comment.

§ 512.9 Class determinations.

(a) The Chief Counsel may issue a class determination relating to confidentiality under this section if the Chief Counsel determines that one or more characteristics common to each item of information in that class will in most cases necessarily result in identical treatment for each item of information under this part, and that it is appropriate to treat all such items as a class for one or more purposes under this part. The Chief Counsel obtains the concurrence of the Office of the General Counsel, United States Department of Transportation, for any class determination that has the effect of raising the presumption that all information in that class is eligible for confidential treatment. Class determinations are published in the FEDERAL REGISTER.

(b) A class determination clearly identifies the class of information to which it pertains.

(c) A class determination may state that all of the information in the class—

(1) Is or is not governed by a particular section of this part, or by a particular set of substantive criteria under this part,

(2) Fails to satisfy one or more of the applicable substantive criteria, and is therefore ineligible for confidential treatment,

(3) Satisfies one or more of the applicable substantive criteria, or (4) Satisfies one of the substantive criteria during a certain period, but will be ineligible for confidential treatment thereafter.

(d) Class determinations will have the effect of establishing rebuttable presumptions, and do not conclusively

determine any of the factors set out in paragraph (c) of this section.

§ 512.10 Disclosure of information in certain circumstances.

(a) Notwithstanding any other provision of this part, information which has been determined to be confidential business information, or which has been claimed to be confidential business information, may be disclosed—

(1) To Congress or the Comptroller General,

(2) Pursuant to court order,

(3) To the Office of the Secretary, United States Department of Transportation,

(4) With the consent of the submitter of the information,

(5) To other Federal agencies, in accordance with applicable law, or

(6) To contractors, if necessary for the performance of a contract with the Administration. In such instances, the contract limits further release of the information to named employees of the contractor with a need to know and provides that unauthorized release constitutes a breach of the contract for which the contractor may be liable to third parties.

APPENDIX A

AFFIDAVIT IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, _____, being duly sworn, depose and say:

(1) That I am (official) and that I am authorized by (company) to execute documents on behalf of (company);

(2) That the information contained in (pertinent document(s)) is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) (as incorporated by reference in and modified by § 505(d)(1) of Title 5 of the Motor Vehicle Information and Cost Savings Act.);

(3) That I have personally inquired of the responsible (company) personnel who have authority in the normal course of business to release the information for which a claim of confidentiality has been made to ascertain whether such information has ever been released outside (company);

(4) That based upon such inquiries to the best of my knowledge the information for which (company) has claimed confidential treatment has never been released or become available outside the (company) except as hereinafter specified;

(5) That I make no representations beyond those contained in this affidavit and in particular I make no representations as to whether this information may become available outside (company) because of unauthorized or inadvertent disclosure except as stated in Paragraph 4; and

(6) That the information contained in the enumerated paragraphs of this affidavit is true and accurate to the best of my information, knowledge and belief.

(Official)

APPENDIX B

CLASS DETERMINATIONS

The Administration has determined that the following types of information would

presumptively result in significant competitive damage or would be likely to result in substantial competitive harm if disclosed to the public—

(1) Blueprints and engineering drawings containing process of production data before the public availability, or within five years of the public availability, of the subject of the blueprints or engineering drawings, where the subject could not be manufactured without the blueprints or engineering drawings except after significant reverse engineering;

(2) Future model specific product plans, projected not more than three years into the future;

(3) Model specific projections of future sales mix, projected not more than three years into the future;

[FR Doc. 78-14572 Filed 5-24-78; 8:45 am]

[4910-59]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 72-23; Notice 04]

SEAT BELT ASSEMBLY ANCHORAGES

Proposed Elimination of Certain Requirements

AGENCY: National Highway Traffic Safety Administration.

ACTION: Proposal.

SUMMARY: This notice proposes the amendment of Safety Standard No. 210, Seat Belt Assembly Anchorages, to eliminate the anchorage location requirements for passive seat belt assemblies that meet the frontal crash protection requirements of Safety Standard No. 208. The purpose of the proposed amendment is to give manufacturers wide latitude in passive belt design in order to facilitate the early introduction of passive restraints in passenger cars. Separate anchorage location requirements for passive seat belts will be incorporated into the standard following further agency research concerning the relationship between anchorage location and passive belt effectiveness, comfort, and convenience.

DATE: Comments to this proposal must be received no later than June 26, 1978. Proposed effective date: Upon publication of a final rule in the FEDERAL REGISTER.

ADDRESS: Comments should refer to the docket number and notice number and be submitted to: Docket Section, Room 5108, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

William Smith, Crash Worthiness Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, Washington, D.C. 20590, 202-426-2242.

SUPPLEMENTARY INFORMATION: Safety Standard No. 210, Seat Belt Assembly Anchorages, specifies zones and acceptable ranges within which seat belt anchorages must be located. The purpose of the zone requirements is to ensure that the anchorages are in the proper location for effective occupant restraint and to reduce the likelihood of their failure. General Motors has petitioned the National Highway Traffic Safety Administration (NHTSA) to eliminate the forward boundary of the acceptable range for the location of the upper torso belt anchorage and the maximum angle limitation of the lower shoulder belt anchorage zone, for passive belt systems that meet the dynamic frontal crash protection requirements of Safety Standard No. 208. Letters have been received from Renault and Toyota in support of General Motors' petition.

By notice issued July 5, 1977, the Department amended Safety Standard No. 208 to require future passenger cars to be equipped with passive restraints, on a phased-in schedule beginning September 1, 1981 (42 FR 34289). General Motors has decided to voluntarily introduce passive belts as an option on one of its models in May 1978. The passive belt design that General Motors would like to use includes a window-frame shoulder belt anchorage location. The existing location requirements of Standard 210 will prevent this passive belt design on some 4-door vehicles, however, because the trailing edge of the front door window frame is outside the "acceptable range" for upper anchorages. Also, General Motors would like to move the lower anchorage of their passive belt outside the maximum angle limitation of the standard for purposes of comfort and convenience.

In order to facilitate the early introduction of passive restraints, the agency has determined that manufacturers should be given wide latitude in passive belt design. Experience with the Volkswagen Rabbit has shown that the use rate of passive belts can be around 70 percent, as opposed to the 20 percent use rate for conventional active seat belts. Further, the Volkswagen passive belt systems have proven to be extremely effective restraint systems. The passive-belt-equipped Rabbits have experienced a fatality rate of 0.78 deaths per 100 million miles traveled as opposed to a rate of 2.34 deaths per 100 million miles traveled for Volkswagen Rabbits equipped with conventional active seat belts. Therefore, early introduction of passive restraints is extremely desirable and should save many lives.

The zone location requirements for anchorages in Standard 210 were developed primarily for conventional active safety belt systems. Passive belt systems are a relatively new technol-

ogy and current information indicates there will be a myriad of passive belt designs. The NHTSA is currently conducting research to determine the optimum anchorage locations for the various passive belt designs in terms of belt effectiveness and in terms of comfort and convenience for vehicle occupants. Until this research is completed and appropriate requirements for passive belts can be incorporated into Standard No. 210, it is the agency's opinion that the current anchorage location requirements should be eliminated for passive belts.

The agency emphasizes that even if this proposed amendment is ultimately adopted, passive belt systems would still have to meet all Standard 210 requirements except those relating to anchorage location. Further and more important, these belt systems will have to meet the dynamic frontal crash protection requirements of Standard 208. Likewise, it must be emphasized that the proposed exemption is purely an interim measure, until location requirements for passive belts have been formulated. New anchorage location requirements for passive belts, together with the frontal crash protection requirements of Standard 208 will ensure that passive belt systems are effective occupant restraint devices and that they are sufficiently comfortable and convenient that motorists will not be encouraged to defeat them.

The NHTSA Office of Passenger Vehicle Research has already initiated a research project to evaluate the effects of moving the upper anchorage of the Volkswagen Rabbit passive belt system in both the vertical and longitudinal directions. That office will also initiate a contract to evaluate the passive belt systems on any other vehicle that may be introduced in the near future. The NHTSA invites all comments suggesting research or methodology for evaluating the effect of anchorage location as it relates to passive belt effectiveness, comfort, and convenience.

The proposed amendment would have no environmental or inflationary impact.

The engineer and lawyer primarily responsible for this notice are William Smith and Hugh Oates, respectively.

In consideration of the foregoing, it is proposed that Standard No. 210 (49 CFR 571.210) be amended to add the following sentence at the end of the text of § 4.3:

§ 571.210 Standard No. 210; Seatbelt assembly anchorages.

§ 4.3 Location. . . . Anchorages for passive belt systems that meet the frontal crash protection requirements of Standard No. 208 are exempt from

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the location requirements of this section.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15 page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

In the case of comments that contain materials for which confidential treatment is requested, those materials should be deleted from the copies submitted to the docket. A copy of the complete comments should be submitted to the Office of Chief Counsel at the above address, with an indication of which portions of the comments are the subject of the request for confidentiality.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

(Sec. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 22, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate
Administrator for Rulemaking.

[FR Doc. 78-14613 Filed 5-24-78; 8:45 am]

[4910-59]

[49 CFR Part 571]

[Docket NO. 77-02; Notice 61]

NEW PNEUMATIC TIRES—PASSENGER CARS

Proposed Amendment to Federal Motor Vehicle Safety Standard

AGENCY: National Highway Traffic Safety Administration, Department of Transportation.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: Pursuant to a petition by the Japan Automobile Tire Manufacturers Association, this notice proposes an amendment to Federal Motor Vehicle Safety Standard No. 109, New Pneumatic Tires—Passenger Cars. The amendment would modify Appendix A of the standard by adding two new tire size designations. Adoption of the amendment would permit introduction into the U.S. market of the new tire sizes specified in the amendment.

DATES: Comment closing date: June 22, 1978. Proposed effective date: Date of posting of the final rule at the FEDERAL REGISTER.

ADDRESSES: Comments should refer to the docket number and be submitted to Docket Section, Room 5108, Nassif Building, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

John A. Diehl, Tire Performance Group, Office of Automotive Ratings, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1714.

SUPPLEMENTARY INFORMATION: According to agency practice, the National Highway Traffic Safety Administration (NHTSA) responds to petitions for adding new tire sizes to Appendix A of Standard No. 109 by quar-

terly issuing final rules under an abbreviated rulemaking procedure for expediting such routine amendments. Guidelines for this procedure (October 5, 1978; 33 FR 14964, as amended August 13, 1974; 39 FR 28980) provide that these final rules become effective 30 days after their date of publication if no comments objecting to them are received by the agency during this 30-day period. If objections are received, rulemaking procedures for proposing and issuing motor vehicle safety standards (49 CFR Part 553) are to be initiated.

Pursuant to a petition from the Japan Automobile Tire Manufacturers Association (July 26, 1977), a final rule amending Appendix A by adding two new tire size designations was published on December 12, 1977 (42 FR 62386; Docket No. 77-02; Notice 5) under the abbreviated rulemaking procedure. An objection to this amendment was timely submitted by General Motors Corp. (January 11, 1978). Accordingly, the amendment did not become effective. This notice initiates regular rulemaking procedures for amending Standard No. 109.

General Motors' principal objection was that the values for test rim width and for section width specified for the two new tire size designations are inconsistent with the test rim and section width values previously approved for these two sizes by the International Standards Organizations. In addition, General Motors commented that the new tire sizes should be added to Appendix A's P-metric table, Table I-KK, rather than to Table I-S as published in the December 12 notice. These objections will be considered by the NHTSA in preparing the final rule on the amendment to Standard No. 109 proposed by this notice.

The NHTSA has reviewed the environmental and economic impacts of this proposal. There should be no negative environmental impacts. Further, since this is a minor technical amendment of the standard which will permit the introduction into the U.S. market of two new tire sizes, there should be no costs associated with its implementation. Moreover, this is not

a major regulation within the Executive Order 12044.

In consideration of the foregoing, it is proposed that Title 49 of the Code

of Federal Regulations, Part 571.109 (Standard No. 109, New Pneumatic Tires—Passenger Cars) be amended, as specified below.

TABLE I-S

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR '60' SERIES RADIAL PLY TIRES

Tire size ^{1/} designation	MAXIMUM TIRE LOADS, (pounds) at various cold inflation pressures (psi)													Test rim width (inches)	Minimum size factor (inches)	Section width ^{2/} (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
225/60R13	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	6 1/2	32.40	9.05
225/60R14	890	950	1010	1070	1120	1170	1220	1270	1320	1360	1410	1450	1490	6	32.72	8.65

^{1/} The letters "H" "S" or "V" maybe included in any specified tire size designation adjacent to the R.

^{2/} Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Interested persons are invited to submit comments on the proposal. It is requested but not required that 10 copies be submitted.

All comments must be limited not to exceed 15 pages in length. Necessary attachments may be appended to these submissions without regard to the 15-page limit. This limitation is intended to encourage commenters to detail their primary arguments in a succinct and concise fashion.

If a commenter wishes to submit certain information under a claim of confidentiality, three copies of the complete submission, including purportedly confidential information, should be submitted to the Chief Counsel, NHTSA, at the address given above, and seven copies from which the purportedly confidential information has been deleted should be submitted to the Docket Section. Any claim of confidentiality must be supported by a statement demonstrating that the information falls within 5 U.S.C. section 552(b)(4), and that disclosure of the information is likely to result in substantial competitive damage; specifying the period during which the information must be withheld to avoid that damage; and showing that earlier disclosure would result in that damage. In addition, the commenter or, in the case of a corporation, a responsible corporate official authorized to speak for the corporation must certify in

writing that each item for which confidential treatment is requested is in fact confidential within the meaning of section 552(b)(4) and that a diligent search has been conducted by the commenter or its employees to assure that none of the specified items has previously been released to the public.

All comments received before the close of business on the comment closing date indicated above will be considered, and will be available for examination in the docket at the above address both before and after that date. The agency has limited the comment period to 30 days since a 30-day comment period has already been provided on the proposed new tire size designations. Persons who have previously submitted objections to the amendment proposed in this notice need not resubmit such objections.

The principal authors of this notice are John Diehl of the Tire Performance Group and Nancy Eager of the Office of Chief Counsel.

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.50 and 49 CFR 501.8.)

Issued on May 22, 1978.

MICHAEL M. FINKELSTEIN,
Acting Associate Administrator
for Rulemaking.

[FR Doc. 78-14790 Filed 5-23-78; 4:00 pm]

§ 571.109 [Appendix Amended]

In Table I-S, the following new tire size designations and corresponding values are added.

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 20]

MIGRATORY BIRD HUNTING

Supplemental Proposed Rulemaking

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Supplemental proposed rulemaking.

SUMMARY: This document supplements FEDERAL REGISTER Document 78-3893, published on February 14, 1978, which notified the public that the U.S. Fish and Wildlife Service proposes to establish hunting season regulations for certain migratory game birds during 1978-79, and provided information on certain proposed regulations. Further information and clarification is provided relative to some regulatory items for which information was not available when the initial document was published. These relate to zoning of waterfowl seasons in Connecticut, North Carolina, Alabama, Illinois, Ohio, and Nevada; some goose seasons; falconry seasons; rail seasons in the Pacific Flyway portions of Colo-

rado, Montana, New Mexico, and Wyoming; a change in the mourning dove hunting zone boundary in Mississippi; and additional measures for protection of the white-crowned pigeon in the Virgin Islands.

DATES: All relevant comments received no later than June 21, 1978, for regulations proposed for Alaska, Puerto Rico, and the Virgin Islands will be considered. The comment period for early season proposed regulations will end on July 13, 1978, and that for late season proposals on August 21, 1978.

ADDRESS: Comments to: Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT:

John P. Rogers, Chief, Office of Migratory Bird Management, U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, 202-254-3207.

SUPPLEMENTARY INFORMATION: On February 14, 1978, the Fish and Wildlife Service published for comment in the *FEDERAL REGISTER* (43 FR 6275) a proposal to amend 50 CFR Part 20. That document dealt with the establishment of seasons, limits and shooting hours for migratory game birds under §§ 20.101 through 20.107 of Subpart K of 50 CFR Part 20. In that document, the Service indicated that a supplemental proposed rulemaking containing proposals and other considerations would be published. Consequently, this supplemental proposed rulemaking is the second in a series of proposed and final rulemaking documents for migratory bird hunting regulations effective during 1978-79. It deals specifically with a number of supplemental proposals and minor clarifications arising from comments received on the initial proposals, or from new information. These relate to zoning of waterfowl seasons in Connecticut, North Carolina, Alabama, Illinois, Ohio, and Nevada; some goose seasons; falconry seasons; rail seasons in the Pacific Flyway portions of Colorado, Montana, New Mexico, and Wyoming; a change in the mourning dove hunting zone boundary in Mississippi; and additional measures for protection of the white-crowned pigeon in the Virgin Islands.

REVIEW OF PUBLIC COMMENTS AND THE SERVICE'S RESPONSE.

As of the close of May 16, 1978, the last day for receipt of comments to the Service's initial proposals, 42 letters had been received. These included letters from 4 waterfowl flyway councils, 18 State conservation agencies, 1 private conservation organization, and 16 individuals. Some flyway councils and

States submitted more than one comment. In some instances, the letters did not specifically mention the comment period or regulatory proposals. However, because they were received during the comment period, they are treated as comments. Many recommendations addressed two or more topics, and in some cases, topics outside the scope of the regulations being proposed. Examples of the latter are comments on hunting season dates (which are actually selected by the State conservation agencies), and steel shot regulations (which are handled separately). Of 36 communications which were pertinent, 2 fully supported the Service's proposals, and the remaining suggested modifications of some regulations being proposed.

The Atlantic Flyway Council recommended that the Wednesday noon opening requirement for 5 additional days in the waterfowl season be removed. No rationale was provided. This recommendation basically relates to the number of hunting days which will be allowed in the Atlantic Flyway during the 1978-79 season. The numbers of hunting days, bag limits, and other harvest determinants for ducks will be proposed after breeding population and production data are available in late July and early August.

The Atlantic Flyway also proposed an option for allowing waterfowl seasons to be split into three segments as an alternative to zoning. Because no rationale or data supported the request, and the request would have nationwide implications, the Service proposes no action at this time pending further evaluation.

Extensive comments were received from Defenders of Wildlife (Defenders) on objectives of the migratory bird program and on a wide array of regulatory items including shooting hours and numerous species-specific issues. Included among the latter are recommendations to remove hunting pressure from the black duck, further restrict shooting hours for September teal seasons, afford full protection to mergansers, close hunting seasons on Atlantic Flyway snow geese, prohibit hunting of whistling swans, reduce proposed bag limits for coots and gallinules, and prohibit the September hunting of doves in areas where they are still nesting. No substantial new information or data accompanied Defenders' recommendations, which were generally similar to concerns expressed in the past. The Service has responded in detail to these recommendations by Defenders in numerous *FEDERAL REGISTER*s (40 FR 25241, June 13, 1975; 40 FR 34362, Aug. 15, 1975; 40 FR 41098, Sept. 5, 1975; 41 FR 27382, July 2, 1976; 41 FR 27987, July 8, 1976; 41 FR 43163, Sept. 30, 1976; 42 FR 13311, Mar. 10, 1977; 42 FR 34305, July 5, 1977; 42 FR 34342, July 5, 1977; 42

FR 36495, July 15, 1977; 42 FR 37552, July 22, 1977; 42 FR 40211, Aug. 9, 1977; 42 FR 41145, Aug. 15, 1977; 42 FR 45310, Sept. 9, 1977). Also, the Service has issued a number of environmental assessments which address some of Defenders' concerns about the status and management of certain species. Finally, some of the Service's following responses to other public comments address some of the regulatory issues of interest to Defenders. Nonetheless, the Service wishes to respond to several other points raised by Defenders.

Defenders offered specific comments on the experimental design of the field study being designed to evaluate waterfowl identification abilities of hunters. The recommendations offered by Defenders and others will be carefully considered in the planning of this study. Defenders' recommendation to prohibit black duck hunting during the course of the field studies presently underway on the species would prohibit the gathering of baseline data required for evaluating the results of future management activities, including possible regulatory changes. The Service notes that the population of Atlantic Flyway snow geese is not relatively low, as is alleged by Defenders. The population has generally increased over the years to record levels. As will be noted later, the Service desires to evaluate this year's production before considering any changes in the regulations which were in effect last year. With regard to mourning dove hunting in September, the Service notes that both intensive and extensive field studies of breeding mourning doves are now being initiated by the Service and cooperating State conservation agencies.

Substantive recommendations, generally from the flyway councils, State conservation agencies, and some individuals are addressed specifically under the numbered regulations categories listed on the initial proposals. Only those numbered items for which changes are proposed, or on which substantive comment was received, are listed.

SUPPLEMENTAL PROPOSALS AND MINOR CLARIFICATIONS

The following proposals and other modifications are numbered to correspond with the numbered items published in the *FEDERAL REGISTER* of February 14, 1978.

2. *Framework dates for ducks and geese in the continental United States.* The Service initially proposed that no change be made in the waterfowl hunting season frameworks, which were described in detail in the *FEDERAL REGISTER* dated February 14, 1978 (43 FR 6279). Comments from two State conservation agencies proposed changes in the frameworks for their

States. The first, from Iowa, proposed two options to allow increased harvests of blue-winged teal during September. Both options also provided for the taking of waterfowl other than teal. In effect, the request, if implemented, would allow the duck hunting season to begin in September. One option provided that the number of duck hunting days selected in September be deducted from the days permitted for the regular duck season. For either option, it would be necessary to change the opening framework in Iowa from October 1 to some unspecified date in September. The second recommendation, from Mississippi, proposed that the waterfowl season framework closing date in Mississippi be changed from January 20 to January 31. Delayed migration of waterfowl into Mississippi was cited as the reason for the request. The Mississippi request was endorsed by the Southern Group of States in the Mississippi Flyway Council.

Response: The Service proposes to take no action at this time on the suggested changes in regular duck hunting season framework dates. The Service is of the view that proposed changes in long established regular season framework dates cannot be dealt with on a State by State basis. Such proposals have broad management implications for all States and all flyways, and must be reviewed and considered on that basis.

4. *Wood ducks.* The Southern Group of the Mississippi Flyway Council recommended that 2 wood ducks, in addition to the basic daily bag limit of 4 teal, be allowed during the 9-day special September teal season in Alabama, Arkansas, Kentucky, Louisiana, Mississippi, and Tennessee. Justifications advanced in support of the proposal include:

a. Wood ducks breeding or produced in southern areas generally have differing abundance and distribution patterns and higher survival rates than those breeding in northern areas;

b. Additional hunting opportunity would be possible, especially in States having low populations of migrant teal;

c. Allowing both wood ducks and teal would facilitate hunter identification of permitted species; and

d. Increased harvest opportunity would encourage enhancement and preservation of local wood duck habitats.

Response: The Service is of the view that, pending more thorough and extensive review and consideration involving other States that participate in special September teal seasons, it is inadvisable at this time to expand such seasons to include species other than teal. An alternative approach to providing additional opportunity to harvest wood ducks produced in south-

ern breeding areas is presently available. During the 1977-78 season, southern States in the Atlantic Flyway (Florida, North Carolina, South Carolina, and Virginia) and the Mississippi Flyway (Alabama, Arkansas, Georgia, Kentucky, Louisiana, Mississippi, and Tennessee) were allowed to designate, experimentally, up to 9 days of their regular duck season between October 1 and October 15, during which no special bag limit restrictions were placed on wood ducks. It is anticipated that this option will be continued in the 1978-79 hunting season.

6. *September teal season.* No changes in the September teal season regulations were proposed in the *FEDERAL REGISTER* dated February 14, 1978 (43 FR 6280). That document acknowledged receipt of a proposal from the Iowa Conservation Commission to consider alternatives to the September teal season which would be applicable to Iowa.

Response: The Iowa proposal, and the Service's response, are given under item 2. *Framework dates for ducks and geese in the continental United States.*

8. *Special scaup season.* The Atlantic Flyway Council recommended changing the criteria for designating areas for special 16-day seasons on scaup only or scaup in combination with goldeneyes. For special scaup areas, the Council recommended that the species composition of birds available at time of hunting be at least 75 percent scaup and the minimum number of scaup available be at least 5,000 birds. For the combination special scaup-goldeneye areas, the Council recommended that 90 percent of the birds available at the time of hunting be of the two species, and the total number of birds available at time of hunting be at least 5,000 of the two species combined.

Response: The Service notes that the criteria for special seasons (September teal, special scaup, special scaup-goldeneye, and sea ducks) are presently under review in order to determine what changes, if any, may be needed. It appears desirable to defer action on specific changes now pending completion of this review, and an opportunity for comment by the public and by management agencies in States in the Atlantic, Mississippi, and Central Flyways where provisions are made for these special seasons. The recommendation from the Atlantic Flyway Council will be considered during the course of the reviews.

10. *Mergansers.* One individual expressed concern about merganser hunting regulations, stating that these birds are inedible, and where shot, are frequently not retrieved by hunters.

Response: In some localities, mergansers are readily eaten and the hooded merganser especially is considered to be desirable. The Service notes that the hooded merganser has been

accorded special nationwide protection for many years. The harvest of other mergansers appears to be relatively small. It does not appear necessary, at this time, to propose further restrictions on the hunting of mergansers.

Canvasback and redhead ducks. The Atlantic Flyway Council recommended consideration of an experimental canvasback-redhead hunting season in a designated area in North Carolina which is now closed to the hunting of these species. The proposal features:

a. A season of 10-14 continuous days within the last part of the regular waterfowl season;

b. A daily bag limit of 3 canvasbacks or 3 redheads, singly or in the aggregate, and a possession limit double the daily bag limit; and

c. Possible restrictions on the number of females which would be permissible within the daily bag and possession limits.

The proposal is offered as a means of testing an alternative to harvest management rationales employed for canvasbacks and redheads. Supporting information notes that the sex ratios of canvasbacks and redheads in the mid-Atlantic Flyway are heavily unbalanced in favor of males. Proponents of the recommendation believe that population levels of the two species are sufficiently high to allow a resumption of hunting of these species where they were once traditionally hunted. The proposal would direct harvests to the male population components.

Response: The Service is of the view that additional harvest opportunities for canvasbacks and redheads depend on further improvement in the status of their populations. Information on populations, production success, and harvest are obtained annually for these two species by the Service. It appears that harvests, under regulations in effect during the past several years, are already at levels adequate for the populations available. Production success during the past two breeding seasons has been below average. Additional harvest opportunities along the lines proposed by the Atlantic Flyway Council, do not appear to be appropriate at this time but could be considered in the future.

12. *Zoning.* Several State wildlife agencies requested approval to establish zones or modify existing zones for the purpose of establishing waterfowl hunting regulations separately in different portions of their States.

a. *Connecticut.* The State proposes to experimentally set waterfowl hunting regulations separately in a North and a South Zone, divided by Interstate Highway 95.

b. *North Carolina.* The State proposes to experimentally set waterfowl hunting regulations separately in an East Zone and a West Zone, divided by U.S. Highway 1.

c. *Alabama.* The State proposes to experimentally set waterfowl hunting regulations separately in a zone consisting of Baldwin and Mobile Counties and a second zone consisting of the remainder of the State.

Response: The Service proposes to implement the above zoning arrangements provided that established zoning criteria are met, as set forth in the FEDERAL REGISTER, dated February 14, 1978 (43 FR 6281), and the proposals are supported by the respective Flyway Councils.

d. *Illinois.* The State requested that the boundary separating the North and South Zones be changed to U.S. Highway 50, noting that the highway boundary would be less confusing to both hunters and field officers than the nearby county boundary used during 1977-78. The change would shift the boundary 10-12 miles northward, and should have little effect upon the harvest. Illinois also asked that it be permitted to establish zones for goose hunting while retaining the 4-county Southern Illinois Goose Quota Zone, where most of the State's goose harvest occurs. Illinois proposes that 4,000 additional geese be deducted from the statewide quota and allocated to Illinois outside the 4-county area to compensate for anticipated additional harvest at Rend Lake.

Response: The Service is of the view that the change in zone boundary is appropriate for the reasons given and proposes to implement the change for the 1978-79 hunting season. The Service will consider the request to establish zones for goose hunting based on further evaluation. The geese involved are chiefly those of the Mississippi Valley Population. This population is under cooperative management involving several States and is subject to rigid harvest quotas. The proposal should be evaluated in the light of management objectives for this population.

e. *Ohio.* During the 1977-78 season, Ohio was permitted to experimentally establish two zones, a North Zone and a South Zone, divided by U.S. Highway 30, for 3 years. One condition was that the seasons selected in each zone would run continuously. Ohio now requests that it be allowed to select split seasons in each of the two zones.

Response: The Service notes that the conditions of the zoning experiment now under way in Ohio and several other States in the Mississippi Flyway were mutually established by agreement between the Service and the Council. They included the provision that the seasons selected within each zone be continuous. The Service is of the view that the change requested by Ohio represents a substantial modification which would best be deferred pending the collection of additional information from the zoning study regarding its need or desirability.

f. *Nevada.* Nevada, supported by the Pacific Flyway Council, requests the following changes in zones:

(1) Two existing zones would be maintained for the purpose of setting duck seasons; however, Lincoln County would be shifted from the South to the North Zone. In effect, the South Zone would consist of Churchill County, and the remainder of the State would comprise the North Zone.

(2) Three zones are proposed for establishing goose seasons. One zone would include Elko County and the Ruby Lake National Wildlife Refuge in White Pine County. The second zone would consist of Clark County, with the remainder of Nevada comprising the third zone. In the past, two goose zones have been in effect, one consisting of Clark and Lincoln Counties, and the remainder of the State making up the second zone.

(3) Nevada request that it be permitted to establish its own hunting season dates. In the past, Arizona selected the season dates for the South Zone of Nevada.

Response: The Service is of the view that the proposal, if adopted, would allow Nevada more flexibility in setting waterfowl hunting regulations to better fit regional conditions. Hunting pressures and harvests in Nevada are historically low and these changes should have little effect upon them. Accordingly, the Service proposes to implement the requested changes.

Copies of the various zoning proposals may be obtained from the Service or from the appropriate State conservation agencies.

13. *Goose and brant seasons.* a. *Atlantic Flyway.* New Jersey requests that the Statewide daily bag and possession limit on Canada geese be increased to 4 and 8, respectively, and season length be extended to 90 days. This would permit New Jersey to have the same regulations as were provided last year in the Delmarva area of Delaware, Maryland, and Virginia, and in an adjacent portion of Pennsylvania. Last year, New Jersey bag and possession limits on Canada geese were 3 and 6, and season length was 70 days—the same as other States in the upper part of the Atlantic Flyway except for the areas noted above. Many geese in the Delaware Bay area use habitats both in New Jersey and Delaware. Maine also requests that the season and bag limits be similarly increased for Canada geese there.

Response: Last year Canada goose hunting regulations were liberalized in the Delmarva area and an adjacent portion of Pennsylvania in an effort to increase the harvest. The wintering population of Canada geese in this area is judged to be undesirably large and increasing. The Service will consider the requests from New Jersey and Maine with a view to determining

the extent to which similar liberalizations in other areas are appropriate to the best management of these birds.

The Atlantic Flyway Council recommended that:

a. The daily bag limit for snow geese in the flyway be increased from 2 to 4 birds, and the possession limit be increased from 4 to 8 birds;

b. The season be lengthened from 60 to 70 days; and

c. The season no longer need be set within other waterfowl seasons.

Response: The Service is of the view that changes in seasons and bag limits for these geese should be considered in the light of information on production success which will not be available until later in the year. These geese nest in high-Arctic areas where snow and ice conditions sometimes greatly limit annual production. Action on this request is deferred pending receipt of additional information on 1978 production.

North Carolina requested that consideration be given to increasing the Canada goose daily bag limit from 1 to 2, and the possession limit from 2 to 4 in the Back Bay and Mattamuskeet areas.

Response: Reduced bag limits and season lengths on Canada geese wintering in these areas have been in effect for a number of years in an effort to maintain or increase the populations. The Service is of the view that it is desirable to consider this request further in the light of management of objectives for the populations involved.

b. *Mississippi Flyway.* Based on an evaluation of winter inventory data and other information, the Mississippi Flyway Council has recommended the following harvest quotas for the Mississippi Valley Population of Canada geese: Illinois—50,000 birds statewide; Wisconsin—50,000 birds statewide; and Ballard County, Kentucky—15,000 birds. The Service concurs in these quotas and proposes to establish them for the 1978-79 hunting season.

c. *Central Flyway.* The Central Flyway Council recommended that the 1 bird daily bag limit on Ross' geese in the flyway be removed and that limits for white geese apply.

Response: The Service is of the view that the recommended change in bag limit should be deferred pending further information on the population status of this species which it is anticipated will be available in the near future.

d. *Pacific Flyway.* Proposals to zone Nevada for waterfowl, including geese, were discussed under item 12. *Zoning.*

14. *Whistling swans.* The Atlantic Flyway Council recommended that a hunting season be permitted in designated areas of the Atlantic Flyway. Major features of the proposal include:

a. A season not to exceed 30 days;

b. Daily bag and possession limits of 1 swan;

c. An optional requirement that the hunters be required to obtain special permits, the number to be limited to 5 percent of recent wintering populations.

In making its recommendation, the Council noted that whistling swans are generally increasing in the Atlantic Flyway and changing their feeding habits, resulting in losses to agricultural crops, and damage to some wetlands.

Response: Although there appear to be no biological reasons why some harvest could not be taken, the Service is of the view that a proposal for a limited harvest of whistling swans wintering in portions of the Atlantic Flyway should be deferred for now pending further evaluation of the agricultural and habitat problems cited, and other considerations relating to the management of swans in this Flyway.

16. *Migratory game bird seasons for falcons.* Last year Federal regulations permitted States that established special seasons for hunting game birds by means of falconry to select extended seasons for certain migratory game birds. The total number of hunting days could not exceed 107, the maximum number permissible under the migratory bird convention with Canada. Eight States chose extended seasons. The Service noted in the FEDERAL REGISTER, dated February 14, 1978 (43 FR 6282) that there was some confusion about the extended seasons, especially in regard to daily bag and possession limits. These varied depending upon whether the regular hunting season (during which falconry was permissible) was open or closed. The Service noted that it intended to clarify the falconry regulations after receiving and considering reports from the participating States, and other recommendations.

The reports have now been received and they indicate that the participating States were generally satisfied with the falconry seasons. However, several suggested that falconry hunting be allowed after regular migratory game bird hunting seasons terminated, chiefly to afford greater flexibility in determining the most desirable dates for special falconry hunting.

Response: The Service is of the view that migratory bird hunting activities by whatever method should be conducted within existing framework dates pending further demonstration of a need for a change. The proposed framework dates for migratory game birds generally are: Atlantic and Mississippi Flyways—September 1, 1978, through January 20, 1979; and Central and Pacific Flyways—September 1, 1978, through January 21, 1979.

The Service proposes the following general guidelines for regulating falconry hunting:

a. Under Federal regulations, falconry is a permitted means of hunting all migratory game birds on which seasons are established.

b. An additional falconry hunting period may be selected providing that the total number of days for hunting by all methods in that area for that species does not exceed 107 days. The extended season is to be within the general framework dates.

c. In order to alleviate confusion about the applicable daily bag and possession limits on any given hunting day, the Service proposes that falconers be permitted to take 3 migratory game birds per day, singly or in the aggregate of all species, and possess 6 during both regular and extended hunting seasons.

d. Participation in extended falconry hunting seasons for migratory game birds will be limited to those States meeting Federal falconry standards specified in 50 CFR 21.29(k).

The Service is of the view that these regulations will provide falconers a reasonable opportunity to practice falconry. According to the 1977-78 data, few falconers approach the daily bag limits being proposed. The proposed regulations would clarify the permissible bag and possession limits, and thus simplify regulations.

17. *Lesser sandhill (little brown) cranes.* Montana proposed that consideration be given to permitting crane hunting throughout the Central Flyway portion of Montana except in Sheridan County and in that area south and west of Interstate Highway 90.

Response: The Service is of the view that further expansion of sandhill crane hunting opportunity should be deferred for now pending better information and understanding of the various population segments involved and their population dynamics.

20. *Rails.* Colorado proposes that it be allowed to establish hunting seasons there concurrently with rail hunting seasons east of the Continental Divide. In effect, this would enable Colorado to establish statewide hunting seasons on these species. In recent years, no rail hunting has been allowed in the Pacific Flyway. The Pacific Flyway Council concurred with Colorado's recommendation and because similar situations prevail in the Pacific Flyway portions of Montana, Wyoming, and New Mexico, recommended that these States also be allowed to establish statewide seasons.

Response: The Service notes that hunting pressures in these areas would be very light because of low human populations and the likelihood that few hunters would travel to the newly opened areas. No endangered species of rails are found within the areas proposed for hunting. Therefore, the Service proposes to allow Montana,

Wyoming, Colorado, and New Mexico to select statewide hunting seasons for sora and Virginia rails, under frameworks and limits to be established later.

24. *Mourning doves.* Mississippi requests a modification of the boundary separating the North and South Zones. The State proposes that U.S. Highway 84 be the new boundary rather than State Highways 12 and 14. The change would shift the boundary line approximately 70 miles southward.

Response: Zoning of Mississippi for mourning dove hunting was evaluated experimentally and it was found that little intrastate movement of hunters between the two zones occurred. Furthermore, there was no significant change in dove harvests which could be attributed to zoning. The Service proposes to implement the boundary change as requested.

27. *Migratory game birds in Puerto Rico and doves and pigeons in the Virgin Islands.* The Service initially proposed that no changes be made in these hunting regulations. Comments were subsequently received from the respective conservation agencies. Also, information relating to possible effects of the proposed regulations endangered and threatened species and their habitats is under consideration by the Service. As a result of these considerations, the following changes are proposed:

a. *Puerto Rico.* 1. The 1977-78 regulations incorrectly stated: "No open season is prescribed for pigeons on Puerto Rico and Mona Islands in order to give the reduced population of white-crowned pigeon (*Columba leucocephala*), known locally as Paloma cabeciblanca, a chance to recover." The same regulations were initially proposed this year. This unnecessarily affects the hunting of the scaly-naped pigeon in Puerto Rico. It is the Service's intention that only the hunting of the white-crowned pigeon and the endangered Puerto Rican pigeon be prohibited on Puerto Rico. Therefore, the Service proposes to modify the sentence quoted above to read, "No open season is prescribed for pigeons on Mona Island, and for the white-crowned pigeon on Puerto Rico, in order to give the reduced population of the white-crowned pigeon (*Columba leucocephala*), known locally as Paloma cabeciblanca, a chance to recover."

2. The Service notes that the scaly-naped pigeon (*Columba squamosa*) is also known by the common names of "red-necked pigeon," and "scaled pigeon." Consequently, these pseudonyms will be included in the 1978-79 regulations.

b. *Virgin Islands.* The Virgin Islands Department of Natural Resources and Cultural Affairs reported that the

white-crowned pigeon (*Columba leucocephala*) was recently classified as an endangered species under Territorial regulations. Although the proposed Federal regulations would not allow hunting of the species anywhere in the Virgin Islands, they would permit hunting of the scaly-naped pigeon on St. Thomas Island. Because of the possibility of confusion between the two species of pigeons, territorial officials requested that no hunting of the scaly-naped pigeon be allowed on St. Thomas Island.

Response: The Service concurs with the recommendation and proposes not to establish a hunting season for the scaly-naped pigeon on St. Thomas Island.

PUBLIC HEARINGS

The regulatory schedule published in the *FEDERAL REGISTER* dated February 14, 1978 (43 FR 6278), provided information on the two public hearings scheduled for reviewing the proposed 1978-79 hunting regulations and obtaining further public comments and recommendations. In order to further publicize these meetings, details on their date, location, and time are repeated.

Two public hearings pertaining to migratory bird hunting regulations being considered for the 1978-79 hunting seasons are scheduled. Both meetings will be conducted in accordance with 455 DM 1 of the Departmental Manual. On June 21 a public hearing for reviewing proposed hunting regulations for species for which early (opening prior to September 30) seasons are set will be held. It will begin at 9 a.m. in the Auditorium of the General Services Administration Building, F Street, between 18th and 19th Streets NW., Washington, D.C. This hearing is scheduled primarily for the purpose of reviewing the status of mourning doves, woodcock, band-tailed pigeons, white-winged doves, rails, gallinules, and common snipe and discussing proposed hunting regulations for these species plus regulations for sandhill (little brown) cranes in some States, migratory game birds in Alaska, Puerto Rico, and the Virgin Islands, mourning doves in Hawaii, September teal seasons, and special sea duck seasons in the Atlantic Flyway. On August 2 a public hearing for reviewing the status of other waterfowl and consideration of proposed regulations for those waterfowl and other migratory game birds for which regulations were not previously formulated will be held. It will be held at 9 a.m. in the Auditorium of the General Services Administration Building, F Street, between 18th and 19th Streets NW., Washington, D.C. These deliberations will pertain to hunting seasons commencing September 30 or later. The public is invited to participate in both hearings.

Persons wishing to participate in these hearings should write the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240, or telephone 202-254-3207. Those wishing to have statements included in the record should file them in writing with the Director before or immediately after each hearing.

PUBLIC COMMENTS SOLICITED

The Director intends that finally adopted rules be as responsive as possible to all concerned interests. He therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies, and private interests on these supplemental proposals.

Final promulgation of migratory bird hunting regulations for the continental United States, Puerto Rico, the Virgin Islands, and Hawaii for the 1978-79 season will take into consideration all comments received by the Director. Such comments, and any additional information received, including consideration of the Endangered Species Act of 1973, may lead the Director to adopt final regulations differing from these proposals. Interested persons may participate in this rulemaking by submitting written comments on these supplemental proposals to the Director (FWS/MBMO), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments received will be available for public inspection during normal business hours at the Service's office in Room 525A, Matomic Building, 1717 H Street NW., Washington, D.C.

The comment period for the Service's initial proposals for the 1978-79 hunting regulations was open for 90 days, and ended on May 16, 1978. The Service is of the view that the public should be given the greatest possible opportunity to comment upon proposed regulations; however, it is essential that certain deadlines be met if the annual regulations are to be finalized and cooperating agencies and the public be informed of them. State conservation agencies proclaim companion hunting regulations, within Federal frameworks, and often must conduct public hearings, provide notices of proposed regulations for public comment, and print and distribute their regulations. Satisfying these requirements necessitates shorter public comment periods for the Service's supplemental proposals, particularly those which must be finalized early because of seasons opening in September. Consequently, the Service finds that "goods cause" exists, within the terms of 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, for shorter comment periods. Accordingly, the Service prescribes the following public comment periods for these proposed supplemental regulations.

All relevant comments received no later than June 21, 1978, for regulations proposed for Alaska, Puerto Rico, and the Virgin Islands will be considered. The comment period for early season proposed regulations will end on July 13, 1978, and that for late season proposals on August 21, 1978. The Service will attempt to acknowledge received comments, but substantive response to individual comments may not be provided.

NEPA CONSIDERATION

The "Final Environmental Statement for the Issuance of Annual Regulations Permitting the Sport Hunting of Migratory Birds (FES 75-54)" was filed with the Council on Environmental Quality on June 6, 1975, and notice of availability was published in the *FEDERAL REGISTER* on June 13, 1975 (40 FR 25241). In addition, several environmental assessments have been prepared on specific matters which serve to supplement the material in the Final Environmental Statement.

ENDANGERED SPECIES ACT CONSIDERATION

Prior to finalization of the 1978-79 migratory game bird hunting regulations, consideration will be given to provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) to insure that hunting does not jeopardize the continued existence of any species designated as endangered or threatened or modify or destroy its critical habitat and is consistent with the conservation programs for those species. Consultation under section 7 of this act may cause changes to be made to proposals in this and future supplemental proposed rulemaking documents.

STEEL SHOT REGULATIONS

On February 28, 1978, the Service published in the *FEDERAL REGISTER* (43 FR 1844) final regulations regarding areas in the Atlantic Mississippi, Central, and Pacific Flyways in which shotshells loaded with steel shot will be required for waterfowl hunting in seasons commencing in 1978. The intended effect of establishing these steel shot zones is to reduce the number of deaths of waterfowl caused by ingesting spent lead pellets. The regulations appear under §20.108 of 50 CFR and will also be summarized in the Service's waterfowl regulations leaflets to be published late this summer.

AUTHORSHIP

The primary author of this proposed rulemaking is Henry M. Reeves, Office of Migratory Bird Management, working under the direction of John P. Rogers, Chief.

ECONOMIC IMPACT STATEMENT

The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: May 22, 1978.

LYNN A. GREENWALT,
Director, U.S. Fish and
Wildlife Service.

(FR Doc. 78-14673 Filed 5-24-78; 8:45 am)

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notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-07]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

(Notice of Designation No. A611)

KENTUCKY

Designation of Emergency Areas

The Secretary of Agriculture has determined that farming, ranching, or aquaculture operations have been substantially affected in Breckinridge County, Kentucky, as a result of excessive rainfall August 15 through December 31, 1977, and heavy snows January 8 through March 10, 1978.

Therefore, the Secretary has designated this area as eligible for emergency loans pursuant to the provisions of the Consolidated Farm and Rural Development Act, as amended, and the provisions of 7 CFR 1904 Subpart C, Exhibit D, Paragraph V B, including the recommendation of Gov. Julian M. Carroll that such designation be made.

Applications for emergency loans must be received by this Department no later than November 9, 1978, for physical losses and May 14, 1979, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 17th day of May 1978.

GORDON CAVANAUGH,

Administrator,

Farmers Home Administration.

(FR Doc. 78-14615 Filed 5-24-78; 8:45 am)

[3410-02]

Federal Grain Inspection Service

GRAIN STANDARDS

Kansas Grain Inspection Point

Statement of considerations. On February 15, 1978, a notice was published in the FEDERAL REGISTER (43 FR 6641) announcing that the Kansas State Department of Agriculture, Topeka, Kans., an official inspection agency designated pursuant to the United States Grain Standards Act as

amended (7 U.S.C. 71 et seq.) (Act), requested that the assignment of inspection points under its designation be amended to revoke Newton, Kans., as a designated inspection point. Notwithstanding the revocation of Newton, Kans., as a designated inspection point, the Kansas State Department of Agriculture will continue to provide official services there upon request.

No comments were received regarding the February 15, 1978, notice in the FEDERAL REGISTER. Accordingly, after due consideration of the request, the designation of the Kansas State Department of Agriculture is amended to revoke Newton, Kans., as a designated inspection point pursuant to section 26.99(b) of the regulations (7 CFR 26.99(b)).

As a point of clarification, it should be noted that the Act has been amended by Pub. L. 94-582, effective November 20, 1976, and by Pub. L. 95-113, effective October 1, 1977, to extensively modify the official inspection system. The amended Act provides that the Administrator of the Federal Grain Inspection Service (FGIS), after conducting investigations and other studies, will designate official agencies at the various interior points. In implementing these provisions, FGIS is currently in the process of reviewing the designations of all agencies or persons presently designated to provide official inspection services. The amended Act further provides that existing agencies may continue to operate without a designation under the new law until the Administrator either grants or denies such designation to them or sets a period of time for their termination, not to exceed November 20, 1978.

Accordingly, this amendment of assigned inspection points does not alter the existing designation of the Kansas State Department of Agriculture as an official inspection agency which continues until the Administrator of FGIS either grants or denies an official designation under the amended Act or sets a period of time for its termination.

(Sec. 8, Pub. L. 94-582, 90 Stat. 2870, (7 U.S.C. 79); sec. 27, Pub. L. 94-582, 90 Stat. 2889, (7 U.S.C. 74 note); 7 CFR 26.99(b))

Done in Washington, D.C. on: May 18, 1978.

L. E. MALONE,
Acting Administrator.

(FR Doc. 78-14687 Filed 5-24-78; 8:45 am)

[6320-01]

CIVIL AERONAUTICS BOARD

(Dockets 27838 and 30818)

AEROVIAS QUISQUEYANA, C. POR A. JACOB BASNA, BASSAM BASNA, GHASSAM BASNA, GEORGE BASNA, BASNA AIR SERVICE, INC.

Hearing; Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 25, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

In order to facilitate the conduct of this hearing, parties are instructed to prepare all evidence, including the testimony of witnesses (except testimony from adverse witnesses), in written exhibit form, and to serve their evidence in advance of the hearing in accordance with the following schedule: direct exhibits and testimony—June 19, 1978; rebuttal exhibits and testimony—July 10, 1978. Copies of the ground rules which will govern the hearing will be served upon the parties by a separate order and will be placed in the dockets of this proceeding.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the complaints and amended complaints, to the answers thereto, and to other documents which are in the dockets of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated on Washington, D.C., May 19, 1978.

HENRY M. SWITKAY,
Administrative Law Judge.

(FR Doc. 78-14688 Filed 5-24-78; 8:45 am)

[6320-01]

(Docket 31790; Order 78-5-124)

AMERICAN AIR TRANSPORT, INC.

Application for an All-Cargo Air Service Certificate; Order on Reconsideration

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 19th day of May, 1978.

By Order 78-2-11, February 1, 1978, we issued, under section 418 of the

Act, an all-cargo service certificate to American Air Transport (AAT) over the objections of American Airlines. American argued that the Board should, under its authority in Part 25 of its Economic Regulations, prevent any injury to American and eliminate the potential for public confusion by requiring AAT to change its name. American has filed a petition for reconsideration of Order 78-2-11. AAT filed a reply.

We have decided to deny American's petition. It has not established any error in our previous order or presented any other matters that would otherwise warrant grant of the relief sought. American raises three arguments not already considered in Order 78-2-11. First, it argues that the Board has departed from its policy under Part 215. In support of this argument, it cites language from the L.T.C. Air Cargo decision, Order 78-10-109, which we distinguished in Order 78-2-11. The policy quoted—regarding the prospective public confusion that Part 215 is intended to avert—is not inconsistent with our decision in Order 78-2-11. Under Part 215, the Board attempts to determine whether the public interest requires a company to change its name. A public interest determination involves a balancing of the possibility of public confusion against the burden on the carrier seeking to use a name. In the case of AAT's application, we found that the possibility of confusion was too remote—because of AAT's limited current operations, the uncertain scope of its proposed operations under section 418, if any, and the fact that its authority is limited to cargo—to justify the burden that a change of name would impose. The result of our decision does not prejudice American in any way with regard to future actions under either section 411 of the Act or the Lanham Trademark Act. The prospective relief available under Part 215 complements rather than supersedes the statutory remedies available. If American believes that our result is incorrect, or if public confusion does result after AAT commences section 418 operations, it has other remedies to vindicate its rights.

The second argument, that no principle of trademark law would allow AAT to use the name American in its section 418 operations, is irrelevant. Whether or not American's analysis of the applicable case law is correct, we

American's suggestion that AAT operate under two names, divided according to its Part 298 and section 418 operations, is impractical. It would lead to public confusion about the corporate control of the two carriers, especially in cases in which the operations might overlap, and force AAT to have to promote two different names, have two sets of stationery, etc., which would increase its expenses and hamper its operations.

do not intend to use Part 215 as a means to substitute ourselves for a federal court on issues of trademark law. We are guided solely by our assessment of the potential for public confusion based on our knowledge of the airline industry versus the burden that a change of name would impose.

American's final new contention is that we violated the Administrative Procedure Act by repealing a substantive rule of general applicability—Part 215—without rulemaking procedures. Citing the second footnote in Order 78-2-11, where we stated that we intend to examine the question of whether section 418 carriers should be subject to Part 215 as part of a future rulemaking procedure, American asserts that the rationale of Part 215—prophylactic and prior protection—was not applied in Order 78-2-11. Therefore, it concludes that we have, in effect, repealed Part 215. This is really just one more way of arguing that we have departed from our policy under Part 215 and, as such, it has been answered above. Our decision is in no way to be taken as a prejudgment of the issues in the prospective rulemaking.

Accordingly, it is ordered that: The petition of American Airlines for reconsideration be denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.²

PHYLLIS T. KAYLOR,
Secretary.

(FR Doc. 78-14689 Filed 5-24-78; 8:45 am)

[6320-01]

(Docket 31574)

CALIFORNIA-NEVADA LOW-FARE ROUTE PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on June 19, 1978, at 9:30 a.m. (local time) in Room 1003, Hearing Room D, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

²All members concurred.

NOTICES

Dated at Washington, D.C., May 19, 1978.

ARTHUR S. PRESENT,
Administrative Law Judge.

(FR Doc. 78-14683 Filed 5-24-78; 8:45 am)

[6320-01]

(Docket 32665)

CALIFORNIA/SOUTHWEST-WESTERN MEXICO ROUTE CASE

Prehearing Conference

I will hold a Prehearing Conference in this proceeding on June 30, 1978. The Bureau of International Aviation is to circulate its Prehearing Conference materials on or before June 2, 1978.¹ Other parties are to submit their Prehearing Conference materials and/or responses to the Bureau on or before June 19.

Any party who would like the Prehearing Conference to be held at a place other than Washington, D.C. should advise me of that no later than June 2, and should specify: (1) Where that party wants the Prehearing Conference held; and (2) Why it would be better to hold the Prehearing Conference there than in Washington.

Dated at Washington, D.C., May 19, 1978.

STEPHEN J. GROSS,
Administrative Law Judge.

(FR Doc. 78-14687 Filed 5-24-78; 8:45 am)

[6320-01]

(Docket 30679)

FLORIDA-ATLANTA COMPETITIVE NONSTOP SERVICE CASE

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 18, 1978, at 9:30 a.m. (local time), at the Quality Inn Reef, 935 South Atlantic Avenue, Daytona Beach, Fla., 32018, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on February 21, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

¹By "Prehearing Conference materials" I mean proposed statements of issues, proposed stipulations, requests for information and evidence, statements of position and proposed procedural dates.

Dated at Washington, D.C., May 19, 1978.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc. 78-14685 Filed 5-24-78; 8:45 am]

[6320-01]

[Docket 31921]

HOUSTON-TAMPA/ORLANDO, NEW ORLEANS-ORLANDO INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on July 6, 1978, at 9:30 a.m. (local time) at the Leon Room, Host International Hotel, Tampa International Airport, Tampa, Fla. 33622, before the undersigned.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on March 21, 1978, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 19, 1978.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc. 78-14686 Filed 5-24-78; 8:45 am]

[6320-01]

[Dockets 32486 and 32487]

KODIAK-WESTERN ALASKA AIRLINES, ACQUISITION PROCEEDING

Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter, now assigned to be held on May 23, 1978 (43 FR 20028, May 10, 1978), is postponed to May 30, 1978, and will be held in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., May 19, 1978.

THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc. 78-14684 Filed 5-24-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS IDAHO ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the

Idaho Advisory Committee (SAC) of the Commission will convene at 10 a.m. and end at 5 p.m. on June 17, 1978, Rodeway Inn of Boise, 29 and Chinden Blvd., Boise, Idaho 83704.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Northwestern Regional Office of the Commission, 915 Second Avenue, Room 2852, Seattle, Wash. 98174.

The purpose of this meeting is to review planning and progress for Idaho migrant study.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 22, 1978.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc. 78-14573 Filed 5-23-78; 8:45 am]

[6335-01]

VIRGINIA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Virginia Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 9 p.m., on July 28, 1978, Holiday Inn South, Room 104, Fredericksburg, Va.

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Mid-Atlantic Regional Office of the Commission, 2120 L Street NW., Room 510, Washington, D.C. 20037.

The purpose of this meeting is to discuss planning activities of the Virginia SAC until September 1978.

This meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, D.C., May 19, 1978.

JOHN I. BINKLEY,
*Advisory Committee
Management Officer.*

[FR Doc. 78-14574 Filed 5-23-78; 8:45 am]

[3510-24]

DEPARTMENT OF COMMERCE

Economic Development Administration

TIME SAVER TACKLE, INC., LENOIR/HICKORY KNITTING MILLS, INC., AND TARA KNITTING MILLS, INC.

Petitions for Determinations of Eligibility To Apply for Trade Adjustment Assistance

Petitions were accepted for filing from three firms: (1) Time Saver Tackle, Inc., 13980 Northwest 20th

Avenue, Opa Locka, Fla. 33054, a producer of leaders and rigs for sport fishing (accepted May 17, 1978); (2) Lenoir/Hickory Knitting Mills, Inc., 501 Realty Street, Lenoir, N.C. 28645, a producer of sweaters for men and women (accepted May 17, 1978); and (3) Tara Knitting Mills, Inc., 43 Hall St., Brooklyn, N.Y. 11205, a producer of suede coats and jackets for women (accepted May 18, 1978). The petitions were submitted pursuant to Section 251 of the Trade Act of 1974 (Pub. L. 93-618) and § 315.23 of the Adjustment Assistance Regulations for Firms and Communities (13 CFR Part 315).

Consequently, the U.S. Department of Commerce has initiated separate investigations to determine whether increased imports into the United States of articles like or directly competitive with those produced by each firm contributed importantly to total or partial separation of the firm's workers, or threat thereof, and to a decrease in sales or production of each petitioning firm.

Any party having a substantial interest in the proceedings may request a public hearing on the matter. A request for a hearing must be received by the Chief, Trade Act Certification Division, Economic Development Administration, U.S. Department of Commerce, Washington, D.C. 20230, no later than the close of business of the tenth calendar day following the publication of this notice.

JACK W. OSBORN, Jr.,
*Chief, Trade Act Certification
Division, Office of Planning
and Program Support.*

[FR Doc. 78-14576 Filed 5-24-78; 8:45 am]

[3510-25]

Industry and Trade Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Computer Systems Technical Advisory Committee will be held on Thursday, June 22, 1978, at 9 a.m. in room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act.

The Committee advises the Office of Export Administration, Bureau of Trade Regulation, with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which may affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls.

The Committee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Committee during the Executive Session of the meeting have been properly classified under Executive Order 11652. All Committee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: May 17, 1978.

RAUER H. MEYER,
*Director, Office of Export Administration,
Bureau of Trade Regulation,
U.S. Department of Commerce.*

[FR Doc. 78-14680 Filed 5-24-78; 8:45 am]

[3510-25]

FOREIGN AVAILABILITY SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee will be held on Tuesday, June 21, 1978, at 9 a.m. in Room 3708, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. sec. 2404(c)(1) and the Federal Advisory Committee Act. The Foreign Availability Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Foreign Availability Subcommittee was formed to ascertain if certain kinds of equipment are available in non-COCOM and Communist countries, and if such equipment is available, then to ascertain if it is technically the same or similar to that available elsewhere.

The Subcommittee meeting agenda has five parts:

- (1) Opening remarks by the Subcommittee Chairman.
- (2) Presentation of papers or comments by the public.

- (3) Comments on RYAD II Report.
- (4) Review of RYAD II Report Addendum.
- (5) Review of 1978 Leipzig Spring Fair.

The meeting will be open for public observation and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Subcommittee. Written statements may be submitted at any time before or after the meeting.

Copies of the minutes of the meeting will be available upon written request addressed to the Freedom of Information Officer, Trade and Industry Administration, Room 3012, U.S. Department of Commerce, Washington, D.C. 20230.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Trade and Industry Administration, Room 1617M, U.S. Department of Commerce, Washington, D.C. 20230, telephone 202-377-4196.

Dated: May 22, 1978.

RAUER H. MEYER,
*Director, Office of Export Administration,
Bureau of Trade Regulation,
U.S. Department of Commerce.*

[FR Doc. 78-14678 Filed 5-24-78; 8:45 am]

[3510-25]

Industry and Trade Administration

GEOLOGICAL SURVEY—RESTON

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00113. Applicant: U.S. Geological Survey Water Resources Division, National Center, Mail Stop 430, 12201 Sunrise Valley Drive, Reston, Va. 22092. Article: Water Level Gauge, model 750 and Accessories. Manufacturer: Applied Microsystems, Canada. Intended use of article: The article is intended to be used to measure and record in situ, precisely timed long-term sequences of water-level elevations in the shallow waters of lakes, waterways, estuaries, and coastal embayments. The data are to be used, in connection with other data collected from surface vessels and from the ERTS satellites. These data

will provide the input values used to initialize, calibrate, and otherwise verify large-scale, mathematical/numerical computer models. The field data together with the data produced by the computer simulation model are to be used to quantitatively and qualitatively assess the environmental impact of existing features, as well as, alternative proposed changes to be introduced into the waterbody under study.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides (1) high resolution and accuracy to better than 0.001 and 0.005 per cent, respectively, of the scale range, (2) transmission of data via underwater acoustics, (3) self-contained operation capable of recording digitally on magnetic tapes, (4) rapid machine processing a collected data, and (5) a long deployment interval (up to two years possible). The National Bureau of Standards advises in its memorandum dated May 10, 1978 that (1) all capabilities of the article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,

Statutory Import Programs Staff.

(FR Doc. 78-14580 Filed 5-24-78; 8:45 am)

[3510-25]

HARDWARE SUBCOMMITTEE OF THE COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice is hereby given that a meeting of the Hardware Subcommittee of the Computer Systems Technical Advisory Committee will be held on Wednesday, June 20, 1978, at 1 p.m. in room 5611, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

The Computer Systems Technical Advisory Committee was initially established on January 3, 1973. On December 20, 1974, and January 13, 1977, the Assistant Secretary for Administration approved the recharter and extension of the Committee, pursuant to section 5(c)(1) of the Export Administration Act of 1969, as amended, 50 U.S.C. App. Sec. 2404(c)(1) and the Federal Advisory Committee Act. The Hardware Subcommittee of the Computer Systems Technical Advisory Committee was established on July 8, 1975, with the approval of the Director, Office of Export Administration, pursuant to the Charter of the Committee.

The Committee advises the Office of Export Administration with respect to questions involving (A) technical matters, (B) worldwide availability and actual utilization of production technology, (C) licensing procedures which affect the level of export controls applicable to computer systems, including technical data or other information related thereto, and (D) exports of the aforementioned commodities and technical data subject to multilateral controls in which the United States participates including proposed revisions of any such multilateral controls. The Hardware Subcommittee was formed to continue the work of the Performance Characteristics and Performance Measurements Subcommittee, pertaining to (a) Maintenance of the processor performance tables and further investigation of total systems performance; and (b) Investigation of array processors in terms of establishing the significance of these devices and determining the differences in characteristics of various types of these devices.

The Subcommittee will meet only in Executive Session to discuss matters properly classified under Executive Order 11652, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Written statements may be submitted at any time before or after the meeting.

The Acting Assistant Secretary of Commerce for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 27, 1977, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government in the Sunshine Act, Pub. L. 94-409, that the matters to be discussed during the meeting should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552b(c)(1). Such matters are specifically authorized under criteria established by an Executive Order to be

kept secret in the interests of national defense or foreign policy. All materials to be reviewed and discussed by the Subcommittee during the meeting have been properly classified under Executive Order 11652. All Subcommittee members have appropriate security clearances.

For further information, contact Mr. Charles C. Swanson, Director, Operations Division, Office of Export Administration, Industry and Trade Administration, Room 1617M, U.S. Department of Commerce, Washington D.C. 20230, telephone 202-377-4196.

The complete Notice of Determination to close meetings or portions thereof of the series of meetings of the Computer Systems Technical Advisory Committee and of any Subcommittees thereof, was published in the FEDERAL REGISTER on February 2, 1977 (42 FR 6374).

Dated: May 17, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

(FR Doc. 78-14679 Filed 5-24-78; 8:45 am)

[3510-25]

NATIONAL RADIO ASTRONOMY OBSERVATORY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, NW., Washington, D.C. 20230.

Docket No. 78-00136. Applicant: National Radio Astronomy Observatory Associated Universities, Inc., 2010 N. Forbes Boulevard, Suite 100, Tucson, Ariz. 85705. Article: Klystron, model VRB2113A30 and accessories. Manufacturer: Varian Associates of Canada Ltd., Canada. Intended use of article: The article is intended to be used as a phase-locked local oscillator in a millimeter wave radio astronomy receiver. This receiver is used in conjunction with a microwave antenna to measure the intensity, polarization, frequency and direction of cosmic radiation.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent

scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides a frequency in the range between 80-300 gigahertz. The National Bureau of Standards (NBS) advises in its memorandum dated May 8, 1978, that (1) the capability of the article described above is pertinent to the applicant's research purposes and (2) it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,

Statutory Import Programs Staff.

(FR Doc. 78-14577 Filed 5-24-78; 8:45 am)

[3510-25]

RESEARCH FOUNDATION OF THE SUNY AT ALBANY

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00125. Applicant: The Research Foundation of the State University of New York at Albany, Department of Physics, 1400 Washington Avenue, Albany, N.Y. 12222. Article: Ultra High Vacuum 3-Axis Goniometer. Manufacturer: Panmure Instruments Ltd., United Kingdom. Intended use of article: The article is intended to be used for research in solid state physics with emphasis on the application of Rutherford Backscattering of MeV ions to the study of the structure, reactions and properties of well characterized atomically clean surfaces. Students engaged in graduate studies in the Department of Physics will be conducting their research for Masters and Doctoral degrees using the article together with the associated ion accelerator, ultra high vacuum

chamber and surface cleaning and characterization apparatus.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides 0.01° accuracy in angular orientation, ultra-high vacuum operation (10⁻¹⁰ torr), and operation in the temperature range (-190° to 1200 degrees centigrade). The National Bureau of Standards advises in its memorandum dated May 2, 1978, that (1) all the capabilities of the article described above are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,

Statutory Import Programs Staff.

(FR Doc. 78-14578 Filed 5-24-78; 8:45 am)

[3510-25]

SANDIA LABORATORIES

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue, N.W., Washington, D.C. 20230.

Docket No. 78-00095. Applicant: Sandia Laboratories, 1515 Eubank Boulevard SE., P.O. Box 5800, Albuquerque, N. Mex. 87115. Article: Cinthodolite System. Manufacturer: Contraves Ag., Switzerland. Intended use of article: The article is intended to be used for studies of aerodynamic characteristics of Weapon System Flight Vehicles. The phenomena to be investigated will be accelerations, velocities, and space position versus time. Experi-

ments will be conducted to conform characteristics obtained from model studies, to determine the interface characteristics between vehicles and delivery system and to investigate effects of component retrofits on existing systems.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides precision measurement (within 5 seconds of an arc) of the location of an object in space as a function of time. The National Bureau of Standards advises in its memorandum dated May 5, 1978, that (1) the specification of the article described above is pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,

Statutory Import Programs Staff.

(FR Doc. 78-14579 Filed 5-24-78; 8:45 am)

[3510-25]

UNIVERSITY OF CALIFORNIA—LOS ALAMOS

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (15 CFR Part 301).

A copy of the record pertaining to this decision is available for public review between 8:30 a.m. and 5:00 p.m. in Room 6886C of the Department of Commerce Building, at 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00111. Applicant: University of California—Los Alamos Scientific Laboratory, P.O. Box 990, Los Alamos, N. Mex. 87545. Article: Superconducting magnet, Polarized Target Cryostat and Accessories. Manufacturer: Cen-Saclay, France. Intended use of article: The article will be used for a series of important and fundamental

scattering experiments at the LAMPF medium-energy accelerator. In one experiment, a longitudinally polarized proton beam will be scattered from the longitudinally polarized protons from the target. In the second experiment, the polarization effect will be determined for the neutron-proton total sections at 25 MeV.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article provides the capabilities of operating at 4 degrees kelvin, producing a highly uniform field of 25,000 gauss in a volume of 90 cubic centimeters, and polarizing the spins of 1 gram or more of hydrogen. The National Bureau of Standards advises in its memorandum dated May 1, 1978, that (1) the capabilities of the article described above are pertinent to the applicant's intended purposes and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign article for the applicant's intended use.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,

Statutory Import Programs Staff.

[FR Doc. 78-14581 Filed 5-24-78; 8:45 am]

[3510-25]

WOODS HOLE OCEANOGRAPHIC INSTITUTION, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Statutory Import Programs Staff, Bureau of Trade Regulation, U.S. Department of Commerce, Washington, D.C. 20230, on or before June 14, 1978.

Regulations (15 CFR 301.9) issued under the cited Act prescribe the requirements for comments.

A copy of each application is on file, and may be examined between 8:30 a.m. and 5:00 p.m., Monday through Friday, in Room 6886C of the Department of Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. 20230.

Docket No. 78-00196. Applicant: Woods Hole Oceanographic Institution, Water Street, Woods Hole, Mass. 02543. Article: Structural Frame for Research Submersible "Alvin". Manufacturer: TiFab Titanium Ltd., Canada. Intended use of article: The article is intended to be used with the research submersible ALVIN for studies of physical, biological and geological properties of the ocean bottom. Density, salinity, temperature, sound propagation characteristics of seawater; density, hardness, shear strength and compressive strength of ocean bottom soil and rock samples; biological features of ocean bottom plant and animal life will be investigated. Application received by Commissioner of Customs: April 27, 1978.

Docket No. 78-00222. Applicant: Cell Research Institute, the University of Texas, Austin, Tex. 78712. Article: Electron Microscope, model JEM-100CS with eucentric side-entry goniometer stage and Accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to study the structure of biological cells and tissues and macromolecular structures of biological origin using standard transmission electron microscopy techniques, dark field and scanning electron microscopy techniques and high resolution scanning electron microscopy of small samples. In addition, the article will be used in the course Botany 380 to introduce students to modern electron microscopical principles and techniques in order that they may apply these methods to their research projects. Application received by Commissioner of Customs: May 4, 1978.

Docket No. 78-00223. Applicant: University of Connecticut Health Center, Farmington Avenue, Farmington, Conn. 06032. Article: Electron Microscope, model JEM-100CX/SEG and accessories. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in conducting the following varied research: (1) Studies of the ultrastructure of the insulin secretory process in toadfish pancreatic islets, including morphological and X-ray spectral emission properties of intact islets and subcellular fractions; (2) ultrastructural studies of peripheral blood and bone marrow in sickle cell anemia; (3) ultrastructural and X-ray spectral emission studies of erythropoietic cells in human sideroblastic anemias; (4) ul-

trastructural studies of iron transport in developing red blood cells; (5) ultrastructural analysis amphibian spermatogenesis; and (6) ultrastructural observations of membrane junctions and membrane associations in the nervous system. Application received by Commissioner of Customs: May 4, 1978.

Docket No. 78-00224. Applicant: Yale University School of Medicine, Section of Cell Biology, 333 Cedar Street, New Haven, Conn. 06510. Article: PSC Neutral Particle Gun for Scanning Electron Microscope, model JFSM-30. Manufacturer: Zentrum Fur Elektronenmikroskopie, Austria. Intended use of article: The article is intended to be used in the field of Cell Biologi for atomic metal deposit on tissues, cells, subcellular components and blood vessels. The article will also be used in training graduate students in electron microscopic preparations. Application received by Commissioner of Customs: May 5, 1978.

Docket No. 78-00225. Applicant: The University of North Carolina, Marine Sciences Curriculum, 12-5 Venable Hall 045-A, Chapel Hill, N.C. 27514. Article: (5) Five Recording Current Meters, Model 4 (RCM-4). Manufacturer: Aanderaa Instruments, Norway. Intended use of article: The article is intended to be used in studies of Gulf Stream meanders and eddies along the North Carolina continental shelf and slope. Dominant periods and wavelengths of Gulf Stream Fluctuations, and their relation to satellite surface infrared and altimetric images of the stream. Application received by Commissioner of Customs: May 5, 1978.

Docket No. 78-00226. Applicant: San Diego State University Foundation, 5300 Campanile Drive, San Diego, CA 92182. Article: (Twelve Each) Relative Humidity Probe HM 13 Open Print. Manufacturer: Vaisala Oy, Finland. Intended use of article: The article is intended to be used in studies of water vapor from plants under various light and temperature regimens in conjunction with photosynthetic measurements. Calculations of transpiration and conductance will be made from the water flux measurements. Application received by Commissioner of Customs: May 5, 1978.

Docket No. 78-00227. Applicant: National Bureau of Standards, Washington, D.C. 20234. Article: Power and Energy Standard (Thermal Instrument). Manufacturer: Physikalisch-Technische Bundesanstalt, West Germany. Intended use of article: The article is intended to be used as a transfer standard for power and energy measurements a part of the national measurement system. Specifically, the article will be used to develop a more rapid and accurate calibration system for solid state devices. Application received by Commissioner of Customs: May 5, 1978.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

RICHARD M. SEPPA,
Director,

Statutory Import Programs Staff.

[FR Doc. 78-14582 Filed 5-24-78; 8:45 am]

[3910-01]

DEPARTMENT OF DEFENSE

Department of the Air Force

USAF SCIENTIFIC ADVISORY BOARD

Meeting

MAY 15, 1978.

The USAF Scientific Advisory Board Interdiction Subgroup of the Joint Army/Air Force Summer Study on Battlefield Systems Integration will meet at the Pentagon, Washington, D.C. on June 15 and 16, 1978 from 8:30 a.m. to 5 p.m. each day.

The Subgroup will receive classified briefings and hold classified discussions on foreign systems as well as projected U.S. command and control systems. The meeting will be closed to the public in accordance with section 552(b)(3) of Title 5, United States Code, specifically subparagraph (1) thereof.

For further information contact the Scientific Advisory Board Secretariat at, 202-697-8404.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison
Officer, Directorate of Administration.

[FR Doc. 78-14561 Filed 5-24-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

DOMESTIC CRUDE OIL ALLOCATION PROGRAM

Entitlement Notice for March 1978

In accordance with the provisions of 10 CFR 211.67 relating to the domestic crude oil allocation program of the Department of Energy (DOE), administered by the Economic Regulatory Administration (ERA) of the DOE, the monthly notice specified in § 211.67(i) is hereby published.

Based on reports for March 1978 submitted to the DOE by refiners and other firms as to crude oil receipts, crude oil runs to stills, eligible product imports and imported naphtha utilized as a petrochemical feedstock in Puerto Rico; application of the entitlement adjustment for residual fuel oil production for sale in the East Coast market provided in § 211.67(d)(4); application of the entitlement adjustments for California lower tier crude oil and for imported and Alaska North

Slope crude oil included in the crude oil receipts of California refineries provided in § 211.67(a)(4); April 1978 deliveries of crude oil for storage in the Strategic Petroleum Reserve; and application of the entitlement adjustment for small refiners provided in § 211.67(e), the national domestic crude oil supply ratio for March 1978 is calculated to be .225151.

In accordance with § 211.67(b)(2), to calculate the number of barrels of deemed old oil included in a refiner's adjusted crude oil receipts for the month of March 1978, each barrel of old oil is equal to one barrel of deemed old oil and each barrel of upper tier crude oil is equal to .224368 of a barrel of deemed old oil.

The issuance of entitlements for the month March 1978 to refiners and other firms is set forth in the Appendix to this notice. The Appendix lists the name of each refiner or other firm to which entitlements have been issued, the number of barrels of deemed old oil included in each such refiner's adjusted crude oil receipts, the number of entitlements issued to each such refiner or other firm, and the number of entitlements required to be purchased or sold by each such refiner or other firm.

Pursuant to 10 CFR 211.67(i)(4), the price at which entitlements shall be sold and purchased for the month of March 1978 is hereby fixed at \$8.47, which is the exact differential as reported for the month of March between the weighted average per barrel costs to refiners of old oil and of imported and exempt domestic crude oil, less the sum of 21 cents.

In accordance with 10 CFR 211.67(b), each refiner that has been issued fewer entitlements for the month of March 1978 than the number of barrels of deemed old oil included in its adjusted crude oil receipts is required to purchase a number of entitlements for the month of March 1978 equal to the difference between the number of barrels of deemed old oil included in those receipts and the number of entitlements issued to and retained by that refiner. Refiners which have been issued a number of entitlements for the month of March 1978 in excess of the number of barrels of deemed old oil included in their adjusted crude oil receipts for that month and other firms issued entitlements shall sell such entitlements to refiners required to purchase entitlements. In addition, certain refiners are required to purchase or sell entitlements to effect corrections for reporting errors for the months September 1975 through February 1978 pursuant to 10 CFR 211.67(j)(1).

The listing of refiners' old oil receipts contained in the Appendix reflects any adjustments made by ERA pursuant to § 211.67(h).

The listing contained in the Appendix identifies in a separate column labeled "Exceptions and Appeals" additional entitlements issued to refiners pursuant to relief granted by the Office of Hearings and Appeals (prior to March 30, 1978, the Office of Administrative Review of the Economic Regulatory Administration). Also set forth in this column are adjustments for relief granted by the Office of Hearings and Appeals for 1975 and 1976, which adjustments are reflected in monthly installments. The number of installments is dependent on the magnitude of the adjustment to be made. For a full discussion of the issues involved, see Beacon Oil Co., et al., 4 FEA par. 87,024 (November 5, 1976).

The listing contained in the Appendix continues the "Consolidated Sales" entry initiated in the October 1977 entitlement notice. The "Consolidated Sales" entry is equal to the March 1978 entitlement purchase requirement of Arizona Fuels. The purpose of providing for the "Consolidated Sales" entry is to ensure that Arizona Fuels is not relieved of its March 1978 entitlement purchase requirement and that no one firm will be unable to sell its entitlements by reason of a default by Arizona Fuels. For a full discussion of the issues involved, See Entitlement Notice for October 1977) 42 FR 64401, December 23, 1977).

For purposes of § 211.67(d) (6) and (7), which provide for entitlement issuances to refiners or other firms for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve, the number of barrels sold to the Government totaled 2,763,987 barrels.

For purposes of the adjustments to refiners' crude run volumes under § 211.67(d)(4), total production of residual fuel oil for sale in the East Coast market (in excess of the first 5,000 barrels per day thereof for each refiner reporting such production) was 14,034,548 barrels for March 1978. For that month, imports of residual fuel oil eligible for entitlement issuances totaled 44,636,012 barrels.

In accordance with § 211.67(a)(4), the number of entitlements issued to each refiner with respect to its refineries located in the State of California has been increased by a number of entitlements equal to the number of barrels of California lower tier crude oil included in its adjusted crude receipts multiplied by .205431 (the result of dividing \$1.74 by the entitlement price for March 1978). The number of entitlements issued to each refiner with respect to its refineries located in the State of California has been decreased by a number of entitlements equal to the number of barrels of imported crude oil and Alaska North Slope

crude oil that are included in its adjusted crude oil receipts for the month of March 1978 multiplied by .071011 (the aggregate increase in entitlement issuances for California lower tier crude oil divided by the total number of barrels of imported crude oil and Alaska North Slope crude oil included in the adjusted crude oil receipts for March 1978 for all refiners with respect to refineries located in the State of California). Pursuant to § 211.67(a)(4), the number of barrels of California lower tier crude oil, imported crude oil and Alaska North Slope

crude oil reported by refiners as to their adjusted crude oil receipts with respect to refineries located in the State of California were as follows:

California lower tier crude oil	7,800,648
Alaska North Slope crude oil	11,244,962
Imported crude oil	11,321,768

The total number of entitlements required to be purchased and sold under this notice is 22,757,493.

Based on reports submitted to the DOE by refiners as to their adjusted crude oil receipts for March 1978, the pricing composition and weighted average costs thereof are as follows:

Category	Volumes	Weighted average cost	Percent of total volumes ¹
Lower tier	99,414,855	\$5.79	22.2
Upper tier	89,612,293	12.36	20.0
Exempt domestic:			
Alaskan	25,959,971	13.22	5.8
Stripper	35,865,907	14.45	8.0
Naval petroleum reserve ..	3,367,761	12.89	.8
Total domestic	254,220,787	10.18	56.7
Total imported	194,058,498	14.66	43.3
Total reported crude oil receipts	448,279,285	12.12	100.0

¹Numbers may not add due rounding.

Payment for entitlements required to be purchased under 10 CFR § 211.67(b) for March 1978 must be made by May 31, 1978.

On or prior to June 10, 1978, each firm which is required to purchase or sell entitlements for the month of March 1978 shall file with the DOE the monthly transaction report specified in 10 CFR § 211.66(i) certifying its purchases and sales of entitlements for the month of March. The monthly transaction report forms for the month of March have been mailed to reporting firms. Firms that have been unable to locate other firms for required entitlement transactions by May 31, 1978, are requested to contact the ERA at 202-254-3336 to expedite consummation of these transactions. For firms that have failed to consum-

mate required entitlement transactions on or prior to May 31, 1978, the ERA may direct sales and purchases of entitlements pursuant to the provisions of 10 CFR § 211.67(k).

This notice is issued pursuant to subpart G, 10 CFR part 205. Any person aggrieved hereby may file an appeal with the Office of Hearings and Appeals in accordance with subpart H of 10 CFR part 205. Any such appeal shall be filed on or before June 26, 1978.

Issued in Washington, D.C., on May 19, 1978.

DAVID J. BARDIN,
Administrator, Economic
Regulatory Administration.

[FR Doc. 78-14602 Filed 5-22-78; 8:45 am]

APPENDIX ENTITLEMENTS FOR DOMESTIC CRUDE OIL MARCH 1978

REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	***** TOTAL ISSUED	ENTITLEMENT EXCEPTIONS AND APPEALS	***** PRODUCT ENTITLEMENTS	***** 10 MONTH CLEAN-UP	***** POSITION REQUIRED TO BUY	***** REQUIRED TO SELL
-CONSOLID-SALES	-148,749	0	0	0	0	0	148,749*
A-JOHNSON	0	153,301	0	19,145	0	0	153,301
ALLIED	46,205	83,452	0	0	0	0	37,247
AMER-PETROFINA	394,742	773,640	0	0	0	0	378,898
AMERADA-HESS	2,327,168	3,680,408	0	201,968	0	0	1,353,240
AMOCO	10,643,485	7,199,130	0	2,012	0	3,444,355	0
ANBCHUTZ	0	30,102	0	30,102	0	0	30,102
APCO	421,738	388,850	0	0	0	32,888	0
ARCO	4,617,368	4,798,746	0	0	0	0	161,378
ARIZONA	239,016	40,267	7,684	0	0	148,749	0
ASAMERA	167,009	168,489	0	0	0	0	1,480
ASHLAND	1,453,926	2,371,287	0	0	0	0	917,361
ASIATIC	0	281,841	0	281,841	0	0	281,841
BASIN	108,393	159,744	0	0	0	0	51,351
BAYOU	40,193	63,186	0	0	0	0	22,993
BEACON	192,618	238,496	92,710	0	0	0	45,678
BELCHER	0	40,762	0	40,762	0	0	40,762
BI-PETRO	6,398	155,484**	0	0	0	0	149,086
BP-TRADING	0	365,445	0	0	0	0	365,445
BRUIN	22,625	135,501	0	0	0	0	112,956
C&M	299	606	0	0	0	0	307
CALCASTEU	28,445	66,386	0	0	0	0	37,941
CALUMET	25,718	29,417	0	0	0	0	3,699
CANAL	89,953	86,093	0	0	0	3,860	0
CARIBOU	96,370	78,793	0	0	0	17,577	0
CASTLE	0	52,664	0	52,664	0	0	52,664
CENTRAL	0	3,440	0	3,440	0	0	3,440
CHAMPLIN	1,764,012	1,486,984	0	0	0	277,026	0
CHARTER	833,444	975,702	439,931	0	0	0	142,258
CHEVRON	6,063,395	6,502,272	0	6,756	0	0	438,877
CIRILLO	0	71,023	0	71,023	0	0	71,023
CITGO	2,499,556	1,770,255	0	0	0	729,301	0
CLAIBORNE	40,703	57,381	0	0	0	23,322	0
CLARK	280,945	906,289	0	0	0	0	625,344
COASTAL	358,905	1,289,102	0	13,231	0	0	930,197
COLONIAL	0	72,404	0	72,404	0	0	72,404
CONOCO	2,635,247	2,446,110	0	38,337	0	389,137	0
CORCO	0	785,672	115,903***	133,264	0	0	785,672
CRA-FARMLAND	307,417	420,402	0	0	0	0	112,985
CROSS	51,432	103,261	0	0	0	0	51,829
CROWN	328,682	577,457	0	0	0	0	248,775
CRYSTAL-OIL	148,048	188,955	0	0	0	0	40,907
CRYSTAL-REF	5,598	44,081	0	0	0	0	38,483
DELTA	224,194	336,981	0	0	0	0	112,787
DEMENNO	52,298	60,456	0	0	0	0	8,158
DERRY	0	77,795**	0	0	0	0	77,795
DIAMOND	583,344	425,387	0	0	0	157,957	0
DILLMAN	0	2,153	0	0	0	0	2,153
DORCHESTER	245,633	175,028	0	0	0	70,605	0
DOW	39,932	155,125	0	0	0	0	115,193
E-SEABOARD	0	61,980	0	61,980	0	0	61,980
ECO	45,031	75,748	0	0	0	0	30,717
EDDY	39,860	46,859	0	0	0	0	6,999
ENERGY-COOP	8,862	460,360	0	0	0	0	451,498
ERICKSON	23,508	211,991	0	0	0	0	188,483
EVANGELINE	34,623	40,153	0	0	0	0	5,530
EXXON	11,549,791	9,452,571	0	667,851	0	2,097,220	0
EZ-SERVE	15,881	48,400	0	0	0	0	32,609
FARMERS-UN	161,896	304,965	0	0	0	0	143,069
FLETCHER	76,161	180,321	0	0	0	0	104,160
FLINT	9,307	9,478	0	0	0	0	171
GARY	79,883	115,420	0	0	0	0	35,537
GETTY	976,411	1,611,960	0	0	0	0	635,549
GIANT	40,266	63,769	0	0	0	0	23,503
GLACIER-PARK	82,255	53,778	0	0	0	28,477	0
GLADIEUX	73,204	156,049	0	0	0	0	82,845
GLENROCK	687	1,145	0	0	0	0	458
GOLDEN-EAGLE	0	151,600	0	0	0	0	151,600
GOLDKING	42,456	102,822	0	0	0	0	20,364
GOOD-HOPE	79,988	303,427	0	0	0	0	223,439
GUAM	0	374,091	33,828	0	0	0	374,091
GULF	7,715,140	5,345,587	0	44,451	0	2,369,553	0
GULF-STS	82,787	140,542	0	0	0	0	57,755
HIRI	0	410,386	0	0	0	0	410,386
HOWARD	0	75,426	0	75,426	0	0	75,426
HOWELL	535,830	308,309	0	0	0	229,521	0
HUDSON-OIL	19,684	205,093	0	0	0	0	185,409

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	POSITION REQUIRED TO BUY	REQUIRED TO SELL
HUNT	301,209	308,490	0	0	0	0	7,281
HUSKY	550,706	550,706	236,246	0	0	0	0
INDEPENDENT-REF	49,953	121,928	0	0	0	0	71,975
INDIANA-FARM	36,927	219,803	0	0	0	0	182,876
IRVING	0	18,907	0	18,907	0	0	18,907
J&W	80,293	72,181	0	0	0	0	8,112
KENCO	18,289	30,890	0	0	0	0	12,601
KENTUCKY	16,829	20,066	0	0	0	0	4,137
KERN	419,440	377,223	161,266	0	0	0	42,217
KERR-MCGEE	1,205,442	986,805	0	0	0	0	298,637
KOC	190,235	838,843	0	0	0	0	648,608
LAGUNA	426,408	261,460	0	0	0	0	164,948
LAKEVIEW	56,442	54,641	0	0	0	0	1,801
LAKETON	150,649	136,975	17,407	0	0	0	13,674
LITTLE-AMER	1,309,889	1,110,385	551,243	0	0	0	199,504
LOUISIANA-LAND	230,819	324,250	0	0	0	0	93,431
MACHILLAN	40,640	144,931	0	0	0	0	104,291
MARATHON	4,059,869	3,462,407	0	0	0	0	597,462
MARION	130,399	227,098	0	0	0	0	96,699
METROPOLITAN	0	157,451	0	157,451	0	0	157,451
MID-AMER	5,351	83,475	0	0	0	0	78,124
MID-TEX	1,730	13,357	0	0	0	0	11,627
MOBIL	6,602,126	5,659,030	0	10,267	0	0	943,096
MOBILE-BAY	0	165,537	0	0	0	0	165,537
MONARK	471,075	366,793	95,577	0	0	0	104,282
MONOCO	0	21,128	0	21,128	0	0	21,128
MONSANTO	329,769	334,845	0	0	0	0	5,116
MORRISON	15,799	10,298	0	0	0	0	5,501
MOUNTAINEER	8,972	9,331	0	0	0	0	359
MT-AIRY	53,324	140,625	0	0	0	0	87,301
MURPHY	945,340	765,740	0	0	0	0	219,600
N-AMER-PETRO	0	157,891	0	0	0	0	157,891
NATL-COOP	256,528	424,038	0	0	0	0	167,510
NAVAJO	342,213	375,506	72,494	0	0	0	33,293
NEVADA	5,320	11,342	0	0	0	0	6,022
NEW-EDGINGTON	516,470	556,792	216,020	0	0	0	40,322
NEW-ENGL-PETRO	0	1,286,878	700,639	506,239	0	0	1,286,878
NEW-ENGL-POWER	0	13,210	0	13,210	0	0	13,210
NEWMALL	218,309	233,375	47,317	0	0	0	15,066
NORTHEAST-PETRO	0	13,189	0	13,189	0	0	13,189
NORTHLAND	75,915	75,915	41,453	0	0	0	0
NORTHVILLE	0	42,377	0	42,377	0	0	42,377
OKC	176,474	249,998	0	0	0	0	73,524
OXNARD	2,576	836	0	0	0	0	1,740
PASCO	0	393,884	393,884	0	0	0	393,884
PENNZOIL	446,244	353,541	0	0	0	0	92,703
PESTER	226,310	236,740	0	0	0	0	10,438
PETRO-HEAT-CT	0	3,940	0	3,940	0	0	3,940
PHILLIPS	2,591,071	1,911,937	0	0	0	0	679,134
PHILLIPS-PR	0	214,011	0	214,011	0	0	214,011
PIONEER	41,270	59,760	0	0	0	0	18,490
PLACID	228,688	309,739	0	0	0	0	81,051
PLATEAU	181,666	155,090	0	0	0	0	26,576
POWERLINE	110,340	307,377	0	0	0	0	207,037
PR-OLEFINS	0	1,523	0	1,523	0	0	1,523
PRIDE	133,001	169,654	0	0	0	0	36,653
PRINCETON	5,233	58,926	0	0	0	0	53,693
QUAKER-ST	37,176	220,946	0	0	0	0	183,770
RANCHO-REF	0	12,693	0	0	0	0	12,693
RAYMALL	0	13,316	0	0	0	0	13,316
RICHARDS	285	71,671	0	0	0	0	71,386
ROAD-OIL	0	638	0	0	0	0	638
ROCK-ISLAND	262,321	544,368	171,297	0	0	0	282,047
SABER-YEX	24,643	211,760	0	0	0	0	187,117
SABRE-CAL	3,448	43,760	0	0	0	0	40,312
SAGE-CREEK	1,869	3,624	0	0	0	0	1,755
SAN-JOQUIN	254,294	290,079	82,275	0	0	0	35,785
SCANDIL	0	2,587	0	2,587	0	0	2,587
SEMINOLE	26,727	62,455	0	0	0	0	35,728
SENTRY	43,617	143,640	0	0	0	0	100,023
SHELL	9,557,403	6,635,403	0	0	0	0	2,922,000
SHEPHERD	36,542	46,540	0	0	0	0	9,998
SIGMON	31,121	125,222	0	0	0	0	94,101
SH-HAMPTON	51,795	145,060	0	0	0	0	93,265
SHOTO	1,512,279	2,791,881	0	0	0	0	1,279,602
SOMERSET	26,412	55,841	0	0	0	0	29,429
SOUND	98,451	112,287	0	0	0	0	13,836
SOUTHERN-UNION	208,058	255,062	0	0	0	0	47,004
SOUTHLAND	354,627	204,356	100,078	0	0	0	70,271
SOUTHEASTERN	6,671	6,671	996	0	0	0	0

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REPORTING FIRM SHORT NAME	DEEMED OLD OIL ADJUSTED RECEIPTS	TOTAL ISSUED	ENTITLEMENT EXCEPTIONS AND APPEALS	PRODUCT ENTITLEMENTS	10 MONTH CLEAN-UP	POSITION REQUIRED TO BUY	REQUIRED TO SELL
SPRAGUE	0	58,826	0	58,826	0	0	58,826
STUART	0	105,092	0	105,092	0	0	105,092
SUNLAND	4,627	140,698	0	0	0	0	136,071
SUNOCO	4,328,196	3,460,214	0	0	0	867,978	0
SWANN	0	30,377	0	30,377	0	0	30,377
TENNECO	440,660	482,689	0	0	0	0	42,029
TESORO	697,940	484,517	0	0	0	213,423	0
TEXACO	8,596,343	7,018,819	0	282,183	0	1,577,524	0
TEXAS-AMERICAN	39,252	114,665	0	0	0	0	75,413
TEXAS-ASPH	9,633	34,024	0	0	0	0	24,391
TEXAS-CITY	395,073	575,028	0	0	0	0	179,955
THAGARD	128,253	155,441	27,215	0	0	0	27,186
THRIFTWAY	43,656	50,740	0	0	0	0	7,084
THUNDERBIRD	92,139	116,497	0	0	0	0	24,858
TIPPERARY	-2,275	74,428	0	0	0	0	76,703
TOKAWA	40,883	73,651	0	0	0	0	32,768
TOSCO	1,977,155	1,129,606	0	0	0	847,549	0
TOTAL-PETROLEUM	410,564	307,135	0	0	0	111,429	0
UCC-CARIBE	0	203,757	0	203,757	0	0	203,757
UNION-OIL	3,895,168	2,783,547	0	0	0	1,111,621	0
UNION-PETRO	0	11,214	0	11,214	0	0	11,214
UNTD-IND	7,653	5,833	0	0	0	1,820	0
UNTD-REP	160,787	379,796	0	0	0	0	219,009
US&SO-AMER	0	179,075	0	0	0	0	179,075
US-OIL	18,160	118,744	0	0	0	0	100,584
USA-PETROCHEM	43,482	215,035	0	0	0	0	171,553
VICKERS	138,529	209,045	0	0	0	0	70,516
VULCAN	15,997	210,939	0	0	0	0	194,942
WALLACE	0	11,036	0	11,036	0	0	11,036
WALLER	0	13,509	0	13,509	0	0	13,509
WARRIOR	60,610	47,370	14,544	0	0	13,248	0
WEST-COAST	21,912	110,670	0	0	0	0	88,758
WESTERN	79,892	97,927	0	0	0	0	18,035
WINSTON	98,236	152,612	0	0	0	0	54,376
WIREBACK	0	664	0	0	0	0	664
WITCO	40,017	124,128	0	0	0	0	84,111
WYATT	0	30,025	0	30,025	0	0	30,025
WYOMING	43,104	111,421	0	0	0	0	68,317
YETTER	0	607	0	0	0	0	607
YOUNG	52,720	68,769	26,816	0	0	0	16,049
TOTAL	117,010,755	117,010,755	3,726,023	3,567,505	0	22,757,493	22,757,493

* Equals March 1978 entitlement purchase requirement of Arizona Fuels. See discussion in Notice.

** Includes entitlements issued for sales of imported crude oil to the United States Government for storage in the Strategic Petroleum Reserve.

*** Authorization to sell these entitlements is subject to conditions set forth in a DOE Decision and Order issued to Commonwealth Oil and Refining Company on March 20, 1978.

**** This is consistent with the court's order prohibiting any further entitlement purchase requirements by this firm pursuant to the terms of the court's Judgment in *Husky Oil Co. v. DOE, et al.*, Civ. Action No. C77-190-B (D.Wyo., filed March 14, 1978).

***** This does not include the purchase obligation stayed by court order in *Texas Asphalt & Refinery Co. v. FEA* Civ. Action No. 4-75-268 (N.D. Tex., filed October 31, 1975).

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CS74-87, et al.]

NRM PETROLEUM CORP. AND NATURAL
RESOURCES MANAGEMENT CORP., ET ALNotice of Applications for "Small Producer"
Certificates¹

MAY 15, 1978.

Take notice that each of the Applicants listed herein has filed an application pursuant to Section 7(c) of the Natural Gas Act and § 157.40 of the Regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission in its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

LOIS D. CASHELL,
Acting Secretary.

Docket No., date filed, and applicant

CS74-87, Dec. 26, 1974, NRM Petroleum Corp. and Natural Resources Management, Corp., 259 Mid-America Bldg., Midland, Tex. 79701.
CS78-428, May 1, 1978, Thetis Energy Corp., 1250 Denver Club Bldg., Denver, Colo. 80202.
CS78-427, May 1, 1978, Harold Kentta, Box 1346, Casper, Wyo. 82602.
CS78-428, May 1, 1978, Richard A. Pultorak, R.D. No. 2 Vichers Ferry Rd., Box 255, Rexford, N.Y. 12148.
CS78-429, May 1, 1978, Varibus Corp., P.O. Box 2237, Beaumont, Tex. 77704.
CS78-430, May 1, 1978, James R. Jack, Box 60, Suphur, Okla. 73086.
CS78-431, May 3, 1978, Canadian American Resources Fund, Inc.—1973-3 Partnership, 2500 Fort Worth Natl. Bank Bldg., Fort Worth, Tex. 76102.
CS78-432, May 4, 1978, Golden Spread Land Co., Inc., (Operator), 910 West Ave., Wellington, Tex.
CS78-433, May 4, 1978, Tower Oil and Gas Co., Inc., 1466 East First National Center, Oklahoma City, Okla. 73102.
CS78-434, May 5, 1978, James O. Morrison, 1823 McElroy St., Crane, Tex. 79731.
CS78-435, May 5, 1978, Bi-State Energy, Inc., 333 Eastwood, Prairie Grove, Ariz. 72753.
CS78-436, May 8, 1978, Whiteman Industries, Inc., P.O. Box 60649, Oklahoma City, Okla. 73146.
CS78-437, May 8, 1978, Lou-Tex Trust Co., P.O. Box 61271, Houston, Tex. 77008.
CS78-438, May 8, 1978, John H. Healey, P.O. Box 1901, Midland, Tex. 79702.
CS78-439, May 8, 1978, Mrs. Margaret W. Elkins, 1007 First City Natl. Bank Bldg., Houston, Tex. 77002.
CS78-440, May 8, 1978, The Denholm Corp., 210 Fleetway, Houston, Tex. 77024.
CS78-441, May 8, 1978, Carl Wiley Jones, 1414 Mid South Towers, Shreveport, La. 71101.
CS78-442, May 8, 1978, Voyageur Exploration Co., 3600 South Yosemite St., No. 830, Denver, Colo. 80237.
CS78-443, May 9, 1978, Tom McGee d.b.a. TEMCO, P.O. Box 112, Darrrouzett, Tex. 79024.
CS78-444, May 9, 1978, M. Carl Jones, 1414 Mid South Towers, Shreveport, La. 71101

[FR Doc. 78-14483 Filed 5-24-78; 8:45 am]

¹Being noticed to include Natural Resources Management Corporation.

[6740-02]

[Docket Nos. G-2935, et al.]

WINNIE PIPELINE CO., (SUCC. TO UNION
TEXAS PETROLEUM, A DIVISION OF ALLIED
CHEMICAL CORP.), ET ALApplications for Certificates, Abandonment of
Service and Petitions to Amend Certificates¹

MAY 16, 1978.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 9, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

¹This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
G-2935, E, May 8, 1978.....	Winnie Pipeline Co. (successor to Union Texas Petroleum, a Division of Allied Chemical Corp.), 3900 One Shell Plaza, Houston, Tex. 77002.	Texas Gas Pipe Line Corp., Chambers and Jefferson Counties, Tex.	(¹)	14.65
G-4547, C, May 8, 1978.....	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	El Paso Natural Gas Co., Marron No. 8-A well, Chacra formation, southeast quarter (SE/4) of sec. 24-27N-8W, San Juan County, N. Mex.	(²)	15.025
G-7870, C, May 2, 1978.....	Southern Union Gathering Co., 1800 First International Bldg., Dallas, Tex. 75270.	El Paso Natural Gas Co., Ka Gee Tah No. 1 well, Pictured Cliffs formation, NW/4, sec. 10, T25N, R10W, San Juan County, N. Mex.	(²)	15.025
G-8107, E, May 8, 1978.....	Winnie Pipeline Co. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	Texas Eastern Transmission Corp., Jefferson County, Tex.	(¹)	14.65
G-8108, E, May 8, 1978.....	do.....	do.....	(¹)	14.65
G-8108, E, May 8, 1978.....	do.....	Sun Oil Co., Hardan County, Tex.	(¹)	14.65
G-11083, C, May 4, 1978.....	Continental Oil Co., P.O. Box 2197, Houston, Tex. 77001.	Texas Eastern Transmission Corp., Cabeza Creek Field, Goliad County, Tex.	(¹)	14.73
CI73-322, E, May 8, 1978.....	Winnie Pipeline Co. (successor to Union Texas Petroleum, a division of Allied Chemical Corp.).	Natural Gas Pipeline Co. of America, Galveston County, Tex.	(⁴)	14.65
CI76-201, C, May 4, 1978.....	Chevron U.S.A. Inc., 1111 Tulane Ave., New Orleans, La. 70112.	Natural Gas Pipeline Co., "B" platform in block 281, East Cameron area, south addition, offshore, Louisiana.	(³)	15.025
CI76-671, C, May 4, 1978.....	do.....	do.....	(¹)	15.025
CI78-720, B, Apr. 17, 1978.....	Americo Petroleum, Inc., 200 East 3d, Hutchinson, Kans. 67501.	Arkansas Louisiana Gas Co., North Half (N/2) of sec. 30, T25S, R4W, Reno County, Kans.—Soper No. 1 well.	Production has declined below economic limit.	
CI78-721, B, Apr. 17, 1978.....	do.....	Arkansas Louisiana Gas Co., South Half (S/2) of sec. 19, T25S, R4W, Reno County, Kans.—W. R. Blocker No. 1 well.	do.....	
CI78-723, A, Apr. 28, 1978.....	American Natural Gas Production Co., 5075 Westheimer, Suite 1100, Galleria Towers West, Houston, Tex. 77056.	Michigan Wisconsin Pipe Line Co., certain acreage located in Canadian County, Okla.	(¹⁰)	14.65
CI78-724 (G-13763), B, May 1, 1978.....	Cabot Corp., P.O. Box 1473, Charleston, W. Va. 25325.	Consolidated Gas Supply Corp., Luthersburg Field, Clearfield County, Pa.	(¹)	
CI78-725, A, May 1, 1978.....	Pan Eastern Exploration Co., P.O. Box 1642, Houston, Tex. 77001.	Panhandle Eastern Pipe Line Co., High Island area, east addition, south extension, blocks A-369 and A-370, offshore, Texas.	(²)	14.65
CI78-726, B, May 2, 1978.....	Champlin Exploration, Inc., 700 First National Bank Bldg., P.O. Drawer 3488, Enid, Okla. 73701.	Aminoli USA, Inc., Aline Gas Processing Plant, Alfalfa County, Okla.	(¹)	
CI78-727, A, May 2, 1978.....	Elf Aquitaine, Inc., 950 Threadneedle, Suite 200, Houston, Tex. 77079.	El Paso Natural Gas Co., certain acreage in the Nipp and Gallegos fields, San Juan County, N. Mex.	(²)	15.025
CI78-728, A, May 2, 1978.....	Cotton Petroleum Corp., 4200 One Williams Center, Tulsa, Okla. 74103.	United Gas Pipe Line Co., certain acreage in the Hansford field, Hansford County, Tex.	(²)	14.65
CI78-729 (G-6828), B, May 3, 1978.....	Energy Reserves Group, Inc., P.O. Box 1201, 217 North Water St., Wichita, Kans. 67201.	Texas Eastern Transmission Corp., Meyersville field, DeWitt County, Tex.	Gas contract has expired, plugged and abandoned.	
CI78-731, A, May 3, 1978.....	Diamond Shamrock Corp., (successor to The Shamrock Oil & Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Transwestern Pipeline Co., sec. 531, block 43 H. & T.C., Lipscomb County, Tex.	(¹)	14.65
CI78-732, A, May 3, 1978.....	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., block 899 of the Viosca Knoll area, offshore, Louisiana.	(²)	15.025
CI78-733, A, May 3, 1978.....	Tenneco Exploration II, Ltd., P.O. Box 2511, Houston, Tex. 77001.	Tenneco Oil Co., block 899 of the Viosca Knoll area, offshore, Louisiana.	(²)	15.025
CI78-734, (CI72-95), B, May 4, 1978.....	Tenneco Oil Co., P.O. Box 2511, Houston, Tex. 77001.	Tennessee Gas Pipeline Co., South Marsh Island block 29 field, offshore, Louisiana.	(¹⁰)	
CI78-736, A, May 4, 1978.....	Gulf Oil Corp., P.O. Box 2100, Houston, Tex. 77001.	El Paso Natural Gas Co., certain wells located in the Corbin, South and the Lusk, north fields in Lea County, N. Mex.	(²)	14.73
CI78-737, A, May 4, 1978.....	Atlantic Richfield Co., P.O. Box 2819, Dallas, Tex. 75221.	Northwest Pipeline Corp., certain acreage in La Plata County, Colo.	(²)	15.025
CI78-738, A, May 3, 1978.....	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	Cities Service Gas Co., certain acreage in the Wamsutter field, Carbon and Sweetwater Counties, Wyo.	(²)	15.025
CI78-739, A, May 5, 1978.....	Texas Pacific Oil Co., Inc., 1700 One Main Place, Dallas, Tex. 75250.	El Paso Natural Gas Co., Grayburg San Andres formation of the Britt A-1 well and the Britt B-2 well, Monument field, Lea County, N. Mex.	(²)	14.65
CI78-740, A, May 5, 1978.....	Gulf Oil Corp.	Transwestern Pipeline Co., undesignated field, Eddy County, N. Mex.	(²)	14.65
CI78-741, A, May 5, 1978.....	Diamond Shamrock Corp. (successor to The Shamrock Oil & Gas Corp.), P.O. Box 631, Amarillo, Tex. 79173.	Panhandle Eastern Pipe Line Co., certain acreage in Reno County, Kans.	(¹¹)	14.65
CI78-742 (G-17349), B, May 8, 1978.....	Exxon Corp., P.O. Box 2180, Houston, Tex. 77001.	United Gas Pipe Line Co., Garden City field, St. Mary Parish, La.	(¹²)	
CI78-743 (G-10769), B, May 8, 1978.....	Highland Resources Inc., 800 San Jacinto Bldg., Houston, Tex. 77002.	Tennessee Gas Pipeline Co. Government wells field, Duval County, Tex.	Ceased production, plugged and abandoned.	
CI78-744, A, May 8, 1978.....	Diamond Shamrock Corp. (successor to The Shamrock Oil & Gas Corp.).	Trunkline Gas Co., blocks A-369 and A-370 High Island area, east addition—south extension, offshore, Texas.	(¹²)	14.65
CI78-745, A, May 8, 1978.....	Southland Royalty Co., 1000 Fort Worth Club Tower, Fort Worth, Tex. 76102.	El Paso Natural Gas Co., Morrow formation from the Dukes No. 1 well located in sec. 31, T14N, R25W, Reydson field, Roger Mills County, Okla.	(²)	14.73

Docket No. and date filed	Applicant	Purchaser and location	Price per 1,000 ft ³	Pressure base
CI78-746, B, May 8, 1978	Dan J. Harrison, Jr., 520 South Post Oak Road, Suite 600, Houston, Tex. 77027.	Texas Eastern Transmission Corp., North-east Nada field, Colorado County, Tex.	Ceased production, lease expired, plugged and abandoned.	.....
CI78-747 (CI70-686), B, May 8, 1978.	King Resources Co., 1401 South Cherokee, Box 9698, Denver, Colo. 80209.	Southern Natural Gas Co., Fish Island field, Iberia Parish La.	Depleted, leases released, plugged and abandoned.	.....

¹Pursuant to purchase agreement dated Apr. 25, 1978, Winnie Pipeline acquired all of the assets, properties and contracts of the Winnie system from Union Texas. Applicant is requesting authority to continue the sales and services now being rendered by Union Texas.

²Applicant is willing to accept the applicable national rate pursuant to opinion No. 770, as amended.

³Applicant is filing under gas purchase agreement dated Sept. 1, 1953, amended by Letter Agreement dated Oct. 11, 1954, amended by supplemental agreements dated May 1, 1975 and Dec. 18, 1977.

⁴Applicant is filing under rollover contract dated Jan. 1, 1977, amended by amendment dated Dec. 15, 1977.

⁵Applicant is requesting authorization for an additional delivery point.

⁶Applicant and purchaser are affiliated.

⁷Pressure has decreased to point where it cannot enter purchaser's pipelines. All interstate use of applicant's gas has ceased. All wells are plugged and underlying leases have expired.

⁸Applicant proposes to sell gas directly to Panhandle Eastern Pipe Line Co. rather than to Aminoff USA, Inc., for resale by Aminoff to Panhandle under percentage contract.

⁹Applicant is filing under gas purchase contract dated Mar. 7, 1978.

¹⁰On Oct. 1, 1977, Tenneco Oil Co. assigned its operating rights to Shell Oil Co. with Tenneco Oil Co. retaining a .025000 pct overriding royalty interest in said lease.

¹¹Applicant is filing under gas purchase contract dated Nov. 7, 1977.

¹²Contract will expire under its own terms on Sept. 15, 1979. Reserves remaining on that date are committed to Columbia Gas Transmission Corp. under the provisions of a June 28, 1963 contract.

¹³Applicant is filing under gas purchase contract dated Apr. 16, 1978.

¹⁴By corporate name change, now Phoenix Resources Co.

Filing code: A—Initial service. B—Abandonment. C—Amendment to add acreage. D—Amendment to delete acreage. E—Succession. F—Partial succession.

[FR Doc. 78-14486 Filed 5-24-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 896-6]

RESOURCE CONSERVATION COMMITTEE

Public Meeting

The Resource Conservation Committee is the cabinet level interagency committee established by section 8002(j) of the Resource Conservation and Recovery Act of 1976. The Committee is responsible for studying and

making recommendations to the President and the Congress on a broad range of resource conservation policies.

Public meetings will be held in order to assist the Committee in arriving at a balanced decision on the issues being reviewed. The purpose of these meetings is to include the public in the consideration of these issues at an early stage.

Those issues on which public comment will be sought include:

1. Existing Federal policies affecting use of virgin and secondary materials.
- a. Tax policies.

- b. Federal transportation policies.
2. Recycling and resource recovery subsidies.
3. Deposits/bounties for durable goods.
4. Local level user fees.
5. Litter taxes.
6. Severance taxes.
7. Product regulation.

Three public meetings are scheduled in June. The public meetings will be held at the following locations. Registration will open at 8:30 a.m. and the meeting will begin at 9 a.m.

June 23, 1978—Holiday Inn, Chicago City Centre, 300 East Ohio Street, Chicago, Ill. 60611.

June 26, 1978—General Services Administration, 18th and F Streets, NW., Washington, D.C. 20415, Main Auditorium.

June 30, 1978—U.S. Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105.

So that adequate preparation may be made for these meetings, those planning to attend should contact Susan Mann, Public Participation Liaison, Resource Conservation Committee, U.S. Environmental Protection Agency (WH-563), Washington, D.C. 20460, 202-755-9145. Written Comments are encouraged and will receive equal consideration by the Committee.

Dated: May 19, 1978.

BARBARA BLUM,
Deputy Administrator,
Environmental Protection Agency
[FR Doc. 78-14571 Filed 5-24-78; 8:45 am]

[6560-01]

[FRL 899-6; OPP-42015C]

STATE OF HAWAII

Approval of State Plan for Certification of Pesticide Applicators

Section 4 (a)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86-Stat. 973; 7 U.S.C. 136 et seq.), and the implementing regulations of 40 CFR Part 171, require each State desiring to certify applicators to submit a plan for such purpose, subject to approval by the Environmental Protection Agency (EPA). On July 13, 1976, a Notice of Contingency Approval of the Hawaii State Plan was published in the FEDERAL REGISTER (41 FR 28841). Approval was contingent upon promulgation of necessary regulations implementing Hawaii pesticide legislation and was effective until July 13, 1977.

On September 15, 1977, a Notice of Extension of Contingency Approval of the Hawaii State Plan was published in the FEDERAL REGISTER (42 FR 46383) to allow Hawaii additional time to promulgate the regulations required for full approval. Subsequently, on December 10, 1977, the Hawaii Department of Agriculture promulgated final regulations necessary to implement Hawaii pesticide legislation.

Having reviewed the final Hawaii regulation and finding that all requisite legal authorities required by FIFRA and 40 CFR Part 171 are now enacted and promulgated, the Regional Administrator, EPA, Region IX, hereby gives notice that the Hawaii State Plan is now a fully approved State Plan.

Dated: April 27, 1978.

PAUL DE FALCO, JR.,
Regional Administrator,
Region IX.
[FR Doc. 78-14670 Filed 5-24-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

COSTA ARMATORI S.P.A.

Order of Revocation

In the matter of certificate of financial responsibility for indemnification of passengers for nonperformance of Transportation No. P-14 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on Voyages No. C-1,013.

Whereas, Costa Armatori S.p.A. c/o Costa Line, Inc., 245 Park Avenue, New York, N.Y. 10017, has ceased to operate the passenger vessel FRANCA C;

It is ordered, That Certificate (Performance) No. P-14 and Certificate (Casualty) No. C-1,013 issued to Giacomo Costa Fu Andrea (Costa Line) (Linea "C") and reissued to Costa Armatori S.p.A. applying to the FRANCA C., be and are hereby revoked effective May 16, 1978.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificants.

By the Commission May 16, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14681 Filed 5-24-78; 8:45 am]

[6730-01]

[Docket No. 78-16]

UNION CARBIDE CORPORATION V. JAPAN LINES (U.S.A.) LTD.

Filing of Complaint

Notice is hereby given that a complaint filed by Union Carbide Corp. against Japan Line, Ltd. was served May 18, 1978. Complainant alleges that it has been subjected to payment of a freight rate for transportation which is unjust and unreasonable and in violation of section 18(b)(3) of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before November 18, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14682 Filed 5-24-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[Docket No. R-0162]

FAIR HOUSING ADVERTISING AND POSTER REQUIREMENTS**Order**

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Order.

SUMMARY: The Federal Reserve System is updating its fair housing advertising and poster requirements for State-chartered banks that are members of the System to reflect the current provisions of the Equal Credit Opportunity and Fair Housing Acts.

DATE: The Board's order is effective June 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert C. Plows, Section Chief, Division of Consumer Affairs, Washington, D.C. 20551, 202-452-3687.

SUPPLEMENTARY INFORMATION: In order to encourage compliance with, and to increase public awareness of, the discrimination prohibitions of the Fair Housing Act of 1968, the Board, along with the other Federal financial supervisory agencies and the Department of Housing and Urban Development, adopted in 1971 and 1972 advertising and poster requirements relating to residential real estate lending activities. Pursuant to those requirements, any State member bank that advertises residential real estate lending services must indicate in those advertisements that it makes such loans without regard to race, color, religion, and national origin. Written advertisements must contain a specified equal housing lender logo-type. Similarly, a State member bank making residential real estate loans must display a specified equal housing lender poster in the public lobbies of its offices.

Parts of the advertising and poster requirements have become outdated because of the addition of sex as a prohibited basis of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) and because of the passage of the 1976 amendments to the Equal Credit Opportunity Act (15 U.S.C. 1691, et seq.).

As amended, section 805 of the Fair Housing Act prohibits discrimination in the financing of housing on the basis of race, color, religion, national origin, or sex. The Equal Credit Opportunity Act, as amended, prohibits discrimination against any applicant in any aspect of a credit transaction on the basis of sex, marital status, race, color, religion, national origin, or age; because all or part of the applicant's income derives from any public

assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act.

In order to encourage compliance with, and to increase public awareness of, the anti-discrimination provisions of both acts, the Board, along with HUD and the other Federal financial supervisory agencies, has adopted new advertising and poster requirements. These new requirements further amend those first set out by the Board on December 29, 1971 (36 FR 25168) and amended on April 28, 1972 (37 FR 8578).

The Assistant Secretary for Equal Opportunity of the Department of Housing and Urban Development has granted a waiver to State member banks from the Fair Housing Poster Requirements described in Part 110 of that agency's regulation (24 CFR 110.25(b)) in view of the Board's poster requirements.

The Board is distributing copies of the new fair housing poster to each State member bank through the bank's appropriate Federal Reserve Bank.

Accordingly, the Board issues the following order:

FAIR HOUSING ADVERTISING AND POSTER REQUIREMENTS**1. NONDISCRIMINATORY ADVERTISING**

(a) Any State member bank that directly or through third parties engages in any form of advertising of loans for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling (as defined in section 3 of this order) shall prominently indicate in such advertisement, in a manner appropriate to the advertising medium and format utilized, that the bank makes such loans without regard to race, color, religion, sex, or national origin.

(1) With respect to a written or visual advertisement, this requirement may be satisfied by including in the advertisement a facsimile of the logo-type with the equal housing lender legend contained in the Equal Housing Lender Poster prescribed in section 2 of this order.

(2) With respect to an oral advertisement, this requirement may be satisfied by a statement, in the spoken text of the advertisement, that the bank is an "equal housing lender."

(3) When an oral advertisement is used in conjunction with a written or visual advertisement, the use of either of the methods specified in subparagraphs (1) and (2) will satisfy the requirements of this paragraph (a).

(b) No advertisement shall contain any words, symbols, models, or other forms of communication that express, imply, or suggest a discriminatory preference or policy of exclusion in

violation of the provisions of the Fair Housing Act or the Equal Credit Opportunity Act.

2. EQUAL HOUSING LENDER POSTER

(a) Each State member bank engaged in extending loans for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling (as defined in section 3 of this order) shall conspicuously display an Equal Housing Lender Poster in any public lobby and area within the bank where deposits are received or where such loans are made in a manner clearly visible to the general public entering such areas.

(b) The Equal Housing Lender Poster shall be at least 11 by 14 inches in size and shall have the following text:



We Do Business in Accordance With the Federal Fair Housing Law

IT IS ILLEGAL, BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN, TO:

- ☐ Deny a loan for the purpose of purchasing, constructing, improving, repairing or maintaining a dwelling or
- ☐ Discriminate in fixing the amount, interest rate, duration, application procedures or other terms or conditions of such a loan

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, YOU MAY SEND A COMPLAINT TO:

Assistant Secretary for Equal Opportunity,
Department of Housing and Urban
Development, Washington, D.C. 20410

IT IS ILLEGAL UNDER THE EQUAL CREDIT OPPORTUNITY ACT TO DISCRIMINATE IN EXTENDING CREDIT:

- ☐ On the basis of race, color, religion, national origin, sex, or marital status, or age
- ☐ Because income is from public assistance
- ☐ Because a right was exercised under the Consumer Credit Protection Act.

IF YOU BELIEVE YOU HAVE BEEN DISCRIMINATED AGAINST, YOU MAY SEND A COMPLAINT TO:

Federal Reserve System, Division of Consumer Affairs, Washington, D.C. 20551

3. DEFINITION OF DWELLING

"Dwelling" means any building, structure (including a mobile home), or portion thereof that is occupied as, or designed or intended for occupancy as, a residence by one or more natural persons and any vacant land that is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof.

By order of the Board of Governors, May 15, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14616 Filed 5-24-78; 8:45 am]

[6210-01]

PIONEER BANCORPORATION, INC.**Formation of Bank Holding Company**

Pioneer Bancorporation, Inc., Denver, Colo., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 98.4 percent or more of the voting shares of Colfax National Bank of Denver, Denver, Colo. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve, Washington, D.C. 20551, to be received no later than June 15, 1978.

Board of Governors of the Federal Reserve System, May 17, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14562 Filed 5-24-78; 8:45 am]

[6820-24]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;
Temporary Reg. F-467]

**SECRETARY OF DEFENSE
Delegation of Authority**

1. Purpose. This regulation delegates authority to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government in a gas and electric rate increase proceeding.

2. Effective date. This regulation is effective immediately.

3. Delegation. a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Illinois Commerce Commission involving the application of the Iowa-Illinois Gas and Electric Co. for a general increase in rate charges for gas and electric service.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

JAY SOLOMON,
Administrator of
General Services.

MAY 17, 1978.

[FR Doc. 78-14563 Filed 5-24-78; 8:45 am]

[4110-35]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Care Financing Administration

PRIVACY ACT OF 1974

New Routine Use and Minor Technical
Amendments to Notice of Systems of Records

AGENCY: Department of Health, Education, and Welfare, Health Care Financing Administration.

ACTION: Notification of new routine uses and minor technical amendments to the Notice of System of Records Carrier Medicare Claims Records, DHEW/HCFR. No. 09-70-0501.¹

SUMMARY: The Department of Health, Education, and Welfare (DHEW), Health Care Financing Administration (HCFA), proposes to establish additional new routine uses and minor technical amendments to the system of records entitled Carrier Medicare Claims Records under the Privacy Act.

DATES: The new routine use and minor technical amendments shall become effective as proposed without further notice on June 24, 1978, unless comments are received on or before June 24, 1978, which would result in a contrary determination.

¹Formerly 09-60-0024 new HCFA control number assigned due to internal DHEW reorganization.

ADDRESS: Comments should be addressed to Privacy Officer, Office of Management and Budget, Health Care Financing Administration, 330 C Street, SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 4200-B, Mary E. Switzer Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

Mel Gangestad, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room 4200-B, Mary E. Switzer Building, 300 C Street, SW., Washington, D.C. 20201, or call 202-245-0621.

SUPPLEMENTARY INFORMATION: The Health Care Financing Administration, Department of Health, Education, and Welfare, proposes to add new routine uses and made minor technical amendments to Carrier Medicare Claims Records.

The purpose of one of the new disclosures is to reveal identifiable physician/provider or beneficiary data to a peer review group to permit a meaningful evaluation of the practice of a physician/provider. This constitutes an important ingredient in establishing abuse against the Medicare program. Unauthorized access to the system is precluded by denying unauthorized personnel access to the records. Disclosures of physicians' customary charge data are made to State audit agencies in order to ascertain the correctness of title XIX charges and payments.

The purpose of the other disclosure is to reveal pertinent beneficiary data and Medicare payment information to physicians and other suppliers of services who are attempting to verify individual items on which the amounts included in the annual Physician/Supplier Payment List are based.

The minor technical amendments will clarify the existing use of certain documents, properly identify storage of records, clarify existing language, and identify carriers and the Medicare Bureau Regional Offices as possible components to be contacted when records are requested. The amendment to expand an established routine use will allow the disclosure of pertinent information to State agencies charged with the administration of Medicaid. The purpose of this disclosure is to enable State agencies to process claims for medical reimbursement when both Medicaid and Medicare are involved.

Accordingly, the Health Care Financing Administration proposes to establish additional new routine uses and make minor technical amendments as indicated in the following systems of records notice.

DATED: May 22, 1978.

LEONARD SCHAEFFER,
Assistant Secretary
for Management and Budget.

09-70-0501

System name:

Carrier Medicare Claims Records, HEW/HCFR/MAB.

Security classification:

None.

System location:

Carriers under contract to the Health Care Financing Administration and the Social Security Administration (see Appendix C, Section 4, FEDERAL REGISTER, September 20, 1976, page 41056).

Categories of individuals covered by the system:

Beneficiaries who have submitted claims for Supplementary Medical Insurance Benefits (Medicare Part B).

Categories of records in the system:

Request for Payment; Provider billing for Patient Services by Physician; Prepayment Plan for Group Medicare Practices Dealing through a Carrier; Request for Claim Number Verification; Payment Record Transmittal; Statement of Person Regarding Medicare Payment for Medical Services Furnished Deceased Patient; Report of Prior Period of Entitlement; itemized bills and other similar documents from beneficiaries required to support payments to beneficiaries and to physicians and other suppliers of Part B Medicare services.

Authority for maintenance of the system:

Sections 1842 and 1874 of title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(b) Third-party contacts by the Health Care Financing Administration and the Social Security Administration (without the consent of the individual to whom the information pertains) in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to

provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual), or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount or reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of system activities.

(c) Third-party contacts by the Health Care Financing Administration and the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

(d) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(e) The U.S. Postal Service for investigating alleged forgery or theft of social security checks.

(f) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the Secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(g) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(h) Professional Standards Review Organization for utilization review (PSRO).

(i) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(j) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of the title XVIII.

(k) Contractors under contract to the Health Care Financing Administration and the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

(l) State welfare departments pursuant to agreements with the Department of Health, Education, and Welfare for administration of State supplementation payments for determinations of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under section 1843 of the Social Security Act, for quality

control studies, for determining eligibility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(m) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(n) State audit agencies in connection with the audit of Medicaid eligibility considerations.

(o) In the event of litigation where one of the parties is (a) the Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

(p) Peer review groups, consisting of members of State, county, or local medical societies or medical care foundations (physicians), appointed by the medical society or foundation at the request of the carrier for resolution of questions of medical necessity, utilization of particular procedures or practices, or overutilization of services with respect to Medicare claims submitted to the carrier.

(q) Physicians and other suppliers of services who are attempting to validate individual items on which the amounts included in the annual Physician/Supplier Payment List are based.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Records maintained on paper, tape, disc, and punchcards.

Retrievability:

System is indexed by health insurance claim number. The record is prepared by the beneficiary and is used by carriers to determine amount of an entitlement to Part B benefits. The bills are retained by the carriers. Disclosures of physician's customary charge data are made to State audit agencies in order to ascertain the correctness of title XIX charges and payments.

Safeguards:

Unauthorized personnel are denied access to the records area. Disclosure is limited.

Retention and disposal:

Records are closed out at the end of the calendar year in which paid, held two additional years, transferred to Federal Records Center and destroyed after another 2 years.

System manager(s) and address:

Director, Medicare Bureau, 6401 Security Boulevard, Baltimore, Md. 21235.

Notification procedure:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Medicare Bureau, Health Insurance Inquiries Branch, Baltimore, Md. 21235. The individual should furnish his or her health insurance claim number and the name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, Section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record access procedures:

The individual can obtain information on the procedures for gaining access to and contesting records from the most convenient social security office, the appropriate carrier, or from the Health Care Financing Administration, Medicare Bureau, Health Insurance Inquiries Branch, Baltimore, Md. 21235.

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories:

The data contained in these records is furnished by the individual. In most cases, the identifying information is provided to the physician by the individual. The physician then adds the medical information and submits the bill to the carrier for payment.

Systems exempted from certain provisions of the act:

None.

[FR Doc. 78-14655 Filed 5-22-78; 3:08 am]

[4110-35]

PRIVACY ACT OF 1974

Expanded Routine Use and Minor Technical Amendments to Notice of System of Records

AGENCY: Department of Health, Education and Welfare, Health Care Financing Administration.

ACTION: Notification of Expansion of Established Routine Use and Minor Technical Amendments to the Notice of System of Records Health Insurance Master Record, DHEW/HCFR No. 09-70-0502.¹

SUMMARY: The Department of Health, Education, and Welfare (DHEW), Health Care Financing Administration (HCFA), proposes to expand an established routine use and make minor technical amendments to the system of records entitled Health Insurance Master Record under the Privacy Act.

DATES: The expanded routine use and minor technical amendments shall become effective as proposed without further notice on June 24, 1978 unless comments are received on or before June 24, 1978, which would result in a contrary determination.

ADDRESS: Comments should be addressed to Privacy Officer, Office of Management and Budget, Health Care Financing Administration, 330 C Street SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 4200-B, Mary E. Switzer Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

Mel Gangestad, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room 4200-B, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, or call 202-245-0621.

SUPPLEMENTARY INFORMATION: The Health Care Financing Administration, Department of Health, Education, and Welfare proposes to expand an established routine use and make minor technical amendments to Health Insurance Master Record. The expanded routine use will allow the disclosure of pertinent information to State agencies charged with the administration of Medicaid. The purpose of this disclosure is to enable State agencies to process claims for medical reimbursement when both Medicaid and Medicare are involved. The purpose of the minor technical amendments is to clarify existing language and identify carriers and intermediaries

¹Formerly 09-60-0016. New HCFA control number assigned due to internal DHEW reorganization.

NOTICES

ies and the Medicare Bureau Regional Offices as possible components to be contacted when requesting records.

Accordingly, the Health Care Financing Administration proposes to expand an established routine use and make minor technical amendments as indicated in the following system of records notice.

Dated: May 22, 1978.

LEONARD SCHAEFFER,
Assistant Secretary
for Management and Budget.

09-70-0502

System name:

Health Insurance Master Record, HEW/HCFR/MAB.

Security classification:

None

System location:

Social Security Administration, Bureau of Data Processing, 6401 Security Boulevard, Baltimore, Md. 21235.

Categories of individuals covered by the system:

Individuals age 65 or over who have been, or currently are, entitled to health insurance (Medicare) benefits under title XVIII of the Social Security Act; individuals under age 65 who have been, or currently are, entitled to such benefits on the basis of having been entitled for not less than 24 consecutive months to disability benefits under title II of the Act or under the Railroad Retirement Act; and individuals who have been, or currently are, entitled to such benefits because they have chronic renal disease.

Categories of records in the system:

The system contains information on enrollment, entitlement, Part A (Hospital) and B (Supplementary Medical) utilization, query and reply activity, health insurance bill and payment record processing, and Health Insurance Master Record maintenance.

Authority for maintenance of the system:

Section 1814 and 1833 of title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Act relating to railroad employment.

(b) State Welfare Departments pursuant to agreements with the Department of Health, Education, and Welfare for determination of eligibility for Medicaid, for quality control studies, for determining eligibility of recipients of assistance under titles IV and XIX

of the Social Security Act, and for the complete administration of the Medicaid program.

(c) State audit agencies for auditing State Medicaid eligibility considerations.

(d) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of title XVIII.

(e) A congressional office from the record of an individual in response to an inquiry from the congressional office made at the request of that individual.

(f) Contractors under contract to the Health Care Financing Administration and the Social Security Administration or under contract to another agency with funds provided by the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

(g) In the event of litigation where one of the parties is: (a) The Department, any component of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department has agreed to represent such employee, the Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purpose for which the records were collected.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

Storage:

Records maintained on paper listings, microfilm, magnetic tape, disc and punchcards.

Retrievability: System is indexed by health insurance claim number, and is used to carry out the tasks of enrollment, query/reply activity, and health insurance bill and payment record processing.

Safeguards:

Unauthorized personnel are denied access to the records area. Disclosure is limited to routine use. For computerized records, electronically transmitted between Central Office and field office locations (including Medicare contractors), systems securities are established in accordance with Departmental standards and National Bureau of Standards guidelines. Safeguards include a lock/unlock password system, exclusive use of leased telephone lines, a terminal oriented transaction matrix, and an audit trail.

Retention and disposal:

Records are closed out at the end of the calendar year in which paid, held 2 additional years, transferred to the Federal Records Center, and destroyed after another 6 years.

System manager(s) and address:

Director, Medicare Bureau, 6401 Security Boulevard, Baltimore, Md. 21235.

Notification procedure:

Inquiries and requests for system records should be addressed to the most convenient social security office, the appropriate carrier or intermediary, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Medicare Bureau, Health Insurance Inquiries Branch, Baltimore, Md. 21235. The individual should furnish his or her health insurance claim number and name as shown on social security records.

Records access procedures:

Same as notification procedures. Requesters should also reasonably specify the record contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, Section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410.)

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, Section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories:

The data contained in these records is furnished by the individual. There are cases, however, in which the identifying information is provided to the physician by the individual; the physician then adds the medical information and submits the bill to the carrier for payment. Updating information is also obtained from the Master Beneficiary Record.

System exempted from certain provisions of the act:

None.

[FR Doc. 78-14656 Filed 5-22-78; 3:08 am]

[4110-35]

PRIVACY ACT OF 1974

New Routine Use and Minor Technical Amendments to Notice of System of Records

AGENCY: Department of Health, Education, and Welfare, Health Care Financing Administration.

ACTION: Notification of New Routine Use and Minor Technical Amendments

NOTICES

22449

to the Notice of System of Records Intermediary Medicare Claims Records, HEW/HCFR, NO. 09-70-0503.¹

SUMMARY: The Department of Health, Education, and Welfare (DHEW), Health Care Financing Administration (HCFA), proposes to establish an additional new routine use and make minor technical amendments to the system of records entitled Intermediary Medicare Claims Records under the Privacy Act.

DATES: The new routine use and minor technical amendments shall become effective as proposed without further notice on June 24, 1978, unless comments are received on or before June 24, 1978 which would result in a contrary determination.

ADDRESS: Comments should be addressed to Privacy Officer, Office of Management and Budget, Health Care Financing Administration, 330 C Street SW., Washington, D.C. 20201. Comments received will be available for inspection in Room 4200-B, Mary E. Switzer Building, at the above address.

FOR FURTHER INFORMATION CONTACT:

Mel Gangestad, Privacy Officer, Office of Management and Budget, Health Care Financing Administration, Room 4200-B, Mary E. Switzer Building, 330 C Street SW., Washington, D.C. 20201, or call 202-245-0621.

SUPPLEMENTARY INFORMATION: The Health Care Financing Administration, Department of Health, Education, and Welfare proposes to add a new routine use and make minor technical amendments to Intermediary Medicare Claims Records. The purpose of this disclosure is to reveal pertinent beneficiary data and Medicare payment information to physicians and other suppliers of services who are attempting to verify individual items on which the amounts included in the annual Physician/Supplier Payment List are based. The purpose of the minor technical amendments is to clarify the existing use of certain documents and identify intermediaries and Medicare Bureau Regional Offices as possible components to be notified when records are requested. The amendment to expand an established routine use to disclose pertinent information to State agencies charged with the administration of Medicaid will enable State agencies to process claims for medical reimbursement when both Medicaid and Medicare are involved.

Accordingly, the Health Care Financing Administration proposes to establish an additional new routine use and make minor technical amend-

¹Formerly 09-60-0028. New HCFA control number assigned due to internal DHEW reorganization.

ments as indicated in the following system of records notice.

Dated: May 22, 1978.

LEONARD SCHAEFFER,
Assistant Secretary
for Management and Budget.

09-70-0503

System name:

Intermediary Medicare Claims Records, HEW/HCFR/MAB.

System location:

Intermediaries under contract to the Health Care Financing Administration and the Social Security Administration (See Appendix C, Section 3, FEDERAL REGISTER, September 30, 1976, page 41053.)

Categories of individuals covered by the system:

Beneficiaries on whose behalf claims for payment of hospital insurance benefits (Medicare Part A) have been submitted.

Categories of records in the system:

Inpatient hospital and extended care admission and other health services; inpatient admission and billing—Christian Science Sanatorium; home health agency report and billing and other documents used to support payments to beneficiaries and providers of service. These forms contain the beneficiary's name, sex, health insurance claim number, address, date of birth, provider name, physician's name, date of admission and discharge, other health insurance and a statement of services rendered.

Authority for maintenance of the system:

Section 1816 and 1874 of Title XVIII of the Social Security Act.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

(a) Claimants, other than the data subject, their authorized representatives or representative payees to the extent necessary to pursue claims made under title XVIII of the Social Security Act (Medicare).

(b) Third-party contracts by the Health Care Financing Administration and the Social Security Administration without the consent of the individual to whom the information pertains in situations where the party to be contacted has, or is expected to have information relating to the individual's capability to manage his affairs or his eligibility for or entitlement to benefits under the Medicare program when:

(1) The individual is unable to provide the information being sought (an individual is considered to be unable to

provide certain types of information when any of the following conditions exist: individual is incapable or of questionable mental capability, cannot read or write, cannot afford the cost of obtaining the information, a language barrier exists, or the custodian of the information will not, as a matter of policy, provide it to the individual) or

(2) The data are needed to establish the validity of evidence or to verify the accuracy of information presented by the individual, and it concerns one or more of the following: the individual's eligibility to benefits under the Medicare program; the amount of reimbursement; any case in which the evidence is being reviewed as a result of suspected abuse or fraud, concern for program integrity, or for quality appraisal, or evaluation and measurement of systems activities.

(c) Third-party contacts by the Health Care Financing Administration and the Social Security Administration where necessary to establish or verify information provided by representative payees or payee applicants.

(d) The Treasury Department for investigating alleged theft, forgery, or unlawful negotiation of Medicare reimbursement checks.

(e) The U.S. Postal Service for investigating alleged forgery or theft of social security checks.

(f) The Department of Justice for investigating and prosecuting violations of the Social Security Act to which criminal penalties attach, for representing the secretary, and for investigating issues of fraud by agency officers or employees, or violation of civil rights.

(g) The Railroad Retirement Board for administering provisions of the Railroad Retirement and Social Security Acts relating to railroad employment.

(h) Professional Standards Review Organization for utilization review (PSRO).

(i) State Licensing Boards for review of unethical practices or nonprofessional conduct.

(j) Providers and suppliers of services directly or dealing through fiscal intermediaries or carriers for administration of provisions of title XVIII.

(k) Contractors under contract to the Health Care Financing Administration and the Social Security Administration for the performance of research and statistical activities directly relating to the Social Security Act.

(l) State welfare departments pursuant to agreements with the Department of Health, Education, and Welfare for administration of State supplementation payments for determination of eligibility for Medicaid, for enrollment of welfare recipients for medical insurance under Section 1843 of the Social Security Act, for quality control studies, for determining eligi-

bility of recipients of assistance under titles IV and XIX of the Social Security Act, and for the complete administration of the Medicaid program.

(m) A congressional office from the record of an individual in response to an inquiry from the congressional office at the request of that individual.

(n) State audit agencies in connection with the audit of Medicaid eligibility considerations. In the event of litigation where one of the parties is (a) the Department, any components of the Department, or any employee of the Department in his or her official capacity; (b) the United States where the Department determines that the claim, if successful, is likely to directly affect the operations of the Department or any of its components; or (c) any Department employee in his or her individual capacity where the Justice Department may disclose such records as it deems desirable or necessary to the Department of Justice to enable that Department to effectively represent such party, provided such disclosure is compatible with the purposes for which the records were collected.

(o) Physicians and other suppliers of services who are attempting to validate individual items on which the amounts included in the annual Physician/Supplier Payment List are based.

Policies and practices for storing, retrieving, accessing, retaining and disposing of records in the system:

Storage:

Records maintained on paper forms, magnetic tape and microfilm.

Retrievability:

The system is indexed by health insurance claim number. The record is prepared by the hospital or other provider with identifying information received from the beneficiary to establish eligibility for Medicare and document and support payments to providers by the intermediaries. The paid bills are forwarded to the Social Security Administration, Bureau of Data Processing, Baltimore, Md., where they are microfilmed and used to assist in responding to individual inquiries.

Safeguards:

Disclosure of records is limited. The file area is closed to unauthorized personnel.

Retention and disposal:

Records are closed out at the end of the calendar year in which paid, held 2 more years, transferred to the Federal Records Center and destroyed after another 6 years.

System manager(s) and address:

Director, Medicare Bureau, 8401 Security Boulevard, Baltimore, Md. 21235.

Notification procedure:

Inquiries and requests for systems records should be addressed to the social security office nearest the requester's residence (see Appendix F, FEDERAL REGISTER, September 30, 1976, page 41062), the appropriate intermediary, the Medicare Bureau Regional Office, or to the Health Care Financing Administration, Medicare Bureau, Health Insurance Inquiries Branch, Baltimore, Md. 21235. The individual should furnish his or her health insurance number and name as shown on social security records. An individual who requests notification of or access to a medical record shall, at the time the request is made, designate in writing a responsible representative who will be willing to review the record and inform the subject individual of its contents at the representative's discretion. (These notification and access procedures are in accordance with Department Regulations (45 CFR, section 5b.6) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record access procedures:

Same as notification procedures. Requesters should also reasonably specify the records contents being sought. (These access procedures are in accordance with Department Regulations (45 CFR, section 5b.5(a)(2)) FEDERAL REGISTER, October 8, 1975, page 47410).

Contesting record procedures:

Contact the official at the address specified under notification procedures above, and reasonably identify the record and specify the information to be contested. (These procedures are in accordance with Department Regulations (45 CFR, section 5b.7) FEDERAL REGISTER, October 8, 1975, page 47411.)

Record source categories:

The identifying information contained in these records is obtained by the provider from the individual; the medical information is entered by the provider of medical services.

Systems exempted from certain provisions of the Act:

None.

[FR Doc. 78-14657 Filed 5-22-78; 3:08 am]

[4110-02]

Office of Education

ACCREDITATION AND INSTITUTIONAL ELIGIBILITY ADVISORY COMMITTEE

Reestablishment

The Secretary of Health, Education, and Welfare has determined that the reestablishment of the Accreditation and Institutional Eligibility Advisory

Council, as identified hereinafter, is in the public interest, and necessary and appropriate to provide advice to the Secretary of Health, Education, and Welfare, the Assistant Secretary for Education, and the Commissioner of Education. The Committee is reestablished in accordance with and will be governed by the provisions of the Federal Advisory Committee Act, Pub. L. 92-463.

1. Designation—Accreditation and Institutional Eligibility Advisory Committee.

2. Reestablishment date and date of termination—The Committee was reestablished May 10, 1978, and will terminate two years from that date unless renewed by appropriate action prior to its expiration.

3. Purpose—To advise and counsel the Commissioner of Education in publishing a list of nationally recognized accrediting agencies or association and in determining institutional eligibility for participation of educational institutions in Federal assistance programs based on accreditation by any such agency.

4. Membership—The Committee shall consist of 15 members knowledgeable about secondary and postsecondary education, representatives of the student/youth population, of professional associations, of State Department of Education, and of the general public.

5. Meetings—Advance notice of meetings, to be held not less than two times each year, will be given to the public in accordance with the Federal Advisory Committee Act.

Signed at Washington, D.C., on May 17, 1978.

ANN V. BAILEY,
Committee Management Officer,
Office of Education.

[FR Doc. 78-14601 Filed 5-24-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting

Notice is hereby given, pursuant to Pub. L. 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held on Friday, June 23 and on Saturday, June 24, 1978. The meeting on June 23 will consist of an Urban Education Seminar from 9 a.m. to 12:30 p.m., and Committee meetings will be conducted from 1:30 p.m. to 5 p.m., and on June 24, the regular Council meeting will be held from 9 a.m. to 12 noon. The two-day meeting will be held at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Act (20 U.S.C. 2411) to advise the President and the Congress on the effectiveness of compensatory education to improve the education attainment of disadvantaged children.

The main purposes for these sessions are to:

1. Develop and plan future activities for finalizing individual special and interim reports;
2. Obtain views and concerns of persons associated with improving educational achievement of children residing in urban areas;
3. Obtain an update of activities being conducted by OPB&E and hear reports from various committees.

The entire meeting is open to the public. Because of limited space, all persons wishing to attend should call for reservations by June 19, 1978, area code 202-724-0114 and speak with Mrs. Lisa Haywood.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located at 425 Thirteenth Street NW., Suite 1012, Washington, D.C. 20004.

Signed at Washington, D.C., on May 22, 1978.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc. 78-14671 Filed 5-24-78; 8:45 am]

[4110-12]

Office of the Secretary

BOARD OF ADVISORS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the next meeting of the Board of Advisors to the Fund for the Improvement of Postsecondary Education will be held on June 21, 1978, at 5 p.m. through June 23, 1978, at 2 p.m. at the Kelley House, Kelley Street, Edgartown, Mass.

The Board of Advisors to the Fund was established to recommend to the Director of the Fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount under section 404 of the General Education Provisions Act.

The meeting will be open to the public. It will be for the sole purpose of reviewing and recommending possible program directions for fiscal year 1978-79.

A summary of the proceedings of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue SW., Room 3123, Washington, D.C. 20202, telephone 202-245-8091.

Signed at Washington, D.C. on May 18, 1978.

ERNEST BARTELL,
Director, Fund for the Improvement of Postsecondary Education.

[FR Doc. 78-14617 Filed 5-24-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

ABSENTEE SHAWNEE TRIBE OF INDIANS OF OKLAHOMA

Transfer of Federally Owned Lands

MAY 17, 1978.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230-DM-2.

On July 28, 1977, pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, as amended by Public Law 93-599 dated January 2, 1975 (88 Stat. 1954), the below-described property was transferred from the Fort Worth Regional Administration to the General Services Administration to the Secretary of the Interior, without reimbursement, to be held in trust for the benefit and use of the Absentee Shawnee Tribe of Indians of Oklahoma:

TRACT AND LEGAL DESCRIPTION

Part of the NW¼ of Sec. 28, T. 9 N., R. 1 E., I. M. more particularly described as: A tract of land in the NW¼, Section 28, Township 9 North, Range 1 East, of the Indian Meridian, Cleveland County, Oklahoma, described as Beginning at a point on the south right-of-way line of Oklahoma State Highway No. 9, said point being N 89° 44' 15" E a distance of 1981.894 feet and S 00° 28' 20" E a distance of 195.872 feet from the northwest corner of said Section 28; thence S 00° 28' 20" E a distance of 1116.120 feet; thence S 89° 31' 40" W a distance of 696.80 feet; thence N 00° 28' 20" W a distance of 834.994 feet to a point on the south right-of-way line of Oklahoma State Highway No. 9; thence in a northeasterly direction along said south right-of-way line on a curve to the right having a radius of 2754.79 feet, a distance of 753.722 feet to the Point of Beginning, containing 15.902 acres, more or less, SURFACE and SURFACE RIGHTS ONLY as distinguished from the oil, gas and other mineral rights.

These lands are to be treated as and receive the same benefits and protection as other trust lands held for the benefit and use of the Absentee Shawnee Tribe of Indians of Oklahoma. Appropriate notation will be made in the

land records of the Bureau of Indian Affairs.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-14622 Filed 5-24-78; 8:45 am]

[4310-02]

Bureau of Indian Affairs

LIPAN AND MESCALERO APACHE

Plan for the Use and Distribution of the Lipan and Mescalero Apache Judgment Funds Awarded in Docket 22-C Before the Indian Claims Commission

MAY 16, 1978.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 210 DM 1.2.

The Act of October 19, 1973 (Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of September 30, 1976, 94 Stat. 438, in satisfaction of the award granted to the Lipan and Mescalero Apache of the Mescalero Reservation in Indian Claims Commission Docket 22-C. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated December 12, 1977, and was received (as recorded in the Congressional Record) by the House of Representatives on December 15, 1977, and by the Senate on December 15, 1977. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on April 9, 1978, as provided by Section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of September 30, 1976, 94 Stat. 438, in satisfaction of an award granted to the Apache Tribe of the Mescalero Reservation and the Lipan Apache Tribe of Indians as constituent groups of the Apache Tribe of the Mescalero Reservation in the State of New Mexico in Docket 22-C before the Indian Claims Commission, including all interest and investment income accruing thereto, less attorney fees and litigation expenses, shall be utilized as herein provided.

The Secretary of the Interior (hereinafter "Secretary") shall make a per capita distribution of \$1,000, to all eligible members on the Mescalero Apache membership roll as of the effective date of the Plan.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. The per capita shares of minors shall be handled pursuant to 25 CFR 60.10(a) and (b) (1) and 104.4, as amended November 5, 1976 (41 FR 48735, 48736). The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

As of June 21, 1977, in accordance with Mescalero Apache Tribe Resolutions 77-22 and 77-23, a payment of \$1,000 was made to all enrolled members. The resolutions further provided that the funds used for this payment would be returned to their respective accounts from which the payment was paid from the proceeds of the Lipan Judgment Award in Docket 22-C. The amounts to be transferred to the following accounts of the Mescalero Apache Tribe in the United States Treasury are:

14 x 7373—Mescalero Claims, \$1,179,176.51.
14 x 7873—Mescalero Claims, 990,081.75.
14 x 9556—Chiricahua Claims, 30,157.74.

The remaining funds and the accrued interest shall be utilized by the tribe for the purposes and in the amounts described below:

1. New Ceremonial Grounds: \$600,000.

The Mescalero Apache Tribe annually uses its Tribal Ceremonial Grounds to observe its traditional Puberty Rites and Ceremonial Dances. Other activities involving games, bands, and rodeos have created pressure on parking facilities while a population growth and increased attendance has made it imperative to relocate and improve these Tribal Ceremonial Grounds.

2. Apache Heritage Foundation: \$200,000

The Mescalero Apache Heritage Foundation is used to perpetuate many of the traditional and religious customs and practices of the Tribe. Income from this fund shall be used to defray the annual expenses necessary to promote the welfare and interests of the Tribe.

3. Museum Improvement: \$10,000

The present Museum on the Mescalero Apache Reservation is in need of additional displays and improvements. This program mount will allow acquisition of additional display items and supplies to update and improve the Museum.

4. Housing for Single Men and Women: \$600,000

The Mescalero Apache Tribe is making every effort to provide safe and adequate housing for tribal members. It has become apparent that a certain segment of the Tribe, primarily single men and women who cannot otherwise qualify for Federal housing, find themselves shifting from one family to another. It is proposed to construct housing for these members. It is understood that those members provided such rooms are considered interim occupants and at such time as they acquire a private permanent house shall not be eligible to occupy any rooms. Guidelines and rules of occupancy shall be developed by the Tribal Council.

5. Tribal Identification Equipment: \$3,000

Purchase of a machine enabling the Tribe to provide an identification card to each tribal member 18 years of age and over. The identification cards shall be updated from time to time as the Tribal Council may direct.

6. Investment Trust Fund: \$3,265,000

The balance of the judgment funds in this program shall be placed in a safe, non-speculative portfolio and is to be maintained intact in perpetuity. The annual income from the Investment Fund may be appropriated from time to time by the Mescalero Apache Tribal Council in accordance with Article XI, and XIII, of the Revised Constitution of the Mescalero Apache Tribe, Mes-

calero Apache Reservation, New Mexico, approved March 25, 1936, as revised and approved January 12, 1965. It is hereby declared as a Statement of Policy that: This Investment Trust Fund shall remain intact to provide a legacy for the present and future of still unborn generations of Mescalero Apache people and this legacy shall provide the Apache people protection.

7. Unobligated Plan Balances:

Any amount remaining in this plan in any of the budgeted items, after the costs of the proposed project or program has been met, shall be transferred to and become part of the Investment Trust Fund. The rules governing the Investment Trust Fund shall apply to any amount so transferred.

FOREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-14564 Filed 5-24-78; 8:45 am]

[4310-02]

PHOENIX AND BILLINGS AREA DIRECTORS

Redelegation of Program Authority

MAY 17, 1978.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary of Indian Affairs by 230 DM 2.

The Assistant Secretary of Indian Affairs has revised the redelegation of program authority for Indian Affairs to the Phoenix and Billings Area Directors by removing the exception in section 3.3G of 10 BIAM to allow the Area Directors to approve power rates for the Colorado River, Flathead and San Carlos Irrigation Projects.

The revision was issued by Bureau of Indian Affairs Manual Release 10-37, dated April 13, 1978.

The revision affected the redelegation in 10 BIAM 3 which was published beginning at page 17046 of the April 16, 1975, FEDERAL REGISTER (40 FR 17046).

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-14566 Filed 5-24-78; 8:45 am]

[4310-02]

TAOS PUEBLO

Plan for the Use and Distribution of Taos Pueblo Judgment Funds Awarded in Docket 357-A Before the Indian Claims Commission

MAY 16, 1978.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary for Indian Affairs by 210 DM 1.2.

The Act of October 19, 1973 Pub. L. 93-134, 87 Stat. 466), requires that a plan be prepared and submitted to Congress for the use or distribution of funds appropriated to pay a judgment

of the Indian Claims Commission or Court of Claims to any Indian tribe. Funds were appropriated by the Act of June 1, 1976, 90 Stat. 629, in satisfaction of the award granted to the Taos Pueblo in Indian Claims Commission Docket 357-A. The plan for the use and distribution of the funds was submitted to the Congress with a letter dated December 27, 1977, and was received (as recorded in the Congressional Record) by the House of Representatives on January 19, 1978, and by the Senate on January 19, 1978. Neither House of Congress having adopted a resolution disapproving it, the plan became effective on April 10 1978, as provided by section 5 of the 1973 Act, supra.

The plan reads as follows:

The funds appropriated by the Act of June 1, 1976, 90 Stat. 629, in satisfaction of an award granted to the Taos Pueblo in Docket 357-A before the Indian Claims Commission, less attorney fees and litigation expenses, and including all interest and investment income accrued, shall be utilized as herein provided.

PER CAPITA PAYMENT ASPECT

The Taos Pueblo tribal roll shall be prepared pursuant to the provisions of the Taos Enrollment Ordinance approved December 13, 1977, and brought current to include all eligible members born on or prior to and living on the effective date of this plan.

Subsequent to the preparation and approval of the tribal roll, the Secretary of the Interior (hereinafter "Secretary") shall make a per capita distribution of forty (40) percent of the funds, in a sum as equal as possible, to each Taos tribal enrollee. Should the secretary find it necessary, an appropriate amount shall be placed in escrow pending enrollment appeals.

The per capita shares of living competent adults shall be paid directly to them. The per capita shares of legal incompetents shall be handled pursuant to 25 CFR 104.5. The per capita shares of minors shall be handled pursuant to 25 CFR 60.10 (a) and (b)(1) and 104.4, as amended November 5, 1976 (41 FR 48735, 48736). The per capita shares of deceased individual beneficiaries shall be determined and distributed in accordance with 43 CFR, Part 4, Subpart D.

PROGRAMING ASPECT

INVESTMENT PROGRAM

Forty (40) percent of the funds, plus any amount remaining after the per capita payment provided for above, shall be invested by the Secretary who shall make an annual report on the status of the investment to the Governor of the Pueblo. Such report shall be available for inspection by any Taos tribal member.

Ninety (90) percent of the interest and investment income accrued shall be distributed in the form of dividend payments to all Taos tribal members entitled to be enrolled on the dates such dividend payments are declared. Such dividend payments shall be made every three (3) years on July 1 with the first three-year period beginning on June 30 following the effective date of this plan.

Dividend payments shall be handled in the same manner as per capita payments as provided in this plan.

The balance, ten (10) percent, of the interest and investment income accrued shall be reinvested.

The total Investment Program shall be subject to review by the General Council every five (5) years, the first five-year period beginning on the effective date of this plan. Should the General Council determine that the Investment Program would best serve the Taos Pueblo by utilizing the interest and investment income accrued for social and economic development purposes, the following procedures shall be followed:

An appropriate proposal shall be formulated by the General Council or a committee consisting of no less than five (5) tribal members authorized by the General Council. Such proposal, in order to become valid, must be presented by the Governor or the committee chairman at a meeting with at least twenty-one (21) General Council members in attendance. The proposal shall require the approval of two-thirds (2/3) of the attending council members and the majority vote of the tribal members at a duly called and publicized general tribal meeting. If so approved, the proposal, in the form of a General Council resolution, shall be submitted to the Secretary with a request for disbursement of the funds. The principal of the Investment Program shall not, at any time, be available for per capita or dividend payments.

SOCIAL AND ECONOMIC PROGRAM

Twenty (20) percent of the funds shall be invested by the Secretary until portions of the principal and interest and investment income accrued are requested by resolution of the General Council, on an annual budgetary basis, in the percentages and for the general social and economic development programs described below.

The Governor and his staff shall appoint committees consisting of five (5) qualified and interested tribal members for the purposes of formulating specific programs which are subject to review and approval of the Governor and his staff. Such programs or projects shall be within the following general programing categories and within the percentages as specified. As a general guideline, emphasis is to be placed in all programs and projects on the concepts of supplementing or matching funding available from federal or other agencies.

1. Recreation—thirty (30) percent; to provide recreational facilities and programs for all age groups.

2. Improvement and Protection of Tribal Resources—forty (40) percent.

(a) To improve tribal lands, maintain irrigation ditches and other projects designed to generally improve tribal property in terms of developing agricultural and ranching incentives for tribal members.

(b) To enlarge the tribal land base through land acquisition.

(c) To maintain community facilities, such as water systems installed by the Indian Health Service, which cannot be supported by other funding.

(d) To protect tribal lands from trespassing, forest fires and other potential sources of damage by providing for increased patrolling, improvement of trails and the acquisition of material and equipment for these purposes.

3. Other Social and Economic Projects as may be determined to be needed for the general improvement of the pueblo and its membership—thirty (30) percent.

Should any funds in any of the above-cited general program categories not be needed or found in excess of programing goals in any given annual budget, such funds may be transferred by the Governor, with the approval of the General Council, to another of the categories.

GENERAL PROVISIONS

A full accounting of the per capita distribution and of all invested and programed funds shall be conducted by the Bureau of Indian Affairs as provided in 25 CFR 60.12. The Governor and his staff shall be responsible, on an annual budgetary basis, for an accounting of all invested and programed funds and for publishing audits and making such audits available for the inspection of any tribal member.

Only members of Taos Pueblo, enrolled pursuant to the provisions of the Taos Enrollment Ordinance approved December 13, 1977, shall benefit from the per capita payment aspect or any other aspect of this plan.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-14565 Filed 5-24-78; 8:45 am]

[4310-84]

Bureau of Land Management

[Serial No. A 10870]

ARIZONA

Airport Lease Application

Notice is hereby given that pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214), E. W. and Ora V. Senter, P.O. Box 308, Quartzsite, Ariz. 85346, have applied for an airport lease for the following land:

GILA AND SALT RIVER MERIDIAN, ARIZONA
T. 4 N., R. 19 W.,
sec. 15, S $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$,
containing 20 acres.

The purpose of this notice is to inform the public that the filing of this application segregates the described land from all other forms of

use or disposal under the public land laws.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Yuma District Office, Bureau of Land Management, P.O. Box 5680, Yuma, Ariz. 85364.

Dated: May 15, 1978.

MARIO L. LOPEZ,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-14623 Filed 5-24-78; 8:45 am]

[4310-84]

Bureau of Land Management

[CA 790]

CALIFORNIA

Opportunity for Public Hearing and Republication of Notice of Proposed Withdrawal

APRIL 24, 1978.

The U.S. Department of the Navy filed application Serial No. CA 790 on November 5, 1973, for a withdrawal in relation to the following described lands:

MOUNT DIABLO MERIDIAN, CALIF.

Public land:

T. 30 S., R. 22 E., Sec. 2, All.
T. 30 S., R. 23 E., Sec. 4, Lots 1 and 2 of NW¼ and S¼.

Patented lands with all minerals reserved to the United States:

T. 30 S., R. 23 E., Sec. 6, All.
Patented lands with oil and gas reserved to the United States:
T. 30 S., R. 23 E., Sec. 4, Lots 1 and 2 of NE¼.

The areas described aggregate 1,917.95 acres in Kern County, Calif.

The applicant desires that the land be withdrawn for inclusion within Petroleum Reserve No. 1.

A notice of the proposed withdrawal was published in the FEDERAL REGISTER on January 17, 1974, FR Doc. 74-1378, page 2114.

Pursuant to section 204(h) of the Federal Land Policy and Management Act of 1976, 90 Stat. 2754, notice is hereby given that an opportunity for a public hearing is afforded in connection with the pending withdrawal application. All interested persons who desire to be heard on the proposed withdrawal must file a written request for a hearing to the undersigned, Bureau of Land Management, E-2841 Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825, on or before June 22, 1978. All previous comments submitted in connection with the withdrawal application have been included in the record and will be considered in making a final determination on the application.

In lieu of or in addition to attendance at a scheduled public hearing,

written comments or objections to the pending withdrawal application may be filed with the undersigned authorized officer of the Bureau of Land Management on or before June 22, 1978.

The above described public lands or the reserved mineral interests in the lands are temporarily segregated from the operation of the public land laws, including the mining and mineral leasing laws, subject to prior valid existing rights to the extent that the withdrawal applied for, if and when effected, would prevent any form of disposition or appropriation under such laws. Current administrative jurisdiction over the segregated lands or reserved mineral interests in said lands will not be affected by the temporary segregation. In accordance with section 204(g) of the Federal Land Policy and Management Act of 1976, the segregative effect of the pending withdrawal application will terminate on October 20, 1991, unless sooner terminated by action of the Secretary of the Interior.

All communications in connection with the pending withdrawal application should be addressed to the undersigned.

JOAN B. RUSSELL,
Chief, Lands Section, Branch of
Lands and Mineral Operations.

[FR Doc. 78-14735 Filed 5-24-78; 8:45 am]

[4310-84]

[NM 33441, 33442, 33443, 33444, 33445, 33446, 33447, 33449, 33450, 33452 and 33455]

NEW MEXICO

Applications

MAY 19, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for eleven 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 28 N., R. 8 W.,
Sec. 8, lot 1 and SE¼SE¼.
T. 29 N., R. 7 W.,
Sec. 9, NE¼SE¼.
T. 31 N., R. 9 W.,
Sec. 8, lots 5 and 6;
Sec. 17, lots 9 and 10;
Sec. 21, lots 3, 4 and 5.
T. 28 N., R. 10 W.,
Sec. 17, SE¼NW¼.
T. 30 N., R. 10 W.,
Sec. 4, lot 6.
T. 31 N., R. 10 W.,
Sec. 12, lots 5, 12 and 13;
Sec. 24, lots 4, 5, 8 and 9;
Sec. 33, lot 15;
Sec. 34, lots 1, 2, 3 and 4.

These pipelines will convey natural gas across 2,132 miles of public lands

in Rio Arriba and San Juan Counties, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the district Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

STELLA V. GONZALES,
Acting Chief, Branch of
Lands and Minerals Operations.

[FR Doc. 78-14626 Filed 5-24-78; 8:45 am]

[4310-84]

[NM 33361, 33362, 33366]

NEW MEXICO

Notice of Applications

MAY 16, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Company has applied for three 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 30 N., R. 8 W.,
Sec. 12, lot 5.
T. 31 N., R. 9 W.,
Sec. 15, lots 9 and 10.
T. 31 N., R. 10 W.,
Sec. 28, lot 13;
Sec. 33, lots 3, 4 and 6.

These pipelines will convey natural gas across 0.405 mile of public lands in San Juan County, New Mexico.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.

[FR Doc. 78-14627 Filed 5-24-78; 8:45 am]

[4310-84]

[NM 33164]

NEW MEXICO

Designation of Aden Lava Flow Research Natural Area

MAY 18, 1978.

Pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director received January 26, 1978, I hereby designate the public lands in the following described area as the Aden Lava Flow Research Natural Area:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 25 S., R. 2 W.,
Sec. 33, W¼NE¼ and SE¼;
Secs. 34 and 35, All;
Sec. 36, S¼.
T. 26 S., R. 2 W.,
Sec. 3, All;
Sec. 4, NE¼NW¼ and S¼N¼;
Sec. 5, S¼NE¼ and SE¼;
Sec. 8, N¼NE¼ and SE¼NE¼;
Sec. 9, N¼;
Sec. 10, N¼.

The area described aggregates about 4,080 acres of public lands.

The Aden Lava Flow Research Natural Area is a "Class IV—Outstanding Natural Area" under the Heritage Conservation and Recreation Services system of classification.

ARTHUR W. ZIMMERMAN,
State Director.

[FR Doc. 78-14628 Filed 5-24-78; 8:45 am]

[4310-84]

[Colorado 24402h]

NORTHWEST PIPELINE CORP.

R/W Application for Pipeline

MAY 19, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Northwest Pipeline Corp., 315 East 200 South, Salt Lake City, Utah 84111, has applied for a right-of-way for a 4½-inch o.d. natural gas pipeline for the East Douglas Creek Gathering System approximately 0.14 miles long, across the following Public Lands:

SIXTH PRINCIPAL MERIDIAN, RIO BLANCO COUNTY, COLO.

T. 3 S., R. 100 W.
Sec. 8: NW¼SW¼.

The above-named gathering system will enable the applicant to collect natural gas in the area through which the pipeline will pass and to convey it to the applicants' customers.

The purposes for this notice are: (1) to inform the public that the Bureau of Land Management is proceeding with the preparation of environmental

and other analytic reports, necessary for determining whether or not the application should be approved and if approved, under what terms and conditions, (2) to give all interested parties the opportunity to comment on the application, (3) to allow any party asserting a claim to the lands involved or having bona fide objections to the proposed natural gas gathering system to file its claim or objections in the Colorado State Office. Any party so filing must include evidence that a copy thereof has been served on Northwest Pipeline Corp.

Any comment, claim, or objections must be filed with the Chief, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

ANDREW W. HEARD, JR.,
Leader, Craig Team,
Branch of Adjudication.

[FR Doc. 78-14624 Filed 5-24-78; 8:45 am]

[4310-84]

[Colorado 029008-E]

WESTERN SLOPE GAS CO.

Notice of Pipeline Application

MAY 17, 1978.

Notice is hereby given that, pursuant to Section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 U.S.C. 185), Western Slope Gas Co., P.O. Box 840, Denver, Colo. 80201, has applied for a right-of-way for a 4.5-inch o.d. natural gas pipeline, approximately 4.73 miles long, across the following public lands in Garfield County:

SIXTH PRINCIPAL MERIDIAN, COLO.

T. 7 S., R. 104 W.
Sec. 9, 15, 16, 17, 20, 22, 23.

The proposed pipeline will enable the applicant to convey natural gas in the Carbonera Natural Gas Field to the Grand Junction, Colo., market area.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application would be approved, and if so, under what terms and conditions; to allow interested parties to comment on the application, and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed natural gas pipeline right-of-way to file their objections in this office. Any person asserting a claim to the lands or having bona fide objections must include evidence that a copy thereof has been served on the applicant.

Any comment, claim, or objections must be filed with the Team Leader, Canon City-Grand Junction Team, Branch of Adjudication, Bureau of Land Management, Colorado State Office, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202, as promptly as possible after publication of this notice.

RODNEY A. ROBERTS,
Leader, Canon City-Grand Junction Team, Branch of Adjudication.

[FR Doc. 78-14625 Filed 5-24-78; 8:45 am]

[4310-84]

[W-62954]

WYOMING

Notice of Application

MAY 17, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Coastal States Gas Corp. of Houston, Tex., filed an application for a right-of-way to construct a 4½ inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 48 N., R. 98 W.,
Secs. 20, 21, 29, 30 and 31.
T. 47 N., R. 99 W.,
Secs. 2, 3, 4, 5 and 6.
T. 48 N., R. 99 W.,
Sec. 35.
T. 47 N., R. 100 W.,
Sec. 1.

The proposed pipeline will transport natural gas from the Sellers Draw Unit II, Well No. 1 located in the SW¼ of Section 21, T. 48 N., R. 98 W., to a point of connection with an existing pipeline located in the SW¼ of Section 1, T. 47 N., R. 100 W., all within Park and Hot Springs Counties, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and
Minerals Operations.

[FR Doc. 78-14629 Filed 5-24-78; 8:45 am]

[4310-84]

(W-63255)

WYOMING

Notice of Application

MAY 15, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Marathon Pipe Line Co. of Casper, Wyo. filed an application for a right-of-way to construct an 8 inch pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 52 N., R. 94 W., 6th P.M., Secs. 3 and 4.
T. 53 N., R. 94 W., Secs. 17, 18, 20, 21, 28, 33 and 34.
T. 53 N., R. 95 W., Secs. 2, 3, 11, 12 and 13.
T. 54 N., R. 95 W., Secs. 7, 17, 18, 20, 21, 28, 33 and 34.
T. 54 N., R. 96 W., Secs. 1, 2 and 12.
T. 55 N., R. 96 W., Secs. 6, 7, 8, 17, 20, 21, 27, 28, 34 and 35.
T. 56 N., R. 96 W., Sec. 31.

The proposed pipeline will replace and re-route an existing pipeline and will begin at a point in Lot 42, Section 3, T. 52 N., R. 94 W., and will extend to a point in Lot 46, Section 22, T. 56 N., R. 97 W., all within Big Horn County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

(FR Doc. 78-14630 Filed 5-24-78; 8:45 am)

4310-84]

(W-62953)

WYOMING

Notice of Application

MAY 17, 1978.

Notice is hereby given that pursuant to Sec. 28 of the Mineral Leasing Act of 1920, as amended (30 U.S.C. 185), the Coastal States Gas Corporation of Houston, Texas has filed an applica-

tion for a right-of-way to construct a 6% inch O.D. pipeline for the purpose of transporting natural gas across the following described public lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 51 N., R. 100 W.,
Sec. 8, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 17, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 20, W $\frac{1}{2}$ W $\frac{1}{2}$;
Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 32, W $\frac{1}{2}$ NW $\frac{1}{4}$;

The proposed pipeline will transport natural gas from a point within sec. 8 in a southerly direction to a point of connection in the NW $\frac{1}{4}$ of sec. 32, T. 51 N., R. 100 W., Park County, Wyo.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved and, if so, under what terms and conditions.

Interested persons desiring to express their views should do so promptly. Persons submitting comments should include their name and address and send them to the District Manager, Bureau of Land Management, 1700 Robertson Avenue, P.O. Box 119, Worland, Wyo. 82401.

HAROLD G. STINCHCOMB,
Chief, Branch of Lands and Minerals Operations.

(FR Doc. 78-14567 Filed 5-24-78; 8:45 am)

[4310-84]

(Tentative Sale No. 55)

GULF OF ALASKA, ALASKA OUTER CONTINENTAL SHELF

Call for Nominations of and Comments on Areas for Oil and Gas Leasing

Pursuant to the authority prescribed in 43 CFR 3301.3, nominations are hereby requested for areas in the Gulf of Alaska Outer Continental Shelf (OCS) for possible oil and gas leasing under the Outer Continental Shelf Lands Act (43 U.S.C. 1331-1343). Nominations will be considered for any or all of the following blocks which are generally bounded on the east by 138°15' West Longitude, and on the west by Montague and Hinchinbrook Islands, and seaward of Alaska's three-mile (State Territorial Waters) line:

1. NO 6-1: Blocks 132; 174-176; 217-220; 259-264; 302-308; 344-352; 387-396; 429-440; 472-484; 514-528; 569-572; 613-616; 657-660; 701-704; 745-748; 785-792, inclusive.
2. NO 6-2: Blocks 3-30; 34-35; 46-73; 76-79; 89-116; 119-123; 133-160; 163-168; 177-203; 206-212; 221-248; 250-256; 265-295; 309-339; 341; 353-388; 397-432; 441-476; 485-491; 493-520; 529-535; 538-564; 573-579; 582-602; 617-623; 625-640; 661-683; 705-726; 749-768; 793-811; 838-845; 847-853; 882-887; 892-896; 927-929; 937-939, inclusive.
3. NO 7-1: Blocks 1-7; 9-24; 26-28; 30-33; 54-59; 62-67; 70-71; 74-79; 97-103; 108-109;

112-116; 141-142; 146-148; 151-158; 160; 170; 185-186; 188-193; 195-96; 198; 200-204; 206-217; 229-239; 243-263; 274-282; 286-291; 293-308; 318-320; 323-326; 330-335; 338-352; 361; 363-364; 368-369; 371-372; 374-396; 405-410; 412; 415-440; 449-484; 493-528; 537-572; 589-616; 640-680; 689-704; 736-748; 784-792; 829-836; 874-880; 919-924, inclusive.

4. NO 7-2: Blocks 309-311; 353-361; 397-408; 441-452; 485-497; 529-543; 573-588; 617-634; 661-679; 705-726; 749-772; 793-818; 837-863; 881-908; 930-955; 974-1,001; 1,018-1,045, inclusive.

5. NO 7-4: Blocks 8-33; 54-78; 98-122; 142-166; 186-210; 230-254; 274-298; 318-340, inclusive.

6. NP 6-8: Blocks 675-678; 680; 716-724; 759-770; 802-819; 821-822; 846-869; 890-914; 934-958; 977-1,002, inclusive.

OCS OFFICIAL PROTRACTOR DIAGRAMS

1. NO 6-1 Blying Sound
2. NO 6-2 Middleton Island
3. NO 7-1 Icy Bay
4. NO 7-2 Yakutat
5. NO 7-4 Alek Valley
6. NP 6-8 Cordova

These diagrams may be purchased for \$2 each from the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, P.O. Box 1159, Anchorage, Alaska 99510. The street address is 800 A Street, Anchorage, Alaska.

All nominations must be described in accordance with the Outer Continental Shelf Official Protraction Diagrams prepared by the Bureau of Land Management (BLM), Department of the Interior. Only whole blocks or properly described subdivisions thereof, not less than one-quarter of a block, may be nominated. Although individual company nominations are considered to be privileged and confidential information, the names of persons or entities submitting nominations or comments will be of public record.

In addition to requesting nominations of blocks for possible oil and gas leasing within the specified areas, this notice also requests comments identifying particular blocks recommended to be either specifically excluded from oil and gas leasing or leased only under special conditions because of conflicting values of environmental concerns. Particular geological, environmental, biological, archaeological, socio-economic, or other information which might bear upon potential leasing and development of particular blocks is requested where available. Information on these subjects will be used in the preliminary selection of blocks which precedes any final selection by the Director pursuant to 43 CFR 3301.4. This information is requested from Federal, State, and local governments, industry, universities, research institutes, environmental organizations, and members of the general public. Comments may be submitted on blocks or subdivisions thereof, as

required for nominations, or on all areas or portions thereof as described above. They should be directed to specific factual matters which bear upon the Department's decision whether to make preliminary selections of particular blocks within these areas for further environmental analysis pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347) and possible leasing. Comments relating to general matters which would be applicable to oil and gas operations in any part of the OCS are not sought at this time.

Nominations and comments must be submitted not later than July 24, 1978, in envelopes labeled "Nominations of Blocks for Leasing in the Alaska Outer Continental Shelf—Gulf of Alaska," or "Comments on Leasing in the Outer Continental Shelf—Gulf of Alaska," as appropriate. They must be submitted to the Director, Attention 720, Bureau of Land Management, Department of the Interior, Washington, D.C. 20240. Copies must be sent to the Assistant Conservation Manager, U.S. Geological Survey, P.O. Box 259, Anchorage, Alaska 99510, and to the Manager, Alaska Outer Continental Shelf Office, Bureau of Land Management, at his address cited above.

This call for Nominations and Comments does not in any way commit the Department to leasing in the Gulf of Alaska outer continental shelf. It is an information-gathering component of the Department's leasing procedure.

Final selection of blocks for competitive bidding will be made only after compliance with established Departmental procedures and all requirements of the National Environmental Policy Act of 1969. Notice of any blocks finally selected for competitive bidding will be published in the FEDERAL REGISTER stating the conditions and terms for leasing and the place, date, and hour at which bids will be received and opened.

FRANK GREGG,
Director,
Bureau of Land Management.

Approved: May 22, 1978.

HEATHER L. ROSS,
Deputy Assistant
Secretary of the Interior.

(FR Doc. 78-14690 Filed 5-24-78; 8:45 am)

[4310-84]

QUALIFIED JOINT BIDDERS

Outer Continental Shelf (OCS)

As a convenience to the public, and pursuant to his authority under 43 CFR 3300, the Director of Bureau of Land Management hereby publishes a list of all persons who have timely filed a sworn statement of production

is accordance with 43 CFR 3302.3-2(a). These statements have qualified the bidders to bid jointly at OCS oil and gas lease sales during the bidding period of May 1, 1978, through October 31, 1978. This publication is not required by law or regulations; it includes the names of all possible bidders whose statements have been received in this office by the date this notice was prepared.

The following persons or companies have filed sworn statements of production as required by 43 CFR 3302.3-2(a) attesting to average daily production not in excess of 1.6 million barrels of crude oil, natural gas and liquefied petroleum products during the production period of July 1, 1977, through December 31, 1977.

A. G. Hill.
AGT Exploration Corp.
Al-Aquitaine Exploration, Ltd.
Alasko U.S.A., Ltd.
Allied Chemical Corporation
Alminex U.S.A., Inc.
AMAX Petroleum Corporation
Amerada Hess Corporation
American Natural Gas Production Company
American Petrofina Company of Texas
American Petrofina Exploration Company
Aminoll USA, Inc.
Anadarko Production Company
Apache Corporation
Arrowhead Propane Corporation
Ashland Exploration, Inc.
Ashland Oil, Inc.
Atlantic Distributors Exploration Co.
Atlantic Richfield Company
Bay State Gas Company
Belco Petroleum Corporation
Bethlehem Steel Corporation
Brooklyn Union Gas Company (The)
Cabot Corporation
Cambridge Royalty Company
Canadian Occidental of California, Inc.
Canadian Superior Oil (U.S.) Ltd.
CanDel Oil (U.S.) Inc.
Caroline Hunt Schoellkopf
Caroline Hunt Trust Estate
Case-Pomeroy Oil Corporation
Central Hudson Gas & Electric Corporation
Challenger Minerals Inc.
Champlin Petroleum Company
Chanslor-Western Oil and Development Company
Cities Service Company
C & K Marine Production Company
C & K Offshore Company
C & K Petroleum, Inc.
CNG Producing Company
Columbia Gas Development Corporation
Columbia Gas of New York, Inc.
Consolidated Edison Company of New York, Inc.
Continental Group, Inc. (The)
Continental Oil Company
Corning Natural Gas Corporation
Cotton Petroleum Corporation
CRA Exploration Co.
Crown Central Petroleum Corporation
Davis Oil Company
Decalta International Corporation
DEPCO, Inc.
Diamond Shamrock Corporation
Donohue Anstey & Morrill
Dow Chemical Company (The)
Eason Oil Company
Eccc, Inc.
Elizabethtown Gas Company

El Paso Natural Gas Company
Energy Development Corporation
Energy Reserves Group, Inc.
Energy Resources Corporation
Enserch Exploration, Inc.
Equity Oil Company
Era North America, Inc.
Exchange Oil & Gas Corporation
Farmland Industries, Inc.
Farmland International Energy Company
Felmont Oil Corporation
Finadel, Incorporated
Florida Gas Exploration Company
Flying Diamond Oil Corp.
Forest Oil Corporation
Four M Properties, Ltd.
Freeport Oil Company
Freeport Petroleum Company
Fuel Resources Inc.
Furth Oil Co.
Gas Producing Enterprises, Inc.
General American Oil Company of Texas
General Crude Oil Company
Getty Oil Company
Golden Eagle Refining Company, Inc.
Great Basins Petroleum Co.
Greenbrier Operating Co.
Hamilton Brothers Exploration Company
Hamilton Brothers Oil and Gas Corporation
Hamilton Brothers Oil Company
Hassie Hunt Exploration Company
Hassie Hunt, Incorporated
Haverill Gas Company
Highland Resources, Inc.
Home Petroleum Corporation
Houston Oil and Minerals Corporation
Hudbay Exploration, Inc.
Hunt Energy Corporation
Hunt Industries
Hunt Investment Corporation
Hunt Oil Company
Hunt Petroleum Corporation
Husky Oil Company
H. W. Bass & Sons, Inc.
ICI Delaware Inc.
Idemitsu Alaska Oil Development Corporation
Inexco Oil Company
ISCO, Inc.
Jenney Oil Company, Incorporated
John R. Conolly
Kerr-McGee Corporation
Kevin C. Foster
Knob Hill Oil & Gas Company, Inc.
Koch Industries, Inc.
Ladd Petroleum Corporation
Lamar Hunt
Lamar Hunt Trust Estate
Long Island Lighting Company
Louisiana Land and Exploration Company (The)
Louisiana Land Offshore Exploration Company, Inc.
MAPCO Inc.
Marathon Oil Company
Margaret Hunt Trust Estate
Marline Oil Corporation
Maruzen Oil of Alaska, Inc.
McCulloch Oil and Gas Corporation
McMoran Exploration Co.
Merrimack Valley Exploration Corporation
Mesa Petroleum Co.
Mitchell Energy Offshore Corporation
Mono Power Company
Monsanto Company
Murphy Oil Corporation
National Exploration Company
National Fuel Gas Distribution Corporation
Natamos Offshore Exploration, Inc.
NATRESCO INCORPORATED
Natural Gas Corporation of California
Nelson B. Hunt
Nelson Bunker Hunt Trust Estate

Nepco Exploration Corporation
 New England Energy Incorporated
 Newmont Oil Company
 New York State Electric & Gas Corporation
 Niagara Mohawk Power Corporation
 Nicor Exploration Company
 Norse Petroleum (U.S.) Incorporated
 Northern Natural Gas Company
 Northern Michigan Exploration Company
 North Oil Inc.
 Northwestern Mutual Life Insurance Company (The)
 Ocean Oil and Gas Company
 Ocean Production Company
 Offshore Company (The)
 Ogle Petroleum Inc.
 Oil Development Company of Texas
 OKC Corp.
 Orange and Rockland Utilities, Inc.
 OXY Petroleum, Inc.
 PanCanadian Petroleum Company
 Pan Eastern Exploration Company
 Pavilion Natural Gas Company
 PELTO Oil Company
 Pennzoil Company
 Pennzoil Louisiana and Texas Offshore, Inc.
 Pennzoil Oil & Gas, Inc.
 Pennzoil Producing Company
 Phillips Petroleum Company
 Pinto, Inc.
 Pioneer Production Corporation
 Placid Oil Company
 Pogo Producing Company
 Prosper Energy Corporation
 Pursue Offshore, Inc.
 Qedco Offshore
 Quest Exploration & Development Co.
 Quintana Offshore, Inc.
 Reading & Bates Oil and Gas Co.
 Reserve Oil, Inc.
 Resource Production, Incorporated
 Rhode Island Development and Exploration Company
 Rochester Gas and Electric Corporation
 Rosewood Corporation (The)
 Rowan Petroleum, Inc.
 Rutherford Oil Corporation
 Sabine Production Company
 Samedan Oil Corporation
 Santa Fe Minerals Co.-U.S.
 Sohio Natural Resources Company
 SONAT Exploration Company
 South Coast Corporation (The)
 Southern Natural Gas Company
 Southland Royalty Company
 St. Joe Petroleum (U.S.) Corporation
 St. Lawrence Gas Company, Inc.
 Sun Oil Company (Delaware)
 Superior Oil Company (The)
 Syracuse Suburban Gas Company, Inc.
 Tenneco Exploration, Ltd.
 Tenneco Exploration II, Ltd.
 Tenneco OCS Company, Inc.
 Tenneco OCS Limited Partnership
 Tenneco Offshore Company, Inc.
 Tenneco Oil Company
 Terra Resources, Inc.
 Tesoro Petroleum Corporation
 Texas Eastern Exploration Co.
 Texas Gas Exploration Corporation
 Texasgulf Inc.
 Texas Pacific Oil Company, Inc.
 Texas Production Company
 Total Petroleum, Inc.
 Transco Exploration Company
 TransOcean Oil, Inc.
 Union Oil Company of California
 United Energy Resources, Inc.
 United Gas Pipe Line Company
 United States Steel Corporation
 Vsea, Inc.
 Weeks Petroleum Corporation
 Wewoka Exploration Company

W. H. Hunt
 William Herbert Hunt Trust Estate
 Williams Exploration Company

In addition, statements of production have been received from nine companies which produced a daily average of 1.6 million barrels or more of crude oil, natural gas and liquefied petroleum products during the previously mentioned production period, and therefore are restricted from bidding jointly with each other during the bidding period of May 1, 1978, through October 31, 1978. This list appeared in the FEDERAL REGISTERS of April 13, 1978, and April 18, 1978, cited as 43 FR 15500 and 43 FR 16427.

MAY 19, 1978.

Acting Director,
 Bureau of Land Management.
 [FR Doc. 78-14589 Filed 5-24-78; 8:45 am]

[4310-70]

National Park Service

[Order No. 1]

ADMINISTRATIVE CLERK; MOORES CREEK
 NATIONAL MILITARY PARK, N.C.

Delegation of Authority

Section 1. *Administrative Clerk (typing)*. The administrative clerk may execute, approve, and administer contracts not in excess of \$1,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Region Order No. 6 (42 FR 59428).)

Dated: April 4, 1978.

JOHN W. STOCKERT,
 Superintendent, Moores Creek
 National Military Park.

[FR Doc. 78-14643 Filed 5-25-78; 8:45 am]

[4310-70]

[Order No. 2]

ADMINISTRATIVE OFFICER, ET AL.; BIG
 THICKET NATIONAL PRESERVE

Delegation of Authority Regarding Purchasing
 Authority

Section 1. *Administrative Officer*. The administrative officer may issue contracts not in excess of \$25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Section 2. *Administrative Clerk*. The administrative clerk may issue purchase orders not in excess of \$500 for equipment, supplies, or services in con-

formity with applicable regulations and statutory authority and subject to availability of appropriated funds.

Section 3. *Revocation*. This order supersedes Order No. 1, Big Thicket National Preserve, Dated July 18, 1975, and published November 26, 1975 (FR Doc 75-3213).

(National Park Service Order No. 77, 38 FR 7478, as amended. Southwest Region Order No. 5, 37 FR 7722, as amended.)

Dated: April 27, 1978.

THOMAS E. LUBBERT,
 Superintendent.

[FR Doc. 78-14641 Filed 5-24-78; 8:45 am]

[4310-70]

[Order No. 1]

ADMINISTRATIVE SERVICES ASSISTANT;
 ABRAHAM LINCOLN BIRTHPLACE NATIONAL
 HISTORIC SITE, KY.

Delegation of Authority

Section 1. *Administrative Services Assistant*. The administrative services assistant may execute, approve, and administer contracts not in excess of \$2,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to the availability of appropriated funds.

(National Park Service Order No. 77 (38 FR 7478) as amended; Southeast Region Order No. 6 (42 FR 59428).)

Dated: April 3, 1978.

NICHOLAS J. EASON,
 Superintendent,
 Abraham Lincoln Birthplace NHS.
 [FR Doc. 78-14642 Filed 5-24-78; 8:45 am]

[4310-70]

REDWOOD NATIONAL PARK

Public Workshops for the Development of a
 General Management Plan; Notice of Intent

Notice is hereby given that the National Park Service will hold a series of eleven public workshops in southern Oregon and California in June 1978, to provide for public involvement in the initial phase of developing a General Management Plan for Redwood National Park.

The workshops, each of which will begin at 7:30 p.m., will be held in the following locations:

June 6, 1978—Multipurpose Room, Del Norte County High School, 1301 Eldorado, Crescent City, Calif.
 June 7, 1978—Brookings Harbor High School Auditorium, Pioneer Road, Brookings, Ore.
 June 8, 1978—Cafeteria, Hidden Valley High School, 651 Murphy Creek Road, Grants Pass, Ore.

June 12, 1978—Cafeteria, Margaret Keating School, Minot Creek Road, Klamath, Calif.

June 13, 1978—Community Center, Orick, Calif.

June 14, 1978—Multipurpose Room, Arcata High School, 720 M St., Arcata, Calif.

June 15, 1978—Cafeteria, Eureka Senior High School, 1915 J St., Eureka, Calif.

June 19, 1978—Headquarters, Golden Gate National Recreational Area, Building 201, Fort Mason, San Francisco, Calif.

June 20, 1978—Cafeteria, Claremont Jr. High School, 5750 College Ave., Oakland, Calif.

June 21, 1978—Little Theater, Hiram Johnson's Senior High School, 6879 14th Ave., Sacramento, Calif.

June 22, 1978—Cafeteria, Anaheim High School, 811 West Lincoln Ave., Anaheim, Calif.

Concurrent with these public workshops the National Park Service will consult with appropriate Federal, State and local government officials, organizations and individuals about the planning projects.

The purpose of these workshops and consultations is to provide a broad-based public involvement program through which the National Park Service seeks citizen participation and assistance as it formulates a draft General Management Plan for the Park. A General Management Plan is the long-range document which guides the development and management of a unit of the National Park Service.

Anyone wishing additional information on these workshops, the National Park Service planning process, or wanting to submit comments for the development and management of Redwood National Park may do so by writing to the Superintendent, Redwood National Park, 1111 Second St., Drawer "N", Crescent City, Calif. 95531.

Dated: April 20, 1978.

JOHN H. DAVIS,
 Acting Regional Director, Western
 Region, National Park
 Service.

[FR Doc. 78-14640 Filed 5-24-78; 8:45 am]

[4310-70]

APPALACHIAN NATIONAL SCENIC TRAIL
 ADVISORY COUNCIL

Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Appalachian National Scenic Trail Advisory Council will be held at 10 a.m., e.d.t., on June 14, 1978, in Room 3121, Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of the meeting is to provide an opportunity for a steering committee of the full Council to advise representatives of the Secretary of the

Interior on implementation of a recently-enacted Appalachian Trail bill. The steering committee will review plans to establish a new legislatively-mandated Advisory Council, to implement a two-year comprehensive planning requirement and to carry out a three year federal land acquisition program.

The meeting will be open to the public, although space will be limited. Persons will be accommodated on a first-come, first-serve basis. Any person may file with the Council a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting or who will wish to submit written statements may contact David A. Richie, Project Manager, Appalachian Trail Project Office, National Park Service, Harpers Ferry, W. Va., 25425; telephone 304-535-6371, extension 278.

Minutes will be available for public inspection four weeks after the meeting at the Appalachian Trail Project Office, 596 Fillmore Street, Harpers Ferry. Copies of the Minutes may also be obtained by writing to the Appalachian Trail Project Office, National Park Service, Harpers Ferry Center, Harpers Ferry, W. Va. 25425.

Dated: May 18, 1978.

DAVID A. RICHIE,
 Project Manager,
 National Park Service.

[FR Doc. 78-14639 Filed 5-24-78; 8:45 am]

[4310-05]

Office of Surface Mining Reclamation and
 Enforcement

STATE OF TEXAS ET AL.

Petitions to Initiate Rulemaking

AGENCY: Office of Surface Mining Reclamation and Enforcement, Department of the Interior.

ACTION: Notice seeking comments on petitions.

SUMMARY: In accordance with the rules and regulations of the Office of Surface Mining Reclamation and Enforcement, 30 CFR 700.12(c), notice is hereby given that this Office is now seeking comments from the public concerning petitions submitted by the State of Texas, the Dow Chemical Co., the National Coal Association/American Mining Congress Joint Committee on Surface Mining Regulations, the Monterey Coal Co., and the Carter Oil Co.

The State of Texas petitions for clarification, interpretation and reconsideration or, in the alternative, for amendment or repeal of the prime farmlands provisions of the interim regulations. The State of Texas has simultaneously filed with the Secretary

of Agriculture a petition for clarification, interpretation and reconsideration of the Department of Agriculture's final rule on prime farmlands.

The Dow Chemical Co. seeks reconsideration or, in the alternative, amendment or repeal of 15 provisions of the interim regulations, objecting generally that these provisions are arbitrary and unreasonably inflexible.

The National Coal Association/American Mining Congress Joint Committee on Surface Mining Regulations (hereinafter "Joint Committee") seeks postponement of the effective date of the interim regulations, and requests that expedited rulemaking procedures be initiated to repeal or modify those provisions specifically challenged. The Joint Committee suggests that many of the provisions are unnecessary, unreasonable, or without a statutory basis.

The Monterey Coal Co. is a wholly-owned subsidiary of the Carter Oil Co., and the petitions of these companies contain verbatim objections to many of the same provisions, alleging generally that the requirements are unnecessary, burdensome, and environmentally unsound.

DATES: Comments must be received by June 26, 1978.

ADDRESSES: Interested persons should address their comments to the Director, Office of Surface Mining Reclamation and Enforcement, U.S. Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240, 202-343-4006. The petitions and all comments in response to this notice will be available for public inspection during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

John Beattie, 202-343-5207.

SUPPLEMENTARY INFORMATION: The State of Texas is concerned with the effect of the prime farmlands provisions on mining Texas lignite coal, and asserts that the classification scheme of these provisions misclassifies Texas near-surface lignite lands as prime farmlands, thereby triggering the soil horizon segregation requirements. Texas claims that this result is unreasonable because most Texas near-surface lignite lands are not farm but grazing lands.

Specifically, Texas claims that § 716.7(b) ignores the general criteria for designation of lands as prime farmlands, and suggests that this section be amended so as to allow waiver of the more technical criteria for prime farmlands where application of the general criteria imply that an area cannot reasonably be regarded as fit for intensive agricultural purposes. Texas suggests that § 716.7 (a)(2) and (d)(1) are ambiguous with respect to the meaning

of "cultivated crops," and requests clarification so as to exclude from the meaning of the phrase forage commonly grown without a cultivator. In addition § 716.7(d) is opposed on the grounds that the slope criterion is impracticable for Texas lignite lands.

Texas suggests that § 716.7(d)(4) should be interpreted to allow the regulatory authority discretion to make a negative determination in classifying prime farmlands where the area in question is too small for intensive agricultural purposes. Texas is concerned as well with the interpretations of § 716.7 (d) and (g) as these sections relate to soil and overburden removal, storage, and replacement, and requests clarification to allow these operations without soil segregation, where appropriate. In addition, Texas seeks clarification to the effect that § 716.7 (d) and (g), so interpreted, control § 716.17 (e)(3), (g)(2), (g)(4), and (g)(5), and incorporate into the latter sections the discretion to waive soil segregation requirements.

Finally, Texas requests that § 716.7 (e)(4) and (f)(1)(i) be clarified to provide that non-agricultural lands bordering on agricultural lands need not be restored to the latter's productivity levels merely because of physical proximity.

Dow Chemical objects first to § 715.14(h) (1), (3), and (4) and 715.15(a) on the grounds that (1) requiring spoil and waste to be transported will result in alteration of the approximate original contour, in contravention of specific prohibitions in the Act; and (2) the intended results can be achieved merely by backfilling and grading.

Next, Dow asserts that the rill and gully requirements of § 715.15(i) are arbitrary and capricious and exceed the authority of section 515(b)(2) of the Act, that § 715.16(a)(1) should be changed to allow the regulatory authority discretion to decide under what circumstances erosion control is necessary, and that § 715.16(a)(2) should be repealed entirely because it is arbitrary and capricious and beyond the scope of authority granted by section 515(b)(5) of the Act. Section 715.16 (a)(4)(iii) and (b)(1) are opposed because their requirements are allegedly not site specific and, as such, are arbitrary. Dow proposes allowing the regulatory authority discretion with respect to the mandates of these sections. Sections 715.17 (c) and (g) are said to be inconsistent with the terms of section 515(b)(10) of the Act, in that the latter only requires minimization but not prevention of adverse environmental effects.

Dow asserts that § 715.17(b)(2) contains arbitrary requirements for effluent limitations of runoff, and that the "5 years out of the 20 years preceding . . ." criterion for prime farm-

lands in §§ 716.7 (a)(1) and (d)(1) is not among the criteria promulgated by the Secretary of Agriculture pursuant to his authority to define "prime farmlands."

Finally, Dow suggests that § 722.14 is unreasonable in that it allows valid service of process on any person who appears to be in charge of a mining or reclamation operation, and requests that this section be changed to require expressly (1) that immediate actual notice be given to a responsible official of the operator where the operator or permittee or a designated agent is not served, and (2) that all notices conform to the requirements of section 521(a)(5) of the Act as regards their contents.

The Joint Committee asserts first that the definition of "regulatory authority" in § 700.5 is ambiguous in that it leaves unclear where the ultimate authority for approval lies. Next, § 710.11(d) is said to be beyond the scope of authority of section 502(c) of the act and to impose requirements for pre-existing non-conforming structures to which it will be nearly impossible to conform because of conditions in the coal field. Sections 715.13 (a) and (b) which require that lands improperly managed prior to mining be restored to the condition of lands properly managed prior to mining, are claimed to exceed the mandates of the act. Sections 715.14 and 715.15(b) are opposed because they are allegedly not site specific, and hence unnecessary, arbitrary, and unreasonable. Section 715.15(a)(8) is said to exceed the scope of section 515(d)(1) of the act. The topsoil handling standards of § 715.16 are said to exceed the scope of sections 515(b) and 502(c) of the Act. The topsoil handling requirements as they apply to selected overburden, in § 715.16(a)(4)(iii), are said to be unnecessary and unjustified.

The Joint Committee questions §§ 715.17 (a) and (e) because the requirement that alkaline water be treated for manganese is said to be inconsistent with EPA's water pollution control rules, and it is further alleged that in any event such treatment is unnecessary because manganese concentrations normally found in mining operations discharges do not have adverse environmental effects. The Office intends to withdraw its rule in § 715.17(a) regarding the treatment of alkaline water for manganese and has so advised the Federal District Court in the Surface Mining Regulation Litigation. Thus, this part of the Joint Committee's petition is now moot.

The buffer zone requirement of § 717.17(d)(3) is said to be without statutory, scientific, or technical justification.

The Joint Committee next requests an extension of the compliance date for implementing programs under

§ 715.17(h), alleging the complexity of such programs as its reason. Section 750.17(j) is asserted to be overly restrictive in implementing section 510(b) of the act, and in any event as beyond the scope of authority of section 502(c) of the act. Section 715.17(b)(2) is also alleged to exceed the scope of authority of section 502(c) of the act, and § 715.18 is questioned because it conflicts with the MESA regulations for dams.

Regarding explosives, the Joint Committee questions the reasonableness of applying the regulations to blasts of the size covered by § 715.19, opposes the decibel level limitations as lower than necessary and as promulgated without opportunity for formal comment, and maintains that the particle velocity limitation is unjustified. The personnel requirements of § 715.19(a)(3) are said to overlap and partially conflict with MESA's rules, and thus stand in conflict with section 702(a) of the act. The distance specifications of §§ 715.19(e)(1)(vii) (A) and (B) are alleged to be inconsistent with section 522(e)(5) of the act.

It is suggested that § 715.20(a)(2) be amended to provide that vegetative cover must stabilize soil surface only in those areas where such cover existed naturally, and that § 715.20(d) be amended to provide that mulching is required only where it will assist revegetation.

The Joint Committee maintains that § 716.7 exceeds the scope of authority granted in section 502(c) of the act, and that § 716.7(a)(2) limits the scope of protection of grandfather rights provided by section 510(d)(2) of the act.

Part 717 is opposed in its entirety on the grounds that regulation of the effects of underground mining during the interim period is beyond the scope of authority of section 502(c) of the act. Sections 717.14, 717.15 and 717.17(g)(4) are opposed because they are not site specific. In addition, § 717.17(g)(4) is opposed because its requirements allegedly cannot be met within the prescribed time period.

In the enforcement area, the Joint Committee contends that the time requirements of § 722.12(d) constitute an arbitrary interpretation of the language of section 521(a)(3) of the act, and that § 722.16(d)(2) is unreasonable because it does not set forth standards for whether a violation warrants suspension or revocation of a permit.

Finally, regarding civil penalties the Joint Committee objects to § 723.12(d) on the grounds that its definition of negligence deviates from accepted legal definitions, and to § 723.18(c) because it allegedly binds the Office of Hearings and Appeals to a point system, thereby encroaching upon the judicial discretion of administrative law judges.

Sections of Monterey Coal Co's petition question for the same reasons the same regulations at issue in Carter Oil Co's petition; in many places the language of the contention is verbatim. Both petitioners object to §§ 715.17(d) and 717.17(d), claiming that it is unnecessary and unreasonable to require consultation with both State and Federal fish and wildlife management agencies regarding stream channel diversions. Both object to §§ 715.17(g)(5) and 717.17(g)(5) because these sections allegedly could be interpreted to require plugging all boreholes and wells, a result thought environmentally unnecessary and economically impracticable. They further object to § 715.17(h)(2) because the ground water requirements do not make clear when, if ever, selective backfilling may be required; to the definition of "significant, imminent harm to land, air, or water resources" in § 700.5, on the ground that, as it relates to § 722.11(b), the definition grants excessively broad authority to inspectors; to § 722.11(b), the definition grants excessively broad authority to inspectors; to § 721.15(b) on the ground that it appears to grant inspectors unlimited inspection and copying rights; and to § 722.12 because the time limit for abating nonimminent danger or harm is arbitrary and unnecessarily harsh. Finally, both companies oppose § 723.17 because it fails to require that notice of conferences be given to operators, and because it allows any person to attend the conference.

Individually, Monterey asserts that §§ 715.16 and 717.20 if read together with § 710.11(d), require modification of pre-existing structures in order to remove any underlying topsoil, a result thought to be environmentally and economically detrimental. Monterey suggests amendment of these sections to provide that removal of topsoil be required only from areas to be used for new structures or facilities.

Monterey opposes § 715.15 because it appears to be an absolute prohibition of waste disposal in valley or head of hollow fills. Section 717.17(g)(4) is said to contain unreasonably short-time requirements for waste burial. Monterey objects to § 717.18(b)(2), stating that it is unnecessary to abandon existing dams which have not been approved by the regulatory authority by May 3, 1978. Sections 715.17(a) and 717.17 are said to contain unnecessary requirements for surface drainage. Monterey claims it is not always necessary to treat such drainage to meet the same effluent limitations as apply to drainage from active mines, nor is it necessary always to route such drainage through sedimentation ponds. In that regard, Monterey opposes §§ 715.17(e) and 717.17(e) because the sediment control requirements will result in unnecessarily large sediment ponds, and

will impose severe problems in steeply sloping areas.

Individually, Carter Oil objects to §§ 715.17(e)(6) and 717.17(e)(6), stating that in many instances the spillway construction requirements will not benefit the environment or the health and safety of the public.

The petitions are being considered under the authority of section 201(g) of the Act and 30 CFR 700.12 of the rules and regulations of the Office of Surface Mining Reclamation and Enforcement.

Comments should include relevant data for affected mines and should be addressed to the specific issues raised. At the close of the comment period, a determination will be made regarding the necessity of conducting a further investigation. However, it is anticipated that the comments will provide a sufficient basis for a final decision on these petitions, which will be made shortly after the close of the comment period.

Dated: May 15, 1978.

WALTER N. HEINE,
Director, Office of Surface
Mining Reclamation and En-
forcement.

[FR Doc. 78-14659 Filed 5-24-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

IMPORTATION OF CONTROLLED SUBSTANCES

Application

Pursuant to section 1008 of the Controlled Substance Import and Export Act (21 U.S.C. 958(h)), the Attorney General shall, prior to issuing a registration under this section to a bulk manufacturer of a controlled substance in schedule I or II, and prior to issuing a regulation under section 1002(a) authorizing the importation of such a substance, provide manufacturers holding registrations for the bulk manufacture of the substance an opportunity for a hearing.

Therefore in accordance with Section 1311.42 of Title 21, Code of Federal Regulations (CFR), notice is hereby given that on April 28, 1978, Argon Research Corp., 336 West Liberty Street, Reno, Nev. 89501, made application to the Drug Enforcement Administration to be registered as an importer of the basic class of controlled substances listed below:

Drug:	Schedule
Imported raw opium	II
Opium plant form	II
Concentrate of poppy straw	II

As to the basic class of controlled substances listed above for which application for registration has been made, any other applicant therefor,

and any existing bulk manufacturer registered therefor, may file written comments on or objections to the issuance of such registration and may, at the same time, file a written request for a hearing on such application in accordance with 21 CFR 1301.54 in such form as prescribed by 21 CFR 1316.47. Such comments, objections and requests for a hearing may be filed no later than June 26, 1978.

Comments and objections may be addressed to the DEA Federal Register Representative, Office of Chief Counsel, Drug Enforcement Administration, Room 1203, 1405 Eye Street NW., Washington, D.C. 20537.

This procedure is to be conducted simultaneously with and independent of the procedures described in 21 CFR 1311.42 (b), (c), (d), (e), and (f). As noted in a previous notice at 40 FR 43745-46 (September 23, 1975), all applicants for registration to import a basic class of any controlled substance in schedule I or II are and will continue to be required to demonstrate to the Administrator of the Drug Enforcement Administration that the requirements for such registration pursuant to 21 U.S.C. 958(a), 21 U.S.C. 823(a), and 21 CFR 1311.42 (a), (b), (c), (d), (e), and (f) are satisfied.

Dated: May 18, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc. 78-14677 Filed 5-24-78; 8:45 am]

[4410-01]

MANUFACTURE OF CONTROLLED SUBSTANCES

Application

Pursuant to 21 U.S.C. 823(a)(1), and section 1301.43(a) of Title 21 of the Code of Federal Regulations (CFR), this is notice that on April 28, 1978, Argon Research Corp., 336 West Liberty St., Reno, Nev. 89501, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic class of controlled substances listed below:

Drug:	Schedule
Opium extracts	II
Opium fluid extracts	II
Opium powders	II
Opium granulated	II
Opium tinctures	II
Codeine	II
Thebaine	II

Any other such applicant, and any person who is presently registered with DEA to manufacture such substances, may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be ad-

addressed to the Administrator, Drug Enforcement Administration, U.S. Department of Justice, 1405 I Street NW., Washington, D.C. 20537, Attention: DEA Federal Register Representative (Room 1203), and must be filed no later than June 26, 1978.

Dated: May 18, 1978.

PETER B. BENSINGER,
Administrator,
Drug Enforcement Administration.
[FR Doc. 78-14676 Filed 5-24-78; 8:45 am]

[4410-18]

Law Enforcement Assistance Administration

STUDY OF NONTERRORIST COLLECTIVE DISORDERS

Solicitation

The National Institute of Law Enforcement and Criminal Justice announces a competitive research grant to study nonterrorist collective disorders. The three-stage project will include: (1) An extensive review and analysis of the existing literature on collective disorders and violence; (2) nation-wide, big-city surveys of both participant groups and regulatory agencies to collect data on the descriptive, dynamic, causal, and strategic aspects of collective disorders and their control; and (3) design of a recommended research agenda for the Institute, based on literature and survey findings. Project activities should address two overall research goals: (a) To increase our knowledge and understanding of the descriptive, dynamic, causal, and strategic aspects of collective disorders and their control; and (b) to apply this knowledge to the improvement of the policies and operations of criminal justice and other agencies involved in collective disorder regulation. The grant would be awarded for 24 months, at a maximum funding level of \$300,000.

The solicitation requests submission of full proposals and requires that submitting organizations have experience in and resource capabilities for designing and conducting research on social issues. Additional qualifications include experience in survey research methodology as well as in the substantive areas of collective disorders and violence. Finally, criminal justice expertise would also be desirable. However, please be advised that LEAA policy stipulates that profit-making organizations are not eligible for National Institute grants.

In order to be considered for funding, all proposals must be postmarked no later than June 23, 1978.

Copies of the solicitation and additional information can be obtained by sending a mailing label to: Collective Disorders Project, Community Crime Prevention Division, Office of Re-

search Programs, National Institute of Law Enforcement and Criminal Justice, 633 Indiana Avenue NW., Washington, D.C. 20531.

Dated: May 1, 1978.

Approved:

BLAIR G. EWING,
Acting Director.

[FR Doc. 78-14631 Filed 5-24-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-409]

DAIRYLAND POWER COOPERATIVE

Proposed Issuance of Amendment to Provisional Operating License

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Provisional Operating License No. DPR-45 issued to Dairyland Power Cooperative (the licensee) for operation of the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wis.

The amendment would change the license to allow more spent fuel to be stored at LACBWR by modifying the storage racks in the spent fuel pool. The proposed modifications would increase the storage capacity from 134 to 448 fuel assemblies by replacing the existing storage racks with those of a design capable of accommodating an increased number of assemblies in accordance with the licensee's application for amendment dated April 20, 1978.

Prior to issuance of the proposed license amendment, the Commission will have made the findings required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations.

By June 26, 1978, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject provisional operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition and the Secretary of the designated Atomic Safety and Licensing Board will issue

a notice of hearing or an appropriate order.

As required by 10 CFR § 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, how the interest may be affected by the results of the proceeding, the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene, and, shall include the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend his petition, but such an amended petition must satisfy the specificity requirements described above. Not later than fifteen (15) days prior to a special pre-hearing conference held pursuant to 10 CFR § 2.751a, the petitioner shall file a supplement to his petition to intervene which must include a list of the contentions which he seeks to have litigated in the matter; and the bases for each contention set forth with reasonable specificity. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene shall be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. by the above date. A copy of the petition should also be sent to the Executive Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, and to O. S. Heistand, Jr., Esq., Morgan, Lewis and Bockius, 1800 M Street NW., Washington, D.C. 20036, attorney for the licensee.

A petition for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the Atomic Safety and Licensing Board designated to rule on the petition determines that the petitioner has made a substantial showing

of good cause for failure to file on time and after considering those factors specified in 10 CFR § 2.714(a)(1)-(4) and § 2.714(d).

For further details with respect to this action, see the application for amendment dated April 20, 1978, which is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the La Crosse Public Library, 800 Main Street, La Crosse, Wis. 54601.

Dated at Bethesda, Md., this 19th day of May 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-14652 Filed 5-24-78; 8:45 am]

[7590-01]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL. (THREE MILE ISLAND NUCLEAR STATION UNIT NO. 1)

Modification of Conditions of Exemption

I.

Metropolitan Edison Co., Jersey Central Power & Light Co., and the Pennsylvania Electric Co. (the licensees), are the holders of Facility Operating License No. DPR-50 which authorizes the operation of the nuclear power reactor known as Three Mile Island Nuclear Station, Unit No. 1 (TMI-1 or the facility), at steady state power levels not in excess of 2535 megawatts thermal (rated power). The facility consists of a Babcock & Wilcox Co. (B&W) designed pressurized water reactor (PWR) located at the licensees' site in Dauphin County, Pa.

II.

On April 27, 1978, the Commission granted the licensees of TMI-1 an exemption from the requirement of 10 CFR 50.46(a) that Emergency Core Cooling System (ECCS) performance be calculated in accordance with an acceptable calculational model which conforms to the provisions in Appendix K. This exemption added license conditions requiring limitation of operating power level, adherence to certain operating procedures, and submission of additional analyses of ECCS performance.

The need for this exemption arose from the recent identification of certain errors in the ECCS performance calculations submitted by Metropolitan Edison Co. (Met Ed) in accordance with the requirements of the Commission's regulations, 10 CFR 50.46. Following discovery of these errors, Met Ed, by letter dated April 27, 1978, re-

quested such an exemption to permit operation of TMI-1 at 100-percent of full power (2,535 MWt). In support of their request, Met Ed submitted calculations which addressed these errors assuming specified operator actions were completed within a defined period of time following the postulated accident.

In their submittal of April 27, 1978, Met Ed also stated that they had modified certain plant procedures to provide the necessary operator actions on a time scale consistent with that assumed in the analysis, and that they had conducted a drill to verify that the assumed operator response time was achievable. Met Ed committed to submit as soon as possible a request for amendment of the TMI-1 Technical Specifications as appropriate to reflect adoption of these procedures, and committed to submit a proposal for a permanent solution to this problem by July 24, 1978.

By letter dated May 3, 1978, Met Ed verified that the necessary modifications to plant procedures had been fully implemented. This submittal also described the tests that had been conducted.

Based on our review of the Met Ed submittal of April 27, 1978, we found that the calculations did not clearly support the conclusion that the most limiting break size had been identified. Accordingly, we could not conclude that operation of TMI-1 at 100 percent of full power (2,535 MWt) would be fully in conformance with 10 CFR 50.46. On the other hand, for operation at power levels up to 91 percent of full power (2,311 MWt), ECCS performance calculations for a range of small breaks indicated that the limiting break would not result in core uncover, if appropriate operator action (equivalent to that assumed in the calculations) were properly taken, thus providing a very substantial margin on peak clad temperature below the limits of 10 CFR 50.46(b).

Therefore, on April 27, 1978, we granted TMI-1 an exemption from the provisions of 10 CFR 50.46 subject to the conditions that power would be limited to 91 percent of full power (2,311 MWt); that additional analyses, as specified by the NRC staff, would be submitted as soon as possible; and that the facility would be operated in accordance with the procedures described in the Met Ed letter of April 27, 1978.

By letter dated May 3, 1978, Met Ed verified that the modifications of plant procedures necessary to assure proper operator action in the event of a small break had been implemented on April 27, 1978. In this submittal Met Ed also described the tests that had been conducted to verify the acceptability of the procedures. Based on our review of this submittal, sup-

plemented by discussions with Met Ed we have concluded that the procedures applicable to small breaks implemented by Met Ed are acceptable.

The Met Ed submittal of May 3, 1978, also presented the results of analyses performed by the reactor vendor (Babcock & Wilcox) for reactor coolant pump discharge line break sizes of 0.17, 0.15, 0.13, 0.1 and 0.04 ft.² at a reactor power level of 2,568 MWt. This power level is representative of the full power rating of similar Babcock & Wilcox-designed reactors and encompasses the 2,535 MWt full power rating of TMI-1. Based on these results, B&W states that with operator action consistent with that modeled in the analysis, a 0.13 ft.² discharge line break is the most limiting case. In this case, core uncover occurs for about 350 seconds and the conservatively calculated peak clad temperature is approximately 1550° F. This temperature is well below the limit specified in 10 CFR 50.46(b).

Based on our review of these analyses, we find that the calculations support the conclusion that a 0.13 ft.² discharge line break is the most limiting case. However, the analyses do not demonstrate that the assumptions employed in supplying heat inputs to the FOAM portion of the calculations were conservative. We are also reviewing whether use of simplified input in the FOAM calculations satisfies the requirement for calculation using an approved model. Accordingly, we cannot conclude at this time that operation of TMI-1 at 100 percent of licensed power would be fully in conformance with 10 CFR 50.46. On the other hand, for operation of this facility at power levels up to 100 percent of full power (2,535 MWt), ECCS performance calculations for the limiting small break indicate that this break has a very substantial margin on peak clad temperature below the limits of 10 CFR 50.46(b) if operator action consistent with that assumed in the analyses is properly taken. However, until the licensee provides additional analyses to justify that the submitted calculations are suitably conservative, the NRC staff cannot determine that operation of TMI-1 at full power under the conditions of the revised calculations applicable to this facility conforms fully to the requirements of 10 CFR 50.46. Nevertheless, because of the very substantial margin on peak clad temperature below the limits of 10 CFR 50.46(b), the NRC staff believes that operation of TMI-1 at power levels of up to 2,535 MWt in accordance with appropriate operating procedures identified herein will not endanger life or property or the common defense and security, and the conditions which were a part of the exemption of April 27, 1978, may be modified accordingly.

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In the course of our review of this matter, two related issues arose: (1) the need to apply greater uncertainties to the measured values of neutron flux in each quadrant of the reactor core and (2) a discrepancy between measured and predicted power distributions which exceeded previously established acceptance criteria.

With respect to the first of these issues, B&W recently reported to Met Ed that on the basis of operational experience and a reevaluation of measurement error statistics and error propagation, greater uncertainties should be applied to the measured values of quadrant flux tilt. This greater uncertainty was necessary to assure that the actual flux tilt did not exceed the limiting value assumed in the evaluation of postulated accidents including a LOCA (including evaluation of ECCS performance for large break LOCAs). A description of the reevaluation and recommended reduced limits on allowable measured flux tilt were presented in a B&W report submitted to the staff on May 11, 1978. By letter dated May 10, 1978, Met Ed requested amendment of the TMI-1 Technical Specifications to reflect the more conservative limits. We have reviewed the B&W report and the Met Ed request relative to this matter and have concluded that the limits requested for TMI-1 are acceptable for full power operation. Use of these limits is authorized this date by Amendment No. 40 to the TMI-1 Operating License No. DPR-50 issued concurrently with this Modification of Conditions of Exemption.

With respect to the second issue, recent measurements of power distribution within the TMI-1 core indicated that the measured power peaking values exceeded the predicted values by more than the previously established acceptance criteria. Because Met Ed was unable to identify any errors in calculation or measurement that would account for this discrepancy, they have concluded that greater uncertainties are associated with their calculational methods than previously believed. Accordingly, Met Ed has evaluated the effect of this added uncertainty on plant operating limits and has reduced the allowable axial power imbalance and the allowable position limits for the Axial Power Shaping Rods (ASPRs) to account for the greater uncertainty. By applying an additional uncertainty of 6 percent, which is greater than the observed deviation above the acceptance criteria, Met Ed developed more restrictive limits on axial power imbalance and APSR position to account for the added uncertainty and, by letter of May 16, 1978, requested amendment of the TMI-1 Technical Specifications to reflect these proposed limits. The staff has reviewed the Met Ed submittal which requested these revised limits and concluded that they are accept-

able provided Met Ed compares predicted and measured power distributions after about 25 EFPD of core exposure and reports the results to the NRC. Subject to this condition, use of these limits is being authorized this date by amendment No. 40 to the TMI-1 Operating License No. DPR-50.

Therefore, in the absence of any safety problem associated with operation of the facility during the period until revised calculations wholly in conformance with 10 CFR 50.46 are completed, there appears to be no public interest consideration favoring undue restriction of the operation of the captioned facility. Accordingly, the Commission has determined that continuation of the exemption of April 27, 1978, with modified conditions is appropriate. The exemption is limited to the period of time necessary to complete and review the revised calculations.

III.

Copies of the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the State Library of Pennsylvania, Harrisburg, Pa.

- (1) The application for exemption dated April 27, 1978.
- (2) Exemption in the matter of Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co., Three Mile Island Nuclear Station, Unit No. 1, dated April 27, 1978.
- (3) Supplementary information contained in letter from J. G. Herbelin (Met Ed) to R. W. Reid (NRC), dated May 3, 1978, and
- (4) This Modification of Conditions of Exemption in the matter of Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co., Three Mile Island Nuclear Station, Unit No. 1.
- (5) Amendment No. 40, of this date, to Facility Operating License No. DPR-50, for Three Mile Island Nuclear Station, Unit No. 1, Docket No. 50-289.

IV.

Wherefore, in accordance with the Commission's regulations as set forth

[25] 3084

Name of applicant, date of application, date received, and application number	Material in kilograms or reactor type and power level	Enrichment	End-use	Country of destination
Edlow International Co., Apr. 27, 1978, May 1, 1978, XSNM-891, amendment 01.	14,955 uranium	3.55	Reload—Oskarshamn II reactor.	Sweden.
Transnuclear Inc., Apr. 28, 1978, May 3, 1978, XSNM-1313.	14,151 uranium	3.35	Reload—Borssele reactor.	Netherlands.
Edlow International Co., Apr. 27, 1978, May 1, 1978, XSNM-1314.	52,888 uranium	3.55	Reload—Oskarshamn I reactor.	Sweden.
General Electric Co., May 2, 1978, May 3, 1978, XSNM-744, revised end-use.	2.48 plutonium, 61 normal uranium.		Fuel—Creys-Malville fast reactor.	France.
Mitsubishi International Corp., May 2, 1978, May 8, 1978, XSNM-1315.	9,679 uranium	3.15	Reload—Genkal I reactor.	Japan.

[FR Doc. 78-14503 Filed 5-24-78; 8:45 am]

[7590-01]

[Docket No. 50-338]

VIRGINIA ELECTRIC & POWER CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued amendment No. 5 to the Facility Operating License No. NPF-4, issued to Virginia Electric & Power Co., which changes certain conditions contained in Facility Operating License NPF-4 amendment No. 3. The amendment is effective as of its date of issuance.

The amendment implements the final design modification related to the NPSH problem for the recirculation spray system, raises the heat flux hot channel factor (F_h) limit in accordance with the revised Appendix A Technical Specifications attached to the amendment, and makes appropriate editorial changes to Appendix A to the Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the amendment does not authorize a change in effluent types or total amounts nor an increase in power level and will not result in any significant environmental impact. Having made this determination, it has further been concluded that the amendment involves an action which is insignificant from the standpoint of environmental impact and, pursuant to 10 CFR 51.5(d)(4), that an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with the issuance of this amendment.

For further details with respect to this action, see (1) Virginia Electric & Power Co. letters, dated April 14, 1978, and May 5, 1978, (2) amendment No. 5 to License No. NPF-4 with Appendix A Technical Specification page changes, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document

Room, 1717 H Street NW., Washington, D.C. 20555 and at the Board of Supervisor's Office, Louisa County Courthouse, Louisa, Va. 23093 and at the Alderman Library, Manuscripts Department, University of Virginia, Charlottesville, Va. 22901. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated at Bethesda, Md., this 19th day of May 1978.

For the Nuclear Regulatory Commission.

OLAN D. PARR,
Chief, Light Water Reactors
Branch No. 3, Division of Project Management.

[FR Doc. 78-14653 Filed 5-24-78; 8:45 am]

[7590-01]

[Docket Nos. 50-502 and 50-503]

WISCONSIN ELECTRIC POWER CO., ET AL.
(HAVEN NUCLEAR PLANT, UNITS 1 AND 2)

Prehearing Conference

Take notice that the Atomic Safety and Licensing Board will hold a prehearing conference in this proceeding on Friday, June 9, 1978, at 9 a.m., at the Council Chambers, Sheboygan City Hall, 828 Center Avenue, Sheboygan, Wis.

All parties and petitioners for intervention shall attend this conference and be prepared to fully discuss each of the pending petitions to intervene.

Interested members of the public are also invited to attend this prehearing conference, as well as the evidentiary hearing which will be held at a later time to be fixed by the Board. Persons who have requested an opportunity to make oral or written statements by way of limited appearances will be permitted to do so at the prehearing conference.

So ordered.

Dated at Bethesda, Md., this 17th day of May 1978.

THE ATOMIC SAFETY AND
LICENSING BOARD,
EDWARD LUTION,
Chairman.

[FR Doc. 78-14588 Filed 5-24-78; 8:45 am]

[4910-58]

NATIONAL TRANSPORTATION
SAFETY BOARD

[N-AR 78-21]

SAFETY RECOMMENDATIONS AND RESPONSES

Availability and Receipt

Aviation Safety Recommendations A-78-37 through 41.—The National Transportation Safety Board has issued five recommendations to the Federal Aviation Administration (FAA) as a result of investigation into the crash of an Alaska Aeronautical Industries DHC-6-200 into Mount Iliamna after the aircraft strayed off course last September 6 en route from Iliamna, Alaska, to Anchorage. The 11 passengers and 2 crewmembers died in the accident.

The Board's investigation revealed poor operational practices, poor maintenance practices, and inadequate training practices by the operator, and inadequate surveillance of the operator by FAA. Alaska Aeronautical Industries is the 12th largest commuter airline in the nation and transports more than 150,000 passengers each year. As such, the Safety Board believes that the company's operating procedures must provide a high level of safety to the public and that FAA's surveillance must insure that adequate standards are maintained.

Accordingly, the Safety Board on May 17 recommended that the FAA—

Revise the surveillance requirements of commuter airlines by FAA inspectors to provide more stringent monitoring. (A-78-37)

Identify FAA offices responsible for the surveillance of large numbers of air taxi/commuter operators and insure that an adequate number of inspectors are assigned to monitor properly each operator. (A-78-38)

Review the flight operations and training manuals of all commuter airlines to insure that the requirements of 14 CFR 135 are met and practiced. (A-78-39)

Amend 14 CFR 135.27 to require that flight operations manuals specify: (1) The duties and responsibilities of key management personnel, and (2) positive means to insure the control of flights by company management as well as by the pilots. (A-78-40)

Review the maintenance procedures of air taxi and commuter airlines operators to evaluate the effectiveness of those procedures and to insure adequate company control. (A-78-41)

Each of the above recommendations is designated "Class II—Priority Action."

Highway Safety Recommendations H-78-33 and 34; H-78-35 through

39.—Last September 24, an Usher Transport, Inc., cargo tank-semitrailer transporting 8,200 gallons of gasoline was traveling south on Kentucky Route 11 in Beattyville, Kentucky. As the truck descended a 12.6 percent grade and rounded a sharp curve, railroad flashers activated; the truck crossed the L&N railroad tracks immediately in front of a train and struck a nearby building. The tank overturned onto a vehicle, slid to its final resting position, and the gasoline ignited. Seven persons died and six persons were injured as a result of the crash; six buildings were burned beyond repair, and 17 vehicles and 11 other buildings were damaged.

The Board's investigation of this accident is continuing and the probable cause will be determined upon its completion. The Board notes that the area at the bottom of the hill did not provide a sufficient recovery zone for the out-of-control truck. The first building struck was only about 8 feet from the low reveal curb; the other buildings were only about 4½ feet from the curb. Parking was permitted in front of these buildings.

In view of these highway-related problems, the Board on May 17 issued the following safety recommendations:

To the city of Beattyville, working jointly with the State of Kentucky—

Ban all parking on the west side of KY 11 from the L&N Railroad tracks to Main Street. (H-78-33)

Coordinate with the citizens of Beattyville actions necessary to assure the prompt completion of the realignment of KY 11. (H-78-34)

To the State of Kentucky—

Place an activated advance railroad warning sign, extend the 25 m.p.h. zone, determine through application of current technology the safest traversable speed for the curve, and then post a turn sign and an advisory speed plate, before the crest of the 12.6 percent grade on KY 11. (H-78-35)

Improve the surface of the rail/highway grade crossing, the skid resistance properties of the hill, and simultaneously, the superelevation of the curve. (H-78-36)

Develop a policy to prohibit parking adjacent to roads where restrictive geometric conditions exist. (H-78-37)

Review similar downgrades to assure that the most restrictive features on or adjacent to steep downgrades are indicated before the descent begins. (H-78-38)

Work jointly with Beattyville to ban all parking on the west side of KY 11 from the L&N railroad tracks to Main Street and to expedite acquisition of land in the area of the demolished buildings if the new alignment is to pass through this area. (H-78-39)

Recommendations H-78-33 and 34, H-78-35, and H-78-3 are designated "Class I, Urgent Action." H-78-36 is a "Class II, Priority Action" recommendation, and H-78-37 and 38 are "Class III, Longer-Term Action" recommendations.

Highway Safety Recommendations H-78-40 through 44.—On May 12, 1977,

a partially loaded Ford Construction Company flatbed truck towing a flatbed utility semitrailer fully loaded with a loader-backhoe tractor accelerated out of control while descending a curved, steep, long grade on U.S. 221 near Marion, North Carolina. The tractor broke free of the semitrailer and collided with an oncoming van when the truck-semitrailer skidded out of control while attempting to negotiate a curve. Five occupants of the van were killed and three persons were injured.

Board investigation indicated that the capability to maintain control of truck-semitrailer speed while descending the grade was seriously degraded by inoperative semitrailer brakes—the result of inept maintenance performed by the construction crew. Inadequate company policies and procedures provided no significant methods to prevent or correct this type of maintenance. A Bureau of Motor Carrier Safety survey of the company's vehicle maintenance program revealed a serious lack of compliance with the letter or intent of Federal Motor Carrier Safety Regulations.

The Safety Board has previously issued a number of recommendations to the U.S. Department of Transportation and to the Federal Highway Administration that are applicable to preventing unsafe vehicles of this type from operating on an interstate basis. As the result of investigating this accident, the Board on May 16 recommended that the Federal Highway Administration:

Establish a procedure that will serve to identify all carriers, vehicles, and drivers under FHWA jurisdiction. (H-78-40)

Establish a procedure that will serve to inform all carriers and drivers under FHWA jurisdiction of their responsibilities in regard to the Federal Motor Carrier Safety Regulations. (H-78-41)

Maintain strict surveillance of the Ford Construction Company's compliance with the provisions of the Federal Motor Carrier Safety Regulations. (H-78-42)

Investigate and report to the Safety Board on the feasibility of specially funded Federal programs to provide escape routes for out-of-control vehicles along already constructed grades where there is a potential for out-of-control accidents but where escape routes are not justified in strict cost-benefit terms. (H-78-43)

Expedite action to establish a design policy that would prevent further construction of long and/or steep highway grades that have the potential for generating runaway vehicles without providing escape routes. (H-78-44)

Also, the Safety Board reiterated the recommendation that it made in Highway Accident Report NTS B-HAR-78-1 (Tractor-Semitrailer/Schoolbus Collision and Overturn, Rustburg, Va., March 8, 1977):

Revise the enforcement policy which now precludes the filing of charges against drivers and carriers in violation of the Federal

Motor Carrier Safety Regulations unless they have previously been served with a copy of the safety regulations to permit the filing of charges for violations under severe circumstances such as preventable, fatal highway accidents. (H-78-12)

The Board requested urgent action on recommendations H-78-42 and H-78-44, above, as it did on reiterated recommendation H-78-12. Priority action is indicated in implementing the other three recommendations issued to FHWA in connection with the Marion, N.C., accident.

RESPONSES TO SAFETY RECOMMENDATIONS

Aviation

A-74-35.—Federal Aviation Administration's letter of April 5 responds to the Board's recommendation to issue an Advisory Circular augmenting the information in FAA's Advisory Circular No. 20-43B, "Aircraft Fuel Control," to (a) alert general aviation pilots of the primary difficulties causing fuel starvation; and (b) warn certificated flight instructors of the danger associated with simulation of emergency engine failure by positioning the fuel selector valve to "off" or the mixture control to "idle cutoff."

FAA reports that Part 61, Certification Bulletin No. 75-3 in Appendix 2 of FAA Order 8420.8, Certification: Pilots and Flight Instructors, was issued on April 16, 1975. This bulletin directs inspectors to ensure that the subject of simulated engine failure in single-engine airplanes is given special emphasis in contacts with pilot schools and flight instructors. A copy of this bulletin is attached to FAA's response.

A-74-110.—FAA's letter of April 4 responds to the Board's inquiry of March 7 regarding notification of any change in FAA's position concerning this recommendation—one of ten evolving from the Safety Board special study, "Safety Aspects of Evacuation from Air Carrier Aircraft." The recommendation asked FAA to require air carriers to designate the flight attendant(s) who will be responsible for use of the megaphone(s) during an evacuation, and relocate the megaphone(s) so they are within easy reach of that flight attendant(s)' seat, and to consider installing new, light, and compact megaphones to facilitate stowage and use.

FAA reports that the A-74-110 recommendations were included in the Operations Review as Proposal 427; a portion of the recommendations is included in Proposal 428 in a slightly modified form. Proposals 427 and 428 will be disposed of in a future notice of proposed rulemaking, according to FAA.

A-74-124.—FAA on April 5 reported completed action with respect to this recommendation which asked amendment of 14 CFR 135.138 to require

adequate testing of knowledge of hydroplaning phenomena and associated operating techniques for use when hydroplaning conditions are encountered unexpectedly. FAA reports that Part 135, Operations Bulletin 75-1 in Appendix 2 of the FAA Order 8430.1A, Commuter and V/STOL Air Carrier Handbook, was issued on March 3, 1975. This bulletin (copy attached to FAA's letter) directs principal operations inspectors to emphasize hydroplaning phenomena to their assigned air carriers and ensure that the problem is covered in the carrier's pilot training program.

A-76-8 through 14.—FAA's April 14 letter supplements its June 16, 1976, response to these recommendations which were issued following Board investigation of the fire which erupted in an Overseas National Airways DC-10-30 on Takeoff from John F. Kennedy International Airport (JFK), Jamaica, New York, on November 12, 1975. The fire erupted in the area of the right engine after the aircraft encountered a flock of sea gulls which had been on the runway.

With reference to A-76-8, FAA reports on actions to disperse birds at New York and New Jersey Port Authority airports. Patrols are in constant operation and dispatched to disperse birds from the airports by means of noise devices, distress calls, cracker shells, and, under extreme conditions, live ammunition when the birds fail to react to the nonlethal stimuli. FAA also reports that the Chapel Pond at JFK was drained and monitored for bird activity for 3 months. Afterwards, the pond was filled and also monitored for bird activity, and after 3 months it was determined that the pond did attract a substantial number of birds. The pond was drained again and has remained so.

Regarding A-76-9, FAA states that the findings and recommendations in a study by JFK's Bird Hazard Patrol were incorporated in FAA Order 5200.6, Guidelines for the National Plan on Bird Hazard Detection and Control, dated November 15, 1976 (a copy is attached to FAA's letter), which is being implemented by all regions.

In answer to A-76-10, FAA established a special program to review the airport operations manuals on a semi-annual basis to ensure that they were being maintained up-to-date and to assure the adequacy of their bird reduction programs. FAA's certification staff continued this program through several cycles, and FAA finds that the operations manuals and the bird hazard reduction programs therein are adequate and current.

FAA states that Order 5200.6, particularly paragraph 6.c.(2), provides for appropriate action in response to recommendation A-76-11, which called

for FAA's requiring that a specially trained, staffed, and equipped bird-dispersal organization be established at each controlled certificated airport with a recognized bird-hazard problem.

FAA notes that recommendation A-76-12, calling for amendment of 14 CFR 139.67 to require that an ecological study be conducted to determine the measures necessary for an effective bird-hazard reduction program, was closed by Safety Board action June 16, 1977, based on "Acceptable Alternate Action."

With reference to A-76-13, FAA states that expansion of FAA Form 5280.3, Airport Certification Safety Inspection, to include more detailed criteria for use by airport certification specialists in evaluating the bird hazard potential at an airport should be completed within the next 60 days.

Regarding A-76-14, FAA reports working closely with the Port Authority of New York and New Jersey to improve control of ecological problems within their jurisdiction. Implementation of Order 5200.7 provides a basis for consideration of all items listed in the recommendation, FAA said.

A-76-136 and 137.—FAA's letter of April 10 is in response to Board inquiry of February 28. Once again, FAA takes exception to the recommendation of instituting regulatory action at this time on a runway coefficient of friction measuring program. FAA's objection to the recommendation is directed toward the economic and technological aspects of such action.

As to the economic aspect, FAA states that a universal requirement by rule for runway surface friction measurements would encumber some 500 airport operators and produce minimal or inadequate results. The purchase cost of the equipment alone to the individual airport operators would be around \$17.5 million; an additional responsibility for operations and maintenance costs would also be placed on each operator. Most of the potentially affected airports have a very limited employee force and therefore would be severely impacted, FAA stated.

As to the technology aspect, FAA said that a number of precision techniques must be observed in the performance of these measurements and accuracy and reliability of results requires a uniform approach. There is also a need to collect and analyze data on a national basis to determine trends and to validate the criteria set forth in the advisory circular.

FAA states that to achieve immediate action on a much needed program, FAA has begun the preparation phase of a limited agency-staffed runway surface friction measurement program, beginning with several measurements annually on those types of airports where the problem of hydro-

planing is potentially greatest. FAA believes that immediate attention should be given to certificated airports serving scheduled turbojet aircraft and which are ILS equipped.

A-78-1.—FAA's response of April 17 to this recommendation, which asked FAA to research the attenuating effects of various levels of precipitation and icing on airborne radomes of x- and c-band radar and disseminate to the aviation community data concerning the limitations of airborne radar in precipitation, FAA states that comments at the Aeronautical Radio Incorporated Weather Radar Meeting on March 7 indicated that a large portion of the data needed is already available. FAA has requested the assistance of the Air Transport Association in gathering these data, and compilation is expected to be completed within 90 days.

Highway

H-74-25.—Letter of April 14 from the National Highway Traffic Safety Administration (NHTSA) responds to the Safety Board's inquiry of February 23 concerning seat back latch location and operation. NHTSA attaches a copy of its December 29, 1975, response to this recommendation and adds that since that time a number of manufacturers are using automatic-locking seat back latches (the newly developed inertial system) in lieu of the more conventional design. NHTSA states that its Rulemaking Office will provide the Safety Board with estimates of the extent to which these inertial systems will be available on 1978 cars.

NHTSA states that its basic conclusion that there was an insufficient indication of a problem to warrant rulemaking remains valid. NHTSA's recent draft rulemaking plan does not anticipate any amendment to Federal Motor Vehicle Safety Standard No. 207, Seating Systems, with respect to seat latches; a copy of the draft rulemaking plan is attached to NHTSA's letter.

H-77-20 and H-77-22.—Two separate letters from the Federal Highway Administration (FHWA) are in response to these recommendations which sought elimination of guardrail hazards on Colorado's interstate highway system. The recommendations followed Board investigation of a station wagon accident near Byers, Colorado, on October 16, 1976.

FHWA, in its letter of April 13 responding to recommendation H-77-20, notes that the FHWA Colorado Division Office works closely with the Colorado State Department of Highways in analyzing the State's safety needs and developing the State's highway work program. Since January 1976, the Division has assigned a full-time traffic operations and safety en-

gineer to monitor, manage, coordinate, and evaluate highway safety activities for FHWA in Colorado. Some of the more pertinent activities of Colorado include: a roadside obstacle inventory on the Federal-aid system which includes a rating factor for obstacles; a photolog of the Federal-aid system completed in July 1977; an accident and accident rate book for the Federal-aid system; and special studies of particular safety problems. These systems provide information on high accident locations, existing roadway conditions, and potentially hazardous locations and/or appurtenances. Because of the high ranking factor assigned to guardrails at twin bridge structures, these installations become high priority items, NHTSA stated.

In its April 12 response to H-77-22, FHWA reports that the States are continually advised through FHWA regulations, the Federal-Aid Highway Program Manual, notices, and other elements of the FHWA directives system of the various Federal-aid programs available for all types of highway improvements.

FHWA states that upgrading guardrail installations and other highway appurtenances which do not conform to the latest safety criteria must compete with other needed safety improvements for available funds. FHWA continues to promote methods for accomplishing these activities quicker and more effectively, using statewide contracts, force account methods, or State maintenance forces to replace damaged highway hardware.

Railroad

R-75-13.—Conrail on January 25 replied to Board inquiry of November 3 concerning a through freight train/drawbridge accident occurring on the Penn Central Transportation Company at Cleveland, Ohio, May 8, 1974. Conrail reports that, in addition to measures reported taken in the initial response to this recommendation, dated July 28, 1975, the adequacy of Conrail's rules, instructions, training, and compliance has been under continuing review. The following has been accomplished on Conrail: (1) Applicable rules and regulations and instructions have been permanently posted in each bridge operator's control station; (2) operators have received training by Division Rules Examiners; (3) block operators and train dispatchers having jurisdiction over the operation of a bridge have received similar instructions and training; (4) additional radio communication has been installed in problem areas; (5) Conrail Rules Department and operating officers have met with Coast Guard representatives in Washington, D.C., and Cleveland, Ohio, and communicated by telephone and letter; and (6) supervisors have

made frequent field inspections to monitor compliance with rules and regulations, and invoked disciplinary procedures where variations have existed.

NOTE: The above notice summarizes Safety Board recommendation letters recently released and recommendation response letters received. The recommendation letters in their entirety are available to the general public; single copies are obtainable without charge. Copies of the full text of responses to recommendations may be obtained at a cost of \$4.00 for service and 10¢ per page for reproduction.

All requests to the Board for copies must be in writing, identified by recommendation number and date of publication of this notice in the FEDERAL REGISTER. Address inquiries to: Public Inquiries Section, National Transportation Safety Board, Washington, D.C. 20594.

(Secs. 304(a)(2) and 307 of the Independent Safety Board Act of 1974 (Pub. L. 93-633, 88 Stat. 2169, 2172 (49 U.S.C. 1903, 1906)))

MARGARET L. FISHER,
Federal Register Liaison Officer.
MAY 22, 1978.

[FR Doc. 78-14666 Filed 5-24-78; 8:45 am]

[3110-01]

OFFICE OF MANAGEMENT AND BUDGET

FEDERAL TELECOMMUNICATIONS PROCUREMENT AND MANAGEMENT POLICY

Request for Public Comment

Effective March 26, 1978, the President issued Executive Order No. 12046 entitled "Relating to the Transfer of Telecommunications Functions." This Executive Order delegates to the Office of Management and Budget the responsibility for serving as the President's principal adviser on procurement and management of Federal telecommunications systems and the responsibility for developing and establishing policies for procurement and management of such systems. Consistent with these responsibilities, OMB is now preparing an agenda of policy issues related to Federal telecommunications systems which will be addressed during the coming year. Interested persons and organizations are invited to submit comments and suggestions on high priority issues involving Federal telecommunications systems which OMB should consider for inclusion in this agenda. Comments should be sent to the Office of Management and Budget. For further information contact Phillip Balazs, Information Systems Policy Division, Office of Management and Budget, Washington, D.C. 20503, 202-395-3785. For maximum consideration, comments should be received within thirty days

of the date of publication of this request.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc. 78-14644 Filed 5-24-78; 8:45 am]

[3110-01]

PRIVACY ACT OF 1974

Inquiries and Request for Public Comment

The purpose of this notice is to list reports on new systems filed with the Office of Management and Budget to give members of the public the opportunity to make inquiries about them and to comment on them.

The Privacy Act of 1974 requires the agencies to give advance notice to the Congress and the Office of Management and Budget of their intent to establish or modify systems of records subject to the Act (5 U.S.C. 552a(o)). During the period May 1, 1978, through May 12, 1978, the Office of Management and Budget received the following reports on new (or revised) systems of records.

RAILROAD RETIREMENT BOARD

System Names:

- (1) Master File of Railroad Employees' Creditable Compensation.
- (2) Social Security Administration Summary Earnings File.
- (3) Railroad Retirement, Survivor, and Pensioner Benefit System.

Report Date:

May 1, 1978.

Point-of-Contact:

Mr. W. V. Radesk, Railroad Retirement Board, 844 Rush Street, Chicago, Ill. 60611.

Summary:

RRB proposes to change these three systems of records from a batch-magnetic tape configuration to disk storage and on-line accessibility.

DEPARTMENT OF ENERGY

System Name:

Medical History System—ERDA and Contractor Employees.

Report Date:

May 2, 1978.

Point-of-Contact:

Mr. Phillip M. Kannan, Department of Energy, Oak Ridge Operations Office, P.O. Box E, Oak Ridge, Tenn. 37830.

Summary:

DOE proposes to change this system of records by storing it in a minicomputer.

DEPARTMENT OF COMMERCE

Systems Names:

- (1) Attorneys and Agents Registered to Practice Before the Office.
- (2) Employee Production Records.
- (3) Patent Application Files.
- (4) Patent Assignment Records.
- (5) Patent Deposit Accounts.
- (6) Petitioners for License to File for Foreign Patents.

Report Date:

May 8, 1978.

Point-of-Contact:

Mr. Joseph O. Smiroldo, Director, Office of Organization and Management Systems, U.S. Department of Commerce, Washington, D.C. 20230.

Summary:

These systems will be altered by the expansion of the ADP/telecommunications capability of the Patent and Trademark Office.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc. 78-14632 Filed 5-24-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

(Securities Exchange Act Release No. 14784; File No. 4-280)

BUNKER RAMO CORP., ET AL.

Order; Hearing

MAY 19, 1978.

In the matter of Bunker Ramo Corp., GTE Information Systems Incorporated, and Options Price Reporting Authority, File No. 4-280; Order extending the duration of a temporary stay for a period of 120 days and initiating review of whether an exclusive processor may charge an access fee; notice of oral hearing.

On March 24, 1978, the Commission, pursuant to section 11A(b)(5) of the Securities Exchange Act of 1934 (the "Act"), issued an order (the "March Order") granting a temporary stay, for a period of 45 days, of action by the Options Price Reporting Authority ("OPRA") to discontinue a service by which OPRA retransmits last sale reports of options transactions to the vendors which subscribe to receive initial transmission of such last sales reports.¹ The Commission granted the

¹Securities Exchange Act Release No. 14606. The Commission, at the request of Bunker Ramo, extended the period within which interested persons could file submissions. In addition, the Commission extended the duration of the stay for an additional seven days. (Securities Exchange Act Release No. 14658, (April 13, 1978)).

status quo between OPRA and two vendors, Bunker Ramo Corp. ("Bunker Ramo") and GTE Information Systems Inc. ("GTE"), until the Commission had the opportunity to consider the views of all interested parties as to (i) whether OPRA would be acting unfairly or unreasonably if it denied Bunker Ramo and GTE access to its retransmission service and (ii) whether such conduct would be consistent with the standards of section 11A(b) of the Act which govern the operation of registered securities information processors.²

The Commission, for the purpose of assisting it in determining whether OPRA's prohibition or limitation of access by Bunker Ramo and GTE to the retransmission service was consistent with the Act, also invited comment on whether the retransmission service³ offered by OPRA is inherent in, or necessary to, the accurate, reliable and efficient operation of a high speed communications system; whether OPRA may charge a separate fee for the retransmission service, and whether the Commission should expedite its review of the vendor's initial request for a stay of the termination of OPRA's 1975 Vendors Agreement. In response to its March Order, the Commission received submissions from OPRA, Bunker Ramo and GTE.⁴

In its submission, OPRA states that the "best evidence that retransmission service is not necessary or inherent in a communications system is that until its recent changeover to the new consolidated service, OPRA never offered

²A description of the parties, the services which OPRA provides to Bunker Ramo and GTE, OPRA's selection of a central processor for provisions of last sale options reports and the procedures which these vendors have followed to contest OPRA's termination of the agreements by which it previously supplied options last sale reports is set forth in the March Order at 1-4, and is incorporated herein by reference.

³The retransmission feature enables a vendor which receives information via a high speed line to identify and recapture messages which had not been sent properly as a result of a malfunction in the central processor's computer or transmission facilities or which, while transmitted by the central processor, have (1) been lost or garbled through interference on the communications circuit, or (2) not been received properly as a result of a breakdown in the vendor's equipment.

Thus, when a vendor's own software detects that messages have been lost, the vendor telephones or teletypes the central processor and requests retransmission of the lost data. The central processor then retrieves that data, identifies it as a retransmission, and retransmits the message not only to the requesting vendor but to all vendors.

⁴Statements were received from OPRA, dated April 10, 1978 ("OPRA submission"); Bunker Ramo, dated April 12, 1978 ("Bunker Ramo submission"); and GTE, dated April 7, 1978 ("GTE submission").

retransmission service."⁵ Further, OPRA states it "does not now intend, and never has intended to separately offer or charge for retransmission services" and maintains OPRA's position has been misunderstood by the Commission.⁶ OPRA asserts that it has legal authority to charge a reasonable and non-discriminatory access fee, is not obligated to provide any service to persons that refuse to pay such charges, and that a discontinuance of all or part of those services for failure to pay is not subject to the Commission's power to stay under section 11A(b)(5) of the Act.⁷ Thus, OPRA maintains that it is entitled to discontinue retransmission, since Bunker Ramo and GTE have refused to pay for the initial transmission service and retransmission is a service associated with, but not necessary to, initial transmission and is included within the fee charged for initial transmission.

Bunker Ramo maintains that it is common practice to incorporate a retransmission service in the design of modern generic high-speed data communication systems and that in such systems, the retransmission feature is built into the automated system and is thus structurally inherent.⁸ Further, Bunker Ramo states that "a correction service has no value to anyone except in connection with the basic information which is being corrected and, indeed, the basic information has no value unless it is corrected as necessary to make it accurate and reliable."⁹ Bunker Ramo also states that "corrections by retransmission are needed approximately once each day, even when all equipment functions properly."¹⁰ GTE, which assert a position very similar to Bunker Ramo's,¹¹

⁵See OPRA submission at 10.

⁶OPRA submission at 5. Yet, OPRA, in its letter to Bunker Ramo and GTE notifying them that after March 24, 1978, OPRA would discontinue providing the retransmission service, stated:

OPRA will continue to furnish you options last sale reports on an interim basis while we continue to negotiate concerning the revised vendor agreement. In the event these negotiations result in your executing the revised agreement, any retroactive payments pursuant to our interim understanding will be adjusted to reflect the period of time during which you were not furnished with the retransmission capability.

Letters, dated March 10, 1978, to Mr. Murray Sumner, Bunker Ramo and Mr. George W. Hernan, GTE, from Mr. Joseph Corrigan, OPRA Administrator.

⁷OPRA submission at 5-6.

⁸See Bunker Ramo submission at 6.

⁹Id. at 8. Bunker Ramo also has specifically requested that OPRA disclose, either voluntarily or in a Commission proceeding, cost data upon which OPRA's access fee is calculated. Id. at 9.

¹⁰Id. at 5-6.

¹¹Both Bunker Ramo and GTE also refer to a breakdown of the high-speed options

Footnotes continued on next page

adds that, since other vendors (which have signed new vendor agreements) are automatically receiving the retransmission service along with the initial transmission, it is not a service which can be segregated from the initial transmission.¹²

COMMISSION AUTHORITY

Section 11A(b)(5)(A) of the Act¹³ provides the Commission with authority on its own motion, or upon application by an aggrieved person, to review any prohibition or limitation of access to services provided by a registered securities information processor. The Commission also may summarily, or after notice and opportunity for hearing, stay a prohibition or limitation with respect to access to services offered by a registered securities information processor. While Section 11A(b)(5)(A) does not set forth any guidelines as to when a stay may be appropriate, one purpose of such a stay would be to preserve the status quo between the parties to a dispute, during which time the Commission may have the opportunity to decide the merits of the dispute pursuant to Section 11A(b)(5)(B).

Section 11A(b)(5)(B) of the Act¹⁴ provides that if the Commission finds, after notice and opportunity for hearing, that a prohibition or limitation of access to the services of a registered securities information processor is consistent with the provisions of the Act and the rules and regulations thereunder and that the person alleging the prohibition or limitation has not been discriminated against unfairly, the Commission, by order, shall dismiss the proceeding.¹⁵ Section 11A(b)(5)

Footnotes continued from last page system on March 21, 1978, when over 21,000 messages were not submitted during a 1½ hour period (Bunker Ramo submission at 3 and GTE submission at 4-5). Bunker Ramo states that without the "retransmission service to correct the errors, data disseminated to the public would have been seriously deficient." (Bunker Ramo submission at 4-5). The retransmission service, however, is only the right to request retransmission of data. Thus, in the event of a breakdown in the facilities of OPRA's central processor as on March 21, 1978, Bunker Ramo and GTE would have received the retransmission automatically, since a general breakdown by the central processor would result in no original transmission and retransmission would be initiated by the central processor itself or requested by other vendors, in which case all vendors would receive the retransmission (OPRA submission at 10).

¹²GTE submission at 3.

¹³15 U.S.C. 78k-1(b)(5)(A).

¹⁴15 U.S.C. 78k-1(b)(5)(B).

¹⁵Section 11A(b)(5)(B) also provides that "[i]f the Commission does not make any such finding or if it finds that such prohibition or limitation imposes any burden on competition not necessary or appropriate in furtherance of the purposes of this title, the Commission, by order, shall set aside the

thus provides the Commission with the substantive power to review prohibitions or limitations of access by registered securities information processors and the power to delay the effectiveness of alleged prohibitions or limitations upon access until such time as the Commission may conduct its substantive review in an orderly manner. In the instant matter, the Commission is not making any determinations with respect to whether OPRA's proposed termination of its retransmission service is consistent with the provisions of the Act,¹⁶ but rather is addressing, pursuant to Section 11A(b)(5)(A) of the Act, the need to extend the stay of the proposed termination while the substantive review, pursuant to Section 11A(b)(5)(B) of the Act, is conducted.

COMMISSION DETERMINATIONS

On the basis of the views and information contained in submissions received by the Commission in response to its March Order, and its understanding of the operation of high-speed communications systems, the Commission has determined that the issues which must be resolved to determine whether OPRA may terminate provision of the retransmission service to Bunker Ramo and GTE cannot be segregated from the issues underlying OPRA's provision of the options last sale report service.

At this time, it appears that the retransmission feature is necessary for the accurate, reliable and efficient operation of a high-speed communications system in that without such a feature, vendors which receive last sale information would be unable to request OPRA's central processor to retransmit those messages which had been "lost" or "garbled" during initial transmission or receipt. Without the ability to obtain retransmission of lost data, vendors would be unable to maintain an accurate data base and would thereby effectively be denied the ability to utilize the initial transmission of options last sale reports.¹⁷

prohibition or limitation and require the registered securities information processor to permit such person access to services offered by the registered securities information processor."

"Among the provisions of the Act which would be relevant to this determination is Section 11A(b)(3), which sets forth the standards which the Commission must consider in determining whether to grant the registration of a securities information processor. Upon its registration as an exclusive securities information processor with respect to options last sale reports, OPRA undertook a continuing obligation to comply with the requirements of Section 11A(b)(3) and other provisions of the Act and rules thereunder.

"The Commission also notes that, before OPRA commenced providing last sale options reports through a central processor

Thus, the Commission believes that it might best address the issue of whether OPRA may charge vendors an access fee for receipt of options last sale reports if it extends the temporary stay of OPRA's proposed termination of the retransmission service.

The Commission recognizes, however, that negotiations between OPRA and Bunker Ramo and GTE concerning the termination of OPRA's 1975 Vendors Agreement and proposed charge of an access fee appear to be at an impasse and that there is now little or no likelihood that the parties will resolve their differences as to whether OPRA is authorized to terminate the 1975 Vendor Agreement and, in its place, substitute an agreement which provides that subscribing vendors pay a monthly access fee for the receipt of options last sale reports.¹⁸ Thus, resolution of the differences between these parties will not occur until the Commission conducts a review of the issues of whether OPRA, as an exclusive securities information processor, is entitled to charge vendors an access fee and whether OPRA may terminate the 1975 Vendors Agreement.

In light of the parties' inability to resolve their differences without further Commission involvement, the Commission hereby announces that it is initiating a review, pursuant to Section 11A(b)(5)(B) of the Act, to consider the issues presented to it and, in conjunction with that review, will provide an opportunity for oral presentation of views by the parties and other interested persons.

Accordingly, the Commission has determined, pursuant to its authority under Section 11A(b)(5)(A) of the Act, that it is appropriate to extend, for a period of 120 days, the temporary stay of OPRA's proposed termination of its retransmission service.¹⁹ The Commis-

and via a high-speed line, these reports were transmitted by the individual exchanges and, in so doing, each exchange was able to provide vendors with options last sale information which may have been lost during initial transmission. This service was provided by the exchanges at no charge to vendors. Thus, it appears that OPRA, through its participant exchanges, was providing that service before utilization of a central processor and accordingly, Bunker Ramo and GTE reasonably might expect that service to continue when OPRA voluntarily agreed to continue providing its initial transmission service pending negotiations on the access fee.

"GTE also contends that termination of the 1975 Vendors Agreement would unlawfully impose upon it a requirement to pay for the communications lines by which it receives options last sale reports. The Commission, in its March Order, refused to grant GTE's request that the Commission stay OPRA from terminating its provision of those communications lines.

"As noted in the March Order, the Commission has broad discretion to grant or deny a stay under the express language of

Footnotes continued on next page

sion believes that this extension of the temporary stay will permit it to review, in an orderly manner, the issues discussed herein concerning OPRA's authority to terminate both the initial transmission service and the related retransmission service. The Commission anticipates that this review will be completed within the 120 day period during which this extension of the temporary stay is in effect.²⁰

The Commission also notes that it may, in the near future, solicit public comment for the purpose of rulemaking on the general question of the propriety of allowing self-regulatory organizations to impose charges on vendors and subscribers to their services with respect to market information required to be disclosed by Commission rules. The Commission anticipates that commentary received in response to that general proceeding may be relevant in part to the review initiated herein. Accordingly, the Commission may consider any pertinent commentary received in connection with that proceeding in making final determinations with respect to the issues presented by its review of this matter.

MATTERS TO BE EXAMINED DURING THE HEARING

The Commission will receive, in a public forum, data, views and arguments on the issues of (1) whether OPRA, as an exclusive securities information processor registered pursuant to Section 11A(b)(3) of the Act, may charge vendors an access fee for receipt of options last sale transaction reports; (2) whether OPRA, irrespective of whether it may charge such an access fee may terminate the 1975 Vendors Agreement; and (3) whether OPRA may discontinue providing vendors the communications circuit which links the vendors to OPRA's central processor and enables them to receive

Footnotes continued from last page Section 11A(b)(5)(A). In this instance, however, the Commission has also determined, for the reasons set forth in the March Order, that the criteria traditionally applied by the courts in determining whether to grant stays in the exercise of their equity powers (See the March Order at 7-11) continue to be met by Bunker Ramo and GTE.

"The Commission has deferred commencing a review of these issues to this date since it expected that OPRA and the vendors might successfully negotiate a new access agreement, and since OPRA had agreed, pending those negotiations, to continue providing options last sale reports to Bunker Ramo and GTE under the terms of the 1975 Vendors Agreement. While our extension today of the temporary stay of termination of the retransmission service does not stay OPRA from ceasing to provide the initial transmission service, the Commission expresses its hope that OPRA will continue voluntarily to provide that service while the Commission completes its review.

the options last sale transaction reports.

INFORMATION PERTAINING TO PUBLIC HEARINGS

Public hearings on the foregoing matters, pursuant to the provisions of Section 11A(b)(5) of the Act, will commence at June 20, 1978, in Room 776 at the Headquarters Office of the Commission, 500 North Capitol Street, Washington, DC 20549 and continue thereafter at such times and places as the officer named herein may determine. Persons appearing at the hearings will be permitted to give a brief oral presentation addressing the issues. The Commission and its staff intends to question persons appearing at the hearings concerning the above-mentioned issues, and, in order to allow sufficient time for the Commission's inquiries, initial oral presentations may not exceed fifteen minutes. Participants in the hearing, however, may submit more extensive written statements at least four days before the appearance. All oral statements from witnesses will be taken under oath or affirmation.

For the purpose of these hearings, it is ordered that Sheldon Rappaport, Deputy Director of the Division of Market Regulation, be, and hereby is, designated hearing officer to preside over such hearings, to administer oaths and affirmations, to subpoena witnesses, to compel their attendance, to take evidence, to require the production of any books, papers and other records deemed relevant or material to the inquiry and to perform such other duties in connection therewith as prescribed by law.

Any interested person who wishes to appear at the hearings should notify Theodore W. Urban, Chief, Branch of Exchange Regulation, at 202-755-1378 or in writing at 500 North Capitol Street, Washington, DC 20549. Persons who plan to make a prepared statement should submit 25 copies of their statement not later than four business days in advance of their scheduled date of appearance.

Prior to or during the hearings, any person may submit written questions to be directed to a particular witness or group of witnesses; but the presiding hearing officer will determine in his sole discretion whether or to what extent to direct those questions to any witness.

A list of witnesses, setting forth in the time of their scheduled appearances, will be published in the SEC News Digest.

REQUEST FOR COMMENTS

Interested persons are invited to submit written comments or supplement submission which previously have been filed in this matter by June 23, 1978. Six copies of each comment

letter should be submitted, addressed to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549. Reference should be made to File No. 4-280. All such communications will be placed in the file and will be available for public inspection.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14553 Filed 5-24-78; 8:45 am]

[8010-01]

[Release No. 34-14777; File No. SR-CBOE-1978-14]

CHICAGO BOARD OPTIONS EXCHANGE, INC. Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 5, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Rule 6.7. Use of Facilities of Exchange—
The Exchange shall not be liable to its members and member organizations and successors or representative thereof or any persons associated therewith for any claims arising out of the use or enjoyment by such member, member organization, successor, representative or associated person of the facilities afforded by the Exchange, including, without limitation, data processing systems such as the Order Support System, to such members, member organizations, successors, representatives or associated persons for the conduct of their businesses, and no assets of the Exchange shall be applied or shall be subject to any such liability.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rule change is to limit the liability of the Exchange should any of its members incur losses as a result of their use of Exchange facilities. This rule seems particularly necessary at this time in view of the imminent initiation of, among other things, an Automated Order Support system. The rule as drafted is virtually identical to provisions in effect at other registered national securities exchanges. See, for example, NYSE Constitution Article IX, Section 9, and PHLX By-Laws, section 12-11.

The basis under the Act for the proposed rule change is section 6(b)(5) in that the Exchange cannot proceed with innovative systems and procedures for the execution, clearance and settlement of Exchange transactions, such as its proposed Order Support

System,¹ unless it is protected against losses which might be incurred by members as a result of their use of such systems.

Comments were not solicited or received respecting this proposed rule change.

The Exchange does not believe this proposed rule change will place any burden on competition. To the extent it enables the Exchange to proceed with innovative systems, competition should be enhanced.

On or before June 19, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 15, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 17, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14552 Filed 5-24-78; 8:45 am]

[8010-01]

[Release No. 34-14778; File No. SR-CBOE-1978-13]

CHICAGO BOARD OPTIONS EXCHANGE, INC. Self-Regulatory Organizations; Proposed Rule Change

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1) as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 5, 1978, the

¹See SR-CBOE-1978-9 for a fuller discussion of Order Support System.

above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF THE TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

Rule 8.44. Bids and Offers in Relation to Units of Trading

... Interpretations and Policies:

.01-.03 (no change)

.04 Fill-or-kill orders and bids or offers made on a fill-or-kill basis shall be deemed to be all-or-none for purposes of Rule 6.44.

Rule 8.53. Certain Types of Orders Defined (a)-(h) (no change)

(i) Fill-or-Kill Order. A fill-or-kill order is an order which is to be executed in its entirety as soon as it is represented in the trading crowd, and such order, if not so executed, is to be treated as cancelled.

(j) [(i)] Same.

(k) [(j)]

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The purpose of the proposed rules changes is to incorporate into Exchange Rules the industry-wide shorthand of "fill-or-kill" ("FOK") for immediate all-or-none orders.

The basis under the Act for the proposed rule change is Section 6(b)(5) which requires that the rules of an exchange be designed to foster cooperation and coordination with persons engaged in processing information with respect to, and facilitating transactions in securities.

Comments were not solicited or received regarding this proposed rule change.

The Exchange does not believe this proposed rule change will place any burden on competition.

On or before June 19, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submission will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number

referenced in the caption above and should be submitted on or before June 15, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 17, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14554 Filed 5-24-78; 8:45 am]

[8010-01]

[File No. 1-6175]

STANDARD-PACIFIC CORP.

Application to Withdraw from Listing and Registration

MAY 19, 1978.

Standard-Pacific Corp., common stock, par value \$.25 per share, has filed an application with the Securities and Exchange Commission, pursuant to Section 12(d) of the Securities and Exchange Act of 1934 and Rule 12d2-2(d) promulgated thereunder, to withdraw the specified security from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The common stock of Standard-Pacific Corp. (the "Company") has been listed for trading on the Amex since December 10, 1969. On July 26, 1977, the stock was also listed for trading on the New York Stock Exchange, Inc. ("NYSE") and concurrently therewith, such stock was suspended from trading on the Amex. In making the decision to withdraw its common stock from listing on the Amex, the Company considered the direct and indirect costs and expenses attendant on maintaining the dual listing on both exchanges. The Company has decided that it would be preferable for its stock to be traded in only one central market place on the East Coast.

The application relates solely to the withdrawal from listing and registration on the Amex and shall have no effect upon the continued listing of such common stock on the NYSE and Pacific Stock Exchange, Inc. The Amex has posed no objection in this matter.

Any interested person may, on or before June 16, 1978 submit by letter to the Securities and Exchange Commission, Washington, D.C. 20549, facts bearing upon whether the application has been made in accordance with the rules of the Exchange and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission will, on the basis of the application and any other information submitted to it, issue an order granting the application after the date

mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14555 Filed 5-24-78; 8:45 am]

[8010-01]

[File No. 500-11]

UNIVERSAL CONTAINER CORP.

Suspension of Trading

MAY 18, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Universal Container Corp. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to Section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10 a.m. on May 18, 1978 through May 27, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14556 Filed 5-24-78; 8:45 am]

[8010-01]

[Rel. No. 10244; 811-1741]

WESTFIELD GROWTH FUND, INC.

Filing of Application

MAY 17, 1978.

Notice is hereby given that Westfield Growth Fund, Inc. ("Applicant"), One Park Circle, Westfield Center, Ohio 44251, an open-end diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has filed an application on April 3, 1978, pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant cease to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant states that it was incorporated under the laws of the State of Ohio on September 6, 1968, and registered with the Commission under the Act on October 1, 1968. Applicant states that on October 14, 1977, its shareholders approved, by affirmative vote of the holders of more than two-thirds of Applicant's outstanding

common shares, an Agreement and Plan of Reorganization (the "Agreement") dated July 20, 1977, which provided for the sale by Applicant of substantially all of its assets to The Investment Company of America ("ICA"). On February 21, 1978, pursuant to the Agreement, ICA transferred 429,304.337 common shares of ICA to Applicant, in exchange for assets totalling \$5,413,527.69. Applicant represents that such shares were distributed pro rata to the shareholders of Applicant.

As of the closing date of the merger, February 21, 1978, Applicant retained \$2,098.11 in cash to provide for the payment of final operating expenses and the expenses of Applicant's liquidation and dissolution. Applicant further represents that it has no liabilities, no security holders, and no activities other than those incident to the winding up of its affairs and its dissolution.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 12, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc 78-14557 Filed 5-24-78; 8:45 am]

[8010-01]

[Rel. No. 10245; 811-1965]

WESTFIELD INVESTMENT FUND, INC.

Notice of Filing of Application

MAY 17, 1978.

Notice is hereby given, That Westfield Investment Fund, Inc. ("Applicant"), One Park Circle, Westfield Center, Ohio 44251 an open-end diversified management investment company registered under the Investment Company Act of 1940 (the "Act"), has filed an application on April 3, 1978 pursuant to Section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the facts and representations contained therein, which are summarized below.

Applicant states that it was incorporated under the laws of the State of Ohio on October 20, 1969, and registered with the Commission under the Act on October 30, 1969. Applicant states that on October 14, 1977, its shareholders approved, by affirmative vote of the holders of more than two-thirds of Applicant's outstanding common shares, an Agreement and Plan of Reorganization (the "Agreement") dated July 25, 1977 which provided for the sale by Applicant of substantially all of its assets to American Mutual Fund, Inc. ("AMF"). On February 21, 1978, pursuant to the Agreement, AMF transferred 203,679.280 common shares of AMF to Applicant, in exchange for assets totalling \$1,811,708.80. Applicant represents that such shares were distributed pro rata to the shareholders of Applicant.

As of the closing date of the merger, February 21, 1978, Applicant retained \$941.81 in cash to provide for the payment of final operating expenses and the expenses of Applicant's liquidation and dissolution. Applicant further represents that it has no liabilities, no security holders, and no activities other than those incident to the winding up of its affairs and its dissolution.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission on its own motion or upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and, upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given. That any interested person may, not later than June 12, 1978 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14558 Filed 5-24-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[Public Notice CM-8/59]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW

Study Group on Estate Matters

A meeting of the Study Group on Estate Matters, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held on Thursday, June 22, 1978, in room 5519 of the Department of State. Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the Chairman.

The meeting will consider the next steps to be taken in connection with submission to the Senate for advice and consent to ratification of the Washington Convention on the Form of an International Will and the content of the necessary implementing legislation.

Entrance to the Department of State building is controlled, and mem-

bers of the general public should use the C Street entrance. Entry will be facilitated if arrangements are made in advance, and it is requested that members of the general public who plan to attend the meeting inform their name, affiliation, and address to Ms. Dorothy Fagan, Office of the Legal Adviser, Department of State, prior to June 22, 1978. The telephone number is 202-632-8134.

Dated: May 11, 1978.

RICHARD D. KEARNEY,
Chairman.

[FR Doc. 78-14633 Filed 5-24-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 78-054]

LORAN-A TERMINATION SCHEDULE

This document changes the termination schedule of U.S./operated Loran-A stations. A schedule was issued originally in the July 19, 1974 issue of the *FEDERAL REGISTER* (39 FR 26468) and was published most recently in the Department of Transportation's National Plan for Navigation, November 1977, available from the National Technical Information Service, Springfield, VA 22161.

The July 19, 1974, notice announced the selection of Loran-C as the Government-provided radionavigation system for the U.S. Coastal Confluence Zone. Also, it provided notification that domestic Loran-A service would be terminated on July 1, 1979, in the Pacific area and on July 1, 1980 on the U.S. East Coast, Gulf of Mexico, and Caribbean (West Indies) areas.

In October 1977, Oregon State University completed a Coast Guard-sponsored study which analyzed problems associated with the planned termination of Loran-A service and expansion of Loran-C service in U.S. coastal waters. The study, publication number ORESU-T-77-008, pointed out that the scheduled dates for terminating Loran-A fall in the middle of the operating seasons of most commercial fishermen and other users of Loran-A. Postponing the termination of Loran-A for 6 months would give these users the benefit of an additional full season of use and cause the least disruption to their operations, thus easing the transition to Loran-C, at minimal additional cost to the Government.

Coast Guard consultations with Sea Grant Marine Extension agents throughout the coastal areas have indicated that the mid-winter is the period of lowest marine activity throughout the contiguous 48 States and most of Alaska. However, no evidence was found that any extension of Loran-A in the Aleutian and Hawaiian Islands beyond July 1, 1979 would provide significant benefit. In view of

these findings the Coast Guard has recommended and the Secretary of Transportation has approved an adjustment to the original phaseout schedule. Accordingly, the schedule for termination of U.S. Loran-A service is as follows:

Aleutian and Hawaiian Islands, July 1, 1979 (no change).
Other Alaskan and West Coast stations, December 31, 1979.
U.S. East Coast, Gulf of Mexico and Caribbean (West Indies) stations, December 31, 1980.

This schedule supersedes the schedule published in the National Plan for Navigation, issued November 1977.

A. F. FUGARO,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

MAY 17, 1978.

[FR Doc. 78-14675 Filed 5-24-78; 8:45 am]

[4910-06]

Federal Railroad Administration

[FRA Emergency Order No. 9]

CONSOLIDATED RAIL CORP.

Emergency Order Restricting Movement of Hazardous Materials

The Federal Railroad Administration (FRA) of the Department of Transportation has determined that reasons of public safety compel the issuance of this emergency order prohibiting the transportation of hazardous materials on certain Consolidated Rail Corp. (ConRail) track known as the Raritan Branch.

Located between Raritan Junction, N.J., at approximately milepost 19.7, and Edison, N.J., at approximately milepost 26.5, the Raritan Branch leads into a large industrial complex. Two 15-car trains operate daily over this track, serving the various industries along the right-of-way. In the course of such operations, large amounts of hazardous materials are transported over the line, including hydrochloric acid, the poisonous gases chlorine and anhydrous ammonia, the flammable gases methyl chloride and liquefied petroleum gas, and the flammable liquid ethyl benzene. For example, the Linde Division of Union Carbide, located at milepost 20.5 of the Raritan Branch, receives one car of liquefied petroleum gas and one car of methyl chloride each month as well as one car of hydrochloric acid every six weeks. Tennaco, also located at milepost 20.5, gets monthly shipments of 17 tank cars loaded with chlorine and 2 tank cars loaded with anhydrous ammonia. Finally, Stauffer Chemical at milepost 26.3 receives four cars of chlorine and one car of ethyl benzene per month.

On May 3, 1978, an FRA inspector, accompanied by ConRail's track in-

spector, conducted a routine riding and walking inspection of the track. Sixteen areas were walked, and conditions were found to be representative of other areas inspected by riding. The May 3 inspection revealed numerous track defects including extremely poor tie conditions and serious rail defects. The FRA inspector noted 121 locations where tie conditions were far below FRA's minimal standards for Class I track. FRA Track Safety Standards prescribe that the maximum allowable distance between non-defective ties for Class I track is 100 inches. Although the typical violation involved distances of 120 to 140 inches, single violations were noted involving distances of 384, 504, 516, 624, 984, and 1,680 inches—from 32 to 140 feet, respectively. A total of 113 violations of this particular standard were found. Appendix A to this emergency order details the precise locations and distances measured by FRA. Investigation by FRA later disclosed that the most recent major tie removal was accomplished in 1941.

In addition to numerous areas of noncompliance with crosstie regulations, there was a serious weakening of the subgrade between milepost 25.3 and milepost 25.4 due to poor drainage. (See Appendix A.) The proper spacing of nondefective crossties, in connection with effective ballast, provides lateral and vertical support to the rail, which is necessary to prevent trains from derailing. If the lateral support is not present, because ties are defective, the likelihood of wide gage occurring while the track is under load also increases greatly. During FRA's inspection of the Raritan Branch, three such areas were discovered, including one location of 4 feet 10 1/4-inch gage, which is 2 inches wider than the standard gage and 3/4 inch wider than the maximum permitted by the Track Safety Standards for any movement of trains. In addition, three broken rails were found, which also pose a danger of derailment. Because of these rail, gage, and subgrade defects and the enormous numbers of crosstie violations, the possibilities of derailments on the line are very great.

On May 6, three days after the inspection, FRA served ConRail with a Notice of Track Conditions pursuant to 49 CFR Part 216 informing the carrier that FRA was considering the pos-

¹Track gage is defined as the distance between the inside faces of the rail heads, measured at a point 1/4 inch below the top of the rail head. Standard gage is 4 feet 8 1/2 inches. The Track Safety Standards permit gage to widen to 4 feet 9 1/4 inches before a defect is considered to exist. Gage wider than 4 feet 9 1/4 inches usually indicates a lack of sufficient lateral support for the rail, and greatly increases the possibility of a derailment due to car or locomotive wheels dropping between the rails.

sibility of issuing an emergency order removing the Raritan Branch from service. After presenting the Notice, the FRA inspector researched the track inspection records for the Raritan Branch and found that no inspection has been made of it since August 17, 1977, a period of over 8 months. The Track Safety Standards require inspections weekly.

In a letter dated May 9, Conrail indicated that a nine-man Extra Gang was working on the Branch installing ties by hand and that labor clearance had been secured to move additional tie repair gangs to this Branch to begin work on Thursday, May 11. These employees normally work a four-day week which ends Thursday. Since Conrail refused to pay the extra costs for weekend labor, the gangs were idle May 12 through May 14. On Monday, May 15, even though the equipment was on site and half the ties had been distributed, work was again delayed because of weather conditions. Work finally recommenced on Tuesday, May 16, and continued through Thursday, May 18. According to Conrail, a tie and surfacing unit made up of 55 employees had installed 734 ties in four-tenths of a mile of track by the morning of May 22. This work leaves over six miles of the 6.8-mile line unrepaired.

Thus, most of the Raritan Branch remains in poor condition. During a reinspection on May 17 of track beyond the repair area, the FRA inspector found 18 additional locations where the distance between nondefective ties exceeded 100 inches. Distances ranged between 204 and 612 inches—from 17 to 51 feet, respectively. Substandard gage and poor subgrade conditions were also found. (See Appendix B.)

In the meantime, despite the violation notices and the possibility of an emergency order, Conrail has continued business as usual on the Raritan Branch. There have been no restrictions of any kind on the movement of hazardous materials. For example, the FRA inspector noticed during the reinspection that Stauffer Chemical at milepost 26.3 had just been shipped four tank cars of deadly chlorine gas. The derailment of a car containing hazardous material would pose a threat not only to train crews, but also to the numerous persons who work in factories or attend classes along the line. Stretching between milepost 22 and milepost 24, the Raritan industrial Park employs 5,000 workers in 200 factories and warehouses. Heller Industrial Park at milepost 24.5 is the site of ten warehouses with 1,000 employees, of whom 500 employees work in a factory immediately adjacent to the track. Also adjoining the track is Middlesex Community College, with an enrollment of 12,000 students. Far

too many persons work or study in the area to allow the continued transportation of hazardous materials over the Raritan Branch in its present deteriorated condition.

In light of the high risk both to employees and to the public that derailments will result in death or injury because of the release of hazardous materials, I have determined that the track defects on the Raritan Branch operated by the consolidated Rail Corporation between Raritan Junction, New Jersey, and Edison, New Jersey, constitute an unsafe condition and create an emergency situation involving a hazard of death or injury to persons affected by the use of this line.

Therefore, pursuant to the authority of section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) delegated to me by the Secretary of Transportation (49 CFR 1.49(n)), it is ordered:

1. That all transportation of railroad cars containing a material which is required to be placarded in accordance with Department of Transportation regulations, 49 CFR Parts 170-189 ("placarded hazardous materials"), over the Consolidated Rail Corporation's Raritan Branch, between Raritan Junction, New Jersey, at approximately milepost 19.7 and Edison, New Jersey, at approximately milepost 26.5, shall cease not later than 12:01 a.m., May 24, 1978. However, any cars in transit over such track at that time may continue to their final terminal.

2. This order shall remain in effect until such track has been restored to compliance with Federal Railroad Administration standards for at least Class I track (49 CFR Part 213). This order does not authorize the Consolidated Rail Corporation to transport cars which do not contain placarded hazardous materials, over track which is not in compliance with the Track Safety Standards. Any such operation may subject Conrail to the imposition of penalties prescribed by the Federal Railroad Safety Act of 1970 (45 U.S.C. 438).

3. Transportation over such track of any car containing any hazardous material required to be placarded shall be and is prohibited by this order until the authorized designated official of the Consolidated Rail Corporation has certified that required repairs have been made and the track has been inspected by a representative of the Federal Railroad Administration. Subject to these procedures, service over the line may be restored incrementally.

A civil penalty of \$2,500 will be assessed for any violation of this order. (45 U.S.C. 438).

Opportunity for formal review of this Emergency Order will be provided in accordance with section 203 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 432) and section 554 of Title

5 of the United States Code. Petition for such review must be submitted in writing to the Office of Chief Counsel, Federal Railroad Administration, Washington, D.C. 20590 in accordance with 49 CFR 216.25.

Issued in Washington, D.C., on May 23, 1978.

JOHN M. SULLIVAN,
Administrator.

APPENDIX A

CONSOLIDATED RAIL CORPORATION MAY 3, 1978,
INSPECTION OF RARITAN BRANCH

Track inspected between mileposts	49 CFR 213
21.3 to 22.3	24 cross tie defects (0.109)—maximum distance between nondefective ties—1,680 in.
22.7 to 23.6	58 cross tie defects (0.109)—maximum distance between nondefective ties—384 in.
23.8 to 24.2	31 cross tie defects (0.109)—maximum distance between nondefective ties—984 in.
25.2 to 25.8	3 rail defects—(0.113). 3 gage defects—(0.53). 8 cross tie defects (0.109)—maximum distance between nondefective ties—120 in. 2 subgrade defects (0.33).

APPENDIX B

CONSOLIDATED RAIL CORPORATION, MAY 17, 1978, INSPECTION OF RARITAN BRANCH

Track inspected between mileposts	49 CFR 213
21.1 to 22.1	4 cross tie defects (0.109)—maximum distance between nondefective ties—360 in. 1 gage defect (0.53).
22.2 to 23.1	4 cross tie defects (0.109)—maximum distance between nondefective ties—612 in.
23.8 to 24.4	5 cross tie defects (0.109)—maximum distance between nondefective ties—348 in. 1 subgrade defect (0.33).

[FR Doc. 78-14791 Filed 5-23-78; 4:00 pm]

[4910-59]

National Highway Traffic Safety
Administration

NAT BOSTWICK AND HENRY PIERCE

Denial of Petitions to Commence Defect
Proceedings

This notice sets forth the reasons for denial of two petitions to com-

mence a proceeding to determine whether a defect related to motor vehicle safety exists in a vehicle. This notice is published in accordance with Section 124 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1381 et seq) which provides that the National Highway Traffic Safety Administration must grant or deny such petition within 120 days of receipt, and "If the Secretary denies such petition he shall publish in the FEDERAL REGISTER his reasons for such denial" (§ 124(d)).

Nat Bostwick. On November 15, 1977, Mr. Nat Bostwick of Denver, Colo., petitioned the agency to investigate whether 1972 Volvo passenger cars equipped with fuel injectors contain leaks and create a fire hazard.

NHTSA informed Mr. Bostwick that it had previously investigated alleged fuel injector leaks on 1970-73 Volvos (File C4-58) and concluded that no safety related defect existed. Volvo had informed the agency that it nevertheless intended to replace all fuel injector units with improved ones. As part of this campaign Mr. Bostwick's vehicle was provided with a new fuel injector. For these reasons the petition was denied.

Henry C. Pierce. On December 15, 1977, Mr. Henry C. Pierce of Dana Point, Calif., petitioned NHTSA to open an investigation into crankshaft pulley bolt failures on 1976-77 Dodge Aspen passenger cars with 318 CID engines. The effect of the failure is to disable the power steering system.

In its investigation NHTSA discovered that Chrysler Corp. had used the same design and bolt specifications since 1967. Of approximately 2.7 million vehicles built to these specifications in 1976 and 1977 the agency discovered only six complaints of crankshaft pulley bolt failure, none of which led to accidents or injury and only two of which involved another Aspen or Plymouth Volare equipped with a 318 CID engine. The agency also conducted a metallurgical analysis on Mr. Pierce's parts and noted no significant defects. Improper torquing of the bolt emerged as a possible cause of

the failures. For these reasons the petition was denied.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 318 (15 U.S.C. 1342, 1407), Sec. 106, Pub. L. 93-492, 88 Stat. 1482 (15 U.S.C. 1410), delegations of authority at 49 CFR 1.50 and 501.8.)

Issued on May 19, 1978.

LYNN BRADFORD,
Acting Associate
Administrator for Enforcement.
[FR Doc. 78-14455 Filed 5-24-78; 8:45 am]

[1505-01]

[Docket No. IP78-4, Notice 1]

VOLVO OF AMERICA

Receipt of Petition for Determination of
Inconsequential Noncompliance

Correction

In FR Doc. 78-12616, appearing at page 20292 in the issue of Thursday, May 11, 1978, the comment closing date, which should have appeared in the line immediately following the last complete paragraph of the document, should have read, "June 26, 1978".

[4910-60]

Research and Special Programs Administration
Office of Hazardous Materials Operations
HAZARDOUS MATERIALS REGULATIONS

Exemptions

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of Grants and Denials of Applications for Exemptions

SUMMARY: In accordance with the procedures governing the application for, and the processing of, exemptions from the Department of Transportation's Hazardous Materials Regulations (49 CFR Part 107, Subpart B.), notice is hereby given of the exemptions granted April 1978. The modes of transportation involved are identified by a number in the "Nature of Exemption Thereof" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo-vessel, 4—Cargo-only aircraft, 5—Passenger-carrying aircraft.

Application numbers prefixed by the letters EE represent applications for Emergency Exemptions.

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
Renewals				
2582-P	DOT-E 2582	Matheson Gas Products, Lyndhurst, N.J.	49 CFR 173.304(a)(2)	To become a party to exemption 2582. (See application No. 2582-X.) (Modes 1 and 2.)
3563-P	DOT-E 3563	U.S. Department of Commerce, Washington, D.C.	49 CFR 172.101, 173.302(a), 173.359(a).	To become a party to exemption 3563. (See application No. 3563-X.) (Modes 1, 2, 4, and 5.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
Renewals—Continued				
7928-N	DOT-E 7928	The State of Alaska, Juneau, Alaska.	49 CFR 172.101	To stow certain hazardous materials "on deck" and "under deck" on cargo vessels and "on deck" on passenger vessels. (Mode 3.)
3569-X	DOT-E 3569	NL McCullough/NL Industries, Inc., Houston, Tex.	49 CFR 173.246	To ship bromine trifluoride in a non-DOT specification nonrefillable cylinder. (Modes 1, 2, and 4.)
3744-P	DOT-E 3744	Burris Chemical, Inc., Charleston, S.C.	49 CFR 173.266(b)(7)	To become a party to exemption 3744. (See application No. 3744-X.) (Modes 1 and 2.)
3822-X	DOT-E 3822	Dow Chemical Co., Midland, Mich.	49 CFR 173.252(a)(4)	To ship bromine in DOT specification MC-310 or MC-312 tank motor vehicles. (Mode 1.)
3992-X	DOT-E 3992	Dow Chemical Co., Plaquemine, La.	49 CFR 173.314	To ship a nonflammable gas in DOT specification 105A600W tank cars. (Mode 2.)
4108-X	DOT-E 4108	Capitol Corp., Jackson, Miss.; Purity Cylinders Gases, Inc., Grand Rapids, Mich.	49 CFR 173.315(a)	To ship certain nonflammable gases in non-DOT specification cargo tanks designed in accordance with sec. VIII of the ASME code.
5248-P	DOT-E 5248	The Boeing Co., Seattle, Wash.	49 CFR 173.389(g), 175.3	To become a party to exemption 5248. (See application No. 5248-X.) (Modes 1, 2, 4, and 5.)
5668-X	DOT-E 5668	Atlantic Container Line, Ltd., New York, N.Y.	49 CFR 173.119(b); 48 CFR 90.05-3.	To ship flammable and combustible liquids in portable tanks complying with DOT specification MC-307 with certain exceptions. (Modes 1, 2, and 3.)
5861-X	DOT-E 5881	HTL Industries, Inc., Monrovia, Calif.	49 CFR 173.304(a)(1), 175.3, 178.47.	To ship a nonflammable compressed gas in welded stainless steel pressure vessels complying with DOT specification 4DS with certain exceptions. (Modes 1, 2, 4, and 5.)
5951-X	DOT-E 5951	Ashland Chemical Co., Birmingham, Ala.	49 CFR 173.314(c)	To ship liquefied nonflammable compressed gases in tanks complying with DOT specification 106A500 with certain exceptions. (Modes 1 and 2.)
5951-P	DOT-E 5951	S. E. C. Division, Ugitte Gas Inc., El Paso, Tex.	49 CFR 173.314(c)	To become a party to exemption 5951. (See application No. 5951-X.) (Modes 1 and 2.)
6173-P	DOT-E 6173	Publiker Industries Inc., Philadelphia, Pa.; Allied Chemical Corp., Morristown, N.J.	49 CFR 172.101, 173.315(a)(1).	To ship a flammable compressed gas in a non-DOT specification insulated cargo tank designed and constructed in accordance with sec. VIII of the ASME code. (Mode 1.)
6205-X	DOT-E 6205	American LNG Co., Oak Brook, Ill.	49 CFR 173.315(a)(1), 172.101.	To ship certain flammable gases in a non-DOT specification vacuum insulated cargo tank designed and fabricated in accordance with sec. VIII of the ASME code. (Mode 1.)
6614-X	DOT-E 6614	GPS Industries, City of Industries, Calif.; Continental Chemical Co., Sacramento, Calif.; All Pure Chemical Co., Tracy, Calif.; Georgia-Pacific Corp., Los Angeles, Calif.; Chem Lab Products Inc., Anaheim, Calif.; Hase Chemical Inc., Saugus, Calif.	49 CFR 173.263(a)(28), 173.277(a)(6).	To ship certain corrosive liquids in non-DOT specification polyethylene bottles, packed inside a high density polyethylene box. (Mode 1.)
6814-P	DOT-E 6614	Sun Cleaner Co., Livonia, Mich.	49 CFR 173.263(a)(28), 173.277(a)(6).	To become a party to exemption 6614. (See application No. 6614-X.) (Mode 1.)
6622-P	DOT-E 6622	Griffith Laboratories, Alsip, Ill.	49 CFR 173.234(a)(2)	To become a party to exemption 6622. (See application No. 6622-X.) (Modes 1 and 2.)
6749-X	DOT-E 6749	GPS Industries, City of Industries, Calif.	49 CFR 173.217(b)	To ship certain oxidizing materials in non-DOT specification single-trip drums overpacked in a single-wall corrugated fiberboard box. (Modes 1, 2, and 3.)
6820-P	DOT-E 6820	Hill Bros. Chemical Co., Phoenix, Ariz.; Chem Lab Products Inc., Anaheim, Calif.	49 CFR 173.217(a)	To become a party to exemption 6820. (See application No. 6820.)
6824-P	DOT-E 6824	Chem Lab Products Inc., Anaheim, Calif.	49 CFR 173.217(a)	To become a party to exemption 6824. (See application No. 6824-X.) (Modes 1, 2, and 3.)
6825-X	DOT-E 6825	Lox Equipment Co., Livermore, Calif.	49 CFR 172.101, 173.314(c)	To manufacture, mark and sell non-DOT specification vacuum-insulated tank car tank for shipment of a liquefied flammable compressed gas. (Mode 2.)
6926-X	DOT-E 6926	Union Carbide Corp., Bound Brook, N.J.	49 CFR 173.365(a)(6), 178.238-3.	To ship a class B poisonous solid in a DOT specification 44D extensible kraft paper bag. (Modes 1, 2, and 3.)
6974-P	DOT-E 6974	The Boeing Co., Seattle, Wash.	49 CFR 173.302(a)(1), 178.42	To become a party to exemption 6974. (See application No. 6974-X.) (Modes 1, 2, and 4.)
6985-X	DOT-E 6985	U.S. Department of Energy, Washington, D.C.	49 CFR 173.86(a), 173.154(a)(7).	To ship a class B explosive reclassified as a flammable solid overpacked in a DOT specification wooden box. (Mode 1.)
7005-P	DOT-E 7005	Compagnie des Containers Reservoirs, Neuilly-sur-Seine Cedex, France.	49 CFR 173.119, 173.141(a)(10), 173.245(a)(30), 173.346, 173.820, 173.830; 48 CFR 90.05-35.	To become a party to exemption 7005. (See application No. 7005-X.) (Modes 1 and 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
Renewals—Continued				
7052-X	DOT-E 7052	Power Conversion, Inc., Mount Vernon, N.Y.	49 CFR 173.206(e)(1), 175.3	To ship lithium batteries subject to certain qualifications and specialized packaging. (Modes 1, 2, 3, and 4.)
7060-P	DOT-E 7060	Express Airways, Inc., Mojave, Calif.	49 CFR 175.75(a)(3), 175.700(a).	To become a party to exemption 7060 (see application No. 7060-X). (Mode 4.)
7227-X	DOT-E 7227	Air Products & Chemicals, Inc., Allentown, Pa.; Airco Industrial Gases, Houston, Tex.	49 CFR 172.101, 173.315	To ship a nonflammable gas in non-DOT specification portable tanks. (Mode 3.)
7277-X	DOT-E 7277	Structural Composites Industries, Inc., Azusa, Calif.	49 CFR 173.302(a)(1), 175.3	To manufacture, mark and sell non-DOT specification filament-wound reinforced plastic aluminum lined cylinder for shipment of a certain nonflammable compressed gas. (Modes 1, 2, 3, 4, and 5.)
7548-X	DOT-E 7548	U.S. Department of Defense, Washington, D.C.	49 CFR 146.29-100	To stow class XC military explosive on deck of vessel, over the square of the hatch. (Mode 3.)
7558-X	DOT-E 7558	Union Carbide Corp., Tarrytown, N.Y.	49 CFR 173.315(a)	To ship certain nonflammable gases in a non-DOT specification vacuum insulated portable tank, designed and constructed in accordance with sec. VIII of the ASME Code. (Modes 1 and 3.)
7584-X	DOT-E 7584	Orval-Manutention, Paris, France.	49 CFR 173.266	To ship hydrogen peroxide solution in a non-DOT specification stainless steel portable tank. (Modes 1, 2, and 3.)
7584-P	DOT-E 7584	Intsel Corp., New York, N.Y.; L'Air Liquide, Paris, France.	49 CFR 173.266	To become a party to exemption 7584 (see application No. 7584-X). (Modes 1, 2, and 3.)
7597-P	DOT-E 7597	Thompson-Hayward Chemical Co., Chicago, Ill.; Valley Co-op Oil Mill, Marlingen, Tex.; Staple Cotton Services Association, Greenwood, Miss.; Valley Chemical Co., Greenville, Miss.; Mallard Chemical Co., Inc., Pine Bluff, Ark.; Triangle Chemical Co., Macon, Ga.; Seedkem South, Inc., Olive Branch, Miss.; MFC Services (AAL), Clarksdale, Miss.	49 CFR 173.358, 173.359	To become a party to exemption 7597 (see application No. 7597-X). (Mode 1.)
7601-X	DOT-E 7601	Atlantic Research Corp., Gainesville, Va.	49 CFR 173.53(e), 173.62	To ship a class A explosives in non-DOT specification containers. (Mode 1.)
7651-X	DOT-E 7651	Austin Powder Co., Cleveland, Ohio.	49 CFR 173.93(e), 177.834(L)(1).	To ship a class B liquid propellant explosive in a "Sealdtank" (rubber container). (Mode 1.)
7695-P	DOT-E 7695	LOWACO S.A., Geneva, Switzerland.	46 CFR 90.05-35; 49 CFR 173.119, 173.245(a), 173.249, 173.295(a), 173.346(a), 173.620.	To become a party to exemption 7695 (see application No. 7695-N). (Modes 1 and 3.)
7701-P	DOT-E 7701	LOWACO, S.A., Geneva, Switzerland.	49 CFR 173.119(b), 173.125	To become a party to exemption 7701 (see application No. 7701-N). (Modes 1, 2, and 3.)
7772-X	DOT-E 7772	Ugine Kaulmann, Paris, France.	49 CFR pt 173, subpart D	To ship certain flammable liquids in a steel portable tank built in accordance with sec. VIII of the ASME code. (Modes 1 and 3.)
7777-P	DOT-E 7777	Brewer Cote Asphalt Products, Miami, Fla.	49 CFR 173.248	To become a party to exemption 7777 (see application No. 7777-N). (Modes 1, 2, and 3.)
7820-P	DOT-E 7820	LOWACO, S.A., Geneva, Switzerland.	46 CFR 90.05-35; 49 CFR 173.119, 173.125, 173.131(a), 173.132(a), 173.145(a), 173.348(a).	To become a party to exemption 7820 (see application No. 7820-N). (Modes 1, 2, and 3.)
New Exemptions				
7832-N	DOT-E 7832	U.S. Department of Energy, Washington, D.C.	49 CFR 172.101, 173.315(a)(1).	To ship certain compressed gases in a vacuum insulated non-DOT specification cargo tank, designed and constructed in accordance with sec. VIII of the ASME Code. (Mode 1.)
7896-N	DOT-E 7896	Monsanto Co., St. Louis, Mo	49 CFR 173.245, 173.374	To ship certain hazardous materials in a non-DOT specification portable tank. (Modes 1 and 3.)
7897-N	DOT-E 7897	Hugonnet, S.A., Paris, France.	46 CFR 90.05-35, 49 CFR Part 173.	To ship certain hazardous materials in a non-DOT specification IMCO type 2 insulated portable tank. (Modes 1, 2, and 3.)
7897-P	DOT-E 7897	Permal International, Inc., New York, N.Y.	46 CFR 90.05-35, 49 CFR Part 173.	To become a party to exemption 7897 (see application No. 7897-N). (Modes 1, 2, and 3.)
7915-N	DOT-E 7915	Olin Corp., East Alton, Ill.	49 CFR 173.93(b)	To ship certain propellant explosives in water in DOT specification MC-307 or MC-312 cargo tanks. (Mode 1.)
7917-N	DOT-E 7917	Airco Industrial Gases, Houston, Tex.	49 CFR 172.101, 173.315	To ship a nonflammable gas in non-DOT specification portable tanks. (Mode 3.)

Application No.	Exemption No.	Applicant	Regulation(s) affected	Nature of exemption thereof
New Exemptions—Continued				
7025-X	DOT-E 7025	Airco Cryoplants Corp., Murray Hill, N.J.; Air Products and Chemicals, Inc., Allentown, Pa.	49 CFR 172.101, 173.315(a)(1).	To ship a flammable gas and a nonflammable gas in a non-DOT specification cargo tank. (Mode 1.)
7042-X	DOT-E 7042	Walter Kidde & Co., Inc., Belleville, N.J.	49 CFR 173.302(a)(1), 173.304(a), 175.3.	To ship certain compressed gases in non-DOT specification seamless cylinders. (Modes 1, 2, 4, and 5.)
7942-N	DOT-E 7942	Chevron U.S.A., Inc., San Francisco, Calif.	49 CFR 173.28(m)	To ship a flammable liquid in reused DOT specification 17E drums requalified in accordance with § 173.28(m) with certain exceptions. (Mode 3.)
7945-N	DOT-E 7945	HTL Industries, Inc., Monrovia, Calif.	49 CFR 173.304(a)(1), 175.3, 178.47.	To ship a nonflammable compressed gas in a non-DOT specification welded steel cylinder in compliance with DOT specification 4DS with certain exceptions. (Modes 1, 2, 4, and 5.)
Emergency exemptions—Applications received and granted				
EE7724-P	DOT-E 7724	Weather Modification Association, Fresno, Calif.	49 CFR Chapter I, subch. C.	To become a party to exemption 7724 (see application No. 7724-X). (Mode 4.)
EE7932-P	49 CFR 7932	Go Wireline Services, Fort Worth, Tex.; Welex Division of Halliburton Services, Inc., Houston, Tex.; CRC Western Wireline Services, Lafayette, La.; Schlumberger Well Services, Houston, Tex.	49 CFR 173.110(b)	To become a party to exemption 7932 (see application No. 7932-N). (Mode 3.)
EE7966	DOT-E 7966	The Enterprise Companies, Wheeling, Ill.	49 CFR 173.245(a)(12)	To ship a corrosive material in DOT-12B fiberboard boxes having inside steel containers. (Modes 1 and 2.)
EE7977-N	DOT-E 7977	Western Iowa Gas Co., Atlantic, Iowa.	49 CFR 173.315(a)(1)	To ship anhydrous ammonia in DOT specification MC-330 cargo tanks having design pressure of 250 lb/in ² . (Mode 1.)

DENIALS

4371-P Request by Tank Container International, Schaumburg, Ill.—To become a party to DOT-E 4371 to ship metallic sodium in non-DOT specification containers, denied April 14, 1978.

6145-X Request by Kerr McGee Chemical Corp., Oklahoma City, Okla.—To ship sodium and magnesium perchlorate solutions in DOT Specifi-MC-303, MC-304, MC-306, MC-307, MC-311 and MC-312 cargo tanks, denied April 7, 1978. (HM-139 obviates the need)

6756-X Request by Stauffer Chemical Co., Westport, Conn.—To ship certain hazardous materials in foreign-made packagings which are comparable to the DOT 17E drums, denied April 15, 1978 as being unnecessary.

6959-X Request by Stauffer Chemical Co., Westport, Conn.—To ship flammable liquids in a non-DOT specification 55 gallon steel drum, denied April 20, 1978 as being unnecessary.

7691-N Request Contrans, Hamburg, West Germany—To ship sulfur chloride in non-DOT specification portable tanks, denied April 24, 1978.

EE7884-N Request by Surburban Airservice, Inc., Laurel, Md.—For an emergency exemption to carry radioactive materials aboard cargo-only aircraft, denied April 5, 1978.

7948-N Request by Clark Tank and Manufacturing Co., Inc., Long Beach, Calif.—To

transport corrosive and flammable materials in a non-DOT specification cargo tank, denied April 26, 1978.

EE7968-N Request by SCM Corp., Cleveland, Ohio—For an emergency exemption to ship pinane hydroperoxide in DOT Specification MC-310, MC-311 and MC-312 tank motor vehicles, denied April 14, 1978.

EE7975-N Request by Royalvac Inc., Fort Lauderdale, Fla.—For an emergency exemption to manufacture non-DOT specification cargo tanks for use in transporting certain hazardous materials, denied April 24, 1978.

J. R. GROTHE,
Chief, Exemptions Branch Office
of Hazardous Materials Operations.

[FR Doc. 78-14200 Filed 5-24-78; 8:45 am]

[4810-22]

DEPARTMENT OF THE TREASURY

Customs Service

AMPICILLIN TRIHYDRATE FROM SPAIN

Receipt of Countervailing Duty Petition and Initiation of Investigation

AGENCY: United States Customs Service, Treasury Department.

ACTION: Initiation of Investigation.

SUMMARY: This notice is to advise the public that a petition has been received and as a result an investigation is being started for the purpose of determining whether or not benefits are granted by the Government of Spain to manufacturers or exporters which constitute a bounty or grant. A preliminary determination will be made not later than September 23, 1978, and a final determination not later than March 23, 1979.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael E. Crawford, Operations Officer, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: A petition was received in satisfactory form on March 23, 1978, alleging that payments or bestowals, conferred by the Government of Spain upon the exportation of ampicillin trihydrate from Spain constitute the payment or

bestowal of a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended (19 U.S.C. 1303). Imports covered by this investigation are classifiable under item 407.8511, Tariff Schedules of the United States Annotated (TSUSA). The alleged bounties or grants arise from the rebate of the Spanish turnover tax under the "Desgravacion Fiscal" system. In past investigations of rebates paid under the system, the Department has found rebates in excess of the taxes actually borne by the product in question and, accordingly, that bounties or grants were being paid or bestowed.

Pursuant to section 303(a)(4) of the Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(4)), the Department of the Treasury is required to issue a preliminary determination as to whether or not any bounty or grant is being paid or bestowed within the meaning of statute within 6 months of the receipt, in satisfactory form, of a petition alleging the payment or bestowal of a bounty or grant and a final decision within 12 months of the receipt of such petition.

Therefore, a preliminary determination on this petition will be made not later than September 23, 1978, as to whether or not alleged payments or bestowals conferred by the Government of Spain upon the manufacture, production, or exportation of the above described merchandise constitutes a bounty or grant within the meaning of section 303, Tariff Act of 1930, as amended. A final determination will be issued no later than March 23, 1979.

This notice is published pursuant to section 303(a)(3), Tariff Act of 1930, as amended (19 U.S.C. 1303(a)(3)).

Pursuant to Reorganization Plan No. 26 of 1950 and Treasury Department Order 190, Revision 15, March 16, 1978, provisions of Treasury Department Order No. 165, Revised, November 2, 1954, and § 159.47(c) of the Customs Regulations (19 CFR 159.47(c)), insofar as they pertain to the initiation of a countervailing duty investigation by the Commissioner of Customs, are hereby waived.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MAY 19, 1978.

[FR Doc. 78-14645 Filed 5-24-78; 8:45 am]

[4810-22]

Office of the Secretary

NYLON YARN FROM JAPAN

Termination of Antidumping Investigation

AGENCY: Treasury Department.

ACTION: Termination of Antidumping Investigation.

SUMMARY: This notice is to advise the public that the antidumping inves-

tigation of nylon yarn from Japan is being terminated. The termination is based on the withdrawal of the original antidumping petition, as detailed in the body of this notice and appendices hereto.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

James C. Davenport, Assistant to the Director, Office of Tariff Affairs, U.S. Treasury Department, 15th and Pennsylvania Avenue Washington, D.C. 20220, 202-566-2951.

SUPPLEMENTARY INFORMATION: On February 3, 1978, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26 and 153.27), from E. I. du Pont de Nemours and Co., alleging that nylon yarn from Japan is being, or is likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). This information was the subject of an Antidumping Proceeding Notice published in the FEDERAL REGISTER of March 10, 1978 (43 FR 9913).

On March 29, 1978, counsel on behalf of the Japanese manufacturers subject to this investigation, Toray Industries, Inc. and Kanebo Textiles, Ltd., submitted a letter to the Treasury Department in which the two manufacturers offered to revise their selling prices to the United States. On May 12, 1978, the Treasury received from du Pont a letter stating that because, in its opinion the revised prices proposed by Toray and Kanebo would substantially reduce the dumping margins alleged in the petition, it was withdrawing its petition. These letters, as well as the Treasury reply to du Pont, are reproduced as appendices to this notice.

Based upon the withdrawal of the antidumping petition, on the bases expressed in the letters appended hereto, I conclude that it is appropriate to terminate this investigation. This termination is without prejudice to the filing of a subsequent antidumping petition concerning the same product at any time in the future.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.

MAY 19, 1978.

DANIELS, HOULIHAN & PALMETER,
March 29, 1978.

Mr. PETER D. EHRENHAF, Deputy Assistant Secretary for Tariff Affairs, Main Treasury, Washington, D.C. Re Nylon Yarn from Japan.

DEAR MR. EHRENHAF: The purpose of this letter is to transmit to you, on behalf of our client, Toray Industries Inc. (hereinafter referred to as "Toray"), a proposal to settle the above-styled matter. Toray is prepared to undertake to sell the subject yarns at

prices calculated to be above prices which could be found to be LTFV prices, and above cost of production in the case of 70 denier yarns.

These prices are also substantially above the equivalent prices (based on our best information) of the petitioners for similar, and possibly competitive yarns, obviating any possibility of injury.

This offer is conditioned upon withdrawal of the petition or some other expeditious method of terminating this case.

We have recently been retained by Kanebo Textiles Ltd. (hereinafter referred to as "Kanebo"), the other major exporter of the subject yarns, and although there has been insufficient time to fully consult with them, we believe, subject to formal confirmation, that they are prepared to make a similar or identical offer on 40 denier yarns (Kanebo is not a factor in 70 denier yarns).

Attached hereto are tables showing Toray's home market prices for 40 and 70 denier yarns and Toray's calculated cost of production for 70 denier yarns. This data is submitted as confidential business data.

You will appreciate that given the limited amount of time available to us we were not able to engage in as extensive a response as would occur in a formal investigation. Because of these time strictures we have adopted what we believe to be a conservative approach. Uncertainties were resolved in a manner that would increase rather than decrease the price level of home market sales in the case of both deniers and the cost of production in the case of 70 denier yarns.

Also because of the time problem the data was computed for periods not exactly identical with that which we understand has been adopted as the relevant period in this investigation, but are nevertheless representative of the relevant period.

We would also call to your attention the fact that 40 and 70 denier yarns to which this offer is confined represent approximately 97.7 percent of exports from Japan of all nylon yarns and that for 40 and 70 denier yarns Toray and Kanebo accounted for 87.6 percent of total exports from Japan in 1977 (see table).

Specifically the Toray proposal is to sell 40 denier yarns on a duty paid delivered (DPD) basis at a price not less than \$1.47 per pound and not less than \$1.33 per pound for 70 denier yarns. The attached business confidential summary sheet shows the equivalent ex-factory prices calculated from these DPD prices. This undertaking would commence with August 1978 entries.

This table also shows that the prices are at or above home market price for 40 and 70 denier and above cost of production for 70 denier yarn.

We have also attached a table (not business confidential) comparing Toray's proposed prices, DPD, with the petitioners current prices. These comparisons indicate, after proper adjustment, that the proposed prices are substantially above those currently being offered by Petitioner.

We trust that these proposed prices and the underlying calculations on home market price and cost of production will be received as an offer of settlement and without prejudice to submissions in a formal investigation should this proposal be rejected.

We look forward to conferring with you on this matter at our meeting scheduled for Wednesday, March 29th.

Respectfully submitted,

MICHAEL P. DANIELS.

Comparison of proposed Toray prices and current prices of petitioners

40 Denier: Toray:			
Proposed price DPD	\$1.47	\$1.47	
Adjustment: Beaming	.15	.18	
Total	1.62	1.65	
Petitioners: On beam		1.30	
70 Denier: Toray:			
Proposed price (DPD)	1.33	1.33	
Adjustment:			
Sizing	.05		
Beaming	.15		
Nylon 6 and 66 differential	.12	.12	
Total	1.65	1.45	
Petitioners: Warp beamed, sized, and rebeamed	1.45	1.27	

MAY 9, 1978.

Mr. PETER D. EHRENHAF, Deputy Assistant Secretary for Tariff Affairs, U.S. Department of the Treasury, Washington, D.C.

ANTIDUMPING COMPLAINT, NYLON YARN FROM JAPAN

DEAR MR. EHRENHAF: By letter of March 29, 1978, to your office, counsel for Toray Industries, Inc., and Kanebo Textiles Ltd. stated that his clients were willing to sell the subject nylon yarns at or above certain price levels to effect withdrawal of the above-captioned antidumping proceeding. The specific U.S. selling prices stated by Toray and Kanebo are not less than \$1.47 duty paid delivered for 40 denier nylon yarn on tubes and not less than \$1.33 duty paid delivered for 70 denier nylon yarn on tubes.

Pursuant to your request for Du Pont's response to the Toray and Kanebo proposal, we can state that the revised prices proposed by Toray and Kanebo would substantially reduce the dumping margins alleged in our petition and, if promptly implemented, should avoid the need for continuing these proceedings. Accordingly, Du Pont hereby requests withdrawal of its antidumping petition dated February 3, 1978.

Du Pont's position is taken with the expectation that Toray and Kanebo will export subject products in accordance with U.S. antidumping laws. However, Du Pont reserves the right to seek relief in the future under the Antidumping Act should Du Pont conclude that sales at the foregoing prices or at any other prices established by Toray and Kanebo are at less than fair value and in violation of the U.S. antidumping laws. We would ask that the Treasury Department process any such future petition as expeditiously as possible.

According to their counsel's letter, Toray and Kanebo propose to implement the foregoing prices on August 1. There appears to be no good reason for delaying the price adjustment for such a long period. In view of the Japanese firms' express intention to comply with our antidumping laws, we would expect to see the proposed price increases effected at the earliest possible date and not later than June 1, 1978. Moreover, it is recognized that the Treasury Department has no responsibility to monitor the price of such nylon imports.

Respectfully submitted,

THEODORE F. KILLHEFFER.

MAY 16, 1978.

THEODORE E. KILLHEFFER, Esquire, Legal Department, E. I. du Pont de Nemours & Co., Wilmington, Del.

Dear Mr. Killheffer: This is to acknowledge receipt of your letter of May 9, 1978 in which, on behalf of the du Pont Company, you unconditionally withdrew the antidumping petition filed February 3, 1978 relative to nylon yarn from Japan.

In response to your letter, I wish to indicate to you that the antidumping investigation begun on March 10, 1978, as a result of your petition, will be terminated immediately, subject to the approval of Treasury's General Counsel.

At the same time, the Treasury Department recognizes that your withdrawal of the petition is without prejudice to the filing of a new complaint at any time in the future. However, I should also state, as you recognize in the concluding sentence of your letter, that Treasury has no future responsibility to monitor the prices at which the Japanese manufacturers sell nylon yarn to the United States.

Sincerely yours,

PETER D. EHRENHAF, Deputy Assistant Secretary and Special Counsel.

[FR Doc. 78-14646 Filed 5-24-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 667]

Assignment of Hearings

MAY 22, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 110420 (Sub-778F), Quality Carriers, Inc., is now assigned for hearing June 26, 1978 (1 day) in Courtroom 3, Fifth Floor, U.S. Court and Customs House, 1114 Market Street, St. Louis, MO.

MC 130468, Summer Sites, Inc., is assigned for hearing June 12, 1978 at New York, NY and will be held at Room F-2224 Federal Building, 26 Federal Plaza.

MC 130457, W. J. Condren, Inc., is assigned for hearing June 14, 1978 at New York, NY and will be held at Room F-2224 Federal Building, 26 Federal Plaza.

AB 57 (Sub-7), Soo Line Railroad Co. Abandonment in Baraga and Houghton Counties, MI now being assigned June 26, 1978 for continued hearing at the Offices of the Interstate Commerce Commission in Washington, D.C.

MC 143553 (Sub-2), WY Trucking, Inc. now assigned June 8, 1978 at Boston, MA is cancelled and transferred to Modified procedure.

MC 43867 (Sub-35), A. Leander McAlister Trucking Co., MC 59150 (Sub-109), Ploof Truck Lines, Inc., MC 60014 (Sub-59), Aero Trucking, Inc., MC 61592 (Sub-407), Jenkins Truck Lines, Inc., MC 73165 (Sub-413), Eagle Motor Lines, Inc., MC 95876 (Sub-226), Anderson Trucking Service, Inc., MC 103993 (Sub-901), Morgan Drive-Away, Inc., MC 106398 (Sub-777), National Traller Convoy, Inc., MC 107678 (Sub-65), Hill & Hill Truck Line, Inc., MC 108341 (Sub-72), Moss Trucking Co. MC 109397 (Sub-373), Tri-State Motor Transit Co., MC 114211 (Sub-340), Warren Transport, Inc., MC 114552 (Sub-141), Senn Trucking Co., MC 115311 (Sub-258), J & M Transportation Co., Inc., MC 115496 (Sub-70), Lumber Transport, Inc., MC 116915 (Sub-39), Eck Miller Transportation Corp., MC 119522 (Sub-35), McLain Trucking, Inc., MC 119656 (Sub-35), North Express, Inc., MC 123407 (Sub-400), Sawyer Transport, Inc., MC 124511 (Sub-41), John F. Oliver, MC 124692 (Sub-188), Sammons Trucking, MC 124947 (Sub-63), Machinery Transports, Inc., MC 138155 (Sub-25), Fred Olson Co., Inc., MC 138741 (Sub-42), American Central Transport, Inc., MC 139615 (Sub-9), D.R.S. Transport, Inc., and MC 142059 (Sub-15), Cardinal Transport, Inc. now being assigned May 31, 1978 for further prehearing conference at the Offices of the Interstate Commerce Commission in Washington, DC.

I & S M-29772, General Increase, S.M.C.R.C., April 1978, now assigned June 26, 1978 at Washington, DC is postponed to July 10, 1978 at the offices of the Interstate Commerce Commission, Washington, DC.

No. MC 8973 (Sub-No. 46), Metropolitan Trucking, Inc., now assigned May 25, 1978, at Washington, DC is canceled.

MC 78400 (Sub-53), Beaufort Transfer Co. now being assigned June 6, 1978 (1 day) at Jefferson City, MO and will be held at the House Lounge, State Capitol Building.

No. MC 113651 (Sub-No. 263), Indiana Refrigerator Lines, Inc., application dismissed.

No. MC 115904 (Sub-No. 94), Taggart Trucking Co., application dismissed.

MC 99581 (Sub-4), Vaca Valley Bus Lines, Inc., now assigned June 19, 1978 at San Francisco, CA, will be held in Room 510, Fifth Floor, 211 Main Street.

H. G. HOMME, Jr., Acting Secretary.

[FR Doc. 78-14694 Filed 5-24-78; 8:45 am]

[7035-01]

[Exemption No. 137-A]

EXEMPTION UNDER PROVISION OF RULE 19 OF THE MANDATORY CAR SERVICE RULES ORDERED IN EX PARTE NO. 241

To: all Railroads, Upon further consideration of Exemption No. 137 issued April 7, 1977.

It is ordered, That, under authority vested in me by Car Service Rule 19, Exemption No. 137 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, vacated and set aside.

This amendment shall become effective 11:59 p.m., May 16, 1978.

Issued at Washington, D.C., May 16, 1978.

**INTERSTATE COMMERCE
COMMISSION,
ROBERT S. TURKINGTON,
Agent.**

[FR Doc. 78-14696 Filed 5-24-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 22, 1978.

These applications for long-and-short-haul relief have been filed with the ICC.

Protests are due at the ICC within 15 days from the date of publication of this notice.

FSA No. 43546, North Pacific Coast Freight Bureau, Agent, No. 78-2, rates on barley, oats, wheat, wheat flour and mill feed, from MT points to Spokane, WA, and related points, to be published in its tariff 13-J, ICC 1342, to become effective June 17, 1978, Grounds for relief—motor and motor-water competition.

FSA No. 43547, Sea-Land Service, Inc., No. 99, intermodal rates on general commodities, between rail carrier's terminals at Portland, OR, and Seattle, WA, on the one hand, and ports in PR and VI by way of Houston, TX, to be published in its tariffs 289 and 290, ICC 122 and 123, respectively, to become effective June 15, 1978. Grounds for relief—water competition.

By the Commission.

**H. G. HOMME, Jr.,
Acting Secretary.**

[FR Doc. 78-14695 Filed 5-24-78; 8:45 am]

[7035-01]

[Notice No. 80]

**MOTOR CARRIER TEMPORARY AUTHORITY
APPLICATIONS**

MAY 19, 1978.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equip-

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ment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (Sub-No. 605TA), filed April 21, 1978. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, P.O. Box 5000, Waterloo, IA 50702. Applicant's representative: John P. Rhodes (Same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Furniture, furniture parts and materials, equipment and supplies used in the manufacture of furniture*, from Archbold and Stryker, OH, to points in AL, AR, CO, CT, DE, GA, IA, KS, KY, LA, ME, MD, MA, MS, MO, NE, NH, NJ, NY, NC, OK, PA, RI, SC, TN, VT, VA, WV, and Washington, DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Sauder Woodworking Co., P.O. Box 156, Archbold, OH 43502. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 52861 (Sub-No. 43TA), filed April 24, 1978. Applicant: WILLS TRUCKING, INC., 5755 Granger Road, Suite 615, Cleveland, OH 44131. Applicant's representative: Paul F. Beery, Beery & Spurlock Co., 275 East State Street, Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Coke* (in bulk, in dump vehicles), from the plantsite of Erie Coke & Chemical at Fairport Harbor, OH, to Hastings, MI; Huntington, Wabash and LaPorte, IN, for 180 days. Supporting shipper(s): Erie Coke & Chemical, P.O. Box 1039, Birmingham, MI 48011. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 73165 (Sub-No. 446TA), filed April 20, 1978. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, P.O. Box 11086, Birmingham, AL 35202. Applicant's representative:

R. Cameron Rolins, 830 North 33rd Street, Birmingham, AL 35202. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Aluminum articles: viz., sheet, plate, blanks, foil or lineal shapes*, from the facilities of Kaiser Aluminum & Chemical Corp., at or near Ravenswood, WV, to points in AL, AR, CT, FL, GA, IL, IN, MA, MI, MS, MO, NJ, NC, PA, SC, TN, VA and Farnhurst, DE; Louisville & Richmond, KY; New Orleans & Lafayette, LA; Westbrook, MA; Baltimore, MD; Minneapolis, St. Paul, MN; Houston, Grand Prairie & Tyler, TX; and Washington, DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Room 1616, 2121 Building, Birmingham, AL 35203.

No. MC 78947 (Sub-No. 15TA), filed April 24, 1978. Applicant: ELLIOTT BROS., TRUCK LINE, INC., 801 Highway 21, Dysart, IA 52224. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, IA 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Putnam County, IL, to Kansas City, KS; Kansas City, MO, and points in NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jones & Laughlin Steel Corp., Hennepin, IL 81327. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 110525 (Sub-No. 1238TA), filed April 14, 1978. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, P.O. Box 200, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Petroleum lubricating oil and hydraulic systems fluid*, (in bulk, in tank vehicles), from Carrollton, GA, to points in NC, SC, VA and TN, for 180 days. Supporting shipper(s): E. F. Houghton & Co., 421 Garrett Street, Carrollton, GA 30117. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 114273 (Sub-No. 364TA), filed April 24, 1978. Applicant: CRST, INC., P.O. Box 68, 3930 16th Avenue, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core (same

address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Green salted hides*, from Denver, CO, to Milwaukee, WI, for 180 days. Supporting shipper(s): Pfister & Vogel Tanning Co., P.O. Box 745, Milwaukee, WI 53200. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 119422 (Sub-No. 61TA), filed April 25, 1978. Applicant: EE-JAY MOTOR TRANSPORTS, INC., 15th and Lincoln Streets, East St. Louis, IL 62204. Applicant's representative: Ernest A. Brooks, II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Plastic pellets*, (in bulk, in tank vehicles), from the facilities of East St. Louis Terminal & Storage Co., at East St. Louis, IL, to points in MO, IN, IA, KS, OH, WI, KY, NE, MI, TN and AR, restricted to traffic having an immediate prior movement by rail, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) David Weiser, Rate-Analyst, Allied Chemical Corp., P.O. Box 1087-R, Morristown, NJ 07960. (2) Charles B. Ganter, Jr., District Manager, Soltex Polymer Corp., 3333 Richmond Avenue, Houston, TX 77098. P.O. Box 27328, Houston, TX 77027. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 119493 (Sub-No. 195TA), filed April 25, 1978. Applicant: MONKEM CO., INC., Box 1196, West 20th Street Road, Joplin, MO 64801. Applicant's representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Roofing, prepared shingles, roofing cement, asphaltum, roofing paper, building materials, and supplies used in the manufacture and installation thereof*, between Joplin, MO, and points in the United States, (except AK, AR, IA, IL, IN, KS, KY, MN, MI, MS, NE, ND, OK, SD, TN, and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Tamko Asphalt Products, Inc., 601 North High, Joplin, MO. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 128801 (Sub-No. 6TA), filed April 25, 1978. Applicant: RONALD

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SHREINER, R.D. No. 1, Lebanon, PA 17042. Applicant's representative: Ronald Shreiner, R.D. No. 1, Lebanon, PA 17042. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Aluminum plate or sheet, aluminum blanks*, from the plant site and storage facilities of Howmet Aluminum Corp., at or near Lancaster, PA, to points in the States of IL, WI, MN, IA, NE, MO, KS, KY, and GA, under a continuing contract, or contracts, with Howmet Aluminum Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Howmet Aluminum Corp., Box 3167, Lancaster PA 17604. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

No. MC 133689 (Sub-No. 196TA), filed April 21, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Margarine, lard, and shortening*, from Albert Lea, MN, to points in OH, KY, TN, NC, SC, and GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Miami Margarine Co., Albert Lea, MN 56007. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 135874 (Sub-No. 125TA), filed April 14, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick, 550 East 5th Street South, South St. Paul, MN 55075. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Animal foods* (except commodities in bulk), from Delavan, WI, to points in NJ, NY and PA, for 180 days. Supporting shipper(s): Landon Co., Inc., Route No. 3, Box 457, Delavan, WI, 53115. Send protests to: Delores A. Poe Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U. S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 135874 (Sub-No. 126TA), filed April 20, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Applicant's representative: K. O. Petrick, 550 East 5th Street South,

South St. Paul, MN 55075. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen prepared foodstuffs*, (except commodities in bulk), from Deerfield, IL, and commercial zone, to points in MA, NY, MD, VA, DE and PA, for 180 days. Supporting shipper(s): The Kitchens of Sara Lee, 500 Waukegan Road, Deerfield, IL 60015. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building, and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 136343 (Sub-No. 136TA), filed April 20, 1978. Applicant: MILTON TRANSPORTATION, INC., P.O. Box 355, R.D. No. 1, Milton, PA 17847. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Water and mineral solutions*, (except commodities in bulk), from Delran and Cinnaminson, NJ, to Atlanta, GA; Dallas and Houston, TX; Miami and Tampa, FL; New Orleans, LA; and Toledo, OH, restricted to the transportation of traffic originating at or destined to the facilities utilized by Erika, Inc., for 180 days. Supporting shipper(s): Erika, Inc., 1 Erika Plaza, Rockleigh, NJ 07647. Send protests to: Charles F. Myers, District Supervisor, Interstate Commerce Commission, P.O. Box 869, Federal Square Station, Harrisburg, PA 17108.

No. MC 138505 (Sub-No. 6TA), filed May 1, 1978. Applicant: METROPOLITAN CONTRACT SERVICES, INC., 710 North Post Oak Road, Suite 100, Houston, TX. 77024. Applicant's representative: John W. McWhirter, Jr., 600 North Florida Avenue, Suite 1776, Tampa, FL 33602. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *General retail commodities* sold by Montgomery Ward & Co., Inc., between Montgomery Ward's warehouse-Tampa, FL, & Montgomery Ward Stores in Tampa, Pinellas Park, St. Petersburg, Clearwater, Lakeland, Plant City, FL; and Pasco County, FL, under a continuing contract, or contracts, with Montgomery Ward & Co., Inc., for 180 days. Supporting shipper(s): Montgomery Ward & Co., Inc., 7001 Lake Ellenor Drive, Orlando, FL 32809. Send protests to: John F. Mensing, District Supervisor, 8610 Federal Building, 515 Rusk Avenue, Houston, TX 77002.

No. MC 140615 (Sub-No. 26TA), filed April 24, 1978. Applicant: DAIRYLAND TRANSPORT, INC., P.O. Box 1116, Wisconsin Rapids, WI 54494. Applicant's representative: Dennis C. Brown, P.O. Box 116, Wisconsin Rapids, WI 54494. Authority sought to

operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Byproducts of cheese unfit for human consumption*, from Hainesport, NJ, to Denver, CO., and Delavan, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Brooke Bond Foods, Inc., P.O. Box 274, Hainesport, NJ 08036. Send protests to: Ronald A. Morken, District Supervisor, Interstate Commerce Commission, 139 West Wilson Street, Room 202, Madison, WI 53703.

No. MC 142698 (Sub-No. 3TA), filed April 24, 1978. Applicant: B. A. STRICKLAND, 620 Old Highway 99 N., Burlington, WA 98233. Applicant's representative: Henry C. Winters, 235 Evergreen Building, Renton, WA 98055. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used in the operation of retail department stores*, from the facilities of Nordstrom, Inc., at Tukwila, WA, to the facilities of Nordstrom, Inc., of Seattle, WA, under a continuing contract, or contracts, with Nordstrom, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Nordstrom, Inc., 1201 Andover Park East, Seattle, WA 98188. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 142703 (Sub-No. 5TA), filed April 25, 1978. Applicant: INTERMODAL TRANSPORTATION SERVICES, INC., 750 West Third Street, P.O. Box 14072, Cincinnati, OH 45214. Applicant's representative: Michael Spurlock, Beery & Spurlock Co., 275 East State Street, Columbus, OH 43215. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), between Cincinnati, OH, on the one hand, and, on the other, points in IN, restricted to transportation of shipments having a prior or subsequent rail or water movement, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (14) statements of support attached to the application which may be examined at the interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 143540 (Sub-No. 3TA), filed April 27, 1978. Applicant: MARINE TRANSPORT CO., 1901 Carolina Branch Road, Wilmington, NC 28401. Applicant's representative: Robert McGeorge, 1054 31st Street NW., Washington, DC 20007. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Paper and paper articles, including wood pulp, fibreboard and pulpboard*, between the facilities of Weyerhaeuser Co. in New Bern and Greenville, NC, on the one hand, and, on the other, port facilities at Charleston, SC; Norfolk and Newport News, VA; Wilmington and Morehead City, NC, and between the facilities of Weyerhaeuser Co. in Greenville and New Bern, NC, under a continuing contract, or contracts, with Weyerhaeuser Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Weyerhaeuser Co., Box 787, Plymouth, NC 27962. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, 624 Federal Building, 310 New Bern Avenue, P.O. Box 26896, Raleigh, NC 27611.

No. MC 144052 (Sub-No. 1TA), filed May 5, 1978. Applicant: R. W. PORTER TRANSPORT LTD., 2904 196th Street, R. R. No. 1, Langley, BC, Canada. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Machinery, heavy equipment, and related accessory parts*, between points on the International Boundary between the United States and Canada located at Blaine, Lynden and Sumas, WA, and points located in Whatcom, Skagit, Snohomish and King Counties, WA, under a continuing contract, or contracts, with Cambridge Equipment Ltd., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Cambridge Equipment Ltd., 482 Allen Drive, Delta, BC, Canada. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144501 (Sub-No. 1TA), filed April 24, 1978. Applicant: GREG LAVELLE CO., 9024 48th Avenue East, Tacoma, WA 98446. Applicant's representative: Greg LaVelle, 9024 48th Avenue East, Tacoma, WA 98446. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Green veneer*, from Ronald, WA, to points in OR west of the Cascades as follows: Albany, Beaverton, Clackamas, Corvallis, Culp Creek, Dillard, Eugene, Foster, Grants Pass, Griggs, Junction City, Lebanon, Milwaukee, Portland, Riddle, Roseburg, Springfield, Sweet

Home, Tillamook, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Alpine Veneers, Inc., 1210 Yeon Building, Portland, OR 97204. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144588 (Sub-No. 1TA), filed April 24, 1978. Applicant: CHARLES A. FROELICH, 19102 Cane Circle, Greenacres, WA 99016. Applicant's representative: Donald A. Ericson, 708 Old National Bank Bldg., Spokane, WA 99201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Bakery goods and empty bakery containers*, between Spokane, WA, on the one hand, and, on the other, Coeur d'Alene and Kellogg, ID, under a continuing contract, or contracts, with Elnarsen Bakeries, Inc., d.b.a. Boge Bros., Baking Co., for 180 days. Supporting shipper(s): Elnarsen Bakeries, Inc., d.b.a. Boge Bros., Baking Co., W. 1701 College Avenue, Spokane, WA 99201. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144609 (Sub-No. 1TA), filed April 24, 1978. Applicant: ADAN J. DOMINGUEZ, d.b.a. DOMINGUES BROS. PRODUCE CO., 1500 S. Zarzamora, San Antonio, TX 78207. Applicant's representative: Adan J. Dominguez (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from San Antonio, TX, to points in Southern CA on and south of Interstate Highway 10, including the Los Angeles, CA, commercial zone, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pearl Brewing Company, P.O. Box 1661, San Antonio, TX 78296. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Commerce Commission, Room B-400 Federal Building, 727 E. Durango, San Antonio, TX 78206.

No. MC 144612 (Sub-No. 1TA), filed April 25, 1978. Applicant: THOMAS GARY WEBB, d.b.a. T. G. WEBB CO., P.O. Box 414, Wingate, NC 28174. Applicant's representative: Griffin, Caldwell & Helder, 314 North Hayne Street, Monroe, NC 28110. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Soybean meal* (in bulk, in dump vehicles), from Hartsville and Kershaw, SC, to Monroe, NC, under a continuing contract, or contracts, with Producers Cooperative Feed Mill, Inc., and Hartsville Oil Mill,

for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Producers Cooperative Feed Mill, Inc., P.O. Box 663, Monroe, NC 28110. (2) Hartsville Oil Mill, Box 490, Hartsville, SC 29550. Send protests to: Terrell Price, District Supervisor, 800 Briar Creek Road, Room CC516, Mart Office Building, Charlotte, NC 28205.

No. MC 144614 (Sub-No. 1TA), filed April 17, 1978. Applicant: CHARLES L. WOHLERT, d.b.a. LATAH TRANSPORTATION, P.O. Box 8897, route 3, Box 211, Moscow, ID 83843. Applicant's representative: Michael D. Dupenthaler, 607 3rd Avenue, 515 Lyon Building, Seattle, WA 98104. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages and wine* (except in bulk, in tank vehicles), from points in CA and WA, to Moscow ID, Pullman and Clarkston, WA, under a continuing contract, or contracts, with Housel Distributors, Latah Distributors, Inc., and Silvestri Distributing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Housel Distributors, P.O. Box 362, Pullman, WA 99163. (2) Latah Distributors, Inc., 220 West Morton, Moscow, ID. (3) Silvestri Distributing Co., P.O. Box 6, Clarkston, WA. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 858 Federal Building, Seattle, WA 98174.

No. MC 144633 (Sub-No. 1TA), filed April 21, 1978. Applicant: TOM MYERS, d.b.a. MYERS, Box 246, Gateway, CO 81523. Applicant's representative: Tom Myers (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Insulation*, from Fibreboard Corp. plant near Fruita, CO, (Mesa County), to points in WY, MT, WA, OR, ID, CA, NV and UT, under a continuing contract, or contracts, with Fibreboard Corp., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Fibreboard Corp., 55 Francisco Street, San Francisco, CA 94133. Send protests to: Roger L. Buchanan, District Supervisor, Interstate Commerce Commission, 721 19th Street, 492 U.S. Customs House, Denver, CO 80202.

No. MC 144656 (Sub-No. 1TA), filed April 14, 1978. Applicant: A.D.L. CARTAGE, INC., d.b.a. WASHINGTON CARTAGE, 5311 46th Avenue, Hyattsville, MD 20781. Applicant's representative: William F. King, Sage and King, Suite 400, Overlook Building, 6121 Lincolnia Road, Alexandria, VA 22312. Authority sought to operate as a con-

tract carrier, by motor vehicle, over irregular routes, transporting: *Electrical supplies, equipment, fittings, and accessories* moving in trailers, and empty trailers, for the account of Crouse-Hinds, Inc., Arrow-Hart Division, between the plantsite of Crouse-Hinds, Inc., Arrow-Hart Division, at or near Earlsville, VA, on the one hand, and, on the other, the facilities of ABC Transnational Transport, Inc., at Baltimore, MD, and Washington, DC, restricted to the transportation of traffic having a prior or subsequent movement in freight forwarder service, under a continuing contract, or contracts, with Crouse-Hinds, Inc., and Arrow-Hart Division, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Crouse-Hinds, Inc., Arrow-Hart Division, 16 Eastern Park Road, East Hartford, CT 06108. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 20423.

No. MC 144670TA, filed April 12, 1978. Applicant: R. THEODORE, INC., 52 Elm Street, Manchester, NH 03101. Applicant's representative: Philip R. Theodore (same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in bottles, from the facilities of Spruce Industries, Inc., at Portsmouth, NH, to points in ME, MA, NH and VT, under a continuing contract, or contracts, with Spruce Industries, Inc., for 180 days. Supporting shipper(s): Spruce Industries, Inc., 848 Islington Street, Portsmouth, NH 03101. (Ralph E. Struzziero, President). Send protests to: Ross J. Seymour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3, 6 Loudon Road, Concord, NH 03301.

No. MC 144674TA, filed April 24, 1978. Applicant: MJL LEASING, INC., 623 Main Street, Santa Paula, CA 93060. Applicant's representative: William J. Monheim, 13710 East Whittier Boulevard, Suite 203, P.O. Box 1756, Whittier, CA 90609. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by distributors of food service supplies (except foodstuffs), between Long Island City, NY, and points in Los Angeles County, CA, under a continuing contract, or contracts, with Seneca-Delco Corp., for 180 days. Supporting shipper(s): Seneca-Delco Corp., 33-16 Woodside Avenue, Long Island City, NY 11101. Send protests to: Irene Carlos Transportation Assistant, Interstate Commerce Commission, Room 1321 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 144716TA, filed May 4, 1978. Applicant: M. D. NELSON, d.b.a. NELSON TRANSPORTATION CO., Newman Grove, NE 68758. Applicant's representative: Steven K. Kuhlmann, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the facilities of Norfolk Iron & Metal Co., located at or near Norfolk, NE, to points in CO, IL, IN, IA, KS, MI, MN, MO, MT, ND, OK, SD, UT, WI and WY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Dan D. Coulter, Traffic Manager, Norfolk Iron & Metal Co., 300 Braasch Avenue, Norfolk, NE 68701. Send protests to: Carroll Russell District Supervisor, Interstate Commerce Commission, Suite 620, 110 North 14th Street, Omaha, NE 68102.

No. MC 144723TA, filed May 4, 1978. Applicant: RICKY JUSTICE, d.b.a. JUSTICE TRUCKING, 311 South Broadway, Centralia, IL 62801. Applicant's representative: B. W. LaTour-ette, Jr., 11 South Meramec, Suite 1400, St. Louis, MO 63105. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Electrical supplies and equipment*, between St. Louis, MO, on the one hand, and, on the other, points in Madison, Bond, Fayette, Effingham, Clinton, Marion, Jefferson, Washington, Franklin, Williamson, Perry, Monroe, Randolph, and Jackson Counties, IL, on the other, under a continuing contract, or contracts, with Glasco Electric Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Kenneth A. Cohen, Operations Manager, Glasco Electric Co., 706 North Jefferson Street, St. Louis, MO 63103. Send protests to: Charles D. Little, District Supervisor, Interstate Commerce Commission, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary

[FR Doc. 78-14693 Filed 5-24-78; 8:45 am]

[7035-01]

(Notice No. 82)

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original

and six (6) copies of protests to an application may be filed with the field official named in the **FEDERAL REGISTER** publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the **FEDERAL REGISTER**. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 107515 (Sub-No. 1143TA), filed April 27, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, Forest Park, GA 30050. Applicant's representative: Alan E. Serby, Serby & Mitchell, 5th Floor Lenox Towers, South 3390 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Welch Foods, Inc., at or near Lawton, MI, to points in AK, KS, LA, MS, MO, NM, OK, TN and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Welch Foods, Inc., 2 South Portage Street, Westfield, NY 14787. Send protests to: E. A. Bryant District Supervisor, Interstate Commerce Commission, Room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 113198 (Sub-No. 5TA), filed April 14, 1978. Applicant: UTER-MOEHLER TRUCKING, INC., P.O. Drawer N, Arma, KS 66712. Applicant's representative: William B. Barker, 641 Harrison, Topeka, KS 66603. Authority sought to operate as

a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, (1) From Vernon County, MO, to points in KS, under a continuing contract, or contracts, with Midwest Mining and Reclamation, Inc., Ft. Scott, KS; and (2) from Crawford County, KS, to points in MO, under a continuing contract, or contracts, with Alternate Fuels, Inc., Pittsburg, KS, for 180 days. Supporting shipper(s): (1) Midwest Mining and Reclamation, Inc., Ft. Scott, KS 66701. (2) Alternate Fuels, Inc., 4097 Mt. Carmel Road, Pittsburg, KS 66762. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Building, Wichita, KS 67202.

No. MC 114457 (Sub-No. 382TA), filed April 14, 1978. Applicant: DART TRANSIT CO., 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing and bathroom products and fixtures, component parts, accessories and equipment*, from Shelby, OH, and its commercial zone to points in the states of IL, IN, IA, KS, KY, MI, MN, MO, NE and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Wickes Lumber, 515 North Washington Avenue, Saginaw, MI 48607. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 116763 (Sub-No. 415TA), filed April 17, 1978. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Equipment, materials and supplies* used in the manufacturing, distribution and sale of foodstuffs; and foodstuffs, from points in IL on and north of Hwy I-74 to the plantsites of Oconomowoc Canning Co. located at Sun Prairie, Poynette, Waunakee, DeForest, Cobb, Merrill, and Oconomowoc, WI, for 180 days. Supporting shipper(s): Oconomowoc Canning Co., Patrick F. Muller, Distribution Manager, P.O. Box 243, Oconomowoc, WI 53066. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5514-B Federal Building, 550 Main Street, Cincinnati, OH 45202.

No. MC 117119 (Sub-No. 683TA), filed April 13, 1978. Applicant: WILLIS SHAW FROZEN EXPRESS,

INC., P.O. Box 188, Elm Springs, AR 72728. Applicant's representative: L. M. McLean, P.O. Box 188, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, discount, department, and variety stores*, (except commodities in bulk and foodstuffs), from Calhoun, GA, to the facilities of Wal-Mart Stores, Inc., at Bentonville and Searcy, AR, for 180 days. Supporting shipper(s): Wal-Mart Stores, Inc., P.O. Box 116, Bentonville, AR 72712. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 117639 (Sub-No. 15TA), filed April 14, 1978. Applicant: PICK'S PACK HAULER, INC. d.b.a. PACK HAULER, 1214 East South Street, Hastings, NE 68901. Applicant's representative: Gailyn L. Larsen, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from the facilities of Sioux City Brick and Tile, at or near Sergeant bluff, IA, to points in NE, under a continuing contract, or contracts, with Sioux City Brick and Tile, and Yankee Hill Brick Manufacturing Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): (1) Orren Silliman, Sioux City Brick and Tile, 222 Commerce Bldg., Sioux City, IA 51102. (2) E. Dean Everitt, Sr., Vice President Sales, Yankee Hill Brick Manufacturing Co., 3705 South Coddington, Lincoln, NE 68505. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 123075 (Sub-No. 27TA), filed April 14, 1978. Applicant: SHUPE & YOST, INC., North U.S. 85 Bypass, P.O. Box 1123, Greeley, CO 80631. Applicant's representative: Stuart L. Poelman, 700 Continental Bank Bldg., Salt Lake City, UT 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the facilities of the American Salt Co. in Tooele County, UT and the facilities of Great Salt Lake Mineral and Chemical Corp. at Little Mountain, UT, to points in CO, WY, KS, NE, ND, and SD, under a continuing contract, or contracts, with Hardy Salt Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Hardy Salt Co., P.O. Drawer 449, St. Louis, MO 63166. Send protests to: Roger L. Buchanan, District Supervisor, Inter-

state Commerce Commission, 492 U.S. Customs House, 721 19th Street, Denver, CO 80202.

No. MC 124062 (Sub-No. 13TA), filed April 14, 1978. Applicant: FRICK TRANSPORT, INC., Wawaka, IN 46794. Applicant's representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solution* (in bulk, in tank vehicles), from Burns Harbor, IN, to points in MI, IN, IL, and OH, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Agrico Chemical Co., P.O. Box 3166, Tulsa, OK 74101. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 124078 (Sub-No. 798TA), filed April 24, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28 Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Cowan, TN, to points in MS, for 180 days. Supporting shipper(s): Marquette Co., 2200 First American Center, Nashville, TN 37238. (Steven W. Cardin.) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building, and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124078 (Sub-No. 799TA), filed April 13, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils* (in bulk, in tank vehicles), from Macon, GA, to Grand Island, NE, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Proctor and Gamble Co., P.O. Box 599, Cincinnati, OH 45201. (Wm. J. Payne.) Send protests to: Gail Daugherty Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124078 (Sub-No. 800TA), filed April 13, 1978. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative:

Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crude peanut oil* (in bulk, in tank vehicles), from Hershey, PA, to Graceville, FL, for 180 days. Supporting shipper(s): Gold Kist, Inc., P.O. Box 2210, Atlanta, GA 30301. (James E. Sanders.) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 124113 (Sub-No. 183TA), filed April 14, 1978. Applicant: UMTUN TRUCKING CO., 910 South Jackson Street, P.O. Box 166, Eagle Grove, IA 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate*, from the facilities of Beker Industries, Corp., located at or near Marseilles, IL, to points in IN, IA, MO, MI and WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beker Industries, Corp., 124 West Putnam Avenue, Greenwich, CT 06830. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 124170 (Sub-No. 91TA), filed April 13, 1978. Applicant: FROSTWAYS, INC., 3000 Chrysler Service Road, Detroit, MI 48207. Applicant's representative: William J. Boyd, 600 Enterprise Drive, Suite 222, Oak Brook, IL 60521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas and agricultural commodities* (exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed loads with bananas, from points in NY and NJ within the commercial zone of New York, NY, and from Philadelphia, PA, to points in MI and points in the commercial zone of Pittsburgh and McKeesport, PA, for 180 days. Restriction: The above authority is restricted to the movement of traffic originating at the above-named origin territory and destined to the above-named territory. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (8) statements of support attached to the application which may be examined at the Interstate Commerce Commission, in Washington, DC, or copies thereof which may be examined at the

field office named below. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, 604 Federal Building and U.S. Courthouse, 231 West Lafayette Boulevard, Detroit, MI 48226.

No. MC 124692 (Sub-No. 210TA), filed April 24, 1978. Applicant: SAMMONS TRUCKING, P.O. Box 4347, Missoula, MT 59801. Applicant's representative: D. W. Smith, 9000 Keystone Crossing, Suite 945, Indianapolis, IN 46240. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tanks, tank parts and materials, equipment, tools and supplies* used in the erection of tanks, from the facilities of Brown Minneapolis Tank & Mfg. Co., at Eagan, MN, to San Onofre, CA, and Winnemucca, NV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): James T. Hartman, Traffic Manager, Brown Minneapolis Tank & Mfg. Co., 2875 Hwy 55, Eagan MN. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 125894 (Sub-No. 7TA), filed April 26, 1978. Applicant: J AND R SCHUGEL TRUCKING, INC., 301 N. Water Street, New Ulm, MN 56073. Applicant's representative: Robert S. Lee, 1000 First National Bank Bldg., Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, from Wilmar, MN, to points in ND and SD, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Martrex, Inc., P.O. Box 159, Chanhassen, MN 55317. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 128460 (Sub-No. 3TA), filed April 5, 1978. Applicant: JOHN J. CONAHAN, d.b.a. CENTRAL AIR FREIGHT SERVICE, 26 West Green Street, Hazleton, PA 18201. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, dangerous explosives, commodities in bulk, commodities requiring special equipment, household goods, and those injurious or contaminating to other lading), restricted to shipments having a prior or subsequent movement by air, between the Philadelphia International Airport, Philadelphia, PA, on the one hand,

and, on the other, points in Schuylkill, Luzerne, and Lackawanna Counties, PA, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (32) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, DC, or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. Post Office Bldg., Scranton, PA 18503.

No. MC 128527 (Sub-No. 111TA), filed April 14, 1978. Applicant: MAY TRUCKING CO., P.O. Box 398, Payette, ID 83661. Applicant's representative: Timothy R. Stivers, P.O. Box 162, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *iron and steel and iron and steel articles*, (2) *pipe and pipe fittings*, (1) from points in California to points in Malheur County, Oreg., and points in Ada, Canyon, Gem, Payette, and Washington Counties, Idaho, and (2) from points in Calif., to points in Idaho south of the southern boundary of Idaho County, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beal Pipe & Tank Corp., 10 N. Hartman, Boise, ID 83704. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

No. MC 128746 (Sub-No. 38TA), filed April 27, 1978. Applicant: D'AGATA NATIONAL TRUCKING CO., 3224-44 South 61st Street, Philadelphia, PA 19153. Applicant's representative: Edward J. Kiley, Suite 501, 1730 M. Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages in containers*, from Columbus, OH, to Deptford, NJ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Konrad Beer Distributor, Inc., 191 North Hurffville Road, Deptford, NJ 08096. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia PA 19106.

No. MC 134755 (Sub-No. 145TA), filed April 21, 1978. Applicant: CHARTER EXPRESS, INC., P.O. Box 3772, 1959 E. Turner Street, Springfield, MO 65804. Applicant's representative: Larry D. Knox, 600 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregu-

lar routes, transporting: *Foodstuffs*, (except in bulk), from the facilities of General Foods Corp., at or near Dover, DE, to points in MO and CO, for 180 days. Supporting shipper(s): General Foods Corp., 250 North Street, White Plains, NY 10625. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, Kansas City, MO 64106.

No. MC 135797 (Sub-No. 112TA), filed April 13, 1978. Applicant: J. B. HUNT TRANSPORT, INC., P.O. Box 200, U.S. Highway 71, Lowell, AR 72745. Applicant's representative: Paul R. Bergant, 10 South LaSalle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nonalcoholic beverages*, (except in bulk and frozen), from facilities utilized by Texsun Corp., at Corpus Christi, TX, to points in AL, AR, IL, KS, MN, MS, MO, NM, OH, OK, TN, TX, and WI, for 180 days. Supporting shipper(s): Texsun Corp., 800 West Hwy 83, Weslaco, TX 78596. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 138438 (Sub-No. 23TA), filed April 13, 1978. Applicant: D. M. BOWMAN, INC., Rt. 2, Box 43A1, Williamsport, MD 21740. Applicant's representative: Edward N. Button, P.O. Box 1417, Hagerstown, MD 21740. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum dump and platform trailers*, from Elizabeth, WV, and its commercial zone, to Everett and Philadelphia, PA, Richmond, VA, and their respective commercial zones, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Ravens Metal Products, Inc., Box 97, Elizabeth, WV. Send protests to: W. C. Hersman, District Supervisor, Interstate Commerce Commission, 12th and Constitution Avenue NW., Room 1413, Washington, DC 20423.

No. MC 138686 (Sub-No. 1TA), filed May 1, 1978. Applicant: L.C.W. TRUCKING, INC., P.O. Box 718, Edinburg, TX 78539. Applicant's representative: L. C. Waller, P.O. Box 718, Edinburg, TX 78539. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from San Antonio, TX, to points in CA on and south of Interstate Hwy 10, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Pearl Brewing Co., P.O. Box 1661, San Antonio, TX 78296. Send protests to: Richard H. Dawkins, District Supervisor, Interstate Com-

merce Commission, Room B-400 Federal Building, 727 E. Durango, San Antonio, TX 78206.

No. MC 138875 (Sub-No. 87TA), filed April 26, 1978. Applicant: SHOEMAKER TRUCKING CO., 11900 Franklin Road, Boise, ID 83705. Applicant's representative: F. L. Sigloh, 11900 Franklin Road, Boise, ID 83705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire retardants and fire fighting equipment and supplies*, from Ontario, CA, and Boise, ID, to points in CA, WA, OR, ID, NV, UT and CO, for 180 days. Applicant does not intend to tack or interline authority. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, MO 63166. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Suite 110, 1471 Shoreline Drive, Boise, ID 83706.

No. MC 139923 (Sub-No. 44TA), filed April 3, 1978. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, OK 74079. Applicant's representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper, paper articles and polyethylene articles* (except commodities in bulk), from the facilities of Jemco Packaging Products, Inc., at or near Jackson, TN, to points in AR, MO, KS, OR, TX and CO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Jemco Packaging Products, Inc., Bonwood Industrial Park, Jackson, TN 38301. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office and Court House Building, 215 Northwest 3rd, Oklahoma City, OK 73102.

No. MC 140061 (Sub-No. 6TA), filed April 14, 1978. Applicant: DONALD MULDER, d.b.a. DON MULDER TRUCKING, 1735 North 50th Street, Lincoln, NE 68504. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, wood chips, lighter fluid, and sawdust, and wax impregnated fireplace logs* (except in bulk), from the facilities of the Kingsford Co., at or near Belle, MO, to points in the States of MN, NE, ND and SD, under a continuing contract, or contracts, with the Kingsford Co., of Louisville, KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): David L. Dean, Assistant Traffic Manager,

The Kingsford Co., P.O. Box 1033, Louisville, KY 40201. Send protests to: Max H. Johnston, District Supervisor, 285 Federal Building and Court House, 100 Centennial Mall North, Lincoln, NE 68508.

No. MC 140454 (Sub-No. 1TA), filed April 14, 1978. Applicant: PERMA TRUCKING CO., INC., 214 North Williamson Road, Blossburg, PA 16912. Applicant's representative: David A. Sutherland, Suite 400, 1150 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coal* (in bulk, in dump vehicles), from points in Tioga County, PA, to points in Yates County, NY, under a continuing contract, or contracts, with P & M Mining Co., for 180 days. Supporting shipper(s): P & M Mining Co., 248 Main Street, Blossburg, PA 16912. Send protests to: T. M. Esposito, Transportation Assistant, 600 Arch Street, Room 3238, Philadelphia, PA 19106.

No. MC 143152 (Sub-No. 8TA), filed May 1, 1978. Applicant: BILLY R. HODGE, d.b.a., HODGE TRUCKING CO., Box 386, Hoxie, AR 72433. Applicant's representative: Thomas B. Staley, 1550 Tower Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients*, in bags and in bulk (except in tank vehicles), from the plantsites of Frit Industries, in Walnut Ridge, AR, to points and places in the States of IN, WI, MI, NM and CA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Frit Industries, Inc., P.O. Box 149, Industrial Park, Walnut Ridge, AR 72476. Send protests to: William H. Land, Jr., District Supervisor, 3108 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 143552 (Sub-No. 2TA), filed April 17, 1978. Applicant: CELEWEND ASSOCIATES, INC., 1 Whitfield Street, Caldwell, NJ 07006. Applicant's representative: George A. Olsen, P.O. Box 357, Gladstone, NJ 07934. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods*, from the facilities of Nabisco, Inc., Fairlawn, NJ, and Philadelphia, PA, to points in the States of CA, OR, WA, LA, TX and IL, under a continuing contract, or contracts, with Nabisco, Inc., East Hanover, NJ, for 180 days. Supporting shipper(s): Nabisco, Inc., East Hanover, NJ 07936. Send protests to: Joel Morrows, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 9 Clinton Street, Newark, NJ 07102.

No. MC 143754 (Sub-No. 3TA), filed April 26, 1978. Applicant: MACZUK

INDUSTRIES, INC., R.R. 2, New Haven, MO 63068. Applicant's representative: James C. Swearengen, Hawkins, Brydon & Swearengen, P.O. Box 456, Jefferson City, MO 65102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer ingredients* (in bulk, in tank vehicles), from the facilities of Quad State Terminals, Inc., Holt County, MO, to points in KS, NE, IA, and MO, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Quad State Terminals, Inc., P.O. Box 128, Mound City, MO 64470. Send protests to: P. E. Binder, Acting District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 144455 (Sub-No. 1TA), filed April 12, 1978. Applicant: GAYLORD HAUSSEMAN, d.b.a. HAUSSEMAN TRUCKING CO., 23 Lovell Court, Ionia, MI 48846. Applicant's representative: Gaylord Hausserman, 33 Lovell Court, Ionia, MI 48846. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from plant sites of Mid-America Potato Co., at or near Grand Rapids, Lake Odessa, and Martin, MI, on the one hand, and, to points in the States of NY, CT, MA, WV, PA, NJ, MD, and VA, on the other hand, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-America Potato Co., P.O. Box 1064, Grand Rapids, MI 49501. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 144456 (Sub-No. 1TA), filed April 12, 1978. Applicant: JOHN VAN ZYLL, d.b.a. JOHN VAN ZYLL TRUCKING, 2303 Edson Drive, Hudsonville, MI 49426. Applicant's representative: John Van Zyll, 2303 Edson Drive, Hudsonville, MI 49426. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potato products*, from plantsites of Mid-America Potato Co., at or near Grand Rapids, Lake Odessa, and Martin, MI, on the one hand, to points in the States of FL, VA, WV, TN, KY, MD, NC, GA, and AL, on the other hand, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Mid-America Potato Co., P.O. Box 1064, Grand Rapids, MI 49501. Send protests to: C. R. Flemming, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 225 Federal Building, Lansing, MI 48933.

No. MC 144554 (Sub-No. 1TA), filed April 17, 1978. Applicant: BILL IHM TRUCKING, INC., 200 Southern Avenue, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from points in IL, MN, and WI, to the facilities of The Celotex Corp., Dubuque, IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Celotex Corp., 1500 North Dale Mabry, Tampa, FL 33607. Send protests to: Herbert W. Allen, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Des Moines, IA 50309.

No. MC 144644TA, filed April 13, 1978. Applicant: THOMAS GOOLSBY, d.b.a. THOMAS GOOLSBY TRUCKING, P.O. Box 889, Washington, DC 20673. Applicant's representative: Archie B. Culbreth, 2200 Century Parkway, Suite 202, Atlanta, GA 30345. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, wood shavings and sawdust*, in bulk, in carrier or shipper owned trailers, from the facilities of The Continental Group, Inc., in Saluda and Greenwood Counties, SC, to points in GA, under a continuing contract, or contracts, with The Continental Group, Inc., or Continental Forest Industries, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Continental Group, Inc., Continental Forest Industries, P.O. Box 8969, Savannah, GA 31402. Send protests to: Sara K. Davis, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW, Room 300, Atlanta, GA 30309.

By the Commission.

H. G. HOMME Jr.,
Acting Secretary.

[FR Doc. 78-14698 Filed 5-24-78; 8:45 am]

[7035-01]

[Ex Parte No. 305-RE; Docket No. 36872]

OKLAHOMA INTRASTATE FREIGHT RATES AND CHARGES—1978

By joint petition filed March 13, 1978, petitioners, 14 common carriers by railroad¹ subject to Part I of the

¹Arkansas Western Railway Co.; Atchison, Topeka & Santa Fe Railway Co.; Beaver, Meade & Englewood Railroad Co.; Chicago, Rock Island & Pacific Railroad Co.; Forth Smith & Van Buren Railway Co.; Hollis & Eastern Railroad Co.; Kansas City Southern

Footnotes continued on next page

Interstate Commerce Act (Act) and also operating in intrastate commerce in Oklahoma, request that this Commission institute an investigation of their Oklahoma intrastate freight rates and charges, under section 13 and 15a of the Act. They seek an order authorizing them to increase such rates and charges in the same amounts approved for interstate application by this Commission in Ex Parte No. 305-RE and in Ex Parte No. 343. Additionally, the St. Louis-San Francisco Railway Co. seeks an order authorizing it to increase intrastate switching charges to the level of interstate charges.

Petitioners filed a tariff on November 7, 1975, to become effective December 12, 1975, which sought to make increases authorized by Ex Parte No. 305-RE applicable to Oklahoma intrastate traffic. This was suspended by the Corporation Commission of the State of Oklahoma (Oklahoma Commission), by order dated December 8, 1975, and finally denied by order dated April 8, 1976.

Petitioners filed a tariff on October 19, 1977, to become effective November 30, 1977, which sought to make increases authorized by Ex Parte No. 343 applicable to intrastate traffic in Oklahoma. The Oklahoma Commission suspended the tariff on November 23, 1977, insofar as applicable to silica sand, glass sand, pulverized limestone, cement, crushed stone, sand, gravel, scrap metals, and anhydrous ammonia; and later denied increases on all commodities except cement and anhydrous ammonia by report dated February 23, 1978.

Petitioner St. Louis-San Francisco Railway Company (Frisco), filed a tariff on February 24, 1977, to become effective April 5, 1977, to increase switching charges for itself in Oklahoma to the level of interstate switching charges. This was suspended by the Oklahoma Commission by order dated March 31, 1977, and finally denied by order dated September 13, 1977.

Petitioners contend that the rates applicable to interstate traffic under Ex Parte No. 305-RE, Ex Parte No. 343, and as filed with the Commission concerning interstate switching charges are just and reasonable and comply with the provisions of the Act; that the cost of intrastate operations within Oklahoma is as great as the cost of interstate operations to, from, or through Oklahoma; that transportation conditions surrounding Oklahoma intrastate movements are no more

favorable than those surrounding the movement of interstate traffic; that the lower intrastate rates result in substantial revenue loss to petitioners; that there is undue and unreasonable advantage as between persons and localities in intrastate commerce and persons and localities in interstate commerce; and that the failure of Oklahoma intrastate rates and charges to bear the same increases as authorized by the ICC in Ex Parte No. 343, and the same level as switching charges filed with the ICC on interstate traffic causes undue, unreasonable, unjust discrimination against, or undue burden on interstate and foreign commerce.

Therefore, petitioners seek to invoke the power of this Commission under sections 13 and 15(a) of the Act to require intrastate increases corresponding to those authorized for interstate traffic by this Commission in Ex Parte No. 305-RE, and Ex Parte No. 343; and as filed with this Commission for interstate switching charges.

Under section 13 of the Interstate Commerce Act, this Commission may institute an investigation into the lawfulness of intrastate rail freight rates and charges for the purpose of adjusting such rates and charges to those charged on similar traffic moving in interstate or foreign commerce. This Commission may act notwithstanding the laws or constitution of any State.

It is ordered: The petition is granted. An investigation, under sections 13 and 15a of the Act, is instituted to determine whether the Oklahoma state rail freight rates in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to include the full increases authorized for interstate application by this Commission in Ex Parte No. 305-RE, in Ex Parte No. 343, and by reason that the levels of intrastate switching charges for the Frisco are less than interstate switching charges. The investigation shall also determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

All common carriers by railroad operating in Oklahoma subject to the jurisdiction of the Commission are made respondents in this proceeding.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the

Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20423, on or before 15 days from the Federal Register publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of this order shall be served upon each of the petitioners and respondents herein. Oklahoma shall be notified of the proceeding by sending copies of this order by certified mail to the Governor of Oklahoma, and the Corporate Commission of the State of Oklahoma. Further notice of this proceeding shall be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 15 day of May, 1978

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14697 Filed 5-24-78; 8:45 am]

[1505-01]

[Volume No. 80]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

Correction

In FR Doc. 78-9763 appearing at page 15522 in the issue for Thursday, April 13, 1978 on page 15527 the first line of the first full motor carrier application in the first column should read, "No. MC 87231 (Sub-No. 24F)."

[7035-01]

Decisions Volume No. 31

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date notice of the application is published in the FEDERAL REGISTER. Failure to file a protest, within 30 days, will be considered as a waiver of opposition to the application. A protest under these rules should comply with Rule 247(e)(3) of the Rules of Practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding, (as specifically noted below), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. A protestant should include a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describe in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed. Protests not in compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative or applicant if no representative is named. If the protest includes a request for oral hearing, such request shall meet the requirements of section 247(e)(4) of the special rules and shall include the certification required in that section.

Section 247(f) provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request that it be dismissed, and that failure to prosecute an application under the procedures of the Commission will result in its dismissal.

Further processing steps will be by Commission notice, order, or letter which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication.

We find preliminarily that, with the exception of those applications involving duly noted problems to authorization, each applicant has demonstrated, that its proposed service should be authorized. This decision is not a major

Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered: In the absence of legally sufficient protests, filed on or before June 26, 1978 (or, if the application later becomes unopposed), appropriate authority will be issued to each applicant upon compliance with certain requirements which will be set forth in a notification of effectiveness of this order-notice. Any authority granted may reflect administratively acceptable restrictive amendments to the service proposed below. To the extent that the authority sought below may duplicate an applicant's existing authority, such duplicating authority shall be construed as a single operating right. Some of the applications may have been modified to conform to the Commission's policy of simplifying grants of operating authority.

Dated: May 17, 1978.

By the Commission, Review Board No. 3, Members Parker, Fortier, and Hill.

H. G. HOMME, Jr.,
Acting Secretary.

No. MC 531 (Sub-No. 358F), filed April 6, 1978. Applicant: YOUNGER BROTHERS, INC., 4904 Griggs Road, P.O. Box 14048, Houston, TX 77021. Applicant's representative: Wray E. Hughes (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Petroleum products, in bulk, in tank vehicles, from Gretna, LA, to points in IL (Hearing site: New Orleans, LA, or Houston, TX.)

No. MC 1846 (Sub-No. 11F), filed April 28, 1978. Applicant: W. D. KIBLER TRUCKING CO., a corporation, 80 South State Street, Indianapolis, IN 46201. Applicant's representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority granted to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses; and (2) equipment, materials, and supplies used in the conduct of such business, (a) between points in IL, IN, MO, OH, WI, those points in MI on and south of U.S. Hwy 10, those points in KS on and east of U.S. Hwy 81, and those points in KY on and north of U.S. Hwy 64, and (b) between the points named in (a) above, on the one hand, and, on the other, East Hartford, CT, Baltimore and Landover, MD, Springfield, MA, Edison and Florence, NJ, Horseheads, NY, Altoona and Philadelphia, PA, and Richmond, VA. Restricted to service to be performed under a continu-

ing contract, or contracts, with the Great Atlantic & Pacific Tea Co., Inc. (Hearing site: Indianapolis, IN, or Washington, DC.)

No. MC 5623 (Sub-No. 38F), filed April 28, 1978. Applicant: ARROW TRUCKING CO., a corporation, P.O. Box 7280, Tulsa, OK 74105. Applicant's representative: J. G. Dail, Jr., P.O. Box 567, McLean, VA 22101. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Steel tanks, sheets, plates, angles, and structural articles, between the facilities of Peabody Tec Tank, at Parsons, KS, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of shipments originating at or destined to the above-named facilities. (Hearing site: Tulsa, OK.)

No. MC 11207 (Sub-No. 430F), filed May 1, 1978. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Garment hangers, from Brenham, TX, Jacksonville, FL, and Gadsden, AL, to points in AL, AR, FL, GA, LA, MS, OK, TN, and TX; and (2) materials and supplies used in the manufacture of garment hangers (except commodities in bulk, and those which because of size or weight require the use of special equipment), from points in the States named in (1) above to Brenham, TX, Jacksonville, FL, and Gadsden, AL. (Hearing site: Birmingham, AL.)

No. MC 11207 (Sub-No. 431F), filed April 28, 1978. Applicant: DEATON, INC., 317 Avenue W, P.O. Box 938, Birmingham, AL 35201. Applicant's representative: Kim D. Mann, Suite 1010, 7101 Wisconsin Avenue, Washington, DC 20014. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Iron and steel billets, reinforcement bars, and rods in coils, from the facilities of Georgetown Texas Steel Corp., at or near Beaumont, TX, to points in AL, AR, FL, GA, KY, LA, MS, SC, and TN. (Hearing site: Houston, TX, or Birmingham, AL.)

No. MC 29079 (Sub-No. 94F), filed May 1, 1978. Applicant: BRADA MILLER FREIGHT SYSTEM, INC., 1210 South Union Street, Kokomo, IN 46901. Applicant's representative: Chandler L. van Orman, 1729 H Street NW., Washington, DC 20006. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: General commodities (except those of unusual

value, classes A and B explosives, household goods as defined by the Commission, commodities requiring the use of special equipment or special handling, and liquid commodities in bulk), between the facilities of Dow Chemical, U.S.A., at or near Midland, MI, on the one hand, and, on the other, points in IN (except Kokomo and points within 50 miles thereof), OH, and Kenosha, Racine, Milwaukee and Waukesha, WI. (Hearing site: Detroit, MI Chicago, IL.)

No. MC 95540 (Sub-No. 1020F), filed April 27, 1978. Applicant: WATKINS MOTOR LINES, INC., 1144 West Griffin Road, P.O. Box 1636, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Chocolate, chocolate coating, confectionery, beverage preparations, milk and milk chocolate and cocoa compounds* (except in bulk, in tank vehicles), from Burlington, WI, to Dallas and Houston, TX, Jacksonville, FL, Memphis, TN, and Charlotte, NC. (Hearing site: New York, NY or Washington, DC.)

No. MC 95540 (Sub-No. 1021F), filed April 27, 1978. Applicant: WATKINS MOTOR LINES, INC., P.O. Box 1636, 1144 West Griffin Road, Lakeland, FL 33802. Applicant's representative: Benjy W. Fincher (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat-packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from Nebraska City, NE, to points in AL, FL, GA, LA, MS, NC, SC, and TN. (Hearing site: Kansas City, KS or Washington, DC.)

No. MC 103926 (Sub-No. 69F), filed April 25, 1978. Applicant: W. T. MAYFIELD SONS TRUCKING CO., a corporation, P.O. Box 947, Mableton, GA 30059. Representative: K. Edward Wolcott, P.O. Box 872, Atlanta, GA 30301. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Concrete batch plant machinery and equipment, paving machinery and equipment, soil and landfill stabilization and compaction equipment, pollution control machinery and equipment, and commodities, which by reason of size or weight require the use of special equipment or handling*, from the facilities of Rexnord, Construction Machinery Division, in Jefferson County, IN, to points in AL, AR, GA, FL, LA, KY, MD, MS, NC, OK, SC, TN, TX, VA, WV, and DC; and (2) *ma-*

terials, equipment and supplies used in the manufacture and distribution of the commodities named in (1) above, from points in AL, AR, GA, FL, LA, KY, MD, MS, NC, OK, SC, TN, TX, VA, WV, and DC, to the facilities of Rexnord, Construction Machinery Division, in Jefferson County, IN. (Hearing site: Louisville, KY or Atlanta, GA.)

No. MC 105375 (Sub-No. 76F), filed May 1, 1978. Applicant: DAHLEN TRANSPORT, INC., 1680 Fourth Avenue, Newport, MN 55055. Applicant's representative: Joseph A. Eschenbacher, Jr. (same address as applicant). Authority granted as a common carrier, over irregular routes, transporting (1) *Petroleum products* (except commodities in bulk), from the facilities of Mobil Oil Corp. and Metalcote Grease and Oil Co., at St. Paul, MN, to points in IL, IA, MN, MT, ND, SD, WI, and the Upper Peninsula of MI, and (2) *Materials, equipment, and supplies* used in the manufacture and distribution of petroleum products (except in bulk), from points in IL, IA, MN, MT, ND, SD, WI, and the Upper Peninsula of MI, to St. Paul, MN. (Hearing site: St. Paul, MN, or Dallas, TX.)

No. MC 108207 (Sub-No. 479F), filed May 2, 1978. Applicant: FROZEN FOOD EXPRESS, INC., P.O. Box 5888, Dallas, TX 75222. Applicant's representative: M. W. Smith (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting *Meats, meat products, meat byproducts, and articles distributed by meat-packing houses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Nebraska City, NE, to points in AZ, CA, KS, MO, MN, IL, IN, IA, OH, MN, WI, and SD. (Hearing site: Wichita, KS, or Dallas, TX.)

No. MC 112617 (Sub-No. 390F), filed April 19, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, D.C. 20036. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting *plastic granules*, in bulk, in tank vehicles, from Terre Haute, IN, to points in IA. (Hearing site: Louisville, KY or Washington, DC.)

No. MC 112617 (Sub-No. 392F), filed April 27, 1978. Applicant: LIQUID TRANSPORTERS, INC., 1292 Fern Valley Road, P.O. Box 21395, Louisville, KY 40221. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington,

D.C. 20036. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting *liquid calcium chloride*, in bulk, in tank vehicles, from Rockport, IN, to Owensboro and Panther, KY. (Hearing site: Louisville, KY or Washington, DC.)

No. MC 113434 (Sub-No. 102F), filed April 21, 1978. Applicant: GRA-BELL TRUCK LINE, INC., P.O. Box 511, Holland, MI 49423. Applicant's representative: Wilhelmina Boersma, 1600 First Federal Building, Detroit, MI 48226. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting *glass containers and accessories*, from the facilities of Kerr Glass Manufacturing Corp. at or near Huntington, WV, to points in OH. (Hearing site: Washington, DC, or Chicago, IL.)

No. MC 113908 (Sub-No. 434F), filed April 14, 1978. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale St., P.O. Box 3180 G.S., Springfield, MO 65804. Applicant's representative: B. B. Whitehead (same address as Applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Vinegar stock and vinegar stock concentrates*, in bulk, from Woodruff, SC, to New York, NY; and (2) *vinegar and vinegar stock*, in bulk, from Scottville, MI, to Indianapolis, IN, and Minneapolis, MN. (Hearing site: Kansas City, MO.)

No. MC 114273 (Sub-No. 363F), filed April 24, 1978. Applicant: CRST, INC., P.O. Box 68, Cedar Rapids, IA 52406. Applicant's representative: Kenneth L. Core, (Same address as applicant). Authority granted to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Green salted hides*, from Denver, CO, to Milwaukee, WI. (Hearing site: Chicago, IL or Washington, DC.)

No. MC 114890 (Sub-No. 80F), filed April 27, 1978. Applicant: COMMERCIAL CARTAGE CO., a Missouri corporation, 343 Axminster Drive, Fenton, MO 63028. Applicant's representative: T. M. Brown, 223 Ciudad Building, Oklahoma City, OK 73112. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *dry fertilizers*, in bulk, from the facilities of Agrico Chemical Co., at Melbourne, KY, to points in IL, IN, MI, OH, VA, and WY, restricted to the transportation of shipments originating at the named origin. (Hearing site: Oklahoma City, OK; St. Louis, MO.)

No. MC 115826 (Sub-No. 308F), filed April 25, 1978. Applicant: W. J. DIGBY, INC., 1960-31st Street, Denver, CO 80217. Applicant's representative: Howard Gore, 1960-31st Street, Denver, CO 80217. Authority

granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *canned goods*, from points in CA to points in CO. (Hearing site: Denver, CO.)

No. MC 117303 (Sub-No. 15F), filed April 21, 1978. Applicant: HUDSON VALLEY CEMENT LINES, INC., P.O. Box 203, Route 23B, Claverack, NY 12513. Applicant's representative: Martin Werner, P.O. Box 1409, 167 Fairfield Road, Fairfield, NJ 07006. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, in the transportation of: *cement*, from Kingston, NY, to points in ME, CT, MA, NH, VT, RI, NY, NJ, and PA. (Hearing site: New York, NY.)

No. MC 117765 (Sub-No. 239F), filed April 28, 1978. Applicant: HAHN TRUCK LINE, INC., 1100 S. MacArthur, P.O. Box 75218, Oklahoma City, OK 73147. Applicant's representative: R. E. Hagan, (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Adhesives, wood fillers, and materials and supplies* used in manufacture, installation and distribution of adhesives and wood filler products, from points in IL, IN, GA, KY and OH, to Hutchinson, KS. (Hearing site: Oklahoma City, OK.)

No. MC 118142 (Sub-No. 170F), filed April 24, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat-packing houses, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates 61 MCC 209 and 766, (except hides and commodities in bulk), from the facilities of MBPXL, Nebraska City, NE, to points in AZ, CA, ID, NM, NV, OR, WA, UT, and CO. (Hearing site: Wichita, KS or Kansas City, MO.)

No. MC 118142 (Sub-No. 171F), filed April 25, 1978. Applicant: M. BRUENGER & CO., INC., 6250 North Broadway, Wichita, KS 67219. Applicant's representative: Lester C. Arvin, 814 Century Plaza Building, Wichita, KS 67202. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Confectionaries*, in vehicles equipped with mechanical refrigeration (except in bulk); (1) From the facilities of E. J. Brach & Sons Division, American Home Products Corp., Chicago and Sullivan, IL, to the facilities of E. J. Brach & Sons, Reno, NV; (2)

From the facilities of E. J. Brach & Sons, Reno, NV, to points in AZ, CA, OR and WA, restricted to shipments having a prior movement from E. J. Brach & Sons facilities, Chicago and Sullivan, IL, and (3) From the facilities of E. J. Brach & Sons, Chicago and Sullivan, IL, to points in KS, LA, MO, MS, OK and TX. (Hearing site: Wichita, KS or Kansas City, MO.)

No. MC 118202 (Sub-No. 91F), filed April 20, 1978. Applicant: SCHULTZ TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture, furniture parts, and materials, equipment and supplies* used in the manufacture of new furniture, between Archbold and Stryker, OH on the one hand and, on the other, points in the United States (except AK, HI, and OH). (Hearing site: Toledo or Cleveland, OH.)

No. MC 118959 (Sub-No. 169F), filed April 28, 1978. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, MO 63701. Applicant's representative: Donald B. Levine, 39 South La Salle Street, Chicago, IL 60603. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lawn mower parts and accessories*, from Beaufort, SC, to Brookhaven, MS. (Hearing site: St. Louis, MO.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 125664.

No. MC 119493 (Sub-No. 196F), filed April 25, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Applicant's representative: Lawrence F. Kloeppel, P.O. Box 1196, Joplin, MO 64801. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Feed and feed ingredients*, from the facilities of Doane Products, at Manassas, VA, to points in the U.S., in and east of LA, AR, MO, IA, and MN; and (2) *materials and supplies* used in the manufacture and distribution of feed and feed ingredients, from points in the U.S., in and east of LA, AR, MO, IA, and MN, to the facilities of Doane Products, at Manassas, VA. (Hearing site: Joplin, or Kansas, MO.)

No. MC 119789 (Sub-No. 460F), filed May 1, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority granted to operate as a common carrier, by motor vehicle,

over irregular routes, transporting: *Plastic film*, from Griffin, GA, to points in AZ, CO, CT, DE, ID, IL, IN, IA, ME, MD, MA, MN, MT, NV, NH, NJ, NM, NY, NC, ND, PA, SC, SD, UT, VT, WV, WI, and WY. (Hearing site: Boston, MA.)

No. MC 120978 (Sub-No. 22F), filed May 1, 1978. Applicant: REINHART MAYER d.b.a. Mayer Truck Line, 1203 South Riverside Drive, Jamestown, ND 584. Applicant's representative: Gene P. Johnson, P.O. Box 2471, Fargo, ND 58102. Authority granted to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry fertilizer, and animal and poultry feed ingredients*, from the facilities of Martrex, Inc., at or near Willmar, MN, to points in ND. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 128217.

No. MC 121060 (Sub-No. 62F), filed April 25, 1978. Applicant: ARROW TRUCK LINES, INC., P.O. Box 1416, Birmingham, AL 35201. Applicant's representative: William P. Jackson, Jr., 3426 North Washington Boulevard, P.O. Box 1240, Arlington, VA 22210. Authority granted to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Iron and steel pipe*, from the facilities of Unarco-Leavitt, Division of Unarco Industries, Inc., at Chicago, IL, to points in AL, AR, FL, GA, LA, KY, MS, NC, SC, and TN. (Hearing site: Chicago, IL, or Washington, DC.)

No. 123054 (Sub-No. 18F), filed April 28, 1978. Applicant: R & H CORP., 295 Grand Avenue, Box 469, Clarion, PA 16214. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority granted to operate as a common carrier, by motor vehicle over irregular routes, transporting: (1) *Glass containers and closures therefor and fiber-board boxes*, from the facilities of Glass Containers Corp., at points in Clarion, Forest, and Armstrong Counties, PA, to points in NJ; and (2) *returned shipments* of the commodities named in (1) above, from the destination points named in (1) above, to the origin points named in (1) above. RESTRICTION: The service granted in (1) and (2) is restricted to the transportation of shipments originating at the named origin points and destined to the named destination points. (Hearing site: Pittsburgh, PA, or Washington, DC.)

No. MC 123255 (Sub-No. 162F), filed May 2, 1978. Applicant: B & L MOTOR FREIGHT, INC., 140 Everett Avenue, Newark, OH 43055. Applicant's representative: C. F. Schnee, Jr., 140 Everett Avenue, Newark, OH

43055. Authority granted to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Animal feed, feed ingredients and additives, and materials and supplies* used in the manufacture and distribution of animal feeds (except commodities in bulk), between the facilities of Kal Kan Foods, Inc., at or near Mattoon, IL, on the one hand, and, on the other, points in the United States (except AK and HI). Restricted to the transportation of shipments originating at or destined to the facilities of Kal Kan Foods, Inc. at or near Mattoon, IL. (Hearing site: Columbus, OH.)

No. MC 124813 (Sub-No. 184F), filed April 20, 1978. Applicant: UMTUM TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority granted to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Iron and steel articles*, from Sterling and Rock Falls, IL, to points in CO, ID, IA, KS, MN, MO, MT, NE, ND, OR, SD, WA, WI, and WY. (Hearing site: Chicago, IL.)

NOTE.—The carrier must satisfy the Commission that its operation will not result in objectionable dual operations because of its authority in MC-118468 and various subs.

No. MC 124813 (Sub-No. 185F), filed April 28, 1978. Applicant: UMTUM TRUCKING CO., a corporation, 910 South Jackson Street, Eagle Grove, IA 50533. Applicant's representative: James M. Hodge, 1980 Financial Center, Des Moines, IA 50309. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed ingredients*, from Battle Creek, MI, to points in CO, IL, IA, KS, MO, NE, and WI. (Hearing site: Chicago, IL.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority MC-118468 and various subs.

No. MC 127042 (Sub-No. 218F), filed April 21, 1978. Applicant: HAGEN, INC., P.O. Box 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Robert G. Tassar (same address as applicant). Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles* distributed by meat packinghouses (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766, from the facilities of Wilson Foods Corp., at Monmouth, IL, to points in ID, MT, OR, UT, WA, and WY, restricted to the transportation of shipments originating at the above named origins and destined to

the named destinations. (Hearing site: Dallas, TX, or Kansas City, MO.)

No. MC 127840 (Sub-No. 69F), filed May 1, 1978. Applicant: MONTGOMERY TANK LINES, INC., 17550 Fritz Drive, P.O. Box 382, Lansing, IL 60438. Applicant's representative: William H. Towle, 180 North La Salle Street, Suite 3520, Chicago, IL 60601. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and citrus juices and concentrates thereof*, in bulk, in tank vehicles, from Frostproof, FL, to Louisville, KY. (Hearing site: Chicago, IL.)

No. MC 128343 (Sub-No. 39F), filed April 17, 1978. Applicant: C-LINE, INC., Tourtellot Hill Road, Chepachet, RI 02814. Applicant's representative: Ronald N. Cobert, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Insulated wire*, from Gardena, CA, to points in CO, FL, GA, IL, IN, MD, MO, NJ, TN, TX, and VA; and (2) *materials, equipment, and supplies* used in the manufacture and distribution of insulated wire (except in bulk), from points in the destination territory named in (1) above, to Gardena, CA, under a continuing contract, or contracts, with Collyer Insulated Wire Co. Condition: The carrier must be more explicit in order to satisfy the Commission that its operations will not result in objectionable dual operations because of its authorities in No. MC 138861 and sub-numbers thereunder. (Hearing site: Providence, RI, or Boston, MA.)

No. MC 129886 (Sub-No. 12F), filed April 19, 1978. Applicant: C. SUMMERS, INC., 112 Spruce Street, Elizabethville, PA 17023. Applicant's representative: John W. Frame, Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17011. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the facilities of Greatest Foods Corp., at Pittston, PA, and Shenandoah, PA, and from the facilities of C. Summers, Inc., at Elizabethville, PA, to points in OH, IL, IN, MI, and WI, under a continuing contract, or contracts, with Greatest Foods Corp., of Pittston, PA. (Hearing site: Harrisburg, Pa.)

No. MC 133689 (Sub-No. 197F), filed April 27, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority granted to operate as a *common carrier*, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk, in tank vehicles), in

vehicles equipped with mechanical refrigeration, from Waconia and Shakopee, MN, to Atlanta, GA. (Hearing site: St. Paul, MN.)

No. MC 134329 (Sub-No. 5F), filed April 6, 1978. Applicant: FISCUS MOTOR FREIGHT, INC., Route 1, Box 201, Yakima, WA 98901. Applicant's representative: Philip G. Skofstad, P.O. Box 594, Gresham, OR 97030. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asphalt composition roofing, asphalt shakes, asphalt roll roofing, and asphaltum* (except in bulk, in tank vehicles), from points in Los Angeles and Orange Counties, CA, and Martinez, Pittsburg, Richmond, and Santa Clara, CA, to points in WA, under a continuing contract, or contracts, with Celotex Corp., of Tampa, FL, and Hugh McNiven Co. of Seattle, WA; (2) *insulation*, from Santa Clara, CA, to points in WA, under a continuing contract, or contracts, with Hugh McNiven Co. of Santa Clara, CA; and (3) *hardwood lumber*, from Arlington, Centralia, Wapato, South Bend, and Aberdeen, WA, to points in CA, under a continuing contract, or contracts, with Northwest Hardwood Co. of Portland, OR, Nizich Hardwoods, Inc. of Portland, OR, and Hampton Hardwoods of South Bend, WA. (Hearing site: Portland, OR.)

No. MC 139193 (Sub-No. 78F), filed April 26, 1978. Applicant: ROBERTS & OAKE, INC., P.O. Box 1356, Sioux Falls, SD 57101. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in section A of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk), from the facilities of Royal Packing Co. at National Stockyards, IL, and St. Louis, MO, to points in TN, FL, AL, and GA, under a continuing contract, or contracts, with Royal Packing Co. (Hearing site: Chicago, IL.)

No. MC 140768 (Sub-No. 16F), filed April 11, 1978. Applicant: AMERICAN TRANS-FREIGHT, INC., P.O. Box 796, Manville, NJ 08835. Applicant's representative: Eugene M. Malkin, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority granted to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Farm, dairy, and water treatment equipment, materials and supplies, and cleaning products, paint, and pesticides*, from the facilities of Babson Bros. Co., at or near Oak Brook, IL, and facilities of Pfansteihl Detergent Chemicals, Inc., at or near

Romeoville, IL, to points in the United States (except AK and HI); and (2) *cleaning products, paint, pesticides, and materials, equipment, and supplies* used in the manufacture, sale, or distribution of the commodities named in (1) above, from points in the United States (except AK and HI) to the above specified origins. Restricted in (1) and (2) above against transportation in bulk, and commodities which because of size or weight require the use of special equipment. (Hearing site: New York, NY.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 134404.

No. MC 141363 (Sub-No. 7F), filed April 12, 1978. Applicant: J. M. MARC TRANSPORTATION, INC., 7 Ladi Street, Piermont, NY 10968. Applicant's representative: Bruce J. Robbins, 118 21 Queens Boulevard, Forest Hills, NY 11375. Authority granted to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Paper and paper products, materials, equipment, and supplies*, used in the manufacture and distribution of paper and paper products (except commodities in bulk), between Castleton-on-Hudson, NY, Holyoke, MA, and Edgely, PA on the one hand and, on the other, points in CT, MD, MA, NJ, NY, PA, RI, and DE, under a continuing contract or contracts with Brown Co. (Hearing Site: New York, NY.)

No. MC 141776 (Sub-No. 25F), filed April 26, 1978. Applicant: FOOD-TRAIN, INC., Spring and South Streets, Ringtown, PA 17967. Representative: Pauline E. Myers, 407 15th Street NW., Washington, DC 20005. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Margarine, salad dressings, and shortening* (except in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from St. Bernard, OH, to points in CT, DE, DC, IL, IN, ME, MD, MI, MA, NH, NJ, NY, PA, RI, VT, and WI. (Hearing site: Indianapolis, IN or Washington, DC.)

No. MC 142999 (Sub-No. 3F), filed April 20, 1978. Applicant: TRANSPORT MANAGEMENT SERVICE CORP., Route 332 and Terry Drive, Newtown, PA 18940. Applicant's representative: Ronald N. Cobert, 1730 M St. NW., Suite 501, Washington, DC 20036. Authority granted to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Starch and chemicals, and materials, equipment, and supplies*, used in the manufacture and distribution of starch and chemicals, between the facilities of National Starch and Chemical Corp., at or near Bloomfield, Findern, and Plainfield, NJ on the one

hand and, on the other, the facilities of National Starch and Chemical Corp., at or near Chicago and Meredosia, IL, and Indianapolis, IN; (2) *starch and chemicals*, from the facilities of National Starch and Chemical Corp., at or near Bloomfield, Findern, and Plainfield, NJ, to points in IL; and (3) *materials, equipment, and supplies* used in the manufacture and distribution of starch and chemicals, from points in IL, to the facilities of National Starch and Chemical Corp., at or near Bloomfield, Findern, and Plainfield, NJ, restricted in (1), (2), and (3) above, against the transportation of commodities in bulk. The operations authorized herein are limited to a transportation service performed under a continuing contract or contracts with National Starch and Chemical Corp., of Bridgewater, NJ. (Hearing site: Washington, DC.)

No. MC 143563 (Sub-No. 5F), filed April 27, 1978. Applicant: R. C. MOORE, INC., Box 346, Waldoboro, Maine 04572. Applicant's representative: Chester A. Zyblut, 366 Executive Building, 1030 Fifteenth Street NW., Washington, D.C. 20005. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic laminated sheets and impregnated paper*, from Auburn, ME to points in CA, FL, TX, OH, IL, TN, and IA. (Hearing site: Portland, ME.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its contract authority in No. MC 140572.

No. MC 143621 (Sub-No. 2F), filed April 17, 1978. Applicant: TENNESSEE STEEL HAULERS, INC., 403 Maplewood Ave., Nashville, TN 37210. Applicant's representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville TN 37219. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fireplace grates, screens, accessories, and parts thereof* (except commodities in bulk), (1) between the facilities used by Cumberland Valley Metals, Inc., at Nashville, TN, Decatur, AL, and Bloomington, IL, (2) between the facilities used by Cumberland Valley Metals, Inc., at Nashville, TN, Decatur, AL, Bloomington, IL on the one hand and, on the other hand, points in the United States (except AK and HI). (Hearing site: Nashville, TN.)

No. MC 144226 (Sub-No. 1F), filed April 19, 1978. Applicant: DAVID DE MASTER, Route 1, Cedar Grove, WI 53013. Applicant's representative: Richard A. Westley, 4506 Regent Street, Suite 100, Madison, WI 53705. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wet, spent brewer's grains*, (1) from

the facilities of Pabst Brewing Co. at Milwaukee, WI to points in IL, and (2) from the facilities of G. Heileman Brewing Co. at La Crosse, WI to points in MN, IA, and IL. (Hearing site: Madison or Milwaukee, WI.)

No. MC 144363 (Sub-No. 2F), filed May 1, 1978. Applicant: HIRSCHBACH MOTOR LINES, INC., 5000 South Lewis Boulevard, P.O. Box 417, Sioux City, IA 51102. Applicant's representative: George L. Hirschblach, P.O. Box 417 Sioux City, IA 51102. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such merchandise as is dealt in by mail order houses*, and (2) *materials and supplies* used in conducting such business, between the facilities of the Fingerhut Corp. at St. Cloud, MN on the one hand and on the other, points in AL, AR, FL, GA, KY, LA, NC, SC, and TN, under a continuing contract or contracts with Fingerhut Corp., of St. Cloud, MN. (Hearing site: Minneapolis, MN or Washington, DC.)

NOTE.—The carrier must satisfy the Commission that its operations will not result in objectionable dual operations because of its authority under MC 117686 and various subs.

No. MC 144566 (Sub-No. 1F), filed April 20, 1978. Applicant: BROCIUS TRUCKING, INC., P.O. Box 261, Brockway, PA 15824. Applicant's Representative: William A. Gray, 2310 Grant Building, Pittsburgh, PA 15219. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container accessories, components, end caps, lids, and closures*, from the facilities of Brockway Glass Co., in Clearfield and Jefferson Counties, PA, to points in MD, and points in Cayuga, Onondaga, and Oswego Counties, NY. (Hearing site: Pittsburgh, Pa.)

No. MC 144643 (Sub-No. 1F), filed April 24, 1978. Applicant: VINGI BROTHERS TRUCKING CO., INC., 28 Oakdale Avenue, Johnston, RI 02919. Applicant's representative: William P. Poole, 41 Bea Street, North Kingstown, RI 02852. Authority granted to operate as a *contract carrier*, by motor vehicle, over irregular routes, to transport: *Plastic and paper goods, equipment, parts, and related accessory items* used in the manufacture and distribution thereof, from the facility of Nyman Manufacturing Co. at East Providence, RI, to Atlanta, GA, Jacksonville, Orlando, Tampa, Riviera Beach, and Miami, FL, Chicago, IL, Minneapolis, MN, Phoenix, AZ, Dallas, Fort Worth, Houston, and Port Arthur, TX, and points in CA, under a continuing contract or contracts, with Nyman Manufacturing Co. (Hearing site: Providence, RI or Boston, MA.)

No. MC 144675 F, filed April 27, 1978. Applicant: LINCOLN FREIGHT

FORWARDING CORP., 537 N. Long Beach Road, Rockville Centre, NY 11570. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority granted to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities in bulk, classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment), between Chicago, IL and Detroit, MI on the one hand and, on the other, Laredo, TX, restricted to traffic moving on freight forwarder bills of lading. (Hearing site: New York, NY.)

No. MC 144695 F, filed May 1, 1978. Applicant: N. & S. TRUCKING, INC., Route 1, Francisco, IN 47649. Applicant's representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority granted to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Chemicals* (except in bulk), from points in CT, DE, FL, IL, KY, MD, MI, MS, NY, OH, and TN, to (1) the facilities of Ulrich Chemical, Inc., at or near Evansville, IN, and (2) the facilities of Mead Johnson & Co., at or near Mount Vernon, IN, under a continuing contract or contracts with Ulrich Chemicals, Inc., of Evansville, IN. (Hearing site: Louisville, KY.)

(FR Doc. 78-14534 Filed 5-24-78; 8:45 am)

[7035-01]

[Volume No. 92]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS

MAY 15, 1978.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR 1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interests in

the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in the dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 14125 (Sub-No. 9F), filed March 29, 1978. Applicant: PIQUA TRANSFER & STORAGE CO., a corporation, 524 Young Street, Piqua, OH 45356. Applicant's representative: Boyd B. Ferris, 150 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers and container parts, and equipment, materials, and supplies* incidental to the manufacturer or distribution of containers and container parts between Piqua, OH, on the one hand, and, on the other, Detroit, MI, and Lockport, NY. (Hearing site: Columbus, OH.)

No. MC 29643 (Sub-No. 10F), filed March 28, 1978. Applicant: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, NY 13662. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Albany, NY, on the one hand, and, on the other, points in Clinton County, NY. Restricted against traffic moving from or to points in Canada. (Hearing site: Albany, NY.)

NOTE.—The purpose of this application is to eliminate the gateway of Massena, NY.

No. MC 41406 (Sub-No. 71F), filed March 29, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Ave., Hammond, IN 46323. Applicant's representative: E. Stephen Heisley, 666 Eleventh Street NW., No. 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile body glass*, cut to shape, and *flat glass*, from Dearborn and Wixom, MI to points in NY, WI, WV, IL, NJ, PA, MO, OH, IA, IN, and MD. (Hearing site: Detroit, MI.)

No. MC 55896 (Sub-No. 70F), filed March 29, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Applicant's representative: Martin J. Leavitt, 22375 Haggerty Road, P.O. Box 400, Northville, MI 48167. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coke*, in bulk, in dump equipment, from Toledo, OH to points in IL, IN, MI, and WI. (Hearing site: Detroit, MI; Chicago, IL; or Toledo, OH.)

NOTE.—Common control may be involved.

No. MC 81592 (Sub-No. 418F), filed April 2, 1978. Applicant: JENKINS TRUCK LINE, INC., P.O. Box 697, Jeffersonville, IN 47130. Representative: E. A. DeVine, 101 First Avenue, P.O. Box 737, Moline, IL 61265. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, conduit, valves, fittings, and accessories therefor*, from points in Geneva County, AL to points in the United States (except AK and HI); and (2) *materials, equipment and supplies* used in the manufacture and distribution of the commodities named in (1) above (except commodities in bulk), from points in the United States (except AK and HI) to Geneva County, AL. (Hearing site: Washington, DC, or Atlanta, GA. Applicant further requests a consolidated hearing with applications of similar authority.)

NOTE.—Common control may be involved.

No. MC 76032 (Sub-No. 335F), filed March 28, 1978. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South

Platte River Drive, Denver, CO 80223. Representative: Eldon E. Bresee, 1205 South Platte River Drive, Denver, CO 80223. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) between Omaha, NE and Des Moines, IA, serving no intermediate points; from Omaha over Interstate Hwy 80 to Des Moines and return over the same route and (B) between Kansas City, MO and Des Moines, IA, serving no intermediate points; from Kansas City over Interstate Hwy 35 to junction Interstate Hwy 235, then over Interstate Hwy 235 to Des Moines and return over the same route, serving Des Moines for purposes of joinder only. RESTRICTION: Restricted to the transportation of traffic moving from or to points west of ND, SD, NE, KS, OK, and TN. (Hearing site: Denver, CO.)

NOTE.—The purpose of the application under part (A) is to remove the gateway of Davenport, IA and under part (B) to remove the gateway of Chicago. Common control may be involved.

No. MC 82492 (Sub-No. 192F), filed March 27, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from New Kensington, PA, to points in IL, IN and MI. (Hearing site: Washington, DC.)

No. MC 83539 (Sub-No. 490F), filed March 31, 1978. Applicant: C & H TRANSPORTATION CO., INC., 9757 Military Parkway, P.O. Box 270535, Dallas, TX 75227. Representative: Mr. Thomas E. James (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products and wood products*, from points in AL, FL, GA, SC, NC, AR, LA, MS, OK, TN, and TX, to points in and east of MN, IA, NE, KS, OK, and TX. (Hearing site: June 12, 1978 (1 week), at 9:30 a.m. local time, at Atlanta, GA, in a hearing room to be later designated.)

NOTE.—Common control may be involved.

No. MC 102560 (Sub-No. 15F), filed March 27, 1978. Applicant: FREILER TRUCK LINES, INC., P.O. Box 636, Amite, LA 70422. Representative: Harold R. Ainsworth, 2307 American Bank Building, New Orleans, LA 70130. Authority is sought to operate as a *common carrier*, over irregular

routes, transporting: (1) *Lumber, particleboard, and wood paneling*, from the facilities of Georgia-Pacific Corp., at points in AR and LA, to points in AR, LA, TX, OK, KS, NM, CO, and those points in MO located on and South of Interstate Hwy 70; and (2) *Materials, equipment, and supplies* used in the manufacture of lumber, particleboard, and wood paneling, from points in the destination states in (1) above, to the facilities of Georgia-Pacific Corp., at points in AR and LA. (Hearing site: Dallas, TX.)

No. MC 103051 (Sub-No. 426F), filed March 29, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue, North, Nashville, TN 37209. Representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Permanent authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and products thereof*, in bulk, in tank vehicles, (1) between points in Hamilton County, TN, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX; (2) between Decatur, IN, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX; and, (3) between Gibson city, IL, on the one hand, and, on the other, points in the United States in and east of ND, SD, NE, KS, OK and TX. (Hearing site: Washington, DC.)

No. MC 106401 (Sub-No. 46F), filed April 10, 1978. Applicant: JOHNSON MOTOR LINES, INC., P.O. Box 10877, Charlotte, NC 28234. Representative: Thomas G. Sloan, P.O. Box 10877, Charlotte, NC 28234. Authority sought to operate as a *Common Carrier*, by motor vehicle, over regular routes, transporting: *Glass containers*, serving the facilities of Midland Glass Co., Inc. located at or near Martinsville, VA as an off-route point in connection with applicant's existing regular-route authority between Greensboro, NC and South Hill, VA. (Hearing site: Charlotte, NC.)

NOTE.—Common control may be involved.

No. MC 108119 (Sub-No. 82F), filed March 29, 1978. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water and/or sewage treatment equipment and parts*, from the facilities of Neptune Microfloc, Inc., at Corvallis, OR to points in the United States (except AK and HI). (Hearing site: Portland, OR or Seattle, WA.)

NOTE.—Common control may be involved.

No. MC 108119 (Sub-No. 83F), filed March 29, 1978. Applicant: E. L.

MURPHY TRUCKING CO., a corporation, P.O. Box 43010, St. Paul, MN 55164. Representative: Andrew R. Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stainless steel tanks and accessories*, from New Lisbon and Elroy, WI to points in and east of ND, SD, NE, CO, and NM, (except points in the states of ME, VT, NH, MA, CT, RI, NY, PA, NJ, DE, MD and WV.) (Hearing site: Madison or Milwaukee, WI.)

NOTE.—Common control may be involved.

No. MC 109397 (Sub-No. 424F), filed April 2, 1978. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, P.O. Box 113, Joplin, MO 64801. Applicant's representative: A. N. Jacobs (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Bentonite clay* (except in bulk, in tank vehicles) and *lignite coal*, treated or untreated, from the facilities of American Colloid Co. located at points in Crook, Big Horn, and Weston Counties, WY; Butte County, SD; Phillips County, MT; and Bowman County, ND; to points in the United States (except AK and HI). (Hearing site: Salt Lake City, UT, or Denver, CO.)

NOTE.—Common control may be involved.

No. MC 114457 (Sub-No. 369F), filed March 29, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, Saint Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, St. Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Barrel staves* from St. Paul, MN, to Chicago, IL, Kansas City, MO, and Cleveland, OH. (Hearing site: St. Paul, MN, or Madison, WI.)

No. MC 114457 (Sub-No. 373F), filed March 30, 1978. Applicant: DART TRANSIT CO., a corporation, 2102 University Avenue, St. Paul, MN 55114. Applicant's representative: James H. Wills, 2102 University Avenue, Saint Paul, MN 55114. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Pulpboard pots, nested*, from Germantown, WI, to points in AR, CO, IL, IN, IA, KS, KY, MD, MI, MN, MO, NE, NC, OH, OK, PA, TN, TX, VA, and WV, and (2) *Materials, equipment, and supplies* used in the manufacture, sale and distribution of the commodity listed above, from points in the destination States of part (1) above, to Germantown, WI. (Hearing site: St. Paul, MN, or Milwaukee, WI.)

No. MC 114569 (Sub-No. 222F), filed April 3, 1978. Applicant: SHAFFER

TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by retail, wholesale, chain, and grocery business houses*, from the facilities of Fostoria distribution Services Co. at or near Fostoria, OH, to points in PA, NY, IN, KY, and WV. (Hearing site: Columbus, OH.)

NOTE.—Common control may be involved.

No. MC 114829 (Sub-No. 13F), filed March 29, 1978. Applicant: GENERAL CARTAGE CO., INC., West Route 30, Rock Falls, IL 61071. Applicant's representative: Daniel C. Sullivan, 10 South La Salle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from Sterling, IL, to points in KS, MN, MO, NE, ND, SD, those points in IA, on and south of U.S. Hwy 34 and on and west of Interstate Hwy 35, and those points in WI on and north of U.S. Hwy 10; and (2) *equipment, materials, and supplies* (except commodities in bulk in tank vehicles), from the destination points named in (1) above, to Sterling, IL, under a continuing contract, or contracts, with Northwestern Steel & Wire Co. in (1) and (2) above. (Hearing site: Chicago, IL.)

No. MC 115654 (Sub-No. 85F), filed March 29, 1978. Applicant: TENNESSEE CARTAGE CO., INC., P.O. Box 23193, Nashville, TN 37202. Applicant's representative: Henry E. Seaton, 915 Pennsylvania Building, 13th and Pennsylvania Avenue NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Newspaper supplements*, which are otherwise exempt from economic regulation under section 203(b) of the Interstate Commerce Act, when moving in mixed loads with regulated commodities, from applicant's facilities at Nashville, TN, Cincinnati, OH, Memphis, TN, and Birmingham, AL, to points in TN, KY, MO, AL, MS, AR, GA. (Hearing site: Nashville, TN, or Washington, DC.)

No. MC 115841 (Sub-No. 62F), filed March 29, 1978. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., P.O. Box 168, Concord, TN 37720. Representative: E. Stephen Heisley, 666 Eleventh Street NW., No. 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods* from points in FL to points in AL, CT, DE, IL, IN, KY, ME, MA, MI, MS, NH, NJ, NY, NC, OH,

PA, RI, TN, VT, VA, WV, and DC. (Hearing site: Orlando or Tampa, FL.)

NOTE.—Common control may be involved.

No. MC 17786 (Sub-No. 12F), filed March 29, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hickory chips*, from Crossville, TN, and Lincoln, MO, to points in AZ, CA, CO, NM, NV, OR, UT, and WA. (Hearing site: Louisville, KY.)

No. MC 117786 (Sub-No. 14F), filed March 29, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bottles from Chicago, IL to points in AZ, CA, CO, ID, LA, MT, NV, NM, OR, TX, UT, WA, and WY. (Hearing site: Chicago, IL.)

No. MC 117786 (Sub-No. 15F), filed March 29, 1978. Applicant: RILEY WHITTLE, INC., P.O. Box 19038, Phoenix, AZ 85009. Representative: Thomas F. Kilroy, Suite 406, Executive Building, 6901 Old Keene Mill Road, Springfield, VA 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Door and door sections, garage, electrical, and parts and accessories* used or useful in the installation thereof; *steel tubing; and electrical machinery*, from Covington, OH, and Detroit, MI to points in AZ, CA, CO, ID, MT, NY, NM, OR, TX, UT, WA, and WY. (Hearing site: Cincinnati, Ohio.)

No. MC 118130 (Sub-No. 85F), filed March 29, 1978. Applicant: SOUTH EASTERN EXPRESS, INC., P.O. Box 6985, Fort Worth, TX 76115. Representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Movers, trimmers and edgers, and related hardware and accessories*, from Fort Worth, TX, to points in AL, AR, AZ, CA, CO, FL, GA, ID, KS, LA, MN, MS, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA and WY; and (2) *materials, equipment and supplies*, from points in AL, AR, AZ, CA, CO, FL, GA, ID, KS, LA, MN, MS, MT, NE, NV, NM, ND, OK, OR, SD, UT, WA and WY, to Fort Worth, TX. (Hearing site: Dallas, TX.)

No. MC 118202 (Sub-No. 88F), filed March 29, 1978. Applicant: SCHULTZ

TRANSIT, INC., P.O. Box 406, 323 Bridge Street, Winona, MN 55987. Representative: Robert S. Lee, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Magazines and periodicals*, from Pewaukee, WI to Bethany, CT; Baltimore and Cottage City, MD; Boston, MA; Hoboken, North Bergen and Bayonne, NJ; Troy and Carle Place, NY; Columbus, OH; McKeesrocks and Harrisburg, PA and DC. (Hearing site: Minneapolis, MN.)

No. MC 119019 (Sub-No. 3F), filed April 3, 1978. Applicant: B.N.M. FERTILIZER TRANSPORT, INC., 6414 E. Houston Road, Houston, TX 77028. Representative: Joe G. Fender, 711 Louisiana, Suite 1150, South Tower, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds and feed ingredients and supplements*, (1) from points in Harris County, TX, to points in AR, LA, and MS; and (2) from points in AR, LA, and MS, to points in TX. (Hearing site: Houston or Dallas, TX.)

NOTE.—Applicant holds contract carrier authority in MC 134455 and (sub 2) thereunder, therefore dual operations may be involved.

No. MC 119493 (Sub-No. 189F), filed March 20, 1978. Applicant: MONKEM COMPANY, INC., P.O. Box 1196, Joplin, MO 64801. Representative: Lawrence F. Kloeppel (same address as applicant). Authority sought to operate as a *Common Carrier* by motor vehicle, over irregular routes, transporting: *Roofing, prepared shingles, roofing cement, asphaltum, roofing paper, building materials and supplies used in the manufacture and installation thereof*, between Joplin, MO, and points in AL, IN, MI, and WI, in non-radial movement. (Hearing site: Joplin or Kansas City, MO.)

No. MC 119670 (Sub-No. 33F), filed April 14, 1978. Applicant: THE VICTOR TRANSIT CORP., 5250 Este Avenue, Cincinnati, OH 45232. Representative: Robert H. Kinker, 314 W. Main Street, P.O. Box 464, Frankfort, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper, waste paper, and rags*, (except in tank vehicles), between points in AL, DE, GA, IL, IN, KY, MD, MI, MS, MO, NJ, NY, NC, OH, PA, SC, TN, VA, WV, WI, and DC. (Hearing site: Cincinnati, OH.)

No. MC 119716 (Sub-No. 120F), filed March 29, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Representative: James L. Beaty, 130 East Washington Street, Suite

One Thousand, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Glass containers and Accessories therefor, (1) from the facilities of Anchor Hocking Corp., Jacksonville, FL, to Pabst, GA; and (2) from the facilities of Anchor Hocking Corp., Houston, TX, to Greenville, MS. (Hearing site: Indianapolis, IN, or Columbus, OH.)

No. MC 123813 (Sub-No. 1F), filed March 2, 1978. Applicant: LESTER T. SHEELY, d.b.a., H & S Towing Service, 5028 East Trindle Road, Mechanicsburg, PA 17055. Representative: John W. Frame, P.O. Box 626, 2207 Old Gettysburg Road, Camp Hill, PA 17055. Authority sought, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged, disabled, repossessed motor vehicles, and replacement vehicles for wrecked, damaged or disabled vehicles*, in truckaway service, by use of wrecker equipment only, between points in Dauphin, Cumberland, York and Lancaster Counties, PA, on the one hand, and, on the other, points in CT, DE, IL, IN, ME, MD, MA, NH, NJ, NY, OH, PA, RI, TN, VT, VA, Washington, DC, and WV. (Hearing site: Harrisburg, PA.)

No. MC 123819 (Sub-No. 56F), filed March 29, 1978. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Road, Atlanta, GA 30339. Authority sought, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent phosphoric acid*, in bulk, in tank vehicles, from Blytheville, AK; Cleveland and Pontotoc, MS; and Union City, TN to points in LA and MS. (Hearing site: New Orleans, LA.)

No. MC 124117 (Sub-No. 29F), filed March 30, 1978. Applicant: EARL FREEMAN AND MARIE FREEMAN, d.b.a. MID-TENN EXPRESS, P.O. Box 101, Eagleville, TN 37060. Applicant representative: Roland M. Lowell, 618 United American Bank Building, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *glass containers* between the facilities utilized by Midland Gas Co., Inc. at or near Warner Robbins, GA on the one hand and, on the other, points in Alamance, Caswell, Chatham, Davidson, Davie, Durham, Forsyth, Guilford, Orange, Person, Randolph, Rockingham, Stokes, Surry, and Yadkin, Counties, N.C., and Bedford, Campbell, Carroll, Floyd, Franklin, Halifax, Henry, Montgomery, Patrick, Pittsylvania, Pulaski, and Roanoke Counties, VA. (Hearing site: Atlanta, GA or Nashville, TN.)

No. MC 124341 (Sub-No. 6F), filed March 29, 1978. Applicant: LAW-

RENCE LAWYER, 757 North Indiana Street, Mooresville, IN 46158. Applicant representative: Robert W. Loser II, 1009 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Expanded shale*, in bulk, from Brooklyn, IN, to points in IL, KY, MI, MO, OH, and WI. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Hydraulic Press Brick Company of Brooklyn, IN. (Hearing site: Indianapolis, IN, or Louisville, KY.)

No. MC 124624 (Sub-No. 3F), filed March 29, 1978. Applicant: EXPRESSWAY, INC., 1105 St. Louis Avenue, Louisville, KY 40210. Applicant representative: Robert H. Kinker, P.O. Box 464, Frankfort, KY 40602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and toilet preparations, articles and sundries; and premiums, equipment and supplies used in connection with the sale of said cosmetics and toilet preparations, articles and sundries*; (except commodities in bulk); (1) from the facilities of Avon Products, Inc. at Springdale, OH, to points in KY; and (2) from Louisville, KY, to points in KY, restricted to traffic originated at the facilities of Avon Products, Inc. at Springdale, OH and received from connecting carriers at Louisville, KY. (Hearing site: Louisville, KY.)

No. MC 126118 (Sub-No. 71F), filed March 28, 1978. Applicant: CRETE CARRIER CORP., P.O. Box 81228, Lincoln, NE 68501. Applicant representative: Duane W. Acklie, P.O. Box 81228, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh, brine, salted, and processed seafood and seafood products, and seafood products in mixed loads with exempt commodities*, from points in OR and WA, to points in AL, AR, CT, DE, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, NE, NC, NH, NJ, NY, OH, OK, PA, RI, SC, TN, TX, VT, VA, WV, WI, DC. (Hearing site: Seattle, WA.)

NOTE.—Common control and dual operations may be involved.

No. MC 127042 (Sub-No. 217F), filed April 1, 1978. Applicant: HAGEN INC. P.O. Box 98-Leeds Station, Sioux City, IA 51108. Applicant representative: Robert G. Tassar, P.O. Box 98-Leeds Station, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic and wooden articles, materials and supplies used in the manufacture and distribution of said commodities*, except

in bulk, Between Ford County, IL on the one hand and, on the other, points in the United States, (except AK and HI). (Hearing site: Chicago, IL.)

No. MC 129455 (Sub-No. 31F), filed March 29, 1978. Applicant: CARRETTA TRUCKING, INC., S 160, Route 17 North, Paramus, NJ 07652. Applicant representative: Charles J. Williams, 1815 Front Street, Scotch Plains, NJ 07076. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Drugs, medicines, and toilet preparations* (except in bulk) from St. Louis, MO to points in NJ, NY, and PA under a continuing contract or contracts with Bristol-Myers Products located at Hillside, NJ. (Hearing site: New York, NY.)

No. MC 133568 (Sub-No. 106F), filed March 29, 1978. Applicant: GANGLOFF & DOWNHAM TRUCKING CO., INC., P.O. Box 479, Logansport, IN, 46947. Applicant's representative: Charles W. Beinhauer, Suite 4959, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas, and agricultural commodities* otherwise exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act from Albany, NY, the Port of New York, NY and NJ, and Baltimore, MD to points in IL, IN, IA, KY, MN, MO, OH, WI. (Hearing: Boston, MA or New York, NY.)

No. MC 133689 (Sub-No. 175F), filed March 27, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Macaroni, noodles, spaghetti, vermicelli, with or without cheese, meat, vegetables, and other ingredients* used or useful in the sale of the above described commodities: (1) From Minneapolis, MN, to points in IL, IN, MI, and KY. (2) From Carnegie, PA, to Minneapolis, MN. Restriction: Restricted in part (1) to shipments originating at the facilities of the Creamette Co. and destined to the indicated destinations. Restricted in part (2) to shipments destined to the facilities of the Creamette Co. at the indicated destinations. (Hearing site: St. Paul, MN.)

No. MC 133689 (Sub-No. 179F), filed March 27, 1978. Applicant: OVERLAND EXPRESS, INC., 719 First Street SW., New Brighton, MN 55112. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor ve-

hicle, over irregular routes, transporting: *Plastic articles* (except commodities in bulk), (1) from Fitchburg, MA, to points in KY and TN; (2) from Worcester, MA, to points in ND, SD, NE, KS, MN, IA, MO, WI, IL, MI, IN, OH, VA, NC, SC, GA, KY, and TN. (Hearing site: St. Paul, MN.)

No. MC 134145 (Sub-No. 67F), filed March 29, 1978. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Hwy 1 and 59 West, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Computing machine parts*, from Cherry Hill, NJ, to Minneapolis, MN; under continuing contract or contracts with Control Data Corp. (Hearing site: St. Paul, MN.)

NOTE.—Applicant holds common carrier authority in MC 135231 and other subs, therefore dual operations may be involved.

No. MC 134145 (Sub-No. 68F), filed March 29, 1978. Applicant: NORTH STAR TRANSPORT, INC., Route 1 Hwy 1 and 59 West, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Computing machine parts*, from Erie, PA to Rochester, MI, under continuing contract or contracts with Computer Peripherals, Inc. (Hearing site: Minneapolis, MN.)

NOTE.—Applicant holds common carrier authority in MC 135231 and other subs, therefore dual operations may be involved.

No. MC 135283 (Sub-No. 34F), filed March 29, 1978. GRAND ISLAND MOVING & STORAGE CO., INC., P.O. Box 2122, 432 South Stuhler Road, Grand Island, NE 68801. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Internal combustion engines*, from Milwaukee, WI, to the facilities of Ag Tronic, Inc., at or near Kearney, NE; (2) *power shafts*, from Clinton, IA, to the facilities of Ag Tronic, Inc., at or near Kearney, NE; (3) *wheels and semi-pneumatic tires*, from Chicago Ridge, IL, to the facilities of Ag Tronic, Inc., at or near Kearney, NE; (4) *cardboard cartons*, from Butler, IN, to the facilities of Ag Tronic, Inc., at or near Kearney, NE; (5) *gears*, from Dubuque, IA, to the facilities of Ag Tronic, Inc., at or near Kearney, NE; and (6) *generator parts*, from Chicago, IL, to the facilities of Ag Tronic, Inc., at or near Kearney, NE. (Hearing site: Lincoln or Grand Island, NE.)

No. MC 135616 (Sub-No. 13F), filed: March 29, 1978. Applicant: PERRY-

BURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, OH 43551. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from the facilities of PPG Industries, Inc., at or near Mt. Holly Springs, PA, to points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with PPG Industries, Inc. (Hearing site: Pittsburgh, PA.)

No. MC 135616 (Sub-No. 14F), filed: March 29, 1978. Applicant: PERRYBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, OH 43551. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from the facilities of PPG Industries, Inc., at or near Wichita Falls, TX, to points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with PPG Industries, Inc. (Hearing site: Pittsburgh, PA.)

No. MC 135616 (Sub-No. 15F), filed: March 29, 1978. Applicant: PERRYBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, OH 43551. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated flat glass*, from the facilities of PPG Industries, Inc., located at or near Cumberland, MD, to points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with PPG Industries, Inc. (Hearing site: Pittsburgh, PA.)

No. MC 135861 (Sub-No. 31F), filed March 29, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Applicant's representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: *Medicines and drugs*, and related advertising materials and display racks, (1) from New Brunswick, Somerset, and South Plainfield, NJ to Michigan City, IN; (2) from Michigan City, IN to La Mirada, CA; and (3) from New Brunswick, Somerset, and South Plainfield, NJ to Sharonville, OH; under a continuing contract or contracts, in (1),

(2), and (3) above, with E. R. Squibb & Sons, Inc., New Brunswick, NJ. (Hearing site: Dallas, TX.)

No. MC 135874 (Sub-No. 110F), filed March 29, 1978. Applicant: LTL PERISHABLES, INC., 550 E. 5th Street So., South St. Paul, MN 55075. Applicant's representative: K. O. Petrick, 550 E. 5th Street So., South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products* (except in bulk), from the facilities of International Co-op at or near Grand Forks, ND to points in CO, CT, DE, DC, IL, IN, IA, KS, KY, ME, MD, MA, MI, MN, MO, NE, NH, NJ, NY, NC, OH, PA, RI, SC, SD, TN, VT, VA, WV, and WI. (Hearing site: Minneapolis St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 136786 (Sub-No. 136F), filed March 30, 1978. Applicant: ROBCO TRANSPORTATION, INC., 4333 Park Avenue, Des Moines, IA 50321. Applicant's representative: Stanley C. Olsen, Jr., 7525 Mitchell Road, Eden Prairie, MN 55344. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packing houses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, 766 (except hides and commodities in bulk), from the facilities of Iowa Beef Processor's Inc. at or near Denison and Ft. Dodge, IA, West Point and Dakota City, NE, and Luverne, MN, to points in NC and SC. (Hearing site: Omaha, NE or Kansas City, MO.)

No. MC 138469 (Sub-No. 60F), filed March 8, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354, Oklahoma City, OK 73107. Representative: Mr. Jack Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruit, frozen vegetables, frozen potatoes, and frozen prepared foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Merchants Refrigerating Co., at Denver, CO, to Little Rock, AR, Oklahoma City, OK, and Ft. Worth, Dallas, Lubbock, and Amarillo, TX, restricted to the transportation of shipments originating at the named origin and destined to the named destinations. (Hearing site: Denver, CO or Oklahoma City, OK.)

NOTE.—Dual operations may be involved.

No. MC 138469 (Sub-No. 65F), filed March 29, 1978. Applicant: DONCO CARRIERS, INC., P.O. Box 75354,

Oklahoma City, OK 73107. Applicant's representative: Mr. Jack Blanshan, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), as defined in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities of Wilson Foods Corp. at Oklahoma City, OK to points in CA, restricted to the transportation of traffic originating at the named origin and destined to the named destinations. (Hearing sites: Dallas, TX; Kansas City, MO.)

No. MC 139206 (Sub-No. 27F), filed March 29, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Applicant's representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum, aluminum articles and aluminum products; aluminum shapes, anodizing; doors; aluminum extensions; frames; structural shapes; storefronts; window units; panels; and building materials and supplies* (except in bulk), and (2) *materials, equipment, and supplies* used in the manufacture, assembly, sale, production, processing, distribution, packing, repair, installation, and transportation of the commodities in (1) above (except commodities in bulk), between Atlanta, GA on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract or contracts with Chromalloy American Corp.

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and the purpose of this application is to allow the shipper to substitute the contract carrier services of applicant for its private carriage activities. Applicant further states that it already holds authority to provide similar service for this contracting shipper between thirteen (13) other cities on the one hand and, on the other, points in the United States (except AK and HI). (2) Applicant also states that common control and dual operations may be involved. Common control and dual operations were approved in Docket No. MC-F-12514. (Hearing site: St. Louis, MO.)

No. MC 139206 (Sub-No. 28F), filed March 29, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Wash-

ington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum, aluminum articles and aluminum products; aluminum shapes, anodizing; doors; aluminum extensions; frames; structural shapes; storefronts; window units; panels; and building materials and supplies* (except in bulk), and (2) *materials, equipment and supplies* used in the manufacture, assembly, sale, production, processing, distribution, packing, repair, installation, and transportation of the commodities in (1) above (except commodities in bulk), between Camden, NJ on the one hand and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and the purpose of this application is to allow the shipper to substitute the contract carrier services of applicant for its private carriage activities. Applicant further states that it already holds authority to provide similar service for this contracting shipper between thirteen (13) other cities on the one hand and on the other, points in the United States (except AK and HI). (2) Applicant also states that common control and dual operations may be involved. Common control and dual operations were approved in Docket No. MC-F-12514.

No. MC 139206 (Sub-No. 29F), filed March 29, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, D.C. 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Houses and buildings, knocked down, and sections, shelving and aluminum products and parts and accessories* therefor; and (2) *materials, equipment and supplies* used in the assembly, manufacture, sale, distribution, maintenance, repair, finishing, coating, packing and transportation between Pompton Plains, NJ on the one hand and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Arrow Group Industries, Inc., a subsidiary of Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—(1) Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp., and that Arrow Group Industries, Inc., is a subsidiary of said company, and that the purpose of this application is to expand the contract carrier services of applicant so as to enable

it to serve this subsidiary of Chromalloy American Corp. Applicant further states that it holds authority to allow it to provide similar service for Chromalloy American between thirteen (13) other points, on the one hand and on the other, points in the United States (except AK and HI). (2) Applicant also states that common control and dual operations may be involved. Dual operations and common control have been approved in MC-F-12514.

No. MC 139206 (Sub-No. 30F), filed March 30, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 Eleventh Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: (1) *Glass, glass articles, glass products, doors, panels, cutters, glass cutting boards, mirror brackets, architectural panels, glass annealers, sealers, cabinets, glass pipe balls, glass blanks, acid buckets, pipe coolers, glass cylinders, door closures, aluminum extrusion, mirror boxes, aluminum, and aluminum articles, plastic circles and cases, plastic articles, pipe, tubing, gaskets, valves, piping, valve controls, and operators, tape, sinks, faucets, actuators, columns, diaphragms, fiberglass products, solvent recovery systems, store fixtures, circular dividers, glass insulation, and glass drills, and parts and accessories* therefor; and (2) *materials, equipment and supplies* used in the manufacture, processing, sale, distribution, polishing, assembly, repair, installation, packing and transportation of the commodities in (1) above (except commodities in bulk), between King of Prussia, PA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corporation of St. Louis, MO. (Hearing site: St. Louis, MO.)

NOTE.—Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and the purpose of this application is to allow the shipper to substitute the contract carrier services of applicant for its private carriage activities. Applicant further states that it already holds authority to provide similar service for this contracting shipper between thirteen (13) other cities on the one hand, and, on the other, points in the United States (except AK and HI). Common control and dual operations may be involved.

No. MC 139206 (Sub-No. 31F), filed March 30, 1978. Applicant: F.M.S. TRANSPORTATION, INC., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier*

by motor vehicle over irregular routes, transporting: (1) *Glass, glass articles, glass products, doors, panels, cutters, glass cutting boards, mirror brackets, architectural panels, glass annealers, sealers, cabinets, glass pipe balls, glass blanks, acid buckets, pipe coolers, glass cylinders, door closures, aluminum extrusion, mirror boxes, aluminum, and aluminum articles, plastic circles and cases, plastic articles, pipe, tubing, gaskets, valves, piping, valve controls, and operators, tape, sinks, faucets, actuators, columns, diaphragms, fiberglass products, solvent recovery systems, store fixtures, circular dividers, glass insulation, and glass drills, and parts and accessories therefor, and (2) materials, equipment and supplies used in the manufacture, processing, sale, distribution, polishing, assembly, repair, installation, packing and transportation of the commodities in (1) above (except commodities in bulk), between New York, NY, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corporation of St. Louis, MO. (Hearing site: St. Louis, MO.)*

NOTE.—Applicant states that it is a commonly controlled contract carrier for Chromalloy American Corp. and the purpose of this application is to allow the shipper to substitute the contract carrier services of applicant for its private carriage activities. Applicant further states that it already holds authority to provide similar service for this contracting shipper between thirteen (13) other cities on the one hand, and, on the other, points in the United States (except AK and HI). Common control and dual operations may be involved.

No. MC-139206 (Sub-No. 46F), filed March 30, 1978. Applicant: F.M.S. Transportation, Inc., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: (1) *Glass, glass articles, glass products, doors, panels, cutters, glass cutting boards, mirror brackets, architectural panels, glass annealers, sealers, cabinets, glass pipe balls, glass blanks, acid buckets, pipe coolers, glass cylinders, door closures, aluminum extrusion, mirror boxes, aluminum, and aluminum articles, plastic circles and cases, plastic articles, pipe, tubing, gaskets, valves, piping, valve controls, and operators, tape, sinks, faucets, actuators, columns, diaphragms, fiberglass products, solvent recover systems, store fixtures, circular dividers, glass insulation, and glass drills, and parts and accessories therefore, and (2) materials, equipment and supplies used in the manufacture, processing, sale, distribution,*

polishing, assembly, repair, installation, packing and transportation of the commodities in (1) above (except commodities in bulk), between Akron, OH, Butler, PA, Pittsburgh, PA, and Sunbury, PA, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)

NOTE.—Applicant states that common control and dual operations may be involved.

No. MC-139206 (Sub-No. 47F), filed March 30, 1978. Applicant: F.M.S. Transportation, Inc., Box 1597, 2564 Harley Drive, Maryland Heights, MO 64043. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street, NW., Washington, DC 20001. Authority sought by applicant to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: (1) *Glass, glass articles, glass products, doors, panels, cutters, glass cutting boards, mirror brackets, architectural panels, glass annealers, sealers, cabinets, glass pipe balls, glass blanks, acid buckets, pipe coolers, glass cylinders, door closures, aluminum extrusion, mirror boxes, aluminum, and aluminum articles, plastic circles and cases, plastic articles, pipe, tubing, gaskets, valves, piping, valve controls, and operators, tape, sinks, faucets, actuators, columns, diaphragms, fiberglass products, solvent recover systems, store fixtures, circular dividers, glass insulation, and glass drills, and parts and accessories therefore, and (2) materials, equipment and supplies used in the manufacture, processing, sale, distribution, polishing, assembly, repair, installation, packing and transportation of the commodities in (1) above (except commodities in bulk), between Buffalo, NY, Schenectady, NY, and Warren, OH, on the one hand, and, on the other, points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with Chromalloy American Corp. (Hearing site: St. Louis, MO.)*

NOTE.—Applicant states that common control and dual operations may be involved.

No. MC-139923 (Sub-No. 41F), filed March 30, 1978. Applicant: MILLER TRUCKING CO., INC., P.O. Drawer D, Stroud, OK 74079. Representative: Jack H. Blanshan, Suite 200, 205 West Touhy Avenue, Park Ridge, IL 60068. Authority sought by applicant to operate as a *common carrier* by motor vehicle over irregular routes, transporting: *Paper, paper articles, and polyethylene articles (except commodities in bulk), from the facilities of Jemco Packaging Products, Inc., at or near Jackson, TN, to points in AR, MO, KS, OK, TX and CO, restricted to the*

transportation of shipments originating at the named origins and destined to the named destinations. (Hearing site: Memphis, Nashville, TN.)

NOTE.—Applicant holds motor contract carrier authority in MC-139928 (Sub-Nos. 2 and 4), therefore, dual operations may be involved.

No. MC 140241 (Sub-No. 11F), filed March 30, 1978. Applicant: DALKE TRANSPORT, INC., P.O. Box 7, Moundridge, KS 67107. Representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *agricultural and industrial trailers from Moundridge, KS to points in the United States (except AK and HI); (2) wood burning stoves, from Moundridge, KS to points in the United States (except AK and HI); (3) grain dryers, lawn mowers and springtooth harrows, from Moundridge, KS to points in the United States (except AK and HI); (4) materials and supplies used in the manufacture of (1), (2), and (3) above from points in the United States (except AK and HI) to Moundridge, KS. Restriction: Parts (1), (2), (3), and (4) restricted to traffic originating at points of origin and destined to points of destination. (Hearing site: Kansas City, MO.)*

No. MC 141110 (Sub-No. 1F), filed March 6, 1978. Applicant: Wayne Buzzell, 3727 North Elmwood, Davenport, IA 52806. Representative: Arthur L. Buzzell, 306 Citizens Federal Building, Davenport, IA 52801. Authority sought to operate as a *contract carrier* by motor vehicle over irregular routes, transporting: *beer, wine, whiskey and advertising material (1) from Detroit, MI to Rock Island, IL; (2) from Rock Island, IL, to Des Moines, Iowa; and (3) from Chicago, IL to Rock Island, IL under a continuing contract with Baker Liquor.*

NOTE.—If a hearing is deemed necessary the Applicant requests that it be held at either Chicago, IL; Springfield, IL or Des Moines, IA.

No. MC 142083 (Sub 1F), filed, March 10, 1978. Applicant: Specialty Carrier, Inc., 589 Christman Street, P.O. Box 11229, Atlanta, GA 30310. Representative: William J. Meuser, 86 Cherry Street, P.O. Box 507, Milford, CT 06460. Authority sought to operate as a *Contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery goods; fillings, icings, toppings, and articles used in the packaging, sale, manufacture and distribution thereof, (except in bulk, in tank vehicles), (1) between Grand Rapids, MI, and Los Angeles, CA, on the one hand, and, on the other, points in MO, IA, UT, KS, NE, AZ, NM, NV, CA, WI, WA, OR, CO, OK, ID, WY, TX, AR, GA, (2) between Houston, TX, on the*

one hand, and, on the other, points in LA; and (3) between Atlanta, GA, on the one hand, and, on the other, points in AR, MI; under a contract or contracts in (1), (2), and (3) above, with Readi-Bake, Inc., of Grand Rapids, MI, Borck Country Home Bakery, Inc., of Atlanta, GA, and Jessie Lord, Inc., Los Angeles, CA. (Hearing site: Washington, DC, or New York, NY.)

No. MC 142220 (Sub-1F), filed March 30, 1978. Applicant: BAKER TRUCKING CORP., INC., 4600 Brazil Street, Los Angeles, Calif., 90029. Representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18517. Authority sought to operate as a *contract carrier*, by motor vehicle over irregular routes, transporting: *Pet supplies (except pet foods) and insect killing sprays in containers from Miami Springs, Florida to Atlanta, GA, Birmingham, AL, Memphis, TN, Harahan and New Orleans, LA, Houston, TX and Kansas City, KS under a continuing contract or contracts with Pet Chemicals, Inc. (Hearing site: Miami, FL.)*

No. MC 142455 (Sub-No. 5F), filed March 29, 1978. Applicant: RED LINE TRANSPORT CORP., 1303 Pulaski Highway Edgewood, MD 21041. Representative: Jeremy Kahn, Suite 733 Investment Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Bananas and agricultural commodities otherwise exempt from economic regulation under Section 203(b) of the Interstate Commerce Act, when moving with bananas (1) from Wilmington, DE to points in DE, MI, IN, IL, and KY; (2) from Baltimore, MD to points in NJ (except Camden and Bridgeton), CT, MA, NH, NC, OH, RI, TN, VT, WV, MI, IN, IL, and KY; (3) from points in the New York, NY Commercial Zone as defined by the Commission, to points in PA, (except Easton and Philadelphia), NJ (except Trenton, Camden, and Bridgeton), NY (except Rochester, Jamestown, and Buffalo), CT, MA, NH, NC, OH, RI, TN, VT, WV, MI, IN, IL, KY, MD, VA, and DC; and (4) from Philadelphia, PA, to points in PA, MD, NJ, NY, VA, WV, NC, KY, TN, OH, IN, IL, MI, CT, MA, NH, RI, VT, and DC. (Hearing site: New York, NY.)*

No. MC 142715 (Sub-No. 11F), filed March 29, 1978. Applicant: LENERTZ, INC., 411 Northwestern National Bank, South St. Paul, MN 55101. Representative: Andrew R. Clark, 1000 first National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier* over irregular routes, by motor vehicle, transporting: (1) *Meats, meat products, meat byproducts, dairy products and articles distributed by meat packing-*

houses, as described in Sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co. at Sioux Falls, SD, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC, and; (2) Meats, meat products, meat byproducts, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and skins and commodities in bulk), from the facilities of John Morrell & Co. at Esterville, IA to points in CT, ME, MD, MA, NH, NJ, NY, PA, RI, and VA. Restriction: Restricted to traffic originating at the above named facilities in parts (1) and (2). (Hearing Site: Chicago, IL, or Minneapolis, MN.)

No. MC 142998 (Sub-No. 1F), filed April 3, 1978. Applicant: LAUGHLIN LINES, INC., P.O. Box 11886, Reno, NV 89510. Representative: Harley E. Laughlin, Suite 264, Airport Plaza, 1755 East Plumb Lane, Reno, NV 89502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods from the facilities of and/or used by Ore-Ida Foods, Inc. and Terminal Ice and Cold Storage Co., at or near Plover, WI, to points in the United States, including AK (except HI, VT, NH, ME, WI, MI, IL, and IN), and returned, refused, and rejected merchandise in the reverse direction. Restricted to traffic originating at the named origin points and destined to the named destination States. (Hearing site: Plover, WI.)*

No. MC 143576 (Sub-No. 2F), filed March 10, 1978. Applicant: DONALD ORR & SONS, Route 37 South, West Frankfort, IL 62896. Representative: D. Michael Riva, 115 East Main Street, West Frankfort, IL 62896. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *coal, from West Frankfort, IL, to Cape Girardeau, Sikeston, and New Madrid, MO. (Hearing site: Springfield, IL, or Jefferson City, MO.)*

No. MC 144117 (Sub-No. 8F), filed March 30, 1978. Applicant: TLC LINES, INC., 1666 Fabick Drive, P.O. Box 1090, Fenton, MO 63026. Representative: Daniel C. Sullivan, 10 South LaSalle Street, Suite 1600, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper articles, and (2) adhesives and advertising materials when transported in mixed loads with the commodities named in (1) above; from Hamilton, Middletown and West Carrollton, OH, to points in the*

United States in and west of MT, WY, CO, NM, and TX (except AK and HI). Restriction: Restricted to the transportation of traffic originating at the facilities of Crystal Tissue Co., located at or near the above-named origins. (Hearing site: Chicago, IL or St. Louis, MO.)

No. MC 144140 (Sub-No. 9F), filed March 29, 1978. Applicant: SOUTHERN FREIGHTWAYS, INC., P.O. Box 374, Eustis, FL 32726. Representative: John L. Dickerson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Central heating and air-conditioning units, from the facilities of Heil-Quaker Distribution Center, Nashville, TN, to points in FL and GA. (Hearing site: Nashville, TN or Washington, DC.)*

NOTE.—Applicant holds motor contract carrier authority in MC 104589 (Sub-No. 3) and other subs; therefore, dual operations may be involved.

No. MC 144175 (Sub-No. 1), filed January 3, 1978. Applicant: BEAUVAIS LTEE, 27 St. Louis Street, LeMayne City, Chambly County, PQ, Canada. Representative: Adrien R. Paquette, 200 St. Jacques St. West, 9th floor, Montreal, PQ, H2Y1M1. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen pork rinds (except in bulk, or in tank vehicles), in refrigerated units, from ports of entry on the international boundary line between the United States and Canada, at or near Trout River and Champlain, NY; New York, NY, and Highgate Springs and Derbyline, VT, to Boston, MA, Easton, PA, and Lima, OH, restricted to the transportation of traffic moving in foreign commerce from PQ, Canada, in single-line movements. (Hearing site: Albany, NY, or Montpelier, VT.)*

No. MC 144472 (Sub-No. 1F), filed March 29, 1978. Applicant: TEXAS INTERMOUNTAIN TRANSPORTATION, INC., 6161 29th Place, Wheat Ridge, CO 80214. Representative: Edward C. Hastings, 666 Sherman Street, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes in the transportation of *Paint*, from Houston, TX and Denver, CO, to points in CO, WY, and MT, under a continuing contract with PPG Industries, Inc., at Pittsburgh, PA. (Hearing site: Washington, DC.)

No. MC 144532F, filed March 29, 1978. Applicant: ANDERSON POTATO CO., INC., 2179 Route 112, Medford, NY 11763. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Bakery products and such ingredients* used in the production of bakery products, between Bay Shore, NY, on the one hand, and, on the other, Miami, FL, and points in MI, under a continuing contract, or contracts, with Entenmann's Bakery, Inc., at Bay Shore, NY. (Hearing site: New York, NY.)

No. MC 144681 (Sub-No. 4F), filed March 29, 1978. Applicant: WINTZ MOTOR FREIGHT, INC., 656 Pelham Boulevard, St. Paul, MN 55114. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting *such merchandise* as is dealt in by wholesale and retail general mercantile establishments, and materials and supplies used in the conduct of such business (except commodities in bulk), between St. Paul, MN, on the one hand, and on the other, points in Barron, Dunn, Pierce, Polk and St. Croix Counties, WI, under a continuing contract or contracts with Montgomery Ward & Co., Inc. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 144681 (Sub-No. 5F), filed March 29, 1978. Applicant: WINTZ MOTOR FREIGHT, INC., 656 Pelham Boulevard, St. Paul, MN 55114. Representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Corrugated boxes*, knocked down flat, from Minneapolis, MN, to points in IA, ND, SD, and WI under a continuing contract or contracts with Longview Fibre Co. of Fridley, MN. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved. Applicant holds motor common carrier authority in MC-129757, therefore, dual operations may be involved.

No. MC 144697F, filed March 20, 1978. Applicant: GIBCO MOTOR EXPRESS, INC., 3405 North 33rd Street, Terre Haute, IN 47805. Representative: Norman R. Garvin, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal, limestone, and lime*, between points in IL, IN and KY, in nonradial movement. (Hearing site: Indianapolis, IN, or Chicago, IL.)

NOTE.—Dual operations may be involved. By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14535 Filed 5-24-78; 8:45 am]

[7035-01]

[Volume No. 93]

PETITIONS, APPLICATIONS, FINANCE MATTERS (INCLUDING TEMPORARY AUTHORITIES), RAILROAD ABANDONMENTS, ALTERNATE ROUTE DEVIATIONS, AND INTRASTATE APPLICATIONS.

MAY 19, 1978.

PETITIONS FOR MODIFICATION, INTERPRETATION OR REINSTATEMENT OF OPERATING RIGHTS AUTHORITY

The following petitions seek modification or interpretation of existing operating rights authority, or reinstatement of terminated operating rights authority.

All pleadings and documents must clearly specify the suffix (e.g. M1F, M2F) numbers where the docket is so identified in this notice.

An original and one copy of protests to the granting of the requested authority must be filed with the Commission on or before June 26, 1978. Such protests shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247)¹ and shall include a concise statement of protestant's interest in the proceeding and copies of its conflicting authorities. Verified statements in opposition should not be tendered at this time. A copy of the protest shall be served concurrently upon petitioner's representative, or petitioner if no representative is named.

No. MC 127681 (Sub-No. 1) (Amendment) (Notice of filing of petition to modify permit), filed May 26, 1977, published June 3, 1977 in the FEDERAL REGISTER, and republished as amended, this issue. Petitioner: JOE JONES, JR., d.b.a., JOE JONES, TRUCKING CO., 557 Lynn Valley Road, Atlanta, GA 30311. Petitioner's representative: C. Jack Pearce, 1000 Connecticut Avenue NW., Washington, DC. Petitioner holds a motor *contract carrier* Permit, issued August 17, 1967, authorizing transportation over irregular routes, of (1) *Dry chemicals*, packaged in paper bags and drums, between the facilities of Mayo Chemical Co., located in Smyrna and Dalton, GA and Chattanooga, TN; (2) *dry chemicals*, packaged in paper bags and drums, from the facilities of Mayo Chemical Co. in Smyrna and Dalton, GA and Chattanooga, TN, to customers of Mayo Chemical Co., located at points in the United States (excluding points in AK and HI); (3) *defective, rejected or repossessed chemical products* manufactured by Mayo Chemical Co., from customers of Mayo Chemical Co., located at points in the United States

¹Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

(excluding points in AK and HI) to the facilities of the Mayo Chemical Co. located in Smyrna and Dalton, GA, and Chattanooga, TN; and (4) *dry chemicals*, manufactured, packaged in paper bags and drums, from suppliers of Mayo Chemical Co., located at points in OH, MI, PA, MA, CT, NJ, NY, DE, MD, WV, and TX, to the facilities of Mayo Chemical Co. located in Smyrna and Dalton, GA, and Chattanooga, TN, and to customers of Mayo Chemical Co., located at points in the United States (excluding AK and HI), under a continuing contract or contracts with Mayo Chemical Co. By the instant petition, petitioner seeks to make the following modifications in the authority above: (I) Delete "Mayo Chemical Co. wherever it appears, and substitute therefor the "Time Chemical, Inc." (II) After the word "chemicals" and before the words "packaged in paper bags and drums" wherever they appear, add the words "and clay products." (III) Delete wherever they appear "Smyrna and Dalton, GA, and Chattanooga, TN" and substitute therefor "at or near Wrens, GA".

NOTE.—The purpose of this republication is to further amend the above authority by eliminating "Georgia-Tennessee Mining Co., a subsidiary of the Hartz Mountain Corp." as previously substituted for the "Mayo Chemical Co." as the proposed shipper.

No. MC 139495 (Sub-Nos. 6 and 193) (M1) (Notice of filing of a petition to modify certificates by adding two origin points), filed January 20, 1978. Petitioner: NATIONAL CARRIERS, INC., 1501 East 8th Street, P.O. Box 1358, Liberal, KS 67901. Petitioner's representatives: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Petitioner holds motor *common carrier* certificates in No. MC 139495 (Sub-Nos. 6 and 193), issued September 23, 1975, and April 12, 1978, respectively, authorizing transportation, over irregular routes, as follows: In No. MC 139495 (Sub-No. 6), of *Lawn and garden products*, (except in bulk), from the facilities utilized by O. M. Scott & Sons Co., Inc., located at or near Marysville, OH, to points in MO, (except St. Louis), NE, KS, OK, TX, CO, NM, MT, WY, ID, UT, AZ, WA, OR, CA, and NV; and in No. MC 139495 (Sub-No. 193) of *Lawn and garden products* (except in bulk), from the facilities of O. M. Scott & Sons located at or near Marysville, OH, to points in ME, NH, VT, MA, CT, RI, NY, PA, NJ, DE, MD, DC, VA, WV, SC, GA, FL, MS, LA, AR, IA, and MN (except points in the Minneapolis-St. Paul Commercial Zone). By the instant petition, petitioner seeks to modify the above certificates by adding Columbus and Vermillion, OH as origin points.

REPUBLICATIONS OF GRANTS OF OPERATING RIGHTS AUTHORITY PRIOR TO CERTIFICATION

The following grants of operating rights authorities are republished by order of the Commission to indicate a broadened grant of authority over that previously noticed in the FEDERAL REGISTER.

An original and one copy of a petition for leave to intervene in the proceeding must be filed with the Commission on or before June 26, 1978. All pleadings and documents must clearly specify the "F" suffix where the docket is so identified in this notice. Such pleading shall comply with Special Rule 247(e) of the Commission's General Rules of Practice (49 CFR 1100.247) addressing specifically the issue(s) indicated as the purpose for republication, and including copies of intervenor's conflicting authorities and a concise statement of intervenor's interest in the proceeding setting forth in detail the precise manner in which it has been prejudiced by lack of notice of the authority granted. A copy of the pleading shall be served concurrently upon the carrier's representative, or carrier if no representative is named.

No. MC 73165 (Sub-No. 420) (Republication), filed October 24, 1977, published in the FEDERAL REGISTER issue of December 22, 1977, and republished this issue. Applicant: EAGLE MOTOR LINES, INC., 830 North 33rd Street, Birmingham, AL 35202. Applicant's representative: John W. Cooper, Suite 200, Woodward Building, 1927 1st Avenue, North, Birmingham, AL 35203. An Order of the Commission, Review Board No. 1, decided April 26, 1978, and served May 8, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of *Composition board and materials and supplies* used in the installation of composition board, from the facilities of the United States Gypsum Co., located at or near Greenville, MS, to points in TX, and those points in the United States in and east of MN, IA, MO, AR and LA, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity description.

No. MC 113678 (Sub-No. 667) (Republication), filed June 27, 1977, published in the FEDERAL REGISTER issue of August 18, 1977, and republished this issue. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Applicant's representative: Roger M. Shaner, (Same address as

applicant). An Order of the Commission, Review Board No. 3, decided April 7, 1978, and served April 26, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of *Coffee, coffee products and beverage preparations* (except commodities in bulk, in tank vehicles), from Edgewater, NJ, to points in AZ, CA, IA, MT, NV, OR, UT, WA and WY, restricted to the transportation of shipments originating at the facilities of Hills Bros., Coffee, Inc., that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity description, modify the territorial description, and add a restriction.

No. MC 114569 (Sub-No. 175) (Republication), filed April 1, 1977, published in the FEDERAL REGISTER issue of May 26, 1977, and republished this issue. Applicant: SHAFFER TRUCKING, INC., P.O. Box 418, New Kingstown, PA 17072. Applicant's representative: N. L. Cummins (same address as applicant). An Order of the Commission, by the initial decision, served March 13, 1978, effective April 27, 1978, finds that the present and future public convenience and necessity require operation, by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles, equipped with mechanical refrigeration, from Kansas City, MO, to points in CT, MD, MA, NJ, NY, OH, PA, VT, VA, and WV, restricted to traffic originating at the named origin and destined to points in the destination states; that applicant is fit, willing, and able properly to perform the granted service and to conform to the requirements of the Interstate Commerce Act and the Commission's regulations. The purpose of this republication is to modify the commodity description and add a restriction.

No. MC 139420 (Sub-No. 21) (Republication), filed August 26, 1977, published in the FEDERAL REGISTER issue of October 6, 1977, and republished this issue. Applicant: ART GREENBERG, d.b.a. GLACIER TRANSPORT, an individual, P.O. Box 428, Grand Forks, ND 58201. Applicant's representative: James B. Hovland, P.O. Box 1637, 414 Gate City Building, Fargo, ND 58102. An Order of the Commission, Review Board No. 1, decided April 21, 1978, and served April 26, 1978, finds that the present and future public convenience and necessity require operations by applicant in

interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of: (1) *Agricultural commodity processing equipment, and agricultural commodity processing machinery*; and (2) *unrelated parts and accessories* used with the commodities described in (1), from Thief River Falls, MN, to points in CA, that applicant is fit, willing, and able to properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity description.

No. MC 142560 (Sub-No. 2) (Republication), filed April 8, 1977, published in the FEDERAL REGISTER issue of June 23, 1977, and republished this issue. Applicant: WALTER G. HAAS AND MERRILL ERVIN, a partnership, d.b.a. B. & W. CHARTER SERVICE, P.O. Box 94, Reddick, IL 60961. Applicant's representative: Walter G. Haas (same address as applicant). An Order of the Commission, Review Board No. 1, decided January 31, 1978, and served February 15, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier*, over irregular routes, in the transportation of: *Passengers and their baggage*, in charter operations, beginning and ending at points in Kankakee, Livingston, La Salle, and McLean Counties, IL, and extending to points in IL, IN, IA, KY, MI, MO, and WI, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations. The purpose of this republication is to broaden the commodity and territorial description.

No. MC 143441 (Sub-No. 2) (Republication), filed August 29, 1977, published in the FEDERAL REGISTER issue of October 14, 1977, and republished this issue. Applicant: AARDEMA CARTAGE, INC., P.O. Box 578, Midlothian, IL 60445. Applicant's representative: Philip A. Lee, 120 West Madison, Chicago, IL 60602. An Order of the Commission, Review Board No. 2, decided April 17, 1978, and served May 3, 1978, finds that the present and future public convenience and necessity require operations by applicant in interstate or foreign commerce as a *common carrier* over irregular routes, in the transportation of: (1) *Scrap raw stock leather*, from Chicago, IL, to Milwaukee, WI; and (2) *raw stock leather*, from Fond du Lac, Milwaukee, and Sheboygan, WI, and Redwing, MI, to Chicago, IL, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regu-

lations. The purpose of this republication is to modify the commodity description.

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER OPERATING RIGHTS APPLICATIONS

The following applications are governed by Special Rule 247 of the Commission's General Rules of Practice (49 CFR §1100.247). These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after the date of notice of filing of the application is published in the FEDERAL REGISTER. Failure to seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with Section 247(e)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use a such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(e)(4) of the special rules, and shall include the certification required therein.

Section 247(f) further provides, in part, that an applicant who does not intend timely to prosecute its application shall promptly request dismissal thereof, and that failure to prosecute an application under procedures ordered by the Commission will result in dismissal of the application.

Further processing steps will be by Commission order which will be served on each party of record. *Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the Federal Register of a notice that the proceeding has been assigned for oral hearing.*

Each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

No. MC 4687 (Sub-No. 18F), filed March 30, 1978. Applicant: BURGESS & COOK, INC., P.O. Box 458, (21 North 2nd Street), Fernandina Beach, FL 32034. Representative: Archie B. Culbreth, Suite 202, 2200 Century Parkway, Atlanta, GA 30345. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic articles and materials* (except in bulk); and (2) *equipment and supplies* used in the manufacture and distribution of commodities named in (1) above, between the facilities of Mobil Chemical Co., Plastics Division in Newton, Fulton, DeKalb and Rockdale Counties, GA, and points in AL, FL, KY, LA, MS, NC, SC, TN, VA and WV, in a non-radial movement. (Hearing site: Atlanta, GA.)

No. MC 37248 (Sub-No. 24F), filed March 30, 1978. Applicant: VIRGINIA-CAROLINA FREIGHT LINES, INC., V-C Drive, P.O. Box 4988, Martinsville, VA 24112. Representative: Terrell C. Clark, P.O. Box 4988, Martinsville, VA 24112. Authority sought to operate as a *common carrier* over irregular routes, transporting: *Synthetic fiber, yarn, woodpulp, empty cones, spools, racks and beams*, between Front Royal, VA, Radford, VA, and Nitro, WV, on the one hand, and, on the other, points in GA, SC, and Shelbyville, TN. (Hearing site: Washington, D.C.)

NOTE.—Common control may be involved.

No. MC 41406 (Sub-No. 69F), filed March 30, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, Hammond, IN 46323. Representative: E. Stephen Heisley, 666 11th Street NW., No. 805, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Industrial ventilating systems* from Batavia, OH, to points in MN, WI, IA, MO, KY, DC, IL, IN, MI, WV, VA, MD, PA, NY, and DE; and (2) *materials, equipment, and supplies* used in the manufacture, installation, distribution or sale of industrial ventilating systems (except in bulk) from points in (1) above to Batavia, OH. (Hearing site: Pittsburgh, PA.)

No. MC 55896 (Sub-No. 68F), filed March 30, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Castings* from East Jordan, MI, and Fort Atkinson, WI., to Siloam Springs, AR; and (2) *castings; wheels; wheel assemblies and accessories; and material, equipment and supplies* used in the manufacture of cast-

ings; wheels; and wheel assemblies and accessories between Lebanon, IN, on the one hand, and, on the other, Siloam Springs, AR, and Fort Atkinson, WI. (Hearing site: Indianapolis, IN.)

NOTE.—Common control may be involved.

No. MC 55896 (Sub-No. 69F), filed March 30, 1978. Applicant: R-W SERVICE SYSTEM, INC., 20225 Goddard Road, Taylor, MI 48180. Representative: George E. Batty (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum castings and automotive parts*, from Bedford, IN, to points in MI and OH; and (2) *scrap metals and materials and supplies* used in the production and transportation of aluminum casings and automotive parts, from points in MI, and OH, to Bedford, Needmore and Wabash, IN. Restricted in (1) and (2) above to traffic originating at or destined to the facilities of General Motors Corp. at the named origins and the named destinations. (Hearing site: Detroit, MI.)

NOTE.—Common control may be involved.

No. MC 61403 (Sub-No. 253F), filed March 30, 1978. Applicant: THE MASON & DIXON TANK LINES, INC., Highway 11-W, P.O. Box 969, Kingsport, TN 37662. Representative: W. C. Mitchell, Suite 1201, 370 Lexington Avenue, New York, NY 10017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from the facilities of Jefferson Chemical Co., Inc., located at or near Port Neches, TX, Youens, Montgomery County, TX, and Austin, TX, to points in the United States (except AK and HI). Restricted to shipments originating at the designated facilities of Jefferson Chemical Co., Inc. (Hearing site: Houston, TX or New Orleans, LA.)

NOTE.—Common control may be involved.

No. MC 66746 (Sub-No. 21F), filed March 27, 1978. Applicant: SHIPPERS EXPRESS, INC., 1651 Kerr Drive, Jackson, MS 39204. Representative: Harold D. Miller, Jr., P.O. Box 22567, Jackson, MS 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), (1) between the MS-TN State line and the MS-LA State line, from the MS-TN State line over U.S. Hwy 61 to the MS-LA State line and return over the same route. (2) Between New Orleans, LA and the MS-TN State line, from New Orleans

over U.S. Hwy 61 (also over Interstate Hwy 10) to the junction of U.S. Hwy 51 (also Interstate Hwy 55) at or near Laplace, LA then over U.S. Hwy 51 (also Interstate Hwy 55) to the MS-TN State line and return over the same route. (3) Between the MS-TN State line and the MS-AL State line, from the MS-TN State line over U.S. Hwy 45 (also alt. U.S. Hwy 45) to the MS-AL State line and return over the same route. (4) Between the MS-AR State line and the MS-AL State line, from the MS-AR State line over U.S. Hwy 82 to the MS-AL State line and return over the same route. (5) Between Tupelo MS and the MS-TN State line, from Tupelo over U.S. Hwy 78 to the MS-TN State line and return over the same route. (6) Between Clarksdale and Tupelo, MS, from Clarksdale over MS Hwy 6 to Tupelo and return over the same route. (7) Between the MS-LA State line and the MS-AL State line, from the MS-LA State line over U.S. Hwy 80 (also Interstate Hwy 20) to the MS-AL State line and return over the same route. (8) Between Clarksdale and Gulfport, MS, from Clarksdale over U.S. Hwy 49 (also U.S. Hwy 49E and U.S. Hwy 49W) to Gulfport, and return over the same route. (9) Between Tchula and Okolona, MS, from Tchula over MS Hwy 12 to Ackerman, then over MS Hwy 15 to the intersection of MS Hwy 32, then over MS Hwy 32 to Okolona, and return over the same route. (10) Between Lexington, MS and the intersection of MS Hwy 17 with U.S. Hwy 51 (also Interstate Hwy 55), from Lexington over MS Hwy 17 to the intersection of U.S. Hwy 51 (also Interstate Hwy 55) and return over the same route. (11) Between Canton and Philadelphia, MS, from Canton over MS Hwy 18 to Philadelphia, and return over the same route. (12) Between the MS-AL State line and New Orleans, LA, from the MS-AL State line over U.S. Hwy 11 (also Interstate Hwy 59 and Interstate Hwy 10) to New Orleans, and return over the same route. (13) Between Magee and Laurel, MS, from Magee over MS Hwy 28 to Laurel, and return over the same route. (14) Between Fayette and Hazlehurst, MS, from Fayette over MS Hwy 28 to Hazlehurst, and return over the same route. (15) Between Washington and Summit, MS, from Washington over U.S. Hwy 84 and 98 to Bude, then over U.S. Hwy 98 to Summit, and return over the same route. (16) Between Woodville and McComb, MS, from Woodville over MS Hwy 24 to Centerville, then over MS Hwy 48 to Liberty, then over MS Hwy 24 and 48 to McComb, and return over the same route. (17) Between Fayette, MS and New Orleans, LA, from Fayette over MS Hwy 33 to the MS-LA State line, then over LA Hwy 19 to Scottdale, LA, then over

U.S. Hwy 61 to New Orleans, and return over the same route. (18) Between New Orleans, LA and the MS-LA State line, from New Orleans over U.S. Hwy 90 (also Interstate Hwy 10) to the MS-AL State line and return over the same route. Serving all intermediate points on routes (1) through (18) above, and all other points in MS as off-route points. Restriction: Service at points in MS is restricted to those portions of the commercial zones as defined by the Commission physically located in MS. (Hearing site: Tupelo, MS, Jackson, MS, and New Orleans, LA.)

NOTE.—Applicant does not seek duplicating authority.

No. MC 82492 (Sub-No. 190F), filed March 29, 1978. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., 2109 Olmstead Road, P.O. Box 2853, Kalamazoo, MI 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), from the facilities of Rich Products Corp. at Buffalo, NY, to points in IL, IN, IA, MI, MN, OH, and WI. (Hearing site: Washington, DC.)

No. MC 94201 (Sub-No. 161F), filed March 28, 1978. Applicant: BOWMAN TRANSPORTATION, INC., P.O. Box 17744, Atlanta, GA 30316. Applicant's representative: Maurice F. Bishop, 601-09 Frank Nelson Building, Birmingham, AL 35203. Authority sought, as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Canton, MS, as an off-route point in connection with applicant's existing regular-route authority between Meridian, MS, and Ft. Worth, TX. (Hearing site: Jackson, MS.)

No. MC 102616 (Sub-No. 944F), filed March 29, 1978. Applicant: COASTAL TANK LINES, INC., 250 North Cleveland-Massillon Road, Akron, OH 44313. Applicant's representative: David F. McAllister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk (1) from Wood River, IL, to points in IN; and (2) from Evansville, IN, to points in IL and KY. (Hearing site: Columbus, OH or Chicago, IL.)

No. MC 105045 (Sub-No. 82F), filed March 30, 1978. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building,

Washington DC 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Refrigeration condensers and cooling equipment*, from the facilities of Evapco, Inc., at Baltimore, MD, to points in the United States (except AK, HI, GA, FL, AL, IL, MI, IN, KY, OH, AR, IA, KS, LA, MS, MO, NE, OK, TX, TN, and WI). (Hearing site: Washington, DC.)

No. MC 105045 (Sub-No. 83F), filed March 30, 1978. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington DC 20005. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Knocked-down steel buildings and parts thereof*, from Houston, TX, to points in the United States in and east of ND, SD, NE, KS, OK, and TX. (Hearing site: Houston, TX.)

No. MC 107107 (Sub-No. 466F), filed March 30, 1978. Applicant: ALTERNATE TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Foods and foodstuffs*, (except in bulk), from points in DE, MD, and DC, to points in GA, FL, NC, SC, and TX. (Hearing site: Washington, DC.)

No. MC 107496 (Sub-No. 1140F), filed March 27, 1978. Applicant: RUAN TRANSPORT CORP., 3200 Ruan Center, 666 Grand Avenue, Des Moines, IA 50309. Applicant's representative: E. Check, P.O. Box 855, Des Moines, IA 50304. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Bristol, WI, to points in IL, IN, IA, MI, MN, MS, MO, and TX. (Hearing site: Des Moines, IA, or Madison, WI.)

NOTE.—Common control may be involved.

No. MC 111785 (Sub-No. 61F), filed March 30, 1978. Applicant: BURNS MOTOR FREIGHT, INC., P.O. Box 149, U.S. Hwy 219 North, Marlinton, WV 24954. Applicant's representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Elkins, WV, to points in CT, DE, ME, MD, MA, NH, NJ, NY, OH, PA, RI, VT, VA, and DC. (Hearing site: Washington, DC.)

No. MC 111785 (Sub-No. 62F), filed March 30, 1978. Applicant: BURNS

MOTOR FREIGHT, INC., P.O. Box 149, U.S. Hwy 219 North, Marlinton, WV 24954. Applicant's representative: Theodore Polydoroff, Suite 301, 1307 Dolley Madison Boulevard, McLean, VA 22101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, with no exceptions, between points in Pocahontas County, WV, on the one hand, and, on the other, points in the United States in and east of MN, IA, MO, AR, and LA. (Hearing site: Charleston, WV.)

No. MC 113678 (Sub-No. 743F), filed March 30, 1978. Applicant: CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022. Representative: Roger M. Shaner (Same as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages* (except commodities in bulk in tank vehicles), from Baltimore, MD, to Atlanta, GA; Jacksonville, Miami, Pensacola, and Tampa, FL; and Columbia, SC, restricted to traffic originating at and destined to the named points. (Hearing site: Baltimore, MD or Washington, DC.)

No. MC 117574 (Sub-No. 303F), filed March 29, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: James W. Hagar, P.O. Box 1166, 100 Pine Street, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cranes, incidental machinery, attachments, accessories and parts used in connection with cranes*. Between points in the United States (except AL and HI). Restriction: Restricted to the transportation of shipments originating at or destined to the facilities of Essex Crane Rental Corp. or moved on freight bills issued to Essex Crane Rental Corp. (Hearing site: Birmingham, AL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 117574 (Sub-No. 307F), filed March 30, 1978. Applicant: DAILY EXPRESS, INC., P.O. Box 39, 1076 Harrisburg Pike, Carlisle, PA 17013. Representative: E. S. Moore, Jr. (Same Address as Applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bituminous fiber pipe and conduit, and accessories*. From West Bend, WI to points in IL, IN, IA, KY, MI, MN, MO, OH, TN and WI. (Hearing site: Chicago, IL or Washington, DC.)

NOTE.—Common control may be involved.

No. MC 119176 (Sub-No. 19) (Correction) filed January 9, 1978, published in the *FEDERAL REGISTER* issue of March 16, 1978, and republished as corrected, this issue. Applicant: THE

SQUAW TRANSIT CO., a Corporation, P.O. Box 9368, Tulsa, OK 74107. Applicant's representative: Clayte Binlon, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicles, over irregular routes, transporting: (1) *Machinery, equipment, materials and supplies*, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products; (2) *Machinery, materials, equipment and supplies*, used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof; and (3) *Earth drilling machinery and equipment, and machinery, equipment, materials, supplies and pipe*, incidental to, used in, or in connection with, (a) the transportation, installation, removal, operation, repair, servicing, maintenance and dismantling of drilling machinery, and equipment; (b) the completion of holes or wells drilled; (c) the production, storage and transmission of commodities resulting from drilling operations at well or hole sites; and (d) the injection or removal of commodities into or from holes or wells. Between points in OK, TX, KS, LA, OH, CO, NM, MO, MI, WY, UT, AR, MS and MT, on the one hand, and, on the other, points in PA and VA. (Hearing site: Oklahoma City or Tulsa, OK.)

NOTE.—The purpose of this republication indicated in part (d) of the application service between points in OK, TX, KS, LA, and OH was omitted in the previous publication.

No. MC 120761 (Sub-No. 36F), filed March 30, 1978. Applicant: NEWMAN BROS. TRUCKING CO., a corporation, 6559 Midway Road, P.O. Box 18728, Fort Worth, TX 76118. Representative: Clint Oldham, 1108 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and Steel Articles*, from the facilities of The Chapparral Steel Co., located at or near Midlothian, TX to points in the United States (except AK and HI); and (2) *Materials, Supplies and Equipment* used in or in connection with the production or manufacture of iron and steel articles, from points in the United States (except AK and HI), to the facilities of Chapparral Steel Co., located at or near Midlothian, TX. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 120909 (Sub-No. 3) (Amendment), filed December 1, 1977, published in the *FEDERAL REGISTER* issue of February 2, 1978, and republished

as amended, this issue. Applicant: ISLAND CARTAGE CO., INC., 5801 S. Cicero Avenue, Chicago, IL 60638. Applicant's representative: James R. Madler, 120 West Madison Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank or hopper type vehicles; and commodities which because of size and weight, require special equipment or handling), between points in McHenry, Lake, DeKalb, Kane, Cook, DuPage, Kendall, Will, LaSalle, Grundy, Kankakee, and Iroquois Counties, IL and (2) between points in McHenry, Lake, KeKalb, Kane, Cook, DuPage, Kendall, Will, LaSalle, Grundy, Kankakee, and Iroquois Counties, IL, on the one hand, and, on the other points in IL. (Hearing Site: Chicago, IL.)

NOTE.—Republication is made to clarify the territory in which service is proposed. The purpose of this application is to convert applicant's certificate of registration to a certificate of public convenience and necessity.

No. MC 123819 (Sub-No. 52F), (correction), filed February 22, 1978, published in the *FEDERAL REGISTER* issue of April 6, 1978, and republished as corrected, this issue. Applicant: ACE FREIGHT LINE, INC., P.O. Box 16589, Memphis, TN 38116. Representative: Bill R. Davis, Suite 101—Emerson Center, 2814 New Spring Rd., Atlanta, GA 30339. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid feed and liquid feed ingredients*, in bulk, in tank vehicles, from Indianola, MS to points in MO. (Hearing site: Jackson, MS.)

NOTE.—The purpose of this republication is to reflect the origin point as Indianola, MS, in lieu of Indianapolis, MS.

No. MC 124078 (Sub-No. 789F), filed March 30, 1978. Applicant: SCHWEERMAN TRUCKING CO., a corporation, 611 South 28 Street, Milwaukee, WI 53215. Representative: Richard H. Prevette, P.O. Box 1601, Milwaukee, WI 53201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in LA, to points in AL, AR, FL, GA, LA, MS, OK, and TX.

NOTE.—If a hearing is deemed necessary, applicant requests that it be held at St. Louis, MO. Common control may be involved.

No. MC 126320 (Sub-No. 8F), filed March 30, 1978. Applicant: DETTINBURN TRUCKING, INC., Box 24, Route 3, Petersburg, WV 26847. Representative: Daniel B. Johnson, 4304 East-West Highway, Washington, DC 20014. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Lime, limestone and limestone products, and sand, in bulk in bags, (1) from points in Pendleton County, WV, to points in Mineral County, WV; and (2) from points in Pendleton County, WV to points in WV in and north of Wood, Ritchie, Doddridge, Harrison, Taylor, and Preston Counties, WV and Mineral County, WV, and points in NC; and (3) from points in Pendleton County, WV to points in NC. (Hearing site: Washington, DC.)

No. MC 133220 (Sub-No. 13F), filed March 30, 1978. Applicant: RECORD TRUCK LINE, INC., P.O. Box 2646, Jackson, TN 38301. Representative: R. Connor Wiggins, Jr., Suite 909, 100 North Main Bldg., Memphis, TN 38103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building materials and pipe, cement containing asbestos fibre*, from Waukegan, IL to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX; (2) *insulation board*, from Alexandria, IN and Rockdale, IL to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX; (3) *plastic pipe and pipe fittings*, from Jackson, TN to points in AL, AR, FL, GA, IL, IN, IA, KY, LA, MS, MO, OH, OK, TX and WI; (4) *plastic pipe and pipe fittings*, from Wilton, IA, to points in AL, AR, FL, GA, KY, LA, MS, NC, OK, SC, TN and TX; and (5) *insulation board*, from the plant site on Johns-Manville Corp. located at or near Woodstock, VA, to points in FL, GA, KY, NC, SC, TN, WV and AL. Under a continuing contract or contracts with Johns-Manville Sales Corp. (Hearing site: Chicago, IL.)

NOTE.—Applicant holds motor common carrier authority in MC 125227 Sub 2, and other subs thereunder, therefore dual operations may be involved.

No. MC 134477 (Sub-No. 233), filed March 30, 1978. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Representative: Robert P. Sack, P.O. Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing paper*, other than newsprint, not printed (except commodities in bulk), from Watervliet and Sodas, MI to points in CO, IA, KS, MN, MO, NE, ND, SD, and WI. (Hearing site: Minneapolis, MN.)

No. MC 135616 (Sub-No. 16F), filed March 29, 1978. Applicant: PERRYBURG TRUCKING CO., INC., 24982 Thompson Road, Perrysburg, OH, 43551. Representative: E. Stephen Heisley, 805 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncracked flat glass*, from the facilities

of PPG Industries, Inc., located at or near Crystal City, MO, to points in the United States (except AK and HI), restricted to the transportation of traffic moving under a continuing contract, or contracts, with PPG Industries, Inc. (Hearing site: Pittsburgh, PA.)

No. MC 135684 (Sub-No. 73F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, in containers, (a) from Battle Creek, MI; Lancaster, OH and Sharonville, OH, to points in CT, DE, ME, MD, MA, NJ, NY, PA, RI, VA and DC; and (b) between the plant sites and storage facilities of Ralston Purina Co., located at or near Dunkirk, NY, and Mechanicsburg, PA. (Hearing site: Washington, DC or Newark, NJ.)

No. MC 135684 (Sub-No. 74F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk) from the facilities utilized by Wilson Products Co., at Neshanic, NJ, to points in IL, IN, MI, and OH. (Hearing site: Washington, DC or Newark, NJ.)

No. MC 135684 (Sub-No. 75F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Office equipment and supplies; materials, supplies and equipment* used in the manufacture, sale and distribution of office equipment and supplies (except in bulk), between the facilities of Burroughs Corp., located at or near Bardonia, NY; City of Industry, CA; Park Ridge, NJ; and Rochester, NY. (Hearing site: Washington, DC or Newark, NJ.)

No. MC 135684 (Sub-No. 78F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: (1) *Such commodities* as are dealt in by retail and chain grocery, hardware and drug stores, in containers, from St. Louis, MO, to points in FL and GA; and (2) *materials, supplies and equipment* used in the manufacture, sale and distribution of the commodities described in (1) above (except in bulk), from the above-named destination States, to the above-named origin. (Hearing site: Washington, DC or Newark, NJ.)

No. MC 135684 (Sub-No. 79F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals* (except in bulk), from Easton and Nazareth, PA, and Harrison and Phillipsburg, NJ, to the facilities of Jeffrey Chemical Co., Inc., at Wilmington, MA. (Hearing site: Washington, DC, or Newark, NJ.)

No. MC 135684 (Sub-No. 80F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic products*, from the facilities utilized by Tenneco Chemicals, Inc., at East Rutherford, NJ, to Stoughton, MA. (Hearing site: Washington, DC, or Newark, NJ.)

No. MC 135684 (Sub-No. 81F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities* as are dealt in by retail and chain grocery, hardware and drug stores, in containers, from the facilities of Purex Corp., at points in Los Angeles and Orange Counties, CA, to points in WA, OR, CO, UT, TX, AZ, NV, ID, and NM; and (2) *materials, supplies, and equipment* used in the manufacture, sale and distribution of the commodities described in (1) above (except in bulk), from the destination in (1) above, to the origin in (1) above. (Hearing site: Washington, DC, or Newark, NJ.)

No. MC 135684 (Sub-No. 82F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by

motor vehicle, over irregular routes, transporting: (1) *Chemicals, sodium bicarbonate, sodium carbonate, and cleaning, scouring, and washing products* (except in bulk), from the facilities utilized by Church and Dwight Co., Inc., at or near Syracuse, NY, to CT, DC, DE, MA, MD, ME, MI, NH, NJ, NY, OH, PA, RI, and VA; and (2) *Materials and equipment* used in the manufacture, sale and distribution of commodities described in (1) above (except commodities in bulk), from the destination States in (1) above to the origin in (1) above. (Hearing site: Washington, DC, or Newark, NJ.)

No. MC 135684 (Sub-No. 83F), filed March 30, 1978. Applicant: BASS TRANSPORTATION CO. INC., P.O. Box 391, Old Croton Road, Flemington, NJ 08822. Representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soap*, from the facilities of Purex Corp., at Omaha, NE, to points in PA, MO, IL, NY and MA. (Hearing site: Washington, DC, or Newark, NJ.)

No. MC 135861 (Sub-No. 30F), filed March 29, 1978. Applicant: LISA MOTOR LINES, INC., P.O. Box 4550, Fort Worth, TX 76106. Representative: Billy R. Reid, P.O. Box 9093, Fort Worth, TX 76107. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tea*, from Brooklyn, NY, to Dallas, TX, under continuing contract, or contracts, with Eastern Tea Corp., Brooklyn, NY. (Hearing site: Dallas, TX or New York, NY.)

No. MC 135874 (Sub-No. 114F), filed March 30, 1978. Applicant: LTL PERISHABLES, INC., 550 East 5th Street South, South St. Paul, MN 55075. Representative: K. O. Petrick, 550 East 5th Street South, South St. Paul, MN 55075. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Alcoholic beverages, such commodities as are dealt in by distributors of alcoholic beverages and materials, supplies and equipment* used in the sale of alcoholic beverages (except commodities in bulk); from points in AL, AZ, AR, CA, CO, CT, DE, DC, FL, GA, ID, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MS, MO, MT, NE, NV, NH, NJ, NM, NY, OH, OK, OR, PA, RI, TN, TX, UT, VT, VA, WA, WV, and WY, to points in MN, ND, SD and those points on and north of U.S. Hwy 151 in WI. (2) *Malt beverages, advertising materials and supplies* (except commodities in bulk), from Milwaukee, WI, to points in SD. (Hearing site: Minneapolis or St. Paul, MN.)

NOTE.—Common control may be involved.

No. MC 135895 (Sub-No. 17F) (correction), filed February 8, 1978, pub-

lished in the *FEDERAL REGISTER* issue of March 30, 1978, and republished as corrected, this issue. Applicant: B & R DRAYAGE, INC., P.O. Box 8534, Battlefield Station, Jackson, MS 39204. Representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prestressed concrete products and materials, equipment, machinery and supplies*, used in the manufacture, construction and installation of prestressed concrete products (except commodities in bulk); between the plant sites and warehouses of Biloxi Prestress Concrete, Inc. located at or near Biloxi, MS, on the one hand, and, on the other, points in AL, AR, FL, LA, MS, and TN. (Hearing site: Biloxi or Jackson, MS.)

NOTE.—The purpose of the republication to correct applicant's name as B & R Drayage, Inc. in lieu of Adams Lines, Inc. as previously published.

No. MC 139482 (Sub-No. 47F), filed March 30, 1978. Applicant: NEW ULM FREIGHT LINES, INC., County Road 29 West, New Ulm, MN 56073. Representative: Samuel Rubenstein, 301 North 5th Street, Minneapolis, MN 55403. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except commodities in bulk), (1) from the facilities used by the Green Giant Co., at points in Dodge, Fond du lac, Jefferson, Washara, Milwaukee and Columbia Counties, WI, to points in IL, IN, OH, MI, KY, TN, and MO; and (2) from the facilities of the Green Giant Co., at or near Belvidere, IL, to points in OH, IN, MI, KY, WV, WI, MO, TN, MS, NJ, Sharon PA, and New York, NY. Restricted in (1) and (2) above to traffic originating at the above named origins and destined to the above named destinations. (Hearing site: Minneapolis or St. Paul, MN.)

No. MC 140033 (Sub-No. 45F), filed March 30, 1978. Applicant: COX REFRIGERATED EXPRESS, INC., 10606 Goodnight Lane, Dallas, TX 75220. Representative: D. Paul Stafford, Suite 1125 Exchange Park, P.O. Box 45538, Dallas, TX 75245. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Merchandise* dealt in by wholesale, retail, chain grocery and food business houses (except in bulk, in tank vehicles) in mechanically refrigerated equipment, from the facilities of Kraft, Inc. at Garland, TX to points in LA, MS, TN, AR, OK, KS and MO.

NOTE.—Applicant holds contract carrier authority in MC 142296, therefore dual operations may be involved. (Hearing site: Dallas, TX.)

No. MC 142059 (Sub-No. 22F), filed March 30, 1978. Applicant: CARDI-

NAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum and aluminum products* (except in bulk), from (a) the facilities of Eastalco Aluminum Co., at or near Buckeystown, MD, to points in AL, AR, GA, FL, IL, IN, LA, MI, MN, MS, MO, NJ, NY, NC, OH, OK, PA, SC, TN, TX, WI and VA; (b) the facilities of Noranda Aluminum Co., at or near New Madrid, MO, to the facilities of Howmet Aluminum Corp., at Lancaster, PA, and Magnolia, AR, and Rockwall, TX; (c) the facilities of Revere Copper & Brass, Inc., Scottsboro Aluminum Reduction Division, at or near Scottsboro, AL, to the facilities of Howmet Aluminum Corp., at Lancaster, PA, Magnolia, AR, and Rockwall, TX; (d) the facilities of National Southwire Aluminum Co., at or near Hawesville, KY, to the facilities of Howmet Aluminum Corp., at Lancaster, PA, Magnolia, AR, and Rockwall, TX; (e) the facilities of Intalco Aluminum Co., at or near Ferndale, WA, to points in OR, CA, AZ, TX, OK, MN, IA, MO, AR, LA, WI, IL, MS, AL, GA and WA; (f) Los Angeles, CA, to points in AZ, OK and TX; and (g) the Port of Houston, TX, Rockwall, TX, and Magnolia, AR, to points in AR, MS, MO, OK and TX; and (2) *Scrap aluminum* (except in bulk), from (a) Alexandria, MN, and Lawrence and Taunton, MA, to Indianapolis, IN; Rockwall, TX; Magnolia, AR; Baltimore, MD; New York, NY; and Points in KY, OH, TN and WI; and (b) Lawrence and Taunton, MA, to points in PA. (Hearing site: Washington, DC.)

No. MC 142059 (Sub-No. 23F), filed March 30, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* (except in bulk), between Cleveland, OH, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Cleveland, OH, or Washington, DC.)

No. MC 142059 (Sub-No. 25F), filed March 30, 1978. Applicant: CARDINAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, from Normal, IL, to points in the United States (except AK and HI). (Hearing site: Washington, DC.)

No. MC 142059 (Sub-No. 26F), filed March 30, 1978. Applicant: CARDI-

NAL TRANSPORT, INC., 1830 Mound Road, Joliet, IL 60436. Representative: Jack Riley, 1830 Mound Road, Joliet, IL 60436. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Honeycomb products and materials, equipment and supplies* used in the manufacture and distribution thereof (except in bulk), between Michigan City, IN, on the one hand, and, on the other, points in the United States (except AK and HI). (Hearing site: Chicago, IL, or Washington, DC.)

No. MC 142608 (Sub-No. 5F), filed March 30, 1978. Applicant: ASCENZO BROTHERS, 535 Brush Avenue, Bronx, NY 10465. Representative: John L. Alfano, 550 Mamaroneck Avenue, Harrison, NY 10528. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Appendix V to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209, between New York, NY, on the one hand, and, on the other, points in CT, NJ, NY, and PA, under a continuing contract or contracts with Smolka Co., Inc., located at New York, NY. (Hearing site: New York, NY.)

No. MC 143691 (Sub-No. 6) (correction), filed January 23, 1978, published in the *FEDERAL REGISTER* issue of March 9, 1978, and republished as corrected this issue. Applicant: PONY EXPRESS COURIER CORP., P.O. Box 4313, Atlanta, GA 30302. Representative: Steven J. Thatcher (same address as applicant). Authority sought as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Audit and accounting media, checks, cash letters, statements, advices, magnetic tape, punch cards, and other computer media; data processing media, printed documents, microfilm, microfiche, microforms, and related items; written instruments, documents, records, supplies, and material* as are used in the business of banks and banking institutions, between Omaha, NE and points in IA, under a continuing contract with banks and banking institutions, J. J. Exon Co., Inc., Northwest Microfilm, 3M Corp., Eastman Kodak Co., Office Systems Division, Inc., Mid-American Microfilm Systems and Information Systems, Inc. (Hearing site: Omaha, NE or Washington, DC.)

NOTE.—Common control may be involved. Applicant holds pending common carrier authority in MC 142330 Subs 5 and 9, therefore dual operations may be involved. The purpose of this republication is correctly reflect all of the above-named shippers applicant will serve with the proposed application.

No. MC 143917 (Sub-No. 2F), filed March 29, 1978. Applicant: SAM YOUNG, INC., P.O. Box 76, R.R. 1,

Wolcott, IN 47995. Representative: Donald W. Smith, P.O. Box 40659, Indianapolis, IN 46240. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are printed, manufactured or sold by a printer or converter, and material, supplies and equipment* used in the conduct of such business (except in bulk); (1) between Indianapolis, IN, on the one hand, and, on the other, points in the United States (except AK and HI); and (2) between Edison, NJ, on the one hand, and, on the other, points in CT, DE, MD, MA, NY, PA, RI, VA and DC. Restriction: restricted to service under a continuing contract, or contracts, with Queens Lithographing Corp.; Rutgers Packaging Corp.; Kaltman Press, Inc.; Communications Illustrated, Inc.; and Rees-Sleeve Packaging Corp. (All affiliated companies). (Hearing site: Indianapolis, IN.)

No. MC 144331 (Sub-No. 3F), filed March 29, 1978. Applicant: EDWARD F. MADEIRA, INC., 514 Island Street, Hamburg, PA 19526. Representative: William F. King, Suite 400, Overlook Building, 6121 Lincoln Road, Alexandria, VA 22312. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pumps, pump parts and pump accessories*, from the facilities of A.S.H. Pump, Division of Envirotech, Inc., at Hamburg, PA, to points in the United States (excluding AK and HI); and (2) *steel castings*, from the facilities of Beloit Corp., at or near Beloit, WI, to the facilities of A.S.H. Pump, Division of Envirotech, Inc., at Hamburg, PA. Restricted to the transportation of traffic under a continuing contract, or contracts, with A.S.H. Pump, Division of Envirotech. (Hearing site: Washington, DC.)

NOTE.—Applicant holds common carrier authority under MC 119871, therefore, dual operations may be involved.

No. MC 144342 (Sub-No. 2F), filed March 30, 1978. Applicant: CONTAINER TRANSIT, INC., 630 Terminal Tower Building, Cleveland, OH 44113. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty steel drums*, from the plant site of Republic Steel Corp. at Nitro, WV, to points in IN, KY, OH and TN, under continuing contract or contracts with Republic Steel Corp. (Hearing site: Washington, DC.)

NOTE.—Common control may be involved.

No. MC 144500 (Sub-No. 1F), filed March 24, 1978. Applicant: WALSH TRUCKING CO., INC., 311 Seventeenth Street, Jersey City, NJ 07307.

Representative: Jack Schiller, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in or used in the operation of retail department stores*; between the facilities of Abraham & Strauss at Brooklyn, NY, Rego Park, Hempstead, Manhasset, Huntington, Babylon, Smithtown, White Plains and Carle Place, NY; Paramus, Woodbridge, and Eatontown, NJ, a nonradial movement. Authority is limited to service rendered under contract or continuing contracts with Abraham & Strauss of Brooklyn, NY. (Hearing site: New York.)

No. MC 144514F, filed March 27, 1978. Applicant: J&M ENTERPRISES, LTD., a corporation, Box 3145, Des Moines, IA 50316. Representative: William L. Fairbank, 1980 Financial Center, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Such commodities as are used in the maintenance and construction of bowling lane surfaces*; (2) *cleaning compounds, disinfectants, deodorants* and (3) *materials and supplies* used in the manufacture and distribution of the commodities named in Parts (1) and (2) above between Des Moines, IA, and Shelby, OH, on the one hand, and, on the other, points in the United States (except AK and HI), under a continuing contract or contracts with Atlas Products, Inc., and Perry Austin Bowling Products, Inc. (Hearing site: Des Moines, IA, or Omaha, NE.)

No. MC 144576F, filed March 30, 1978. Applicant: HILLSDALE COUNTY RAILWAY CO., INC., 50 Monroe Street, Hillsdale, MI 49242. Representative: L. Agnew Myers, Jr., Suite 406-7, Walker Building, 734 15th Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except household goods, classes A and B explosives, and commodities requiring vehicles equipped with mechanical refrigeration), when moving in Trailer-On-Flat Car Service, between stations on the rail lines of the Hillsdale County Railway Co., Inc., at points in IN and MI, on the one hand, and, on the other, Montpelier and Toledo, OH, and Detroit, MI. Restrictions: (1) The service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of The Hillsdale County Railway Co., Inc. (2) Carrier shall not serve any point not a station on the rail lines of the railroad. (3) Shipments transported by carrier shall be limited to those moving on through bills of lading or express receipts covering, in addition

to a motor carrier movement, an immediately prior or an immediately subsequent movement by the railroad in its rail service. (4) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to, or supplementary of, rail service of the railroad. (5) All contractual arrangements between applicant and the railroad shall be reported to the Commission and shall be subject to revision by it if and as it may be found necessary in order that such arrangements shall be fair and equitable to the parties. (Hearing site: Lansing, MI, or Detroit, MI.)

NOTE.—Common control may be involved.

PASSENGER

No. MC 144374F, filed February 21, 1978. Applicant: MASON TRAVEL SERVICE, INC., Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Representative: Donald W. Smith, Suite 945, 9000 Keystone Crossing, Indianapolis, IN 46240. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting passengers and their baggage in round trip charter and special operations beginning and ending at points in Marion County, IN and extending to points in OH, IL, KY, MI, and WI. (Hearing site: Indianapolis, IN.)

FINANCE APPLICATIONS

The following applications seek approval to consolidate, purchase, merge, lease operating rights and properties, or acquire control through ownership of stock, or rail carriers of motor carriers pursuant to sections 5(2) or 210a(b) of the Interstate Commerce Act.

An Original and two copies of protests against the granting of the requested authority must be filed with the Commission within 30 days after the date of the FEDERAL REGISTER notice. Such protests shall comply with Special Rules 240(c) or 240(d) of the Commission's General Rules of Practice (49 CFR 1100.240) and shall include a concise statement of protestant's interest in the proceeding. A copy of the protest shall be served concurrently upon applicant's representative, or applicant, if no representative is named.

No. MC-F-13584. Authority sought for purchase by PETERLIN CARTAGE CO., 9651 Ewing Avenue, Chicago, IL 60617, of a portion of the operating rights of Coldway Carriers, Inc., P.O. Box 2038, Clarksville, IN 47130, and for acquisition by Frank Peterlin, 9651 Ewing Avenue, Chicago, IL 60617 and Raymond Peterlin, 9651 Ewing Avenue, Chicago, IL 60617, of control of such rights through the

purchase. Transferee's attorney: James C. Hardman, Suite 2108, 33 N. LaSalle Street, Chicago, IL 60602. Transferor's attorney: William P. Whitney, Jr., Suite 708 McClure Building, Frankfort, KY 40601. Operating rights sought to be purchased: Paper, paper products, and woodpulp, as a common carrier over irregular routes from the plantsite and warehouse facilities of Bowater Southern Paper Corp. in McMinn County, TN to points in DE, IL, IN, MD, MI, NJ, NY, PA, DC, and Louisville, KY. Vendee is authorized to operate as a common carrier in all points in the United States except AK and HI as more specifically described in No. MC 67450 and sub numbers thereto. Application has not been filed for temporary authority under section 210(a)(b).

No. MC-F-13595. Authority sought for purchase by CARRANO'S EXPRESS, INC., Route 17, Northford, CT 06472, of a portion of the operating rights of Old Colony Transportation Co., Inc., 676 Dartmouth Street, South Dartmouth, MA 02748, and for acquisition by Anello F. Carrano and Frank Carrano, Route 17, Northford, CT 06472 of control of such rights through the purchase. Applicant's attorneys: Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, and Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, MA 02043. Operating rights sought to be purchased: General commodities, with exceptions which include commodities in bulk, as a common carrier, over regular routes, between Boston, MA and Providence, RI: From Boston over U.S. Hwy 1 via North Attleboro, MA, to Providence; From Boston over U.S. Hwy 1 to Dedham, MA, then over MA Hwy 1A to North Attleboro, MA, and then over U.S. Hwy 1 to Providence. From Boston over MA Hwy 138 to Taunton, MA, then over U.S. Hwy 44 to Providence; and return over these routes to Boston. Between Boston, MA, and Providence, RI: From Boston over U.S. Hwy 1 to Providence, and return over the same route. From Boston over MA Hwy 1A to North Attleboro, MA, then over U.S. Hwy 1 to Providence, and return over the same route. Service is authorized to and from intermediate and off-route points in MA within 5 miles of Boston and those in RI within 10 miles of Providence. Between Providence, RI and Woonsocket, RI: From Providence over U.S. Hwy 44 to Centerville, RI, then over Farnum Pike to Woonsocket, (also over Providence Pike via Slatersville to Woonsocket); and Return from Woonsocket over RI Hwy 122 to Providence. Service is authorized to and from the intermediate points of Esmond and Slatersville, RI. Between Springfield, MA and Boston, MA: From Springfield over U.S. Hwy 20 to Boston, and return over the same route, serving Springfield, MA as a

point of joinder only, and serving all intermediate points, and the off-route points of Chelsea and Cambridge, MA. Between the junction of U.S. Hwy 20 and MA Hwy 131, near Sturbridge, MA, and Providence, RI: From junction U.S. Hwy 20 and MA Hwy 131 over MA Hwy 131 through Sturbridge to the MA-CT State line, then over CT Hwy 131 to junction CT Hwy 12, then over CT Hwy 12 to junction U.S. Hwy 44, and then over U.S. Hwy 44 to Providence, and return over the same route. Service is not authorized to or from intermediate points. Between Boston, MA and Beverly, MA, serving all intermediate points and the off-route points of Saugus, Danvers, Peabody, Malden, Everett, Medford, Somerville, and Cambridge, MA: From Boston over MA Hwy 107 to Salem, MA, then over MA Hwy 1A to Beverly, and return over the same route. Between Pittsfield, MA and Williamstown, MA: From Pittsfield over MA Hwy 8 to North Adams, MA, then over MA Hwy 2 to Williamstown, and return over the same route. From Pittsfield over U.S. Hwy 7 to Williamstown, and return over the same route. Between junction MA Hwys 23 and 41 and Torrington, CT: From junction MA Hwys 23 and 41 over MA Hwy 41 to the MA-CT State line, then over CT Hwy 41 to junction U.S. Hwy 44, then over U.S. Hwy 44 to junction CT Hwy 8, then over CT Hwy 8 to Torrington, and return over the same route. Between junction U.S. Hwy 7 and MA Hwy 23, and junction U.S. Hwys 7 and 44: From junction U.S. Hwy 7 and MA Hwy 23 over U.S. Hwy 7 to junction U.S. Hwy 44, and return over the same route. Between Boston, MA and Lawrence, MA: From Boston over MA Hwy 9 to junction MA Hwy 128, then over MA Hwy 128, to junction U.S. Hwy 3, then over U.S. Hwy 3 to Lowell, MA, and then over MA Hwy 110 to Lawrence, and return over the same route. From Boston over MA Hwy 28 to Lawrence, and return over the same route. Between Lowell, MA and Fitchburg, MA: From Lowell over MA Hwy 110 to junction MA Hwy 2A, and then over MA Hwy 2A to Fitchburg, and return over the same route. Between junction MA Hwys 2A and 110-111, and Fitchburg, MA: From junction MA Hwys 2A and 110-111, over MA Hwy 110-111 to junction MA Hwy 2, then over MA Hwy 2 to junction MA Hwy 12, and then over MA Hwy 12 to Fitchburg, and return over the same route. Between Lawrence, MA and Gloucester, MA: From Lawrence, over MA Hwy 110 to Salisbury, MA, then over U.S. Hwy 1 to Newburyport, MA, then over MA Hwy 1A to junction MA Hwy 133, and then over MA Hwy 133 to Gloucester, and return over the same route. From Lawrence over MA Hwy 114 to Salem, MA, then over MA Hwy 22 to Beverly, MA and

then over MA Hwy 127 to Gloucester, and return over the same route. Between Middleton, MA and junction MA Hwys 128 and 133: From Middleton, MA over MA Hwy 62 to junction MA Hwy 128, then over MA Hwy 128 to junction MA Hwy 133, and return over the same route. Between junction MA Hwys 28 and 128 and Beverly, MA: From junction MA Hwys 28 and 128 over MA Hwy 128 to junction MA Hwy 97, then over MA Hwy 97 to Beverly, and return over the same route. Serving in connection with the routes authorized hereinabove, intermediate and off-route points within 5 miles of said routes. Between Springfield, MA and Greenwich, CT, serving all intermediate points and the off-route points of New Britain, Waterbury, Meriden, Naugatuck, Danbury, Rockville, Ansonia, Derby and Shelton, CT: From Springfield over U.S. Hwy 5 to New Haven, CT, then over U.S. Hwy 1 to Greenwich, and return over the same route. Between Springfield, MA and Hartford, CT, serving all intermediate points and off-route points of New Britain, Waterbury, Meriden, Naugatuck, Danbury, Rockville, Ansonia, Derby, and Shelton, CT: From Springfield over Alternate U.S. Hwy 5 to Hartford and return over the same route. Between Hartford, CT and New Haven, CT, serving all intermediate points and the off-route points of New Britain, Waterbury, Meriden, Naugatuck, Danbury, Rockville, Ansonia, Derby, and Shelton, CT: From Hartford over CT Hwy 17 to New Haven, and return over the same route. Restriction: The service authorized hereinabove is subject to the following conditions: (a) Between Springfield, MA and points within 15 miles of Springfield, on the one hand, and, on the other, points in CT, (b) between Springfield, MA, on the one hand, and, on the other, points in MA on and west of MA Hwy 12, (c) between points in MA or (d) between points in NY and CT within 30 miles of Great Barrington, MA, including Great Barrington, on the one hand, and, on the other, points in Berkshire County, MA and (e) the authority to serve off-route, intermediate or terminal points in MA further restricted against the transportation of traffic to or from the commercial zones as defined by the Commission of those off-route, intermediate, or terminal points located within the State of NH. The regular-route authority granted hereinabove shall not be severable by sale or otherwise from the underlying irregular-route authority contained hereinbelow. Alternate routes for operating convenience only: Between junction U.S. Hwy 20 and MA Hwy 146, located near Worcester, MA and Woonsocket, RI, in connection with carrier's otherwise authorized regular-route operations serving no intermediate points:

From junction U.S. Hwy 20 and MA Hwy 146 over MA Hwy 146 to the MA-RI State line, and then over RI Hwy 146 to Woonsocket, and return over the same route. Between junction U.S. Hwy 20 and MA Hwy 8 and New Haven, CT, in connection with carrier's presently authorized regular-route operations serving no intermediate points and serving the termini for purpose of joinder only: From junction U.S. Hwy 20 and MA Hwy 8 over MA Hwy 8 to the MA-CT State line, then over CT Hwy 8 to junction CT Hwy 63, then over CT Hwy 63 to New Haven, and return over the same route. Between junction U.S. Hwy 20 and MA Hwy 15 and Hartford, CT, in connection with carrier's presently authorized regular route operations, serving no intermediate points and serving the termini for purpose of joinder only: From junction U.S. Hwy 20 and MA Hwy 15 to the MA-CT State line, then over CT Hwy 15 to Hartford, and return over the same route. Between Providence, RI, and New Haven, CT, in connection with carrier's presently authorized regular route operations, serving no intermediate points and serving the termini for purpose of joinder only: From Providence over U.S. Hwy 1 to New Haven, and return over the same route. Irregular routes: Between points in MA. Between points in the Springfield, MA commercial zone, but not including Springfield, on the one hand, and, on the other, points in MA on and west of MA Hwy 12. Between points within 15 miles of Springfield, MA, but not including Springfield, on the one hand, and, on the other, Pawtucket and Providence, RI and points in CT. Between Providence, RI, on the one hand, and, on the other, points in RI. The authority granted herein to the extent it duplicates any authority heretofore granted to or now held by carrier shall not be construed as conferring more than one operating right. Vendee is authorized to conduct operations in interstate commerce in the State of CT. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13596. Authority sought for purchase by COOPER MOTOR LINES, INC., 301 Hammett St., Greenville, SC 29608 of the operating rights of Shawmut Transportation Co., Inc., (debtor-in-possession) Charlam Drive, Braintree, MA 02184, and for acquisition by Calhoun Lemon, 301 Hammett St., Greenville, SC 29608 of control of such rights through the purchase. Transferee's attorney: Francis W. McInerney, 1000 16th St. NW., Washington, DC 20036. Transferor's attorney: Frank J. Weiner, 15 Court Square, Boston, MA 02108. Operating rights sought to be purchased: A General commodities, with usual exceptions, as a common carrier over regu-

lar routes: (1) Between Boston, MA, and New York, NY: (a) From Boston over MA Hwy 9 to junction U.S. Hwy 20, then over U.S. Hwy 20 to Springfield, MA, then over U.S. Hwy 5 to New Haven, CT, and then over U.S. Hwy 1 to NY, and return over the same route; (b) From Boston over U.S. Hwy 1 to Providence, RI, then over RI Hwy 3 to Hopkinton, RI, then over RI Hwy 84 to RI-CT State line, then over CT Hwy 84 to junction U.S. Hwy 1, and then over U.S. Hwy 1 to NY, and return over the same route. Service is authorized to and from the intermediate points of Pawtucket and Providence, RI, and Worcester, MA, and off-route points within 20 miles of Boston, and those in NY and NJ within 25 miles of Columbus Circle, New York, NY. (2) Between New Bedford, MA, and New York, NY: From New Bedford over U.S. Hwy 6 to Providence, RI, then over the above-described route to New York, and return over the same route. Service is authorized to and from the intermediate point of Providence, RI, and all off-route points within 10 miles of New Bedford, and those in NY and NJ within 25 miles of Columbus Circle, New York, NY. (3) Between junction U.S. Hwy 20 and MA Hwy 15, and East Hartford, CT: From junction U.S. Hwy 20 and MA Hwy 15 over MA Hwy 15 to the CT-MA State line, then over CT Hwy 15 to East Hartford. (4) Between East Hartford, CT, and Wethersfield, CT: From East Hartford over U.S. Hwy 5, via Charter Oak Bridge to Wethersfield. (5) Between Boston, MA and New Bedford, MA, as follows: (a) From Boston over MA Hwy 138 to Taunton, MA, then over MA Hwy 140 to New Bedford; (b) From Boston over MA Hwy 28 to junction MA Hwy 18, then over MA Hwy 18 to junction MA Hwy 140, and then over MA Hwy 140 to New Bedford. Return over these routes. Service is not authorized to or from intermediate points. (6) Serving Lawrence, MA (excluding points in the commercial zone thereof other than Lawrence, MA), as an off-route point, in connection with carrier's presently authorized regular-route operations between Boston, MA, and New York, NY. (7) Serving all points in MA as off-route points in connection with carrier's authorized regular-route operations in MA. (8) Between Boston, MA, and New Bedford, MA, serving the intermediate points of Taunton and Fall River, MA, and the off-route point of Fairhaven, MA: (a) From Boston over MA Hwy 3 to junction MA Hwy 18, and then over MA Hwy 18 to New Bedford, and return over the same route. (b) From Boston over MA Hwy 28 to Bridgewater, MA, and then over MA Hwy 18 to New Bedford, and return over the same route. (c) From Boston over MA Hwy 138 to Taunton, MA, and then over MA Hwy 140 to

New Bedford (also from Taunton over MA Hwy 138 to Fall River, MA, and then over U.S. Hwy 6 to New Bedford), and return over the same routes. (9) Between New Bedford, MA, and Providence, RI, serving no intermediate points: From New Bedford, over U.S. Hwy 6 to Providence and return over the same route. B. *Copper, brass, bronze, and scrap materials thereof, and copper, brass, and bronze tubing, fittings, pipe, rods, and lining, as a common carrier over irregular routes:* Between New Bedford and Taunton, MA, on the one hand, and, on the other, points in RI and those in that part of MA on and east and of a line beginning at the NH-MA State line and extending along U.S. Hwy 202 to junction MA Hwy 32 and then along MA Hwy 32 to the MA-CT State line. Transferee is authorized to operate as a common carrier in NY, NJ, PA, MD, DE, DC, VA, NC, SC, WV. Application has been filed for temporary authority under section 210a(b).

No. MC-F-13597. Authority sought for control through stock ownership by NORMAN NIELSEN CORP., 1272 Gossage Ave., Petaluma, CA 94952, of the operating rights and properties of KERN VALLEY TRUCKING, 3901 Medford Street, Los Angeles, CA 90063, and for acquisition by Norman Nielsen and Gail Nielsen, 1272 Gossage Ave., Petaluma, CA 94952, of control of such rights and properties through the transaction. Applicants' representatives: R. Y. Schureman, 1545 Wilshire Blvd., Los Angeles, CA 90017 and Martin J. Rosen, 258 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be controlled: General commodities, with specified exceptions, over those regular routes set forth in Certificate of Registration No. MC 120918 (Sub-No. 4), authorizing operations between specified points and places within the State of CA, extending generally between Sacramento in the northeast, San Francisco in the north, and Los Angeles in the south. Vendee presently possesses no motor carrier operating authority, but its sole stockholder and president, Norman J. Nielsen, and officer Gail Nielsen, also control through management Nielsen Freight Lines, a motor carrier operating pursuant to a Certificate of Registration issued in No. MC 73903 and related sub numbers, authorizing transportation of general commodities, as a common carrier, by motor vehicle, over regular and irregular routes, between specified points in the State of CA, in and north of the San Francisco Bay Area. Application has been filed for temporary authority under Section 210a(b).

MC-F-13599. Authority sought for purchase by SCHUSTER EXPRESS, INC., 48 Norwich Avenue, Colchester, CT 06415, of a portion of the operat-

ing rights of CROUCH FREIGHT SYSTEMS, INC., P.O. Box 10280, Palo Alto, CA 94303. Attorney for transferee: S. Harrison Kahn, Kahn and Kahn, Suite 733, Investment Building, Washington, DC 20005. Attorney for transferor: Joseph Ficurelli, 260 Sheridan Avenue, Box 10280, Palo Alto, CA 94303. Operating rights sought to be purchased: General commodities with exceptions, as a common carrier, over regular routes, between Boston, MA and Manchester, NH, serving all intermediate points; between Boston, MA and Beverly, MA, serving all intermediate points; as more fully described in Certificate No. MC 26739 (Sub No. 93). Schuster is authorized to operate pursuant to Certificate MC 108587 and as a common carrier transporting general commodities via regular and irregular routes within portions of the states of MA, RI, CT, NY, NJ, DE, PA, MD, VA, and DC. Schuster shall join its existing routes with the authority to be purchased at Boston, MA. Approval of the transaction will not result in dual operations or duplicating authority. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER INTRASTATE APPLICATION(S)

The following application(s) for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a) (6) of the Interstate Commerce Act. These applications are governed by Special Rule 245 of the Commission's General Rules of Practice (49 CFR 1100.245), which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, and any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska Docket No. 78-143 MF/O filed April 18, 1978. Applicant: SNO-BALL EXPRESS, P.O. Box 10-808, Anchorage, AK 99503. Applicant's representative: Harris Saxon, 510 L St., Anchorage, AK 99501. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (except articles of unusual value and household goods as defined by the Interstate Commerce Commission), from, to, between and within all points and places within Zones 3, 4 and 5 of the State of

Alaska, as defined by the Alaska Transportation Commission. Applicant seeks similar authority to operate as a motor freight contract carrier transporting property in interstate and for foreign commerce. Intrastate, interstate and foreign commerce authority sought. (Hearing site: Date, time and place not yet fixed.) Requests for procedural information should be addressed to Alaska Pipeline Commission, 338 Denali St., 12th Floor, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

Florida Docket No. 780248-CCT, filed April 11, 1978. Applicant: SMALLEY TRANSPORTATION CO., 2202 38th St., Tampa, FL 33605. Applicant's representative: David C. G. Kerr, 512 N. Florida Ave., P.O. Box 1531, Tampa, FL 33601. Certificate of Public Convenience and Necessity sought to operate a freight service, over regular routes, as follows: Transportation of: A. *Freight:* between Fort Lauderdale and Miami, FL, and intermediate points over FL Hwy 5 and, as an alternate route, over FL Hwy 84, from Fort Lauderdale to FL Hwy 7, then over FL Hwy 7 to Miami, FL, serving Coconut Grove, Dania Beach, Davie, Deerfield Beach, Golden Beach, Gulfstream, Hialeah, Hollywood Beach, Miami Beach, Miami Springs, North Miami Beach, OpaLocka, Pompano Beach, Fort Everglades, and Wilton Manor as off-route points. 2. Between Fort Lauderdale and Riviera Beach, FL serving all intermediate points, over the following routes: from Fort Lauderdale, FL north over U.S. Hwy 1 (FL Hwy 5) and/or FL Hwy A1A to Riviera Beach, FL and return over the same routes, with authority to use the Sunshine State Parkway for operating convenience only, and including all lateral eastwest highways and/or streets connecting the three routes named above. 3. Between Riviera Beach and Orlando, FL serving all intermediate points: from Riviera Beach over U.S. Hwy 1 to Titusville, then over FL Hwy 405 to its junction with FL Hwy 50, then over FL Hwy 50 to Orlando, and return over the same route. 4. Between Miami and Orlando, FL, serving all intermediate points: from Miami over U.S. Hwy 27 to South Bay, then over FL Hwy 80 to Belle Glade, then over U.S. Hwy 441 to Orlando, and return over the same route. 5. Between South Bay and Orlando, FL serving all intermediate points: from South Bay over U.S. Hwy 27 and 27-A to Haines City, then over U.S. Hwy 17 to Orlando and return over the same route. 6. Between Miami and Tampa, FL, serving all intermediate points: from Miami over U.S. Hwy 41 to Punta Gorda, then over U.S. Hwy 17 to Bartow, then over U.S. Hwy 98 to Lakeland, then over U.S. Hwy 92 to Tampa and return over the same route. 7. Between Punta

Gorda and Tampa, FL, over U.S. Hwy 41 serving all intermediate points. 8. Between the junction of U.S. Hwy 41 and FL Hwy 29 near Everglades, FL, and Fort Myers, FL serving all intermediate points: from junction of U.S. Hwy 41 with FL Hwy 29 over FL Hwy 29 to its junction with FL Hwy 82, then over FL Hwy 82 to Fort Myers and return over the same route. 9. Between Orlando and Tampa, FL, over I-4 serving no intermediate points. 10. Between the West Palm Beach Interchange on the Sunshine State Parkway and the junction of said Parkway with U.S. Hwy 17, over the Sunshine State Parkway, as an alternate route for operating convenience only. All routes above except numbers 1, 2, 6, 7, and 8 are subject to restriction that no authority is sought hereby to engage in heavy hauling, as construed by orders of the Commission, or to transport commodities in bulk. 11. Between West Palm Beach and Arcadia, FL serving all intermediate points: from West Palm Beach over FL Hwy 710 to Okeechobee, then over FL Hwy 70 to Arcadia, and return over the same route. 12. Between Miami and West Palm Beach, FL, over U.S. Hwy 441, serving all intermediate points. 13. Between West Palm Beach and Fort Myers, FL, over FL Hwy 80, serving all intermediate points. 14. Between Tampa and Sarasota, FL, over U.S. Hwy 301, serving all intermediate points. 15. Between Tampa and Bartow, FL, over FL Hwy 60, serving all intermediate points. 16. Between Tampa and St. Petersburg, FL over U.S. Hwy 92. 17. Between St. Petersburg and Palmetto, FL, over the Sunshine Skyway and Causeways between Pinellas County and Manatee County over the waters of Tampa Bay. 18. Between Parrish and Bowling Green, FL, over FL Hwy 62. 19. Between Lake Alfred and Bartow, FL, over U.S. Hwy 17, serving all intermediate points. 20. Between Auburndale and Winter Haven, FL, over unnumbered highways. 21. Between South Venice and Murdock, FL, via Placida as an off-route point over FL Hwys 775, 776 and 771. 22. Between Lakeland and Ft. Meade, FL, via Mulberry and Brewster over FL Hwys 37 and 630. 23. Between Fort Myers and Fort Myers Beach, FL, over FL Hwys 865 and 867, serving Iona, Punta Rassa, and intermediate points. 24. Between the junction of U.S. Hwy 41 and FL Hwy 78 (just north of Fort Myers), and Bokeelia and St. James City, FL, over FL Hwys 78 and 767, serving Bokeelia, Pineland and St. James as off-route points. 25. Between Okeechobee and West Palm Beach, FL, via Canal Point, over U.S. Hwy 441, U.S. Hwy 98 and FL Hwy 80. 26. Between Ashton, FL, on U.S. Hwy 192, and the intersection of FL Hwy 436, with U.S. Hwy 92 over FL Hwys 15, 15-A, 436 via Narcoosee. 27. All

other points in FL on or South of a line beginning at the western terminus of FL Hwy 60 then easterly along FL Hwy 60 to its junction with I-4, then easterly along I-4 to its junction with FL Hwy 50, then easterly along FL Hwy 50 to its junction with FL Hwy 405, then northeasterly along FL Hwy 405 to its junction with FL Hwy 402, to its eastern terminus, will be served as off-route points. B. *Explosives, articles of unusual value, and general commodities* (except household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): 1. Between Miami and Key West, FL, serving all intermediate points, and the off-route points of OpaLocka, and points within 10 miles of U.S. Hwy 1, between Miami and Key West, FL: from Miami over U.S. Hwy 1 to Key West, and return over the same route. C. *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment): 1. Between Miami and Homestead, FL, serving all intermediate points, and the off-route point of the plant site of Lehigh Portland Cement Co., near Sweetwater, FL: from Miami over U.S. Hwy 41 to junction FL Hwy 27, then south over FL Hwy 27 to Homestead, and return over the same route. Applicant also seeks authority to operate over the following routes for operating convenience only, and serving no points on said routes not otherwise authorized to be served: 1. I-4 between Orlando, FL, and the junction of I-4 with I-95, at or near Daytona Beach, FL. 2. FL Hwy 60 from its intersection with the eastern boundary of Polk County, FL, to its intersection with U.S. Hwy 1 at Vero Beach, FL. 3. Between Fort Lauderdale and Naples, FL, over FL Hwy 84. 4. I-95 between Jacksonville and Miami, FL. 5. U.S. Hwy 17 between Jacksonville and Orlando, FL. 6. U.S. Hwy 98 between its intersection with U.S. Hwy 27 and Okeechobee, FL. 7. Between Okeechobee and Fort Pierce, FL, over FL Hwy 70. 8. Between Jacksonville and Orlando, FL over U.S. Hwy 17. Intrastate, Interstate, and foreign commerce authority sought, and applicant further seeks authority to tack or join the routes sought herein with each other at common points, and to tack or join all of the authority sought herein with its present operating rights under FL Public Service Commission Certificate No. 1013 and Interstate Commerce Commission Certificate of Registration No. MC. 121667 and subs. (Hearing site: Date, time, and place not yet fixed.) Requests for procedural information should be addressed to FL Public Service Commission, 700 South Adams St., Tallahassee, FL 32304, and should not be directed to the Interstate Commerce Commission.

Oklahoma Docket No. MC 33479 (Sub-No. 4), filed May 5, 1978. Applicant: AUSLEY MOTOR FREIGHT, INC., 101 Southwest 7th Street, Oklahoma City, OK 73125. Applicant's representative: Charles D. Dudley, Suite 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73112. Certificate of Public Convenience and Necessity sought to operate a freight service, over regular routes, as follows: Transportation of: *General commodities:* Between Oklahoma City, OK, and Chickasha, OK: From Oklahoma City over U.S. Hwy 62 to Junction H. E. Bailey Turnpike, then over H. E. Bailey Turnpike to Chickasha, and return over the same route, serving no intermediate points; between Chickasha, OK and Anadarko, OK: From Chickasha over U.S. Hwy 62 to Anadarko, and return over the same route, serving all intermediate points; between Anadarko, OK and Lawton, OK: From Anadarko over OK Hwy 8 to Junction U.S. Hwy 277, then over U.S. Hwy 277 to Lawton, and return over the same route, serving all intermediate points; and, from Anadarko over U.S. Hwy 62 to Junction U.S. Hwy 281, then over U.S. Hwy 281 to Lawton, and return over the same route, serving all intermediate points. Between Chickasha, OK and Cyril, OK: From Chickasha over U.S. Hwy 81 to Junction U.S. Hwy 277, then over U.S. Hwy 277 to Cyril, and return over the same route, serving all intermediate points; between Lawton, OK and Snyder, OK: From Lawton over U.S. Hwy 62 to Snyder, and return over the same route, serving all intermediate points; between Lawton, OK and Frederick, OK: From Lawton over U.S. Hwy 281 to Junction OK Hwy 36, then over OK Hwy 36 to Junction OK 5, then over OK Hwy 5 to Frederick and return over the same route, serving all intermediate points. Service to be provided as a through service between points sought herein and existing routes under Certificate MC 33479 and Subs thereto. Intrastate, interstate and foreign commerce authority sought. Hearing: July 19, 1978, at 9 a.m., 2nd Floor, Jim Thorpe Building, Oklahoma City, OK. Requests for procedural information should be addressed to Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, OK 73105, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. 6523 (Sub-No. 1), filed April 17, 1978. Applicant: MOUNTAIN EXPRESS, INC., P.O. Box 788, Crossville, TN 38555. Applicant's representative: Robert L. Baker, 618 United American Bank Building, Nashville, TN 37219. Certificate of Public Convenience and Necessity sought to operate a freight service, as a common carrier, over regular routes,

as follows: Transportation of: *General commodities* (except household goods, Classes A and B explosives, and commodities requiring special equipment). 1. Between junction of U.S. Hwy 127 and I-40 near Crossville, TN, on the one hand, and, on the other, all points in Hamilton County, TN, from junction of U.S. Hwy 127 and I-40 over U.S. Highway 127 to Hamilton County, TN and return over the same route serving all intermediate points in Cumberland County, TN from junction of U.S. Hwy 127 and I-40 over U.S. Highway 127 to junction with TN Highway 30, then over TN Hwy 30 to function with U.S. Hwy 27, then over U.S. Hwy 27, to Hamilton County, TN and return over the same route, as an alternative route for operating convenience only. 2. Between Crossville, TN and Sparta, TN from Crossville, TN, over U.S. Hwy 70 to Sparta, TN, and return over the same route, serving all intermediate points, and serving all other points in White County, TN, as off-route points. 3. Between Crossville, TN and Spencer, TN, from Crossville, TN over TN Hwy 101 to its junction with TN Hwy 30, then over TN Hwy 30 to Spencer and return over the same route serving all intermediate points in Van Buren County, TN and serving all other points in Van Buren County TN as off-route points. 4. Between Sparta, TN, and points in Hamilton County, TN from Sparta, TN, over TN

Hwy 111 to its junction with TN Hwy 8, then over TN Hwy 8 to its junction with U.S. Hwy 127, then over U.S. Hwy 127 to Hamilton County, TN, and return over the same route, as an alternative route for operating convenience only. 5. Between Sparta, TN and Nashville, TN from Sparta, TN over TN Hwy 42 and/or U.S. Hwy 70 to their respective intersections with I-40 then over I-40 to Nashville, TN and return over the same routes, as alternate routes for operating convenience only. All of the above described authority to be used in conjunction with all of applicants existing authority. Co-extensive interstate authority also sought. Restriction: Restricted against service between Davison County, TN and Hamilton County, TN; between Davidson County, TN and Knox County, TN; and between Knox County, TN and Hamilton County, TN. Hearing: Date, time and place not yet fixed. Requests for procedural information should be addressed to Tennessee Public Service Commission, CI-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

Tennessee Docket No. MC 6985 (Sub-No. 1), filed April 19, 1978. Applicant: TENNESSEE MOTOR LINES, INC., 402 Maplewood Avenue, Nashville, TN 37201. Applicant's represent-

ative: Edward C. Blank, II, P.O. Box 1004, Middle Tennessee Bank Building, Columbia, TN 38401. Certificate of Public Convenience and Necessity sought to operate a freight service, as follows: Transportation of: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment or handling), between Knoxville and all points in Blount and Loudon Counties, TN, over U.S. Hwy 129, 70 and 11 and Interstate Routes 40 and 75, said service in connection with all of carrier's existing authority as issued by the Tennessee Public Service Commission and co-extensive authority in interstate and foreign commerce pursuant to the Interstate Commerce Act. Intra-state, interstate and foreign commerce authority sought. Hearing: June 7, 1978, at 9:30 a.m., CI-110 Cordell Hull Building, Nashville, TN. Requests for procedural information should be addressed to Tennessee Public Service Commission, CI-102 Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14536 Filed 5-24-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409). 5 U.S.C. 552b(e)(3).

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[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at its open meeting held at 10:30 a.m. on Friday, May 19, 1978, the Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Heimann (Comptroller of the Currency), with Director William M. Isaac (Appointive) concurring, that Corporation business required its consideration at that meeting, on less than seven days' notice to the public, of a memorandum and resolution authorizing the General Counsel to enter an appearance on behalf of the Corporation, as amicus curiae, in the case of Mauricio Adato, et al. v. Saul Kagan, et al.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: May 19, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-1094-78 Filed 5-23-78; 11:46 am]

[6714-01]

FEDERAL DEPOSIT INSURANCE CORPORATION.

Notice of Change in Subject Matter of Agency Meeting.

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given

that at its closed meeting held at 10 a.m. on Friday, May 19, 1978, the Corporation's Board of Directors unanimously determined, on motion of Chairman George A. LeMaistre, seconded by Director William M. Isaac (Appointive), with Director John G. Heimann (Comptroller of the Currency) concurring, that Corporation business required its consideration at that meeting, on less than seven days' notice to the public, of a memorandum and resolution proposing that the Board ratify the General Counsel's initiation of a suit in connection with the receivership of Mt. Zion Deposit Bank, Mount Zion, Kentucky, and his employment of counsel to prosecute the suit.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable; that the matter was eligible for consideration in a closed meeting pursuant to subsections (c)(9)(B) and (c)(10) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(9)(B) and (c)(10)); and that the public interest did not require consideration of the matter in a meeting open to public observation.

Dated: May 19, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-1095-78 Filed 5-23-78; 11:46 am]

[6730-01]

FEDERAL MARITIME COMMISSION.

TIME AND DATE: May 31, 1978, 10 a.m.

PLACE: Room 12126, 1100 L Street NW., Washington, D.C. 20573.

STATUS: Parts of the meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

PORCTIONS OPEN TO THE PUBLIC

1. Agreements Nos. 10107-4 and 10108-3: Modifications of two "48" hour rate agreements in the Pacific trades to increase the minimum time for giving notice of independent action.

2. Agreement No. 10140-6 and Agreement No. 10140-7: Modifications of a 48-Hour Rate Agreement between the Gulf/United

Kingdom Conference, Seatrain International, S.A. and United States Lines, Inc., in the U.S. Gulf/United Kingdom trade to change the manner in which malpractice complaints are processed and to institute a faithful performance bond.

3. Agreement No. 6060 DR-1: Request for indefinite extension of the dual rate contract system of Pacific/Indonesian Conference.

4. Agreement No. 10267: Container Carriers Discussion Agreement—Petition of Council of North Atlantic Steamship Operators for reconsideration of order of approval.

5. Docket No. 70-50: Marine Terminal Practices of the Port of Seattle—Possible violation of section 17, Shipping Act, 1916—Decision as to holding of oral argument.

8. Docket No. 73-3: Maritime Service Corporation v. Acme Fast Freight of Puerto Rico, et al.—Decision on request to hold oral argument.

7. Docket No. 77-35: Publication of inactive tariffs by Carriers in the Foreign Commerce—Petition of A.P. Moller-Maersk Line for reconsideration of Commission decision.

PORCTIONS CLOSED TO THE PUBLIC

1. Docket No. 74-35: Agreement No. 2880, as amended, et al. and Docket No. 74-42: Pouch Terminal, Inc. v. The Port Authority of New York and New Jersey—Petitions for reconsideration.

2. Docket No. 73-22, 73-23 (Sub. No. 1) and 74-36 (Sub. No. 1): Matson Navigation Co.—Proposed changes in rates between the U.S. Pacific Coast and Hawaii—Consideration of the record.

3. Docket No. 74-5: Agreement No. 10066—Cooperative working arrangement—Consideration of the record.

CONTACT PERSON FOR MORE INFORMATION:

Francis C. Hurney, Secretary, 202-523-5725.

[S-1098-78 Filed 5-23-78; 3:32 pm]

[7550-01]

NATIONAL MEDIATION BOARD:

TIME AND DATE: 2 p.m., Wednesday, June 7, 1978.

PLACE: Board Hearing Room, 8th Floor, 1425 K Street NW., Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED: Ratification of Board actions taken by notation voting during the month of May 1978; and 2. Other priority matters which may come before the Board for which notice will be given at the earliest practicable time.

$$\begin{array}{r} \text{V} \\ 4 \\ 3 \\ \hline 1 \\ 0 \\ 2 \end{array} \quad \begin{array}{r} \text{M} \\ \text{Y} \end{array} \quad \begin{array}{r} 2 \\ 5 \end{array} \quad \begin{array}{r} 7 \\ 8 \end{array} \quad \begin{array}{r} \text{UMI} \end{array}$$

PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Selective Service System	April 11	15211
Energy Department	May 1	18634
National Capital Planning Commission	May 15	20945
National Aeronautics and Space Administration ...	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
Defense Department	May 22	21994
Administrative Committee of the Federal Register	May 22	21995
Office of Management and Budget	May 22	21997
Civil Service Commission	May 23	22157
Treasury Department	May 24	22319
ACTION	May 24	22325

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Labor Department	May 26
Justice Department	May 26
Health, Education, and Welfare Department	May 30
Environmental Protection Agency	May 31
Transportation Department	June 1

REPORT ON OTHER AGENCIES

On June 2, the Office of Management and Budget will publish a listing of agencies that have determined their regulations are not covered by the provisions of the Executive Order.

[4310-10]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[43 CFR Part 14]

IMPROVING GOVERNMENT REGULATIONS

Draft Report on Improvements in the Rulemaking Process and Proposed Rule on Departmental Proceedings

AGENCY: Department of the Interior.

ACTION: Draft report and proposed rule.

SUMMARY: The Department of the Interior is issuing this notice to obtain comments on its proposals for implementing the President's Executive Order on improving Government regulations, E.O. 12044 (March 23, 1978).

DATE: Comments by August 1, 1978.

ADDRESS: Sends comments to Vivian A. Keado, Chief, Division of Directives and Reports Management, Office of Administrative Services, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-6191.

FOR FURTHER INFORMATION CONTACT:

J. Austin Burke (Regulatory Analysis Criteria), Office of Policy Analysis, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-7785.

John D. Trezise (Significant Rules Criteria), Office of the Solicitor, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-5216.

Vivian A. Keado (General Procedures), Office of Administrative Services, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-6191.

SUPPLEMENTARY INFORMATION:

ORGANIZATION OF THE DEPARTMENT

The Department of the Interior consists of 10 principal operating units: the Bureau of Land Management, the Bureau of Reclamation, the National Park Service, the U.S. Fish and Wildlife Service, the Heritage Conservation and Recreation Service, the Geological Survey, the Bureau of Mines, The Office of Surface Mining, the Office of Water Research and Technology, and the Bureau of Indian Affairs. These units are supervised by four program Assistant Secretaries, who, in turn, report directly to the secretary of the Interior.

In addition to these operating units, the Department of the Interior has a number of administrative offices, most of which are under the supervision of the Assistant Secretary—Policy, Budget and Administration. The Office for Equal Opportunity, the Office of Hearings and Appeals and the Office of Territorial Affairs are su-

pervised by the Under Secretary. The Office of the Solicitor is under the jurisdiction of the Solicitor.

In this report, the Assistant Secretaries, Under Secretary and Solicitor are referred to as Secretarial Officers.

CURRENT RULEMAKING PROCESS

Under present procedures, most substantive rules are initially drafted in the operating units. In some units, such as the Bureau of Land Management, there is a central office which ordinarily prepares rules. In other units, rules are drafted by operating offices of the units.

Only three units—the National Park Service, the Fish and Wildlife Service, and the Office of Surface Mining—have been delegated authority to issue rules. In all other cases, both proposed and final rules relating to bureau programs must be signed at the Department level by the Secretary, Under Secretary, an Assistant Secretary or the Solicitor. Further, even in the cases of the National Park Service, the Fish and Wildlife Service and the Office of Surface Mining, more important rules are ordinarily forwarded to the Department level for issuance.

Since early 1977, the Department has had in place a procedure which requires personal review by the Secretary of controversial rules and rules which establish or change major Department-wide policy or programs. This procedure applies to both proposed and final rules.

The Department does not currently have a formal or regularized procedure for early Secretarial involvement in the rulemaking process. There is ordinarily early oversight of the development of important rules at least at the Assistant Secretarial level, and often at the Secretarial level. This oversight occurs on an informal basis, however.

PROPOSED PROCESS FOR DEVELOPING SIGNIFICANT RULES

To implement E.O. 12044, the Department proposes to revise its process for developing "significant" rules to assure early and continuing involvement at the Department level in the development of all such rules.

Under the Department's proposed procedures, the first step in the process of developing any rule will be a determination, using specific criteria, of whether or not the rule will be significant. This determination will be made at the bureau level. The determination will ordinarily be reviewed by the Secretarial Officer having jurisdiction over the bureau, although it is pro-

In this report, the term "rules" is used in preference to "regulations". The term "rules" is defined in the Administrative Procedure Act. "Regulations" is not defined in the APA and thus lacks the precise meaning of "rules."

posed that the Secretarial Officers be permitted to delegate review authority for particular types or classes of rules to bureau heads. It is anticipated that such delegations, if made at all, will occur only after initial experience with the criteria for significance and will relate to classes of rules whose status under the criteria is clear.

After a rulemaking has been determined to be significant, the Department proposes that the bureau involved develop a work plan stating the need for development of the rule, the principal issues to be considered, alternative approaches to be considered, a tentative plan for public involvement, and target dates for completion of steps in the development of the rule. This work plan will be submitted to the Secretary through the supervising Secretarial Officer and Assistant Secretary—Policy, Budget and Administration. The Secretary will either approve or disapprove the plan and may condition his approval on modification of the plan. This early Secretarial review is designed to ensure that rules are not drafted without an initial determination by the Secretary that the rules are needed.

It is proposed that, when the Secretary reviews a work plan, he will indicate whether he wishes to approve the rule before it is published in the Federal Register as a proposed and final rule or whether his approval authority may be exercised by the Secretarial officer having jurisdiction over the program to which the rule relates. It is anticipated that, in most cases, the Secretary will retain authority to approve both the proposed and the final rule; this provision will, however, afford the Secretary flexibility to delegate his responsibility to a Secretarial Officer in cases where workload or other considerations make delegation necessary.

After approval of a work plan, the Department will, under the proposed procedures, ordinarily seek early public involvement before drafting a proposed significant rule. At a minimum, the Department will ordinarily publish in the FEDERAL REGISTER a notice of intent to propose rules. The notice of intent should state the need for the rule, the subject matter of and key issues presented by the anticipated rulemaking, and should advise the public where additional information may be obtained and where comments should be sent. To assure meaningful public involvement, it is proposed that consideration also be given to holding open conferences or public hearings, sending press releases to publications likely to be read by those affected and notifying interested parties, including state and local governments, directly.

The proposed procedures would permit omission of this early effort to obtain public involvement only if

there has been a recent previous opportunity for comment by the general public on the issues to be addressed in the proposed rule or if immediate preparation of a proposed rule is required by time constraints, such as legislative or judicial deadlines which are sufficiently flexible to permit most of the procedures for development of significant rules to be used, but which do require that the development process be shortened.

The writing of proposed rules will, under the proposed procedures, remain the responsibility of the bureaus of the Department. The drafting process would be supervised by a bureau "lead official," who will be responsible for assuring that the direct and indirect effects of the rule are adequately considered; that alternative approaches are considered and the least burdensome of the acceptable alternatives is chosen; that public comments made in response to the notice of intent are considered; that the rule is written in clear English and will be understandable to those who must comply with it; and that new reporting and recordkeeping burdens which may result from the rule are considered.

It is proposed that notices of proposed rulemaking will be signed by the Secretary or, if the Secretary has so authorized, by the Secretarial Officer having jurisdiction over the program to which the rule relates. This signature requirement is designed to insure continuing high-level review of the need for the rulemaking.

Before submission of a notice of proposed rulemaking for approval, the proposed rule will be reviewed by the Assistant Secretary—Policy, Budget and Administration to assure compliance with the Department's rulemaking procedures and that the proposed rule is written in clear English. The proposed rule will also receive legal review from the Solicitor.

Under the proposed procedures, the comment period on proposed significant rules will be a minimum of sixty calendar days. This period would be shortened only in special cases requiring more timely action. Publication of the notice in the *FEDERAL REGISTER* would be supplemented, where appropriate, by public conferences or hearings, press releases and direct notification to interested parties, including state and local governments.

Drafting of final significant rules would also remain the responsibility of the bureaus. The lead official would remain responsible for assuring that the effects of the rule, alternative approaches and new reporting and recordkeeping burdens are considered, that public comments are considered and that the rule is written in clear English. At this point in the process, the lead official would also be responsible for developing a plan for evaluating the rule after its issuance.

Final significant rules will be approved by the Secretary or, if the Secretary has so authorized, by the Secretarial Officer having jurisdiction over the program to which the rule relates. These rules will be submitted for approval through the Assistant Secretary—Policy, Budget and Administration and the Solicitor.

It is proposed that, before approving a final significant rule, the Secretary or Secretarial Officer should determine that the rule is needed; that the direct and indirect effects of the rule have been adequately considered, that alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen; that public comments have been considered and an adequate discussion of the comments is contained in the rulemaking document; that the rule is written in clear English and can be understood by those who must comply with it; that an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the rule; that the name, address and telephone number of a knowledgeable agency official and the name of the principal author of the rule is included in the preamble of rulemaking document; and that a plan has been developed for evaluating the rule after its issuance.

To assist the Secretary or Secretarial Officer in reviewing final significant rules, it is proposed that each rule be accompanied by a memorandum addressing each of the items mentioned above, analyzing the views of the public, citizens groups, user groups and elected officials and summarizing the anticipated impact of the rule.

CRITERIA FOR SIGNIFICANCE

The criteria for significance which the Department proposes focus on several possible impacts of a rule: its impacts on state and local governments, on the environment, on other Federal programs, on recordkeeping and reporting burdens and on the economy. The proposed language of the criteria is as follows:

A rule is "significant" if it falls within one or more of the following categories:

(1) Rules which have a major and nation- or region-wide impact on state or local governments. Factors to be considered in determining whether the impact of a rule will be major include its effect on (i) interstate relations; (ii) relations between state and local governments; (iii) internal organization of state and local governments; (iv) personnel practices of state and local governments; (v) planning and fiscal activities of state and local governments; (vi) the role and functions of heads of state and local governments; and (vii) eligibility criteria for Federal financial assistance.

(2) Rules which impose major new recordkeeping or reporting requirements on individuals, businesses, organizations or state or

local governments. Factors to be considered in determining whether reporting or recordkeeping requirements will be major include (i) the numbers of persons, businesses, organizations or state or local governments covered; (ii) the number and difficulty of items to be reported or recorded; (iii) the frequency of reporting or recording; and (iv) costs involved in the reporting or recording.

(3) Rules which both involve a potential conflict between environmental and other considerations and constitute a major Federal action for which an environmental impact statement is required by section 102(2)(C) of the National Environmental Policy Act, 42 U.S.C. 4332.

(4) Rules which will have a major impact on other programs of the Department, other Federal agencies or the allocation of Federal funds.

(5) Rules which are likely to have a substantial economic effect on the entire economy or on a particular region, industry or level of government.

In addition to these criteria, the Department proposes that the Secretary or a Secretarial Officer having jurisdiction over the program to which a rule relates may require the rule to be developed through the procedures for significant rules, even though it does not meet the criteria.

As permitted by the Executive Order, the Department's proposed procedures would allow rules which are issued in response to an emergency or short-term statutory or judicial deadlines and rules related to Government procurement to be excepted from development under the procedures for significant rules. When such an exception is made, the reasons for it would be explained in the *FEDERAL REGISTER*.

REGULATORY ANALYSIS

E.O. 12044 requires that agencies prepare a regulatory analysis of rules which may have major economic consequences for the general economy, for individual industries, geographical regions or levels of government. To implement this provision, the Department's proposed procedures call for preparation of a regulatory analysis on any rule which is within category (5) of the criteria for significance if (1) the rule will have an annual economic effect of \$100 million or more or (2) even though the annual economic effect will be less than \$100 million, the potential economic effect of the rule on the economy or on a particular region, industry or level of government is sufficiently major as to require formal analysis to assure that the objectives of the rule are achieved with minimum burden. In addition, regulatory analyses could be prepared in other cases at the discretion of the Secretary or a Secretarial Officer.

For purposes of the standards for preparation of a regulatory analysis, the Department proposes to define "economic effects" to mean changes in the use of resources which, in principle,

would affect national income and which can be valued in dollar terms, but not to include measures of consumers' willingness to pay for which monetary values would have to be imputed.

"Region" is proposed to be defined as a geographic area ordinarily covering more than one state, although for some rules a narrower interpretation may be appropriate. An "industry" is proposed to be defined to correspond to a 4-digit industry within the Standard Industrial Classification System established by the Office of Management and Budget.

In determining whether a regulatory analysis should be prepared for rules which will have an economic effect of less than \$100 million, close attention would be given to such factors as the present average level of real income of the region which may be affected and the potential change in average income for the region as a result of the rules; the present cost of doing business of an industry and the potential effect of the rules on that cost; the present cost of operating a level of government or a particular governmental program and the potential effect of the rules on that cost; and the likelihood that the acceptable alternative which would impose the minimum economic burden would not be clearly chosen without formal regulatory analysis.

No specific quantitative levels or percentages are proposed for examining rules which will have an economic effect of less than \$100 million because the relative effect of such rules may be minor for some regions, industries or levels of government, but major or critical for others. Thus each case needs to be examined individually. For example, a particular method of regulation might cause a very small increase in the cost of doing business for an industry. If, however, there are a number of firms in that industry which are marginal, a small increase in costs could drive these firms out of business. In such a case, a regulatory analysis should be prepared if the least burdensome method of regulation is not obvious without formal analysis.

In an effort to ensure that the regulatory analysis process will be meaningful, the Department's proposed procedures call for the process to be closely integrated with the development of rules.

It is proposed that, in most cases, the decision on whether a regulatory analysis should be prepared will be made at the same time as the decision on whether a rule is significant. This decision will be made by bureau officials. The decision must be approved by a Secretarial Officer, although it is proposed that approval responsibility may be delegated to bureau heads for particular types or classes of rules.

The Department's proposed procedures recognize that, in some cases, the need to collect additional economic information may necessitate postponement of the decision on preparation of a regulatory analysis. In these cases, a decision on preparation of the analysis is proposed to be made no later than the beginning of the drafting of the proposed rule which is involved.

Further steps which the Department proposes to integrate the regulatory analysis and rule development processes are the following:

1. The work plan on significant rules will state whether a regulatory analysis will be prepared or, if a decision on preparation of an analysis has not been made, the process by which it will be made.

2. If a regulatory analysis of a rule is to be prepared, the notice of intent to propose the rule should invite comment on the economic consequences of the alternative regulatory approaches. If no decision on a regulatory analysis has been made, the notice of intent should invite comment on whether the economic consequences of the rule will be such as to require preparation of a regulatory analysis.

3. Draft regulatory analyses will ordinarily not be prepared until after the notice of intent to propose rulemaking (if one is published), but before or during the process of drafting the proposed rule. The final regulatory analysis will be prepared after the comment period on the proposed rule.

4. The lead bureau official in charge of the development of a rule will be responsible for assuring that the preparation of the draft and final regulatory analyses is integrated with the preparation of proposed and final rules.

5. When approving a final rule, the Secretary or a Secretarial Officer will be responsible for reviewing the final regulatory analysis as well.

As a check on the need for and adequacy of regulatory analyses, the Department proposes that the work plan and both draft and final regulatory analyses will be submitted to the Assistant Secretary—Policy, Budget and Administration for review and approval.

PROPOSED PROCEDURES FOR DEVELOPING OTHER RULES

The Department of the Interior's proposed procedures for development of significant rules attempt to assure early and meaningful participation by the public, affected interests and state and local governments in the development process. Similar early and meaningful participation in the development of rules which do not meet the criteria for significance ("other" rules) is also often important. Although a

rule may not affect large numbers of people or have significant economic consequences and may not require personal review by the Secretary of the Interior, it may be of interest to the public and public comment may be helpful in developing the rule. A rule governing conduct at a single national park, for example, is unlikely to affect state or local governments or other Federal programs or to involve appreciable reporting or compliance costs. Nonetheless, it may be of special interest to users of the park or to persons living in the vicinity. An opportunity for their comment may be important to permit their points of view to be heard and may contribute to the process of writing the rule.

Section 4 of the Administrative Procedure Act, 5 U.S.C. 553, does require public notice of and an opportunity to comment on many rules. The section, was however, viewed by its drafters as setting out only minimum procedures, which might be supplemented in the discretion of individual agencies. As a result, the section contains a number of exceptions and limitations.

To promote public involvement in the process of developing rules not meeting the criteria for significance, the Department of the Interior proposes to include in its procedures special provisions for public involvement in developing these other rules. Some of these provisions incorporate existing Department policies; some are new.

Section 4 does not require public involvement in the rulemaking process prior to publication in the *FEDERAL REGISTER* of proposed rules. Often, however, the most difficult decisions in the process are made prior to this point. It is proposed that, where proposed legislative rules are likely to be complex, controversial or a major change from existing rules, the official responsible for the rulemaking should consider whether to issue a notice of intent to propose rules prior to drafting the rules.

Section 4 excepts from public notice and comment procedures all rules relating to public property, loans, grants, benefits and contracts. The Department proposes to continue its policy, adopted in 1971, of not invoking these exceptions.

Section 4 provides that public notice and comment, if otherwise required, may be waived where it is impracticable, unnecessary or contrary to the public interest to publish a notice of proposed rulemaking. The Department proposes to continue its policy, adopted in 1971, of invoking this exception only in special cases, such as emergencies or instances where public participation would be wasteful because a proposed amendment makes only minor technical changes in a rule.

Section 4 excepts interpretative rules and general statements of policy

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from notice and comment procedures. The Department proposes that officials responsible for rulemaking consider soliciting public comments on these rules and statements, taking into consideration the impact of the rule or policy on the public and state and local governments; the complexity and pervasiveness of the rule or policy; the degree to which the rule or policy will modify existing interpretations or policies; and the confusion or controversy likely to be caused by the practical difficulties of compliance with the new rule or policy.

Section 4 also excepts from notice and comment rules relating to agency organization, procedure and practice. The Department proposes that officials responsible for developing such rules consider whether the use of notice and comment procedures will contribute to the process of formulating the rules.

Section 4 does not establish a minimum period for public comment on proposed rules. The Department proposes to continue its practice of allowing thirty calendar days for comment, except in cases requiring more timely action.

PERIODIC REVIEW OF RULES

The Department's procedures are proposed to include provisions for pe-

riodic review of existing rules to assure that they are needed, up-to-date and clear. These provisions closely correspond to the Department's existing process for review of rules, but are modified to conform to the requirements of E.O. 12044.

Under the proposal, rules will be reviewed at no less than five year intervals. More frequent reviews or special reviews of selected rules may be established by a bureau, the Secretary or a Secretarial Officer.

In reviewing existing rules, the following considerations would be taken into account: the continued need for the rules, the type and number of complaints or suggestions received concerning the rules, whether the rules can be simplified or clarified, the need to eliminate overlapping and duplicative rules, the length of time since the rules have been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rules, and the administrative and reporting burden which the rules impose on the public.

SEMIANNUAL AGENDAS

As required by E.O. 12044, the Department proposes to publish a semi-annual agenda of rules selected for review and development during the

subsequent six month period. Agendas would be published in January and June, after approval by the Secretary, and would list all new or existing significant rules planned for development or revision and all rules scheduled for review under the five year review cycle. The agendas should also include any new rules which are planned for development, but do not meet the criteria for significance.

EXHIBITS

Set out below are the the following exhibits: A flow chart showing the Department's proposed process for developing significant rules, Exhibit 1. The text of the Department's proposed procedures for development of rules, Exhibit 2. An initial listing of existing Department regulations proposed for review, Exhibit 3.

DRAFTING INFORMATION

The principal authors of this draft report and the proposed procedures were: Vivian Keado and Lois Paull, Office of Administrative Services, John Trezise, Office of the Solicitor and Austin Burke, Office of Policy Analysis,

CECIL D. ANDRUS,
Secretary of the Interior.

MAY 18, 1978.

EXHIBIT 1

PROCESS FOR DEVELOPING SIGNIFICANT REGULATIONS

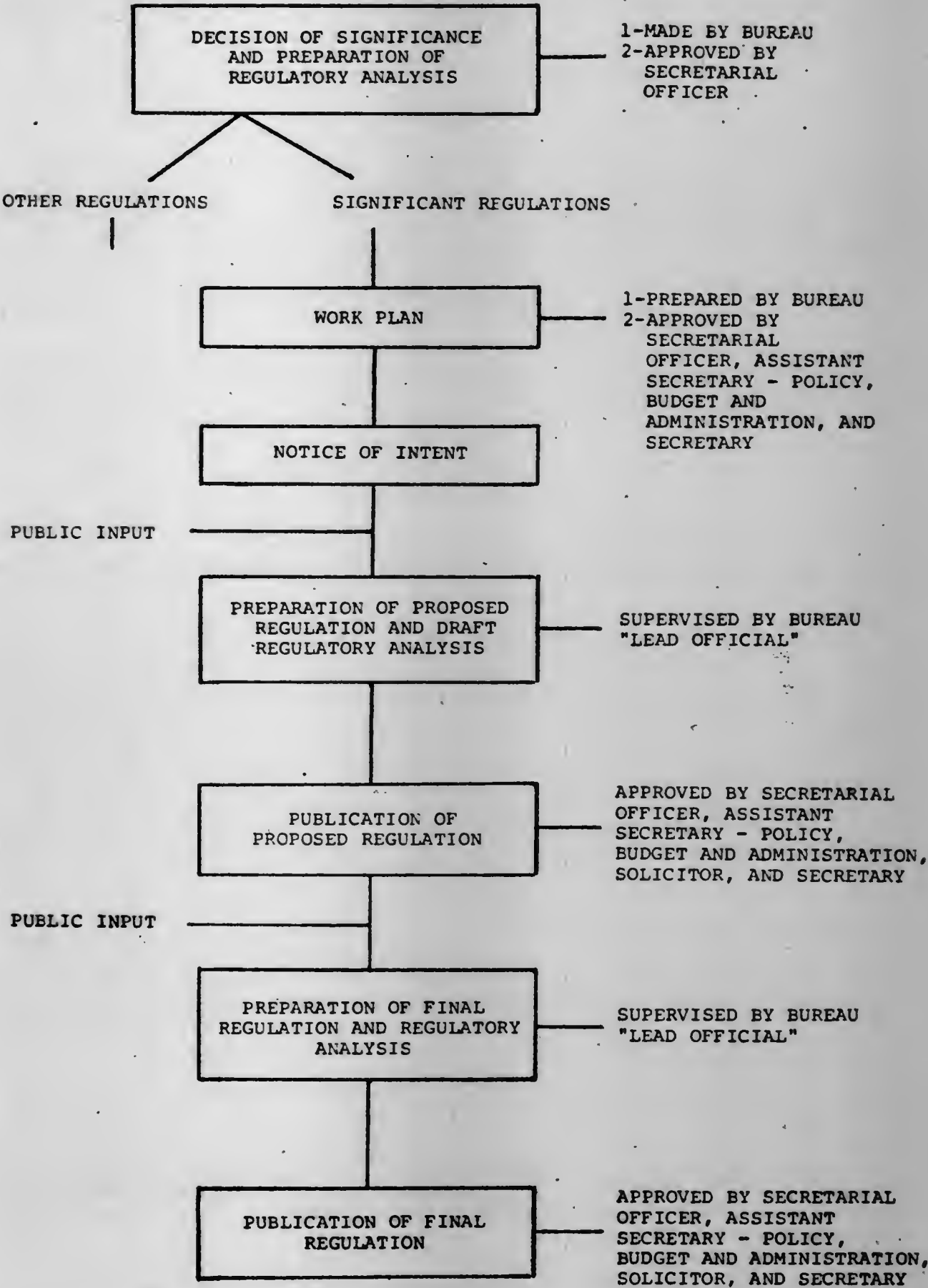


EXHIBIT 2

The procedures which the Department of the Interior proposes to implement E.O. 12044 will be published in 43 CFR part 14. Accordingly, it is proposed to revise 43 CFR part 14 as follows:

PART 14—DEPARTMENTAL PROCEEDINGS

Sec.

- 14.1 Purpose and scope.
- 14.2 Definitions.
- 14.3 Determination of significance.
- 14.4 Development of significant rules.
- 14.5 Development of other rules.
- 14.6 Petitions for rulemaking.
- 14.7 Review of rules.
- 14.8 Semiannual agendas.

AUTHORITY: 5 U.S.C. 301, 551, 552, 553, 556, 557; E.O. 12044.

§ 14.1 Purpose and scope.

(a) *Purpose.* This part contains the policies and procedures of the Department of the Interior for adoption of rules. These policies and procedures incorporate the requirements of the Administrative Procedure Act and Executive Order 12044 (March 23, 1978) ("Improving Government Regulation").

(b) *Scope.* The principle sections of this part deal with procedures for development of "significant" rules and preparation of regulatory analyses (§ 14.4); procedures for development of other rules (§ 14.5); the method by which members of the public may petition for rulemaking (§ 14.6); and procedures for periodic review of existing rules (§ 14.7).

(c) *Exceptions.* The policies and procedures of this part do not apply to: (1) rules which are required by statute to be made on the record after an opportunity for a formal hearing under the procedures for such hearings contained in 5 U.S.C. 556 and 557; (2) rules involving a foreign or military affairs function of the United States; and (3) rules related to agency management or personnel.

§ 14.2 Definitions.

(a) *Secretary.* "Secretary" means the Secretary of the Interior.

(b) *Secretarial Officer.* "Secretarial Officer" means the Under Secretary, the Solicitor, and the Assistant Secretaries.

(c) *Bureau.* "Bureau" refers to all bureaus and offices of the Department of the Interior, including the Office of the Secretary and the other Departmental offices.

(d) *Lead official.* "Lead official" means the official assigned responsibility for developing a rule. The designation of a lead official is the initial responsibility of the bureau developing the rule, but may be reviewed by the Secretarial Officer having jurisdiction over the bureau.

(e) *Rule.* "Rule" means a statement of general or particular applicability

and future effect which implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of the Department (5 U.S.C. 551(4)).

§ 14.3 Determination of significance.

(a) *Initial determination.* (1) Before developing a new rule or an amendment to an existing rule, the lead official must determine whether the rule or amendment will be a significant rule. This determination must be in writing, must state whether or not the rule is significant, and describe briefly the basis of the determination.

(2) The decision on whether a regulatory analysis of the economic consequences of a rule is required should ordinarily be made at the same time as the determination of significance. In some cases, the need to collect additional economic information may necessitate postponement of the decision. In these cases, a decision on preparation of a regulatory analysis should be made no later than beginning of the drafting of the proposed rule.

(b) *Approval.* Both the determination of whether or not a rule is significant and the decision on preparation of a regulatory analysis must be approved by the Secretarial Officer having jurisdiction over the program to which the rule relates. Secretarial Officers may, however, delegate approval responsibility for particular types or classes of rules to bureau heads.

(c) *Criteria for significance.* A rule is "significant" if it falls within one or more of the following categories:

(1) Rules which have a major and nation- or regionwide impact on state or local governments. Factors to be considered in determining whether the impact of a rule will be major include its effect on: (i) interstate relations; (ii) relations between state and local governments; (iii) internal organization of state and local governments; (iv) personnel practices of state and local governments; (v) planning and fiscal activities of state and local governments; (vi) the role and functions of heads of state and local governments; and (vii) eligibility criteria for Federal financial assistance.

(2) Rules which impose major new recordkeeping or reporting requirements on individuals, businesses, organizations, or state or local governments. Factors to be considered in determining whether reporting or recordkeeping requirements will be major include: (i) the number of persons, businesses, organizations, or state or local governments covered; (ii) the number and difficulty of items to be reported on or recorded; (iii) the frequency of reporting or recording; and (iv) costs involved in the reporting or recording.

(3) Rules which both involve a potential conflict between environmental

and other considerations and constitute a major Federal Action for which an environmental impact statement is required by section 102(2)(c) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(c)).

(4) Rules which will have a major impact on other programs of the Department, other Federal agencies, or the allocation of Federal funds.

(5) Rules which are likely to have a substantial economic effect on the entire economy or on a particular region, industry, or level of government.

(d) *Criteria for regulatory analysis.*

(1) A regulatory analysis of the economic consequences of a rule will be prepared if the rule is within category (5) of the criteria for significance and:

(i) The rule will have an annual economic effect of \$100 million or more, or (ii) even though the economic effect of the rule will be less than \$100 million, the potential economic effect of the rule on the economy or on a particular region, industry, or level of government is sufficiently major as to require formal analysis to assure that the objectives of the rule are achieved with minimum burden.

(2) (i) In determining whether a regulatory analysis should be prepared for rules which will have an economic effect of less than \$100 million, close attention should be given to such factors as: (A) the present average level of real income of the region which may be effected and the potential change in average income for the region as a result of the rules; (B) the present cost of doing business of an industry and the potential effect of the rules on that cost; (C) the present cost of operating a level of government or a particular governmental program and the potential effect of the rules on that cost; and (D) the estimated likelihood that the acceptable alternative which would impose the minimum economic burden would not be clearly chosen without formal regulatory analysis.

(ii) No specific quantitative levels or percentages are established for examining rules which will have an economic effect of less than \$100 million because the relative affect of such rules may be minor for some regions, industries, or levels of government, but major or critical for others. Thus, each case needs to be examined individually. For example, a particular method of regulation might cause a very small increase in the cost of doing business for an industry. If, however, there are a number of firms in that industry which are marginal, a small increase in costs could drive these firms out of business. In such a case, a regulatory analysis should be prepared if the least burdensome method of regulation is not obvious without formal analysis.

(3) (i) "Economic effects" means changes in the use of resources which, in principle, would affect national income and which can be valued in dollar terms. It does include measures of consumers' willingness to pay for which monetary values would have to be inputted.

(ii) A "region" is a geographic area ordinarily covering more than one state, although for some rules a narrower interpretation may be appropriate.

(iii) An "industry" is defined to correspond to 4-digit industry within the Standard Industrial Classification System established by the Office of Management and Budget (OMB, Standard Industrial Classification Manual (1972)).

(e) *Discretionary use of procedures for significance and regulatory analysis.* The Secretary or the Secretarial Officer having jurisdiction over the program to which a rule relates may require that the rule be developed through the procedures for development of significant rules or that a regulatory analysis be prepared, or both, even though the rule does not meet the criteria for significance or preparation of a regulatory analysis.

(f) *Exceptions.* The Secretary or the Secretarial Officer having jurisdiction over the program to which a rule relates may except from the procedures for development of significant rules and preparation of regulatory analyses rules: (1) issued in response to an emergency or which are governed by short-term statutory or judicial deadlines, or (2) which relate to Federal Government procurement. The Supplementary Information section of FEDERAL REGISTER documents for rules for which such exceptions are made will state why it is impractical or contrary to the public interest for the Department to follow the procedures for development of significant rules.

(g) *Statement of significance.* All final and proposed rulemaking documents and notices of intent to purpose rules published in the FEDERAL REGISTER will state in the Supplementary information section whether or not the rule is a significant rule.

§ 14.4 Development of significant rules.

(a) *Scope.* This section outlines the procedures for developing significant rules, including procedures to involve the public in the development process.

(b) *Work plan.* (1) When a rule has been determined to be significant, the lead official will promptly prepare a work plan for review and approval by the Secretary.

(2) The work plan will state the need for development of the rule, the principal issues and alternative approaches to be considered, a tentative plan for public involvement, and target dates for completion of steps in its develop-

ment. The plan will also state whether or not a regulatory analysis will be prepared or, if this determination has not been made, the process by which the determination will be made.

(3) The plan will be submitted to the Secretary through the Secretarial Officer having jurisdiction over the program to which the rule relates and the Assistant Secretary—Policy, Budget, and Administration. The Assistant Secretary—Policy, Budget, and Administration must review and approve the decision on whether a regulatory analysis is necessary during the review of the work plan.

(4) After review of the plan, the Secretary will approve or disapprove the plan. The Secretary's approval may be conditioned on modifications in the plan.

(5) When the Secretary approves a work plan, he will indicate whether he wishes to approve the rule before it is published in the FEDERAL REGISTER as a proposed and final rule or whether the approval authority may be exercised by the Secretarial Officer having jurisdiction over the program to which the rule relates.

(c) *Early public involvement.* (1) Before a proposed significant rule is drafted, a notice of intent to propose rulemaking will ordinarily be published in the FEDERAL REGISTER. The notice of intent may be omitted, however, if time constraints require immediate preparation of a proposed rule or if there has been a recent previous opportunity for comment by the general public on the issues to be addressed in the proposed rule.

(2) A notice of intent should state the need for, the subject matter of and key issues presented by the anticipated rulemaking, and should advise the public where additional information may be obtained and where comments should be sent. If a regulatory analysis is to be prepared, the notice should invite comment on the economic consequences of alternative regulatory approaches. If no decision on a regulatory analysis has been made, the notice of intent should invite comment on whether the potential economic consequences of the rule require preparation of a regulatory analysis.

(3) When a notice of intent to propose rulemaking is to be published, consideration will be given to taking additional actions to assure meaningful public participation in the rulemaking process. These additional actions may include, but are not limited to, (i) holding open conferences or public hearings, (ii) sending press releases to publications likely to be read by those affected, and (iii) notifying interested parties, including state and local governments, directly.

(d) *Regulatory analysis.* (1) If a regulatory analysis is required, the draft regulatory analysis will ordinarily be

prepared after the receipt of public comments in response to the notice of intent to propose rulemaking (if one is published), but before or during the process of drafting the proposed rule. The final regulatory analysis will be prepared after the comment period on the proposed rules and draft regulatory analysis. The lead official will be responsible for assuring that the preparation of the draft and final regulatory analyses is integrated with the preparation of the proposed and final rules.

(2) The regulatory analysis will contain (i) a succinct statement of the problem being addressed and objectives of the rule; (ii) a description on the major alternative ways of achieving the objectives that were considered by the Bureau; (iii) an analysis of the economic consequences of each of the alternatives; and (iv) a detailed explanation of the reasons for choosing one alternative over the others.

(3) Draft and final regulatory analyses must be approved by the Assistant Secretary—Policy, Budget and Administration.

(e) *Preparation of proposed and final significant rules.* (1) In supervising the preparation of proposed and final rules, the lead official is responsible for assuring that (i) the direct and indirect effects of the rule are adequately considered; (ii) alternative approaches are considered and the least burdensome of acceptable alternatives is chosen; (iii) public comments are considered and that the final rulemaking document contains an adequate discussion of the comments; (iv) the rule is written in clear English and will be understandable to those who must comply with it; and (v) new reporting or recordkeeping burdens which may result from the rule are considered and conform to the requirements of the Federal Reports Act.

(2) When the final rule is prepared, the lead official is also responsible for developing a plan for evaluating the rule after its issuance. The plan should take into account the review cycle for review of rules in § 14.7.

(f) *Approval of proposed significant rules.* Notices of proposed significant rulemaking will be approved by the Secretary or, if the Secretary has so authorized, by the Secretarial Officer having jurisdiction over the program to which the rule relates. Prior to submission for approval, notices of proposed rulemaking will be reviewed by the Assistant Secretary—Policy, Budget and Administration and the Solicitor.

(g) *Publication of proposed significant rules.* (1) The public will be given a minimum of 60 calendar days after the date of publication in the FEDERAL REGISTER to comment on proposed significant rules. A shorter period may be used only in special cases requiring

more timely action. In such cases, the notice of proposed rulemaking will contain a brief statement of the reason for the shorter period.

(2) A notice of proposed rulemaking will contain a brief statement of the alternative approaches considered in drafting the proposed rule and an explanation of the basis for selection of the alternative incorporated in the proposal. If a draft regulatory analysis has been prepared, the notice of proposed rulemaking will state how copies may be obtained and will ask for comments on the analysis.

(3) To assure meaningful public comment on a proposed rule, consideration will be given to supplementing the FEDERAL REGISTER notice with (i) open conferences and public hearings, (ii) press releases sent to publications likely to be read by those affected, and (iii) direct notification of interested parties, including State and local governments.

(h) *Approval of final significant rules.* (1) Final significant rules will be approved by the Secretary or, if the Secretary has so authorized, by the Secretarial Officer having jurisdiction over the program to which the rule relates. Prior to submission for this approval, final rules will be reviewed by the Assistant Secretary—Policy, Budget and Administration and the Solicitor.

(2) Before approving a final significant rule, the Secretary or Secretarial Officer should determine that (i) the rule is needed; (ii) the direct and indirect effects of the rule have been adequately considered; (iii) alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen; (iv) public comments have been considered and an adequate discussion of the comments is contained in the rulemaking document; (v) the rule is written in clear English and can be understood by those who must comply with it; (vi) an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the rule; (vii) the name, address and telephone number of a knowledgeable agency official is included in the document; (viii) the name of the principal author of the rule is included in the document; (ix) a plan has been developed for evaluating the rule after its issuance; and (x) the final regulatory analysis, if one has been prepared, adequately considers the economic consequences of the final rule.

(3) To assist the Secretary or Secretarial Officer in reviewing final significant rules, each rule must be accompanied by a memorandum (i) addressing each of the items listed above, (ii) analyzing the views of public, citizens groups, user groups and elected officials and (iii) summarizing the anticipated impact of the rule. A copy of the

regulatory analysis will be attached to this memorandum.

(i) *Publication of final significant rules.* (1) The Supplementary Information section of a rulemaking document must contain a concise statement of the basis and purpose of the rule and must also discuss all relevant and significant comments on the proposed rule.

(2) The rulemaking document must include a clear statement of the date on which the rule will take effect. This date will be a minimum of 30 calendar days after the date of publication in the FEDERAL REGISTER unless (i) the rule grants or recognizes an exemption or relieves a restriction or (ii) other good cause for a shorter delay of the effective date exists. If a rule is to become effective less than 30 days from the date of publication, the reason for the earlier date will be explained in the Supplementary Information section.

(3) If a final regulatory analysis was prepared, the document will state where copies may be obtained.

§ 14.5 Development of other rules.

(a) *Scope.* Although a rule does not meet the criteria for significance, public participation in its development will often be helpful. This section contains supplementary Department of the Interior policies for public participation in the development of such rules.

(b) *Legislative rules.*—(1) *Definition.* "Legislative rules" are rules, other than rules of agency organization, procedure or practice, which are issued under statutory authority and which implement the statute.

(2) *Notice of intent to propose rules.* (i) If proposed legislative rules are likely to be complex or controversial or to reflect major changes in existing rules, an opportunity for public comment before the publication of a notice of proposed rulemaking may be helpful in drafting the proposed rules. Before drafting such proposed legislative rules, the lead official should consider whether publication in the FEDERAL REGISTER of a notice of intent to propose rulemaking will be beneficial in the drafting process. (ii) A notice of intent will state the need for the rule, the subject matter of and the key issues presented by the anticipated rulemaking, and will advise the public where additional information may be obtained and where comments may be sent.

(3) *Proposed rulemaking.* (i) *Administrative procedure act requirement.* Section 4 of the Administrative Act, requires that the public be allowed an opportunity to comment on proposed legislative rules before final adoption. (5 U.S.C. 553.) This requirement for comment does not apply to rules which deal with public property,

loans, grants, benefits, or contracts. (5 U.S.C. 553(a).) Further, the requirement for comment, if otherwise applicable, may be waived if it is found, for good cause, that notice of and public comment on a proposed legislative rule are impracticable, unnecessary or contrary to the public interest. (5 U.S.C. 553(b)(3)(B).)

(ii) *Department policy.* (A) It is the policy of the Department not to invoke the exception to notice and comment procedures for legislative rules relating to public property, loans, grants, benefits or contracts. When legislative rules fall in these categories, an opportunity for comment will be given unless notice and comment are determined to be impracticable, unnecessary or contrary to the public interest.

(B) Dispensing with the publication of a notice of proposed legislative rulemaking on the ground that notice and an opportunity for comment are impracticable, unnecessary or contrary to the public interest is not favored and should occur only in special cases, such as emergencies or instances where a proposed amendment makes only minor technical changes in a rule.

(iii) *Statement of basis for omitting notice and comment.* When it is determined that a final legislative rule is to be adopted without prior publication of a notice of proposed rulemaking, a specific statement of the basis for the determination will be published with the rule.

(iv) *Period for comment.* No specific time period for comment is prescribed by the Administrative Procedure Act. Except where another statute requires a longer notice period, the public will ordinarily be given a minimum of thirty calendar days to comment on legislative rules. A shorter period may be used only in special cases requiring more timely action. In such cases, the notice of proposed rulemaking will contain a brief statement of the reasons for the shorter period.

(4) *Assuring public participation.* When a notice of intent to propose a rule or a notice of proposed rulemaking is to be published, the lead official will consider taking additional actions to assure meaningful public participation in the rulemaking process. These additional actions may include, but are not limited to, (i) holding open conferences or public hearings, (ii) sending press releases to publications likely to be read by those affected, and (iii) notifying interested parties, including state and local governments directly.

(5) *Final rulemaking documents.* (i) The Supplementary Information section of the rulemaking document for all final legislative rules must contain a concise statement of the basis and purpose for the rule and must also discuss all relevant and significant comments on the proposed rule.

(ii) The rulemaking document must include a clear statement of the date on which the rule is to take effect. This date will be a minimum of thirty calendar days after the date of publication in the FEDERAL REGISTER unless: (A) the rule grants or recognizes an exemption or relieves a restriction or (B) other good cause for a shorter delay of the effective date exists. If a rule is to become effective less than thirty days from the date of publication, the reason for the earlier date will be explained in the Supplementary Information section.

(c) *Interpretative rules and general statements of policy.*—(1) *Definitions.* (i) "Interpretative rules" are rules issued by the Department to advise the public of the Department's interpretation of the statutes and rules which it administers.

(ii) "General Statements of Policy" are statements issued by the Department to advise the public prospectively of the manner in which the Department proposes to administer a discretionary power.

(2) *Public participation.* The Administrative Procedure Act does not require public participation in the development of interpretative rules and general statements of policy. The lead official should, however, consider whether public participation in the development process will be beneficial. Factors which should be considered in making this decision include the impact of the rule or policy on the public or on state and local governments; the complexity and pervasiveness of the rule or policy; the degree to which the rule or policy will modify existing interpretations or policies; and the confusion or controversy likely to be caused by practical difficulties of compliance with a new rule or policy.

(3) *Procedures for public participation.* When it is determined that there should be an opportunity for public participation in the development of an interpretative rule or general statement of policy, the notice and comment rulemaking procedures of 5 U.S.C. 553(b) and (c) and the procedures for development of legislative rules in § 14.5(b)(3)(iv) and 14.5(b)(4) will be used.

(4) *Effective date.* Final interpretative rules and general statements of policy may be made effective on the date of publication in the FEDERAL REGISTER. Except in emergency situations, consideration should, however, be given to delaying the effective date for 30 calendar days from the date of publication (i) if the adoption of the rule or statement was not preceded by an opportunity for comment or (ii) if the rule or statement substantially modifies an earlier interpretation or policy on which members of the public or State or local governments have relied.

(5) *Codification.* Interpretative rules and general statements of policy should ordinarily be codified in the Code of Federal Regulations if they have a substantial impact on, or are of continuing interest to, the public or State or local governments.

(d) *Rules of agency organization, procedures and practices.*—(1) *Definition.* "Rules of organization, procedure and practice" are: (i) descriptions of the Department's central and field organization and the methods by which the public may obtain information, make submittals or requests, or obtain decisions; (ii) Statements of the general course and method by which the Department's functions are channeled and determined, including the nature and requirements of all formal and informal procedures available; and (iii) rules of procedure, descriptions of forms available or the places at which forms may be obtained, and instructions as to the scope and contents of all papers, reports or examinations.

(2) *Public participation.* The Administrative Procedure Act does not require public participation in the development of rules of agency organization, procedure and practice. The lead official should, however, consider whether initial publication of a proposed rule in the FEDERAL REGISTER will contribute to the process of developing the rule.

(3) *Procedures for public participation.* When it is determined that there should be an opportunity for public comment on a proposed rule of organization, procedure or practice, the notice and comment rulemaking procedures of 5 U.S.C. 553 (b) and (c) and the procedures for development of legislative rules in § 14.5(b)(3)(iv) will be used.

(4) *Effective date.* Final rules of organization, procedure and practice may be made effective on the date of publication in the FEDERAL REGISTER. Except in emergency situations, consideration should, however, be given to delaying the effective date for thirty calendar days from the date of publication (i) if the adoption of the rule or statement was not preceded by an opportunity for comment or (ii) if the rule substantially modifies an earlier procedure or practice.

§ 14.6 Petitions for rulemaking.

(a) *Scope.* This section prescribes procedures for the filing and consideration of petitions for rulemaking.

(b) *Filing of petitions.* Under the Administrative Procedure Act, any person may petition for the issuance, amendment, or repeal of a rule. (5 U.S.C. 553(e).) The petition will be addressed to the Secretary of the Interior, U.S. Department of the Interior, Washington, D.C. 20240. It will identify the rule requested to be repealed or provide the text of a proposed rule or

amendment and include reasons in support of the petition.

(c) *Consideration of petitions.* The petition will be given prompt consideration and the petitioner will be notified promptly of action taken.

(d) *Publication of petitions.* A petition for rulemaking may be published in the FEDERAL REGISTER if the official responsible for acting on the petition determines that public comment may aid in consideration of the petition.

§ 14.7 Review of rules.

(a) *Scope.* This section establishes procedures for periodic review of existing rules to assure that they are needed, up-to-date and clear.

(b) *Responsibility.* Each bureau is responsible for reviewing existing rules which relate to programs which it administers. Secretarial Officers are responsible for assuring that Bureau reviews are conducted and must approve the results of the reviews.

(c) *Review criteria.* In reviewing an existing rule, bureaus must consider: (1) The continued need for the rule; (2) the type and number of complaints or suggestions received concerning the rule; (3) whether the rule can be simplified or clarified; (4) the need to eliminate overlapping and duplicative rules; (5) the length of time since the rule has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the rule; and (6) the administrative and reporting burden which the rule imposes on the public.

(d) *Review Cycle.* Rules will be reviewed at no less than 5-year intervals. More frequent reviews or special reviews of selected rules may be established by a bureau, the Secretary, or a Secretarial Officer.

(e) *Revision of Rules.* If review of a rule indicates a need for repeal or revision, the procedures for development of significant rules (§ 14.4) or for development of other rules (§ 14.5) will be used as appropriate.

§ 14.8 Semiannual agendas.

(a) *Scope.* E.O. 12044 requires publication of a semiannual agenda of those rules selected for review and development during the subsequent 6-month period. This section contains procedures for implementing this requirement.

(b) *Publication and content of agendas.* (1) The Department will publish semiannual agendas in January and July of each year.

(2) The agendas will list (i) all new or existing significant rules planned for development or revision, (ii) all rules scheduled for review under the 5-year cycle, and (iii) should include any new rules planned for development which do not meet the criteria for significance.

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(3) The agendas will include (i) the need and legal basis for each action under consideration, (ii) the name and telephone number of the knowledgeable official for each action, (iii) whether or not a regulatory analysis will be required, and (iv) the status of those rules previously listed.
(c) *Approval.* (1) Each bureau will submit its semiannual agenda to the

Assistant Secretary—Policy, Budget and Administration through the Secretarial Officer having jurisdiction over the bureau. These agendas should be received by Assistant Secretary—Policy, Budget and Administration no later than June 15 and December 15 of each year.
(2) The Department's semiannual agenda must be approved by the Sec-

retary prior to publication in the FEDERAL REGISTER.

EXHIBIT 3

(Unless otherwise indicated, all knowledgeable officials are located in Washington, D.C., area code 202.)

U. S. DEPARTMENT OF THE INTERIOR.—Agenda of regulations for initial review
(Review period: May to December 1978)

CFR citation	Subject	Description	Purpose of review	Regulatory analysis		Knowledgeable official
				Yes	No	
BUREAU/OFFICE OFFICE OF THE SECRETARY						
43 CFR pt. 20..	Employee responsibilities and conduct.	Sets forth department policies and identify principal laws and regulations which relate to employee conduct and responsibilities.	An ethics in Government bill is currently pending which will require a complete revision of this part.	X		Gabe Paone, 343-3932.
BUREAU/OFFICE OFFICE OF THE SOLICITOR						
43 CFR pt. 1....	Practices before the Department of the Interior.	The participation of individuals in proceedings, both formal and informal, in which rights are asserted before, or privileges sought from, the Department of the Interior.	To bring this part up to date which has not been reviewed since 1964, and to simplify the language in accordance with E.O. 12044.	X		John D. Trezise, 343-5216.
43 CFR pt. 6....	Patent regulations.....	Obtaining licenses to use patents and inventions, and providing protection for inventions.	To revise subpt. B (licenses) of this part so that it will conform with new GSA regulations on exclusive licensing.	X		Donald Gardiner, 343-4471. Gersten Sadowsky, 343-4471.
BUREAU/OFFICE HERITAGE CONSERVATION AND RECREATION SERVICE						
43 CFR pt. 31..	Grants and allocations for recreation and conservation use of abandoned railroad rights-of-way.	Policies and procedures for administering the funding of projects for the recreation and conservation use of railroad rights-of-way.	1. To determine the effect of these interim regulations and either convert them to permanent status or revoke them in the event additional funding of the program does not occur. 2. If these regulations are retained, they will be transferred to 36 CFR ch. 12, pt. 1301.	X		Roger T. Bowers, 343-7801.
36 CFR pt. 61..	Criteria for comprehensive statewide historic surveys and plans.	Criteria for preparing comprehensive statewide historic surveys and plans under the provisions of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).	1. To evaluate the effectiveness of these interim regulations and republish them in final. 2. These regulations will be transferred to 36 CFR ch. 12, pt. 1205.	X		Robert B. Rettig, 523-5480.
BUREAU/OFFICE BUREAU OF RECLAMATION						
43 CFR pt. 405	Certain Lands sought to be covered by recordable contracts; Columbia Basin project.	Compliance by landowners with respect to lands covered by recordable contracts.	To determine if this part is still applicable since authorizing legislation has been repealed.	X		Vern Cooper, 343-2908.
43 CFR pt. 409	Leasing and utilization of lands in Page, Ariz.	Leasing of lands being administered by the Bureau of Reclamation within the exterior boundaries of Page, Ariz.	To determine if this part is still applicable since Pub. L. 93-493 provided for the transfer of the functions of the city of Page, Ariz, to the city of Page.	X		David Williamson, 343-5204.
43 CFR pt. 430	Rules for management of Lake Berryessa.	Procedures for concessioners in appealing decisions on disputed questions concerning termination of concession contracts due to default or unsatisfactory performance.	To determine if present part is adequate.	X		David Williamson, 343-5204.

CFR citation	Subject	Description	Purpose of review	Regulatory analysis		Knowledgeable official
				Yes	No	
BUREAU/OFFICE NATIONAL PARK SERVICE						
36 CFR pts. 1-4.	Miscellaneous provisions; public use and recreation; boating; and vehicles and traffic safety.	General park regulations dealing with use of park areas.	1. To revise approximately 12 sections in these parts which differentiate among permitted uses on the basis of whether a park area is in the natural, historical, or recreational category. The National Park Service has determined that these categories will no longer be used and that the regulations should be revised accordingly.	X		Richard Tousley, 343-4874.
36 CFR pt. 3....	Boating.....	Regulations controlling boating by the public in units of the national park system.	1. To consolidate all general regulations dealing with recreational activities on park waters, including boating, swimming, and water skiing, with appropriate retitling of this part. 2. To remove regulations which duplicate those of the U.S. Coast Guard and to adopt, for NPS use, these USCG regulations which are appropriate..	X		James Carrico, 343-5607.
36 CFR pt. 5....	Commercial and private operations.	Regulations dealing with concessions, other business activities in parks, and certain trespass activities.	1. To provide clearer definitions of the types of commercial activities which are covered by the regulations.	X		Richard Tousley, 343-4874.
36 CFR pt. 60..	National Register of Historic Places.	Establishes processes for maintenance of the National Register, including nominations, changes, and deletions.	1. To revise regulations as necessary to reflect transfer of this responsibility from the National Park Service to the Heritage Conservation and Recreation Service (HCERS). (Note.—Revision to be accomplished by HCERS.)	X		Heritage Conservation and Recreation Service.
BUREAU/OFFICE BUREAU OF MINES						
30 CFR pt. 610	Coal analysis for non-Federal applicants.	Bureau guidelines governing coal analyses.	To remove these regulations from 30 CFR. This function has been transferred to the Department of Energy and will be incorporated in their regulations (Department of Energy Organization Act, Pub. L. 95-91).	X		Dr. Morgan, 634-1330.
30 CFR pt. 651	Bureau of Mines grant programs.	Rules and regulations for administration of grants.	To remove MSHA references from pt. 651. Certain functions transferred to Department of Labor will be incorporated in their regulations (Pub. L. 91-173, Federal Coal Mine Health and Safety Act of 1969 as amended by Pub. L. 95-164, Federal Mine Safety and Health Amendments of 1977).	X		Joseph Herickes, 634-4700.
BUREAU/OFFICE OFFICE OF WATER RESEARCH AND TECHNOLOGY						
18 CFR ch. IV.	Office of Water Resources Research, Department of the Interior.	Provides the regulations of the Secretary of the Interior for implementing the Water Resources Research Act of 1964.	New legislation is currently pending which will supersede the act of 1964 and require a major revision of this chapter.	X		F. William Koop, 343-4607. George C. Cassaday, 343-4607.

CFR citation	Subject	Description	Purpose of review	Regulatory analysis		Knowledgeable official
				Yes	No	
BUREAU/OFFICE: BUREAU OF LAND MANAGEMENT						
43 CFR group 2700.	Land disposal (sales)...	Sale of public lands.....	Bring regulations up to date with respect to the policies and procedures of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701).	X		Stephen H. Spector, 343-8738. Robert C. Bruce, 343-8735.
43 CFR group 2900.	Land use, occupancy, and development.	Leases and permits for the use of public lands.	Bring regulations up to date with respect to the policies and procedures of the Federal Land Policy and Management Act of 1976.	X		Mathew Millenbach, 343-8731. Robert C. Bruce, 343-8735.
43 CFR group 3800.	Recordation of mining claims.	Recordation of mining claims.....	Clarify existing regulations with regard to provisions of the Federal Land Policy and Management Act of 1976.	X		Gene Carlat, 343-7723. Robert C. Bruce, 343-8735.
43 CFR group 4000.	Grazing administration.	Administration of livestock grazing leases and permits on public lands.	Bring regulations up to date with respect to the policies and procedures of the Federal Land Policy and Management Act of 1976.	X		Allan W. Strobel, 343-4328. Robert C. Brue, 343-8735.
43 CFR pt. 6260.	Recreation management.	Administration of recreation use permits for commercial and competitive recreation uses.	1. Bring regulations up to date with respect to the policy and procedures of the Federal Land Policy and Management Act of 1976. 2. Clarify regulations in accordance with the provisions of E.O. 12044.	X		Larry R. Young, 343-9355. Billy R. Templeton, 343-7424.
BUREAU/OFFICE: U.S. FISH AND WILDLIFE SERVICE						
50 CFR pt. 17..	Endangered and threatened wildlife and plants.	Identification of those wildlife and plants considered to be endangered or threatened.	1. To simplify the language and clarify the objectives of the regulations. 2. To minimize the reporting burden imposed by the regulations.	X		John Spinks, 343-5687. Richard Parsons, 634-1496. Clark Bavin, 343-9242.
50 CFR pt. 16..	Marine mammals.....	Regulations regarding marine mammals under the jurisdiction of the Fish and Wildlife Service.	1. To simplify the language and clarify the objectives of the regulations. 2. To minimize the reporting burden imposed by the regulations.	X		Clark Bavin, 343-9242. Norman Johnson, 343-8961.
50 CFR pt. 19..	Airborne hunting	Regulations prohibiting the use of aircraft in the shooting and harrassing of wildlife.	1. To simplify the language and clarify the objectives of the regulations. 2. To minimize the reporting burden imposed by the regulations.	X		Clark Bavin, 343-9242.
50 CFR pt. 20..	Migratory bird hunting.	Restrictions, conditions, and requirements with regard to the taking, possession, and transportation of migratory birds.	1. To simplify the language of the regulations. 2. To eliminate the annual hunting season schedules from publication in the CFR.	X		John Rogers, 343-8827.
50 CFR pt. 21..	Migratory bird permits.	Permit requirements for migratory birds.	To minimize the reporting burden imposed by the regulations.	X		Clark Bavin, 343-9242.
50 CFR pt. 25..	National Wildlife Refuge System—administrative provisions.	Provides introduction and outlines administrative provisions of operating refuges.	1. To clarify the objectives of the regulations. 2. To ensure that the part is complete and current.	X		Marcus Nelson, 343-3922.
50 CFR pt. 22..	Eagle permits	Permit requirements for eagles	To minimize the reporting burden imposed by the regulations.	X		Clark Bavin, 343-9242. Richard Parsons, 634-1496.
BUREAU/OFFICE: GEOLOGICAL SURVEY						
30 CFR pt. 211	Coal mining operating regulations.	Definition of logical mining unit; responsibilities; procedures and public participation; logical mining units; reports; value basis for royalty computation; weight basis for royalty computation; operating and reclamation standards; applicability of State law; applicability of requirement of various State laws and regulations; States with cooperative agreements; exploration and mining plans; variances; definitions.	To establish criteria for logical mining unit reserve calculations and revise certain definitions to conform with new Office of Surface Mining regulations; to amplify mining supervisor's responsibilities for, provide procedures for public participation in approval of, and present criteria for establishing logical mining units; to establish a royalty reporting form; to revise present reclamation and performance standards and other requirements to conform with new Office of Surface Mining regulations.	X		Walter Lewiecki (Reston, Va.), 703-860-7506.
			To establish value and weight bases for royalty computation.	X		Don Ziehl (Reston, Va.), 703-860-7506.

CFR citation	Subject	Description	Purpose of review	Regulatory analysis		Knowledgeable official
				Yes	No	
BUREAU/OFFICE: GEOLOGICAL SURVEY—Continued						
30 CFR pt. 221	Oil and gas operating regulations.	Governs operations conducted on on-shore Federal and Indian oil and gas leases.	To conduct a complete review and modernization of the on-shore regulations which were last generally revised in 1942; and, to modernize the values of liquidated damages assessed in the case of defaults to more properly reflect current costs of doing business.	X		Eddie R. Wyatt (Reston, Va.), 703-860-7535.
30 CFR pt. 270	Geothermal resources operations on public, acquired and withdrawn lands.	Governs operations conducted on Federal and Indian geothermal leases.	To provide regulations pertaining to siting of geothermal energy end-use plants (electrical generating facilities) on the leases. Such regulations were omitted from the original publication of this part.	X		Do.
30 CFR pt. 250	Oil and gas and sulphur operations in the Outer Continental Shelf.	Provides for the prevention of waste and conservation of the OSC, and the protection of correlative rights.	To permit the issuance of national OCS orders to govern all areas of the Outer Continental Shelf.	X		Richard Krehl (Reston, Va.), 703-860-7835. Lloyd M. Tracy (Reston, Va.), 703-860-7835.
43 CFR pt. 3100.	Oil and gas leasing	Date determinative of rights.....	To clarify the effective date of known geologic structure (KGS) determinations.	X		Charles Sours (Reston, Va.), 703-860-7521.
BUREAU/OFFICE: BUREAU OF INDIAN AFFAIRS						
25 CFR pt. 271	Contracts under Indian Self-Determination Act.	Contents of contract application; submission of requests to contract; record-keeping.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.	X		Ronald W. Cramer, 343-7508.
25 CFR pt. 271	Contracts under Indian Self-Determination Act.	Contents of contract application; submission of requests to contract; record-keeping.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.	X		Ronald W. Cramer, 343-7508.
25 CFR pt. 273	Education contracts under Johnson-O'Malley Act.	Preparing the education plan; establishment of Indian education committee; content of application to contract; recordkeeping. Audit and inspection; freedom of information.	do.....	X		William G. Demmert, 343-2175. William A. Henry (Albuquerque, N. Mex.), 505-474-2825.
25 CFR pt. 274	School construction contracts or services for tribally operated previously private schools.	Recordkeeping; audit and inspection; freedom of information.	do.....	X		William A. Henry (Albuquerque, N. Mex.), 505-474-2825.
25 CFR pt. 277	School construction contracts for public schools.	Recordkeeping	This section of this part was originally scheduled for review, during this period, as required by current Departmental directives.	X		Do.
25 CFR pt. 105	Deposit of Indian funds in banks.	Application; qualification; collateral security; reports (statement of disbursing account); statement of deposits; report of condition.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.	X		Shirley M. Crosby, 343-8216.
25 CFR pt. 104	Individual Indian money accounts.	Individual accounts.....	This section of this part was originally scheduled for review, during this period, as required by current Departmental directives.	X		Do.
25 CFR pt. 141	General forest contracts.	Execution and approval of contracts.....	do.....	X		Do.
25 CFR pt. 174	Leasing of restricted lands of members of Five Civilized Tribes, Oklahoma, for mining.	Bonds.....	do.....	X		Do.
25 CFR pt. 161	Rights-of-way over Indian lands.	Permission to survey; application for right-of-way; maps; affidavit of completion; railroads in Oklahoma; power projects; public highways.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.	X		Do.
25 CFR pt. 171	Leasing of tribal lands for mining.	Existing permits or leases on minerals acquired for the Ute Indian Tribe or the Utah and Ouray Reservation, Utah, and the Pueblos of Zia and Jemez, N. Mex.; leases to be made by tribes; corporations and corporate information; bonds; annual rentals and expenditures; inspection of premises, books and accounts; sale oil and gas leases.	do.....	X		Do.
25 CFR pt. 177	Surface exploration, mining, and reclamation of lands.	Approval of mining plan; reports.....	do.....	X		Do.

CFR citation	Subject	Description	Purpose of review	Regulatory analysis		Knowledgeable official
				Yes	No	
BUREAU/OFFICE BUREAU OF INDIAN AFFAIRS—Continued						
25 CFR pt. 183	Leasing of Osage Reservation lands for oil and gas mining.	Sale of leases; bonds; corporation and corporate information; time of royalty payments and reports; contents and division orders; commencement of operations; procedures for settlement of damages claimed; lessees subject to Superintendent's orders; books and records open to inspection; well records and reports; measuring and storing oil; accidents to be reported.	do.....	X		Do.
25 CFR pt. 80..	Indian business development program.	Application procedures; reports	do.....	X		Robert Nordstrom, 343-5804.
25 CFR pt. 93..	Loan guaranty, insurance, and interest subsidy.	Applications for loans; approval of guaranteed loans; approval of insured loans.	do.....	X		Do.
25 CFR pt. 34..	Administration of a program of vocational training for adult Indians.	Filing application	This section of this part was originally scheduled for review, during this period, as required by current departmental directives.	X		Do.
25 CFR pt. 22..	Care of Indian children in contract schools.	Application of institution	do.....	X		John Geary, 343-2678.
25 CFR pt. 162	Roads of the Bureau of Indian Affairs.	Selection of road construction projects; contributions from tribes; purpose and objectives; criteria; record of hearing procedures.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.	X		Robert Hemmes, 343-9433.
25 CFR pt. 21..	Arrangement with States, territories, or other agencies for relief of distress and social welfare of Indians.	State or other contracting agency furnish plan of operation; financial statement.	do.....	X		John Geary, 343-2678.
25 CFR pt. 261	Housing improvement program.	Eligibility.....	This section of this part was originally scheduled for review, during this period, as required by current departmental directives.	X		Do.
25 CFR pt. 41..	Preparation of rolls of Indians.	Qualifications for enrollment and the deadline for filing applications.	do.....	X		Do.
25 CFR pt. 251	Miscellaneous activities.	Regulating sale of arms and ammunition.	do.....	X		Do.
25 CFR pt. 252	Business practices on the Navajo, Hopi, and Zuni Reservations.	Reservation business license required; pawnbroker records.	Sections of this part were originally scheduled for review, during this period, as required by current departmental directives.	X		Do.

[FR Doc. 78-14498 Filed 5-19-78; 2:10 pm]

[7710-12]

POSTAL SERVICE

IMPROVING GOVERNMENT REGULATIONS

Report on Implementation of Executive Order No. 12044

AGENCY: Postal Service.

ACTION: Report on Implementation of Executive Order No. 12044.

SUMMARY: This notice responds to section 5(a) of Executive Order No. 12044, Improving Government Regulations (the Order). Section 5(a) of the Order requires that each Executive Agency publish in the FEDERAL REGISTER for public comment a draft report on its regulatory process, any changes the agency has made to comply with the Order, and other matters related to its regulations. Although the Postal Service is not subject to the Order, it publishes this notice in voluntary compliance with section 5(a) of the Order. The notice deals with: (1) The Postal Service's intent to comply voluntarily with the Order to the extent it is appropriate to do so; (2) the Postal Service's procedures for developing regulations; (3) the general inapplicability to the Postal Service of sections 2 and 3 of the Order dealing with significant regulations and regulatory analysis; and (4) the Postal Service's review of its regulations.

DATE: Comments must be received on or before August 1, 1978.

ADDRESS: Written comments should be directed to W. Allen Sanders, Assistant General Counsel, Legislative Division, Law Department, U.S. Postal Service, Room 10220, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260. Copies of all written comments will be available for public inspection and photocopying between 9 a.m. and 4 p.m. Monday through Friday, in Room 10220.

FOR FURTHER INFORMATION CONTACT:

Neva R. Watson, 202-245-4642.

SUPPLEMENTARY INFORMATION:

I. BACKGROUND

The President published Executive Order 12044 entitled "Improving Government Regulations" on March 24, 1978 (43 FR 12661). The Order requires, in general, that executive agencies review and redesign, in accordance with the policies and directives of the Order, the process by which they develop regulations, in order to make that process more efficient and responsive to public needs. The Postal Service agrees with the policies of the Order and intends to conduct its rule-making activities in compliance with them.

The Postal Service believes, however, that the Order is legally inapplica-

ble to it. Section 410(a) of title 39 provides, with exceptions not here applicable, that "no Federal law dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of title 5, shall apply to the exercise of the powers of the Postal Service." The Order implements the rulemaking provisions of the Administrative Procedure Act, 5 U.S.C. 553, a part of chapter 5 of title 5. As an Order implementing a law that generally does not apply to the exercise of postal powers, the Order itself does not, in our opinion, apply. In addition, the Order itself does not appear to be directed to the Postal Service since it is directed to executive agencies, a term that has been defined to exclude the Postal Service. 5 U.S.C. 104, 105.

Although not subject to the Order, the Postal Service intends to comply voluntarily with it to the extent outlined below. The Postmaster General recently published in the Postal Bulletin a memorandum calling on all employees to write simply so postal regulations, letters and memoranda will be easy to understand. (See complete text of the Postmaster General's statement in the Appendix to this report.)

In this spirit, the Postal Service is publishing this report for comment.

II. PROCEDURE FOR DEVELOPING REGULATIONS

The Postal Service voluntarily follows the rulemaking provisions of title 5 (5 U.S.C. 553) whenever it proposes a new or amended regulation which would have or might have a substantial effect on the public.

The following is an outline of our general procedure for developing such regulations:

A. The originating division, acting on its own or at the request of other postal employees or mailers, develops a proposal for a new regulation or an amendment to an existing regulation.

B. The originating division seeks comments on the proposal from departments within the Postal Service to which the matter is of concern.

C. The Postal Service takes steps to provide for early and meaningful public participation in the rulemaking process. While a regulation is in the early stages of development, the Postal Service often calls it to the attention of parties known to have an interest in it. For example, the Service, prior to the publication of packaging regulations in proposed form, conducted an intensive packaging task force study with the cooperation of major mailers' associations. The packaging regulations thus were able to reflect commercial standards identified during the study.

D. The proposed rule is published in the FEDERAL REGISTER, with at least 30

days allowed for public comment. At or about the same time, if it is believed that the rule has or might have a wide effect on the general public, the Postal Service issues a press release informing the public of the proposal and inviting their comments.

E. The Postal Service considers each written comment that is received. Often a comment will raise a question or make a suggestion which convinces the Postal Service to revise the proposed rule. For instance, almost 2,000 comments were received from the public on post office closing regulations proposed last year. The Postal Service considered each comment and, where warranted, made changes in the proposed regulation before the final regulation was published.

F. The final rule is published in the FEDERAL REGISTER, together with an explanation of the principal matters considered prior to deciding on the final regulation.

III. SIGNIFICANT REGULATIONS; REGULATORY ANALYSIS

The Postal Service's principal mission is to provide postal services to the public. The terms and conditions under which services are provided are spelled out in postal regulations. While often affecting large numbers of individuals, firms or governmental units, postal regulations do not generally impose compliance or reporting requirements, apart from those involved in obtaining postal services. In general, postal regulations have no substantial relationship to the regulations and programs of other agencies, nor do they affect competition, the economy, or the costs of individuals, firms, or governmental units, except as outlined below. Accordingly, postal regulations in general do not appear to be "significant" or to involve "major economic consequences" within the meaning of sections 2 and 3 of the order. Many postal regulations relate solely to agency management or personnel, regulations which section 6(b)(3) of the Order exempts from coverage.

The Postal Service at times publishes regulations to implement Postal Rate Commission recommended decisions, placed into effect by the postal Governors. See, for example, 41 FR 22375 (the proposed) and 41 FR 28478 (the final) rules of the Rate Commission concerning provisions in rate and postage uses—which as stated in the preamble could be significant. The meaning of sections 2 and 3 of the Order—are issued in accordance with the formal rulemaking requirements of 5 U.S.C. 556, 557. See 39 U.S.C. 1024. Section 6 of the Order exempts regulations issued in accordance with formal rulemaking. Since postal regulations implementing the actions of the Postal Rate Com-

mission and the postal Governors merely carry out these actions, we do not regard these regulations as themselves being of the kind generally subject to the Order.

The Postal Service has regulations that implement its general statutory monopoly over the coverage of "letters" and "packets" under the Private Express Statutes. These regulations do affect competition with the Postal Service, though they are largely consistent with prior administrative practice under the Private Express Statutes developed over many years. No proposed amendments to these regulations are currently pending.

Since the Postal Service has no continuing program regarding the issuance of "significant" regulations within the meaning of sections 2 and 3 of the Order, voluntary compliance with these sections would not appear to be appropriate. Should such regulations be proposed in the future, however, the agency will strive to apply the policies reflected in the Order during the course of the rulemaking.

IV. REVIEW OF EXISTING REGULATIONS

The Postal Service has had a special task force engaged for some time in an intensive program of reviewing, revising, and, where necessary, rewriting its regulations. The process of reviewing postal regulations is a long-term proj-

ect, since it includes both internal, procedural regulations and other regulations which have an effect on the public. The Postal Service's goal is to have concise regulations, written in

plain English, that mailers and postal employees can understand.

ROGER P. CRAIG,
Deputy General Counsel

Memorandum for All Postal Employees

Postal Service Correspondence

The President recently said that the people and the Congress are tired of *bureaucratic gobbledygook*. So am I.

A task force at Headquarters is reviewing all the Postal Service's regulations—those affecting the public and those directed to our own people—and will try to make them easier to understand.

In addition, I want all letters and memoranda written by the Postal Service to be easy to understand and to be simple, friendly, and courteous.

Avoid legal jargon. Give complete answers to questions. Do not make it necessary for people to write a second letter to find out what we meant in our reply to their first letter.

Simple writing is hard work. It may mean changing the habits of a lifetime. But let's give it a try.

WILLIAM F. BOLGER
Postmaster General

[FR Doc. 78-14583 Filed 5-22-78; 8:45 am]

[4710-08]

DEPARTMENT OF STATE

[Public Notice 610]

IMPROVEMENT OF GOVERNMENT REGULATIONS

Response to Executive Order No. 12044

AGENCY: Department of State.

ACTION: Request for public comment.

SUMMARY: This notice invites comments from the public on the Department of State's proposals for implementing Executive Order No. 12044, dated March 23, 1978 (43 FR 12661, March 24, 1978). The Executive Order is entitled "Improving Government Regulations." The proposals include procedures for developing regulations; defining significant regulations; criteria for identifying which regulations require regulatory analysis; and review of existing regulations to determine which regulations will require revision or elimination.

The Department of State is committed to pursuing the President's goals for making Federal regulations clear and understandable to the public, minimizing the burden imposed by Federal regulations on the public, and providing early opportunities for public participation in the rulemaking process.

DATE: Comments due August 3, 1978.

ADDRESS: Send comments to K. E. Malmberg, Assistant Legal Adviser for Management, Department of State, Room 5423, 2100 C Street NW., Washington, D.C. 20520, telephone 202-632-2350.

FOR FURTHER INFORMATION CONTACT:

George J. Mattis, Chief, Directives Staff, Foreign Affairs Document and Reference Center, Department of State, Room 1239, 2100 C Street NW., Washington, D.C. 20520, telephone 202-632-3602; K. E. Malmberg, Assistant Legal Adviser for Management, Department of State, Room 5423, 2100 C Street NW., Washington, D.C. 20520, telephone 202-632-2350; Gladys I. Poticher, FR Liaison Officer, Directives Staff, Department of State, Room 1239, 2100 C Street NW., Washington, D.C. 20520, telephone 202-632-7968.

Under section 4 of the Order, the Department of State has developed the following proposed standards and guidelines for implementation of the Order.

1. IDENTIFICATION OF REGULATIONS

Most of the regulations proposed and issued by the Department of State are exempt from the requirements of the Executive Order because they (a)

relate to foreign affairs functions of the United States;¹

(b) related to Federal Government procurement activity;

(b) are governed by short-term requirements of executive orders, public laws, and other legally binding actions which do not allow the 60-day requirement for public participation; or (d) relate to the internal management of the Department. Section 6(b) of the Order exempts regulations in these categories.

Regulations which are not exempt from 6(b) of the Order appear to be the following:

(a) Nationality regulations (22 CFR Part 50);

(b) Special consular services regulations (22 CFR Parts 71, 72, 87, 92, and 93);

(c) Civil aviation regulations (22 CFR Part 102);

(d) Freedom of Information and Privacy Act regulations (22 CFR Parts 6 and 6a);

(e) Council on Environmental quality implementing regulations;

(f) Floodplain and Wetlands protection regulations; and

(g) Public participation in proceedings, advisory committee meetings and delegations to international conferences (pending publication in the FEDERAL REGISTER).

2. COMMENTS REQUESTED

The Department of State invites written comments on:

(a) Whether categories of regulations, in addition to those listed in paragraph 1 above, should be covered;

(b) The process for developing regulations in general, as set forth in section I below;

(c) The criteria for defining significant regulations as set forth in section II below (proposed directive);

(d) The criteria for determining which regulations require regulatory analysis as set forth in section III below; and

(e) The criteria for selecting existing regulations to be reviewed as set forth in section IV below. Suggestions of additional criteria in all areas are especially invited.

3. PROPOSED PROCEDURES

This notice establishes procedures for development of regulations by the Department of State. It implements sections 1, 2, 3, and 4 of the Order on Improving Government Regulations.

¹As a matter of policy, the Department of State does not rely on the "foreign affairs function" exemption from the rulemaking procedures required by 5 U.S.C. 553, except in unusual cases individually justified to and approved by the Deputy Under Secretary for Management. The Department will follow a similar policy with respect to the application of Executive Order 12044 to regulations involving foreign affairs functions.

4. SEMI-ANNUAL REGULATIONS AGENDA

In March and October of each year, the Department of State will publish a semiannual regulations agenda in the FEDERAL REGISTER describing the status of significant regulatory actions under development. This agenda will describe the regulations being considered, the need and the legal basis for the action being taken, show the status of regulations listed on previous agendas, and list the name and telephone number of the Department of State's point of contact for each regulation. The Secretary of State will approve the regulations agenda before publication.

I. PROCESS FOR DEVELOPING REGULATIONS

The existing process for developing regulations is that each bureau or office of the Department with substantive responsibility develops regulations to implement that responsibility. Detailed instructions for preparing regulations are set forth in Volume 2, subchapter 1110 of the Foreign Affairs Manual. Each bureau of office coordinates with the Office of the Legal Adviser (L) and the Directives Staff of the Bureau of Administration (FADRC/DIR) to assure compliance with the Foreign Affairs Manual, the Administrative Procedure Act, and other applicable laws and regulations. Each public regulation is brought to the attention of the Executive Secretary of the Department of State on behalf of the Secretary of State in his responsibility for regulatory oversight. As a result of Executive Order No. 12044, the Office of the Legal Adviser and the Directives Staff will also assure compliance with the following requirements of the Order:

(1) The regulation is needed;

(2) The direct and indirect effects of the regulation have been adequately considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternative has been chosen;

(4) Public comments have been considered and an adequate response has been prepared;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens or record-keeping requirements necessary for compliance with the regulation;

(7) The name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

In addition to publication in the FEDERAL REGISTER for public comment, originating bureaus or offices are re-

quired to consider use of other means of early public participation in development of regulations, such as publication of subjects being considered in the Department of State *Newsletter*.

Each significant regulation will be subject to the approval of the Deputy Under Secretary for Management or another statutorily designated officer and that approval will include determination on the factors specified in section 2(d) of the Order.

II. CRITERIA FOR SIGNIFICANT REGULATIONS

A regulation will be considered significant if the originating bureau or office, in consultation with the Office of the Legal Adviser and the Directives Staff, determines that:

- (a) It may substantially affect—
 - (1) State and local government programs;
 - (2) Quality of environment;
 - (3) Inflation, employment, or economic growth;
 - (4) Business competition; or
 - (5) Existing regulatory programs of other Executive agencies.
- (b) It may be of substantial public interest or create substantial controversy.
- (c) It will require substantial State Department resources to develop and enforce.

III. CRITERIA FOR REGULATORY ANALYSIS

A regulation will be subject to regulatory analysis if the originating

bureau or office, in consultation with the Office of the Legal Adviser and the Directives Staff, determines that:

- (1) It will result in an annual effect on the economy of \$100 million or more; or
- (2) It will result in a major increase in costs or prices for individual industries, levels of government, or geographic regions.

In the discretion of the Secretary of State, regulatory analysis may be required on any other proposed regulations.

An evaluation of existing regulations and those presently under consideration under the above criteria does not indicate any which require regulatory analysis. If future regulations are developed which meet the above criteria, an analysis will be carried out.

IV. REVIEW OF EXISTING REGULATIONS

The following criteria shall be applied by the appropriate bureau of office to select regulations for review, in accordance with section 4 of the Executive Order:

- (1) A substantial period of time has gone by since the regulation was issued without amendment or comprehensive revision;
- (2) A substantial number of complaints or suggestions have been made by the general public on a particular industry or area affected;
- (3) Those directly or indirectly affected by the regulation have a recurring compliance responsibility;

(4) The text of the regulation is strikingly technical or unclear;

(5) There is apparent confusion with, or overlapping by, another regulation on the same or similar subject;

(6) There is new legislation, technology, economic conditions, or other change of basic circumstances which may substantially affect the validity or impact of the regulation.

Regulations selected for review will be listed in the Department of State semiannual agenda and published in the *FEDERAL REGISTER* in March and October of each year in accordance with section 2(a) of the Order. Selected regulations will include the point of contact and will be approved by the Secretary of State.

The Department of State has selected for review within the next 6 months the regulations on information on political contributions and fees or commissions in connection with the sale of defense articles or services, because of the number of complaints or suggestions made and the enactment of new legislation. All other regulations will be reviewed by May 15, 1979. Unless extended, this notice expires June 30, 1980.

BEN H. READ,
Deputy Under Secretary
for Management.

MAY 19, 1978.

[FR Doc. 78-14596 Filed 5-22-78; 11:00 am]

[7536-01]
[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

IMPROVING GOVERNMENT REGULATIONS

Semiannual Agenda of Regulations and Report

AGENCY: National Foundation on the Arts and the Humanities.

SUMMARY: Executive Order No. 12044 on Improving Government Regulations requires that each executive agency publish a semiannual agenda of significant regulations and prepare a draft report outlining (1) a brief description of its process for developing regulations; (2) its proposed criteria for defining significant agency regulations; (3) its proposed criteria for identifying which regulations require regulatory analysis; and (4) its proposed criteria for selecting existing regulations to be reviewed and a list of regulations that the agency will consider for its initial review.

DATE: Comments on the Report or the regulations being reviewed should be submitted by July 24, 1978.

ADDRESSES: Comments should be submitted to either the General Counsel, National Endowment for the Arts, 2401 E Street NW., Washington, D.C. 20506, 202-634-6588 or to the General Counsel, National Endowment for the Humanities, 806 15th Street NW., Washington, D.C. 20506, 202-724-0367.

REPORT

To give the public adequate notice, the National Foundation on the Arts and the Humanities shall publish in the *FEDERAL REGISTER*, at least semiannually during the period Executive Order 12044 is in effect, an agenda of significant regulations under development or review. This agenda will be published on the first Monday in October and the first Monday in April. The Chairman of the National Endowment for the Arts and the Chairman of the National Endowment for the Humanities shall approve the agenda for his Endowment before it is published. Each agenda shall describe the regulations being considered, the need for and the legal basis for the action being taken, and the status of regulations previously listed on the agenda.

Each item on the agenda shall also include the name and telephone number of a knowledgeable official and, if possible, state whether or not a regulatory analysis will be required.

1. DESCRIPTION OF THE PROCESS FOR DEVELOPING REGULATIONS

(a) Before either the National Endowment for the Arts or the National Endowment for the Humanities proceeds to develop significant new regulations, the Chairman of that Endowment shall review the issues to be considered, the alternative approaches to be explored, a tentative plan for obtaining public comment, and target dates for completion of steps in the development of the regulation.

(b) Opportunity for public participation. Each Endowment shall give the public an early and meaningful opportunity to participate in the development of agency regulations. A variety of ways to provide this opportunity shall be considered, including (1) publishing an advance notice of proposed rulemaking; (2) holding open conferences or public hearings; (3) sending notices of proposed regulations to publications likely to be read by those affected; (4) notifying interested parties directly.

(c) Time for comment. Each Endowment shall give the public at least 60 days to comment on proposed significant regulations. In the few instances where an Endowment determines this is not possible, the regulations shall be accompanied by a brief statement of the reasons for a shorter time period.

(d) Approval of significant regulations. The Chairman of each Endowment, or the designated official with statutory responsibility, shall approve significant regulations before they are published in the *FEDERAL REGISTER*. At a minimum, this official should determine that:

- (1) the regulation is needed;
- (2) the direct and indirect effects of the regulation have been adequately considered;
- (3) alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;
- (4) public comments have been considered and an adequate response has been prepared;
- (5) the regulation is written in plain English and is understandable to those who must comply with it;
- (6) an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;
- (7) the name, address and telephone number of a knowledgeable agency official is included in the publication; and
- (8) a plan for evaluating the regulation after its issuance has been developed.

2. CRITERIA FOR DETERMINING SIGNIFICANT REGULATIONS

The National Endowment for the Arts and the National Endowment for the Humanities shall consider among other things:

- (a) The type and number of individuals, businesses, organizations, State and local governments affected;

(b) the compliance and reporting requirements likely to be involved;

(c) direct and indirect effects of the regulation including the effect on competition; and

(d) the relationship of the regulations to those of other programs and agencies. Regulations that do not meet the criteria for determining significance shall be accompanied by a statement to that effect at the time the regulation is proposed.

3. REGULATORY ANALYSIS

Some of the regulations identified as significant may have major economic consequences for the general economy, for the individual industries, geographical regions or levels of government. For these regulations, a regulatory analysis shall be prepared except in the case of regulations prepared by all executive agencies where another agency has already prepared a regulatory analysis, and that agency's regulation is on the same subject and affects the same people or institutions as the Endowments' regulation. Such a regulatory analysis shall involve careful consideration of alternative approaches early in the decisionmaking process.

(a) *Criteria.*—Regulatory analysis will be performed for all regulations which will result in: (1) An annual effect on the economy of \$100 million or more; or (2) a major increase in costs or prices for individual industries, levels of government or geographic regions. It is within the discretion of the Chairman of either Endowment to have regulatory analysis completed on any proposed regulation.

(b) *Procedures.*—The following procedures for developing regulatory analysis and obtaining public comment shall apply. (1) Each regulatory analysis shall contain a succinct statement of the problem; a description of the major alternative ways of dealing with the problem that were considered; an analysis of the economic consequences of each of these alternatives; and a detailed explanation of the reasons for choosing one alternative over the others. (2) Public notice of proposed rules shall include an explanation of the regulatory approach that has been selected or is favored and a short description of the other alternatives considered. A statement of how the public may obtain a copy of the draft regulatory analysis shall also be included. (3) A final regulatory analysis will be prepared and made available when the final regulations are published.

4. REVIEW OF EXISTING REGULATIONS

(a) The National Endowment for the Arts and the National Endowment for the Humanities shall periodically review their existing regulations to determine whether they are achieving

the policy goals of these regulations. This review will follow the same procedural steps outlined for the development of new regulations.

(b) In selecting regulations to be reviewed, the following criteria shall be considered: (1) The continuing need for the regulation; (2) the type and number of complaints or suggestions received; (3) the burdens imposed on those directly or indirectly affected by the regulation; (4) the need to simplify or clarify language; (5) the need to eliminate overlapping or duplicative regulations; and (6) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

(c) The National Foundation on the Arts and the Humanities in the process of reviewing its regulations on Nondiscrimination in federally assisted programs. (Title 45, Code of Federal Regulations, Part 1110). These regu-

lations give effect to the provisions of Title VI of the Civil Rights Act of 1964 by prohibiting discrimination on the ground of race, color, or national origin in programs or activities receiving Federal financial assistance from the National Endowment for the Arts or the National Endowment for the Humanities. Public comment is invited on these regulations.

5. COVERAGE

(a) As used in this notice, the term regulation means both rules and regulations issued by the National Endowment for the Arts or the National Endowment for the Humanities including those which establish conditions for financial assistance. Closely related sets of regulations shall be considered together.

(b) This notice does not apply to: (1) Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557); (2) regulations issued

with respect to military or foreign affairs functions of the United States; (3) matters related to agency management or personnel; (4) regulations related to Federal Government procurement; (5) regulations that are issued in response to an emergency or which are governed by short term statutory or judicial deadlines. In these cases, a statement shall be published in the FEDERAL REGISTER of the reasons why it is impracticable or contrary to the public interest to follow the procedures of this notice. Such a statement shall include the name of the policy official responsible for this determination.

LIVINGSTON L. BIDDLE,
Chairman, National Endowment
for the Arts.

JOSEPH D. DUFFEY,
Chairman, National Endowment
for the Humanities.

[FR Doc. 78-14621 Filed 5-22-78; 2:07 pm]

[3125-01]

COUNCIL ON ENVIRONMENTAL QUALITY

IMPROVING GOVERNMENT REGULATIONS

Draft Report

AGENCY: Council on Environmental Quality.

ACTION: Request for public comment.

SUMMARY: The Council on Environmental Quality asks for public comment on this draft report on implementing Executive Order 12044, Improving Government Regulations (43 Fed. Reg. 12661, March 24, 1978).

A. BACKGROUND

Section 5(a) of Executive Order 12044 on Improving Government Regulations requires preparation of a draft report outlining: (1) A brief description of the process for developing regulations and changes made to comply with Executive Order 12044; (2) proposed criteria for defining significant regulations; (3) proposed criteria for identifying which regulations require regulatory analysis; and (4) proposed criteria for selecting existing regulations for review and a list of regulations that will be considered for its initial review.

The Council on Environmental Quality is responsible for enacting two kinds of regulations. First, the Council is directed by Executive Order 11991 (May 24, 1977) to prepare and enact regulations implementing the National Environmental Policy Act (NEPA). The Council's NEPA regulations have been under preparation and review since June 1977 and will shortly be published in the FEDERAL REGISTER for public review and comment as proposed regulations. Second, Executive Order 11735 (August 3, 1973) the President designated the Council on Environmental Quality to exercise the President's authority under section 311(c)(2) of the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) to prepare and publish a National Contingency Plan for removal of oil and hazardous substances. The Council has prepared and published a National Oil and Hazardous Substances Pollution Contingency Plan in the form of regulations in 40 C.F.R. 1510 et seq. (as amended March 26, 1976).

NEPA and the National Contingency Plan are the only subjects which in the presently foreseeable future will involve regulations by the Council on Environmental Quality. The work of preparing regulations in these two areas was largely completed before Executive Order 12044 became effective. Therefore, application of Executive Order 12044 to the Council's regulatory activities is generally limited to future revisions or amendments to the

Council's NEPA and National Contingency Plan regulations.

B. BRIEF DESCRIPTION OF THE COUNCIL'S PROCESS FOR DEVELOPING REGULATIONS AND THE CHANGES THAT HAVE BEEN MADE TO COMPLY WITH EXECUTIVE ORDER 12044

1. Process for developing the Council's NEPA regulations:

The Council's process for developing NEPA regulations was formally started when the President signed Executive Order 11991 (May 24, 1977) directing the Council to prepare regulations implementing NEPA to achieve three broad goals: (1) Improve Federal agency decisionmaking under NEPA; (2) reduce paperwork; and (3) reduce delays. As a first step, the Council held three days of public hearings (June 6-8, 1977). The Council affirmatively sought to involve NEPA's critics as well as its defenders. At these public hearings, the U.S. Chamber of Commerce led the presentation of industry and the business community. The Building and Construction Trades Department of the AFL-CIO coordinated labor's presentation. The Natural Resources Defense Council organized environmentalists' views. The National Conference of State Legislatures coordinated the testimony of all branches of State government as well as local governments. The scientific and academic communities were represented as was the general public. Some 50 witnesses testified during the three days of public hearings, before an audience of over 500 people.

Based on these hearings as well as on its own assessment of the need for NEPA reform, the Council prepared and extensive questionnaire which listed all the problems identified in implementing NEPA and alternative ways of improving NEPA and the environmental impact statement (EIS) process. In August 1977 this NEPA questionnaire was sent to all Federal agencies, each State Governor and state Attorney General, and each participant at the June public hearings. In August 1977 the Council published a notice of availability of the NEPA questionnaire in the FEDERAL REGISTER and sent copies to all who telephoned or mailed in requests. About 1600 questionnaires were sent out and over 300 fully completed 38-page questionnaires were returned. Many others provided responses to selected questions.

During September and October 1977 the Council staff, under the supervision of the General Counsel, organized and evaluated the NEPA questionnaire responses. The Council staff simultaneously met with the principal federal agencies to discuss what should be in the NEPA regulations. Guided by the public hearings, questionnaire responses, and agency dis-

cussions, as well as by the Council's experience, the staff analyzed alternative ways of structuring the NEPA regulations consistent with the statute and Executive Order 11991. The Council staff prepared draft regulations which were submitted for a 60-day Federal interagency review on December 12, 1977. During December 1977, and January 1978, the Council staff conducted explanatory briefings for Federal agencies to assist interagency review. Extensive Federal agency comments and suggestions were received during February 1978. From February into May 1978, the Council staff studied agency comments and recommendations in detail and consulted with federal officials with experience in implementing NEPA. Tentative redrafts of the regulations were informally circulated to those agencies with the most extensive experience in preparing environmental impact statements. In addition, numerous meetings were held with Federal agencies.

Simultaneously with the Federal interagency review, the Council staff continued to meet with, brief, and listen to representatives of the interested public, including representatives of business, labor, State, and local government, environmental groups and others. In addition, the Council made available on request, copies of the draft regulations. This exposure of the draft regulations to the public resulted in still more comments.

The Council will shortly be publishing its proposed NEPA regulations in the FEDERAL REGISTER for a 60-day public review and comment period. The proposed NEPA regulations are a culmination of the process described. Upon completion of the 60-day public review and comment period, the Council will consider the comments and, if appropriate, make changes in the proposed regulations, and issue the NEPA regulations in final form.

Future revisions of the NEPA regulations will involve and abbreviated version of the above process. If the revisions are minor, technical or clerical and do not involve significant modifications in agency procedures for complying with NEPA, the revisions will ordinarily be published as proposed regulations in the FEDERAL REGISTER for a 30-day review and comment period before final revisions are adopted. For revisions involving significant modifications to the NEPA process, the federal agencies and general public will be given an opportunity to participate early in the process as well as during its later stages. Ordinarily, the public will have 60 days to review and comment on proposed revisions to the NEPA regulations involving significant changes in the NEPA process. Significant changes are those which are other than minor, technical or clerical in nature.

Consistent with the pertinent provisions of Executive Order 12044, the Council has prepared a draft analysis of the proposed NEPA regulations. The scope and coverage of the draft analysis and its availability will be discussed in the preamble to the Council's proposed NEPA regulations to be published shortly in the *FEDERAL REGISTER*. In addition, upon issuing its NEPA regulations in final form, the Council will make necessary determinations as set forth in Section 2(d) of Executive Order 12044.

Process for revising the Council's National Contingency Plan Regulations.

The National Contingency Plan regulations provide in 40 CFR 1510.32 that the National Response Team:

Shall establish and maintain a Committee on Revision of the National Plan. The Committee shall provide suggested revisions to the NRT (National Response Team) for consideration, approval and publication by CEQ. The primary Agencies (Departments of Transportation, Defense, Commerce, Interior and the Environmental Protection Agency) shall provide membership on this standing Committee. Advisory agencies (Departments of Justice, State and HEW, HUD and the NRC) shall participate whenever revision or proposed amendments would affect those agencies.

The National Response Team, which consists of representatives of the Primary and Advisory agencies, thus is responsible for preparing proposed revisions to the National Contingency Plan regulations. Proposed revisions are then submitted to the Council on Environmental Quality for review and approval. If the revisions are minor, technical or clerical they will be published in the *FEDERAL REGISTER* as proposed regulations with a 30-day public review and comment period. If the revisions are significant, there will ordinarily be a 60-day public review and comment period before the revisions are issued as final regulations. Significant revisions are those that are other

than minor, technical or clerical in nature.

It is the Council's policy consistent with Sections 1 and 2 of Executive Order 12044 that:

(1) The need for and purposes of proposed revisions are clearly established;

(2) The public have an early and meaningful opportunity to review and comment on proposed revisions;

(3) Meaningful alternatives are considered and analyzed before revisions are adopted;

(4) Compliance costs, paperwork and other burdens on the public are minimized;

(5) Revisions be written simply, in plain language; and

(6) The Council review proposed revisions to insure adherence to these policies and the policies of Executive Order 12044.

To give the public adequate notice the Council will publish semiannually in the *FEDERAL REGISTER* an agenda listing proposed revisions to its NEPA regulations and National Contingency Plan regulations. On the first Monday in October, the Council will publish in the *FEDERAL REGISTER* its schedule showing the time its semiannual agenda will be published.

C. Proposed criteria for defining significant agency regulations:

Since future regulations by the Council on Environmental Quality will be limited to revising or amending its NEPA regulations and the National Contingency Plan as described in Part B above, the Council has determined not to propose criteria for defining significant agency regulations, and instead undertake analyses of proposed revisions in each case. For purposes of determining when the public will ordinarily have 60 days to review and comment on proposed revisions, significant revisions are defined as those that are other than minor, technical or clerical in nature.

D. Proposed criteria for identifying which regulations require regulatory analysis:

Since future regulations by the Council on Environmental Quality will be limited to revising or amending its NEPA regulations and the National Contingency Plan as described in Part B above, the Council has determined not to propose criteria for identifying which regulations require regulatory analysis, and instead undertake regulatory analyses whenever the Council determines that proposed revisions will result in an annual effect on the economy of \$100 million or more or a major increase in costs or prices for individual industries, levels of government or geographic regions or when the Council determines that the policies of Executive Order 12044 require a regulatory analysis.

E. Proposed criteria for selecting existing regulations to be reviewed and list of regulations to be considered in the initial review:

Future proposed revisions to both the Council's NEPA regulations and the National Contingency Plan will be reviewed for compliance with Executive Order 12044.

The Council's proposed NEPA regulations will be promulgated as final regulations after public review and comment in 40 CFR § 1500 et seq.

The Council's National Contingency Plan regulations are promulgated in 40 CFR § 1510 et seq.

F. Supplementary information:
Pursuant to Section 5(a) of Executive Order 12044, this draft report is published for public review and comment. Please address all comments to:

Nicholas C. Yost, General Counsel
(Attn: E.O. 12044), Council on Environmental Quality, 722 Jackson Place N.W., Washington, D.C. 20006.
Comments must be received by July 24, 1978.

NICHOLAS C. YOST,
General Counsel
[FR Doc. 78-14618 Filed 5-22-78; 2:07 pm]

[6315-01]

COMMUNITY SERVICES ADMINISTRATION

RESPONSE TO EXECUTIVE ORDER 12044, IMPROVING GOVERNMENT REGULATIONS

AGENCY: Community Services Administration.

ACTION: Notice for public comment.

SUMMARY: The Community Services Administration files this Notice of its plans to implement Executive Order 12044, of March 23, 1978, "Improving Government Regulations." The intent is to improve the rulemaking process and enlist early public participation in this process.

DATE: CSA welcomes and encourages comments on this proposal rule. All comments received prior to July 24, 1978, will be considered in drafting the final rule. Please address all comments to:

John Gabuse, Assistant Director for Management, Community Services Administration, 1200 19th Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

John H. Sowders, 202-254-6208.

SUPPLEMENTARY INFORMATION: In response to the requirements of Executive Order 12044, the Community Services Administration is proposing to publish for the first time a rule on how it develops significant regulations. The current system by which CSA disseminates its regulations does not inform the public of the process by which they are developed.

The Executive Order requires that each Agency publish in its proposed rule a list of the existing regulations that the Agency will consider for its initial review. Prior to the publication of the Executive Order, CSA had decided to review each of its existing regulations (regardless of whether or not they are considered "significant") to determine, for example, need, currency, conflicts, or need for consolidation.

As examples of regulations that in CSA's opinion are the most important or most in need of revision are the following:

(1) OEO Instruction 6400-01, "The Organization of Community Action Agency Boards and Committees"

(2) OEO Instruction 6402-02, "Standards of Eligibility for Members of Governing Bodies and Policy Advisory Committees of Community Action Agencies and Single Purpose Agencies"

(3) CSA Instruction 6710-3a, "Federal Project Notification and Review System".

NOTICES

22595

AUTHORITY: The provisions of this notice are issued under Section 602, 78 Stat. 530, 42 U.S.C. 2942.

WILLIAM W. ALLISON,
Acting Director.

Sec.

- (1) Definitions.
- (2) Applicability.
- (3) Purpose.
- (4) Policy.
- (5) What is a significant regulation?
- (6) CSA's process for developing regulations and determining their significance.
- (7) Regulatory analysis.
- (8) How CSA selects existing regulations for review.
- (9) Sunset provision.

1. Definitions.

(a) Regulation: For the purposes of this notice, a regulation is a Community Services Administration rule or instruction issued in a standard publication to interpret or prescribe law or policy and related procedures for CSA-funded organizations and beneficiaries.

(b) Office of Primary Responsibility: The Office of the Assistant or Associate Director of CSA responsible for the functional subject matter.

2. Applicability.

This notice applies to the development of all CSA new and revised regulations and to the review of existing regulations by the Community Services Administration.

3. Purpose.

The purpose of this notice is to implement Executive Order 12044, which requires that each Federal Agency adopt procedures to improve existing and future regulations.

4. Policy.

All CSA rules and regulations shall be developed through a process which ensures that: (a) the need for and purposes of the regulation are clearly established; (b) heads of agencies and policy officials exercise effective oversight; (c) opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organizations and individual members of the public; (d) meaningful alternatives are considered and analyzed before the regulation is issued; and (e) compliance costs, paperwork and other burdens on the public are minimized.

5. What is a significant regulation?

A regulation shall be considered significant if:

- (1) It may substantially affect the general public or a large segment of the public including individuals, businesses, organizations;
- (2) It is likely to involve a heavy compliance and reporting burden on grantees or the poor served by CSA programs, or if its administration will involve considerable expense to CSA;

(3) It will have substantial impact on State or local governments or on their relationship to CSA programs;

(4) It will substantially affect the regulations and programs of another agency or the relationship between their regulations and programs and CSA's regulations and programs;

(5) It is likely to have a very substantial effect on all or most of CSA grantees, or if it is likely to have a major effect on a significant group of CSA grantees, e.g., CDC's, State Economic Opportunity Offices;

(6) It may substantially affect the eligibility of the poor for benefits under CSA programs or the quality and quantity of the participation of the poor in the conduct of these programs.

(a) The Director will make final determination as to the significance of the regulation on the basis of the criteria listed above.

(b) The classification of each regulation's relative significance will be contained in the preamble of each Federal Register version.

6. CSA's Process for Developing Regulations.

(a) Overview. After the possible need for the development of a regulation has been identified or an existing regulation has been selected for review, the following minimum steps will be taken in developing the new regulation:

ACTIVITIES—IN ORDER IN WHICH THEY OCCUR—AND RESPONSIBLE CSA OFFICIAL

Assistant Director for Management

(1) The Assistant Director for Management asks all CSA Offices for their plans regarding update review and development of new and existing regulations.

Office of Primary Responsibility

(2) Forwards information on the regulation to be considered to the CSA official responsible for compiling the semiannual agenda (the Assistant Director for Management).

Assistant Director for Management

(3) Compiles material received from agency officials, reviews for completeness and compliance with this rule and forwards to the Director.

CSA Director

(4) Reviews and approves publication of agenda in the *FEDERAL REGISTER*.

Office of Primary Responsibility

(5) Analyzes legislation; researches legislative history, past agency positions, results of evaluations of issuance to be revised (if applicable), complaints received and suggestions submitted by the public. Develops, or assures development of all information to enable Director to carry out oversight activities.

Assistant Director for Policy, Plans and Evaluation, and Associate Director for Interagency and External Affairs

This shall include development of an evaluation plan by the Assistant Director for Policy, Plans and Evaluation, and development by the Associate Director for Interagency and External Affairs of a specific plan for consultation with state and local governments if any state or local government or any national organization representing these entities has indicated that the regulation would have major intergovernmental significance. (Plan for consultation will be developed in staff instructions.)

CSA Director

(6) Performs oversight functions; determines further action.

Office of Primary Responsibility

(7) Takes action(s) approved by Director to obtain citizen participation.

Associate Director for Interagency and External Affairs

(8) Consults with national organizations representing general purpose state and local governments as appropriate.

Office of Primary Responsibility

(9) Develops proposed regulation.

Office of Primary Responsibility

(10) Circulates proposed regulation for clearance by the Assistant Directors for Community Action; Policy, Planning and Evaluation; Management; Legal Affairs and General Counsel; the Associate Director for Interagency and External Affairs; and the Associate Director for Economic Development, if applicable.

Appropriate Assistant/Associate Director

(11) After obtaining all clearances, forwards proposed regulation to Director with sufficient information to permit the Director to make determinations detailed in (c) below.

Director

(12) Approves proposed regulation for publication in the FEDERAL REGISTER.

Office of Primary Responsibility

(13) Following 60-day comment period, reviews comments received, revises/modifies proposed regulation if warranted; drafts as final rule noting comments received and disposition.

Office of Primary Responsibility

(14) Circulates for final clearance by same officials as noted in (10) above.

Appropriate Assistant/Associate Director

(15) Submits to Director for final approval.

Office of Primary Responsibility

(16) Files in the FEDERAL REGISTER as a final rule.

Assistant Director for Management

(17) Publishes same rule in the format of a CSA Instruction, distributes to all current grantees, and maintains stock for distribution upon request by the public and new grantees.

(b) Publication of a Semi-Annual Agenda of Regulations.

(1) In order to give the public adequate notice, CSA will publish semi-annually an agenda of regulations under development or review which shall be approved by the Director. If necessary, supplements to the agenda will be published at other times during the year. CSA's semi-annual agendas will be published in the FEDERAL REGISTER the first week in November and the first week in May of each year beginning in November 1978.

(2) Appendix A to this notice is a sample of the format which will be used in publishing the agenda.

(c) Director's Oversight. Subsequent to approving the development of new regulations noted on the semi-annual agenda or if an emergency need for development of a regulation not on the agenda arises, the Director shall review the issues to be considered, the alternative approaches to be explored, a tentative plan for obtaining public comment, and target dates for completion of steps in the development of the regulation.

(d) Opportunity for Public Participation. (1) Ways to include the public in development of regulations. CSA will provide an early and meaningful opportunity for the public to participate in the development of its regulations. Following are some of the ways the agency will consider for each document in order to accomplish this:

(i) Publish an advance notice of proposed rulemaking in the FEDERAL REGISTER:

(ii) In addition to FEDERAL REGISTER publication, notify interested parties, e.g. Board Chairpersons, grantee staff, program beneficiaries, associations of public interest groups, statewide and national associations representing poverty groups directly. We will, as appropriate, consult with state and local governments directly. The public interest groups will be consulted in the drafting of new regulations. We will also particularly consult with and invite the participation of State Economic Opportunity Offices in both the review and development of regulations.

(iii) hold open conference or public hearings;

(iv) invite grantees, poor people, representatives of specific groups affected to participate in drafting sessions;

(v) send notices of proposed regulations to publications likely to be read by those affected, e.g. Economic Opportunity Report, the National Center Reporter;

(vi) include in Agency newsletter distributed to all grantees.

(2) Public comments on proposed significant regulations. The period provided for comment on proposed significant regulations will be at least 60 days. In cases where this is not possible, CSA shall indicate in the FEDERAL REGISTER preamble to the proposed

rule the reasons for a shorter time period, e.g. It would have been impractical and contrary to the public interest to have a comment period in the case of the one-time Emergency Energy Assistance Program which implemented the fiscal year 1978 Supplemental Appropriation passed on February 21, 1978 since congressional intent was that the program terminate May 1, 1978.

(e) Approval of Significant Regulations.

The Director shall approve all significant final regulations prior to publication in the FEDERAL REGISTER. At a minimum, the Director will determine that:

(1) The regulation is needed;

(2) The direct and indirect effects of the regulations have been adequately considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) Public comments have been considered and an adequate response has been prepared;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens or record-keeping requirements necessary for compliance with the regulation;

(7) The name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

7. Regulatory analysis.

A regulation to be considered for a regulatory analysis must meet the following criteria of major economic impact:

(a) An estimated effect on the economy as a whole of \$100 million or more, or

(b) A major increase in costs or prices for individual industries, levels of government or geographic regions, or

(c) Other major effects on the poor which, at the Director's discretion, justify the preparation of a regulatory analysis.

If regulatory analysis should be required, it shall be developed by the office within CSA which is primarily responsible for developing the regulation and shall be reviewed and signed by the Director. Each regulatory analysis shall briefly and clearly describe the purpose and need for the regulation and consideration of the alternative approaches to achieving this purpose. It shall contain an analysis of the economic consequences of each approach and a detailed explanation of the reasons for selecting the alternative chosen.

8. How CSA selects existing regulations for review.

(a) In preparation for the semi-annual report to be published each year in the first week of May, CSA will select regulations to be reviewed within the following year which will be noted on the agenda. The selection will be made based on the following criteria:

(1) The continued need for the regulation;

(2) The type and number of complaints or suggestions received;

(3) The burdens imposed on those directly or indirectly affected by the regulations;

(4) The need to simplify or clarify language;

(5) The need to eliminate overlapping and duplicative regulations;

(6) The length of time since the regulation has been evaluated or the degree to which economic conditions or other factors have changed in the area affected by the regulations; and

(7) The results of the evaluation conducted after its issuance (if applicable).

9. Unless extended, the procedures and policies noted herein will expire on June 30, 1980.

SEMI-ANNUAL AGENDA

FOR

COMMUNITY SERVICES ADMINISTRATION

of action desired	SUBJECT AND DESCRIPTION	REASON FOR DEVELOPMENT OR REVISION	AGENCY DETERMINATION (SIGNIFICANT OR NON-SIGNIFICANT)	LEGAL BASIS	STATUS OF PROPOSED REGULATION			FOR FURTHER INFORMATION CONTACT
					INITIAL ANNOUNCE- MENT	PREVIOUSLY ANNOUNCED; WHEN	CURRENT STATUS	

[FR Doc. 78-14662 Filed 5-22-78; 3:55 pm]

[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENTOffice of the Secretary
(Docket No. N-78-875)DRAFT REPORT ON IMPLEMENTATION OF EX-
ECUTIVE ORDER 12044, IMPROVING GOV-
ERNMENT REGULATIONSAGENCY: Department of Housing
and Urban Development.

ACTION: Notice of report.

SUMMARY: Public comment is requested on a draft report regarding the Department's implementation of Executive Order 12044, "Improving Government Regulations." The draft report contains:

1. A brief description of the Department's current process for developing regulations and the changes to be made in compliance with the Executive Order;
2. Proposed criteria for defining significant regulations;
3. Proposed criteria for identifying regulations requiring regulatory analysis; and
4. Proposed criteria for selecting existing regulations to be revised and an initial list of regulations for revision.

COMMENT DUE DATE: July 24, 1978.

FOR FURTHER INFORMATION
CONTACT:

Burton Bloomberg, Director, Office of Regulations, Office of General Counsel, Department of Housing and Urban Development, Room 5218, 451 7th Street SW., Washington, D.C. 20410, 202-755-6207.

SUPPLEMENTARY INFORMATION: The following draft report is published for comment pursuant to Section 5(a) of Executive Order 12044.

IMPLEMENTATION OF EXECUTIVE ORDER
12044 BY DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT (DRAFT)I. SUMMARY OF PRESENT PROCEDURES FOR
DEVELOPING REGULATIONS

A. *HUD rulemaking policy.*—The Department of Housing and Urban Development ("HUD") complies with the rulemaking provisions of the "Administrative Procedure Act", 5 U.S.C. 553, in developing rules for all HUD programs. This rulemaking policy is stated in detail at 24 CFR Sec. 10.1.

B. *Summary of present procedures.*—For purposes of this report, "Primary Organization Head" means an Assistant Secretary or other head of a major organizational unit in HUD headquarters. Each draft of a proposed or a final rule must be prepared by the Primary Organization Head with responsibility for the subject matter of the

rule (the "drafting office"). Prior to publication, each draft rule must be reviewed by other interested Primary Organization Heads, and approved by the Secretary or Under Secretary.

To meet these internal clearance requirements, the initiating office will usually seek to resolve objections one at a time with each reviewer. However, a rule which is important and urgent is submitted to a "Clearance Committee" consisting of representatives of the drafting office and all interested Primary Organization Heads. This Committee seeks to resolve objections simultaneously. Under both procedures, the Secretary decides any issues which cannot be resolved at a lower level before the rule is published.

II. CHANGES IN PRESENT PROCEDURES TO
COMPLY WITH EXECUTIVE ORDER 12044

A. *Major objectives.*—HUD will modify its present rulemaking procedures to promote the following objectives:

1. Tentative resolution by the Secretary/Under Secretary of all major policy issues presented by proposed significant rules early in the rule development process.
2. Better oversight and control of rulemaking by the Secretary/Under Secretary.
3. Improved analysis of the economic impact of significant rules.
4. Increased opportunities for public and interest group participation in significant rule formulation.
5. Preparation of rules in plain English.

B. *Semiannual regulations agenda.—Rule classification.*—Rule development will commence with the preparation and publication twice each year of an agenda of significant regulations pursuant to section 2(a) of the Executive Order. Each agenda will describe all significant regulations under consideration and the status of regulations listed on previous agendas. For each significant regulation, the agenda will state: (i) the need and legal basis for the action being taken; (ii) the name and telephone number of a knowledgeable HUD official; and (iii) when possible, whether a regulatory analysis will be required.

The procedures for developing semiannual regulations agendas and classifying regulations are as follows. Approximately 6 weeks before the publication date of the next agenda, each Primary Organization Head will submit a list, covering the next 6 month period, of: (i) all new rules to be developed by his/her office; (ii) all existing rules to be reviewed; (iii) all new rules that should be developed by other HUD offices; (iv) all existing rules that should be reviewed by other HUD offices; and (v) the status of each rule not previously reported as completed. For each new rule to be de-

veloped, the drafting office will indicate whether it regards the rule as "routine" or "significant" and explain why.

The proposed agenda of significant rules and a list of routine rules, accompanied in each case by a justification, will be reviewed by all Primary Organization Heads and submitted to the Secretary/Under Secretary for revision and/or approval. The approved agenda of significant rules will be published in the FEDERAL REGISTER. All rules will be subsequently processed according to their approved classification.

C. *Routine regulations.*—Drafts of rules determined by the Secretary/Under Secretary to be "routine" will be processed for publication using the existing procedures outlined in Part I.B. of this report. However, the clearance committee will not be convened to consider these rules. If necessary, processing of routine rules will be expedited by strictly limiting the length of time permitted for review.

D. *Significant regulations:*

1. *Work plan.*—Before drafting any rule determined by the Secretary/Under Secretary to be "significant," the drafting office will prepare a "work plan" which will: (i) State why the proposed rule is needed; (ii) discuss the alternatives to be considered; (iii) cite the legal authority for the proposed rule; (iv) recommend for or against the preparation of a regulatory analysis, with supporting justification (See Part IV of this report); (v) outline a plan for obtaining public participation in the development of the proposed rule (see Part VI of this report); (vi) identify each step in the rule's development with tentative deadlines for completion; (vii) name a project manager to oversee the rulemaking process; (viii) if appropriate, request that a clearance committee consider the rule, supporting the request with a showing of urgency (ix) estimate the reporting burdens and recordkeeping requirements incident to compliance with the rule proposal; (x) propose a plan for evaluating the rule after its issuance; (xi) describe the major policy issues associated with the rule proposal; and (xii) indicate whether and explain why the rule proposal may be controversial.

Each work plan will be reviewed simultaneously by all other interested Primary Organization Heads. Normally, this review will be completed within five (5) working days. The work plan, and the comments of reviewing offices, will then be sent to the Secretary/Under Secretary with a summary of all major issues.

The Secretary/Under Secretary will review the work plan, modify it if necessary, and make initial determinations on each of its points. Preparation of a significant rule shall not com-

mence until the Secretary/Under Secretary approves the related work plan, finding that the procedures to be used in formulating the rule, evaluating its economic impact, and obtaining public and interest group participation are acceptable; that all known major policy issues have been satisfactorily resolved; and that the alternative approaches to be explored are reasonable. To facilitate approval, the Secretary/Under Secretary may meet with representatives of the drafting office and Primary Organization Heads. The Secretary/Under Secretary may also direct the Office of Policy Development and Research to prepare policy options and/or urban impact analyses.

2. *Increased public participation in rulemaking.*—Present rulemaking procedures generally provide for public participation only after a Notice of Proposed Rulemaking is published in the FEDERAL REGISTER. Consequently, interested parties do not participate in the early development of the rule as intended by the Executive Order.

Under the revised procedures, the drafting office will be required to develop a public participation plan for each proposed significant rule. The plan will specifically detail how public participation can be obtained in the development of the rule. The plan will include advance notices of proposed rulemaking; or development and dissemination of understandable issues papers on rules proposals; or solicitation of views through such mechanisms as consumer surveys, consumer panels, conferences, or public hearings. Each plan will be commented on by other interested Primary Organization Heads and approved by the Secretary/Under Secretary. A complete discussion of plan requirements appears in Part VI of this report.

A computerized data bank will be used to assist the drafting office in identifying groups interested in particular rules. The Office of Neighborhoods, Voluntary Associations, and Consumer Protection ("NVACP"), will also hold consumer forums on a regular basis in Area and Regional Offices as well as in Washington, D.C. These forums will provide opportunities for discussion of programs, policies and proposals between HUD staff, individuals, consumer groups and other interested groups. Also, HUD will increase the public comment period for virtually all published rules from the usual 30 days to 60 days.

3. *Improved economic analysis.*—HUD's present policies, procedures and requirements for Economic Impact Statements under former Executive Order 11821 substantially satisfy the regulatory analysis requirements of Executive Order 12044. Consequently, only minor modifications are contemplated but with much greater emphasis on monitoring compliance with HUD standards.

The revised procedures will require that the Secretary/Under Secretary decide whether a regulatory analysis is needed for each significant rule well before preparation of a draft rule. If it is determined that a rule requires a regulatory analysis, preparation of the analysis and of the rule shall proceed simultaneously. Also, the rule and the analysis will be reviewed and approved together.

Under the Executive Order, each regulatory analysis will contain a succinct statement of the problem addressed, a description of major alternative ways of dealing with the problem that were considered, an analysis of the economic impact of each alternative, and a detailed explanation of the reasons for choosing one alternative over the other.

4. *Writing rules in plain English.*—HUD's present procedures include no specific provision for reviewing rules to ensure that they are simple, clear and understandable. Yet, understandable rules are essential to protecting the rights of the regulated, and are a cornerstone for meaningful public participation in rule formulation. Thus, it is essential that the Department write regulations in clear and concise language in an understandable form.

The revised procedures will provide that any substantial plain English concern shall be considered a major policy objection and, if unresolved, will be reported to the Secretary/Under Secretary. This objection shall be given due consideration in the Secretary's decision whether to approve the proposed rule for publication.

NVACP will develop guidelines for plain English for the Department and will provide technical assistance to drafting offices in casting rules into plain English. Additionally, HUD will evaluate its existing rules from a number of standpoints including clarity and understandability. This evaluation project is discussed in Part V of this report.

5. *Approval by the Secretary/Under Secretary.*—Each significant final rule proposed for the Secretary's/Under Secretary's approval will be supported by:

- (1) A summary of all comments received as a consequence of the public and interest group participation process;
- (2) Any related regulatory analysis;
- (3) Estimates of the rule's impact on staff resources;
- (4) Summary flow charts of any new procedures required by the rule;
- (5) Analyses of all recordkeeping and reporting requirements imposed by the rule;
- (6) Summaries of the need for the rule, its direct and indirect consequences, and alternative approaches considered; and
- (7) A final plan for evaluating the effect of the rule after its issuance.

The Secretary/Under Secretary will approve the rule for publication only if he/she first finds:

- (1) That the proposed rule is needed;
- (2) That the direct and indirect effects of the rule have been adequately considered;
- (3) That alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;
- (4) That public comments have been considered and an adequate response has been prepared;
- (5) That the rule is written in plain English and is understandable to those who must comply with it;
- (6) That an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the rule;
- (7) That the name, address and telephone number of a knowledgeable agency official is included in the publication; and
- (8) That a plan for evaluating the rule after its issuance has been developed.

The Secretary/Under Secretary may direct the Office of Policy Development and Research to assist him/her in making these findings by preparing updated policy options and urban impact analyses. The Secretary/Under Secretary may also meet with representatives of the drafting office and the Primary Organization Heads before deciding whether to approve publication of a significant rule.

6. *Summary of revised procedures for significant regulations.*—Each significant rule will be formulated in accordance with the approved work plan. After the rule is formulated and drafted, it will be reviewed and approved for publication under procedures closely paralleling the existing HUD procedures described in Part I.B. of this report. Any draft regulatory analysis prepared for the rule will be made available for public inspection when the proposed rule is published for comment, and any final regulatory analysis prepared for the rule will be made available for public inspection when the final rule is published. Before any final significant rule is published, the Secretary/Under Secretary will make all findings required by Section 2(d) of the Executive Order.

E. *Changes in HUD rulemaking regulations and handbook.*—Upon publication of the final report required by Section 5(d) of the Executive Order, HUD will adopt all necessary changes to its rulemaking policy, 24 CFR Part 10, and to its Regulations Processing Handbook. The revised policy and handbook will fully comply with the Executive Order. The modified handbook will be available for public examination and review.

III. PROPOSED CRITERIA FOR IDENTIFYING SIGNIFICANT REGULATIONS

A. Regulations categories.—Two categories of rules are proposed: "significant" and "routine". Significant rules will be those which meet any of the criteria proposed for that category. Rules will be routine if they do not meet any of those criteria.

B. Significant rule criteria.—Significant rules will be those which, directly or indirectly:

1. Implement a new program or activity;
2. Significantly increase or reduce the number or type of program participants, recipients or beneficiaries;
3. Impose significant new requirements or standards for program compliance, participation, or receipt of program benefits (other than new reporting or recordkeeping requirements);
4. Are likely to generate substantial controversy in the Congress and among national organizations; local interest groups; groups of program participants, recipients, or beneficiaries; industries; businesses; State, county, or municipal governments; or other Federal Departments or Agencies;
5. Substantially affect the programs or activities of another Federal Department or Agency; or
6. Appreciably alter the competitive structure in any market by substantially reducing competition, limiting market entry, restraining market information, or increasing market concentration.

It is recognized, however, that a proposed regulation may not meet any of the above criteria for a significant regulation and yet may have a substantial impact. In such cases a regulation may also be determined to be significant based on the following considerations:

1. The type and number of individuals, businesses, organizations, and State and local governments affected;
2. The number and burden of new compliance and reporting requirements likely to be involved;
3. The nature and extent of any direct and indirect economic effects of the rule, including the effect on competition; and
4. The degree to which the rule affects other programs and agencies.

IV. PROPOSED CRITERIA FOR DETERMINING RULES REQUIRING REGULATORY ANALYSIS

HUD will require preparation of draft and final regulatory analyses for any rule which:

1. Is determined to be significant and which results in an increase or decrease in Federal Government spending of \$100 million or more in any calendar year.
2. Is determined to be significant and which results in an annual increase in costs or prices totalling \$50 million for any individual industry,

level of government or geographic region, or an annual increase in costs or prices totalling \$100 million or more on a nationwide basis.

3. Is determined by the Secretary/Under Secretary to require such an analysis for any reason.

V. PROPOSED CRITERIA FOR SELECTING EXISTING RULES TO BE REVISED AND INITIAL LIST OF RULES FOR REVISION

A. Proposed criteria.—Existing HUD rules will be selected for review by the Secretary/Under Secretary on the basis of the following criteria:

1. The burden which the rule imposes on the public.
2. The extent to which the rule repeats or overlaps other regulatory provisions.
3. Whether changes in authorizing legislation require revision of the rule.
4. Whether the language of the rule should be simplified or clarified.
5. Whether public complaints or petitions for rulemaking have been filed, and the nature of those complaints or petitions. 000
6. The age of the rule and the length of time since it was last reviewed and revised.

B. Initial list of rules to be reviewed:

1. Parts 880, 881, 882, 883, Low and Moderate Income Housing program provisions under Section 8 of the Housing and Community Development Act of 1974.
2. Part 16, Privacy Act.

C. Project to evaluate all HUD rules:

1. **Simplification and recodification.**—HUD intends to seek revision and simplification of the entire body of authorizing legislation for HUD programs. HUD will then revise Title 24 of the Code of Federal Regulations to delete unnecessary materials, and clarify existing rules.

2. **Methodology.**—Initially, the review will be conducted as a "pilot" project by a team in the Office of General Counsel ("OGC"). Using the procedures discussed earlier in this report, the team will review, evaluate and, if appropriate, revise an initial group of rules. The OGC team will work closely with each program office in an effort to develop teams of program people trained to simplify regulations. These teams will, in turn, train and assist other HUD personnel in a Department-wide rule improvement effort. After all teams have been fully trained, the pilot program will be phased out and gradually replaced by simplification programs conducted by the various program offices.

VI. PROPOSED PARTS OF PUBLIC PARTICIPATION PLANS

A. Identification of individuals and groups to participate in rule development:

1. At a minimum, those persons who benefit from a HUD program or serv-

ice, their representatives and consumer organizations will be specifically asked to participate.

2. When appropriate, those people or organizations who assist HUD in providing benefits or services will also be asked to participate. Examples are counseling agencies, public housing agencies, organizations representing tenants, developers of HUD insured or assisted housing, mortgage bankers and investment bankers, banks, savings and loan institutions, credit unions and other investment and lending institutions, and State and local officials, including officials of Indian tribes and of Alaskan Native communities.

3. The drafting office and NVACP's Office of Consumer Affairs will develop a list of individuals and groups to be contacted regarding each proposed regulation.

4. Standards for deciding who should be contacted include:

- (a) The nature of the new program or changes in existing programs, and the likelihood for substantial controversy.
- (b) The effect of the new proposals or changes on consumers.
- (c) The number and types of consumers affected.
- (d) The effect on those who assist HUD in the delivery of its programs.
- (e) The number and types of persons or groups who assist HUD in the program.

B. Encouraging public participation:

1. At a minimum:
 - (a) **Advance notice of proposed rulemaking ("ANPR").**—An ANPR will be published in the FEDERAL REGISTER and mailed directly to publications likely to be read by affected consumers. The ANPR will also be mailed directly to affected consumers or a sampling of these consumers who probably do not read the FEDERAL REGISTER regularly.

The ANPR will be written plainly and clearly and will outline:

- (1) The proposed new program or proposed changes and why they are needed;
- (2) All alternative approaches being considered and, if possible, the pros and cons of each;
- (3) The major policy matters and issues involved;
- (4) If appropriate, a list of questions about the proposal that will elicit detailed comments;
- (5) An estimate of the reporting and record-keeping requirements necessitated by the proposed rule;
- (6) The plan for evaluating the rule after it is issued if that plan has already been developed;
- (7) The date by which comments must be received if they are to be considered, and;
- (8) The approximate date by which the Department plans to publish a proposed regulation.

OR

(b) **Issues paper.**—If, for pressing and legitimate reasons, there is not sufficient time to issue an Advance Notice of Proposed Rulemaking, an issues paper will be prepared by the drafting office. It will be reviewed for content and readability by NVACP and other interested offices, generally within one to two weeks. HUD will send the issues paper directly to a representative number of affected consumers and/or to appropriate consumer organizations or representatives. The list of those to receive the issues paper will be developed by the drafting office and NVACP's Office of Consumer Affairs. The paper will outline:

- (1) The proposed new program or proposed changes and why they are needed;
- (2) Alternative approaches;
- (3) The major policy matters and issues involved;
- (4) An estimate of the reporting burdens and recordkeeping requirements

necessitated by the proposed rule;

(5) The plan for evaluating the rule after it is issued if that plan has already been developed;

(6) The date by which HUD must receive comments if they are to be considered, and;

(7) The name and address of the drafting office staff person to whom comments are to be sent.

OR

(c) **Surveys, panels, forums, hearings.**—When time permits, one or more of the methods listed below will be used by the drafting office to obtain public participation:

- (1) Random Consumer Surveys to provide consumers with a relatively simple way to express their opinions to HUD quickly and in a form that can easily be used by HUD policymakers.
- (2) Media-based consumer surveys.

- (3) Consumer panels, conferences and/or forums.
- (4) Public hearings.

AND

(d) **Review of consumer comments.**—The drafting office will ask NVACP to review all comments submitted concerning a particular rulemaking within a two week period. NVACP will use the comments to identify concerns of consumers that should be addressed in the proposed rulemaking.

(Sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d); Executive Order 12044)

Issued in Washington, D.C., on May 19, 1978.

PATRICIA ROBERTS HARRIS,
Secretary, Department of
Housing and Urban Development.
(FR Doc. 78-14620 Filed 5-22-78; 2:08 am)

[6120-01]

AMERICAN BATTLE MONUMENTS COMMISSION

IMPROVING GOVERNMENT REGULATIONS

Draft Report Pursuant to Section 5 of Executive Order 12044

Executive Order 12044 of March 24, 1978 directs Federal agencies to adopt procedures to improve existing and future regulations. Section 5 of the Executive Order directs each agency to prepare a draft report outlining "(1) A brief description of its process for developing regulations and the changes that have been made to comply with this Order; (2) Its proposed criteria for defining significant agency regulations; (3) Its proposed criteria for identifying which regulations require regulatory analysis; and (4) Its proposed criteria for selecting existing regulations that the agency will consider for its initial review". Section 5 also directs Federal agencies to (1) publish the draft report in the FEDERAL REGISTER and (2) transmit the draft report to the Office of Management and Budget.

The following draft report has been prepared in compliance with EO 12044. Citizen comments on the draft report should be addressed to: The Secretary, American Battle Monuments Commission, Washington, D.C. 20314.

All comments should be received by July 21, 1978.

1. PROCESS FOR DEVELOPING REGULATIONS

The Office of the Secretary identifies the need for preparing or revising regulations. Upon determining the need for preparation or revision of regulations, draft regulations are prepared by the appropriate staff director for review and approval by the Secretary for publication in the FEDERAL REGISTER for comment. No changes are required to present procedure to comply with the Executive Order.

2. CRITERIA FOR DETERMINING "SIGNIFICANT REGULATIONS"

In determining whether regulations will be treated as "significant regulations", the Commission will apply the following criteria: (a) The type and number of individuals and organizations, United States or foreign, affected; (b) direct and indirect effects of the regulation and (c) the relationship of the regulations to those of other programs and agencies.

3. CRITERIA FOR PREPARING REGULATORY ANALYSIS

The Commission is not engaged in any activity that might have major economic consequences for the general economy, individual geographical regions or levels of government.

4. CRITERIA FOR SELECTING EXISTING REGULATIONS TO BE REVIEWED

In selecting existing regulations to be reviewed to determine whether they are achieving the policy goals of the Executive Order, the Commission shall apply the following criteria: (a) The continued need for the regulation; (b) the type and number of complaints or suggestions received; (c) the burdens imposed on those directly or indirectly affected by the regulations; (d) the need to simplify or clarify language; (e) the need to eliminate overlapping or duplicative regulations; and (f) the length of time since the regulation has been evaluated. The Commission will consider for its initial review to determine whether they are achieving the policy goals of the Executive Order regulations pertaining to: (a) Erection of war memorials outside continental limits of United States; (b) Erection of war memorials in foreign countries by American citizens, states, municipalities, or associations and (c) Erection of memorial monuments, buildings, and headstones in American cemeteries located outside the United States and its territories and possessions.

FRED D. CLARKE, Jr.,
Assistant Secretary.

MAY 18, 1978.

[FR Doc. 78-14637 Filed 5-22-78; 2:56 pm]

[7905-01]

RAILROAD RETIREMENT BOARD

DRAFT REPORT OF THE RAILROAD RETIREMENT BOARD UNDER EXECUTIVE ORDER 12044

In accordance with the directive contained in Executive Order 12044 the Railroad Retirement Board has reviewed its current procedures for the development and adoption of rules and regulations and pursuant to the Executive Order hereby issues this draft report.

The U.S. Railroad Retirement Board is charged with the administration of the Railroad Retirement Act of 1974 (45 U.S.C. § 231, et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351, et seq.). The Railroad Retirement Act provides for the payment of retirement and disability benefits to retired railroad employees and their spouses and survivors. The Railroad Unemployment Insurance Act provides for the payment of unemployment and sickness benefits to qualified individuals. The primary function of the Board under these two Acts is that of paying benefits to qualified individuals. For the most part, the rules and regulations issued by the Board cover the procedures to be followed by applicants in claiming benefits and by Board employees in adjudicating claims for benefits as well as the substantive requirements for entitlement to benefits.

Under the procedure followed by the Board in the development of rules and regulations prior to this Executive Order, the various bureaus of the Board as well as the Chief Executive Officer and the three-member Board have the authority to suggest that new regulations be developed or that existing regulations be changed. The development of a proposed new or revised regulation is actually conducted by the bureau most directly concerned with the subject matter of the proposed regulation or by the bureau of law. In the development stage there generally is coordination between the developing bureau and any other bureau or bureaus that might be interested in the regulation. When a draft of the proposed regulation has been completed, a copy of the draft is distributed to the various bureaus of the Board together with a request that such bureaus review the proposed draft and submit any comments and suggestions concerning the draft to the developing bureau. Upon receipt of the comments and suggestions from the various bureaus, the developing bureau reviews the comments and makes any changes that would be advisable. The proposed regulations along with the comments received from the other bureaus are then submitted to the Board's Chief Executive

Officer who reviews the documents submitted and refers the documents to the three-member Board with his or her recommendations.

The three-member Board is the only body of the Railroad Retirement Board authorized to promulgate regulations. When the Board receives proposed regulations, the Board members review the proposal individually and place the proposed regulations on the agenda of an upcoming meeting of the Board at which the proposal will be considered.

The Railroad Retirement Board, as an agency composed of representatives of the parties to disputes before it, is exempt from the majority of the provisions of the Administrative Procedure Act, including the provisions thereof governing the procedures to be followed in rule making. See 5 U.S.C. § 551(1)(E). Thus, except where specifically directed by statute, the Board is not required to give general notice of proposed rule making by publication of such in the FEDERAL REGISTER 30 days prior to the effective date of the regulation, nor is the Board required to give interested persons the opportunity to comment on proposed rules.

If the Board approves proposed regulations submitted to it, the regulations, as adopted, are forwarded to the FEDERAL REGISTER for publication as final rules.

Having reviewed the procedure outlined above together with the Executive Order, the Board has determined that certain changes would be required in the pre-existing procedure to bring it into compliance with the requirements of the Executive Order. The Board, however, does believe that the pre-existing procedure fulfilled, for the most part, the objectives of the Executive Order as enumerated in Section 1 thereof. By providing for coordination of the various interested bureaus of the Board in the actual development of the proposed regulation, the procedure provides a mechanism for an examination of the need for the regulation and for a review of other alternatives. Further, the makeup of the Board itself, as composed of members representing railroad labor and railroad management and the public, provides for the actual participation in rulemaking by all parties directly interested in the matters considered as regulations.

In accordance with the requirements of the Executive Order, the Board has amended its prior procedure for the development and adoption of regulations as explained below.

Prior to the commencement of the development of any regulation, the Board official proposing the development of a regulation must notify the Board's Chief Executive Officer as to the nature of the proposed regulation,

the factors indicating a need for the regulation, and the probable scope and impact of the regulation, if adopted. The Chief Executive Officer must determine, by applying the criteria established by the Board and set out later in this report, whether the proposed regulation constitutes a "significant" regulation.

If the Chief Executive Officer determines that the proposed regulation would not constitute a "significant" regulation within the criteria established by the Board, he or she will then refer the proposal back to the official who submitted it for further development and handling in accordance with the procedure described above as the pre-Executive Order procedure. If, however, the Chief Executive Officer determines that the proposed regulation constitutes a "significant" regulation, he or she must submit the proposal to the three-member Board for its review. Upon receipt of the proposal to develop a "significant" regulation, the three-member Board will review the proposal and the issues or problems to which it is addressed to determine the necessity of a regulation covering such issues or problems. The Board will review the proposal from the standpoint of alternate approaches that could be explored in resolving the issues or problems. In addition, the Board will tentatively establish a plan to be followed in providing notice and obtaining public comment and shall set target dates for completion of the various stages of the development of the regulation. Finally, the Board must review the proposed "significant" regulation to determine whether, applying the criteria established by the Board, a regulatory analysis must or should be made concerning the proposed regulation.

Upon completion of review of the proposal for development of a "significant" regulation, the Board will refer the proposal with its recommendations back to the Chief Executive Officer who will in turn refer the proposal together with all accompanying materials back to the official who submitted it or to the head of the Bureau who he or she feels would be the proper person to conduct the actual development of the regulation.

The actual development and the procedure for submission to the Board of a "significant" regulation will proceed in the same manner as that described earlier in this report as the pre-Executive Order procedure, except that the head of the bureau charged with developing the regulation will provide notice to the public as directed by the Board and will consider and respond to any comments submitted. In addition, the bureau charged with the development of a "significant" regulation for which the Board has determined that a regulatory analysis

should be conducted, will conduct and prepare such an analysis.

In approving a proposed "significant" regulation the three-member Board must, at a minimum, determine that:

(1) The proposed regulation is needed;

(2) The direct and indirect effects of the regulation have been adequately considered;

(3) Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

(4) Public comments have been considered and an adequate response has been prepared;

(5) The regulation is written in plain English and is understandable to those who must comply with it;

(6) An estimate has been made of the new reporting burdens or record-keeping requirements necessary for compliance with the regulation;

(7) The name, address and telephone number of a knowledgeable agency official is included in the publication; and

(8) A plan for evaluating the regulation after its issuance has been developed.

Following initial approval of a "significant" regulation, the Board shall submit the regulation to the **FEDERAL REGISTER** for publication therein as a proposed regulation. Except where the Board determines that such would be impossible, the Board will provide the public a period of at least 60 days in which to submit comments concerning the proposed regulation prior to its effective date. Where it would be impossible for the Board to allow a 60-day comment period, the submission of the regulation to the **FEDERAL REGISTER** will be accompanied by a statement as to the reasons why the 60-day period would be impossible. Where a regulatory analysis was made with respect to a regulation, a brief description of the analysis will be published with the proposed regulation along with information as to the availability of the analysis to the public.

The Board's procedures for the development and adoption of regulations have also been amended to provide for the preparation and publication in the **FEDERAL REGISTER** at least twice a year

of an agenda. This agenda will describe the regulations being developed, the need and legal basis for same, and the status of any proposed regulations previously contained in an agenda.

In accordance with the requirements of the Executive Order the Board has established criteria which must be reviewed, as explained previously, by the Chief Executive Officer in making his or her determination as to whether a given proposed regulation constitutes a "significant" regulation. The criteria established by the Board are as follows:

(1) The type and number of individuals, businesses, organizations, and State and local governments affected;

(2) The compliance and reporting requirements likely to be involved;

(3) Direct and indirect effects of the regulation including the effect on competition; and

(4) The relationship of the regulation to those of other programs and agencies.

The Board has also established criteria which must be applied by it at the time of the initial review of a proposal for the development of a "significant" regulation in order to determine whether a regulatory analysis must be conducted in connection therewith. A regulatory analysis must be conducted in connection with the development of a regulation where the regulation would result in:

(1) An annual effect on the economy of \$100 million or more; or

(2) A major increase in the costs or prices for individual industries, levels of government or geographic regions.

The Board may in its discretion direct that a regulatory analysis be conducted with respect to any "significant" regulation.

The Executive Order directs that agencies periodically review existing regulations. Many of the regulations of the Railroad Retirement Board which currently appear in title 20 of the Code of Federal Regulations were promulgated under the Railroad Retirement Act of 1937, which was replaced effective January 1, 1975, by the Railroad Retirement Act of 1974. Thus, many of these regulations, particularly those concerning the computation of and entitlement to benefits,

are not current, and are in need of revision. In view of this fact, and in accordance with the directive of the Executive Order, the Board has determined to undertake a complete review of all of its existing regulations over the next two years. In connection with this determination the Board has directed its General Counsel to prepare a report outlining the current state of the regulations with advice as to how the regulations should be revised and reorganized. This report has not been completed at this time. However, it is clear that among the parts of the Board's regulations that will be the subject of the initial review, are Part 208, "Eligibility for an annuity" and Part 225, "Computation of annuity." The review and revision of the Board's existing regulations will follow the same procedures as those followed in the development and adoption of new regulations.

Subsequent to the review of all Railroad Retirement Board regulations in accordance with the Board's determination, the Board, in accordance with the Executive Order, will periodically review the regulations which it has adopted. In selecting which regulations to review the Board will apply the following criteria:

(a) The continued need for the regulation;

(b) The type and number of complaints or suggestions received;

(c) The burdens imposed on those directly or indirectly affected by the regulation;

(d) The need to simplify or clarify language;

(e) The need to eliminate overlapping and duplicative regulations; and

(f) The length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

The Railroad Retirement Board supports the goals enumerated in the Executive Order and will work with due diligence to attain those goals.

By authority of the board.

Dated: May 16, 1978.

R. F. BUTLER,
Secretary of the Board.

[FR Doc. 78-14619 Filed 5-22-78; 2:07 pm]

[8025-01]

SMALL BUSINESS ADMINISTRATION

REPORT ON REGULATIONS DEVELOPMENT AND REVIEW PROCEDURES IMPLEMENTING EXECUTIVE ORDER NO. 12044 IMPROVING GOVERNMENT REGULATIONS

AGENCY: Small Business Administration.

ACTION: Request for Public Comment.

SUMMARY: The Small Business Administration is issuing this report to obtain public comments on its proposed procedures to implement Executive Order No. 12044 of March 23, 1978 (43 FR 12661). The proposals include procedures for developing new regulations; analyzing alternatives and cost and benefit impacts; revising and improving existing regulations to increase their clarity and effectiveness and reduce their burden; and increasing public participation in regulations development.

DATE: Comments must be received by July 30, 1978.

ADDRESS: Send Comments to William T. Gennetti, General Counsel, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

FOR FURTHER INFORMATION CONTACT:

Donald W. Farrell, Associate General Counsel, 202-653-6660, Stephen A. Klein, Office of General Counsel, 202-653-6762

SUPPLEMENTARY INFORMATION

The President in issuing Executive Order No. 12044 emphasized its importance to ensure that Government regulations are written clearly in plain English, be developed through a process having early and broad public involvement, have strong accountability by agency heads to see that feasible alternatives have been carefully examined and regulatory burdens reduced to the maximum extent possible, and to comprehensively examine existing agency regulations to revise and reform them to make them clearer, more cost-effective and less burdensome.

SBA, as the agency with primary responsibility for assisting small business, intends to improve its own procedures and regulations to assure that the purposes of the Executive Order are carried out. This involves systematic procedures for developing new SBA regulations and amendments required as a result of program changes, new legislation or to effectuate SBA programs. It also involves revision of existing SBA regulations to make them clearer and better. SBA will carry out the intent of the Executive Order to make its regulations more

useful to small business concerns, agency personnel and the public.

In general, SBA in the past has developed its regulations through program offices working with the SBA Office of General Counsel, consulting as necessary with other SBA offices, and obtaining public participation chiefly through comments filed in response to the notice of proposed rule-making published in the **FEDERAL REGISTER**. So as to comply with the provisions of the Order, and to better implement its purposes, SBA proposes to establish new procedures for regulations development and review.

All agency proposals for new regulations, amendments or revisions would be developed and reviewed through an SBA process which ensures that

The need for and purposes of the regulation are clearly established;

The Administrator and SBA policy officials exercise effective oversight;

Opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organization and individual members of the public;

Meaningful alternatives are considered and analyzed before the regulation is issued; and

Compliance costs, paperwork and other burdens on the public are minimized.

Working groups would be established chaired by a representative from the appropriate program office and including representatives from the General Counsel's Office and from other interested offices. The working groups would develop and draft the significant agency regulations, which would be reviewed by appropriate SBA offices and by the Administrator. Prior to the development of significant SBA regulations a work plan would be developed and reviewed by the Administrator.

The system will initially be implemented as a working procedure and will be issued as an SBA regulation or an operating directive.

Criteria for significant agency regulations or amendments would be those which:

(1) Require a Regulatory Analysis or impose substantial direct or indirect compliance costs;

(2) Concern a matter on which there is substantial public interest on controversy;

(3) Have significant impact on small business, the public, SBA, the Federal Government, or States and local governments; or

(4) Otherwise involve important SBA policy.

Significant agency proposed and final regulations would be reviewed before they are published in the **FEDERAL REGISTER** to determine that:

The regulation is needed;

The direct and indirect effects of the regulation have been adequately considered;

Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

Public comments have been considered and an adequate response has been prepared;

The regulation is written in plain English and is understandable to those who must comply with it;

An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;

The name, address and telephone number of a knowledgeable agency official is included; and

A plan for evaluating the regulation after its issuance has been developed.

Proposed regulations which were determined to have a major economic impact would have prepared a draft Regulatory Analysis, involving description of alternatives considered, analysis of their economic effects, and explanation of the reasons for choosing the approach selected in the regulation. Effects on productivity and efficiency, effective and practicable alternatives, direct and indirect compliance costs, administrative costs, and distribution of cost among industries and regions would be considered in evaluating whether a Regulatory Analysis should be made. A Regulatory Analysis would be made if the regulation is likely to impose gross economic costs of \$100 million per year on the economy or cause a major increase in costs or prices for individual industries, levels of government or geographic regions. In any event, a Regulatory Analysis would be made by SBA if the Administrator determines that one is appropriate with respect to a particular proposed SBA regulation, revision or amendment. The draft Regulatory Analysis would be available to the public when the proposed regulation is published in the **FEDERAL REGISTER**, and a final Regulatory Analysis would be prepared and made available to the public when the final regulation is published.

It is planned that there would be established a Regulations Administrative Office under the Deputy Administrator to assist in monitoring and implementing this regulation development and review process. The Regulations Administrative Office would maintain SBA rulemaking dockets including copies of all proposed and final SBA regulations. Public comments and agency studies on such regulation matters, which dockets would be available for public inspection. public comment period upon SBA significant proposed regulations published in the **FEDERAL REGISTER** would generally be at least 60 days. In the interim period until the Regulations Administrative Office is established, the Office of General Counsel will coordi-

nate compliance with these new SBA procedures.

These procedures also would generally apply to SBA revision of its existing regulations, in accordance with the purposes of the Executive Order. In selecting existing regulations or portions thereof to be reviewed and revised, SBA would consider:

The nature and extent of complaints received regarding the regulation;

The potential for removing or improving burdensome or ineffective requirements;

The need for eliminating conflicts and inconsistencies;

The need for simplification and clarification.

Opportunity for consolidation and better organization of the regulations; and

Changes since the regulation was issued and the length of time since the regulation was last reviewed.

Existing Regulations which SBA is considering for initial review and revision or amendment are the following:

PART 124—PROCUREMENT AND TECHNICAL ASSISTANCE WHICH INCLUDES REGULATIONS REGARDING

The 8(a) program;

Technical and managerial aids program;

Registration of facilities of small concerns;

Procurement assistance coordination and cooperation with other Government agencies;

Subcontract assistance for small concerns;

Certificates of competency; and

Materials and equipment assistance.

The SBA procedures contain provisions to enhance public information and public participation in the regulations development process. An agenda approved by the Administrator would be published at least twice a year of significant SBA regulations under development or review. Wide public notice of rulemaking proposals under development would be made to encourage early and meaningful public opportunity to participate in the SBA regulations development process. Also, consideration would be given to SBA hearings, conferences, and meetings to help narrow or clarify issues and provide additional information.

SBA PROPOSED PLAN FOR REGULATIONS DEVELOPMENT

1. DEVELOPMENT OF SIGNIFICANT REGULATIONS

(a) Before proceeding to the development of a significant SBA regulation or regulation change SBA offices would prepare a work plan. Such work plan would be prepared by the appropriate program office with the assistance of the Office of General Counsel. The work plan would be approved by

the policy official having responsibility for the program implementation, prior to its submittal to the Administrator. The work plan would set forth the need for and the objectives of the regulations proposal, the major issues to be considered and the alternative approaches to be explored, minimization of reporting and recordkeeping requirements, plan for public involvement in the development of the regulation, plans for coordination with other SBA offices and other agencies, schedules and target dates, possible issue papers to be prepared, and possible need for policy guidance and a regulatory analysis. The Assistant Administrator for Advocacy and Public Communications would be consulted regarding the plans for early and meaningful public participation. The work plan would be submitted to other interested SBA offices and then to the Administrator. Until the work plan is reviewed by the Administrator, the development of the regulation would not proceed.

(b) A major purpose of the work plan is to explore the issues raised by the regulation proposal. Such consideration would be in the context of closely related SBA regulations and effects on other SBA programs, as well as the immediate issues involved in the regulation proposal. Other effects on small business, competition and major Federal programs and policies would also be considered. Consideration would focus on major issues to be resolved, assignment of responsibilities, and coordination to meet requirements for timely and adequate regulations.

(c) Generally, in the development of significant agency regulations, a working group would be established, chaired by the representative from the appropriate program office and including representatives from the General Counsel's Office and the other interested offices. The working group would draft a proposed regulation (or alternate provisions for such regulations) and develop any supporting material or analysis and explanatory material. Particular attention would be given to a clear and adequate explanatory preamble to the proposed regulation to be published in the FEDERAL REGISTER. The proposed regulation would be approved by the policy official having responsibility for the program implementation, as well as by other interested SBA offices, prior to its submittal to the Administrator.

(d) The proposed regulation would be reviewed to ascertain compliance with the Executive Order, including cost and benefit analysis, plain English writing, optimum selection from among regulatory alternatives, and public participation.

(e) In determining whether a regulation proposal, revision or amendment

would have major economic consequences so that a regulatory analysis is required or appropriate, consideration would be given to how the costs and benefits of the proposed regulation can be quantified, in dollar terms or otherwise. Related regulations should be viewed together. Effects on productivity and efficiency, effective and practicable alternatives, direct and indirect compliance costs, administrative costs, and distribution of costs among industries and regions would be considered in evaluating whether a regulatory analysis should be made, and the preferable regulatory approach. A regulatory analysis would be made if the regulation is likely to impose gross economic costs of \$100 million per year on the economy; cause a major increase in costs or prices for individual industries, levels of government or geographic regions; or if the Administrator determines in other cases that a regulatory analysis is appropriate. Even if a full regulatory analysis is not deemed necessary, to the extent feasible quantified estimates of costs and burdens would be made to assist policy officials and the Administrator. For the purpose of making a regulatory analysis or evaluation, consultants may be utilized to make necessary studies if SBA or other Government resources are not available but of course SBA responsible officials would weigh the validity and relevance of such studies and information. If a regulatory analysis is made, it would be initially made available for public comment in draft form.

(f) Public comment period upon a significant proposed regulation published in the FEDERAL REGISTER would generally be at least 60 days. SBA would also give the public early and meaningful opportunity to participate in the development of the regulation, including possible public hearings, direct distribution of the proposed regulation to interested persons and organizations, and other appropriate means.

(g) After receipt of public comments, the regulation would be reviewed by the working group which would make any appropriate revisions and explanations of how the comments of the public were considered and treated. The final regulation would be approved by the policy official having responsibility for the program implementation as well as by other interested SBA offices, prior to its submittal to the Administrator.

2. DEVELOPMENT OF NONSIGNIFICANT REGULATIONS

(a) While not subject to certain requirements, SBA minor, routine and technical regulations and regulation changes would be subject to the general policies of the Executive Order and these procedures.

(b) The appropriate program office would prepare such proposed and final nonsignificant regulations with the assistance of the Office of General Counsel and other interested offices. The Regulations Administrative Office would be kept informed of the scope, coordination and progress of all such development of nonsignificant regulations and would be provided copies of such proposed and final regulations. A clear explanation of the purpose and effect of each such proposed and final regulation would be published with it in the FEDERAL REGISTER, along with discussion of alternatives considered and response to any public comments received.

3. REVIEW OF EXISTING REGULATIONS

(a) Existing SBA regulations would be reviewed to determine whether they are achieving the policy goals of the Executive Order and to follow the same SBA procedures as apply for the development of new regulations.

(b) Revisions and changes of existing SBA regulations would be developed under the requirements set forth above; i.e., significant ones would be processed and developed in the same manner as for the development of significant new regulations, and nonsignificant revisions or changes would be processed and developed in the same manner as for the development of nonsignificant new regulations. Substantive and nonsubstantive revision could be considered significant. Work plans would specify the purpose and scope of particular regulation revision projects.

(c) In selecting existing regulations or portions thereof to be reviewed, SBA would consider—

(1) The nature and extent of complaints received;

(2) The potential for removing or improving burdensome or ineffective requirements;

(3) the need for eliminating conflicts and inconsistencies;

(4) the need for simplification and clarification;

(5) opportunity for consolidation and better organization of regulations; and

(6) changes since the regulation was issued and the length of time since the regulations was last reviewed.

4. AGENDA REPORTING REQUIREMENTS

(a) Each office would submit to the Regulations Administrative Office a list of the existing regulations, or portions thereof, which it is recommending for review and possible revocation or revision together with a brief description of the reasons for each selection.

(b) Each office would submit a semi-annual Regulations report to the Regulations Administrative Office summarizing each proposed or final regulation or advance notice of proposed rulemaking which that office has under development or review. The report would be submitted to the Regulations Administrative Office by the last working day of June and December each year and supplemented with a bi-monthly updating report not later than the last working day of August, October, February, and April. Each report would describe the regulations being considered, whether the regulations are significant or nonsignificant, the need for and legal basis of the action being taken, estimated target dates for completion of steps in the development of such regulations, and the status of regulations previously listed on the agenda. The name and telephone number of a knowledgeable agency official would also be provided for each item in the Report and, if possible, whether a regulatory analysis would be required.

(c) In addition to the information relating to the SBA Regulations Agenda required by the Executive Order to be published in the FEDERAL REGISTER, the Regulations Administrative Office could request offices to provide reports or information necessary in the performance of its functions under this regulation.

5. OPPORTUNITY FOR PUBLIC PARTICIPATION

(a) SBA would take effective steps to assure that the public has early and meaningful opportunity to participate in each significant agency regulation development, revision or amendment, including as appropriate advance notices published in the FEDERAL REGISTER, sending notices of such regulations proposal to publications likely to be read by those affected, and wide notifying of interested parties directly. This would include notification to State and local government and to minority media and organizations. Similar notification would also be made of proposed and final regulation issuance. Consideration would be given to hearings to help narrow or clarify issues and provide additional information.

(b) Each office would review and study additional steps which can be taken to notify interested organizations and individuals that a regulation is under development and to seek their advice and reaction. The Assistant Administrator for Advocacy and Public Communications would assist in such review and study and would have general responsibility for recommending particular procedures which can be adopted to encourage more public participation in the SBA regulation development process, including consideration of measures which have been utilized by other Federal agencies.

COMMENT PROCEDURE

The SBA invites the public to participate in the development of the procedures which will implement the Executive Order by submitting comments to William T. Gennetti, General Counsel, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. Comments should be submitted so as to be received by SBA not later than July 30, 1978.

Dated: May 22, 1978.

A. VERNON WEAVER,
Administrator.

(FR Doc. 78-14669 Filed 5-22-78; 3:55 pm)

[7708-01]

DEPARTMENT OF LABOR

Pension Benefit Guaranty Corporation

IMPROVING QUALITY OF REGULATIONS

Draft Report; Statement of Policy—PBGC Procedures

1. PURPOSE

This Statement of Policy is issued in response to the President's Order on Improving government regulations (Executive Order 12044). The Statement sets forth objectives for reviewing existing regulations and issuing new regulations; and it establishes procedures for meeting those objectives.

2. POLICY

To simplify and improve the quality of regulations, it is the policy of PBGC that the following objectives be pursued in issuing new regulations and continuing existing regulations:

(a) *Necessity.* A regulation should not be issued or continued in effect unless it is based on a well-defined need to address a specific problem.

(b) *Clarity.* A regulation and any additional material explaining it should be clear and precise; and the entire presentation of the regulation shall be designed so that the regulation can be applied by all who are likely to have to apply it.

(c) *Simplicity.* A regulation should be as short and simple as possible.

(d) *Timeliness.* A regulation should be issued in time to respond to the circumstances that require it; and it should be modified or canceled promptly as those circumstances change.

(e) *Reasonableness.* The direct and indirect effects of the regulation should be adequately considered. Alternative approaches should be reviewed, and the least burdensome of the acceptable alternatives should be chosen.

(f) *Public participation.* In general, a significant regulation (other than a temporarily effective regulation; see 5 U.S.C. 553(b)(B) (1976)) will be issued after allowing time—usually not less than 60 days—for all interested persons to comment on it. When PBGC determines that a 60 day notice period is not feasible or appropriate, the regulation will be accompanied by a brief statement of the reasons for the agency's determination—such as an emergency or a mandatory deadline imposed by the Congress or courts.

3. PUBLIC COMMENT

Written comments may be submitted to the General Counsel, Pension Benefit Guaranty Corporation, Room 7200, 2020 K Street, Washington, D.C. 20006, no later than July 24, 1978. For further information, please call (or

send your inquiry to) James L. Parris, Special Counsel, at the same address—telephone 202-254-4873.

4. DEFINITIONS

(a) "Policy Committee" means the committee of PBGC that is composed of the Assistant Executive Director for Policy and Planning, the Director of the Office of Program Operations, and the General Counsel.

(b) "Regulation" includes a proposed regulation, a final regulation, and an amendment of a proposed regulation.

(c) "Significant regulation" means a regulation which—

(i) Concerns a matter on which there is likely to be substantial public interest or controversy;

(ii) Has a significant impact on another Federal agency;

(iii) Otherwise involves important policy of PBGC;

(iv) Requires a regulatory analysis under Paragraph 7 of this memorandum; or

(v) Otherwise is deemed significant.

5. PROCEDURE FOR DEVELOPMENT OF SIGNIFICANT REGULATIONS

(a) Proposals for the development of a regulation will be submitted to the Policy Committee.

(b) The Policy Committee will determine whether a proposal, if and when developed, would constitute a significant regulation; and if so, the Policy Committee will review the following matters and obtain the Executive Director's approval or disapproval of its conclusions and recommendations ("Recommendations"):

(i) The issues to be considered;

(ii) The alternative approaches to be explored;

(iii) A tentative plan for obtaining public comment; and

(iv) Target dates for completion of steps in the development of the regulation.

(c) If the Policy Committee finds that a significant regulation is likely to have a major economic impact, then a regulatory analysis will be prepared. (See Paragraph 7.)

(d) After the final specifications of the regulation have been drafted, they shall be sent to the General Counsel, who will draft the regulation.

(e) The draft of the regulation will be circulated to the agencies with major responsibilities under the Employee Retirement Income Security Act of 1974 (See 29 U.S.C. §§ 1001-1381 (Supp. V 1975)—"ERISA").

(f) If the Executive Director deems it appropriate, the draft regulation also will be sent to the Advisory Committee of PBGC for its advice and comments. In making this determination, the Executive Director will consider the effect of the draft regulation on other issues reviewed by the Advisory Committee and the interest of

the Advisory Committee in the problem addressed by the regulation.

(g) After consideration of any comments from the principal ERISA agencies and the Advisory Committee, the draft regulation will be submitted to the Board of Directors of PBGC for approval.

(h) Upon the approval of the Board, the General Counsel will transmit the approved proposed regulation to the *FEDERAL REGISTER*. The name, address and telephone number of a knowledgeable agency official shall be included in the publication.

(i) When the period for public comment is completed, the Policy Committee will review all comments received and: (i) To the extent necessary, prepare Recommendations for a revision of the regulation; (ii) make an estimate of any new reporting burdens or recordkeeping requirements necessary for compliance with the regulation; and (iii) develop a plan for evaluating the regulation after its issuance. The General Counsel then will prepare the draft of a final regulation; and following any further review deemed appropriate by the Executive Director, the regulation will be presented to the Board of Directors of PBGC.

(j) Upon final approval by the Board, the General Counsel will transmit the regulation to the *FEDERAL REGISTER* for publication. The name, address and telephone number of a knowledgeable agency official shall be included in the publication.

6. PROCEDURE FOR DEVELOPMENT OF REGULATIONS THAT ARE NOT SIGNIFICANT

(a) If the proposed regulation is not considered significant by the Policy Committee or the Executive Director, the specifications will be developed without necessarily following the procedures of Paragraph 5(b) above.

(b) When a proposed nonsignificant regulation is published in the *FEDERAL REGISTER*, the notice will include a statement explaining why the regulation was not considered significant.

7. PROCEDURES FOR REGULATORY ANALYSES

(a) For every significant regulation, the Policy Committee will determine whether it is likely to have a major economic impact. If so, a regulatory analysis will be required.

(b) A significant regulation will be considered likely to have a major economic impact:

(i) if the regulation is likely to impose:

(A) Gross economic costs of \$100 million per year; or

(B) A major increase in costs or prices for individual industries, levels of government, or geographic regions; or

(ii) if the regulation is likely to have a major economic impact for any other reason.

In determining whether a regulatory proposal is likely to have a major economic impact, attention should be directed to the effect of the proposal on the existing statutory and regulatory environment, not to the effect the regulation would have on unregulated environment.

(c) The regulatory analysis will consist of a summary and supporting documents. The summary will be prepared under the direction of the Policy Committee, and will include the following:

(i) A concise statement of the problem and the mandate for government action;

(ii) A statement of policy objectives and their relationship to the purposes of Title IV of ERISA;

(iii) A description of the major alternatives, including nonregulatory alternatives, for dealing with the problem and achieving the policy objectives;

(iv) A brief analysis of the economic consequences of each of these alternatives; and

(v) An explanation of the reasons for choosing the preferred alternatives.

(d) When a proposed regulation is published in the *FEDERAL REGISTER*, the summary portion of any draft regulatory analysis will be included, and the public will be asked to comment on the findings of the analysis. The *FEDERAL REGISTER* notice will also indicate how members of the public can obtain a copy of any draft regulatory analysis.

(e) After the end of the public comment period, the draft regulatory analysis will be reviewed by the Policy Committee in light of the comments received.

(f) When the final regulation is published in the *FEDERAL REGISTER*, the summary portion of any final regulatory analysis will be included. The *FEDERAL REGISTER* notice will also indicate how members of the public can obtain a copy of any final regulatory analysis.

8. SEMIANNUAL REGULATIONS AGENDA

(a) In April and October of each year, PBGC will publish an agenda in the *FEDERAL REGISTER* of significant regulations under development or scheduled to be reviewed. This agenda will list the name and telephone number of a knowledgeable agency official as the PBGC point of contact for each item on the agenda.

(b) Each published agenda will describe the significant regulations under development or scheduled to be reviewed, the need for and the legal basis for the action being taken, and the status of the regulations previously listed on the agenda. The General

Counsel will be responsible for providing statements for the agenda as to the legal basis for the actions being taken. The Policy Committee will determine the basic contents of the agenda and will request various offices of PBGC to supplement the basic contents with any detailed data required. The General Counsel will send the agenda to the *FEDERAL REGISTER* for publication, after final concurrence by the Policy Committee and approval by the Executive Director.

(c) As a relatively new agency, PBGC has been mainly engaged in the development of new regulations and the amendment of existing regulations based on its experience to date. All final regulations of PBGC that set forth substantive rules or currently effective procedures (except its Bylaws and Freedom of Information regulations) were issued with a date later than September 14, 1975. In these circumstances, the process of developing regulations is more important than the review of existing regulations that are relatively recent. This is particularly true in view of: (i) The limited staff resources of PBGC; and (ii) the fact that extensive legislative amendments of Title IV of ERISA are anticipated during the next few years. For example, Congress has directed PBGC to submit a comprehensive report to it by July 1, 1978, on multiemployer pension plans (including "an explanation of any alternative courses of action which might be taken by the corporation (PBGC) to insure proper coverage of multiemployer plans and the proper financing of the program relating to such plans"). See Pub. L. 95-214, approved December 19, 1977 (91 Stat. 1501).

In the process of developing new regulations to carry out the legislative amendments that may evolve during the next few years, PBGC inevitably will be reviewing existing regulations. But it is difficult to forecast the reviewing process—as distinct from the process for development of regulations under the existing provisions of Title IV of ERISA. Accordingly, the target date for PBGC's first semiannual agenda on regulations being developed will be October 1978; but the target date as to reviewing regulations will be later.

On the basis of the above conditions and assumptions, PBGC's target date for publishing a semiannual agenda with substantial coverage of the reviewing process is October 1980—approximately 5 years after the adoption of PBGC's first final regulation (other than its Bylaws and Freedom of Information regulations) setting forth substantive rules or currently effective procedures.

The primary criteria for placing regulations on the October 1980 semiannual agenda for review will be:

(i) The type and number of suggestions for improvement and modification;

(ii) The existence of legislative amendments to Title IV of ERISA that may require revisions or cancellation; and

(iii) Changed conditions that may require revisions or cancellation.

After the October 1980 semiannual agenda is published, PBGC expects that the following criteria will be used for reviewing regulations:

(i) The continued need for the regulation;

(ii) The type and number of complaints or suggestions received;

(iii) The burdens imposed on those directly or indirectly affected by the regulations;

(iv) The need to simplify or clarify language;

(v) The need to eliminate overlapping and duplicative regulations; and

(vi) The length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

On the first Monday in October, PBGC will publish in the *FEDERAL REGISTER* a schedule showing the times during the coming fiscal year when each of the agency's semiannual agendas will be published.

9. EFFECTIVE DATE

This Statement of Policy will be effective upon completion of the following:

(i) Analysis of public comments;

(ii) Revision of the Statement;

(iii) Approval of the Board of Directors of PBGC;

(iv) Approval by the Office of Management and Budget; and

(v) Final publication in the *FEDERAL REGISTER*.

10. APPLICABILITY

The formal requirements of this Statement of Policy do not apply to any rule making for which a notice of proposed rule making was issued before the effective date of this Statement of Policy. But, the general objectives of this Statement of Policy shall be deemed to be effective immediately.

Issued in Washington, D.C., on May 22, 1978.

MATTHEW M. LIND,
Executive Director, Pension
Benefit Guaranty Corporation.

[FR Doc. 78-14702 Filed 5-22-78; 4:48 pm]

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**
IMPROVING GOVERNMENT REGULATIONS
Draft Report Pursuant to Section 5 of Executive
Order 12044

President Carter has indicated his desire to reduce the regulatory burdens imposed by the Federal Government on the American people. Executive Order 12044 provides that every agency must issue regulations in such a way that they are easily understood by those being regulated, those who benefit, and by the general public.

Section 5 of the Executive Order directs each agency to prepare a draft report outlining "(1) a brief description of its process for developing regulations and the changes that have been made to comply with this Order; (2) its proposed criteria for defining significant agency regulations; (3) its proposed criteria for identifying which regulations require regulatory analysis; and (4) its proposed criteria for selecting existing regulations to be reviewed and a list of regulations that the agency will consider for its initial review". Section 5 also directs Federal agencies to (1) publish the draft report in the *FEDERAL REGISTER* for comment and (2) transmit the draft report to the Office of Management and Budget.

The following draft report set out in four separate sections is the first step in the Commission's process of adopting "procedures to improve existing and future regulations".

At its meeting on May 19, 1978, the Commission authorized the publication of the draft report in the *FEDERAL REGISTER*. Comments on the draft report are encouraged and should be addressed to: Peter C. Robertson, Director, Office of Policy Implementation, 2401 E Street NW., Washington, D.C. 20508.

All comments should be received July 24, 1978.

I. Process for Developing Regulations

A. Commission policy.—The Commission wants to make the regulatory process effective. In September, 1977, the Commission adopted a reorganization plan for the agency which included the creation of an Office of Policy Implementation which, according to the Commission motion, "is a new office designed to vitalize the regulatory processes of the Commission in the issuance of guidelines, reasonable cause decisions on new matters, interpretations, regulations, the holding of hearings on complex issues and the adoption of resolutions".

B. Regulation report.—The Office of Policy Implementation will review either at the request of a Commissioner, the Executive Director, the Steering Committee, the Office of the General Counsel, or some other EEOC

office the need for preparing or revising regulations. Once the need for a new or revised regulation is determined, the Office of Policy Implementation will prepare a "regulation report". That report will discuss issues to be considered in developing the proposed regulation, alternative approaches to be explored, a tentative plan for obtaining public comment, and target dates for completion of steps in the development of the regulation. The Office of General Counsel, Legal Counsel Division, will review these reports and resulting regulations for legal sufficiency. When the Steering Committee requests the regulation, it will be reviewed by that Committee and then transmitted to the Commission for review. Regulatory reports will be reviewed by the Steering Committee and then transmitted to the Commission for review through the Executive Director. The Office of Policy Implementation will develop draft regulations in accordance with the approved regulation report. It will also assure that the development of proposed "significant regulations" is listed on the Commission's semi-annual agenda of "significant regulations" which will be published in the *FEDERAL REGISTER* in accordance with Section 2(a) of Executive Order 12044.

C. Commission approval process.—Proposed regulations come before the Commission twice: once through authorization to be published for comment in the *FEDERAL REGISTER* in draft form and, once more, as finally proposed for Commission approval.

D. Involvement of interested individuals and organizations.—To the greatest extent possible, the Commission will involve other Federal agencies, state and local governments, businesses, labor unions, organizations and individual members of the public and appropriate civil rights groups early in the process of developing proposed regulations.

Several recent examples will indicate the way in which the Commission plans to implement this commitment. After the Supreme Court issued its opinion in *Hardison v. TWA*, — U.S. —, 97 S. Ct. 2264, 1977, it appeared to the Commission that there was substantial ambiguity concerning the extent of the employer's obligation to make a reasonable accommodation to the religious needs of his employees. The Commission wanted to consider whether its existing Guidelines on Discrimination because of Religion were adequate to deal with the situation or whether any additional regulation was necessary. It wanted to consider alternate forms of announcing policies in the area. Without making any specific proposal, it issued an announcement in the *FEDERAL REGISTER* indicating the general nature of the problem and announcing three public hearings at

which employers, members of affected religious groups, and members of the general public could present their views on the issue and on the appropriate substance and form of a Commission regulation. Those three public hearings have now been held. More than 80 witnesses have testified and have provided a wide variety of background information on the extent of the problem and have proposed ways of dealing with it. The Commission is now in the process of evaluating the very helpful material which was received during these public hearings. Should the Commission decide that the appropriate way to proceed is by the issuance of a regulation, that will be published in the *FEDERAL REGISTER* for comment.

Another example of the way the Commission plans to obtain ideas from those affected by its decisions has to do with the involvement of State and local government. Specifically, under Section 709 of the statute, the Commission is authorized to fund state and local anti-discrimination agencies for activities which assist EEOC in the implementation of its responsibilities. Recently it was decided that the standards and criteria by which such funds were spent should be revised. In the past the officials of the various state and local government agencies which were eligible to receive such funds had expressed concern that they were not adequately involved in the preparation of the standards and criteria for funding. Therefore, a plan was developed to assure the maximum possible involvement of those state and local government agencies in the development of the new standards.

The first step was the establishment of a task force composed of employees of the relevant EEOC headquarters offices, EEOC field staff responsible for dealing directly with state and local anti-discrimination agencies, and the chief executive officers of a number of the significant state anti-discrimination agencies which are eligible to receive the funds. This task force prepared a staff discussion paper 40 pages in length. EEOC scheduled a work shop in Albuquerque, New Mexico the week of May 14-18, 1978 to discuss the draft Task Force report. Officials of some 80 state and local anti-discrimination agencies were invited to this conference to discuss the Task Force's report in a series of work shops and to offer recommendations for amendments or additions. This meeting which has just been concluded provided substantial additional information which will help EEOC in developing the final plan. In addition, written comments were invited from the state and local anti-discrimination agencies which were unable to attend the meeting.

**II. Criteria for determining
"Significant Regulations"**

The President's Executive Order requires that agencies establish criteria for determining which regulations are "significant" to their programs and particular constituents and establishes a procedure to be followed in issuing such regulations.

In determining whether regulations will be treated as "significant regulations" the Commission will apply the following criteria:

- (1) The type and number of individuals, businesses, organizations, employers, labor unions, or state and local governments affected;
- (2) The compliance and reporting requirements likely to be involved;
- (3) The impact on the identification and elimination of discrimination in employment; and
- (4) The relationship of the proposed regulations to those of other programs and agencies.

**III. Criteria for Preparing Regulatory
Analysis**

Section 3 of the President's Executive Order states that a regulatory analysis will be performed for "significant regulations" which will result in (a) an annual effect on the economy of \$100 million or more; or (b) a major increase in cost or prices for individual industries, state and local governments, or other Federal agencies.

A regulator analysis may, in the discretion of the agency, be completed on any proposed significant regulation.

**IV. Criteria for Selecting Existing
Regulations to be Reviewed**

In selecting existing regulations to be reviewed to determine whether they are achieving the policy goals of the Executive Order, the Commission shall apply the following criteria: (a) The continued need for the regulation; (b) the type and number of complaints or suggestions received; (c) the burdens imposed on those directly or indi-

rectly affected by the regulations; (d) the need to simplify or clarify language; (e) the need to eliminate overlapping and duplicative regulations; and (f) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the time since the original regulation was issued.

**V. Regulations for Initial Commission
Review**

The following is a list of regulations the Commission will consider for its initial review to determine whether they are achieving the policy goals of the Executive Order:

- (a) Guidelines on discrimination because of religion.
- (b) Part 1602—Records and Reports.

ELEANOR HOLMES NORTON,
Chair.

[FR Doc. 78-14710 Filed 5-22-78; 5:04 am]

[6820-34]

GENERAL SERVICES
ADMINISTRATIONPLANS FOR IMPLEMENTING EXECUTIVE ORDER
12044, IMPROVING GOVERNMENT
REGULATIONSDeveloping, Simplifying, and Reviewing GSA
RegulationsAGENCY: General Services Adminis-
tration.ACTION: Request for public com-
ments.

SUMMARY: The General Services Administration (GSA) is revising its procedures for developing regulations. The proposed changes follow the guidelines in Executive Order 12044 (43 FR 12661, Mar. 24 1978). We expect that our changed procedures will result in regulations that are written clearly and that enable us to meet our legislative goals without unnecessarily burdening the public.

DATE: Comments are due by July 25,
1978.ADDRESS: Send comments to: General
Services Administration (BRA),
Washington, D.C. 20405.FOR FURTHER INFORMATION
CONTACT:John T. Gilmartin, Director, Paper-
work Management Division, 202-566-
0857.

SUPPLEMENTARY INFORMATION: As Administrator of General Services, I am concerned not only with the quality of GSA's regulations, but also with the quality of regulations written by other agencies. We in GSA are responsible, through our National Archives and Records Service, for helping agencies to improve programs for managing their regulation systems. So I am going to make sure that GSA writes better regulations, and I am interested in seeing how other agencies, as they change their procedures to follow the Executive order, take advantage of this opportunity to show you the ways they plan to improve their regulations.

I would like to review some of the methods that we have tried to help agencies get a head start in carrying out the President's regulatory improvement program. The Office of the Federal Register is a part of the National Archives and Records Service. Many agencies send lengthy, vague, and confusing regulations to the FEDERAL REGISTER. Although we must publish these regulations "as is," one of our goals in recent years has been to improve the quality of these regulations. The Office of the Federal Register has increased the frequency of its legal drafting workshops; we now offer one workshop each month. In these

workshops we teach agency employees how to write clear, concise, and understandable regulations. In addition, the FEDERAL REGISTER is investigating changes in the format of the documents that agencies submit for publication. We hope that these changes will make the documents easier for you to follow. The FEDERAL REGISTER has already set up a new format for preambles, which requires agencies to present a clear and simple explanation of the document. The Office of the Federal Register also provides personal assistance to agencies in reviewing their procedures for developing regulations and in drafting model regulations.

We have also been working on improving the quality of GSA's regulations. One of our projects is to rewrite the handbook that tells our employees how to write regulations. After we have rewritten the handbook, we will use it as a text in classes designed to teach our employees the techniques of writing clear regulations.

Our specific plans for changing our regulation procedures to follow the guidelines in the Executive order are in the attached document. The document is divided into seven sections. The first section summarizes our organizational structure and defines several terms that we use in the rest of the document. The second section describes the procedures that we are now using to develop regulations, and the third section outlines our plans for changing these procedures. The fourth and fifth sections present our proposed standards for deciding which of our regulations are "significant" and which of our regulations are subject to regulatory analysis procedures. The sixth section explains our proposed criteria for selecting regulations for review, and the final section is a list of the regulations that we are considering for our first review.

We welcome your comments on our proposal, and we will consider them carefully before we send our final proposal to the Office of Management and Budget for approval. I would like to point out that the key to our document is in section 4, which sets standards for deciding which of our regulations are significant. The cost of developing significant regulations will be higher than the cost of developing regulations that are not significant because we will have to spend more time on the significant regulations. The cost of developing regulations is already very high. We considered having every GSA regulation fall into the category of significant, but we decided against this idea because we feel that you, as taxpayers, do not want us to spend unnecessary amounts of time and money developing regulations that you have little or no interest in. On the other hand, you have the right

to question why we are proceeding in a certain direction and to help us develop regulations that you are interested in. Frankly, the decision as to which regulations should be subject to the entire Executive order and which should be subject only to the clear writing and review procedures is a difficult one for us to make. For this reason, we particularly welcome your comments on our proposed standards for deciding which regulations are significant.

Dated: May 23, 1978.

JAY SOLOMON,
Administrator of
General Services.

ATTACHMENT

SECTION 1. GSA'S STRUCTURE AS IT
PERTAINS TO REGULATIONS

GSA is the business manager for Government agencies. Our regulations are designed to help agencies by giving them procedures to follow in areas such as managing their computer operations, making sure that they are prepared to function during emergencies, buying their supplies, managing their records, and getting office space in buildings.

The Administrator of General Services signs all GSA regulations. To help in handling administrative and legal questions are GSA's two staff offices, the Office of Administration, and the Office of General Counsel. GSA's operating arms, which are called services, develop most of our regulations. The five services are the Automated Data and Telecommunications Service, the Federal Preparedness Agency, the Federal Supply Service, the National Archives and Records Service, and Public Buildings Service. Each service and staff office is headed by an official who is directly responsible to the Administrator for carrying out GSA's functions and missions. In this document we will be referring to the seven unit heads as Commissioners, to the seven units as services, and to each office within a service that develops or writes a regulation as the program office.

SECTION 2. PRESENT METHOD OF
DEVELOPING REGULATION

Our basic philosophy in developing regulations is that experts in the subject matter should write the regulations, then experts in writing (directives analysts) should review and analyze the regulations before they are issued. Our directives analysts have no special knowledge in the technical fields of the regulations. We feel that the strong point of this type of a system is that the subject matter experts can make sure that the regulations are necessary and technically accurate, and the directives analysts can

see whether the regulations are understandable to individuals who do not have a background in the field covered by the regulations.

We have set up a strict control system to make sure that we meet our target dates for issuing regulations. Our present control system is based on methods we developed in 1952. We overhauled the system in 1971 and again in 1973. We are now using the 1973 system, but we have modified it from time to time to keep pace with changes in our organizational structure and to make sure that our employees are using the latest paperwork management techniques. The heart of the system is a central control unit, which is a part of the Office of Administration. Each of the seven services has a corresponding control unit headed by a clearance officer. The central control unit and the clearance officers work together to help program officers develop and write regulations.

When employees in a program office are ready to start developing a regulation, they are required to discuss the proposal with representatives of each service that is responsible for a regulatory area that might be affected by the proposal. All proposed regulations must be discussed with the Office of General Counsel. After the program office has discussed the proposal with affected services and reached preliminary agreements on what should be included in the regulations, the program office drafts the proposed regulation and sends it to its clearance officer. At this stage of the process, clearance officers have a certain degree of latitude on how to proceed. The minimum requirements for clearance officers follow.

1. Set up a control record for the proposal.

2. Analyze the proposal to make sure that the regulation is necessary and that it does not conflict with or duplicate existing regulations.

3. Make sure that the proposal will be sent for review to affected services within GSA, to other agencies and the public if necessary, to the Office of General Counsel, and to the directives analysts in the central control unit.

4. If the proposal will require someone to fill out a report, make sure that background information and supporting documents have been prepared. (For example, if we want to start a new report that the public will fill out and return to us, we must request permission from the Office of Management and Budget (OMB). OMB will review our request to see whether the report is needed, whether it is unnecessarily burdensome, how many individuals are affected, and similar considerations.)

5. If the proposal calls for a new form, notify the forms experts in the

central control unit. (The forms experts will review the proposed form for items similar to the ones for reports.)

6. If the proposal will have a major effect on the quality of the environment, contact our environmental affairs division so that they can make sure the proposal follows rules that have been set up to protect the environment.

7. If the proposal affects State or local governments, make sure that the affected governments are notified and have a chance to comment on the proposal.

(Several services have gone a step further with these minimum requirements by setting up a regulation writing unit in the service. These writing units rewrite the rough draft before sending it to the central control unit and other services for review.)

After the clearance officer has finished steps 1 through 7, he or she decides whether the proposal will be published for public comments in the FEDERAL REGISTER. (Most GSA regulations are exempt from the part of the Administrative Procedure Act that requires agencies to publish proposed rules. However, we have been publishing proposed rules voluntarily when we think that the public may be interested and when we are not required by the Congress or the courts to meet a specific deadline for our final rules.) If the proposal will be published for comments, the clearance officer sends it to the Commissioner. If he or she approves the proposal, the Commissioner signs it and sends it to the central control unit, which then forwards the document to the FEDERAL REGISTER.

After receiving and evaluating comments from other agencies and the public on its proposal, the program office makes the necessary changes to its draft regulation. The program office sends copies of the revised draft to the clearance officers of the services that might be affected by the regulation, to the Office of General Counsel, and to the central control unit. Each clearance officer who receives a copy of the draft decides which units within the service should comment on the draft. The Office of General Counsel checks to see whether the program office has followed the advice from preliminary discussions and whether the draft has been changed to a point where we are violating a law. The central control unit has a professional editor, who checks the draft for correct word use, punctuation, understandability, and similar items. The editor then gives the draft to the directives analysts in the central control unit. Because these directives analysts review regulations from all of the services, they generally have an overview of GSA's policies, procedures, and functions that a program

office, which is concerned mainly with only one regulatory area, cannot be expected to have. From this perspective, the directives analysts evaluate the draft to make sure that the proposal is necessary, does not violate basic GSA policies, does not duplicate or conflict with other GSA regulations or the regulations of other agencies, and can be expected to efficiently and effectively meet its intended objectives.

Each office that received a copy of the draft for review returns its written comments to the program office. The program office evaluates all comments it receives as a result of this clearance process. The program office cannot by itself overrule a comment—if the program office disagrees with a comment, they must contact the commenting office and reach an agreement on the final wording. If the program office and the commenting office cannot reconcile differences, the program office must prepare a paper outlining the differences and send it to the Administrator for a decision.

After employees in the program office adopt or reconcile the clearance comments, they prepare the final draft of the regulation. The final draft is sent to the clearance officer, who again reviews the document to make sure that all outstanding issues have been settled. The clearance officer then sends the document to the Commissioner. Before sending the document forward, the Commissioner must sign a letter that explains why his or her service has developed the regulation. The letter is addressed to the Administrator and contains the following minimum information: The purpose and intended effect of the regulation; its expected impact on GSA, other agencies, and the public; and a summary of comments from other services within GSA, from other agencies, and from the public. Three top GSA officials must read and agree with both the letter and the regulation before they can recommend whether the Administrator should sign the regulation. The director of Administration certifies that the regulation has undergone the clearance procedures and meets all administrative requirements. The General Counsel certifies that the regulation complies with the law. The Deputy Administrator certifies that the regulation is acceptable with respect to Government-wide policy considerations. The Administrator will not sign a regulation until this entire process has been completed.

To make sure that this system functions smoothly, the central control unit periodically visits each service and evaluates the service's regulatory program. The present schedule calls for each service to be evaluated once every 3 years. The central control unit evaluates and recommends improve-

ments in the regulatory program from all paperwork aspects, including forms, reports, and records management. The final report for each evaluation is sent to the Commissioner of the service, who is required to prepare a plan for following recommendations made by the central control unit.

SECTION 3. PROPOSED CHANGES TO THE REGULATION PROCEDURES

Although we feel that our present system is running smoothly, we intend to supplement it in recognition that there are many areas in the system that need to be improved so that we can meet the standards in Executive Order 12044. For regulations that we determine are "not significant," we will follow our present procedures except that:

1. The regulation must follow the policy statements in section 1 of Executive Order 12044. These statements require that regulations be written simply and clearly, that they effectively and efficiently carry out their purposes, and that they do not impose unnecessary burdens.

2. The regulation must be reviewed periodically as explained in section 4 of Executive Order 12044.

3. Each time the regulation is published, it must provide a statement briefly explaining why the regulation is not significant for the purposes of Executive Order 12044.

For significant regulations, we plan to change several of our present procedures. The first area that we plan to change is in providing both to the Administrator and to the public an early warning of proposed regulations. (When we refer to the public in this document we are referring not only to individuals but also to businesses, public and private organizations, and State and local governments.) Before a service begins to develop a significant new regulation, the Commissioner must send to the Administrator a letter that covers the following points:

1. *Issues.* This section describes the important areas that the proposal will cover, such as the problem or circumstances that created the need for action, the objectives of the proposal, the constraints or limitations that might hinder us in effectively implementing the proposal, and whether there is enough money available in our budget to cover the expenses of the proposal.

2. *Alternatives.* The Commissioner will list the possible ways to solve the problem, including whether it might be possible to solve the problem without issuing a regulation.

3. *Plan for public comment.* The Commissioner will explain how we plan to give the public a chance to comment on the proposal or to help us draft the proposed regulation. The Commissioner may use his or her best

judgment in deciding which methods to use, but we expect that most plans will include one or more of the following methods: Publishing an advance notice of proposed rulemaking in the *FEDERAL REGISTER*, holding open conferences or public meetings, sending notices of proposals to publications that are likely to be read by individuals who will be affected, or notifying interested parties directly.

4. *Regulatory analysis.* If it is possible at this point in the process, the Commissioner will state whether an economic evaluation of the proposal will be necessary. The basis for determining whether an evaluation is necessary may be narrative statements of the qualitative aspects of the proposal if quantitative data are not available.

5. *Target dates.* The Commissioner will list each major step in the regulation's development process and the expected date for completing each step.

After notifying the administrator of the plans, each Commissioner also must notify the public of proposals that we are considering. This notification will be in the form of semiannual agendas. On the first Monday in October of each year, we will publish in the *FEDERAL REGISTER* a schedule that shows the times during the coming year that our regulation agendas will be published. We expect to publish agendas during May (to cover our proposed actions from May through October) and November (covering November through April), but we will publish a special agenda at any time if a Commissioner feels that the public should be informed immediately of a significant regulatory action.

Each service will prepare its own portion of the overall GSA agenda. Each agenda will have four major areas: New regulations, changes to existing regulations, regulations scheduled for review, and status of agenda items previously published. We expect that the first two areas of the agenda will be the ones in which the public is most interested. Therefore, for each proposed new significant regulation and for each substantive change to an existing significant regulation, the service will provide a description of the new regulation or the change; a summary explaining why we are considering issuing a new regulation or a change; our legal authority for issuing this type of regulation; the name, organizational unit, and telephone number of the person to contact for questions on the proposal; and whether a regulatory analysis will be prepared. For the third major area, regulations scheduled for review, the service will describe the regulations that we will be reviewing, include a contact point for answering questions, and provide the date by which we expect to have finished the review. In the fourth area, status of agenda items

previously published, the service will list significant accomplishments, deletions, and changes to individual items from the previous agenda and the contact point for each item. After a service has developed its agenda, the Commissioner will send it to the director of Administration. The Director of Administration will ensure that the central control unit consolidates the information from each service's agenda and sends the overall agenda to the Administrator, who will approve the agenda.

Let us assume that a program office has notified the Administrator of a proposed new significant regulation and has prepared the necessary items for the agenda. The program office then proceeds to the discussion stage that is covered under our present method of developing regulations. The changes from our present method are that the discussions will be more highly structured and that the program office will include the public in these discussions as explained in the "plan for public comments" portion of the Administrator's notification letter. The program office will evaluate the alternative approaches that are available to solve the problem by listing the pros and cons for each alternative and will select the least burdensome alternative that will accomplish the regulatory objective. The program office will then prepare a draft of the regulation. The draft must be written in plain English, and it must be understandable to individuals who will be required to comply with the regulation. After drafting the regulation, the program office must evaluate the direct and indirect effects the regulation will have on the public.

The draft regulation will be published as a proposed rule in the *FEDERAL REGISTER*. The public will have a minimum of 60 days to comment on the proposal. If we cannot allow a full 60 days for comments, our *FEDERAL REGISTER* preamble will explain why we had to shorten the comment period. If we are required to prepare a regulatory analysis, the preamble will provide a brief description of the regulatory approach that we selected or that we favor, briefly explain the alternatives that we considered, and explain how interested individuals can get a copy of the draft regulatory analysis. At the end of the 60-day comment period, the program office must evaluate each comment on the proposed rule. When the final rule is published in the *FEDERAL REGISTER*, the preamble will summarize the comments that we received and will provide a response for each group of closely related comments.

The program office then returns to our current procedures by revising its draft and circulating the proposal for comments in our clearance process.

When the final document is ready, the Commissioner will include the following additional information in the letter to the Administrator.

1. The Commissioner will include a statement that the regulation has been prepared in full compliance with GSA procedures for implementing Executive Order 12044.

2. If the regulations requires a new report or new recordkeeping requirements, an enclosure to the letter will summarize the new requirements and the estimated costs for each.

3. If a regulatory analysis was prepared, the Commissioner will provide a copy of the analysis. (The preamble to the *FEDERAL REGISTER* document will explain how the public may obtain a copy.) The program office will include the following information in each regulatory analysis:

(a) A statement of the problem.

(b) A brief description of each alternative that the program office considered to solve the problem.

(c) A detailed economic evaluation of each alternative, including an analysis of the major costs or other inflationary effects that the regulation will have on the economy, individual industries, geographical regions, or levels of government; an analysis of secondary costs and price effects; and an analysis of likely major changes in employment. If it is not possible to quantify the data, the program office will provide narrative statements explaining the qualitative aspects of the alternatives.

(d) A detailed explanation of the reasons for choosing one alternative over the others.

4. An enclosure to the letter will provide a plan for evaluating the regulation before its first scheduled review. The evaluation should focus on the effect the regulation has on the public and on the problem it was intended to solve.

We expect that our proposed new procedures will help us to write better regulations. For regulations that we have already issued, we plan to set up a review program. Under this program, each of our regulations will be reviewed at least once every 5 years. Each Commissioner will be responsible for making sure that program offices in his or her service review regulations in their areas of responsibility. Each Commissioner will set up a timetable for completing reviews so that the service can schedule them to fit the workload. After a service has reviewed a regulation or a set of regulations, the service will send a report of the review to the central control unit. The central control unit will check the report to make sure that the review was thorough. We will publish our review schedules in our semiannual agendas so that the public know, in which areas we are concentrating our regulatory efforts.

Several of our regulations are exempt from these new procedures. Our national security classified regulations are exempt under section 6(b)(2) of the Executive order. Our Federal Procurement Regulations, which are issued in 41 CFR Chapter 1, and our General Services Administration Procurement Regulations, which are issued in 41 CFR Chapters 5A and 5B, are exempt under section 6(b)(4) of the Executive order. Regulations issued by the Administrative Committee of the Federal Register (1 CFR Chapters I and II) are subject to procedures that the Committee develops and therefore are not covered by either our existing system or our proposed changes. In an emergency, a Commissioner may waive any of the new requirements. However, if a Commissioner waives a requirement, the preamble of the *FEDERAL REGISTER* document will explain why we could not follow the procedures in Executive Order 12044, and the Commissioner's name and title will be provided.

SECTION 4. PROPOSED CRITERIA FOR DEFINING SIGNIFICANT REGULATIONS

A regulation is significant if:

1. The Administrator or the responsible Commissioner decides that it is significant even though it does not meet the criteria in paragraph 2, below; or

2. The program office expects that it will cause an impact that meets or exceeds any of the criteria in subparagraphs (a) through (g), below. In making this determination, the program office will consider both direct (the regulation causes the impact) and indirect (the regulation requires other agencies to issue rules that will cause the impact) effects.

(a) *Costs.* A regulation is significant if it is likely to cause increased costs for consumers; businesses; or Federal, State, or local governments of more than:

(1) \$100 million in any 1-year period or \$150 million in any 2-year period for the national economy; or

(2) \$50 million in any 1-year period or \$75 million in any 2-year period for any economic sector, industry, level of government, or geographic region.

The program office also will apply cost impact criteria to proposed new regulations that set standards and specifications that are likely to impact the Federal construction or supply schedules at the dollar levels in subparagraphs (1) and (2), above.

(b) *Productivity.* A regulation is significant if it is likely to result in the cost impacts in subparagraph (a), above, through any of the following:

(1) Reducing or restricting industry (output) capacity or capital investment;

(2) Increasing labor man-hours per unit of output;

(3) Increasing barriers to the substitution of processed or raw material supplies; or

(4) Reducing or restricting the adoption of new technologies, equipment processes, or skills.

(c) *Competition.* A regulation is significant if it is likely to substantially: Lessen competition, restrain market information, increase concentration, or tend to create a monopoly or monopolistic market power in any line of commerce if commerce in the relevant market exceeds \$100 million per year.

(d) *Important materials.* A regulation is significant if it is likely to cause in the year of enactment or implementation a substantial increase in demand for or a substantial decrease in supply availability of any important material, product, or service. A substantial change is one that involves more than 5 percent of supply or that is worth \$100 million or more. Important materials, products, or services include:

(1) Components of the national stockpile;

(2) Materials or services that the National Security Council determines are critical; or

(3) Materials, services, or products that the Administrator determines are critical.

(e) *Employment.* A regulation is significant if it is likely to result in a change in employment in any one year of 185,000 workers (0.2 percent) at the national level or 10,000 workers at the sector, industry, or State level.

(f) *Energy.* A regulation is significant if it is likely to cause in any one year an increase in demand for or a decrease in supply of petroleum or other forms of energy by 35,000 barrels per day or the equivalent (0.1 percent of daily U.S. consumption).

(g) *Reporting burden.* A regulation is significant if it is likely to cause a public reporting burden for any one report that requires:

(1) Each respondent to spend more than 1 hour in filling out the report; and

(2) A total burden of more than 1 million man-hours per year for respondents to fill out the reports.

SECTION 5. PROPOSED CRITERIA FOR REGULATORY ANALYSES

The program office will prepare a regulatory analysis for each proposed regulation:

1. For which the Administrator or the responsible Commissioner decides a regulatory analysis is necessary; or

2. That is determined to be a significant regulation under the criteria in paragraph 2 of section 4.

SECTION 6. PROPOSED CRITERIA FOR SELECTING REGULATIONS FOR REVIEW

Each Commissioner will ensure that regulations covering material under

his or her areas of responsibility are reviewed at least once every 5 years. The Commissioner may decide which regulations are most in need of review; or the responsible service will select the sequence for reviews by applying the following criteria:

1. The continued need for the regulation;
2. The type and number of complaints or suggestions received;
3. The burdens imposed on those directly or indirectly affected by the regulation;
4. The need to simplify or clarify language;
5. The need to eliminate overlapping and duplicate regulations; and
6. The length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

SECTION 7. LIST OF REGULATIONS TO BE CONSIDERED FOR THE FIRST REVIEW

OFFICE OF ADMINISTRATION

Introduction to the Federal Property Management Regulations. Explanation of GSA's system for issuing regulations concerning agency management of real and personal property and records. Areas covered are the structure of the system, how the regulations are published, and similar administrative details. Contact point: Stanley W. Bowers, Chief, Directives Management Branch, 202-566-0666.

Payments to GSA for supplies and services furnished to Government agencies. General description, with some examples, of GSA's procedures for paying bills. Contact point: John Boyd, Accounting Policy and Programs Division, 202-566-0187.

Annual real property inventories. Detailed instructions to Government agencies for reporting to GSA all real property owned or leased by the U.S. Government through the agencies. Contact point: Frank Blandin, Director, Central Control Division, 202-566-1527.

OFFICE OF GENERAL COUNSEL

Nondiscrimination in programs receiving Federal financial assistance. GSA's procedures for ensuring that when we give financial assistance to a program or an activity, the program or activity does not discriminate against individuals. Contact point: Helen Maus, Administration and Records Division, 202-566-1460.

Freedom of Information Act. Procedures that GSA uses in making our records and information available to the public. Contact point: Rebecca Thompson, Administration and Records Division, 202-566-1460.

Privacy Act. Procedures that GSA follows to collect, use, and disseminate

records that contain information about individuals. Contact point: Rebecca Thompson, Administration and Records Division, 202-566-1460.

AUTOMATED DATA AND TELECOMMUNICATIONS SERVICE

Contact point for all items: John F. Stewart, Management Policy and Planning Office, 202-566-0834.

Government-wide automatic data processing (ADP) policy. Covers management, acquisition, and use of automatic data processing by Federal agencies. (This is the information currently published in 34 CFR Part 282.)

Agency payments to telecommunications common carriers. Instructs agencies to inform the common carriers they do business with to provide duplicate telephone bills to GSA.

Essential telephone service during emergencies. Provides for a telephone arrangement so that subscribers with essential emergency functions are not delayed when they make calls from their homes.

Future plans for ADP. Provides procedures and criteria for Federal agencies to follow in planning for automated data and telecommunications systems.

Management and control of computer rooms. Provides guidelines for Federal agencies to follow in managing and controlling their computer rooms.

Listening-in devices. Provides policies concerning the use of these devices by Federal agencies.

FEDERAL SUPPLY SERVICE

Contact point for all items: John I. Tait, Director, Regulations and Management Control Division, 202-557-1914.

Federal Travel Regulations. The Federal Government's policy governing Federal civilian employee travel and relocation allowances.

Criteria for determining method of supply. General criteria for selecting the best methods of supply for agencies to meet their planned requirements.

Use of self-service stores. General policy for agencies to buy their administrative, custodial, and maintenance supplies at stores operated by GSA.

Interagency purchase assignments. Basic policy for interagency purchase assignments within the executive branch of the Government.

Emergency preparedness planning. Policies and procedures for agencies to follow in procuring personal property and nonpersonal services during national emergencies.

Preparation and control of U.S. Government National Credit Cards. Policies and procedures covering agency use of Government credit cards, which are used to get supplies and services for U.S. Government motor vehicles, boats, and small aircraft.

NATIONAL ARCHIVES AND RECORDS SERVICE

Contact point for all items: Adrienne Thomas, Acting Director, Planning and Analysis Division, 202-523-3214.

Access to unclassified records. Description of the restrictions on the use of unclassified archival materials and procedures for requesting access to unclassified archives through the Freedom of Information Act.

Public requests for review of national security information. Description of the procedures for requesting access to national security information and material in the National Archives of the United States.

Access to materials that remain classified. Detailed procedures to be followed by researchers desiring access to classified archival material in NARS custody.

Mandatory review of White House classified materials. Description of the procedures NARS follows in reviewing White House classified archival materials.

Review of national security classified donated historical materials under Executive Order 11652.

Mandatory review of White House classified materials. Information on procedures followed by NARS in responding to requests for White House classified donated historical materials.

Mandatory review of agency classified materials. Details on the procedures followed by NARS in responding to requests for declassification review of agency classified donated historical materials.

PUBLIC BUILDINGS SERVICE

Contact point for all items: A. Gary Barnes, Chief Management Control Branch, 202-566-0412.

Assignment of space. These regulations prescribe the responsibilities and procedures for the assignment of space to Federal agencies and other entities entitled to occupy space in Government-owned and leased buildings.

Relocation assistance and payments. These regulations serve to ensure uniform, fair, and equitable treatment of persons displaced from their homes, businesses, or farms by Federal or federally assisted programs designed for the benefit of the public.

Conduct on Federal property. These rules and regulations apply to all property under charge of GSA and to all persons entering such property. They forbid soliciting, vending, debt collection, gambling, illegal use of drugs and alcohol, and they control traffic, parking, and similar actions.

Utilization of excess real property. These regulations prescribe the policies and methods governing the reporting by executive agencies and utilization by Federal agencies of excess real property, including related personal property.

Surplus real property disposal. These regulations prescribe the policies and methods governing the disposal of real property other than that destroyed, abandoned, or donated to a public body.

FEDERAL PREPAREDNESS AGENCY

Contact point for all items: Dorinda Lowery, Management Analysis Officer, 202-566-1975.

Emergency stabilization regulations. Procedures for stabilizing prices, rents, wages, and salaries.

Civil rights. Procedures for ensuring that programs that receive Federal financial assistance do not discriminate against individuals.

Strategic and critical materials. Procedures and delegations of authority to agencies for releasing vital materials from U.S. stockpiles during an attack on the United States.

Buying supplies and constructing buildings in areas of high unemployment. U.S. policies for placing contracts and facilities in regions of the United States with high unemployment rates.

Defense Mobilization Orders. Policies and procedures for: Building vital

facilities in areas that will reduce the risk of damage if we are attacked; making sure our defense production facilities continue to operate if we are attacked or if there is a major disaster; selecting priorities for and allocating materials and facilities for defense production; setting priorities for using U.S. resources after we have been attacked; training and using scientists and engineers for national security purposes; developing programs covering civilian health manpower; setting up a national emergency blood program; supplying materials necessary for defense during a major disaster; providing materials under U.S. Government control to supplement commercial supplies during a major disaster; providing Government-owned industrial plant equipment for use by private industries; stockpiling strategic and critical materials; setting priorities for allocating common use items; and maximizing the use of domestic energy supplies.

Federal Preparedness Circulars and Bulletins. Permanent statements of preparedness policies and programs for Federal departments and agencies

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Registered Property

THURSDAY, MAY 25, 1978
PART III



DEPARTMENT OF
THE INTERIOR

Bureau of Land
Management

ALASKA NATIVE
SELECTIONS

Reservations of Public Easements

[4310-84]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 2650]

ALASKA NATIVE SELECTIONS

Reservation of Public Easements

AGENCY: Bureau of Land Management, Interior.

ACTION: Proposed rulemaking

SUMMARY: This proposed rulemaking will implement section 17(b) of the Alaska Native Claims Settlement Act of 1971, and the court decision in *Calista, et al. v. Andrus, et al.*, 435 F. Supp. 664 (D.Ak. 1977), by establishing the policy and procedures for the reservation of public easements.

DATE: Written comments must be received on or before June 26, 1978.

ADDRESS: Send comments to: Director (210), Bureau of Land Management, Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240. Comments are available for public review in Room 5555 of the above address on weekdays during duty hours (7:45 a.m. to 4:15 p.m.).

FOR FURTHER INFORMATION CONTACT:

Don Argetsinger, Office of the Assistant Secretary, Land and Water Resources, Department of the Interior, Room 6629, 18th and C Streets NW., Washington, D.C. 20240. Telephone: 202-343-4604.

Beaumont McClure, Bureau of Land Management, Department of the Interior, Room 3070, 18th and C Streets NW., Washington, D.C. 20240. Telephone: 202-343-3078.

Neil Bassett, Bureau of Land Management, Department of the Interior, 555 Cordova Street, Anchorage, Alaska 99501. Telephone 907-277-1561.

SUPPLEMENTARY INFORMATION: Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA), 43 U.S.C. 1616(b), authorizes the Secretary of the Interior, after consultation with the State of Alaska and the Joint Federal-State Land Use Planning Commission, to reserve such public easements across lands selected under ANCSA as he determines are necessary to guarantee access to publicly owned lands and major waterways and to guarantee international treaty obligations. Regulations for public easements were first published on May 30, 1973 (38 FR 14218), as § 2650.4-7 of title 43 of the Code of Federal Regulations.

Subsequently, the Secretary issued Secretarial Orders Nos. 2982 and 2987 (41 FR 6295, February 12, 1976, and 41 FR 11331, March 18, 1976, respectively)

ly) which set forth in greater detail additional policy, guidelines, and procedures for the identification and reservation of public easements. Both of these orders were challenged by various groups in separate judicial proceedings. After a change of venue and consolidation of the various proceedings, a decision was rendered by the U.S. District Court in Alaska which voided certain aspects of the Secretary's easement policy (*Calista, et al. v. Andrus, et al.*, 435 F. Supp. 664 (D.Ak. 1977)).

As a result of that decision, Secretarial Order 2987 has been revoked by Secretarial Order 3020 (43 FR 19726, May 8, 1978). Secretarial Order 2982 will be revoked by a separate secretarial order which will be promulgated prior to the effective date of finalization of this rulemaking.

The purpose of this rulemaking is (a) to amend §§ 2560.0-5 and 2650.4-7 of title 43 of the Code of Federal Regulations, and (b) to interpret and carry out the decision reached in *Calista, et al. v. Andrus, et al.*, 435 F. Supp. 664 (D.Ak. 1977), and the Secretary's decisions of March 3, 1978, by establishing new policy and procedures for reserving public easements in the State of Alaska pursuant to section 17(b) of ANCSA. The State Director, Bureau of Land Management, Alaska, shall be delegated by separate directive the authority of the Secretary of the Interior to determine which public easements are necessary and to reserve such easements for public use.

It is anticipated that this rulemaking will provide a simplified public easement process which will result in expedited interim conveyances and patents of selected lands to the appropriate Native corporations. The easement policies of this rulemaking shall be applied to guarantee public access across lands conveyed to Native corporations pursuant to ANCSA. It is intended that this policy will result in the reservation of a minimal, nonduplicative system of easements. This policy is not intended to preclude the reservation of public easements which are reasonably necessary to guarantee access to publicly owned lands and major waterways.

As determined by the court in *Calista, et al. v. Andrus, supra*, the Secretary is bound in his easement choices by the specific criteria found in section 17(b)(1). The court also recognized that Congress was concerned that certain portions of the State which were to remain in the public domain could become inaccessible. In light of that concern, the primary standard for determining which public easements are reasonably necessary for access shall be present existing use. However, a public easement may be reserved absent a demonstration of present existing use if it is necessary

to guarantee international treaty obligations, if there is no reasonable alternative route or site available or if the public easement is for access to an isolated tract or area of publicly owned land. Alternative routes of access shall be assessed and reserved where reasonably available to avoid adverse impacts on Native culture, lifestyle, and subsistence needs. The natural environment and other relevant factors shall also be considered.

The court also noted that public easements were not intended to provide the public with the right to use Native lands for recreational purposes. Public easements may be reserved to provide access to recreation and hunting on publicly owned lands; however, easements for recreation on lands conveyed pursuant to ANCSA shall not be reserved. Scenic easements shall not be reserved. Nor shall public easements be reserved to hunt or fish from or on lands (including beds of waterways) which are conveyed pursuant to ANCSA. However, these uses where otherwise possible under law shall not be restricted (e.g., fishing from a boat on the water or fishing while standing on the bed of a waterway which is in Federal, state, or municipal ownership).

In addition to these restrictions, site easements shall not be reserved for future logging or similar operations (e.g., log dumps, campsites, storage, and staging areas). Public easements for roads for future logging or similar operations will be permitted, but only in limited situations. To the extent that sites and roads which are in use for existing logging or similar operations are valid existing rights under ANCSA, they would be protected under sections 14(g) and 17(b)(2). Public easements for future ditches, canals, telephone and telegraph lines, and railroads which are contemplated pursuant to 43 U.S.C. 945 and 43 U.S.C. 975d shall only be reserved if they are necessary for specifically identified purposes.

All public easements which has been previously reserved in interim conveyances or patents shall be reviewed in light of this rulemaking. Appropriate amendatory documents shall be issued as soon as possible to conform those prior interim conveyances or patents to the policy and procedures set forth herein.

Easements solely for private purposes shall not be reserved since they do not fall within the scope of section 17(b) of ANCSA. However, it should be noted that sections 14(g) and 17(b)(2) protect valid existing rights, including those private rights of access which are recognized under existing law.

Public easements in lieu of sites which are used in connection with the administration of Federal, State, or municipal corporation installations

shall not be reserved. Section 3(e)(1) of ANCSA provides the primary mechanism for protecting Federal sites. Public easements, however, may be reserved to provide access to these sites if access is not otherwise provided. Space easements may also be reserved if necessary to insure public safety or to permit proper use of improvements developed for public benefit or use. The appropriate Federal, State, or municipal government(s) and Native corporation(s) are encouraged to use leases, contracts, permits, or other use authorizations to preserve the existing uses of these sites in lieu of asserting rights pursuant to sections 17(b)(2), 14(c), 14(g), or 3(e)(1) of ANCSA.

Future rulemaking will be promulgated to address public easement management.

Implementation of this rulemaking shall be carried out in accordance with ANCSA's mandate which requires maximum participation by the Natives in decisions affecting their rights and property; keeping in mind that ANCSA is, in the first instance, a Native Act which carries the presumption that legal ambiguities will be resolved in favor of the Natives.

It is hereby determined that the publication of this rulemaking does not require a detailed statement pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c), and that this document does not contain a significant regulatory proposal requiring preparation of a regulatory analysis under Executive Order 12044.

The principal authors of this proposed rulemaking are Don Argetsinger of the Office of the Assistant Secretary—Land and Water Resources, and John W. Burke of the Solicitor's Office, assisted by other staff members of those two offices and personnel from the Bureau of Land Management.

Under the authority of the Alaska Native Claims Settlement Act (43 U.S.C. 1601, et seq.), it is proposed to amend part 2650, group 2600, subchapter B, chapter II, title 43 of the Code of Federal Regulations, by revising §§ 2650.0-5 and 2650.4-7 set forth below.

Subpart 2650—Alaska Native Selections—
Generally

§ 2650.0-5 Definitions.

(n) "LUPC" means the Joint Federal-State Land Use Planning Commission for Alaska.

(o) "Major waterway" means any river, stream, or lake which has significant use for transportation (more than casual, sporadic, or incidental use

in its liquid state by watercraft) and is part of an important and consistently used transportation route or system for travel between publicly owned lands, between communities, or between communities and publicly owned lands. Float plane use of a waterway must be related to providing access to publicly owned lands in order to qualify as significant transportation use. The waterway must also meet either of the following requirements: (1) Significant commercial use, which means more than casual, sporadic, or incidental use of the waterway for movement of commercial watercraft which are engaged in commercial activities, e.g., float planes, ferries, barges, or other watercraft used to transport goods or people for commercial purposes, including commercial fishing craft, or other floating watercraft common or well suited for commercial use in the locality; or (2) significant resource value, which means those readily identifiable attributes of a specific waterway which are important from the standpoint of human utilization and are used more than casually, sporadically, or incidentally by the public such as recreation, fishing or to the taking of aquatic animals. The existence of water, in and of itself, or scenic values, shall not be considered resource values.

(p) "Present existing use" means use by either the general public which includes both Natives and non-Natives alike or by a Federal, State, or municipal corporation entity on or before December 18, 1976, or the date of selection, whichever is later.

(q) "Public easement" means an easement to guarantee public or government access which includes transportation, communication, space, or utility purposes or to guarantee international treaty obligations.

(r) "Publicly owned lands" means all Federal, State, or municipal (including borough) corporation lands or interests therein in Alaska, including public lands as defined herein, and submerged lands as defined by the Submerged Lands Act, 43 U.S.C. 1301, et seq.

(s) "State Director" means the State Director, Bureau of Land Management, Alaska.

§ 2650.4-7 Public easements.

(a) General requirements. (1) Only public easements which are reasonably necessary to guarantee access to publicly owned lands or major waterways or to guarantee international treaty obligations shall be reserved.

(2) In identifying appropriate public easements, an assessment must be made of the use and purpose to be accommodated.

(3) The primary standard for determining which public easements are

reasonably necessary for access shall be present existing use. However, a public easement may be reserved absent a demonstration of present existing use if it is necessary to guarantee international treaty obligations if there is no reasonable alternative route or site available, or if the public easement is for access to an isolated tract or area of publicly owned land. Alternative routes shall be assessed and reserved where reasonably available to avoid adverse impacts on Native culture, lifestyle, and subsistence needs. The natural environment and other relevant factors shall also be considered.

(4) All public easements which are reserved shall be specific as to use, location, and size. Standard sizes and locations which are delineated in this subsection may be varied only when justified by specific conditions.

(5) Transportation, communication, and utility easements shall be combined wherever possible.

(6) Public easements may be reserved to provide access to present existing Federal, State, or municipal corporation sites; these sites themselves shall not be reserved as public easements. Unless otherwise justified, access to these sites shall be limited to government use.

(7) Scenic easements or easements for recreation on lands conveyed pursuant to the Act shall not be reserved. Nor shall public easements be reserved to hunt or fish from or on lands conveyed pursuant to the Act.

(8) For rivers and streams, designation as a major waterway may be limited to a specific segment of the particular river or stream.

(9) Public easements to be reserved under section 17(b) of the Act shall be identified concurrently with the processing of other land selection requirements mandated by the Act or applicable law or regulations.

(10) The identification of needed easements and major waterways shall include participation by appropriate Natives and Native corporations, LUPC, State, Federal agencies, and others having an interest in easements and waterways.

(11) After reviewing the identified easements needs, the State Director shall tentatively determine which easements shall be reserved. Tentative determinations of major waterways shall also be made by the State Director and shall apply to rivers, streams, and lakes. For lakes, all over 640 acres in size shall be screened to determine if they qualify as major waterways. Those smaller than 640 acres may be considered on a case-by-case basis. The State Director shall then notify all parties that participated in the development of the easement needs and information on major waterways as to the tentative easement reservations.

The Notice of Proposed Easements shall direct that all comments be sent to the LUPC and the State Director.

(12) The State and the LUPC shall be afforded 90 days after notice by the Secretary to make recommendations with respect to the inclusion of public easements in any conveyance. If the State Director does not receive a recommendation from the LUPC or the State within the time period herein called for, he may proceed with his determinations.

(13) Prior to making a determination of public easements to be reserved, the State Director shall review the recommendations of the LUPC, appropriate Native corporation(s), other Federal agencies, the State, and the public. Consideration shall be given to recommendations for public easement reservations which are timely submitted to the Bureau of Land Management or LUPC, as appropriate, and accompanied by written justification.

(14) The State Director, after such review, shall prepare a decision to convey that includes all necessary easements and other appropriate terms and conditions relating to conveyance of the land. If the decision prepared by the State Director is contrary to the LUPC's recommendations, he shall notify the LUPC of the variance(s) and shall afford the LUPC 10 days in which to document the reasons for its disagreement before making his final decision. The State Director shall then issue a Decision to Issue Conveyance (DIC).

(15) The State Director shall terminate a public easement if it is not used for the purpose for which it was reserved by the date specified in the conveyance, or by December 18, 2001, whichever occurs first. He may terminate an easement at any time if he finds that conditions are such that its retention is no longer needed for public use or governmental function. However, the State Director shall not terminate an access easement to isolated tracts of publicly owned land solely because of the absence of proof of public use.

(b) *Transportation easements.* (1) Public easements for transportation purposes which are reasonably necessary to guarantee the public's ability to reach publicly owned lands or major waterways may be reserved across lands conveyed to Native corporations. Such purposes may also include transportation to and from communities, airports, docks, marine coastline, groups of private holdings sufficient in number to constitute a public use, and government reservations or installations. If public easements are to be reserved, they shall:

(i) Be reserved across Native lands only if there is no reasonable alternative route of transportation across publicly owned lands;

(ii) Within the standard of reasonable necessity, be limited in number and not duplicative of one another (nonduplication does not preclude separate easements for winter and summer trails, if otherwise justified);

(iii) Be subject only to permitted uses and specific sizes which shall be placed in the appropriate interim conveyance and patent documents;

(iv) Follow existing routes of travel unless a variance is justified by specific conditions;

(v) Be reserved for future roads, including roads for future logging operations, only if they are site specific and actually planned for construction within 5 years of the date of conveyance.

(vi) Be reserved in topographically suitable locations whenever the location is not otherwise determined by an existing route of travel;

(vii) Be reserved along the marine coastline only to preserve a primary route of travel between two coastal communities, two publicly owned uplands, or a coastal community and publicly owned uplands;

(viii) Be reserved from publicly owned uplands to the marine coastline only if significant present existing use has occurred on those publicly owned lands below the line of mean high tide. However, for isolated tracts of publicly owned uplands, public easements may be reserved to provide transportation from the marine coastline if there is no other reasonable transportation route;

(ix) Be reserved along major waterways only to provide short portages or transportation routes around obstructions. However, this condition does not preclude the reservation of a trail or road easement which happens to run alongside a waterway;

(x) Not be reserved on the beds of major waterways except where use of the bed is related to road or trail purposes, portaging, or changing the mode of travel between water and land (e.g., launching or landing a boat);

(xi) Not be reserved on the beds of nonmajor waterways except where use of the beds is a segment of a road or trail. However, this exception shall not be used to reserve a continuous linear easement on the streambed to facilitate access by boat.

(xii) Not be reserved simply to reflect patterns of Native use on Native lands;

(xiii) Not be reserved for the purpose of protecting Native stockholders from their respective corporations;

(xiv) Not be reserved on the basis of subsistence use of the lands of one village by residents of another village.

(2) Transportation easements shall be limited to roads and trails. The use of these roads and trails shall be controlled by applicable Federal, State, or municipal corporation laws or regula-

tions. The uses stated herein will be listed in the interim conveyance and patent documents as permitted uses of the easement.

(i) The width of a trail easement shall be no more than 25 feet if the uses to be accommodated are for travel by foot, dogsleds, animals, snowmobiles, two and three-wheel vehicles, and small all-terrain vehicles;

(ii) The width of a trail easement shall be no more than 50 feet if the uses to be accommodated are for travel by large all-terrain vehicles, track vehicles and 4-wheel drive vehicles, in addition to the uses included under subdivision (i) of this subparagraph;

(iii) The width of an existing road easement shall be no more than 60 feet if the uses to be accommodated are for travel by automobiles or trucks in addition to the uses included under subdivisions (i) and (ii) of this subparagraph. However, if an existing road is wider than 60 feet, the specific public easement may encompass that wider width. For proposed roads, including U.S. Forest Service logging roads, the width of the public easement shall be 60 feet, unless otherwise justified. Prior to construction, trail uses which are included under subdivisions (i) and (ii) of this subparagraph may be permitted if otherwise justified and may continue if the road is not built.

(c) *Site Easements.* (1) Site easements which are related to transportation may be reserved for vehicle parking (e.g., aircraft, boats, cars, trucks), temporary camping, loading or unloading at a trail head, along an access route, or waterway, or within a reasonable distance of a transportation route or waterway where there is a demonstrated need to provide for transportation to publicly owned lands and major waterways. Temporary camping, loading, or unloading shall be limited to 24 hours. Site easements shall not be reserved for recreational use such as fishing, unlimited camping, or other purposes not associated with use of the public easement for transportation. Site easements shall not be reserved for future logging or similar operations (e.g., log dumps, campsites, storage or staging areas). Before site easements are reserved on transportation routes or on major waterways, a reasonable effort shall be made to locate camping or beaching sites on publicly owned lands; particularly, publicly owned lands in or around communities, or bordering the waterways. If a site easement is to be reserved, it shall:

(i) Be no larger than one acre in size and located on existing sites unless a variance is justified, in either instance, by specific conditions;

(ii) Be subject only to permitted uses and specific sizes which shall be placed in the appropriate interim conveyance and patent documents;

(iii) Be reserved in topographically suitable locations whenever there is not an existing site;

(iv) Be reserved on the marine coastline only at periodic points along the coast where they are determined to be reasonably necessary to facilitate transportation on coastal waters or transportation between coastal waters and publicly owned uplands;

(v) Be reserved only at periodic points on major waterways. Uses shall be limited to those activities which are related to travel on the waterway or to travel between the waterway and publicly owned lands. Also, periodic site easements shall be those necessary to allow a reasonable pattern of travel on the waterway;

(vi) Be limited in number and not duplicative of one another;

(vii) Not be reserved simply to reflect patterns of Native use on Native lands;

(viii) Not be reserved for the purposes of protecting Native stockholders from their respective cooperations;

(ix) Not be reserved on the basis of subsistence use of the lands of one village by residents of another village.

(d) *Miscellaneous easements.* (1) The public easements referred to in this subsection which do not fall into the categories above may be reserved in order to continue certain uses of publicly owned lands and major waterways. These public easements shall be limited in number. The identification and size of these public easements may vary from place to place depending upon particular circumstances. When not controlled by applicable law

or regulation, size shall not exceed that which is reasonably necessary for the purposes of the identified easement.

(i) Public easements which are for utility purposes (e.g., water, electricity, communications, oil, gas, and sewage) may be reserved and shall be based upon present existing use. Future easements for these purposes may also be reserved, but only if they are site specific and actually planned for construction within 5 years of the date of conveyance;

(ii) Site-specific public easements for future ditches, canals, telephone and telegraph lines and railroads may be reserved only if the easement is necessary for a specifically identified purpose, and special facilities have been planned for construction within 5 years of the date of conveyance, and the necessity to occupy Native lands is fully justified;

(iii) Space easements may be reserved if required to insure public safety or to permit proper use of improvements developed for public benefit or use; e.g., protection for aviation or navigation aids or communications sites;

(iv) Public easements may be reserved to guarantee international treaty obligations or to implement any agreement entered into between the United States and the Native corporation receiving the conveyance. For example, the agreement of May 14, 1974, related to Native Petroleum Reserve Number Four (redesignated June 1, 1977, as the National Petroleum Reserve-Alaska) between the United

States Department of the Navy and the Arctic Slope Regional Corporation and four Native village corporations, shall be incorporated in the appropriate conveyances and the easements necessary to implement the agreement shall be reserved.

(e) *Conveyance provisions.* (1) Public easement provisions shall be placed in interim conveyances and patents.

(2) Permitted uses of a specific easement shall be listed in the appropriate conveyance document. The conveyance documents shall include a general provision which states that uses which are not specifically listed are prohibited.

(3) The easements shall be identified on appropriate maps which shall be part of the pertinent interim conveyance and patent.

(4) All public easement shall be reserved to the United States and subject, as appropriate, to further Federal, State, or municipal corporation regulation.

(5) All conveyance documents shall contain a general provision which states that pursuant to section 17(b)(2) of the Act, any valid existing right recognized by the Act shall continue to have whatever right of access as is now provided for under existing law.

Dated: May 19, 1978.

JAMES A. JOSEPH,
Under Secretary.

[FR Doc. 78-14559 Filed 5-24-78; 8:45 am]

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THURSDAY, MAY 25, 1978
PART IV



**DEPARTMENT OF
TRANSPORTATION**

**Materials Transportation
Bureau**



**TRANSPORTATION OF
HAZARDOUS WASTE
MATERIALS**

Proposed Provisions; Hearing

[4910-60]

DEPARTMENT OF TRANSPORTATION

Materials Transportation Bureau

[49 CFR Parts 171, 172, 173, 174, 175, 176, 177]

[Docket No. HM-145A; Notice No. 78-6]

TRANSPORTATION OF HAZARDOUS WASTE MATERIALS

Proposed Provisions; Hearing

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to amend the Hazardous Materials Regulations to specifically address the transportation of hazardous waste materials. The proposal will be considered at a joint EPA-DOT public hearing. The proposed amendments under the Hazardous Materials Transportation Act (HMTA) are necessary to recognize some of the characteristics peculiar to hazardous waste materials to which the Resource Conservation and Recovery Act (RCRA) is directed. The proposed rules would place minor recordkeeping requirements on shippers and transporters of hazardous wastes, would prohibit transportation and delivery to improper treatment, storage, or disposal sites, and would apply to materials listed in the Hazardous Materials Table when shipped as waste, as well as some waste materials not now designated as hazardous by the Department of Transportation (DOT). This proposal is intended to apply to hazardous wastes carried in either interstate or intrastate transportation.

DATE: Comments: Deadline for comments to be announced later (see supplementary information). Hearing: Joint EPA-DOT hearing at 9 a.m. on June 20, 1978, registration between 8:30 and 9 a.m.

ADDRESSES: Comments: Addressed to the Dockets Section, Office of Hazardous Materials Operations, Department of Transportation, 2100 Second Street SW., Washington, D.C. 20590. Comments may be viewed in the Dockets Section, Room 6500, between 9 a.m. and 5 p.m. weekdays. Hearing: At the Holiday Inn, Old Town, 480 King Street, Alexandria, Va., 703-549-6080. Requests to participate in the public hearing should be directed to: Ms. Gerri Wyer, Public Participation Officer, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, Washington, D.C. 20460, 202-755-9157.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations,

Materials Transportation Bureau, 2100 Second Street SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: The RCRA (Pub. L. 94-580), which amends the Solid Waste Disposal Act (42 U.S.C. 3251 and following), directs the Environmental Protection Agency (EPA) to promulgate standards to be applied to persons generating, transporting, or treating, storing, or disposing of hazardous waste materials. The RCRA specifically directs EPA to promulgate regulations establishing standards applicable to transporters of hazardous wastes, regarding—

- (1) Recordkeeping concerning such hazardous waste transported, and their source and delivery points;
- (2) Transportation of such waste only if properly labeled;
- (3) Compliance with the manifest system * * * ; and
- (4) Transportation of all such hazardous waste only to the hazardous waste treatment, storage, or disposal facilities which the shipper designates on the manifest form to be a facility holding a permit issued under this subtitle (42 U.S.C. 6923).

The RCRA also requires EPA to publish regulations for generators of hazardous waste, regarding—

- (1) Recordkeeping practices [to] identify the quantities of such waste [and] the constituents thereof * * * ;
- (2) Labeling practices for any containers used for the storage, transport or disposal [to identify the waste];
- (3) Use of appropriate containers for such hazardous waste;
- (4) Furnishing of information on the general chemical composition of such hazardous waste to persons transporting, treating, storing, or disposing of such wastes;
- (5) Use of a manifest system to assure that all such hazardous waste generated is designated for treatment, storage, or disposal in * * * facilities * * * for which a permit has been issued [except on-site facilities] * * * ; and
- (6) Submission of reports to the Administrator [concerning quantities of hazardous waste generated and its disposition] [42 U.S.C. 6922].

Such transporter regulations as EPA may issue are required by the RCRA to be consistent with DOT regulations under the HMTA (title I of Pub. L. 93-633). However, EPA is authorized to recommend to the Secretary of Transportation changes to existing DOT regulations such as the designation of additional materials as hazardous under the HMTA.

EPA intends to propose generator standards and all other required hazardous waste regulations under subtitle C during the summer of 1978, as they are developed. On April 28, 1978, EPA proposed standards applicable to transporters of hazardous waste and also announced the June 20 public

hearing previously noted (43 FR 18506). EPA stated at that time that the comment period for all EPA subtitle C proposals would remain open for at least 60 days beyond the last date of publication. For the same reasons, the deadline for comment on this proposal, to be announced later by DOT, will be at least 60 days after the last notice published by EPA (45 days' notice will be given). Since the RCRA provides 6 months after publication of final transporter standards before they can become effective, 6 months will be provided between publication of any final DOT rule on hazardous wastes and a mandatory effective date (except for waste materials that are hazardous materials under the existing DOT Hazardous Materials Regulations).

The regulations for transportation of hazardous wastes that are proposed herein are largely duplicative of the EPA transporter standards proposal of April 28. Some of the references to 40 CFR part 250 may have to be changed, as those references are now based on the numeration shown in unpublished EPA working drafts of generator standards that may be altered before publication as an EPA notice of proposed rulemaking or final rule. Depending on the results of the DOT proposal, EPA eventually may publish jointly with DOT, modify their own proposal, or adopt forthcoming DOT regulations. EPA and DOT intend to enforce jointly any DOT regulations governing transportation of hazardous waste. The RCRA also provides for State authorization to establish and administer a State hazardous waste program in lieu of an EPA program (42 U.S.C. 6926), so that most of the functions the RCRA assigns to EPA ultimately may be carried out by States authorized for that purpose by EPA.

EPA and DOT held a joint hearing on October 26, 1977, at Des Plaines, Ill., to consider the possible development by DOT of regulations under the HMTA to achieve the goals of the RCRA regarding transporters of hazardous waste. Public comment received as a result of the joint hearing expressed concern with the possibility that compliance with duplicative EPA and DOT regulations could cause inefficiency or confusion and strongly supported the prospect of development of joint EPA-DOT regulations for this purpose. The Materials Transportation Bureau (MTB) believes that the DOT Hazardous Materials Regulations are capable of being modified under the HMTA to address the transportation hazards of waste materials and that the RCRA states the need for such a modification. Development of the necessary regulations under the HMTA can result in essentially a single set of DOT regulations applicable to the transportation of hazardous

materials which include hazardous wastes. Suitable DOT regulation of hazardous waste transportation will eliminate most of the additional and possibly duplicative regulations that would otherwise have to be issued by EPA. However, commenters should note that this DOT proposal is not identical to the April 28 EPA transporter proposal. Some differences of substance exist, and it is probable that some transporter requirements will be published by EPA, notwithstanding any final hazardous waste rules that DOT may issue.

Waste materials differ from virgin materials in several respects that impact transportation. The physical, chemical and biological characteristics of a waste are likely to be more difficult to establish in transportation emergencies than the characteristics of virgin materials which are often known by the commercial uses to which they are put. The mixing of waste materials from different sources increases the difficulty of predicting and communicating the hazard of the resulting mixture. In addition, the shipper of a waste material may have little economic interest in monitoring the transportation and delivery of the waste to a treatment, storage or disposal site. In the case of a hazardous waste, the added costs of proper disposal (for example, high temperature incineration, or deposit in a permitted landfill) may result in the use of less expensive methods of disposal that adversely affect public health and safety. Transportation responsibility is a key element to ensuring proper off-site disposal.

In addressing these problems, the RCRA relies heavily on use of a hazardous waste manifest which resembles hazardous materials shipping papers required by DOT. Unlike hazardous materials shipping papers, the manifest is intended to provide a record of the transportation and delivery for disposal, treatment or storage of a hazardous waste. The accountability provided by the hazardous waste manifest extends to intrastate activity and is intended to ensure transportation to a proper facility prepared to accept the particular hazardous waste consigned to it.

Existing DOT Hazardous Materials Regulations generally do not apply to intrastate highway carriers or shippers. The distinction between interstate and intrastate transportation is much less pronounced in transportation by other modes. Both forms of transportation are regulated in air commerce, most rail carriers operate as interstate carriers, and movement of hazardous materials on the navigable waters of the United States is subject to Coast Guard enforcement activities. In highway carriage, however, there are substantial intrastate carriage operations

not presently subject to the Hazardous Materials Regulations.

The HMTA defines "commerce" to include interstate commerce and intrastate transportation that affects interstate commerce (HMTA, § 103(1); see also HM-134, 41 FR 38175, September 9, 1976). The fact that the RCRA applies to all waste transporters, regardless of whether interstate commerce is directly involved, amounts to a finding that intrastate commerce in hazardous wastes affects interstate commerce. The necessity of assured delivery to a permitted disposal facility, as against possible diversion of shipments to improper disposal sites, requires regulation of intrastate movements. To the generator/shipper, or to the carrier of a hazardous waste, it may not be clear whether a given shipment is being offered for interstate or intrastate transportation, since the accompanying shipping paper may show alternate consignee facilities. This uncertainty also may hamper enforcement efforts, if the proposed DOT amendments restricted their application solely to interstate transportation. In view of this, the proposal herein would apply to both interstate and intrastate transportation of hazardous wastes by all modes.

The proposed amendments:

- (1) Would apply to the offering, transportation and delivery, both interstate and intrastate, of hazardous waste materials.

(a) *Government agencies.* Existing Hazardous Materials Regulations do not apply to Federal, State or local governments that carry hazardous materials as a part of a governmental function, using government employees and vehicles, but do apply to such agencies that offer hazardous materials for transportation by common or contract carriers. The DOT proposal would apply similarly. Note that the EPA transporter proposal would apply to all governmental agencies, regardless of the nature of their activities.

(b) *Commonwealth of the Northern Mariana Islands.* Due to differences in statutory definitions, the DOT proposal, unlike the EPA transporter proposal, would not apply to the Northern Marianas (49 U.S.C. 1802(5); 42 U.S.C. 6903(31)).

(c) *On-site disposal.* Carriers subject to existing Hazardous Materials Regulations are regulated when traveling on or across any public highway, and the DOT proposal would similarly apply, subject to some EPA exceptions. The EPA transporter proposal would define "on-the-site" treatment, storage or disposal, to which transporter standards would not apply, to include contiguous sites separated only by public or private right(s)-of-way (see EPA proposal, §§ 250.30(b) and 250.31(h)).

- (2) Would amend only the DOT Hazardous Materials Regulations. The

Federal Motor Carrier Safety Regulations (49 CFR Parts 390-397) would not be extended to include intrastate carriers, even though those regulations were recently incorporated by reference in the Hazardous Materials Regulations at 49 CFR 177.804. Also, this proposal does not address bulk shipment of hazardous materials by vessel, which is governed by Coast Guard regulations at 46 CFR Parts 30-40, 64, 98, 148, and 151.

(3) Would define "hazardous waste" to include presently recognized hazardous materials when shipped as waste, unless not recognized by the EPA as a hazardous waste. In view of their expected identification or listing under the RCRA as hazardous waste, the definition also would include materials shipped as waste, such as soil contaminated with polychlorinated biphenyls, which are not now recognized as hazardous materials. The definition would result in the designation of all hazardous wastes as hazardous materials, although some hazardous materials shipped as waste might not be hazardous wastes. Hazardous wastes would become a subset of hazardous materials, classed either by a specific entry in the Hazardous Materials Table, or by inclusion in a new ORM-E class (hazardous waste, n.o.s.).

(4) Would prohibit the offering, transportation or delivery of hazardous wastes to sites not sanctioned by the RCRA. With narrow exceptions, a hazardous waste, under this proposal, could be transported only to a site permitted by the EPA or by an authorized State for treatment, storage or disposal of that waste (exceptions include household refuse and small amounts of some wastes that may be excepted by EPA).

(5) Would require additional information on shipping papers. Additional information required to complete a RCRA manifest would have to be entered on hazardous materials shipping papers, or the manifest itself could be used as the shipping paper, provided it meets DOT requirements.

(6) Would allow a greater latitude for use of nonrefillable and reconditionable containers for some hazardous waste shipments.

(7) Would establish a stringent definition of when a container (under 110 gallons) is "empty" for purposes of the DOT Hazardous Materials Regulations generally, with a general placarding exception, and a particular hazardous waste marking exception. Many shipments of "empty" packagings containing residues of a hazardous material would not generally require placarding, and packagings containing a hazardous waste residue would not have to be marked "waste" if the residue is otherwise adequately identified under the Hazardous Materials Regulations.

(8) Would require carriers to submit a telephone report for any improper

hazardous waste discharge, and to submit additional details on the written hazardous materials incident report (form F5800.1) presently required by DOT. Unlike the EPA transporter proposal (§ 250.37(a)), this proposal does not address emergency situations. Existing DOT rules concerning carriers (e.g., 49 CFR 177.823 and .854) and emergency exemptions (49 CFR 107.113) should suffice. Moreover, the DOT proposal does not assign responsibility for cleaning up a spill but rather leaves it to be assigned by State or local law. Note that the EPA transporter proposal would require the carrier to clean up a spill or to take such action as is directed by an appropriate agency (§ 250.37(c)), and would limit reports to accidental discharges (§§ 250.31(j); 250.37(b)).

(9) Would require carriers to retain for three years a copy of each manifest or other document certifying delivery, and would require receipting signatures for shipments of hazardous waste transferred between carriers in any mode (compare the EPA transporter proposal, § 250.35(b)).

(10) Would preempt inconsistent State and local requirements. The HMTA provides in section 112 that any requirement of a State or its political subdivision which is inconsistent with the HMTA or with regulations issued thereunder is preempted. If this proposal is issued as a final rule under the HMTA, it will preempt inconsistent State and local requirements. The proposal contains a provision which specifically addresses preemption of different or additional packaging, marking, labeling and placarding requirements, certain reporting requirements, and certain shipping paper requirements. Note that the RCRA provides for the establishment of authorized State hazardous waste management programs after EPA review, and that a waiver of preemption is possible under the HMTA for qualified State requirements. (see 49 CFR Part 107).

(11) Would not result in a major national economic impact, nor in a major increase in costs or prices for carriers generally, industries that ship hazardous waste, levels of government, geographic regions or specific elements of the population. Required use of specification packaging would be new only to intrastate hazardous waste carriers and their shippers not now required by State or local law to use DOT specification packaging for hazardous materials. This proposal would not require specification packaging for waste materials not presently regulated as hazardous materials. The basis for this conclusion is discussed in somewhat greater detail in an economic evaluation prepared by MTB, and is based in part on a preliminary EPA study entitled "The Economic Impact of the Hazardous Waste Transportation Reg-

ulations (section 3003 of the RCRA)" which was prepared by A. D. Little, Inc. Both documents are available for examination in the dockets section at the address previously shown.

(12) Do not require preparation of an Environmental Impact Statement. The transportation rules proposed herein do not directly concern disposal methods the RCRA requires for hazardous wastes and are not expected to have a significant impact on the environment.

Primary drafters of this proposal are Lee Metcalfe, Office of Hazardous Materials Operations, and Douglas Crockett, Office of the Chief Counsel, Research and Special Programs Administration.

DETAILED REVIEW BY SECTIONS

§ 171.3

Section 171.3 is the basic provision regarding the offering, transportation and delivery of hazardous waste. The proposed rules would apply to all transportation, including intrastate transportation.

The identification of a material as a hazardous waste may result from a shipping paper entry or from actual knowledge by the offerer or transporter. A carrier is not obligated to examine each component of a waste shipment to determine whether it contains a hazardous waste, but he has knowledge that he is being offered a hazardous waste if a material is shown on shipping papers as a hazardous material and is offered for treatment, storage or disposal, or if the carrier, due to the nature of his carriage operation, for example, has adequate reason to be aware that a material so offered is hazardous.

Under paragraph (b), any motor carrier transporting a hazardous waste for which an accompanying manifest is required would have to display the same identification marking on his vehicle that is required by the Federal Motor Carrier Safety Regulations. Note that the EPA transporter proposal would limit this requirement to vehicles that must be placarded or that are carrying more than 1,000 lbs. of a hazardous waste (§ 250.38(b)).

A hazardous waste could be delivered only to a permitted facility unless the exception in paragraph (c)(2) applies. Certain small shipments that EPA anticipates may be shipped without a manifest could go to facilities not holding permits under subtitle C of the RCRA, provided each shipment is offered and transported separately from, and not consolidated with, other hazardous wastes, but note that DOT shipping papers may still be necessary even in the absence of a manifest. Note also that carriers who consolidate individual hazardous waste shipments for delivery to a treatment,

storage or disposal site might be subject to EPA requirements as generators of hazardous waste, a circumstance that would occur if different wastes are consolidated so as to change the identity of the resulting composite waste material. Even under existing DOT regulations, if a carrier mixes hazardous materials after acceptance from a shipper in a way that changes the hazards involved, the resulting hazardous material cannot be transported except in compliance with DOT regulations concerning that new material.

Where small shipments not under a manifest are consolidated, and the identity of the resulting mixture is not different from its constituent components, a manifest is not expected to be required for transportation of that mixture (although shipping papers may be), but a manifest may be required by the permitted consignee facility to which the shipment is delivered.

Household refuse and household septic tank pumpings would be excepted from the subchapter by paragraph (d), so that neither the offer of such materials nor their transportation would be regulated by DOT.

Paragraph (e) would state the MTB's intent and opinion regarding preemption of certain categories of State hazardous waste regulations that concern transportation. The Hazardous Materials Regulations generally preempt State and local requirements which are inconsistent with requirements contained in those regulations, a fact that would be equally true of the proposal if published as a final rule. Paragraph (e) is intended to clarify some aspects of the preemptive effects of the proposal. State or local action not addressed in paragraph (e) would still be preempted if inconsistent with requirements of this proposal should it become a final rule under the HMTA.

Section 171.8. Section 171.8 contains proposed definitions related to hazardous waste. Note that the proposed definition of "hazardous waste" is limited to materials that are subject to EPA requirements that are to be specified in 40 CFR Part 250.

Section 171.17. Section 171.17 proposes reporting requirements in addition to those presently specified in §§ 171.15 and 171.16, although compliance with proposed § 171.17 would satisfy the requirements of § 171.15. Telephonic contact with the National Response Center, U.S. Coast Guard, or an EPA regional official at an appropriate regional office would be required when any discharge of a hazardous waste to the environment occurs during transportation. Excluded from the DOT requirement would be telephonic contact when a discharge occurs within the facilities

of a shipper or consignee. (However, the discharge of a substance designated as hazardous by EPA under 40 CFR Part 116 into or upon the navigable waters of the United States is reportable under the Clean Water Act, Pub. L. 92-500, section 311(b)(5)). This proposed exclusion would have no effect on the telephonic notification requirement specified in § 171.15. Under the proposal, it is possible that two telephonic notifications would be required. Paragraph (b) of this section specifies the information to be supplied to the official to whom the report is made, and paragraph (c) specifies reporting requirements in addition to those presently required to be filed on DOT Form F5800.1 under § 171.16. The additional information that would be required may necessitate the filing of supplemental reports if the disposition of a discharged material is not known by the reporter within the 15-day reporting time frame. State reporting requirements for hazardous wastes are limited to duplication of Federal requirements except for immediate notification (see proposed § 171.3).

Section 172.101. Present §§ 172.100 and 172.101 would be combined into a revised and amended § 172.101 in order that the Hazardous Materials Table and the language introducing the table be contained in one section of the regulations. Paragraphs (b) (2) and (3) would be modified to exclude from single mode applicability those materials which are hazardous wastes and to subject those materials to transportation requirements regardless of the mode of transportation involved. Paragraph (c)(8) would be added to specify that a proper shipping name include the word "waste" when the material described is a hazardous waste subject to EPA's requirements in 49 CFR Part 250. Use of this method to appropriately prescribe the proper shipping name for a hazardous waste alleviates the necessity for the addition of hundreds of proper shipping name entries to the Hazardous Materials Table. Only one new shipping name "Hazardous waste, n.o.s." would be added to the Hazardous Materials Table; the other italicized entries are for cross-reference and referral purposes.

Section 172.200. Section 172.200(b) would be amended to remove the ORM exceptions to the shipping paper requirements when a material being offered or transported is a hazardous waste. Also, an additional entry pertaining to ORM-E materials would be included.

Section 172.201. Section 172.201(c) would be added to require both the name and address of the shipper and the consignee on shipping papers for hazardous wastes. These entries are essential to the establishment of ap-

propriate controls relative to the origin and destination of hazardous wastes.

Section 172.203. Section 172.203 would include a new paragraph (j) requiring the inclusion of the EPA specified name for a hazardous waste when the proper shipping name for a material is specified in § 172.101 by other than its technical name.

Section 172.205. A new § 172.205 would be added concerning the carriage and disposition of hazardous waste manifests to be required by the EPA in 40 CFR 250.22. Note that paragraph (a) requires a receipting signature whenever a shipment is transferred between carriers in any mode (compare EPA proposal, § 250.35(b)). Paragraph (b) provides that a hazardous waste manifest may be used as the shipping paper for a material if it contains all the information required by Part 172, Subpart C.

Section 172.300. Section 172.300 would be amended to specifically reference § 173.29 regarding empty packagings and a paragraph (b) would be added which would require packages of hazardous waste to be marked as required by EPA.

Section 172.306. Section 172.306 would be amended by adding a new paragraph (b) requiring certain packages to be marked with both the name and address of a shipper of a hazardous waste, thereby excluding the option afforded in paragraph (a) of the section which permits the name and address of the shipper or the consignee to be displayed. This provision would parallel proposed § 172.201(c).

Section 172.316. Section 172.316 would be amended to include ORM-E materials in the package marking requirements for ORM's.

Section 172.504. Section 172.504 would be amended by adding a new paragraph (d) to exclude certain packages containing only the residue of hazardous materials from consideration in determining the applicability of the placarding requirements.

Section 173.2. Section 173.2 would be amended to add ORM-E to the "order of hazards" listing for classification purposes.

Section 173.28. Section 173.28 would be amended to consolidate three paragraphs that contain restrictions pertaining to containers marked NRC and STC which are reused. Paragraph (n) would be amended to include a reference to ORM-E materials regarding reuse of STC marked packagings and a new paragraph (p) would be added to permit the reuse of NRC or STC marked specification packagings for one-time shipments of hazardous wastes under certain specified conditions. Note the first condition stipulates that the material must be packaged "in accordance with this part"; therefore, a flammable liquid, n.o.s.

would be packaged in accordance with § 173.119. This reuse authorization for hazardous wastes would not permit any deviation from the packaging requirement of Part 173 except as specifically stated in § 173.28. Proposed paragraph (p)(5) would permit the collection of certain STC marked packagings for reconditioning and reuse in accordance with the regulations if they can be properly requalified under the provisions specified in paragraph (m) of the section.

Section 173.29. Section 173.29 would be amended to require, with certain exceptions, a packaging that contains the residue of a hazardous material to be offered for transportation in the same manner as required when it previously contained a greater quantity of a hazardous material. A similar proposal was made under Docket HM-112 (39 FR 3022, 3095) on January 24, 1974. A number of commenters on that proposal requested that the "empty container" proposal for packagings having capacities of 110 gallons or less be removed from the HM-112 rulemaking action and considered in a separate rulemaking in order to afford commenters additional time to submit appropriate recommendations concerning the handling of so-called "empty packagings."

Pursuant to the requests of several commenters, the matter was removed from that rulemaking action; however, no comments or recommendations have been received since that time. In specifying appropriate regulations for hazardous materials and hazardous wastes in connection therewith, the Bureau believes it is essential to deal with the subject of so-called "empty packagings" containing the residues of hazardous materials. Also proposed paragraph (c) would specify that a packaging being discarded would, without any qualification, be considered to contain a hazardous waste if it contains the residue of a hazardous material. The term "[place where it is] to be discarded" does not refer to those facilities where packagings themselves are reprocessed or reconditioned for further use but does include long-term storage facilities. The Bureau is fully aware of the ramifications of its proposed amendments to § 173.29 and solicits constructive comments relative to alternative regulatory requirements that would achieve the same level of safety as proposed in this rulemaking.

Section 173.118a. Section 173.118a would be amended to exclude a combustible liquid from the 110 gallons or less exception when it is a hazardous waste subject to 40 CFR Part 250. Paragraph (b)(1) would be amended to include a reference to hazardous waste manifests. Paragraph (b)(5) would be amended to reference the special reporting requirements in proposed § 171.17.

Section 173.389. Section 173.389 would be amended to restate the definition of radioactive materials to clarify the fact that the definition applies only for purposes of the Hazardous Material Regulations.

Section 173.500. Section 173.500 would be amended to clarify the definition of ORM materials. This clarification is essential to implementation of the ORM-E class which is included in new paragraph (a)(5). Note that the ORM-E definition includes hazardous wastes subject to the regulations of the EPA in 40 CFR Part 250, but is designated so as not to exclude other materials that may be included within this class at a future time.

Section 173.505. Section 173.505(a) would be revised for clarification of the limited quantity exceptions of ORM-A, B, and C materials, since the basic function of the regulations presently stated is to exclude certain materials from specific packaging requirements when they are offered for transportation in packages as Limited Quantities. The proposal is a more coherent restatement of this function.

Section 173.510. Section 173.510 would be amended to exclude the basic packaging requirements of that section from the exceptions specified in § 173.505 and a new paragraph (5) would be added requiring that transport vehicles used to transport ORM materials be free from leaks and that all openings must be securely closed. Of significance is the proposed prohibition against use of open-top freight containers and transport vehicles for bulk shipments. This prohibition would apply to the use of open or tarp-covered dump trucks for the transport of hazardous wastes or any other hazardous material in bulk. Commenters opposed to such a prohibition are invited to submit suggestions concerning appropriate controls for tarp-covered vehicles that would assure compliance with § 173.24.

Section 173.1300. A new Subpart I would be added to Part 173 to address ORM-E materials and a new § 173.1300 would be added to address hazardous wastes, n.o.s. No specific packaging requirements are being proposed in this rulemaking for such materials other than a reference to the basic requirements for ORMs in § 173.510 and Subpart A to Part 173. For example, if a hazardous waste is to be offered for transportation by air, the requirements of § 173.6 in Subpart A would apply. It may be necessary to add specific packaging requirements for certain hazardous wastes (not in any other class according to § 173.2) in the future when they are specifically identified. Paragraph (b) provides an exception under certain conditions.

MODAL PARTS

Sections 174.24 and 176.11 would be amended to exclude hazardous wastes

from the exceptions specified for ORM materials.

Sections 174.45, 175.45, 176.48, and 177.807 would be amended to reference proposed new § 171.17 concerning the reporting of discharges involving hazardous wastes.

Section 177.823(b) would be added to include a requirement for motor vehicles transporting hazardous wastes to be marked as specified at 49 CFR 397.21 (b) and (c).

The following table shows the location in this proposal of subjects addressed in the EPA transporter proposal of April 28, 1978 (43 FR 18506):

EPA proposed section	DOT proposed section
Sec. 250.30:	
(a).....	Sec. 171.3 (a) and (c).
(b) and (c).....	No equivalent.
Sec. 250.21:	
Introductory text:	
(a) and (b).....	No equivalent.
(c).....	Existing sec. 171.8.
(d).....	Sec. 171.8.
(e).....	Sec. 172.205.
(f) and (g).....	Existing sec. 171.8.
(h).....	No equivalent.
(i).....	Sec. 171.8.
(j) and (k).....	No equivalent.
(l) and (m).....	Existing sec. 171.8.
Sec. 250.32.....	Secs. 171.3(b) and 171.17(c)(1).
Sec. 250.33.....	Sec. 172.205(a)(4).
Sec. 250.34:	
(a), (b), and (c).....	Sec. 172.205.
(d).....	Sec. 171.3.
(e).....	Existing secs. 174.47 and 174.50, 175.50, 176.50, and 177.854.
(f).....	Existing sec. 173.21.
Sec. 250.35 (a), (b), (c), and (d).....	Sec. 172.205.
Sec. 250.36:	
(a).....	Sec. 171.3(c).
(b) and (c).....	No equivalent.
Sec. 250.37:	
(a).....	Existing secs. 107.11 and 177.823.
(b).....	Sec. 171.17.
(c).....	No equivalent.
Sec. 250.38:	
(a).....	Existing sec. 172.509.
(b).....	Sec. 177.823(b).
40 CFR pt. 250.	
49 CFR pts. 171-177.	

In accordance with the foregoing, it is proposed to amend Parts 171, 172, 173, 174, 175, 176, and 177 of Title 49, Code of Federal Regulations, as follows:

PART 171—GENERAL INFORMATION, REGULATIONS, AND DEFINITIONS

1. Section 171.3 would be added to read as follows:

§ 171.3 Hazardous waste.

(a) No person may offer for transportation or transport in interstate or intrastate commerce any quantity of a hazardous waste, except in accordance with the requirements of this subchapter.

(b) No person may transport a hazardous waste for which a hazardous waste manifest is required by 40 CFR Part 250 unless—

(1) The carrier's EPA identification code, which may be obtained from

EPA or an authorized State, is properly entered on the manifest; and

(2) The carrier's transport vehicle is marked as required by 49 CFR 397.21 (b) and (c).

(c) Except as otherwise provided in this paragraph, no person may consign or deliver a hazardous waste subject to this subchapter to any place other than a permitted facility.

(1) If a person transporting a hazardous waste determines—

(i) That it is not reasonably possible to deliver that waste to a permitted facility, he shall return it to the shipper unless the hazardous waste has been commingled in a single compartment or packaging, or

(ii) That it is not reasonably possible to deliver that waste to a permitted consignee facility, when one is designated on the shipping paper, he may deliver it to another permitted facility otherwise identified by the shipper, provided all copies of the shipping paper are amended to reflect the actual delivery made.

(2) This paragraph does not apply to a shipment of hazardous waste—

(i) For which 40 CFR Part 250 does not require a manifest;

(ii) Which is accepted for transportation at a single shipping location;

(iii) Which is carried only on a transport vehicle that is not carrying any other hazardous waste; and

(iv) Which is delivered to a site not prohibited by local, State, or Federal law from receiving the waste.

(d) Any person who offers for transportation or transports household refuse or household septic tank pumpings generated at the site at which the material is offered is not required to comply with this subchapter, if those materials are not offered or transported with any other hazardous waste.

(e) With regard to a hazardous waste subject to this subchapter, any requirement of a state or its political subdivision is inconsistent with this subchapter if it applies because that material is a waste material and applies differently from or in addition to the requirements of this subchapter concerning:

(1) Packaging, marking, labeling or placarding; or

(2) Format or contents of discharge reports (except immediate reports for emergency response); or

(3) Format of contents of shipping papers, except any additional requirement of the State or locality of consignment which is part of an authorized state hazardous waste management program under 42 U.S.C. 6926.

2. Section 171.8 would be amended to add the following definitions in their proper alphabetical sequence:

§ 171.8 Definitions and abbreviations.

"EPA" means U.S. Environmental Protection Agency.

"EPA identification code" means the code assigned for identification by EPA or an authorized State under 40 CFR Part 250 to a carrier (transporter) of hazardous waste.

"EPA name" means the name designated by EPA for a specific hazardous waste.

"Hazardous waste" means any material that may pose an unreasonable risk to health, safety, or property when transported in commerce for purposes of treatment, storage, or disposal as waste and which is subject to the EPA requirements specified in 40 CFR Part 250.

"Hazardous waste, n.o.s." means a hazardous waste that does not meet the definition of, nor is designated as being, in any hazard class according to this subchapter other than "ORM-E." (See ORM-E definition in Section 173.500(a) of this subchapter.)

"Permitted consignee facility" means a permitted facility designated on a shipping paper or hazardous waste manifest.

"Permitted facility" means a waste treatment, storage, or disposal facility that has received a permit from EPA or an authorized State Agency in accordance with the requirements of 40 CFR Part 250.

3. Section 171.17 would be added to read as follows:

§ 171.17 Hazardous waste discharge report.

(a) In addition to complying with §§ 171.15 and 171.16, when a discharge (accidental or intentional) of a hazardous waste to the environment occurs during transportation, unless within the facilities of a shipper or consignee, the carrier shall—

(1) Contact by telephone as soon as practicable (day or night) the U.S. Coast Guard National Response Center, toll free, 800-424-8802 (District of Columbia: 426-2675); or

* / W / A	Hazardous materials descriptions and proper shipping names	Hazard class	Label(s) required (if not excepted)	Packaging		Maximum net quantity in 1 package		Water shipments		
				(a) Exceptions	(b) Specific requirements	(a) Passenger carrying aircraft or railcar	(b) Cargo only aircraft	(a) Cargo vessel	(b) Passenger vessel	(c) Other requirements
	(1)	(2)	(4)	(5)	(6)	(7)				
						ADD				
	Hazardous waste, meeting the definition of one of the hazard classes other than ORM-E, see sec. 171.101(c)(8).	ORM-E.....	None	173.1300	173.1300 Forbidden.....	550 pounds.....		1, 2	1, 2	
	Hazardous waste, n.o.s.									
	Waste, hazardous, see hazardous waste.									

(2) The government official designated in the Regional contingency plan pursuant to 40 CFR 1510 as the on-scene coordinator for the geographic area in which the incident occurs.

(b) Furnish the official to whom the discharge report is made the following information:

(1) Name of person reporting the discharge;

(2) Name and address of carrier represented by person reporting the discharge;

(3) Name and address of hazardous waste generator;

(4) Phone number where reporter can be contacted;

(5) Date, time, and location of incident (indicate pollution of land, water, air, or public water supply, if known);

(6) Type of vehicle and mode: motor vehicle, air rail, vessel;

(7) Type of incident (fire, breakage, spillage);

(8) Proper shipping name, hazard class and quantity of hazardous waste involved, to the extent available; and

(9) The extent of injuries, if any.

(c) Enter on DOT Form F5800.1 for the incident—

(1) The carrier's EPA Identification Code in Item B4, and

(2) Information concerning the following in Part H:

(i) If known, location of discharge in relation to surface waters, public water supply, ground water, wildlife habitats, and agricultural production areas;

(ii) Quantity of material removed, disposition of the material; and

(iii) Quantity of unremoved material and disposition (neutralized, etc.).

(d) Compliance with paragraphs (a) and (b) of this section satisfies the requirements of § 171.15(a) and (b) of this subchapter.

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

§ 172.100 [Deleted]

4. Section 172.100 would be deleted.

The material in § 172.100 (paragraphs (a) through (h)) would become § 172.101 paragraphs (a) through (h) with the following amendments: The Heading, paragraphs (a), (b)(2) and (b)(3) would be revised; paragraph (c)(8) would be added; the Hazardous Materials Table would be redesignated paragraph (i) and amended as follows:

§ 172.101 Purpose and use of the table; Hazardous Materials Table.

(a) The Hazardous Materials Table set forth in this section constitutes a designation of the materials listed therein as hazardous materials for the purpose of transportation of those materials in commerce. In addition, it classifies and specifies requirements and refers to other requirements set forth elsewhere in this subchapter pertaining to the labeling, packaging and transportation of those materials.

(b) ***

(2) A: The symbol "A" before a proper shipping name means that the material described in column 2 is subject to the requirements of this subchapter only for transportation by aircraft. This symbol does not apply if the material is a hazardous waste.

(3) W: The symbol "W" before a proper shipping name means that the material described in column 2 is subject to the requirements of this subchapter only for transportation by vessel. This symbol does not apply if the material is a hazardous waste.

(c) ***

(8) The proper shipping name for a hazardous material that is a hazardous waste subject to the requirements of 40 CFR Part 250 includes the word "Waste" which precedes the name of the material. For example: Waste Turpentine.

(1) Hazardous Materials Table.

5. In § 172.200 the introductory text of paragraph (b), paragraphs (b)(1), (b)(2), and (b)(3) would be revised; paragraph (b)(4) would be added to read as follows:

§ 172.200 Applicability.

(b) *Applicability to ORM's.* This subpart applies to—

(1) An ORM-A, B or C that is offered or intended for transportation by air when it is subject to the regulations pertaining to transportation by air as specified in § 172.101, or is a hazardous waste; or

(3) An ORM-D that is offered or intended for transportation by air, or is a hazardous waste; or

(4) An ORM-E that is a hazardous waste offered for transportation by a person who is a generator as defined by 40 CFR 250.21.

6. In § 172.201 paragraph (c) would be added to read as follows:

§ 172.201 General entries.

(c) *Name and address of shipper and consignee; hazardous waste.* Each shipping paper for hazardous waste must contain the name and address of the shipper and the consignee.

7. In § 172.203 paragraph (j) would be added to read as follows:

§ 172.203 Additional description requirements.

(j) *Hazardous waste.* When a hazardous waste is described in § 172.101 by other than its technical name, the EPA name for the material shall be included in parentheses following the proper shipping name. For example: Hazardous waste, n.o.s. (Polychlorinated biphenyl contaminated soil), ORM-E.

8. § 172.205 would be added to read as follows:

§ 172.205 Hazardous waste manifest.

(a) The following requirements apply to the Hazardous Waste Manifest when required by 40 CFR 250.22 for hazardous waste transportation:

(1) No less than three copies signed by the shipper and the carrier shall be carried with each shipment to its destination.

(2) Two copies shall be given to the connecting carrier or consignee.

(3) The delivering or transferring carrier shall retain one copy signed by the connecting carrier or consignee acknowledging transfer or delivery.

(4) The delivering or transferring carrier shall retain for three years his copy of the manifest, or if a copy of the manifest does not accompany the

shipment during transportation, a delivery document signed by the connecting carrier or by the consignee containing the following information:

(i) The manifest number;

(ii) The generator's EPA identification code;

(iii) The consignee's EPA identification code; and

(iv) The information required by this subpart except § 172.204.

(5) If a delivering or transferring carrier cannot obtain a signature showing receipt by the consignee or connecting carrier, he shall note on the manifest or delivery document the time and date of delivery, the reason why a receipting signature was not immediately available, and he shall obtain the receipting signature within five working days after delivery.

(b) A Hazardous Waste Manifest, required by 40 CFR 250.22, containing all of the information required by this subpart may be used as the shipping paper.

9. § 172.300 would be revised to read as follows:

§ 172.300 General marking requirements.

(a) Except as provided by this subchapter, each person who offers a package containing a hazardous material for transportation shall mark the package with the proper shipping name required by § 172.101. However, when it has been determined by the shipper that a package has been previously marked as required for the material it contains, it need not be remarked. (For empty packagings see § 173.29 of this subchapter.)

(b) A package containing hazardous waste may not be offered for transportation unless it is marked as required by 40 CFR 250.26.

(c) This section does not apply to portable tanks, cargo tanks, and tank cars.

10. In § 172.306 the Heading and introductory text of paragraph (a) would be revised; paragraph (b) would be added to read as follows:

§ 172.306 Shipper's or consignee's name and address.

(a) Each package containing a hazardous material (except a hazardous waste), offered for transportation must be marked with the name and address of the shipper or consignee except when the package is—

(b) Each package other than a cargo tank, tank car, or portable tank, containing a hazardous waste must be marked with the name and address of the shipper.

11. In § 172.316 the introductory text of paragraph (a) and paragraph (c) would be revised; paragraph (a)(7) would be added to read as follows:

§ 172.316 Packagings containing material classed as ORM.

(a) Except as provided in § 172.505, each package containing a material classed as ORM-A, B, C, D, or E, must be plainly, durably, and legibly marked on at least one side or end with the appropriate ORM designation immediately following or below the proper shipping name of the material. The appropriate ORM designation must be placed within a rectangle that is approximately ¼ inch (6.3 mm.) larger on each side than the designation. The appropriate designation for each ORM must be:

(7) ORM-E for an ORM-E.

(c) The marking ORM-A, B, C, D, or E is the certification by the person offering the package for transportation that the material is properly described, classed, packaged, marked, and labeled (when appropriate) and in proper condition for transportation according to the applicable regulations of the Department. This form of certification does not preclude the requirement for a certificate on a shipping paper when required by § 172.204.

12. In § 172.504 paragraph (d) would be added following the tables to read as follows:

§ 172.504 General placarding requirements.

(d) Any packaging having a capacity of 110 gallons or less that contains only the residue of a hazardous material covered by Table 2 in paragraph (c) of this section need not be included in determining the applicability of the placarding requirements.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

13. In § 173.2 paragraph (a)(16) would be added to read as follows:

§ 173.2 Classification of a material having more than one hazard as defined in this part.

(a) . . .

(16) ORM-E.

14. In § 173.28 the introductory text of paragraph (h) and paragraph (n) would be revised; paragraphs (h)(1), (i), and (j) would be deleted; paragraph (p) would be added to read as follows:

§ 173.28 Reuse of containers.

(h) Except as provided in paragraphs (m), (n), and (p) of this section, single-trip containers (marked STC) and nonreusable containers, (marked NRC) subject to the specification requirement of part 178 of this subchapter, from which contents have been removed following use for transportation of any material, may not be used thereafter for the transportation of hazardous materials.

(n) A single-trip packaging (STC) may be reused for the shipment of any corrosive solid, ORM-A, ORM-B, ORM-C, ORM-E, or any material not required by this subchapter to be shipped in a DOT specification packaging and paragraph (m) of this section does not apply to these materials.

(p) Packagings marked NRC or STC according to the specification requirements of part 178 of this subchapter may be reused for the shipment of hazardous wastes subject to the following conditions:

(1) The material is packaged, and each package is marked and labeled in accordance with this part.

(2) Transportation is performed by highway only.

(3) Packages are not offered for transportation less than 24 hours after they are finally closed for transportation, and each package is inspected for leakage immediately prior to being offered for transportation.

(4) Packages are loaded by the shipper and unloaded by the consignee, unless the motor carrier is a private or contract carrier.

(5) The packaging may be used only once under this paragraph and may not be used again for shipment of hazardous materials except in accordance with paragraph (m) or (n) of this section.

15. In § 173.29 paragraph (a) would be revised; paragraphs (b), (c), and (e) would be deleted; paragraph (f) would be redesignated paragraph (b); a new paragraph (c) would be added to read as follows:

§ 173.29 Empty packagings, portable tanks, cargo tanks, and tank cars.

(a) Except as otherwise provided in this section, a packaging having a capacity of 110 gallons or less that previously contained a hazardous material may not be offered for transportation unless offered in the same manner as required when it previously contained a greater quantity of hazardous material.

(1) This paragraph does not apply to a packaging that has been cleaned and

purged of all residue or to a packaging refilled with a material that is not subject to this subchapter.

(2) The requirements of § 172.101(c)(8) of this subchapter notwithstanding, the word "waste" does not have to be displayed as a part of the marking required by § 172.300 of this subchapter on a packaging having a capacity of 110 gallons or less that contains only the residue of a hazardous material.

(3) Any packaging having a capacity of 110 gallons or less that contains only the residue of a hazardous material covered by Table 2 of § 172.504 of this subchapter does not have to be included in determining the applicability of the placarding requirements of that section.

(4) Notwithstanding the stowage requirements in Columns (7) (a) and (b) of the Hazardous Materials Table in § 172.101 of this subchapter, for transportation by water, empty drums or empty cylinders not meeting the exception in paragraph (a)(1) of this section may be stowed on deck or under deck. Also, these packagings are not subject to subparts D through O of part 176 of this subchapter.

(c) A packaging that contains the residue of a hazardous material contains a hazardous waste for the purposes of this subchapter if the packaging is offered for transportation to be discarded.

16. In § 173.118a paragraph (a), (b)(1), and (b)(5) would be revised to read as follows:

§ 173.118a Exceptions for combustible liquids.

(a) Unless otherwise stated for a specific material, the regulations in this subchapter do not apply to a material classed as a combustible liquid in a packaging having a rated capacity of 110 gallons or less, except a combustible liquid that is also a hazardous waste subject to 40 CFR part 250.

(b) . . .

(1) Shipping papers, waybills, switching orders, or other billings including hazardous waste manifest;

(5) Reporting incidents as prescribed by §§ 171.15, 171.16, and 171.17 of this subchapter.

17. In § 173.389 paragraph (e) would be revised to read as follows:

§ 173.389 Radioactive materials; definitions.

(e) "Radioactive material" means any material or combination of materials, which spontaneously emits ioniz-

ing radiation. Materials in which the estimated specific activity is not greater than 0.002 microcuries per gram of material, and in which the radioactivity is essentially uniformly distributed, are not classed as Radioactive materials under this subchapter.

18. In § 173.500 the introductory text of paragraph (a) would be revised; paragraph (a)(5) would be added to read as follows:

§ 173.500 Definitions.

(a) An Other Regulated Material (ORM) is a material that: (1) may pose an unreasonable risk to health and safety or property when transported in commerce; and (2) does not meet any of the definitions of the other hazard classes specified in this subchapter, or (3) has been reclassified an ORM (specifically or permissively) according to this subchapter. ORM's are divided into classes as follows:

(5) An ORM-E is a material that is not included in any other hazard class, but is subject to the requirements of this subchapter. Materials in this class include—

(i) Hazardous wastes subject to the regulations of the EPA found in 40 CFR part 250.

19. In § 173.505 the introductory text of paragraph (a) would be revised to read as follows:

§ 173.505 Exceptions for other regulated material (ORM).

(a) An ORM of one of the following classes and quantities is not subject to a specific packaging requirement in subparts K, L, or M of this part if there is an exception reference to this section for the material in § 172.101 of this subchapter:

20. In § 173.510 the introductory text of paragraph (a) and paragraph (a)(1) would be revised; paragraph (a)(5) would be added to read as follows:

§ 173.510 General packaging requirements.

(a) In addition to specific packaging requirements, ORM's must be prepared for shipment in compliance with the following:

(1) Each material must be offered for transportation and transported in compliance with subparts B, C, and D of part 172 of this subchapter and subparts A and B of part 173.

(5) Portable tanks, tank cars, cargo tanks, hopper and dump type transport vehicles must be free from leaks and all openings must be securely closed during transportation. Open-

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PROPOSED RULES

top freight containers and transport vehicles are not permitted for bulk shipments.

21. Subpart O would be added to read as follows:

Subpart O—Other Regulated Material; ORM-E

22. Section 173.1300 would be added to read as follows:

§ 173.1300 Hazardous waste, n.o.s.

(a) Hazardous waste, n.o.s. may not be offered for transportation unless packaged in accordance with § 173.510 and subparts A and B of this part.

(b) Except for § 171.3(c), this subchapter does not apply to a hazardous waste for which a manifest is not required by 40 CFR 250.22.

PART 174—CARRIAGE BY RAIL

23. In § 174.24 paragraph (b) would be revised to read as follows:

§ 174.24 Shipping papers.

(b) This subpart does not apply to a material classed as ORM-A, B, C, or D unless offered for transportation as a hazardous waste subject to 40 CFR part 250.

24. § 174.45 would be revised to read as follows:

§ 174.45 Reporting hazardous materials incidents.

When an incident occurs during transportation in which hazardous materials are involved, a report may be required. See §§ 171.15, 171.16, and 171.17 of this subchapter.

PART 175—CARRIAGE BY AIRCRAFT

25. In § 175.45 paragraph (d) would be added to read as follows:

§ 175.45 Reporting hazardous materials incidents.

(d) Each operator who transports a hazardous waste shall comply with the reporting requirements in § 171.17 of this subchapter, when a discharge of hazardous waste to the environment occurs during transportation.

PART 176—CARRIAGE BY VESSEL

26. In § 176.11 paragraph (e) would be revised to read as follows:

§ 176.11 Exceptions.

(e) Hazardous material classed and shipped as ORM-D is not subject to the requirements of this part unless offered for transportation as a hazardous waste subject to 40 CFR part 250.

27. In § 176.48 paragraph (b) would be revised to read as follows:

§ 176.48 Situation requiring report.

(b) When an incident occurs during transportation in which hazardous materials are involved, a report may be required. See §§ 171.15, 171.16, and 171.17 of this subchapter.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

28. § 177.807 would be revised to read as follows:

§ 177.807 Reporting hazardous materials incidents.

When an incident occurs during transportation in which hazardous materials are involved, a report may be required. See §§ 171.15, 171.16, and 171.17 of this subchapter.

29. In § 177.823 paragraph (b) would be added to read as follows:

§ 177.823 Marking and placarding motor vehicles.

(b) Each motor vehicle transporting hazardous waste may have to be marked. See § 171.3 of this subchapter for marking requirements.

(49 U.S.C. 1803, 1804, 1808, 1811; 49 CFR 1.53(e) and paragraph (a)(4) of appendix A to part 102.)

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring the preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107 nor an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

Issued in Washington, D.C., on May 19, 1978.

ALAN I. ROBERTS,
Director, Office of
Hazardous Materials Operations.

[FR Doc. 78-14590 Filed 5-24-78; 8:45 am]

THURSDAY, MAY 25, 1978
PART V



DEPARTMENT OF
TRANSPORTATION

Federal Aviation
Administration

OPERATIONS REVIEW
PROGRAMS

Miscellaneous Amendments and
Extension of Comment Period

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

Docket No. 16383; Amdt. Nos. 43-19, 61-66, 63-19, 65-23, 91-152, 105-7, 121-143, 123-8, 127-34, 137-7, 145-16, 147-4]

OPERATIONS REVIEW PROGRAM

Amendment No. 4: Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to update and improve regulations concerning aircraft maintenance, airman certification, general operating and flight rules, parachuting, certification and operation of air carriers and commercial operators, air travel clubs, agricultural aircraft operations, repair stations, and aviation maintenance technical schools. These amendments are part of the Operations Review Program.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

HISTORY

These amendments are the fourth in a series of amendments to be issued as a part of the Operations Review Program. The following series of amendments have previously been issued as part of the Operations Review Program:

Title and FR citation

Clarifying and editorial changes (41 FR 47227; October 28, 1976)
Rotorcraft External-Load Operations (42 FR 24196; May 12, 1977 amended by 42 FR 32531; June 27, 1977)
Airspace, Air Traffic and General Operating Rules (to be issued at a later date)

These amendments are based on a notice of proposed rulemaking (Notice 76-28) published in the *FEDERAL REGISTER* on December 27, 1976 (41 FR 56280). All interested persons have been afforded an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant com-

ments received and upon further review by the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below, these amendments and reasons for their adoption are the same as those contained in Notice 76-28.

Five proposals which were contained in Notice 76-28, pertaining to Part 135, Air Taxi Operators and Commercial Operators of Small Aircraft, are not being dealt with here. They will be considered in conjunction with the proposals contained in Part 135 Regulatory Review Program, Notice No. 77-17: Air Taxi Operators and Commercial Operators (42 FR 43490; August 29, 1977).

Amendments to § 121.343(d), § 121.359(e), § 121.703(f), § 127.127(d), and § 127.313(f) were not included in Notice 76-28. Since these amendments are editorial changes which reflect the National Transportation Safety Board's revised regulations, they are included in this amendment.

DISCUSSIONS OF COMMENTS

The following discussion is keyed to the like-numbered proposals contained in Notice 76-28.

Proposal 4-1. One commenter suggested that the word "knowingly" be inserted between "may" and "make" in paragraph (a) of proposed § 43.12 to clarify the intent behind the meaning of the word "fraudulent." The FAA does not believe it is necessary to add the word "knowingly" since the proof of a fraudulent act is based on the person knowingly committing the act. Accordingly, the proposal is adopted without substantive change.

Proposal 4-2. No unfavorable comments were received on the proposal to revised paragraph (b)(2) of Appendix E to Part 43. Accordingly, the proposal is adopted without substantive change.

Proposal 4-3. One commenter recommended clarification of the first paragraph of Appendix F to Part 43 which refers to an additional 3 decibel (db) tolerance allowed to compensate for antenna coupling errors during receiver sensitivity measurements. The commenter states this has been interpreted by some to mean $\pm 1\frac{1}{2}$ db and by others to mean ± 3 db. After review, the FAA agrees and the proposed rule is changed by substituting the word "loss" for "tolerance."

After further review of paragraph (a), Appendix F to Part 43, the FAA believes the words "of the system" should be inserted between the words "frequency" and "is" to clarify that the antenna should be used during the transponder frequency check. Accordingly, proposed Appendix F to Part 43 is adopted as proposed except for the revisions discussed above.

Proposal 4-4. One commenter was against extending the effective date of

a temporary certificate from 90 days to 120 days and suggested that the FAA's certificate handling facilities should be improved to provide more rapid service. The FAA believes that an addition of 30 days is necessary to handle the numerous applications received and to avoid the need for applicants to obtain renewal of the temporary certificate. The proposed change to § 61.17(a) with respect to inserting the number "120" in place of "90" was also proposed for § 63.13 and § 65.13 (Proposals 4-5 and 4-11 respectively) and commented on as above. Accordingly, proposed §§ 61.17(a), 63.13, and 65.13 are adopted without substantive change.

Proposal 4-5. For a discussion of comments related to the proposal to amend § 63.13 and for the disposition of that proposal, see Proposal 4-4.

Proposal 4-6. A comment was received which discussed matters not proposed in Notice 76-28. This comment is beyond the scope of the notice and cannot be considered without further notice and public participation. For a discussion of comments related to proposed § 63.41(b) and for the withdrawal of that proposal, see Proposal 4-12.

Proposal 4-7. No unfavorable comments were received on the proposal to delete § 63.53 (b) and (c). Accordingly, the proposal is adopted without substantive change.

Proposal 4-8. No unfavorable comments were received on the proposal to amend § 63.57(a) and therefore it is adopted without substantive change. However, the FAA believes the words "any part of" and "except the section on plotting and computing" in § 63.57(b) should be deleted since they are rendered unnecessary by the amendment to § 63.53 (see Proposal 4-7). Accordingly, the words discussed above are deleted from § 63.57(b).

Proposal 4-9. No unfavorable comments were received on the proposal to revise § 63.59 (b) or (c) and the proposal is adopted without substantive change. For comments related to proposed § 63.59(a)(2) and deletion of the phrase "In the case of applicant's first failure" in proposed § 63.59(a)(2), see Proposal 4-12.

Proposal 4-10. Although there were no unfavorable comments to the proposed revision of Appendix A of Part 63, the FAA believes the proposal should be withdrawn since a substantial portion of the rule was inadvertently omitted. Accordingly, the proposal to revise Appendix A of Part 63 is withdrawn.

Proposal 4-11. For a discussion of comments relating to the proposal to amend § 65.13 and for the disposition of that proposal, see Proposal 4-4.

Proposal 4-12. Thirty-nine commenters objected to the proposed amendments to § 65.19. Many com-

menters objected to limiting the number of retests to one within 30 days as proposed in § 65.19(bn) in case of an applicant's first failure. These commenters stated that this restriction would place an unnecessary burden on applicants by increasing the time for certification without a commensurate increase in benefits or safety. Upon further review, the FAA agrees and the phrase "In the case of an applicant's first failure" in proposed § 65.19(b) is deleted.

The proposed change to § 65.19(b) with respect to the phrase "In the case of an applicant's first failure" is identical to the proposed change to §§ 63.41(b) and 63.59(a)(2) in Proposals 4-6 and 4-9 respectively. Accordingly, the proposed change to § 63.41(b) is withdrawn and the proposed change to § 63.59(a)(2) is amended to delete the above phrase.

Several commenters objected to proposed § 65.19(b) because it denied certified ground instructors the privilege of giving additional instruction to applicants in preparing them for retesting. The commenters stated that ground instructors were the only persons, other than flight instructors, who have been tested on their ability to teach various technical subjects. The FAA does not issue ground instructor ratings which are appropriate to teach air traffic control tower operator, aircraft dispatcher, parachute rigger, or mechanic applicants.

Since aviation safety and public interest demands that only persons who have demonstrated their technical knowledge and skill for a particular certificate should be qualified to provide instruction and certify competency for that certificate, the FAA believes the instructor must possess at least the same certificate and rating that the applicant is seeking to obtain. Accordingly, the proposal to amend § 65.19 is adopted as proposed with the revision discussed above.

Proposal 4-13. One commenter believed § 91.8 should be further expanded to include the prohibition against the interference with flight crewmembers before the aircraft is boarded. Since such a prohibition would be difficult to enforce and could give rise to jurisdictional problems, the FAA does not consider this prohibition a proper subject for rulemaking.

One commenter stated that proposed § 91.8(b) could apply to an aircraft owner who might ask the pilot to alter course or change destination. The commenter suggests clarifying the language. Another commenter expressed concern for the proposed wording of § 91.8(b) since it appears that a pilot examiner would be in violation by asking a private pilot applicant to divert from a course during a flight test. This was not the FAA's intent. The prohibition was directed

toward unreasonable requirements, such as hijacking or requiring a change under duress. However, after further review, the FAA believes § 91.8(b) is not necessary since these acts are provided for in § 91.8(a). Accordingly, the proposal is adopted with the revisions discussed.

Proposal 4-14. No unfavorable comments were received on the proposal to revise § 91.15(a)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4-15. No unfavorable comments were received on the proposal to amend § 91.17. Accordingly, the proposal is adopted without substantive change.

Proposal 4-16. No unfavorable comments were received on the proposal to revise § 91.18(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-17. No unfavorable comments were received on the proposed revision to § 91.43(b). Accordingly, the proposal is adopted without substantive change.

Proposal 4-18. One commenter disagreed with the proposed revision to § 91.52(d)(2) that would require the new expiration date for replacement (or recharge) of the emergency locator transmitter's battery to be entered in the aircraft maintenance record and suggested the use of a placard located inside the cabin as a better solution. The FAA believes that a maintenance record entry is a more reliable method of determining the replacement date than a placard. Accordingly, proposed § 91.52(d)(2) is adopted without substantive change.

Proposal 4-19. Several commenters contended that proposed § 91.73(d) would be too restrictive and does not allow sufficient discretionary authority to the pilot in command as to when the anticollision lights should or should not be lighted. They state that the use of a strobe light as an anticollision light would create an unsafe condition during certain aircraft operation such as taxiing, takeoff and landing, if the pilot did not have the option to turn it off except during adverse meteorological conditions.

In light of these comments and upon further review, the FAA agrees that there are instances when the use of a high intensity anticollision light could induce vertigo and cause spatial disorientation. Accordingly, § 91.73(d) is revised to provide that the pilot in command may turn off the anticollision lights at any time in the interests of safety.

Proposal 4-20. One commenter does not believe the word "nearest" in proposed § 91.83(d) conveys the operational procedure presently used by the FAA, and suggested it be changed. In light of this comment, and after further review, the FAA believes that any

restrictive term is unnecessary and could possibly discourage the filing of flight plans. Accordingly, the words "the nearest" in proposed § 91.83(d) are deleted and the word "an" inserted.

Proposal 4-21. One commenter objected to the wording of proposed § 91.173 on the ground that it places an unwarranted burden on the owner or operator to determine such items as revision date, airworthiness directive (AD) number, and if an AD involves recurring action, the time and date, when the next action is required. The commenter further stated that § 91.173 places responsibility on the owner or operator for the content of Part 43 maintenance record entries made by persons authorized by the FAA.

The FAA believes that the owner or operator should be responsible for the retention of the required maintenance records for the specified periods and furnish such records to the person authorized by the FAA to accomplish the work. The FAA believes that the owner or operator should also ensure that the appropriate information as prescribed in § 91.173 is entered in the maintenance records. The intent of the proposal is to require the retention of more specific information relating to ADs and their compliance. In addition, each person authorized to perform the maintenance is only responsible for the content of the required record entries. Accordingly, the proposed revisions to § 91.173 (a), (b), and (a)(2)(v) and the addition of new (b)(3) are adopted without substantive change.

Proposal 4-22. One commenter who supported the proposed § 91.189(b)(5) suggested that attachment points for the lifeline be permanently installed on the wings of the aircraft. The FAA believes current § 25.1411(g) adequately covers lifeline attachment. Accordingly, proposed § 91.189(b)(5) is adopted without substantive change.

Proposal 4-23. The only public comment received on the proposal to amend paragraph 2(a)(7) of Appendix A to Part 91 recommended that radio altimeters be included in the proposed requirement but gave no further explanation. Since radio altimeters have markings at 20 feet or less intervals, the FAA believes that no reason exists at this time to include them in this amendment. Accordingly, the proposal is adopted without substantive change.

Proposal 4-24. No unfavorable comments were received on the proposal to revise § 105.15(b). Accordingly, the proposal is adopted without substantive change.

Proposal 4-25. One commenter supported proposed § 105.33 (a) and (b) providing adequate exceptions exist for emergency situations, but did not state what type of exceptions he was referring to.

Another commenter contends that a light should not be displayed during free-fall because such a light decreases night vision and could possibly induce vertigo or spatial disorientation.

The FAA does not believe that such a light would significantly decrease night vision and induce vertigo or spatial disorientation. The FAA believes that a parachute jumper presents an object in the airspace from the instant the jumper exits the aircraft until the jumper reaches the surface. All that changes with the deployment of the chute is the speed the object is falling. A free-fall jump can extend through thousands of feet of airspace, presenting a hazard to air navigation. Accordingly, in the interest of safety, proposed § 105.33 (a) and (b) are adopted without substantive change.

Proposal 4-26. No unfavorable comments were received on the proposal to amend § 105.43. Accordingly, the proposal is adopted without substantive change.

Proposal 4-27. No unfavorable comments were received on the proposal to revise § 121.11. Accordingly, the proposal is adopted without substantive change.

Proposal 4-28. No unfavorable comments were received on the proposal to amend § 121.26. Accordingly, the proposal is adopted without substantive change.

Proposal 4-29. No comments were received on the proposal to revise § 121.29(b). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 121.29(b) is withdrawn.

Proposal 4-30. No unfavorable comments were received on the proposal to amend § 121.47(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-31. No comments were received on the proposal to revise § 121.53(e). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 121.53(e) is withdrawn.

Proposal 4-32. No unfavorable comments were received on the proposal to revise § 121.61(b)(1). Accordingly, the proposal is adopted without substantive change.

Proposal 4-33. No unfavorable comments were received on the proposal to amend § 121.135(b) (6) and (7). Accordingly, the proposal is adopted without substantive change.

Proposal 4-34. No unfavorable comments were received on the proposal to amend § 121.191(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-35. The commenters to proposed § 121.309(b)(4) contend the proposal was unnecessarily redundant, served no useful purpose, and did not enhance safety. The commenters objected to this proposal from the stand-

point that it would impose: (1) An unwarranted recordkeeping burden on operators utilizing an equipment control program that is controlled by hours or cycles and not by a specific inspection due date; (2) a risk of not having the inspection dates marked on the containers when equipment items were transferred from one airplane to another; and (3) an additional task of changing inspection dates with possible resultant error.

In light of these comments and after further review, the FAA believes the proposal would possibly impose a burden not commensurate with its probable contribution to safety. Accordingly, proposed § 121.309(b)(4) is withdrawn.

Proposal 4-36. One commenter suggested the use of the phrase "no person" instead of "no passenger or crewmember" in proposed § 121.317(b). The FAA believes the phrase "no passenger or crewmember" is more definitive and the proposed wording is retained. Another commenter objected to the proposal on the grounds that there are instances when it is acceptable for cockpit crewmembers to continue to smoke and stated that this determination should be left up to the discretion of the cockpit crewmembers. The FAA disagrees. As a safety factor, flight crewmembers should be prohibited from smoking when the "no smoking" sign is lighted. Accordingly, proposed § 121.317 (a) and (b) is adopted without substantive change.

Proposal 4-37. No unfavorable comments were received on the proposal to amend § 121.401(c). Accordingly, the proposal is adopted without substantive change.

Proposal 4-38. No unfavorable comments were received on the proposal to revise § 121.440(b)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4-39. Two comments were received on both proposed §§ 121.548 and 127.212 which discussed matters not proposed in Notice 76-28. These comments are beyond the scope of the notice and cannot be considered without further notice and public participation. Accordingly, proposed §§ 121.548 and 127.212 (Proposals 4-39 and 4-54 respectively) are adopted without substantive change.

Proposal 4-40. No unfavorable comments were received on the proposal to amend § 121.651(d)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4-41. No unfavorable comments were received on the proposal to amend § 121.652(a). However, as stated in the preamble to Notice 76-28, the FAA believes the flight time, in order to be credited, must be acquired in the same "type" airplane. Accordingly, the proposal is adopted by in-

serting the word "type" to further clarify the intent of the rule.

Proposal 4-42. No unfavorable comments were received on the proposal to amend § 121.697(e)(2). Accordingly, the proposal is adopted without substantive change.

Proposal 4-43. No unfavorable comments were received on the proposal to revise § 121.723 (a) and (b). However, in order to avoid the reissuance of certificates at the conclusion of each assignment, the wording is changed so that the certificate is retained until termination of employment with the carrier or operator. Accordingly, the proposal is adopted with the change discussed.

Proposal 4-44. No unfavorable comments were received on the proposal to add a new § 123.11(b)(3). Accordingly, the proposal is adopted without substantive change.

Proposal 4-45. No unfavorable comments were received on the proposal to add a new § 123.12. Accordingly, the proposal is adopted without substantive change.

Proposal 4-46. No unfavorable comments were received on the proposal to revise § 123.13. Accordingly, the proposal is adopted without substantive change.

Proposal 4-47. No unfavorable comments were received on the proposal to revise § 123.15(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-48. No comments were received on the proposal to revise § 123.19(c). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, proposed § 123.19(c) is withdrawn.

Proposal 4-49. No unfavorable comments were received on the proposal to revise § 123.27. Accordingly, the proposal is adopted without substantive change.

Proposal 4-50. No unfavorable comments were received on the proposal to revise § 123.41(a)(1). Accordingly, the proposal is adopted without substantive change.

Proposal 4-51. No unfavorable comments were received on the proposal to revise § 127.3. Accordingly, the proposal is adopted without substantive change.

Proposal 4-52. No comments were received on the proposal to revise § 127.21(b). After further review, the FAA believes there is no current need for the proposed revision. Accordingly, the proposed § 127.21(b) is withdrawn.

Proposal 4-53. No unfavorable comments were received on the proposal to revise § 127.151(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-54. For a discussion of comments relating to proposed § 127.212 and for the disposition of that proposal, see Proposal 4-39.

Proposal 4-55. No unfavorable comments were received on the proposal to revise § 127.249(b). Accordingly, the proposal is adopted without substantive change.

Proposals 4-56 through 4-60. These proposals are included in the Part 135 Regulatory Review Notice 77-17: Air Taxi Operators and Commercial Operators (42 FR 43490; August 29, 1977). Comments received on the proposed amendments to Part 135 in Notice 76-28 will be considered in conjunction with other comments received in response to Notice 77-17.

Proposal 4-61. No unfavorable comments were received on the proposal to amend § 137.19(e). Accordingly, the proposal is adopted without substantive change.

Proposal 4-62. No unfavorable comments were received on the proposal to delete Part 149 "Parachute Lifts" and transfer those requirements to a new Subpart E in Part 145. However, after further review, the FAA believes the incorporation of Part 149 into Part 145 as proposed would create redundancy in the rules and cause confusion. Accordingly, the proposal to amend Part 145 is withdrawn.

Proposal 4-63. No unfavorable comments were received on the proposal to revise § 145.17(b). After further review, the FAA believes the words "surrendered, suspended, or," should be reinserted between the words "sooner" and "revoked" in § 145.17(b) since they appear in current § 145.17(b). This oversight is corrected in the adopted rule since it was not a change intended by the proposal. Accordingly, the proposal to revise § 145.17(b) is adopted as proposed except for the revision discussed above.

Proposal 4-64. No unfavorable comments were received on the proposal to amend § 145.59(a). Accordingly, the proposal is adopted without substantive change.

Proposal 4-65. No unfavorable comments were received on the proposal to revise § 147.31(c)(1) and to add a new § 147.31(c)(2). After further review, the FAA believes that the following editorial changes should be made: (1) in the proposed § 147.31(c)(1)(ii) the word "accreditation" is used in place of the word "certification" which appears in current § 147.31(c)(1). This oversight is corrected in the adopted rule since it was not the intent of the proposal to change the wording to accreditation; (2) the phrase "other than the crediting school" immediately following the word "accreditation" in proposed § 147.31(c)(1)(ii) was inadvertently omitted and has been included in the final rule. Accordingly, the proposal to revise § 147.31(c)(1) and to add a new § 147.31(c)(2) is adopted as proposed except for the revisions discussed above.

Proposal 4-66. Although there were no unfavorable comments to the proposed deletion and reservation of Part 149, the proposal is withdrawn for the reasons discussed in Proposal 4-62.

DRAFTING INFORMATION

The principal authors of this document are Thomas G. Walenta, Flight Standards Service, and Richard B. Elwell, Office of General Counsel.

ADOPTION OF THE AMENDMENTS

Accordingly, Parts 43, 61, 63, 65, 91, 105, 121, 123, 127, 137, 145, and 147 of the Federal Aviation Regulations (14 CFR Parts 43, 61, 63, 65, 91, 105, 121, 123, 127, 137, 145, and 147) are amended as follows, effective June 26, 1978.

PART 43—MAINTENANCE, REBUILDING AND ALTERATION

1. By adding a new § 43.12 immediately following § 43.11, to read as follows:

§ 43.12 Maintenance records: Falsification, reproduction, or alteration.

(a) No person may make or cause to be made:

(1) Any fraudulent entry in any record or report that is required to be kept, made, or used to show compliance with any requirement under this part;

(2) Any reproduction, for fraudulent purpose, of any record or report under this part; or

(3) Any alteration, for fraudulent purpose, of any record or report under this part.

(b) The commission by any person of an act prohibited under paragraph (a) of this section is a basis for suspending or revoking the applicable airman, operator, or production certificate, Technical Standard Order Authorization, FAA-Parts Manufacturer Approval, or Product and Process Specification issued by the Administrator and held by that person.

2. By revising paragraph (b)(2) of Appendix E to Part 43 to read as follows:

APPENDIX E—ALTIMETER SYSTEM TEST AND INSPECTION

(b)
(2) Altimeters which are the air data computer type with associated computing systems, or which incorporate air data correction internally, may be tested in a manner and to specifications developed by the manufacturer which are acceptable to the Administrator.

3. By revising the introductory explanatory text and paragraphs (a) and (b) of Appendix F to Part 43 to read as follows:

APPENDIX F—ATC TRANSPONDER TESTS AND INSPECTIONS

The ATC transponder tests required by § 91.177 of this chapter may be conducted using a bench check or portable test equipment and must meet the requirements prescribed in paragraphs (a) through (d) of this appendix. If portable test equipment with appropriate coupling to the aircraft antenna system is used, operate the test equipment at a nominal rate of 235 interrogations per second to avoid possible ATCRBS interference. An additional 3db loss is allowed to compensate for antenna coupling errors during receiver sensitivity measurements conducted in accordance with paragraph (c)(1) when using portable test equipment.

(a) For reply radio frequently, interrogate the transponder and verify that the reply frequency of the system is 1090 ± 3 MHz.

(b) Suppression: When the transponder is interrogated on mode 3/A at an interrogation rate between 230 and 1000 interrogations per second for class 1B and 2B transponders or between 230 and 1200 interrogations per second for class 1A and 2A transponders:

(1) Verify that the transponder does not respond to more than 1 percent of the interrogations when the amplitude of P_r pulse is equal to the P_t pulse.

(2) Verify that the transponder replies to at least 90 percent of the interrogations when the amplitude of the P_r pulse is 9db less than the P_t pulse.

If the test is conducted with a radiated test signal, the interrogation rate shall be 235 ± 5 interrogations per second unless a higher rate has been approved for the test equipment used at that location.

PART 61—CERTIFICATION: PILOTS AND FLIGHT INSTRUCTORS

§ 61.17 [Amended]

4. By deleting the number "90" and inserting "120" in its place in § 61.17(a).

PART 63—CERTIFICATION: FLIGHT CREWMEMBERS OTHER THAN PILOTS

§ 63.13 [Amended]

5. By deleting the number "90" and inserting "120" in its place in § 63.13.

§ 63.53 [Amended]

6. By deleting § 63.53 (b) and (c) and redesignating § 63.53 (d) as (b).

§ 63.57 [Amended]

7. By amending § 63.57 as follows:
a. By deleting from paragraph (a) the phrase "must pass a practical test in operating flight navigation equipment, and";

b. By deleting from the last sentence in paragraph (b) the words "any part of" and "except the section on plotting and computing" and adding a period after the words "written test".

8. By revising §§ 63.59 (a)(2), (b) and (c) to read as follows:

§ 63.59 Retesting after failure.

(a) * * *

(2) Before the 30 days have expired if the applicant presents a signed statement from a certificated flight navigator, certificated ground instructor, or any other qualified person approved by the Administrator, certifying that that person has given the applicant additional instruction in each of the subjects failed and that person considers the applicant ready for retesting.

(b) A statement from a certificated flight navigator, or from an operations official of an approved navigator course, is acceptable, for the purposes of paragraph (a)(2) of this section, for the written test and for the flight test. A statement from a person approved by the Administrator is acceptable for the written test and for the practical test.

(c) If the applicant failed the flight test, the additional instruction must have been administered in flight.

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

§ 65.13 [Amended]

9. By deleting the number "90" and inserting "120" in its place in § 65.13.

10. By revising § 65.19 to read as follows:

§ 65.19 Retesting after failure.

An applicant for a written, oral, or practical test for a certificate and rating, or for an additional rating under this part, may apply for retesting—

(a) After 30 days after the date the applicant failed the test; or

(b) Before the 30 days have expired if the applicant presents a signed statement from an airman holding the certificate and rating sought by the applicant, certifying that the airman has given the applicant additional instruction in each of the subjects failed and that the airman considers the applicant ready for retesting.

PART 91—GENERAL OPERATING AND FLIGHT RULES

11. By revising § 91.8 to read as follows:

§ 91.8 Prohibition against interference with crewmembers.

No person may assault, threaten, intimidate, or interfere with a crewmember in the performance of the crewmember's duties aboard an aircraft being operated.

12. By revising § 91.15(a)(2) to read as follows:

§ 91.15 Parachutes and parachuting.

(a) * * *

(2) If any other type, it has been packed by a certificated and appropriately rated parachute rigger—

(i) Within the preceding 120 days, if its canopy, shrouds, and harness are composed exclusively of nylon, rayon, or other similar synthetic fiber or materials that are substantial resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or

(ii) Within the preceding 60 days, if any part of the parachute is composed of silk, pongee, or other natural fiber, or materials not specified in subdivision (i) of this subparagraph.

13. By amending § 91.17(a)(1) to read as follows:

§ 91.17 Towing: Gliders

(a) No person may operate a civil aircraft towing a glider unless:

(1) The pilot in command of the towing aircraft is qualified under § 61.69 of this chapter

14. By revising § 91.18(a) to read as follows:

§ 91.18 Towing: Other than under § 91.17.

(a) No pilot of a civil aircraft may tow anything with that aircraft (other than under § 91.17) except in accordance with the terms of a certificate of waiver issued by the Administrator.

15. By revising § 91.43(b) to read as follows:

§ 91.43 Special rules for foreign civil aircraft.

(b) VFR. No person may conduct VFR operations which require two-way radio communications under this part, unless at least one crewmember of that aircraft is able to conduct two-way radio communications in the English language and is on duty during that operation.

16. By revising the first sentence in the flush paragraph immediately following § 91.52(d)(2) to read as follows:

§ 91.52 Emergency locator transmitters.

(d) * * *

(2) * * *

17. By amending § 91.73 as follows:

(a) By deleting the semicolon and the word "or" at the end of paragraph (b)(3) and inserting a period in its place;

(b) By deleting the period at the end of paragraph (c)(2) and inserting a semicolon and the word "or" in its place; and

(c) By adding a new paragraph (d) to read as follows:

The new expiration date for the replacement (or recharge) of the battery must be legibly marked on the outside of the transmitter and entered in the aircraft maintenance record. * * *

17. By amending § 91.73 as follows:

(a) By deleting the semicolon and the word "or" at the end of paragraph (b)(3) and inserting a period in its place;

(b) By deleting the period at the end of paragraph (c)(2) and inserting a semicolon and the word "or" in its place; and

(c) By adding a new paragraph (d) to read as follows:

§ 91.73 Aircraft lights.

(d) Operate an aircraft, required by § 91.33(c)(3) to be equipped with an anticollision light system, unless it has approved and lighted aviation red or aviation white anticollision lights. However, the anticollision lights need not be lighted when the pilot in command determines that, because of operating conditions, it would be in the interest of safety to turn the lights off.

18. By revising § 91.83 by deleting the flush paragraph immediately following paragraph (a)(11) and inserting a new paragraph (d) immediately following paragraph (c)(2) to read as follows:

§ 91.83 Flight plan; information required.

(d) *Cancellation.* When a flight plan has been activated, the pilot in command, upon cancelling or completing the flight under the flight plan, shall notify an FAA Flight Service Station or ATC facility.

19. By revising the lead in to § 91.173 (a) and (b) and by revising (a)(2)(v) and adding a new paragraph (b)(3) to read as follows:

§ 91.173 Maintenance records.

(a) Except for work performed in accordance with §§ 91.170 and 91.177, each registered owner or operator shall keep the following records for the periods specified in paragraph (b) of this section:

(2) * * *

(v) The current status of applicable airworthiness directives (AD) including, for each, the method of compliance, the AD number, and revision date. If the AD involves recurring action, the time and date when the next action is required.

(b) The owner or operator shall retain the following records for the periods prescribed:

(3) A list of defects furnished to a registered owner or operator under § 43.9 of this chapter, shall be retained until the defects are repaired and the aircraft is approved for return to service.

20. By adding a new § 91.189(b)(5) to read as follows:

§ 91.189 Survival equipment for overwater operations.

(5) After June 26, 1979, a lifeline stored in accordance with § 25.1411(g) of this chapter.

21. By amending paragraph 2(a)(7) of appendix A to part 91 by adding a sentence to read as follows:

APPENDIX A—CATEGORY II OPERATIONS: MANUAL, INSTRUMENTS, EQUIPMENT, AND MAINTENANCE

2. Required instruments and equipment

(a) Group I.

(7) * * * After June 26, 1979, two sensitive altimeters adjustable for barometric pressure, having markings at 20-foot intervals and each having a placarded correction for altimeter scale error and for the wheel height of the airplane.

PART 105—PARACHUTE JUMPING

22. By revising § 105.15(b) to read as follows:

§ 105.15 Jumps over or into congested areas or open air assembly of persons.

(b) An application for a certificate of authorization issued under this section is made in a form and in a manner prescribed by the Administrator and must be submitted to the FAA Flight Standards District Office having jurisdiction over the area in which the parachute jump is to be made, at least 4 days before the day of that jump.

23. By revising § 105.33 to read as follows:

§ 105.33 Parachute jumps between sunset and sunrise.

(a) No person may make a parachute jump, and no pilot in command of an aircraft may allow any person to make a parachute jump from that aircraft, between sunset and sunrise, unless that person is equipped with a means of producing a light visible for at least 3 statute miles.

(b) Each person making a parachute jump between sunset and sunrise shall display the light required by paragraph (A) of this section from the time that person exits the aircraft until that person reaches the surface.

24. By amending § 105.43(a)(2) to read as follows:

§ 105.43 Parachute equipment and packing requirements.

(a) * * *

(2) The auxiliary must have been packed by a certificated and appropriately rated parachute rigger:

(i) Within 120 days before the date of use, if its canopy, shroud, and harness are composed exclusively of nylon, rayon, or other similar synthetic fiber or material that is substantially resistant to damage from mold, mildew, or other fungi and other rotting agents propagated in a moist environment; or

(ii) Within 60 days before the date of use, if it is composed in any amount of silk, pongee, or other natural fiber, or material not specified in paragraph (a)(2)(i) of this section.

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

25. By revising § 121.11 to read as follows:

§ 121.11 Rules applicable to operations in a foreign country.

Each certificate holder shall, while operating an airplane within a foreign country, comply with the air traffic rules of the country concerned and the local airport rules, except where any rule of this part is more restrictive and may be followed without violating the rules of that country.

26. By adding a new § 121.26 immediately following § 121.25 to read as follows:

§ 121.26 Application for domestic or flag air carrier operator certificates.

Each application for a domestic or flag air carrier operating certificate

shall be made in the form and manner and contain information prescribed by the Administrator. Each applicant must submit his application at least 60 days before the date of intended operation.

27. By amending the second sentence of § 121.47(a) to read as follows:

§ 121.47 Application for supplemental air carrier and commercial operator certificates.

(a) * * * Each applicant must submit an application at least 60 days before the date of intended operation (in the case of an original application) or 60 days before the date the certificate terminates (in the case of a renewal application).

28. By revising § 121.61(b)(1) to read as follows:

§ 121.61 Management personnel: Qualifications.

(b) No person may serve as chief pilot unless that person—

(1) Holds a current airline transport pilot certificate with appropriate ratings for at least one of the types of aircraft used;

§ 121.135 [Amended]

29. By amending § 121.135(b) (6) and (7) by deleting the phrase, "their crew complement,".

30. By amending § 121.191(a) as follows:

§ 121.191 Transport category airplanes: Turbine engine powered: En route limitations: One engine inoperative.

(a) No person operating a turbine engine powered transport category airplane may take off that airplane at a weight, allowing for normal consumption of fuel and oil, that is greater than that which (under the approved, one engine inoperative, en route net flight path data in the Airplane Flight Manual for that airplane) will allow compliance with paragraphs (a) (1) or (2) of this section, based on the ambient temperatures expected en route:

31. By revising § 121.317 to read as follows:

§ 121.317 Passenger information.

(a) No person may operate an airplane unless it is equipped with passenger information signs that meet the requirements of § 25.791 of this chapter. The signs must be constructed so that the crewmembers can turn

them on and off. They must be turned on for each takeoff and each landing and when otherwise considered to be necessary by the pilot in command.

(b) No passenger or crewmember may smoke while the no smoking sign is lighted and each passenger shall fasten that passenger's seat belt and keep it fastened while the seat belt sign is lighted.

§ 121.343 [Amended]

32. By deleting the number "430" and inserting "830" in its place in § 121.343(d).

§ 121.359 [Amended]

33. By amending the first and second sentences of § 121.359(e) by inserting the number "830" immediately following the word "part" and deleting the phrase "present part 320 of this title."

34. By amending § 121.401(c) by adding at the end thereof a sentence to read as follows:

§ 121.401 Training program: General.

(c) When the certification required by this paragraph is made by an entry in a computerized record-keeping system, the certifying instructor, supervisor, or check airman must be identified with that entry. However, the signature of the certifying instructor, supervisor, or check airman is not required for computerized entries.

35. By revising § 121.440(b)(2) to read as follows:

§ 121.440 Line checks.

(b)
(2) Consist of at least one flight over a typical part of the air carrier's route, or over a foreign or Federal airway, or over a direct route.

36. By revising § 121.548 to read as follows:

§ 121.548 Aviation safety inspector's credentials: Admission to pilot's compartment.

Whenever, in performing the duties of conducting an inspection, an inspector of the Federal Aviation Administration presents form FAA 110A, "Aviation Safety Inspector's Credential," to the Pilot in command of an aircraft operated by an air carrier or commercial operator, the inspector must be given free and uninterrupted access to the pilot's compartment of that aircraft.

§ 121.651 [Amended]

37. By deleting the words "range station or comparable facility" in § 121.651(d)(2) and substituting the words "navigation facility" in its place.

38. By amending § 121.652(a) by adding the following new sentence to read as follows:

§ 121.652 Landing weather minimums:

IFR: All certificate holders.

(a) However, a Pilot in command employed by an air taxi operator certificated under § 135.2 of this chapter, may credit flight time acquired in operations conducted for that operator under part 91 in the same type airplane for up to 50 percent of the 100 hours of pilot in command experience required by this paragraph.

§ 121.697 [Amended]

39. By amending § 121.697(e)(2) by deleting the words "six months" and inserting in its place the words "three months."

§ 121.703 [Amended]

40. By deleting the number "430" and inserting "830" in its place in § 121.703(f).

41. By revising § 121.723 to read as follows:

§ 121.723 Application and issue.

(a) Application for a crewmember certificate is made on form FAA-2116 "Application for Crewmember Certificate," and submitted to the nearest Air Carrier District Office. The certificate is issued on form FAA-2116.1 "Crewmember Certificate."

(b) The holder of a certificate issued under this subpart, or the air carrier or commercial operator by whom the holder is employed, shall surrender the certificate for cancellation at the nearest Air Carrier District Office, or submit it for cancellation to the Airman Certification Branch, AC-260, P.O. Box 25082, Oklahoma City, Okla. 73125, at the termination of the holder's employment with that carrier or operator.

PART 123—CERTIFICATION AND OPERATIONS: AIR TRAVEL CLUBS USING LARGE AIRPLANES

42. By adding a new § 123.11(b)(3) to read as follows:

§ 123.11 Application for air travel club operating certificate.

(b)

(3) The financial information listed in § 123.12.

43. By adding a new § 123.12 immediately following § 123.11 to read as follows:

§ 123.12 Financial information required for original issue or renewal.

Each applicant for the original issue or renewal of an air travel club operating certificate must submit the information required by § 121.49 (a), (c), (d), (h), and (i) of this chapter with its application.

44. By revising § 123.13 to read as follows:

§ 123.13 Management personnel required.

(a) Each applicant for a certificate under this part must show that it has enough qualified management personnel, including personnel in the following or equivalent positions, to provide the highest degree of safety in its operations and to assure that its operations are conducted in accordance with the requirements of this part:

- (1) Director of Operations.
- (2) Director of Maintenance.
- (3) Chief Pilot.
- (4) Chief Inspector.

(b) Upon application by the air travel club, the Administrator may approve fewer or different positions than those listed in paragraph (a) of this section for a particular operation if the applicant shows that it can perform the operation with the highest degree of safety under the direction of fewer or different categories of management personnel due to:

- (1) The kind of operation involved.
- (2) The number and type of aircraft used; or
- (3) The area of operations.

(c) Each applicant shall:

- (1) Set forth in the general policy section of its manual, the duties, responsibilities, and authority of the personnel required by this section;
- (2) List in the manual the names and addresses of persons assigned to those positions;
- (3) Designate one person as responsible for the scheduling of inspections required by the air travel club manual and for the updating of the approved weight and balance system on all aircraft operated by the air travel club; and
- (4) Notify the FAA Flight Standards District Office charged with the overall inspection of the air travel club of any change made in the assignment of persons to the listed positions within 10 days of such change.

45. By revising § 123.15 to read as follows:

§ 123.15 Management personnel: Qualifications.

No person may serve in any position required by § 123.13 unless that person meets the appropriate requirements of § 121.61 of this chapter.

46. By redesignating § 123.27 (a) through (m) as (b) through (n) respectively and adding a new paragraph (a) to read as follows:

§ 123.27 Applicable regulations of Part 121.

(a) Sections 121.49(a), 121.49(c), 121.49(d), 121.49(h), 121.49(i), and 121.61 of Subpart C.

47. By revising § 123.41(a)(1) to read as follows:

§ 123.41 Training program.

(a) Each certificate holder shall have a training program that:

(1) Provides the training required by §§ 121.415 through 121.427 (except § 121.422) of this chapter as applicable to commercial operators; and

PART 127—CERTIFICATION AND OPERATION OF SCHEDULED AIR CARRIERS WITH HELICOPTERS

48. By revising § 127.3 to read as follows:

§ 127.3 Operating rules.

Each air carrier shall:

(a) Comply with Part 91 of this chapter unless otherwise specified in this part; and

(b) Conduct charter flights or other special service operations, under the rules prescribed in § 121.5 of this chapter in place of the rules of this part.

§ 127.127 [Amended]

49. By deleting the phrase "430 of this title" in the first and second sentences of § 127.127(d) and inserting the phrase "830 of Title 49" in its place.

50. By revising § 127.151(a) to read as follows:

§ 127.151 Establishment.

(a) Each air carrier shall establish an approved training program that insures that each crewmember is adequately trained to perform that crewmember's assigned duties. Before serving in scheduled operations, each crewmember must satisfactorily complete the initial training phases.

51. By revising § 127.212 to read as follows:

§ 127.212 Aviation safety inspector's credentials: Admission to pilot's compartment.

Whenever, in performing the duties of conducting an inspection, an inspector of the Federal Aviation Administration presents Form FAA 110A, "Aviation Safety Inspector's Credential," to the pilot in command of a helicopter operated by an air carrier, the inspector must be given free and uninterrupted access to the pilot's compartment of that helicopter.

52. By revising § 127.249(b) to read as follows:

§ 127.249 Operation in icing conditions.

(b) No person may take off a helicopter that has frost, snow or ice adhering to its windshield, rotors, stabilizing or control surfaces, or other movable parts of the helicopter or to an altimeter, airspeed, rate of climb, or flight attitude instrument system.

§ 127.313 [Amended]

53. By deleting the number "430" and inserting "830" in its place in § 127.313(f).

PART 137—AGRICULTURAL AIRCRAFT OPERATIONS

§ 137.19 [Amended]

54. By deleting the second sentence of § 137.19(e).

PART 145—REPAIR STATIONS

55. By revising § 145.17(b) to read as follows:

§ 145.17 Duration of certificate.

(b) A foreign repair station certificate or rating expires at the end of 12 months after the date on which it was issued, unless it is sooner surrendered, suspended, or revoked. However, if the station continues to comply with § 145.71 and applies for renewal before expiration of such certificate or rating, its certificate or rating may be renewed for 24 months.

§ 145.59 [Amended]

56. By adding to the last sentence of § 145.59(a) the words "with respect to the work performed."

PART 147—AVIATION MAINTENANCE TECHNICIAN SCHOOLS

57. By redesignating § 147.31(c) (2) as (3), adding a new § 147.31(c)(2) and by revising § 147.31(c)(1) to read as follows:

§ 147.31 Attendance and enrollment, tests, and credit for prior instruction or experience.

(c)

(1) A school may credit a student with instruction satisfactorily completed at—

- (i) An accredited university, college, junior college;
- (ii) An accredited vocational, technical, trade or high school;
- (iii) A military technical school;
- (iv) An aviation maintenance technician school, before or after its certification, other than the crediting school.

(2) A school may determine the amount of credit to be allowed—

- (i) By an entrance test equal to one given to the students who complete a comparable required curriculum subject at the crediting school;
- (ii) By an evaluation of an authenticated transcript from the student's former school; or
- (iii) In the case of an applicant from a military school, only on the basis of an entrance test.

(Secs. 313, 314, and 601 through 610 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, and 1421 through 1430) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 19, 1978.

LANGHORNE BOND,
Administrator.

[FR Doc. 78-14593 Filed 5-24-78; 8:45 am]

[4910-13]

[Docket No. 17034; Amdt. No. 121-144]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC, FLAG AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Operations Review Program Amendment No. 5

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The purpose of these amendments is to update and improve the requirements applicable to airman and crewmembers, training programs, flight operations, dispatching and flight release, and records and reports of air carriers and commercial operators of large aircraft. These amendments are part of the Operations Review Program.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. D. A. Schroeder, Safety Regulations Division, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

HISTORY

These amendments are the fifth in a series of amendments to be issued as a part of the Operations Review Program. The following series of amendments have previously been issued as part of the Operations Review Program:

Title and FR Citation

Clarifying and Editorial Changes (41 FR 47227; October 28, 1976).
Rotorcraft External-Load Operations (42 FR 24196; May 12, 1977, amended by 42 FR 32531; June 27, 1977).
Airspace, Air Traffic and General Operating Rules (to be issued at a later date).
Miscellaneous Amendments (see this issue of *FEDERAL REGISTER*).

These amendments are based on a notice of proposed rule making (Notice 77-12) published in the *FEDERAL REGISTER* on July 21, 1977 (42 FR 37417). All interested persons have been given an opportunity to participate in the making of these amendments and due consideration has been given to all matters presented. A number of substantive changes and changes of an editorial and clarifying nature have been made to the proposed rules based upon relevant comments received and upon further review by the FAA. Except for minor editorial and clarifying changes and the substantive changes discussed below, these amendments and reasons for their adoption are the same as those contained in Notice 77-12.

DISCUSSION OF COMMENTS

Several comments were received which discussed matters not proposed in the notice. These comments are beyond the scope of the notice and cannot be considered without further notice and public participation. Some of the comments dealt with proposals that will be included in other notices at a later date.

The following discussion is keyed to like numbered proposals contained in Notice 77-12 and amendments to §§ 121.3 and 121.601. As these amendments to §§ 121.3 and 121.601 are clarifying and relaxatory in nature and do not impose a burden on the public, I find that the notice and public procedure are unnecessary and that the amendments may be made effective without notice.

AMENDMENT TO § 121.3

Pub. L. 95-163 amended the Federal Aviation Act of 1958 to establish a new

class of air carriers called "all-cargo air carriers". The Civil Aeronautics Board promulgated a new Part 291 applicable to all-cargo air carriers issued certificates under the Federal Aviation Act. These actions required the FAA to amend Part 121 of the FAR (43 FR 1789, January 12, 1978), to provide for the certification and regulation of these carriers in the interest of safety. A new paragraph (h) was added to § 121.3 to provide that operations conducted by holders of these certificates must comply with the rules in Part 121 that govern supplemental air carriers. However, when this amendment was issued, the reference to paragraph (h) in paragraphs (a), (c) and (e) of § 121.3 was inadvertently omitted. Thus, paragraphs (a), (c) and (e) of § 121.3 are amended accordingly.

Proposal 5-1. No unfavorable comments were received on proposed § 121.383(a). Accordingly, the proposal is adopted without change.

Proposal 5-2. One commenter requested that the word "and" at the end of proposed § 121.409(b)(2) not be revised to "or," as this would indicate that either (b) (1) and (2) were applicable or as an alternative (b)(3) and (b)(4), in which case the 4-hour minimum would be eliminated. The FAA does not agree. The word "or" at the end of § 121.409(b)(2) applies to (b)(2) and (b)(3) only, allowing the certificate holder to use either approved training program. This proposed amendment does not affect the 4-hour training requirement.

One commenter suggested that proposed § 121.409(b)(3)(ii) be revised by deleting the words "abnormal and emergency procedures" and inserting the words "includes representative maneuvers which may be expected in line operation and procedures." The FAA does not agree. The proposed revision to § 121.409(b)(3)(ii) states that maneuvers and procedures that may be expected in line operations, including abnormal and emergency, are to be given during the training program. Therefore, training in abnormal and emergency procedures and maneuvers that may be expected in normal line operations is required.

The same commenter suggested that the word "times" be deleted in proposed § 121.409(b)(3)(iii) as this would severely limit the effectiveness of a scenario representing the operations for long haul carriers by overemphasizing the enroute phase. The FAA agrees, and the word "times" is deleted. The FAA believes that the training syllabus must represent a typical flight segment of the operator that a flight crewmember may realistically expect to fly. In simulating a long flight segment, the simulator flight should emphasize the most active portions of the flight such as the descent and approach phase. Accordingly, pro-

posed § 121.409(b)(3)(iii) is adopted with the change discussed.

Proposal 5-3. Three commenters questioned the meaning of the phrase "abnormal cabin deck angle, high winds, and structural deformation," in proposed § 121.417(b)(2)(iv). The FAA agrees that it would be very difficult to define the varying conditions presented by the above terms. Specific reference to the additional forces caused by abnormal cabin deck angle, high winds, and structural deformation are deleted as difficult to define and simulate. However, the word "conditions" in place of "circumstances" is retained and training should simulate as nearly as possible conditions such as the additional forces that could be encountered when opening exits in the emergency mode and under adverse conditions such as abnormal cabin, deck angle, high winds and structural deformation. In light of the comments and after further FAA review, proposed § 121.417(b)(2)(iv) has been revised by deleting the phrases "abnormal cabin, deck angle, high winds, and structural deformation," and "the additional forces that will be encountered."

One commenter objects to proposed § 121.417(b)(2)(v) stating that they did not consider items such as galley lifts and cart tie downs as emergency equipment. Another commenter requested proposed § 121.417(b)(2)(v) be revised by adding the words "but not limited to" after the word "as." In light of the comments and after further review, the FAA agrees with the first commenter that these items are not emergency equipment. Accordingly, proposed § 121.417(b)(2)(v) is withdrawn.

One commenter objected to proposed § 121.417(b)(3)(ii) stating that smoke control does not necessarily imply removal, and that circuit breakers are designed for automatic protection and are not necessarily for manual use. Another commenter believed that electrical equipment and related circuit breaker training should be accomplished during training on systems operations as opposed to emergency training. The FAA does not agree. The FAA believes that training on electrical equipment and related circuit breakers should be given not only during initial systems operation training, but during recurrent training as well. Most training programs contain procedures applicable to both smoke control and removal as they are correlated emergency problems. In many cases, electrical smoke and fire procedures call for manually tripping circuit breakers to isolate and control the problem. Therefore, the FAA believes that each crewmember should be familiar with the operation and use of the electrical equipment including related circuit breakers located in

their area of responsibility. Accordingly, proposed § 121.417(b)(3)(ii) is adopted without substantive change.

One commenter requested that the words "and discussion" be inserted after the word "Review" in proposed § 121.417(b)(4). The FAA agrees since this change would encourage the exchange of ideas as to how the accident or incident occurred, and would reduce the use of film as the only training means. Accordingly, proposed § 121.417(b)(4) is adopted with this change.

Two commenters objected to the 24 calendar months in proposed § 121.417(c) and felt that recurrent training should be annually for all crewmembers. The FAA agrees but points out that this proposal provides for each crewmember to perform certain drills or actually operate emergency equipment every 2 years, and that the recurrent training requirements of § 121.433 are not affected.

Three commenters stated that if each crewmember would be required to deploy a slide during recurrent training, this would impose a severe financial and manpower drain on the airlines, and suggested that the words "actually operate" be replaced with one of the following phrases, "must witness a demonstration" or "participate in the operation of." The FAA agrees and the words "participate in the operation of" are substituted for the words "actually operate" for crewmembers deploying and using emergency evacuation slides during recurrent training. However, during initial training, as provided in the rule, each crewmember is required to actually operate each item of equipment required for the deployment and use of emergency evacuation slides. This amendment would still allow the use of approved pictorial presentation, or demonstrations, during alternate training periods required by § 121.433.

Two commenters objected to proposed § 121.417(c)(1) as they were opposed to training flight attendants on exits they are unlikely to or cannot use, as in the case of the B-747 cockpit escape hatch and its associated escape devices. The FAA believes that crewmembers should receive training on the exits located in their area of responsibility. This would include the use of the exits on the upper deck of the B-747, if passengers are allowed in that area during takeoff and landing.

In light of these comments, and further FAA review, proposed § 121.417(c) has been revised by combining the requirements of § 121.417 (c) and (d), and by adding the following phrase at the end of § 121.417(c) "Alternate recurrent training periods required by § 121.433 may be accomplished by approved pictorial presentation or demonstration." The phrase "and actual forces involved and the" has been deleted from § 121.417(c)(1).

One commenter objected to proposed § 121.417(d) in that the emergency drills required by this section would be required for every recurrent training period. The commenter also suggested that this paragraph be rearranged with a heading titled "Ditching, if applicable", a list of those items applicable to ditching, and provisions for the increased use of audio visual training. The FAA agrees and has amended § 121.417(c) by combining the requirements of proposed §§ 121.417(c) and 121.417(d). This would, in fact, relax the recurrent training requirements of proposed § 121.417(d) by making these drills (if applicable) a requirement during initial training and once each 24 calendar months. The FAA believes that an approved audio visual training program properly conducted can produce very beneficial emergency crew training, but believes that for crewmembers to remain completely proficient in their related emergency duties, actual performance of the emergency drills would be required during the 24-calendar-months recurrent training period.

One commenter requested that the words "if applicable" be deleted from proposed § 121.417(c)(1). The FAA does not agree but believes that emergency ditching drills should be given only to crewmembers who are scheduled to fly over areas requiring such emergency equipment. Current § 121.417(d) was inadvertently omitted in Notice 77-12 and remains, in effect, unchanged.

Proposal 5-4. One commenter objected to the words "type rating" in the proposed flush paragraph at the end of § 121.425(a)(2) stating the purpose of the flight check was to determine the applicant's ability to perform his required duties, and that a type rating requirement is needlessly restrictive. The commenter also stated that "and" after type rating should be "or." The FAA concurs that a type rating requirement is somewhat restrictive, therefore "type" is deleted and replaced by "category and class" which is less restrictive, and "and" is replaced with "or."

Another commenter recommended that the proposed flush paragraph at the end of § 121.425(a)(2) be revised by inserting "on the same aircraft" before "may complete." The FAA does not concur with the comment since current § 121.437 would make this change redundant. Accordingly, the proposal is adopted with the changes noted above.

Proposal 5-5. No unfavorable comments were received on proposed § 121.427(d)(1). Accordingly, the proposal is adopted without substantive change.

Proposal 5-6. No unfavorable comments were received on proposed § 121.427(d)(2)(ii). Accordingly, the

proposal is adopted without substantive change.

Proposal 5-7. No unfavorable comments were received on proposed § 121.433a. Accordingly, the proposal is adopted without substantive change.

Proposal 5-8. Two commenters objected to proposed § 121.434(e) stating that requiring all flight attendants to be fully qualified would impose an economic burden on the air carrier. Another commenter proposed that up to fifty percent of the required flight attendants on a flight should be allowed to receive operating experience. Since airline flights frequently depart with flight attendant seats unoccupied, the FAA believes that these seats could be used by flight attendants who are not a part of the required crew complement, in meeting the operating experience requirements of this part. Accordingly, the proposal is adopted without substantive change.

Proposal 5-9. One commenter requested that proposed § 121.437(b) be deleted as inflationary, costly, and redundant, and further stated it would not increase safety.

The FAA believes that the proposal would not be inflationary, costly, or redundant as most second in command pilots currently hold the appropriate category and class rating, and that a pilot should not act as second in command on a turbojet or large aircraft with only a rotorcraft, glider, or lighter than air category rating.

This proposal would also be in keeping with the second in command requirements of § 61.55(a)(1) which requires appropriate category and class ratings. Accordingly, proposed § 121.437 is adopted without substantive change.

Proposal 5-10. One commenter objected to proposed § 121.439 stating the recency of experience requirements must be satisfied in the aircraft until an approved system of visual simulated landings are in use. The FAA believes that visual simulators that include the takeoff and landing maneuvers will be approved for operational use in the near future. Each simulator will be individually evaluated by the FAA before being approved for use under this part. The 24 calendar months in § 121.439(b) has been deleted as the 24 calendar months would be in conflict with § 121.441. Accordingly, the proposal is adopted with the change noted above.

Proposal 5-11. No unfavorable comments were received on proposed § 121.441. Accordingly, the proposal is adopted without substantive change.

Proposal 5-12. One commenter requested that proposed § 121.543 be revised to read "seat belt and shoulder harnesses fastened." The FAA does not believe that flight crewmembers should be required to wear shoulder harnesses during the en route phase of

flight, and that § 121.311(e) provides for adequate use of the shoulder harnesses. Accordingly, proposed § 121.543 is adopted without substantive change.

Proposal 5-13. One commenter requested proposed § 121.545 be revised to read "No pilot in command may knowingly allow," as they believe that the pilot in command should not be responsible for determining the currency of other assigned flight crewmembers. The FAA does not agree since adding the word "knowingly" could weaken this proposal, as it would not necessarily hold the pilot in command responsible for allowing an unqualified person to manipulate the controls. Accordingly, the proposal is adopted without change.

Proposal 5-14. Two commenters objected to proposed § 121.571(a)(1)(iii), stating that the use of the seat belt can be sufficiently depicted on the passenger briefing card and a demonstration and oral briefing should not be required. The FAA does not agree, and believes that passengers should be orally briefed on how to operate the seat belts. Investigation of past accidents indicates that passengers may have died in their seats as a result of not knowing how to operate their seat belts. Numerous air lines are currently providing both demonstrations and briefings to passengers on how to operate seat belts. In keeping with § 121.311 the word "seat" has been replaced with the word "safety". Accordingly, proposed § 121.571(a)(1)(iii) is adopted without substantive change.

One commenter objected to proposed § 121.571(a)(1)(iv) stating that the flotation means can be depicted on the briefing card. Another commenter requested that proposed § 121.571(a)(1)(iv) be deleted, and that language similar to § 121.573(d) be used. The FAA does not agree. As stated above, the FAA believes that an oral briefing of passengers enhances safety, and would provide passengers with information on required life saving equipment readily available to the passengers since almost all flights involve the possibility of overwater operations. Accordingly, proposed § 121.571(a)(1)(iv) is adopted without substantive change.

Proposal 5-15. One commenter requested that proposed § 121.573(a) be revised by adding after the words, "life preservers" and the following, "other flotation means such as seat cushions and life rafts, slide/rafts (including their removal form packages/compartments) . . . include secondary methods of inflation of life preservers." The FAA believes that such an addition is unnecessary as § 121.571(a)(1)(iv) requires briefing on these items. Accordingly, proposed § 121.573(a) is adopted without substantive change.

Proposal 5-16. One commenter requested that proposed § 121.576 be re-

vised by adding the words "and in-flight service" after the word "galley". The commenter believed this change was required to further clarify what is intended to be stowed, and that this change would include such items as plug-in tray tables and portable fold-up shelves for use in galleys. The FAA does not agree as these items are considered galley equipment. Accordingly, proposed § 121.576 is adopted without substantive change.

Proposal 5-17. One commenter objected to the proposal to amend § 121.581(b) in that it would allow an FAA inspector to displace an assigned crewmember on certain aircraft, thereby interfering with the normal crew operation procedures. The FAA does not agree. The FAA, in carrying out its inspection responsibilities, must be able to select the position on the flight deck of an aircraft where the activities of the crewmembers may best be observed. While such an inspector might displace an assigned crewmember, the inspector would not displace a required crewmember, or adversely affect safety. The current rule requires the forward observer's seat to be made available for use by the inspector, whereas the proposal would allow flexibility in the selection of the observer's seat during en route inspections. Accordingly, proposed § 121.581 is adopted without substantive change.

AMENDMENT TO § 121.601

This amendment was not a part of the Operations Review, but was discussed in Amendment 121-134 adopted on May 19, 1977 (42 FR 27542, May 31, 1977). The amendment to § 121.601 is in response to an Air Transport Association (ATA) petition dated November 1, 1977, and an amendment to that petition dated December 8, 1977.

ATA's petition stated that if § 121.601(b) was interpreted literally, the dispatcher would be required to provide the pilot in command with all available weather reports and forecasts and that this would deluge the pilot in command with unnecessary information. ATA also stated that the preamble to FAR Amendment 121-134 indicated the FAA's intent of the rule by stating "that only the information which may affect safety of flight must be furnished to the pilot in command."

The FAA agrees with the petitioner. The intent of this amendment was to require only that weather information which is pertinent to flight operations be furnished to flight crews by the dispatcher. The phrase intended to accomplish that purpose but which was inadvertently omitted in the amendment to § 121.601(b) was "that may affect the safety of flight". Accordingly, § 121.601(b) is amended by inserting the phrase "that may affect the safety of flight" after the phrase "of weather phenomena."

Proposal 5-18. No unfavorable comments were received on the proposed deleting and reserving § 121.633. Accordingly, the proposal is adopted without substantive change.

Proposal 5-19. No unfavorable comments were received on proposed § 121.635. Accordingly, the proposal is adopted without substantive change.

Proposal 5-20. No unfavorable comments were received on proposed § 121.645. Accordingly, the proposal is adopted without substantive change.

Proposal 5-21. No unfavorable comments were received on proposed § 121.657. Accordingly, the proposal is adopted without substantive change.

Proposal 5-22. No unfavorable comments were received on proposed § 121.683(c). Accordingly, the proposal is adopted without substantive change.

DRAFTING INFORMATION

The principal authors in this document are W. J. Biron, Flight Standards Service, and R. B. Elwell, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENTS

Accordingly, Part 121 of the Federal Aviation Regulations (14 CFR Part 121) is amended as follows, effective June 26, 1978.

§ 121.3 [Amended]

By amending § 121.3 as follows:

1. In paragraph (a) by inserting "and (h)" between "(b)" and "of".
2. In paragraph (c) by inserting "and (h)" between "(d)" and "of".
3. In paragraph (e) by deleting "(a) or (c)" and inserting "(a), (c), or (h)".

5-1. By revising the introductory clause of § 121.383(a) to read as follows:

§ 121.383 Airman: limitations on use of service.

(a) No certificate holder may use any person as an airman nor may any person serve as an airman unless that person—

- 5-2. By amending § 121.409 by: (a) Deleting the word "and" at the end of paragraph (b)(2) and substituting the word "or"; (b) redesignating paragraph (b)(3) as (b)(4); and (c) adding a new paragraph (b)(3) to read as follows:

§ 121.409 Training courses using airplane simulators and other training devices.

- (b) . . .
- (3) Provides line-oriented training that—
 - (i) Utilizes a complete flight crew;
 - (ii) Includes at least the maneuvers and procedures (abnormal and emergency) that may be expected in line operations;

(iii) Is representative of the flight segment appropriate to the operations being conducted by the certificate holder; and

5-3. By amending § 121.417 by: (a) At the end of paragraph (b)(2)(ii) by deleting the "and"; (b) at the end of paragraph (b)(2)(iii) by deleting the "." and adding "; and"; (c) amending paragraph (b)(3)(ii); (d) adding new paragraphs (b)(2)(iv), and (b)(4); and (e) revising paragraph (c), to read as follows:

§ 121.417 Crewmember emergency training.

- (b) . . .
- (2) . . .
- (iv) Emergency exits in the emergency mode with the evacuation slide/raft pack attached (if applicable), with training emphasis on the operation of the exits under adverse conditions.

(3) . . .

(ii) Fire in flight or on the surface, and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas including all galleys, service centers, lifts, lavatories and movie screens;

(4) Review and discussion of previous aircraft accidents and incidents pertaining to actual emergency situations.

(c) Each crewmember must perform at least the following emergency drills and actually operate the following emergency equipment during initial training and once each 24 calendar months during recurrent training on each type aircraft in which they are to serve, except that during recurrent training each crewmember may participate in the deployment and use of emergency evacuation slides. Alternate recurrent training periods required by § 121.433(c) may be accomplished by approved pictorial presentation or demonstration:

- (1) Each type of emergency exit in the normal and emergency modes, including the actions and forces required in the deployment and use of emergency evacuation slides.
- (2) Each type of fire extinguisher.
- (3) Each type of emergency oxygen system.
- (4) Emergency evacuation.
- (5) Donning, use, and inflation of individual flotation means, if applicable.
- (6) Ditching, if applicable, including but not limited to, as appropriate:
 - (i) Cockpit preparation and procedures.
 - (ii) Crew coordination.
 - (iii) Passenger briefing and cabin preparation.

(iv) Donning and inflation of life preservers.

(v) Removal from the airplane and inflation of each type of life raft.

(vi) Transfer of each type of slide/raft pack from one door to another.

(vii) Deployment, inflation and detachment from the aircraft of each type of slide/raft pack.

(viii) Use of life-lines.

(ix) Boarding of passengers and crew into a raft or a slide/raft pack.

5-4. By amending § 121.425(a)(2) by adding a flush paragraph at the end of it to read as follows:

§ 121.425 Flight engineers: initial and transition flight training.

- (a) . . .
- (2) . . .
- (iii) . . .

Flight engineers possessing a commercial pilot certificate with an instrument, category and class rating, or pilots already qualified as second in command and reverting to flight engineer, may complete the entire flight check in an approved airplane simulator.

5-5. By revising the introductory text of § 121.427(d)(1) to read as follows:

§ 121.427 Recurrent training.

(d) . . .

(1) For pilots, flight training in maneuvers and procedures set forth in Appendix F to this Part, or in a flight training program approved by the Administrator, except as follows—

5-6. By revising § 121.427(d)(2)(ii) to read as follows:

§ 121.427 Recurrent training.

- (d) . . .
- (2) . . .

(ii) The flight check, other than the preflight inspection, may be conducted in an airplane simulator or other training device. The preflight inspection may be conducted in an airplane, or by using an approved pictorial means that realistically portrays the location and detail or preflight inspection items and provides for the portrayal of abnormal conditions. Satisfactory completion of an approved line-oriented simulator training program may be substituted for the flight check.

5-7. By amending § 121.433(a) and adding a new paragraph (c) to read as follows:

§ 121.433a Training requirements: handling and carriage of dangerous articles and magnetized materials.

(a) No certificate holder may use any person to perform and no person may perform, any assigned duties and responsibilities for the handling or carriage of dangerous articles and magnetized materials governed by Title 49 CFR, unless within the preceding 12 calendar months that person has satisfactorily completed training in a program established and approved under this subpart which includes instructions regarding the proper packaging, marking, labeling, and documentation of dangerous articles and magnetized materials, as required by Title 49 CFR and instructions regarding their compatibility, loading, storage, and handling characteristics. A person who satisfactorily completes training in the calendar month before, or the calendar month after, the month in which it becomes due, is considered to have taken that training during the month it became due.

(c) A certificate holder operating in a foreign country where the loading and unloading of aircraft must be performed by personnel of the foreign country, may use personnel not meeting the requirements of paragraphs (a) and (b) of this section if they are supervised by a person qualified under paragraphs (a) and (b) of this section to supervise the loading, offloading and handling of hazardous materials.

5-8. By revising § 121.434(e) to read as follows:

§ 121.434 Operating experience.

(e) A flight attendant must, for at least 5 hours, perform the assigned duties of a flight attendant under the supervision of a flight attendant supervisor qualified under this part who personally observes the performance of these duties. However, operating experience is not required for a flight attendant who has previously acquired such experience on any large passenger carrying airplane of the same group, if the certificate holder shows that the flight attendant has received sufficient ground training for the airplane in which the flight attendant is to serve. Flight attendants receiving operating experience may not be assigned as a required crewmember.

5-9. By revising § 121.437(b) to read as follows:

§ 121.437 Pilot qualification: certificates required.

(b) No certificate holder may use nor may any pilot act as a pilot in a capacity other than those specified in paragraph (a) of this section unless the pilot holds at least a commercial pilot certificate with appropriate category and class ratings for the aircraft concerned, and an instrument rating.

5-10. By revising § 121.439 to read as follows:

§ 121.439 Pilot qualification: recent experience.

(a) No certificate holder may use any person nor may any person serve as a required pilot flight crewmember, unless within the preceding 90 days, that person has made at least three takeoffs and landings in the type airplane in which that person is to serve. The takeoffs and landings required by this paragraph may be performed in a visual simulator approved under § 121.407 to include takeoff and landing maneuvers.

(b) A required pilot flight crewmember who has not met the requirements of paragraph (a) of this section, may reestablish recency of experience by making at least three takeoffs and landings under the supervision of a check airman, in accordance with the following:

(1) At least one takeoff must be made with a simulated failure of the most critical powerplant.

(2) At least one landing must be made from an ILS approach to the lowest ILS minimums authorized for the certificate holder.

(3) At least one landing must be made to a complete stop.

(c) A required pilot flight crewmember who performs the maneuvers prescribed in paragraph (b) of this section in a visual simulator must—

(1) Have previously logged 100 hours of flight time in the same type airplane in which he is to serve;

(2) Be currently qualified in another airplane of the same group; and

(3) Be observed on the first two landings made in operations under this part by an approved check airman who acts as pilot in command and occupies a pilot seat. The landings must be made in weather minimums that are not less than those contained in the certificate holder's operations specifications for Category I Operations, and must be made within 45 days following completion of simulator training.

(d) A check airman who observes the takeoffs and landings prescribed in paragraphs (b) and (c)(3) of this section, shall certify that the person being observed is proficient and qualified to perform flight duty in operations under this part, and may require

any additional maneuvers that are determined necessary to make this certifying statement.

5-11. By revising § 121.441 (a)(2) and (d)(3) to read as follows:

§ 121.441 Proficiency checks.

(a) * * *

(2) For all other pilots—

(i) Within the preceding 24 calendar months either a proficiency check or the line-oriented simulator training course under § 121.409; and

(ii) Within the preceding 12 calendar months, either a proficiency check or any simulator training course under § 121.409.

(d) * * *

(3) The pilot being checked is currently qualified for operations under this part in the particular type airplane and flight crewmember position or has, within the preceding six calendar months, satisfactorily completed an approved training program for the particular type airplane.

5-12. By revising § 121.543 to read as follows:

§ 121.543 Flight crewmembers at controls.

(a) Except as provided in paragraph (b) of this section, each required flight crewmember on flight deck duty must remain at the assigned duty station with seat belt fastened while the aircraft is taking off or landing, and while it is en route.

(b) A required flight crewmember may leave the assigned duty station—

(1) If the crewmember's absence is necessary for the performance of duties in connection with the operation of the aircraft;

(2) If the crewmember's absence is in connection with physiological needs; or

(3) If the crewmember is taking a rest period, and relief is provided—

(i) In the case of the assigned pilot in command, by a pilot qualified to act as pilot in command who holds an airline transport certificate and an appropriate type rating; and

(ii) In the case of the assigned second in command, by a pilot qualified to act as second in command of that aircraft during en route operations. However, the relief pilot need not meet the recent experience requirements of § 121.439(b).

5-13. By revising the introductory paragraph of § 121.545 to read as follows:

§ 121.545 Manipulation of controls.

No pilot in command may allow any person to manipulate the controls of an aircraft during flight nor may any

person manipulate the controls during flight unless that person is—

5-14. By revising § 121.571(a)(1)(iii), and adding new § 121.571(a)(1)(iv) to read as follows:

§ 121.571 Briefing passengers before takeoff.

(a) * * *

(1) * * *

(iii) The use of safety belts including instructions on how to fasten and unfasten the safety belt.

(iv) The location and use of any required emergency flotation means.

5-15. By revising § 121.573(a) to read as follows:

§ 121.573 Briefing passengers: extended overwater operations.

(a) In addition to the oral briefing required by § 121.571(a), each certificate holder operating an airplane in extended overwater operations shall ensure that all passengers are orally briefed by the appropriate crewmember on the location and operation of life preservers, life rafts, and other flotation means, including a demonstration of the method of donning and inflating a life preserver.

5-16. By revising § 121.576 to read as follows:

§ 121.576 Retention of items of mass in passenger and crew compartments.

The certificate holder must provide and use means to prevent each item of galley equipment and each serving cart, when not in use, and each item of crew baggage, which is carried in a passenger or crew compartment from becoming a hazard by shifting under the appropriate load factors corresponding to the emergency landing conditions under which the airplane was type certificated.

§ 121.581 [Amended]

5-17. By amending § 121.581 as follows:

a. By deleting from the heading the words "air carriers".

b. By amending paragraph (a) by deleting the words "air carrier" in the first sentence, and inserting "certificate holder" and by deleting the words "air transportation" and inserting "air commerce."

c. By amending paragraph (b) by deleting the words "must be made available to the Administrator" and substituting the words "or the observer's seat selected by the Administrator must be made available when complying with paragraph (a) of this section".

§ 121.601 [Amended]

By amending § 121.601(b) by inserting the phrase "that may affect the safety of flight" after the phrase "of weather phenomena".

§ 121.633 [Reserved]

5-18. By deleting and reserving § 121.633.

5-19. By revising § 121.635 to read as follows:

§ 121.635 Dispatch to and from refueling or provisional airports: domestic and flag air carriers.

No person may dispatch an airplane to or from a refueling or provisional airport except in accordance with the requirements of this part applicable to dispatch from regular airports and unless that airport meets the requirements of this part applicable to regular airports.

5-20. By amending § 121.645 by—

a. Redesignating paragraphs (b), (c), and (d) as (c), (d), and (e) respectively;

b. Revising paragraph (a); and

c. Adding a new paragraph (b) to read as follows:

§ 121.645 Fuel supply: turbine-engine powered airplanes, other than turbo-propeller: flag and supplemental air carriers and commercial operators.

(a) Any flag air carrier operation

within the 48 contiguous United States and the District of Columbia may use the fuel requirements of § 121.639.

(b) For any flag air carrier, supplemental air carrier, or commercial operator operation outside the 48 contiguous United States and the District of Columbia, unless authorized by the Administrator in the operations specifications, no person may release for flight or take off a turbine-engine powered airplane (other than a turbo-propeller powered airplane) unless, considering wind and other weather conditions expected, it has enough fuel—

(1) To fly to and land at the airport to which it is released;

(2) After that, to fly for a period of 10 percent of the total time required to fly from the airport of departure to, and land at, the airport to which it was released;

(3) After that, to fly to and land at the most distant alternate airport specified in the flight release, if an alternate is required; and

(4) After that, to fly for 30 minutes at holding speed at 1,500 feet above the alternate airport (or the destination airport if no alternate is required) under standard temperature conditions.

§ 121.657 [Amended]

5-21. a. By amending § 121.657(c) by deleting the second and third sentences from this paragraph.

b. By amending § 121.657(d) by deleting the words "domestic and supplemental air carriers and commercial operators" from the heading.

5-22. By adding a new paragraph (c) to § 121.683 to read as follows:

§ 121.683 Crewmember and dispatcher record.

(c) Computer record systems approved by the Administrator may be used in complying with the requirements of paragraph (a) of this section.

(Secs. 313, 314, 601 through 610, Federal Aviation Act of 1958 (49 U.S.C. 1354, 1355, 1421 through 1430); Sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement Under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 15, 1978.

LANGHORNE BOND,
Administrator.

(FR Doc. 78-14592 Filed 5-24-78; 8:45 am)

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Parts 121 and 123]

(Docket No. 17669; Notice 78-3A)

DOMESTIC, FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT; AIR TRAVEL CLUBS USING LARGE AIRPLANES

Flight Crewmember Flight and Duty Time Limitations and Rest Requirements; Extension of Comment Period

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice extending comment period.

SUMMARY: This notice extends the period for submission of initial comments relating to Notice No. 78-3 by 45 days. In addition, interested persons will have another 30 days in which to reply to any comment contained in the public docket. Since the proposals contained in Notice No. 78-3 present important questions relating to safety, economic impact and regulatory reform, the agency believes it is in the public interest to encourage commenters to undertake a thorough review of these proposals.

DATES: Initial comments must be received on or before July 14, 1978. Reply comments must be received on or before August 15, 1978.

ADDRESS: Send comments on the proposals in duplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attn.: Rules Docket (AGC-24), Docket No. 17669, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

Donald A. Schroeder, Safety Regulations Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-755-8715.

SUPPLEMENTARY INFORMATION:

The Federal Aviation Administration (FAA) proposed in Notice No. 78-3, published in the FEDERAL REGISTER on February 27, 1978 (43 FR 8070), to amend certain provisions of Parts 121 and 123 of the Federal Aviation Regulations (FARs) to revise the flight and duty time limitations and rest requirements for flight crewmembers used by domestic, flag, and supplemental air carriers, commercial operators and air travel clubs using large aircraft.

By letter dated April 21, 1978, the National Air Carrier Association, Inc. (NACA) requested a 60 day extension of the date (May 30, 1978) provided in Notice No. 78-3 for the submission of comments. NACA stated that the supplemental air carriers it represents are extremely concerned over the changes proposed by these rules and are preparing a detailed analysis of the impact this would have upon their operations. Accordingly, more time was requested to complete the analysis than that allowed by the notice.

The proposals contained in Notice No. 78-3 present important questions relating to safety, economic impact and regulatory reform and require considerable analysis on the part of those submitting comments. In light of these reasons, the agency believes it is in the public interest to encourage interested persons to undertake a thorough review of these proposals and that good cause exists for extend-

ing the initial comment period by 45 days. Accordingly, initial comments must be received by July 14, 1978.

For the same reasons, the FAA believes it would be in the public interest if an additional 30 days was allowed for the submission of reply comments. By subjecting initial comments to further public analysis, the agency will be in a better position to formulate final rules which are realistic, clear and easy to administer and enforce.

Accordingly, reply comments must be received by August 15, 1978. Although the agency will consider any reply comment submitted on or before August 15, 1978, only those comments which specifically respond to other comments will be considered after July 14, 1978.

DRAFTING INFORMATION

The principal authors of this document are W. J. Biron, Flight Standards Service, and Marshall S. Filler, Office of the Chief Counsel.

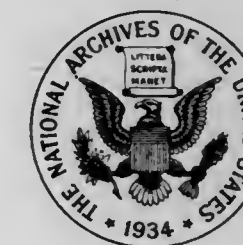
(Secs. 313(a), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1424), sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)) and sec. 11.29(c) of the Federal Aviation Regulations (14 CFR sec. 11.29(c)).)

NOTE:—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 23, 1978.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc. 78-14759 Filed 5-24-78; 8:45 am]

THURSDAY, MAY 25, 1978
PART VIDEPARTMENT OF
TRANSPORTATION

Coast Guard

Second Class Operator
of Uninspected Towing
Vessels

Proposed Licensing Requirements

Proposed

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DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 10]

[CGD 77-204]

SECOND CLASS OPERATOR OF UNINSPECTED TOWING VESSELS

Proposed Licensing Requirements

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: The Coast Guard is proposing to amend the regulations governing licensing requirements for a second class operator of uninspected towing vessels. Present regulations do not provide for service on vessels other than towing vessels to be creditable toward qualifying for a license as second class operator. This proposed amendment will increase the availability of second class operators for towing vessels by providing for additional methods of meeting the experience requirements.

DATES: Comments must be received on or before: July 9, 1978.

ADDRESSES: Comments should be submitted to Commandant (G-CMC/81), (CGD 77-204), U.S. Coast Guard, Washington, D.C. 20590. Comments will be available for examination at the Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street, SW., Washington, D.C. 20590.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Geiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each comment should include the name and address of the person submitting the comment, reference the docket number (CGD 77-

PROPOSED RULES

22653

204), identify the specific section of the proposal to which each comment applies, and include sufficient detail to indicate the basis on which each comment is made. All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned but one may be held at a time and place to be set in a later notice in the FEDERAL REGISTER if requested in writing by an interested person raising a genuine issue and desiring to comment orally at a public hearing.

DRAFTING INFORMATION

The principal persons involved in drafting this proposal are: Lieutenant Commander James R. Norman, Project Manager, Office of Merchant Marine Safety, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The regulations in 46 CFR 10.16-23 do not provide for service on vessels other than towing vessels to be creditable toward qualifying an applicant for a license as second class operator of uninspected towing vessels. However, the applicant's overall service and training on all classes of vessels should be taken into consideration for at least part of the qualification requirements for a license as second class operator of uninspected towing vessels.

The proposed regulations will allow an applicant's overall service to be used for qualification if the applicant has obtained a level of qualification as "Able Seaman-Any Waters-Unlimited". This will permit an applicant who has experience on large ocean-going vessels to qualify for a license as Second Class Operator of Uninspected Towing Vessels based on less service on towing vessels than would be required if the applicant had no previous experience. In addition, a Coast Guard approved training course for towboat operator will be acceptable in lieu of part of the required service on towing vessels.

This proposal has been reviewed under the Department of Transporta-

tion's "Policies and Procedures for Simplification, Analysis, and Review of Regulations" (43 FR 9582, March 8, 1978). A draft evaluation of the proposal has been prepared, and has been included in the public docket.

In consideration of the foregoing, it is proposed that part 10 of Title 46 of the Code of Federal Regulations be amended as follows:

By revising § 10.16-23 to read:

§ 10.16-23 Eligibility requirements: second-class operator.

To be eligible for a license as second-class operator of uninspected towing vessels, a person must be at least 19 years of age, and—

(a) Have at least 18 months' service on deck on a towing vessel that includes—

(1) Training or duty in the wheelhouse; and

(2) Three months' service in each particular geographic area for which an endorsement is applied for; or

(b) While holding a merchant mariner's document endorsed as "Able Seaman-Any Waters-Unlimited" have at least five month's service on towing vessels that includes—

(1) Three month's service on deck in each particular geographic area for which an endorsement is applied for; and

(2) Either—

(i) Two months training or duty in the wheelhouse; or

(ii) One month training or duty in the wheelhouse, and successfully complete a towboat operator course of training approved by the Commandant under Subpart 10.30.

(Pub. L. 92-339, sec. 1, 86 Stat. 423 (46 U.S.C. 405(b); Sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(n)(3)).

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: May 17, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-14691 Filed 5-24-78; 8:45 am]

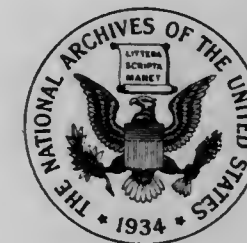
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THURSDAY, MAY 25, 1978
PART VII



DEPARTMENT OF TRANSPORTATION

Coast Guard

WRITTEN WARNINGS
BY COAST GUARD
BOARDING OFFICERS

General Provisions

revised order

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[4910-14]

Title 33—Navigation and Navigable Waters

**CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION**

[CGD 77-182]

PART 1—GENERAL PROVISIONS

**Written Warnings By Coast Guard
Boarding Officers**

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is amending its regulations relating to written Warnings by Coast Guard Boarding Officers, to authorize the issuance of written warnings for violations of marine sanitation device (MSD) regulations. The intended effect of this amendment is to add emphasis to the educational rather than the punitive nature of the Coast Guard's enforcement posture regarding the MSD regulation. Also, this amendment will provide that each written warning issued for such violations be maintained on file for a period of three (3) years.

EFFECTIVE DATE: This amendment is effective on May 25, 1978.

**FOR FURTHER INFORMATION
CONTACT:**

Captain George K. Greiner, Marine Safety Council (G-CMC/81) Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Since this amendment relates solely to agency policy and procedure it is exempt from the notice and public comment requirements of 5 U.S.C. 553(b). Under the provisions of 5 U.S.C. 553(d), this rule may be made effective in less than 30 days.

DRAFTING INFORMATION

The principal persons involved in drafting this rule are: Lieutenant (junior grade) M. L. Welsh, Project Manager, Office of Boating Safety, and Lieutenant G. S. Karavitis, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF RULE

Since the promulgation of Federal standards of performance for MSD's on 29 January 1976 and the implementing regulations on 12 April 1976, there have been numerous inquiries from the public regarding the requirements. These are indicative of the confusion over the applicability, effective

RULES AND REGULATIONS

22657

dates, and scope of the regulations. The publication of a pamphlet, CG-485, several magazine articles, and responses to inquiries have served to clear up much of the confusion, but it is expected that the actual enforcement of the new regulations will be the most effective educational tool. This warning procedure is being adopted because Coast Guard enforcement policy is tempered by an understanding of the problems being encountered by the boating public.

The Coast Guard's current policy permits the issuance of written warnings for certain violations of the Coast Guard boating laws and regulations. These warnings are issued by the boarding officers who discover the violations. The issuance of a written warning, as opposed to an action for the assessment of a monetary penalty, has been determined to be an effective way for boarding officers to handle minor boating violations that involve first offenders who indicate that any discrepancies will be quickly corrected.

There is a specific list of violations for which a warning may be issued. This amendment will extend that list to include 33 CFR 159, marine sanitation devices. It will authorize written warnings to be issued to operators of boats not in compliance with Federal marine sanitation device regulations when good faith in bringing about compliance is demonstrated.

The effective dates for the marine sanitation device regulations span from 30 January 1977 for "new" vessels to 30 January 1980 for "existing" vessels. This, coupled with the increased demand for Coast Guard certified MSD's which has created backlogs in some areas, has resulted in a need to maintain records for a long enough period of time to monitor trends. By retaining these written warnings on file for 3 years rather than the one year holding period for other violations, operator compliance rates and the progress of industry in making devices available may be monitored.

In consideration of the foregoing, § 1.08-1 paragraph (a) of Title 33, Code of Federal Regulations is amended by adding at the end thereof, the following:

§ 1.08-1 Applicability.

(a) . . .

(9) 33 CFR 159 marine sanitation devices.

Also § 1.08-5 of Title 33, Code of Federal Regulations is amended to read as follows:

§ 1.08-5 Procedures.

.

(c) Each district office maintains a record of each written warning issued within that district for a period of not more than one year after date of issue except in cases involving violations of 33 CFR 159 marine sanitation devices, records of which are maintained by each district office for not more than three years after date of issue.

(d) The district commander of the district in which the warning is issued may rescind a written warning and institute civil penalty action under § 1.07-9 of this Part if a record check discloses a prior written warning or violation issued within one year or in the case of a violation of 33 CFR 159 a prior written warning or violation issued within three years.

(e) Within 15 days after the date of issue, any person issued a written warning by a Coast Guard boarding officer may appeal the issuance of the warning to the district commander by providing in writing or in person any information that denies, explains, or mitigates the violations noted in the warning.

(f) Each written warning shall indicate that—

(1) The warning is kept on file for a period of not more than one year after date of issue or in the case of a violation of 33 CFR 159 a period of not more than three years for reference in determining appropriate penalty action if there is a subsequent violation;

(2) If a record check reveals a prior written warning or violation within the time period designated in § 1.08-5(d) of this Part, the warning may be revoked and civil penalty action instituted;

(3) If an additional violation occurs within the time period designated in § 1.08-5(d) the warning may be used as a basis for the assessment of a higher penalty for the subsequent violation; and

(4) Within 15 days after the date of issue, the person who is issued the warning may appeal to the District Commander by providing in writing or in person any information or material that denies, explains, or mitigates the violations noted in the warning.

(14 U.S.C. 633; 85 Stat. 228 (46 U.S.C. 1488); 86 Stat. 871 (33 U.S.C. 1322); 49 CFR 1.46 (b), (m), and (n)(1)).

NOTE:—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

Dated: May 11, 1978.

O. W. SILER,
Admiral, U.S. Coast Guard
Commandant.

[FR Doc. 78-14692 Filed 5-24-78; 8:45 am]

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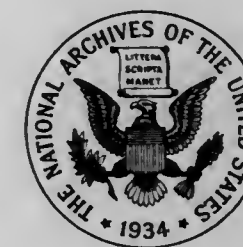
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THURSDAY, MAY 25, 1978
PART VIII



DEPARTMENT OF
AGRICULTURE

Agricultural Marketing
Service

■

AVOCADOS

Quality and Maturity
Requirements; Import Regulations

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Avocado Reg. 20]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Quality and Maturity Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Avocado Regulation 20 prescribes during the period May 29, 1978, through April 30, 1979, minimum quality and maturity requirements for the handling of fresh avocados grown in South Florida. Avocados shipped to destinations outside the production area shall grade at least U.S. No. 3 and individual fruit for specified types of avocados must be at least the prescribed minimum weights or diameters by specified dates (maturity requirements). Avocados shipped to destinations within the production area are exempted from all grade requirements, if packed in containers other than those authorized for shipments outside such area, but such avocados must meet maturity requirements. The requirements are issued in the interest of producers and consumers and are designed to keep immature and defective fruit off the market. Immature avocados will not ripen satisfactorily and would be unacceptable in taste.

EFFECTIVE DATE: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On April 28, 1978, notice of proposed rulemaking was published in the FEDERAL REGISTER (43 FR 18182), regarding a proposed regulation to be made

effective on May 29, 1978, pursuant to the marketing agreement and Order No. 915, both as amended (7 CFR part 915), regulating the handling of avocados grown in South Florida. The proposed regulation was recommended by the Avocado Administrative Committee, established pursuant to the marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The notice allowed interested persons until May 15, 1978, to submit written comments in connection with the proposed regulation. None were received.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Avocado Administrative Committee, and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The regulation is based upon an appraisal of current and prospective crop and market conditions. Total 1978-79 season fresh shipments of Florida avocados is estimated at 800,000 bushels as compared with fresh shipments of about 411,000 bushels during the 1977-78 season. The regulation is designed to assure shipment of fruit of acceptable quality and maturity in the interest of consumers and producers consistent with the objectives of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give further notice and postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinafter set forth in that: (1) shipments of the current crop of avocados are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the

act; (2) the recommendations upon which this regulation is based were developed by the committee at an open meeting on April 5, 1978, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed regulation for Florida avocados was published in the FEDERAL REGISTER (43 FR 18182) and no objections thereto were received; and (4) the regulation herein specified is the same as the proposed regulation.

The regulation as proposed in the FEDERAL REGISTER issue of April 28, 1978 (FR Doc. 78-11468; 43 FR 18182), is hereby adopted as set forth below.

(Secs. 1-19, 48 Stat. 31, as amended (7 U.S.C. 601-674).)

Dated, May 23, 1978, to become effective May 29, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

§ 915.320 Avocado Regulation 20.

(a) Order. During the period May 29, 1978, through April 30, 1979, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided*, That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR part 915), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective date of this regulation, except as otherwise provided in subparagraphs (10) and (11) of this paragraph, no avocados of the varieties listed in column 1 of the following table I shall be handled prior to the date listed for the respective variety in column 2 of such table, and thereafter each such variety shall be handled only in conformance with subparagraphs (3), (4), (5), (6), (7), (8), and (9) hereof.

TABLE I

Variety	Date	Minimum Weight or Diameter	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Konei	5-29-78	16 oz.	6-12-78	13 oz.	6-26-78		
Arue	5-29-78	16 oz.	6-12-78	14 oz.	7-17-78		
Roland 2-2	6-12-78	22 oz.	6-26-78	20 oz.	7-17-78		
J. M. Foropat	6-19-78	20 oz.	6-26-78	18 oz.	7-17-78	16 oz.	7-31-78
Fuchs	6-19-78	14 oz.	7-3-78	12 oz.	7-17-78		
K-5	6-26-78	18 oz.	7-10-78	14 oz.	7-24-78		
Dr. DuPuis #2	6-19-78	16 oz.	7-3-78	14 oz.	7-17-78	12 oz.	7-31-78
Hardee	7-3-78	16 oz.	7-10-78	14 oz.	7-31-78		
Pollock	7-3-78	18 oz.	7-17-78	16 oz.	7-31-78		
Simmonds	7-3-78	16 oz.	7-17-78	14 oz.	7-31-78		
Madir	7-3-78	14 oz.	7-17-78	12 oz.	7-17-78	10 oz.	7-31-78
Katherine	7-3-78	16 oz.	7-17-78	14 oz.	7-31-78		
Helle	7-3-78	20 oz.	7-17-78	16 oz.	7-31-78		
Ruehle	7-17-78	18 oz.	7-24-78	16 oz.	7-31-78		
Ruehle (Continued)							
Alpha	7-24-78	16 oz.	8-16-78				
Donnie	7-10-78	16 oz.	7-24-78	14 oz.	8-21-78		

TABLE I (Continued)

Variety	Date	Minimum Weight or Diameter	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Dawn	7-17-78	12 oz.	7-31-78	10 oz.	8-16-78		
Webb 2	7-17-78	18 oz.	7-31-78	16 oz.	8-16-78		
Blondo	7-24-78	13 oz.	8-28-78				
Cash	7-17-78	16 oz.	10-2-78				
Peterson	7-24-78	14 oz.	8-7-78	10 oz.	8-21-78		
232	7-31-78	14 oz.	8-14-78	12 oz.	8-28-78		
Gretchen	7-31-78	14 oz.	8-14-78	12 oz.	8-28-78		
Trapp	7-31-78	14 oz.	8-14-78	12 oz.	8-28-78		
B&B	7-31-78	16 oz.	9-4-78				
Waldin	8-16-78	16 oz.	8-28-78	14 oz.	9-11-78	12 oz.	9-25-78
Pinelli	7-31-78	18 oz.	8-14-78	16 oz.	8-28-78		
Miguel	7-31-78	22 oz.	8-16-78	20 oz.	8-28-78	18 oz.	9-11-78
Nesbitt	7-31-78	22 oz.	8-16-78	18 oz.	8-21-78	16 oz.	9-4-78
Bata	8-16-78	18 oz.	8-21-78	16 oz.	9-11-78		
K-9	8-16-78	16 oz.	9-4-78				
Corham	8-16-78	20 oz.	8-28-78	18 oz.	9-11-78		
Tower 2	8-16-78	14 oz.	8-28-78	12 oz.	9-18-78		

TABLE 1 (Continued)

Variety	Date	Minimum Weight or Diameter	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Vaca	10-2-78	16 oz.	3-9/16 in.	10-23-78			
Sherman	10-2-78	16 oz.	10-16-78	14 oz.	10-30-78	10 oz.	11-20-78
Marcus	9-18-78	32 oz.	4-12/16 in.	24 oz.	11-13-78		
Booth 10	10-9-78	16 oz.	11-4-78				
Booth 7	9-11-78	18 oz.	3-10/16 in.	9-23-78	16 oz.	10-9-78	14 oz.
Avon	10-9-78	15 oz.	3-11/16 in.	10-30-78			
Booth 11	10-9-78	16 oz.	3-12/16 in.	10-30-78			
Leona	10-9-78	18 oz.	3-10/16 in.	10-23-78			
Winalowson	10-9-78	18 oz.	3-14/16 in.	10-30-78			
Nelson	10-9-78	14 oz.	10-23-78	12 oz.	11-4-78	10 oz.	11-27-78
Hall	10-9-78	26 oz.	3-8/16 in.	10-23-78	20 oz.	11-4-78	18 oz.
Lula	10-16-78	18 oz.	3-14/16 in.	10-30-78	14 oz.	11-13-78	12 oz.
Choquette	10-2-78	24 oz.	3-11/16 in.	10-16-78	20 oz.	10-30-78	16 oz.
Monroe	11-13-78	24 oz.	4-1/16 in.	11-27-78	20 oz.	12-11-78	16 oz.
Herman	10-16-78	16 oz.	3-9/16 in.	10-30-78	14 oz.	11-13-78	12-25-78

TABLE 1 (Continued)

Variety	Date	Minimum Weight or Diameter	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Shula	8-14-78	22 oz.	9-4-78				
Tennage	8-14-78	16 oz.	8-28-78	14 oz.	9-4-78	12 oz.	9-11-78
Fairchild	8-28-78	16 oz.	9-11-78	14 oz.	9-23-78	12 oz.	10-2-78
Meady	8-28-78	18 oz.	9-11-78	16 oz.	9-23-78	3-4/16 in.	
Loretta	8-28-78	28 oz.	10-9-78				
Black Prince	9-11-78	23 oz.	9-23-78	16 oz.	10-16-78		
Catalina	9-18-78	24 oz.	9-11-78	22 oz.	10-2-78		
Cronka	9-11-78	22 oz.	10-16-78				
Blair	9-11-78	16 oz.	9-23-78	14 oz.	10-16-78		
Collinson	9-23-78	16 oz.	10-23-78				
Chica	9-23-78	12 oz.	10-9-78	10 oz.	10-23-78		
Bue	9-23-78	20 oz.	10-2-78	24 oz.	10-16-78	18 oz.	10-30-78
Brooks 778	10-9-78	10 oz.	10-16-78	8 oz.	11-13-78		
Booth 5	9-18-78	14 oz.	10-2-78	12 oz.	10-16-78		
McLaren	9-23-78	12 oz.	10-9-78	10 oz.	10-23-78		
Simpson	10-2-78	16 oz.	10-23-78				

TABLE 1 (Continued)

Variety	Date	Minimum Weight or Diameter	Minimum Weight or Diameter	Date	Minimum Weight or Diameter	Date	Minimum Weight or Diameter
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Murphy	10-16-78	16 oz.	10-30-78	14 oz.	11-13-78	11 oz.	12-4-78
Alex (8-7-8)	10-23-78	18 oz.	3-14/16 in.	11-13-78			
Booth 1	11-20-78	16 oz.	12-4-78	12 oz.	12-18-78		
Booth 3	10-23-78	16 oz.	3-12/16 in.	14 oz.	11-13-78		
Taylor	10-23-78	14 oz.	11-6-78	12 oz.	11-20-78		
Dunedin	11-4-78	16 oz.	11-20-78	14 oz.	12-4-78	10 oz.	12-25-78
Byars	11-13-78	16 oz.	12-4-78				
Linda	11-13-78	18 oz.	3-12/16 in.				
Mebal	11-13-78	14 oz.	3-9/16 in.	12-4-78			
Zio	11-27-78	12 oz.	12-11-78	10 oz.	12-23-78		
Vogter	12-4-78	12 oz.	12-18-78	10 oz.	1-1-79		
Mays	12-25-78	13 oz.	3-2/16 in.	1-8-79	1-22-79		
Brooks late	1-8-79	14 oz.	1-22-79	12 oz.	2-3-79	10 oz.	2-19-79
Schmidt	12-4-78	16 oz.					
Irsanna	2-12-79	12 oz.					

(3) From the date listed for the respective variety in column 2 of table I to the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of such table or is of at least the diameter specified for such variety in said column 3;

(4) From the date listed for the respective variety in columns 4 of table I to the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table or is of at least the diameter specified for such variety in said column 5;

(5) From the date listed for the respective variety in column 6 of table I to the date listed for the respective variety in column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 7 of such table or is of at least the diameter specified for such variety in said column 7;

(6) No handler shall handle: (i) Prior to August 21, 1978, any Lisa variety avocados, (ii) during the period August 21, 1978, through August 27, 1978, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 12 ounces, or is at least 3 1/4 inches in diameter, or (iii) during the period August 28, 1978, through September 3, 1978, any Lisa variety avocados unless the individual fruit in each lot of such avocados weighs at least 11 ounces, or is at least 3 1/4 inches in diameter.

(7) No handler shall handle (i) Prior to September 11, 1978, any Booth 8 variety avocados, (ii) during the period September 11, 1978, through October 1, 1978, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 16 ounces, or is at least 3 1/4 inches in diameter, or (iii) during the period October 2, 1978, through October 15, 1978, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3 1/4 inches in diameter, or (iv) during the period October 16, 1978, through October 29, 1978, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, or is at least 3 1/4 inches in diameter.

(8) Except as otherwise provided in subparagraphs (10) and (11) of this paragraph, variety of the West Indian type of avocados not listed in table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 3, 1978.

(ii) From July 3, 1978, through July 30, 1978, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From July 31, 1978, through September 3, 1978, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From September 4, 1978, through October 1, 1978, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(9) Except as otherwise provided in subparagraphs (10) and (11) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (8) hereof shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 18, 1978.

(ii) From September 18, 1978, through October 15, 1978, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 16, 1978, through December 17, 1978, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(10) Notwithstanding the provisions of subparagraphs (2) through (9) hereof regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than two ounces less than the applicable specified weight for the particular variety as prescribed in columns 3, 5, or 7 of table I or in subparagraphs (6), (7), (8), and (9). Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(11) The provisions of subparagraphs (2) through (10) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(b) Terms used in the amended marketing order, when used herein, have the same meaning as is given to the respective term in said marketing order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida avocados (7 CFR 51.3050-51.3069).

(c) The provisions of this regulation shall become effective May 29, 1978.

[FR Doc. 78-14792 Filed 5-24-78; 11:23 am]

[3410-02]

[Avocado Reg. 26]

PART 944—FRUITS; IMPORT REGULATIONS

Avocados

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: Avocado Regulation 26 prescribes during the period May 29, 1978, through April 30, 1979, the same grade requirement for imported avocados as that applicable under Marketing Order No. 915 to avocados grown in South Florida. The maturity regulation applies the same minimum size or weight requirements to imported avocados of the Pollock, Catalina, and Trapp varieties as are applicable to Florida avocados of the same varieties. All other imported avocados are required to meet minimum size or weight requirements comparable to those for similar types grown in Florida as variations in characteristics make application of identical requirements impractical. The regulation is required by Federal law.

EFFECTIVE DATE: May 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: On April 27, 1978, notice of proposed rulemaking was published in the *FEDERAL REGISTER* (43 FR 17948) inviting written comments for consideration in connection with a proposed regulation which would establish requirements for importation of avocados into the United States, during the period May 29, 1978, through April 30, 1979, pursuant to part 944—Fruits; Import Regulations (7 CFR part 944). None were received.

It is hereby found that good cause exists for not postponing the effective time of the regulatory provisions of the regulation, as hereinafter set forth, beyond that hereinafter specified (5 U.S.C. 553) in that: (a) The requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), which makes such requirements mandatory; (b) such regulation imposes the same grade and comparable maturity requirements on imports of avocados as are being made applicable to the shipment of avocados grown in Florida under Avocado Regulation 20, which becomes effective May 29, 1978; (c) such domestic and import regulations should become effective at as near the same time as is reasonably practicable; (d) 3 days notice hereof, the minimum prescribed by said sec-

tion 8e, is given with respect to this import regulation; and (e) such notice is hereby determined, under the circumstances, to be reasonable.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the grade, size, and maturity requirements that are the same as or are comparable to those to be in effect pursuant to the said marketing order shall apply to avocados to be imported.

The regulation as proposed in the *FEDERAL REGISTER* issue of April 27, 1978 (FR Doc. 78-11467; 43 FR 17948), is hereby adopted as set forth below.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 23, 1978, to become effective May 29, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

§ 944.18 Avocado Regulation 26.

(a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period May 29, 1978, through April 30, 1979, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported: (i) Prior to July 3, 1978; (ii) from July 3, 1978 through July 16, 1978, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 1/4 inches in diameter; (iii) from July 17, 1978, through July 30, 1978, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3 1/4 inches in diameter; and (iv) from July 31, 1978, through August 13, 1978, through October 1, 1978, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 1/4 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported: (i) Prior to August 28, 1978; (ii) from August 28, 1978, through September 10, 1978, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 11, 1978, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported: (i) Prior to July 31, 1978; (ii) from July 31, 1978, through August 13, 1978, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 1/4 inches in diam-

eter; and (iii) from August 14, 1978, through August 27, 1978, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 1/4 inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported: (i) Prior to July 3, 1978; (ii) from July 3, 1978, through July 30, 1978, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from July 31, 1978, through September 3, 1978, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from September 4, 1978, through October 1, 1978, unless the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided*, That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid-type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported: (i) Prior to September 18, 1978; (ii) from September 18, 1978, through October 15, 1978, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 16, 1978, through December 17, 1978, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified and be less than the specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Quality Division, Food Safety and Quality Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Fed-

eral or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports, Office, and Advance Notice

All Texas points: Officer in Charge, P.O. Box 107, San Juan, Tex. 78589, phone 512-787-4091, or Officer in Charge, 724 East Overland, El Paso, Tex. 79905, phone 915-543-7723, 1 day.

All New York points: Officer in Charge, Room 28A, Hunts Point Market, Bronx, N.Y. 10474, phone 212-991-7688 and 7669; Officer in Charge, 176 Niagara Frontier Food, Terminal, Room 8, Buffalo, N.Y. 14206, phone 716-824-1585, 1 day.

All Arizona points: Officer in Charge, P.O. Box 1614, Nogales, Ariz. 85621, phone 602-287-2902, 1 day.

All Florida points: Officer in Charge, 1350 Northwest 12th Avenue, Room 530, Miami, Fla. 33136, phone 305-324-6116, or Officer in Charge, P.O. Box 1232, Winter Haven, Fla. 33880, phone 813-294-2089, or Officer in Charge, Unit 46, 3335 North Edgewood Avenue, Jacksonville, Fla. 32205, phone 904-354-5983, 1 day.

All California points: Officer in Charge, 784 South Central Avenue, Room 266, Los Angeles, Calif. 90021, phone 213-688-2489, 3 days.

All Louisiana points: Officer in Charge, 5027 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113, phone 504-589-6741, 1 day.

All other points: Chief, Fresh Products Branch, FVQD, FSQS, USDA, Washington, D.C. 20250, phone 202-447-5870, 3 days.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, the name of the air carrier, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby found that the application of the maturity restrictions being imposed, pursuant to Order No. 915 (7 CFR Part 915), upon avocados

grown in south Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties, is not practicable because of variations in characteristics between the domestic and imported avocados; and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties are the same as those being imposed upon the domestic commodity.

(h) No provisions of this section shall supersede the restrictions or pro-

hibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade, as used herein, shall have the same meaning as when used in the United States Standards for Florida Avocados (7 CFR 51.3050-51.3069). "Diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit. "Importation" means release from custody of the U.S. Bureau of Customs.

[FR Doc. 78-14793 Filed 5-24-78; 11:23 am]

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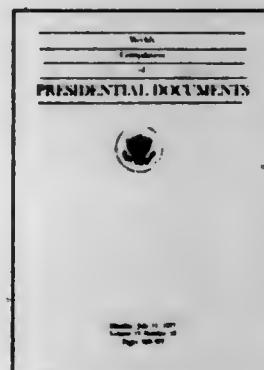
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FRIDAY, MAY 26, 1978



highlights

"THE FEDERAL REGISTER—WHAT IT IS AND HOW TO USE IT"

For workshops in Los Angeles and San Francisco, see notice on inside front cover.

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FEDERAL REGISTER WORKSHOPS

LOS ANGELES AND SAN FRANCISCO

FOR: Any person who must use the Federal Register and Code of Federal Regulations.

WHAT: Free public workshop (approximately 3 hours) to present:

1. Brief history of the Federal Register system.
2. Difference between legislation and regulations.
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5. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them, as part of the General Services Administration's efforts to encourage public participation in government actions. There will be no discussion of specific agency regulations.

LOS ANGELES

WHEN: June 21, 22, and 23, 1978, at 9 a.m.

(Each session identical.)

WHERE: Room 8544, Federal Bldg., 300 N. Los Angeles St.

RESERVATIONS: Call Evelyn Tirre, 213-688-3800.

SAN FRANCISCO

WHEN: June 21, 22, and 23, 1978, at 9 a.m.

(Each session identical.)

WHERE: Conference Rooms C and D, Environmental Protection Agency, 215 Fremont Street.

RESERVATIONS: Call Area Code 415-556-6600.

ATTENTION: For questions, corrections, or requests for information please see the list of telephone numbers appearing on opposite page.

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rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[6325-01]

Title 5—Administrative Personnel
CHAPTER I—CIVIL SERVICE
COMMISSION

PART 213—EXCEPTED SERVICE

Department of Commerce, National
Foundation on the Arts and the
Humanities

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions at the Department of Commerce, and the National Foundation on the Arts and the Humanities because they are confidential in nature.

EFFECTIVE DATES: Department of Commerce—May 8, 1978; National Foundation on the Arts and the Humanities—May 11, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3314(r)(1) is amended and 213.3382(v) is added as set out below:

§ 213.3314 Department of Commerce.

(r) *National Oceanic and Atmospheric Administration.*
(1) One Private Secretary and one Executive Assistant to the Administrator.

§ 213.3382 National Foundation on the Arts and the Humanities.

(v) One Staff Assistant to the Public Affairs Officer, National Endowment for the Humanities.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Director.

[FR Doc. 78-14519 Filed 5-25-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of the Interior, Department of Energy, Department of Housing and Urban Development

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment excepts under Schedule C certain positions in the Department of the Interior, Department of Energy, and the Department of Housing and Urban Development, because they are confidential in nature.

EFFECTIVE DATE: May 6, 1978.

FOR FURTHER INFORMATION CONTACT:

William Bohling, 202-632-4533.

Accordingly, 5 CFR 213.3312(f)(1) is added and 213.3331(c)(3) and 213.3384(b)(23) are amended to read as follows:

§ 213.3312 Department of the Interior.

(f) *Bureau of Land Management.*
(1) One Confidential Assistant to the Director.

§ 213.3331 Department of Energy.

(c) *Federal Energy Regulatory Commission.*
(3) Four Assistants to the Chairman.

§ 213.3384 Department of Housing and Urban Development.

(b) *Office of the Assistant Secretary for Housing—Federal Housing Commissioner.*
(23) Two Executive Assistants to the Assistant Secretary for Housing—Federal Housing Commissioner.

(5 U.S.C. 3301, 3302; E.O. 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to
the Commissioners.

[FR Doc. 78-14520 Filed 5-25-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE

Department of Commerce

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: The positions of Private Secretary to the Deputy Assistant Secretary for Science and Technology; and Private Secretary and Confidential Assistant to the Associate Administrator of the National Oceanic and Atmospheric Administration are excepted from the competitive service under Schedule C because they are confidential in nature.

EFFECTIVE DATE: May 17, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3314(n)(2) and (r)(10) are added as set out below:

§ 213.3314 Department of Commerce.

(n) *Office of the Assistant Secretary for Science and Technology.*
(2) One Private Secretary to the Deputy Assistant Secretary for Science and Technology.

(r) *National Oceanic and Atmospheric Administration.*
(10) One Private Secretary and Confidential Assistant to the Associate Administrator.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-14796 Filed 5-25-78; 8:45 am]

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FEDERAL REGISTER, VOL. 43, NO. 103—FRIDAY, MAY 26, 1978

[6325-01]

PART 213—EXCEPTED SERVICE**Smithsonian Institution**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment modifies the exception under Schedule B for positions of Veterinary Intern with the National Zoological Park, by increasing the number of positions covered from two to four and the grade level coverage from GS-9 to GS-8/9. These positions are excepted under Schedule B because it is not practicable to examine competitively for them.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3274(a)(1) is amended as set out below:

§ 213.3274 Smithsonian Institution.

(a) *National Zoological Park.*
(1) Four positions of Veterinary Intern, GS-8/9. Employment under this authority is not to exceed 15 months.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-14794 Filed 5-25-78; 8:45 am]

[6325-01]

PART 213—EXCEPTED SERVICE**Department of State, Department of Energy**

AGENCY: Civil Service Commission.

ACTION: Final rule.

SUMMARY: This amendment (1) excepts under Schedule C a position at the Department of State because it is confidential in nature; and (2) changes the title of a position in the Department of Energy formerly excepted under Schedule C in the Federal Power Commission. This change in title is appropriate in order to more accurately reflect the duties of the position.

EFFECTIVE DATES: Department of State—May 11, 1978; Department of Energy—May 16, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Sherwin, 202-632-4533.

Accordingly, 5 CFR 213.3304(a)(7) is added and 213.3331(c)(4) is amended as set out below:

§ 213.3304 Department of State.

(a) *Office of the Secretary.* . . .
(7) One Secretary (Stenography) to the Ambassador-at-Large, Conference on Security and Cooperation in Europe.

§ 213.3331 Department of Energy.

(c) *Federal Energy Regulatory Commission.* . . .

(4) Seven Technical Assistants to Members of the Commission.

(5 U.S.C. 3301, 3302; EO 10577, 3 CFR 1954-1958 Comp., p. 218.)

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 78-14795 Filed 5-25-78; 8:45 am]

[3410-30]

Title 7—Agriculture**CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE**

[Amdt. No. 131]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS**Food Stamp Program; Pretermination Hearings for Households Disqualified for Fraud**

AGENCY: Food and Nutrition Service, USDA.

ACTION: Final rulemaking.

SUMMARY: This rule requires State agencies to provide otherwise eligible households applying for subsequent certification with an advance notice of adverse action and an opportunity to appeal before the household can be disqualified for prior fraudulent acquisition of food stamps. If such households request fair hearings, their benefits will continue until the hearing decisions are made. This rulemaking is needed to permit uniform national application of the procedure now followed in Mississippi as the result of a recent court case.

EFFECTIVE DATE: May 22, 1978.

FOR FURTHER INFORMATION CONTACT:

William R. Tlucek, Acting Chief, State Agency Operations Branch, Food Stamp Division, 500 12th Street SW., Washington, D.C. 20250, 202-447-8360.

SUPPLEMENTAL INFORMATION:

Current Food Stamp Program Regulations require that households being disqualified within the certification period for fraudulent acquisition of food stamps be given a notice of adverse action 10 days before the scheduled termination date. Such households must also be provided an opportunity to appeal through a fair hearing before being disqualified. If the household requests a fair hearing during the 10 day advance notice period, the household can continue to receive coupons until the fair hearing decision is made, even if it is not made within the certification period. However, if the disqualification decision occurs at the time of subsequent certification, a notice of adverse action is not sent, and the State agency is not required to process the application. The household can request a fair hearing but the State agency is not required to certify the household even if it meets all eligibility requirements. The failure to provide a notice of adverse action and an opportunity for a pretermination fair hearing when the household is disqualified for fraud at the time of subsequent certification was found to be unlawful in *Williams v. Butz*, U.S.D.C., S.D. Miss., Civ. Action No. J75-24(N). This rulemaking requires State agencies to process applications for subsequent certification even if the household is to be disqualified for prior fraudulent acquisition of food stamps. In addition, the regulation specifies that a household cannot be disqualified if the food stamps were acquired because of a State agency certification error or a misunderstanding of program requirements by the household. If the household is otherwise eligible for subsequent certification (i.e., meets all financial and non-financial eligibility criteria), the household shall be certified. The household shall then be given a notice of adverse action, an opportunity for a fair hearing, and continued benefits if a hearing is requested. Any household being disqualified for fraud shall be informed in writing, either on the notice of adverse action or separately, why fraud was determined, of the period of disqualification, how the overissuance amount was determined, and of its right to a fair hearing on the amount and/or the determination of fraud.

If a household fails to request a hearing during the advance notice period and the notice period ends before the household's new certification begins, the disqualification for fraud takes effect; and no benefits are issued. However, if the notice period has not expired or the household has made a timely request for a fair hearing, the household must be provided an opportunity to purchase in the normal issuance cycle. The household's basis of issuance will be the one authorized by the application for subsequent certification. For example, a household whose certification period ends in May reapplies and, while otherwise eligible, is sent a notice of adverse action informing it of the State agency's intention to disqualify it for past fraud. If the notice period expires by the end of May and the household has not requested a hearing, no benefits are to be issued in June. If a hearing is requested or the notice period is still in effect in June, the household must receive the June issuance in the normal cycle, based on the eligibility determined and the basis of issuance authorized by the application for subsequent certification.

If the household requests a fair hearing during the advance notice period, its participation shall continue on the basis authorized by the subsequent certification until the fair hearing decision on the fraud issue is rendered. If the fair hearing decision upholds the State agency's action, the household is terminated effective the first possible monthly issuance cycle following the date the decision is rendered.

If the household is determined to be ineligible at the time of subsequent certification, the State agency issues a notice of denial explaining the denial and the household's right to a fair hearing. In addition to the information to be given any household determined to have fraudulently acquired food stamps, the State agency shall advise ineligible households of the possibility of future disqualification and that the household may request a fair hearing. The State agency must also explain in writing that the household may prefer to resolve the fraud determination immediately as the period of disqualification may take effect at the time of the next subsequent certification. However, if a fair hearing is requested, the denial of subsequent certification remains in effect, and the household is not entitled to continued benefits.

The final rule given below changes the regulations to conform with the court's ruling in the *Williams* case. However, this rule is only a provisional measure. The Food Stamp Act of 1977 (Pub. L. 95-113; September 29, 1977) mandates new fraud disqualification procedures and precludes recipients from receiving benefits after the expiration of their certification periods unless they are determined eligible for the subsequent period. When the regulations promulgating these provisions of the new Act are implemented, the amendment below will be superseded. Until such regulations are in effect, though, this rulemaking is needed to permit uniform national application of the procedure now followed in Mississippi.

(i) Prior to disqualifying an otherwise eligible household within its certification period for fraudulently acquiring food coupons, the State agency shall provide the household with a notice of adverse action, an opportunity for a fair hearing, and if a hearing is requested, continued benefits in accordance with paragraphs (n) and (o) of § 271.1 of this subchapter. The State agency shall also inform the household, either on the notice of adverse action or by a separate written statement, of the following: (a) The State agency's reasons for the determination of fraud; (b) if applicable the period of disqualification; (c) how the overissuance amount was computed

In accordance with 5 U.S.C. 553, notice of proposed rulemaking and a public comment period are found to be impracticable, unnecessary, and contrary to the public interest for the amendment set forth below. The reasons for this finding are that the rule will provide additional safeguards for participants against wrongful disqualification, will involve only minor administrative changes for State agencies and will reinforce national eligibility standards on this point.

Accordingly 7 CFR Part 271 is amended by revising § 271.7(e) as follows:

§ 271.1 Financial Liabilities of the State Agency.

(e) (1) Upon a determination of the State agency that a participating household has fraudulently obtained coupons, the State agency, on behalf of FNS, shall make demand upon such household for repayment of the value of free coupons issued to such household as a result of such fraud. Such actions shall be documented in the files of the State agency, and any funds collected as a result of such actions shall be remitted to FNS by the State agency. Demand and payment of any such amounts shall not relieve or discharge such household of any liability, either civil or criminal, for such additional amounts as may be due under any other applicable provisions of the law.

(2) (i) If the State agency finds that any eligible household has fraudulently acquired food coupons, the household may be disqualified from further program participation for a period of time determined by the State agency. To commit fraud, a household must knowingly, willfully, and with deceitful intent acquire food coupons to which it was not entitled. The State agency shall not disqualify a household which acquires food coupons as the result of a certification error by the State agency or through a misunderstanding of program requirements by the household, as defined in paragraph (f) of this section.

(ii) Prior to disqualifying an otherwise eligible household within its certification period for fraudulently acquiring food coupons, the State agency shall provide the household with a notice of adverse action, an opportunity for a fair hearing, and if a hearing is requested, continued benefits in accordance with paragraphs (n) and (o) of § 271.1 of this subchapter. The State agency shall also inform the household, either on the notice of adverse action or by a separate written statement, of the following: (a) The State agency's reasons for the determination of fraud; (b) if applicable the period of disqualification; (c) how the overissuance amount was computed

(e.g., the source, amount, and duration of unreported income); and (d) the households' right to a fair hearing.

(iii) If a decision to disqualify for fraud occurs at the time of subsequent certification, the State agency shall accept and process the application. If the household is otherwise eligible, the State agency shall certify the household and simultaneously issue a notice of adverse action in accordance with § 271.1(n) informing the household of the State's intention to disqualify it for fraud. In addition, the State agency shall inform the household, either on the notice of adverse action or by a separate written statement, of the following: (a) The State agency's reasons for the determination of fraud; (b) if applicable, the period of disqualification; (c) how the overissuance amount was computed (e.g., the source, amount and duration of unreported income); and (d) the household's right to a fair hearing. If the household to be disqualified requests a fair hearing, its participation shall be continued on the basis authorized by the subsequent certification. If the household does not make a timely request for a fair hearing, it shall be provided an opportunity to purchase in the first month of the subsequent certification period only if the notice period has not expired before the new issuance cycle begins.

(iv) If a household to be disqualified for fraud is determined ineligible when applying for subsequent certification, the State agency shall issue a notice of denial explaining the denial and the household's right to a fair hearing. The State agency shall also inform the household, either on the denial notice or by a separate written statement, of the following: (a) The State agency's reasons for the determination of fraud; (b) if applicable the period of disqualification; (c) how the overissuance amount was computed (e.g., the source, amount and duration of unreported income); (d) the household may prefer to resolve the fraud determination immediately as it may be disqualified for fraud if it becomes eligible in the future; (e) the period of disqualification may take effect at the time of the next subsequent certification. Even if an ineligible household requests a fair hearing on the denial or the fraud determination, the determination of ineligibility on the application for subsequent certification remains in effect unless it is reversed by a fair hearing decision.

(78 Stat. 703 as amended, (7 U.S.C. 2011-2026).)

NOTE.—The Food and Nutrition Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821 and OMB Circular A-107.

(Catalog of Federal Domestic Assistance Programs No. 10.551, Food Stamps).

Dated: May 22, 1978.

CAROL TUCKER FOREMAN,
Assistant Secretary.

[FR Doc. 78-14721 Filed 5-25-78; 8:45 am]

[1505-01]

PART 271—PARTICIPATION OF STATE AGENCIES AND ELIGIBLE HOUSEHOLDS

Food Stamp Program; Maximum Monthly Allowable Income Standards and Basis of Coupon Issuance: 48 States and District of Columbia, Alaska, Virgin Islands and Guam

Corrections

In FR Docs. 78-13462, 13465, 13466, and 13467 appearing in part IX of the issue for Tuesday, May 16, 1978, the following corrections should be noted:

1. In the table appearing on page 21304 in the middle and third columns at the top of the page, the heading now reading, "Maximum allowable monthly income standards," should have added to it, "48 States and District of Columbia".

2. In the table appearing on page 21309, under the heading, "8 persons" the fourth entry from the bottom now reading "2888", should read, "288".

3. In the large table appearing at the bottom of page 21310 the fourth monthly coupon allotment in the heading now reading, "\$2341", should read, "\$234".

4. In the table appearing on page 21312 the first entry under the heading of Monthly Net Income now reading "\$0 to \$19.90" should read, "\$0 to \$19.99".

[3410-02]

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; FRUITS, VEGETABLES, NUTS), DEPARTMENT OF AGRICULTURE

[Lemon Reg. 147]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

AGENCY: Agricultural Marketing Service, USDA.

RULES AND REGULATIONS

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of fresh California-Arizona lemons that may be shipped to market during the period May 28-June 3, 1978. Such action is needed to provide for orderly marketing of fresh lemons for this period due to the marketing situation confronting the lemon industry.

EFFECTIVE DATE: May 28, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Findings. Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, and upon other information, it is found that the limitation of handling of lemons, as hereafter provided, will tend to effectuate the declared policy of the act.

The committee met on May 23, 1978, to consider supply and market conditions and other factors affecting the need for regulation and recommended a quantity of lemons deemed advisable to be handled during the specified week. The committee reports the demand for lemons continues good, but is expected to ease the latter part of the week.

It is further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking, and postpone the effective date until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553), because of insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the act. Interested persons were given an opportunity to submit information and views on the regulation at an open meeting. It is necessary to effectuate the declared purposes of the act to make these regulatory provisions effective as specified, and handlers have been apprised of such provisions and the effective time.

§ 910.447 Lemon Regulation 147.

Order. (a) The quantity of lemons grown in California and Arizona which may be handled during the period May 28, 1978, through June 3, 1978, is established at 300,000 cartons.

(b) As used in this section, "handled" and "carton(s)" mean the same as defined in the marketing order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 25, 1978.

CHARLES R. BRADER
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-15056 Filed 5-25-78; 11:29 am]

[3410-07]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS AND GRANTS PRIMARILY FOR REAL ESTATE PURPOSES

[FmHA Instruction 444.1]

PART 1822—RURAL HOUSING LOANS AND GRANTS

Subpart A—Section 502 Rural Housing Loan Policies, Procedures and Authorizations

MAXIMUM ADJUSTED INCOME FOR LOW-INCOME FAMILIES, REVISED

AGENCY: Farmers Home Administration.

ACTION: Interim rule.

SUMMARY: The Farmers Home Administration (FmHA) amends its regulation regarding the maximum adjusted income for qualification as a low-income family. The intended effect of this amendment is to increase the adjusted income by an amount comparable to the increase in costs due to inflation. The action is taken so that more families will be eligible for participation as low-income families in the housing program. It is currently anticipated that these changes will be of limited duration as FmHA has under review broader changes concerning income eligibility for interest credit assistance.

EFFECTIVE DATE: May 26, 1978. Comments must be received on or before July 25, 1978.

ADDRESSES: Submit written comments to the Office of the Chief, Directives Management Branch, Farmers Home Administration, U.S. Department of Agriculture, Room 6316, Washington, D.C. 20250. All written comments made pursuant to this notice will be available for public inspection at the address given above.

FOR FURTHER INFORMATION CONTACT:

Frank Colon, 202-447-4808.

SUPPLEMENTARY INFORMATION: Exhibit C to Subpart A, Part 1822, Title 7 of the Code of Federal Regulations is amended. The maximum adjusted income for low-income families is increased as follows: from \$10,000 to \$11,200 in the contiguous States, Puerto Rico, Virgin Islands, the Trust Territory of the Pacific Islands and American Samoa; from \$15,000 to \$16,800 in Alaska; and from \$12,200 to \$13,700 in Hawaii and Guam. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts, shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. This amendment, however, is published effective on an interim basis. This action is being taken to make the program immediately available to low-income families who would not be able to afford home ownership without interest credit assistance which is granted only to families whose incomes are within such limits. Any delay in implementing this amendment would, therefore, be contrary to the public interest. Comments made pursuant to this publication will be considered in the development of the final rule. Accordingly, Exhibit C is amended to read as follows:

EXHIBIT C—MAXIMUM ADJUSTED INCOME FOR LOW-INCOME FAMILIES

State	Maximum adjusted income
Alabama.....	\$11,200
Arizona.....	11,200
Arkansas.....	11,200
California.....	11,200
Colorado.....	11,200
Connecticut.....	11,200
Delaware.....	11,200
Florida.....	11,200
Georgia.....	11,200
Idaho.....	11,200
Illinois.....	11,200
Indiana.....	11,200
Iowa.....	11,200
Kansas.....	11,200
Kentucky.....	11,200
Louisiana.....	11,200
Maine.....	11,200
Maryland.....	11,200
Massachusetts.....	11,200
Michigan.....	11,200
Minnesota.....	11,200
Mississippi.....	11,200
Missouri.....	11,200
Montana.....	11,200
Nebraska.....	11,200
Hawaii.....	13,700
Guam.....	13,700
Trust Territory of the Pacific Islands.....	11,200
American Samoa.....	11,200
Nevada.....	11,200
New Hampshire.....	11,200
New Jersey.....	11,200
New Mexico.....	11,200
New York.....	11,200

RULES AND REGULATIONS

State	Maximum adjusted income
North Carolina.....	11,200
North Dakota.....	11,200
Ohio.....	11,200
Oklahoma.....	11,200
Oregon.....	11,200
Pennsylvania.....	11,200
Puerto Rico.....	11,200
Rhode Island.....	11,200
South Carolina.....	11,200
South Dakota.....	11,200
Tennessee.....	11,200
Texas.....	11,200
Utah.....	11,200
Vermont.....	11,200
Virginia.....	11,200
Virgin Islands.....	11,200
Washington.....	11,200
West Virginia.....	11,200
Wisconsin.....	11,200
Wyoming.....	11,200
Alaska.....	16,800

(42 U.S.C. 1480, delegation of authority by the Secretary of Agriculture, 7 CFR 2.23; delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 2.70.)

Dated: May 23, 1978.

JAMES E. THORNTON,
Associate Administrator,
Farmers Home Administration.
[FR Doc. 78-14880 Filed 5-25-78; 8:45 am]

[3410-07]

[FmHA AL-695(447)]

PART 1823—ASSOCIATION LOANS AND GRANTS—COMMUNITY FACILITIES, DEVELOPMENT, CONSERVATION, UTILIZATION

Subpart L—Watershed Loans

AGENCY: Farmers Home Administration, USDA.

ACTION: Final rule.

SUMMARY: The Farmers Home Administration deletes regulations regarding Watershed Loans authority by law in certain States. This action is taken because the program is no longer necessary. The intended effect of this action is to remove unnecessary regulations from the Code of Federal Regulations in accordance with an Executive order on improving government regulations.

EFFECTIVE DATE: May 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Fred Young, 202-447-7668.

SUPPLEMENTARY INFORMATION: The Farmers Home Administration deletes §1823.360 of Subpart L, Part 1823, Chapter XVIII, Title 7, in the Code of Federal Regulations. This deletion removes regulations concerning Watershed Loans in connection with the eleven watershed improvement

programs authorized by Pub. L. 534 in the States of California, Georgia, Iowa, Maryland, Minnesota, Mississippi, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Virginia, and West Virginia. It is the policy of this Department that rules relating to public property, loans, grants, benefits, or contracts shall be published for comment notwithstanding the exemption in 5 U.S.C. 553 with respect to such rules. These amendments, however, are not published for proposed rulemaking since the purpose of the change is to delete unnecessary regulations.

Section 1823.360 of Subpart L, Part 1823, Chapter XVIII, Title 7 in the Code of Federal Regulations is hereby deleted and reserved.

(5 U.S.C. 301, delegation of authority (Authorities from OGC) by Secretary of Agriculture, 7 CFR 223, delegation of authority by the Assistant Secretary for Rural Development, 7 CFR 270.)

Dated: May 18, 1978.

KENNETH LATCHOLIA,
Acting Administrator,
Farmers Home Administration.
[FR Doc 78-14823 Filed 5-25-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs

CHAPTER I—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

SUBCHAPTER A—GENERAL

[Docket No. 78N-0134]

PART 5—DELEGATIONS OF AUTHORITY AND ORGANIZATION

Subpart A—Delegations of Authority to the Commissioner of Food and Drugs

LEAD-BASED PAINT POISONING PREVENTION ACT

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the regulations for delegations of authority regarding the Commissioner's delegated authority. The Department of Health, Education, and Welfare issued a notice in the FEDERAL REGISTER of April 18, 1978 (43 FR 16423), announcing the delegation and redelegations of the Secretary's authority under the Lead-Based Paint Poisoning Prevention Act, as amended within the Public Health Service. This amendment adds the authority redelegated

to the Commissioner under the Act to his previously published authorities.

EFFECTIVE DATE: May 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Miller, Office of Management and Operations (HFA-340), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4976.

SUPPLEMENTARY INFORMATION: On March 15, 1978, in the third of a series of delegations and redelegations of authority under the Lead-Based Paint Poisoning Prevention Act, as amended by Pub. L. 94-317 (42 U.S.C. 4801, et seq.) the Deputy Assistant Secretary for Health-Programs redelegated to the Commissioner of Food and Drugs the authority under section 401(a) of the Act relating to the prohibition of the application of lead-based paint to cooking, drinking, and eating utensils.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 5 is amended in § 5.1 by adding new paragraph (a)(23) to read as follows:

§ 5.1 Delegations from the Secretary, Assistant Secretary for Health, and the Deputy Assistant Secretary for Health-Programs.

(a)
(23) Functions vested in the Secretary under section 401(a) of the Lead-Based Paint Poisoning Prevention Act, as amended by Pub. L. 94-317 (42 U.S.C. 4831(a)) relating to the prohibition of the application of lead-based paint to cooking, drinking, or eating utensils.

Effective date: This regulation shall be effective May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: May 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.
[FR Doc. 78-14491 Filed 5-25-78; 8:45 am]

[4110-03]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Advisory Committees; Establishment and Terminations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972, and the public advisory committee procedures, this document announces the establishment of one advisory committee and the termination of three others. This document adds to and deletes from the agency's list of standing advisory committees.

DATES: Effective May 26, 1978; authority for the committee will remain in effect until amended or terminated by the Commissioner of Food and Drugs.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), the Food and Drug Administration (FDA) announces the establishment of the Immunology and Microbiology Devices Panel by the Commissioner of Food and Drugs.

The Committee will review and evaluate data concerning the safety and effectiveness of immunology, microbiology, and pathology devices currently in use and advise the Commissioner regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; advise on the necessity to ban a device; and respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Concurrently with the establishment, the Commissioner approved the termination of the Immunology Device Classification Panel, the Microbiology Device Classification Panel, and the Pathology Device Classification Panel. Under § 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of these committees.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and

under authority delegated to the Commissioner (21 CFR 5.1), part 14 is amended in § 14.100 by revising paragraph (d)(1)(xi) and deleting paragraphs (d)(1)(xii) and (xvii) and marking them "reserved," as follows:

§ 14.100 List of standing advisory committees.

(d)
(1)
(xi) Immunology and Microbiology Devices Panel. Established April 28, 1978.

(xii) [Reserved]

(xvii) [Reserved]

Effective date: Since this is a technical conforming amendment to part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: May 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.
[FR Doc. 78-14488 Filed 5-25-78; 8:45 am]

[4110-03]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Advisory Committees; Establishment and Terminations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972, and the public advisory committee procedures, this document announces the establishment of one advisory committee and the termination of two others. This document adds to and deletes from the agency's list of standing advisory committees.

EFFECTIVE DATE: May 26, 1978; authority for the committee will remain in effect until amended or terminated by the Commissioner of Food and Drugs.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), the Food and Drug Administration (FDA) announces the establishment of the General Medical Devices Panel by the Commissioner of Food and Drugs.

The Committee will review and evaluate data concerning the safety and effectiveness of general medical devices currently in use and advise the Commissioner regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; advise on the necessity to ban a device; and respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Concurrently with the establishment, the Commissioner approved the termination of the General Hospital and Personal Use Device Classification Panel and Gastroenterological and Urological Device Classification Panel. Under § 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of these committees.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), part 14 is amended in § 14.100 by revising paragraph (d)(1)(vii) and deleting paragraph (d)(1)(ix) and marking it "reserved," as follows:

§ 14.100 List of standing advisory committees.

(d)
(1)
(vii) General medical devices panel. Established April 28, 1978.

(ix) [Reserved]

Effective date: Since this is a technical conforming amendment to part 14,

the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: May 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.
[FR Doc. 78-14489 Filed 5-25-78; 8:45 am]

[4110-03]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Advisory Committees; Establishment and Terminations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972, and the public advisory committee procedures, this document announces the establishment of one advisory committee and the termination of two others. This document adds to and deletes from the agency's list of standing advisory committees.

EFFECTIVE DATE: May 26, 1978, authority for the committee will remain in effect until amended or terminated by the Commissioner of Food and Drugs.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), the Food and Drug Administration (FDA) announces the establishment of the Obstetrics-Gynecology and Radiologic Devices Panel by the Commissioner of Food and Drugs.

The Committee will review and evaluate data concerning the safety and effectiveness of obstetrics-gynecology and radiologic devices currently in use and advise the Commissioner regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols

and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; advise on the necessity to ban a device; and respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Concurrently with the establishment, the Commissioner approved the termination of the Obstetrical-Gynecological Device Classification Panel, and the Radiological Device Classification Panel. Under § 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of these committees.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), part 14 is amended in § 14.100 by revising paragraph (d)(1)(xiv) and deleting paragraph (d)(1)(xix) and marking it "reserved," as follows:

§ 14.100 List of standing advisory committees.

(d)
(1)
(xiv) Obstetrics-gynecology and radiologic devices panel. Established April 28, 1978.

(xix) [Reserved]

Effective date: Since this is a technical conforming amendment to part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the FEDERAL REGISTER, May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a)).)

Dated: May 17, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.
[FR Doc. 78-14490 Filed 5-25-78; 8:45 am]

[4110-03]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Advisory Committees; Establishment and Terminations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and the public advisory committee procedures (21 CFR part 14), this document announces the establishment of one advisory committee and the termination of another. This document revises an entry in the agency's list of standing advisory committees.

EFFECTIVE DATE: May 26, 1978, authority for the committee will remain in effect until amended or terminated by the Commissioner of Food and Drugs.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463) and § 14.40(b) (21 CFR 14.40(b)), the Food and Drug Administration (FDA) announces the establishment of the Circulatory Systems Devices Panel by the Commissioner of Food and Drugs.

The Committee will review and evaluate data concerning the safety and effectiveness of circulatory systems devices currently in use and advise the Commissioner regarding recommended classification of these devices into one of three regulatory categories; recommend the assignment of a priority for the application of regulatory requirements for devices classified in the standards or premarket approval category; advise on any possible risks to health associated with the use of devices; advise on formulation of product development protocols and review premarket approval applications for those devices classified in the premarket approval category; review classification of devices to recommend changes in classification as appropriate; recommend exemption of certain devices from the application of portions of the Federal Food, Drug, and Cosmetic Act; advise on the necessity to ban a device; and respond to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices.

Concurrently with the establishment, the Commissioner approved the termination of the Cardiovascular Device Classification Panel. Under § 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of this committee.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), part 14 is

amended is § 14.100 by revising paragraph (d)(1)(ii) to read as follows:

§ 14.100 List of standing advisory committees.

(d) * * *

(1) * * *

(ii) *Circulatory devices panel.* Established April 28, 1978.

Effective date: Since this is a technical conforming amendment to part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the *FEDERAL REGISTER*, May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))).

Dated: May 18, 1978.

WILLIAM L. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

[FR Doc. 78-14451 Filed 5-25-78; 8:45 am]

[4110-03]

PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE

Advisory Committees; Establishment and Terminations

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: Under the Federal Advisory Committee Act of October 6, 1972, and the public advisory committee procedures this document announces the establishment of one advisory committee and the termination of two others. This document adds to and deletes from the agency's list of standing advisory committees.

EFFECTIVE DATES: May 26, 1978. Authority for the committee will expire on May 1, 1980, unless the Secretary formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT:

Richard L. Schmidt, Committee Management Office (HFS-20), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2765.

SUPPLEMENTARY INFORMATION: Under the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463), and § 14.40(b) (21 CFR 14.40(b)), the Food and Drug Administration (FDA) announces the establishment of the Anesthetic and Life Support Drugs Advisory Committee by the Secretary, Department of Health, Education, and Welfare.

The committee will review and evaluate available data concerning the safety and effectiveness of currently marketed and new prescription drug products proposed for marketing for use in anesthesiology and surgery and make recommendations to the Commissioner of Food and Drugs regarding current advances, changing concepts, and trends in the field.

Concurrently with the establishment, the Secretary approved the termination of the Anesthesiology Advisory Committee and the Surgical Drugs Advisory Committee. Under 14.55(b) (21 CFR 14.55(b)), FDA announces the termination of these committees.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Part 14 is amended in § 14.100 by revising paragraph (c)(1) and deleting paragraph (c)(19) and marking it "reserved" as follows:

§ 14.100 List of standing advisory committees.

(c) * * *

(1) *Anesthetic and Life Support Drugs Advisory Committee.* (i) Date established: May 1, 1978.

(ii) Function: Reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational prescription drugs for use in the fields of anesthesiology and surgery.

(19) [Reserved]

Effective date: Since this is a technical conforming amendment to Part 14, the Commissioner finds that there is good cause for the rule to be effective immediately upon publication in the *FEDERAL REGISTER*, May 26, 1978.

(Sec. 701(a), 52 Stat. 1055 (21 U.S.C. 371(a))).

Dated: May 18, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

[FR Doc. 78-14587 Filed 5-25-78; 8:45 am]

[4110-03]

SUBCHAPTER H—MEDICAL DEVICES

[Docket No. 77N-0110]

PART 25—ENVIRONMENTAL IMPACT CONSIDERATIONS

Exemptions From Federal Preemption of State and Local Device Requirements; Procedures for Consideration of Applications; Correction

AGENCY: Food and Drug Administration.

ACTION: Correction.

SUMMARY: In FR Doc. 78-11719 appearing at page 18661 in the *FEDERAL REGISTER* of Tuesday May 2, 1978, on page 18664, amendment No. 2 is corrected by changing "§ 25.1(d)(6)" to read "§ 25.1(d)(7)" and § 25.1 *Applicability* is corrected in paragraph (d) by changing subparagraph "(6)" to read "(7)."

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

John Richards, Federal Register Writer (HFC-11), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2994.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Regulatory Affairs.*

[FR Doc. 78-14728 Filed 5-25-78; 8:45 am]

[4110-03]

SUBCHAPTER A—GENERAL

SUBCHAPTER E—ANIMAL DRUGS, FEEDS, AND RELATED PRODUCTS

[Docket No. 77N-0026]

CHEMICAL COMPOUNDS IN FOOD-PRODUCING ANIMALS

Criteria and Procedures for Evaluating Assays for Carcinogenic Residues in Edible Products of Animals

AGENCY: Food and Drug Administration.

ACTION: Revocation of rule.

SUMMARY: Following an opinion and order by the United States District Court for the District of Columbia, the Commissioner of Food and Drugs is revoking the regulations establishing the procedures and criteria for evaluating the assays for carcinogenic residues in edible products of animals. The regulations will be repropounded, and interested persons given an opportunity to comment, in a future issue of the *FEDERAL REGISTER*.

EFFECTIVE DATE: May 26, 1978.

ADDRESS: The administrative record of this proceeding and a copy of the opinion and order of the District Court are on file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Edward J. Allera, Office of the General Counsel (GCF-1), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1770.

SUPPLEMENTARY INFORMATION: In the *FEDERAL REGISTER* of February 22, 1977 (42 FR 10412), the Commissioner promulgated regulations establishing criteria and procedures for evaluating the assays for carcinogenic residues in edible products of animals. Subsequently, the United States District Court for the District of Columbia issued an opinion and order (*Animal Health Institute v. Food and Drug Administration*, Civil No. 77-806 (D.D.C., February 8, 1978)) remanding the case to the Food and Drug Administration "for further findings to rectify the omissions in the current record." in accordance with the court decision, the Commissioner has concluded that republishing the regulations is the most appropriate course of action. Accordingly, this document revokes the current regulations. A notice of proposed rulemaking is being prepared and will be published in the future. Paragraph (c) of § 70.50 appearing in the revocations below is the former § 8.36(c) which was revised in the February 22, 1977, regulation and later transferred to its present designation under Part 70 in a recodification of Subchapter A published in the *FEDERAL REGISTER* of March 22, 1977 (42 FR 15553).

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 402, 403, 409, 512, 701(a), 706, 52 Stat. 1046-1048 as amended, 1055, 72 Stat. 1785-1788 as amended, 74 Stat. 399-403, 82 Stat. 343-351 (21 U.S.C. 342, 343, 348, 360b, 371(a), 376)) and under authority delegated to the Commissioner (21 CFR 5.1), Chapter I of Title 21 of the Code of Federal Regulations is amended as follows:

PART 70—COLOR ADDITIVES

§ 70.50 [Amended]

1. In Part 70, § 70.50 is amended by revoking paragraph (c).

PART 500—GENERAL

§§ 500.80 through 500.98 [Revoked]

2. In Part 500, by revoking in its entirety Subpart E, consisting of §§ 500.80 through 500.98.

PART 514—NEW ANIMAL DRUG APPLICATIONS

§ 514.111 [Amended]

3. In Part 514, § 514.111 is amended by revoking paragraph (a)(10).

PART 571—FOOD ADDITIVE PETITIONS

§ 571.115 [Revoked]

4. In Part 571, by revoking § 571.115 *Application of the anti-cancer clause of section 409.*

Effective date: This document shall be effective May 26, 1978.

(Secs. 402, 403, 409, 512, 701(a), 706, 52 Stat. 1046-1048 as amended, 1055, 72 Stat. 1785-1788 as amended, 74 Stat. 399-403, 82 Stat. 343-351 (21 U.S.C. 342, 343, 348, 360b, 371(a), 376).)

Dated: May 17, 1978.

SHERWIN GARDNER,
*Acting Commissioner
of Food and Drugs.*

[FR Doc. 78-14586 Filed 5-25-78; 8:45 am]

[4110-03]

SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION

[Docket No. 77F-0397]

PART 175—INDIRECT FOOD ADDITIVES: ADHESIVE COATINGS AND COMPONENTS

Subpart B—Substances for Use Only as Components of Adhesives

POLYOXYETHYLENE (20 MOLES) LANOLIN

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the food additive regulations to provide for safe use of polyoxyethylene (20 moles) lanolin as a component of adhesives intended for production of food-contact articles. This rule is based on a petition filed by ICI Americas, Inc.

DATES: Effective May 26, 1978; objections by June 26, 1978.

ADDRESS: Written objections to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

John J. McAuliffe, Bureau of Foods (HFF-334), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street, SW., Washington, D.C. 20204, 202-472-5690.

SUPPLEMENTARY INFORMATION: Notice was given in the *FEDERAL REGISTER*.

TER of December 23, 1977, (42 FR 64440) that a food additive petition (FAP 7B3316) had been filed by ICI Americas, Inc., Wilmington, Del. 19897, proposing that § 175.105 (21 CFR 175.105) be amended to provide for the safe use of polyoxyethylene (20 moles) lanolin as a component of adhesives in the production of food-packaging materials.

Having evaluated data in the petition and other relevant material, the Commissioner concludes that § 175.150 should be amended as set forth below to permit the use of the substance under its preferred chemical nomenclature as given below.

Therefore, under the Federal Food, and Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348 (c)(1))) and under authority delegated to the Commissioner (21 CFR 5.1), part 175 is amended in § 175.105(c)(5) by alphabetically inserting a new item in the list of substances, to read as follows:

§ 175.105 Adhesives.

Substances	Limitations
(c)	
(5)	
Polyoxyethylene (20 mol)—anhydrous lanolin adduct.	

Any person who will be adversely affected by the foregoing regulation may at any time on or before June 26, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written objections thereto and may make a written request for a public hearing on the stated objections. Each objection shall be separately numbered and each numbered objection shall specify with particularity the provision of the regulation to which objection is made. Each numbered objection on which a hearing is requested shall specifically so state; failure to request a hearing for any particular objections shall constitute a waiver of the right to a hearing on that objection. Each numbered objection for which a hearing is requested shall include a detailed description and analysis of the specific factual information intended to be presented in support of the objection in the event that a hearing is held; failure to include such a description and analysis for any particular objection shall constitute a waiver of the right to a hearing on the objection. Four copies of all documents shall be submitted and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this regula-

tion. Received objections may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

Effective date: May 26, 1978.
(Sec. 409(c)(1), 72 Stat. 1786 (21 U.S.C. 348 (c)(1).))

Dated: May 18, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.
[FR Doc. 78-14585 Filed 5-25-78; 8:45 am]

[4110-03]

[Docket No. 78N-0095]

PART 449—GRISEOFULVIN

Griseofulvin Tablets

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This document amends the antibiotic drug regulations to provide for certification of a new dosage size of griseofulvin tablets. The manufacturer has supplied sufficient data and information to establish the safety and efficacy of the tablets.

DATES: Effective May 26, 1978; comments by June 26, 1978.

ADDRESS: Send comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Comments received may be seen at the Office of the Hearing Clerk.

FOR FURTHER INFORMATION CONTACT:

Joan M. Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs has evaluated data submitted under provisions of section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) with respect to a new dosage size (250 milligrams) of griseofulvin tablets and concludes that the manufacturer's data on that antibiotic drug product adequately establish its safety and efficacy for use as directed in the labeling; he finds that the regulations should be amended in Part 449 (21 CFR Part 449) to provide for its certification.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463 as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1), the Commissioner amends Part 449 in § 449.120d by revising the second sentence after the heading of paragraph (a)(1) to read as follows:

§ 449.120d Griseofulvin (ultramicrosize) tablets.

(a)
(1) Standards of identity, strength, quality, and purity. . . . Each tablet contains either 125 or 250 milligrams of griseofulvin. . . .

Because the matter is noncontroversial and meets the prerequisites for certification of this drug, the Commissioner finds for good cause that prior notice and public procedure are unnecessary and that the amendment may become effective upon the day of its publication. Interested persons may, on or before June 26, 1978, file with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, four copies of written comments identified with the docket number found in brackets in the heading of this document. Comments received may be seen in the office of the Hearing Clerk between the hours of 9 a.m. and 4 p.m., Monday through Friday. Any changes in this regulation justified by such comment will be the subject of a further amendment.

Effective date. This regulation shall be effective May 26, 1978.

(Sec. 508, 59 Stat. 463 as amended (21 U.S.C. 357).)

Dated: May 9, 1978.

MARY A. McENIRY,
Assistant Director for
Regulatory Affairs, Bureau of Drugs.
[FR Doc. 78-14454 Filed 5-25-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-3720]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Hanceville, Cullman County, Ala.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for se-

lected locations in the town of Hanceville, Cullman County, Ala. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Hanceville, Ala.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Hanceville, are available for review at town hall, Hanceville, Ala.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Hanceville, Ala.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mud Creek	Louisville and Nashville RR.	526
	U.S. Highway 31	532
	Alabama Highway 91	534
	Commercial St.	535
North Fork of Mud Creek.	(upstream side). Blountsville Rd. (upstream side).	540

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13887 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3581]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Municipality of Anchorage, Alaska

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the municipality of Anchorage, Alaska. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the municipality of Anchorage, Alaska.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the municipality of Anchorage, Alaska, are available for review at the Loussac Library, 415 F Street, Anchorage, Alaska

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the municipality of Anchorage, Alaska.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insur-

ance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet ¹
Peters Creek	Mouth	19
	Alaska RR.	73
	Helluva St. (extended)	142
	Valley Ave. (extended)	183
	New Glenn Highway	259
	Old Glenn Highway	271
	Confluence of Little Peters Creek.	303
Meadow Creek	300 ft. upstream of confluence with Eagle River.	220
	Eagle River Rd.	335
	Eagle River Loop Rd.	816
Ship Creek	Confluence with Knik Arm.	19
	C St.	19
	Alaska RR.	31
	Post Rd.	40
	Port Richardson Military Reservation boundary.	75
Chester Creek	Confluence with Knik Arm.	19
	Spenard Thruway	21
	Spenard Rd.	23
	Arctic Blvd.	23
	C St.	28
	Gambell St.	49
	Confluence with south fork, Chester Creek.	66
South fork, Chester Creek.	Confluence with Chester Creek.	66
	Maplewood St.	87
	Lake Otis Parkway	92
	East Northern Lights Blvd.	114
	Mallard Dr.	121
	Providence Ave.	138
	Wesleyan Dr.	174
	Knight's Way	177
	Confluence with south branch of south fork, Chester Creek.	180
South branch of south fork, Chester Creek.	Checkmate Dr.	183
	Downstream of Boniface Parkway.	186
	Upstream of Boniface Parkway.	198
	33d Ave.	198
	Campbell Field Rd.	202
	Carnaby Way	204
	Upstream of East Northern Lights Blvd.	210
	Baxter Rd.	212
	East 20th Ave.	232
	East 17th Ave.	234
	Muldoon Rd.	252
Middle branch of south fork, Chester Creek.	DeBarr Rd.	251
	Muldoon Rd.	251
	Rangeview Ave.	259
	Valley Rd.	262
	Cherry St.	265
Fish Creek	Alaska RR. 1,700 ft downstream of Forest Park Dr.	30
	Upstream of Forest Park Dr.	34

Source of flooding	Location	Elevation in feet ¹
	Upstream of Northern Lights Blvd.	35
	Alaska RR 600 ft downstream of 30th Ave.	41
	Upstream of 30th Ave.	42
	Upstream of McRae Rd.	47
	Upstream of Spenard Rd.	58
	Northwood Dr.	58
	Upstream of 44th Ave.	65
	Alaska RR, 1,200 ft downstream of Minnesota Ave.	78
	Upstream of Minnesota Ave.	82
	Chugach Way	85
	Upstream of Arctic Blvd	92
	Upstream of 36th Ave.	100
	Upstream of Old Seward Highway.	115
	Upstream of New Seward Highway.	116
	Upstream of Tudor Rd. near Beharof St.	122
	Upstream of Shellkef St.	127
	Upstream of Tudor Rd. between Lake Otis Parkway and Macinnes Rd.	132
	Upstream of Lake Otis Parkway.	137
Campbell Creek	Campbell Lake	20
	Diamond Blvd	26
	Mentra St.	42
	Robena St.	46
	Arctic Blvd.	53
	C St.	59
	Alaska RR.	78
	Dowling Rd.	96
	Old Seward Highway	107
	New Seward Highway	118
	Cache Dr.	123
	Diamond Dr.	134
	Lake Otis Parkway	141
North fork, Campbell Creek	Confluence with Campbell Creek	153
South fork, Campbell Creek	East 50th Avenue (extended).	153
Little Campbell Creek	Confluence with Campbell Creek	77
	Nathan Dr.	81
	Glade Pl.	88
North fork, Little Campbell Creek	Confluence with Little Campbell Creek	89
	Upstream of Old Seward Highway.	95
	Upstream of East 72d Ave.	99
	Upstream of East 71st Ave.	104
	Upstream of New Seward Highway.	113
South branch of north fork, Little Campbell Creek	Confluence with north fork, Little Campbell Creek	133
	Downstream of Lake Otis Parkway.	145
	Upstream of East 68th Ave.	148
	Upstream of East 72d Ave.	162
	Spruce Rd.	188
	Downstream of Abbott Loop Rd.	210
North branch of north fork, Little Campbell Creek	Confluence with north fork, Little Campbell Creek	133
	Lake Otis Parkway	141
	Upstream of East 68th Ave.	161
South fork, Little Campbell Creek	Confluence with Little Campbell Creek	89
	East 76th St.	90
	Upstream of Old Seward Highway.	96
	Downstream of New Seward Highway.	113
	Upstream of New Seward Highway.	118
Rabbit Creek	do	16

[4210-01]

(Docket No. FI-3811)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Douglas, Cochise County, Ariz.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Douglas, Cochise County, Ariz. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Douglas, Cochise County, Ariz.

ADDRESSES: Maps and other information showing detailed outlines of the flood-prone areas and the final elevations for the city of Douglas, Co-

chise County, Ariz., are available for review at the Office of Public Works, City Hall, Douglas, Ariz.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Douglas, Cochise County, Ariz.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Depth of flooding in feet above ground surface
Palm Grove Wash.	Just upstream of 16th St.	3,983	
	Intersection of J Ave. and 17th St.	3,968	
Palm Grove Branch.	Intersection of 20th St. and Pan American Ave.	3,990	
Airport Road Channel.	Just downstream of Airport Ave.	4,120	
Major floodwater collection area within southwest section of city.	Just upstream of Pan American Avenue Bridge.	3,950	
Shallow flooding in southwest-southcentral portion of town.	Intersection of C Ave. and 3d St.	1	
	Intersection of Dolores Ave. and 4th St.	1	
Pan American Avenue Channel.	Intersection of Pan American Avenue Channel and 10th St.	2	
Rose Avenue Channel.	West of intersection of Rose Ave. and 6th St.	3	
Washington Avenue Channel.	Intersection of Washington Ave. and 7th St.	3	
Louis Avenue Channel.	West of intersection of Louis Ave. and 17th St.	2	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-13889 Filed 5-25-78; 8:45 am)

[4210-01]

(Docket No. FI-2711)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Sherwood, Pulaski County, Ark.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Sherwood, Pulaski County, Ark. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Sherwood, Pulaski County, Ark.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Sherwood, Pulaski County, Ark., are available for review at the Sherwood City Hall, 201 Country Club, Sherwood, Ark.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Sherwood, Pulaski County, Ark.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Five Mile Creek	Upstream corporate limits.	251
	McAlmont Ave.	251
	Downstream corporate limits.	251
Five Mile Creek, Tributary 1.	Upstream corporate limits.	266
	Brookwood Dr.	253
	U.S. 67 and 167.	252
	Cemetery Rd.	251
Woodruff Creek	East Lee Ave.	336
	Club Rd.	294
	North Beverly St.	274
	Windchime Dr.	257
	U.S. 67 and 167.	251
Woodruff Creek, Tributary 1.	Wildwood Ave.	253
Woodruff Creek, Tributary 2.	Upstream corporate limits.	272
	Claremont Dr.	271
	Club Lane	265
Woodruff Creek, Tributary 3.	Arkansas Route 6	338
	North Devon Ave.	284
	Beverly St.	280

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

(FR Doc. 78-13851 Filed 5-25-78; 8:45 am)

[4210-01]

(Docket No. FI-3812)

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Banning, Riverside County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Banning, Riverside County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Banning, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Banning, are available for review at Public Works Department, City Hall, Banning, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Banning, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Gilman Home Channel.	Confluence with Smith Creek.	2,209
	George St.	2,455
	12th St.	2,460
	Wilson St.	2,520
	8th St.	2,601
Highland Spring Channel.	Confluence with Smith Creek.	2,218
Montgomery Creek (below Southern Pacific RR.).	Westward Ave.	2,347
	Lincoln Ave.	2,394
	Southern Pacific RR.	2,403
Montgomery Creek, improved channel.	Williams St.	2,465
	Nicolet St.*	2,490
	Sunrise Ave.*	2,507
	Wilson St.*	2,556
	Sunset Ave.*	2,634
San Geronio River.	Downstream corporate limits.	2,426
	Corporate limits 87,360 ft above confluence with Whitewater River.	2,600
	Upstream corporate limits.	2,671
Smith Creek.	Panoramic Highway*	2,206
	Confluence with Pershing Channel.	2,237
Smith Creek (west tributary).	Southern Pacific RR.*	2,504
	Interstate 10*	2,507
	Wilson St.*	2,570
West Pershing Channel.	Southern Pacific RR.*	2,501
	Ramsey St.*	2,507*
	Wilson St.	2,550

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13852 Filed 5-25-78; 8:45 am)

[4210-01]

[Docket No. FI-3813]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Beaumont, Riverside County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Beaumont, Riverside County, Calif. These

base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Beaumont, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Beaumont, are available for review at the Building Department, Beaumont City Hall, Beaumont, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Beaumont, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Marshall Creek.	14th St.	2,609

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13853 Filed 5-25-78; 8:45 am)

[4210-01]

[Docket No. FI-3814]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Fillmore, Ventura County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Fillmore, Ventura County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Fillmore, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Fillmore, are available for review at the Building Department, City Hall, Fillmore, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Fillmore, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pole Creek.	Highway 126.	472
	Main St.	483
	Sespe Ave.	496
	2d St.	534
	4th St.	580
Santa Clara River.	Highway 23 (upstream side).	424
	Confluence with Pole Creek.	439
Sespe Creek.	Highway 128, west fork (upstream side).	394
	Southern Pacific RR., east fork.	438
	Southern Pacific RR., west fork.	443

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13854 Filed 5-25-78; 8:45 am)

[4210-01]

[Docket No. FI-3816]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Ojai, Ventura County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Ojai, Ventura County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the City of Ojai, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Ojai, are available for review at City Hall, Ojai, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Ojai, Calif. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fox Canyon Storm Drain.	Creek Rd.	684
	Southern Pacific RR.	727
	Upstream corporate limits.	926
San Antonio Creek.	Creek Rd. (Country Club Dr.).	614
	Private Rd. (Dip Crossing).	644
	Ojai Ave. (State Highway 150).	768
	Grand Ave.	815
Stewart Canyon Storm Channel.	Southern Pacific RR. (upstream side).	726
	Matilija St.	757
	Eucalyptus St.	783
	McKee St.	820
	Confluence with San Antonio Creek.	712
Thatcher Creek.	Boardman Rd.	771

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 19, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
(FR Doc. 78-13855 Filed 5-25-78; 8:45 am)

[4210-01]

[Docket No. FI-3635]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Portola Valley, San Mateo County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Portola Valley, San Mateo County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Portola Valley, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Portola Valley, are available for review at Town Hall, 765 Portola Road, Portola Valley, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Portola Valley, Calif. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90)

days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Corte Madera Creek.	Willowbrook Dr	525
	Portola Rd	508
	Grove Dr	496
	West Ridge Dr	444

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 18, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13856 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3969]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Santa Barbara, Santa Barbara County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Santa Barbara, Santa Barbara County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Santa Barbara, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final

elevations for the city of Santa Barbara, are available for review at Division of Land Usage, 630 Laguna Street, Santa Barbara, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Santa Barbara, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sycamore Creek	East Cabrillo Blvd	12
	India Muerta St	24
	Mason St.	36
	do.	47
Mission Creek	Flores Dr	251
	West Cabrillo Blvd	5
	U.S. Highway 101	19
	De La Guerra St.	40
Arroyo Burro Creek	do.	43
	Micheltorena St	71
	Mission St	101
	Tallant Rd.	160
San Rogue Creek	do.	165
	State St	221
	Los Olivos St	237
	Cliff Dr.	18
San Pedro Creek	do.	20
	Torino Dr.	88
	San Remo Dr.	97
	do.	206
Las Vegas Creek	Brenner Dr	266
	Foothill Rd	323
	Hitchcock Way	188
	Ontare Rd	230
Carneros Creek	Foothill Rd	290
	Fowler St	11
	Hollister Ave	17
	Confluence with San Pedro Creek	17
Tecolotito Creek	Hollister Ave	12
	Confluence with Carneros Creek	14

*Downstream.
**Upstream.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13857 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3971]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Santa Barbara County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Santa Barbara County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Santa Barbara County, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Santa Barbara County, are available for review at Santa Barbara Courthouse, 100 East Anapamu Street, Santa Barbara, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C., 20410.202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Santa Barbara County, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insur-

ance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tecolotito Creek	State Highway 217*	7
	do.	9
	U.S. Highway 101	39
	Cathedral Oaks Road Bridge*	84
Carneros Creek	do.	68
	Firestone Rd	12
	U.S. Highway 101*	35
	do.	36
San Pedro Creek	Los Carneros Rd.*	46
	do.	48
	Cathedral Oaks Rd	71
	Powier St	11
Las Vegas Creek	Southern Pacific RR.*	18
	do.	25
	Cathedral Oaks Rd	76
	U.S. Highway 101*	25
Atascadero Creek	do.	26
	Stow Canyon Rd.*	50
	do.	53
	Cathedral Oaks Rd	70
Cieneguitas Creek	Hollister Ave	101
	U.S. Highway 101	121
	Cathedral Oaks Rd	218
	Calle Caridad*	240
Hot Springs Creek	do.	249
	Nogal Dr	87
	Southern Pacific RR.*	117
	do.	120
Oak Creek	U.S. Highway 101	137
	State Highway 154*	145
	do.	177
	Primavera Rd	190
Montecito Creek	Southern Pacific RR	19
	East Valley Rd.*	244
	do.	246
	Ashley Rd	468
Romero Creek	Clover Lane	447
	Rock Bridge Rd	472
	Theatre Lane	511
	U.S. Highway 101	22
Buena Vista Creek, west branch	Pamona Lane	60
	Santa Rosa St	133
	East Valley Rd	183
	Southern Pacific RR. bridge*	20
San Ysidro Creek	do.	23
	do.	62
	San Leandro Lane Bridge*	66
	do.	66
Arroyo Burro Creek	East Valley Road Bridge	273
	Mountain View Road Bridge	442
	do.	442
	do.	442
Cieneguitas Creek	U.S. Highway 101	32
	Sheffield Dr	83
	East Valley Rd. (State Highway 192)	285
	do.	285
Buena Vista Creek, east branch	Featherhill Lane	358
	East Valley Rd	255
	Aliso Dr	354
	Lilac Dr	8

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Buena Vista Creek, east branch	Bella Vista Dr	678
	Sheffield Dr	130
	East Valley Rd. (State Highway 192)	256
	Aliso Dr	311
Picay Creek	Lilac Dr	482
	East Valley Rd	318
	Private bridge, furthest upstream	460
	13th St	35
Santa Ynez River-Lompoc Reach	Floradale Ave	67
	State Route 249	108
	Buellton Parkway (U.S. Highway 101)	330
	Alisal Rd	390
Santa Ynez River-Solvang Reach	Refugio Rd	434
	San Marcos Pass Rd./Highway 154 Bridge*	520
	do.	522
	do.	26
Arroyo Burro	Santa Barbara corporate limits***	165
	do.	263
	do.	289
	do.	12
Mission Creek	Carpinteria corporate limits***	26
	do.	53
	do.	53
	do.	53

*Downstream.
**Upstream.
***Furthest downstream crossing.
****Furthest upstream crossing.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13858 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3974]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of St. Helena, Napa County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of St. Helena, Napa County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of St. Helena, Calif.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of St. Helena, are available for review at City Hall, 1480 Main Street, St. Helena, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION:

The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of St. Helena, Calif. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevations, in feet, national geodetic vertical datum
Napa River	Pope St	214
	Pratt Ave	228

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13859 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-38181]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Union City, Alameda County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Union City, Alameda County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Union City, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Union City, are available for review at City Hall, Union City, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street, SW., Washington, D.C., 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Union City, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

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flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Creek.....	Alvarado-Niles Rd.....	35
	Railroad Ave.....	69
	Mission Blvd.....	100
Union City "M" Line.....	Decoto Rd.....	35
	Union Sq.....	39
	Gregory Ave.....	47
Old Alameda Creek and A and D Line.....	Hesperian Blvd.....	9
	State Highway 17.....	10
San Francisco Bay.....	Intersection of Union City Blvd. and Alvarado Blvd.	7
	Veasy St.....	7

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719).

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13860 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3680]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Lakeport, Lake County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Lakeport, Lake County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Lakeport, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Lakeport, are

available for review at City Hall, 445 Main Street, Lakeport, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Lakeport, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Forbes Creek.....	State Highway 29, upstream side.....	1,357
	Downstream side.....	1,354
	Martin St.....	1,337
	Main St.....	1,334
North Branch Forbes Creek.....	Compton St.....	1,351
	Russell St.....	1,347
	Armstrong St.....	1,342
	Estep St.....	1,337
10th St. drainage ditch.....	11th St.....	1,368
	Pool St.....	1,349
	Tunis St.....	1,342
	Main St.....	1,336
Rumsey Bay drainage.....	Mellor Dr.....	1,357
	16th St.....	1,350
	Hartley St.....	1,339
	High St.....	1,331
Hartley drainage ditch.....	Hartley St., upstream side.....	1,349
	Howard Ave.....	1,335
	Lakeshore Blvd.....	1,331

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

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Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13861 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3634]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Lake County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Lake County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Lake County, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Lake County, are available for review at Lake County Courthouse, 255 North Forbes Street, Lakeport, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Lake County, Calif. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Middle Creek.....	Elk Mountain Rd.....	1,418
	Rancheria Rd.....	1,368
	Lucerne Cutoff Rd.....	1,331
	State Highway 20.....	1,345
Scotts Creek.....	State Highway 29.....	1,339
	Elkhoff Rd.....	1,405
	Scotts Valley Rd.....	1,443
Blue Lakes tributary.....	Irvine Ave.....	1,364
	Mid Lake Rd.....	1,361
	Scotts Valley Rd.....	1,354
Pool Creek.....	Hendricks Rd.....	1,426
	Scotts Valley Rd.....	1,405
Clover Creek.....	Elk Mountain Rd.....	1,362
Burns Valley Creek.....	State Highway 53, upstream side.....	1,406
	Downstream side.....	1,401
	Burns Valley Rd.....	1,354
	Lakeshore Dr.....	1,334
Burns Valley Creek overflow.....	Old State Highway 53.....	1,376
	Burns Valley Rd.....	1,358
	Redwood St.....	1,349
	Buckeye St.....	1,345
	Bayless Ave.....	1,340
	Lakeshore Dr.....	1,331
Molesworth Creek.....	State Highway 53, upstream side.....	1,412
	Downstream side.....	1,380
	Old State Highway 53.....	1,347
	Ridgeview Dr.....	1,342
Cole Creek.....	Wilkinson Rd.....	1,430
	Konocti Rd.....	1,403
	Sylar Lane.....	1,386
	Clark Dr.....	1,341
	Clear Lake State Park Rd.....	1,331
Kelsey Creek.....	Gross cutoff.....	1,409
	State Highway 29.....	1,381
	Main St.....	1,374
	Dorn crossing.....	1,357
	Soda Bay Rd.....	1,344
Adobe Creek.....	Bell Hill Rd.....	1,410
	Merritt Rd.....	1,375
	Argonaut Rd.....	1,363
	Big Valley Rd.....	1,354
	Soda Bay Rd.....	1,339
	Manning Rd.....	1,332
Manning Creek.....	George Rd.....	1,380
	Ackley Rd.....	1,374
	State Highway 29.....	1,352
	Soda Bay Rd.....	1,340
Cache Creek.....	Lake St.....	1,329
Selgier Canyon Creek.....	Ball Park Ave.....	1,379
	State Highway 29.....	1,368
Putah Creek.....	Jessie St.....	1,357
	State Highway 175.....	1,199
	Big Canyon Rd.....	1,086
Coyote Creek.....	State Highway 29.....	967
	Hidden Valley Rd.....	992
Gallagher Creek.....	Hartmann Rd.....	962
	Hartmann Rd.....	973
	Mountain Meadow North Rd.....	965
Saint Helena Creek.....	Hildebrand Rd.....	1,255
	Brenda Lane.....	1,171
	Wardlaw St.....	1,066
	State Highway 29.....	1,088
Dry Creek.....	Dry Creek cutoff.....	1,126
	State Highway 175.....	1,100
Anderson Creek.....	Road M.....	1,468
	Road G.....	1,423
	Road F.....	1,383
	Anderson Springs Rd.....	1,355
	Foard Rd.....	1,325

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Ad-

ministrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13890 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-31741]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Sacramento, Sacramento County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Sacramento, Sacramento County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Sacramento, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sacramento, are available for review at City Hall, 915 I Street, Sacramento, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Sacramento, Calif.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determina-

tion to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Unionhouse Creek	Wyndham Way	24
	Frontage Rd	24
	Highway 99 and Alternate 5	24
	Access road	24
	Stockton Blvd	26
	Center Parkway	18
	Franklin Blvd	15
Robla Creek	Western Pacific RR	13
	Sacramento Northern RR. (abandoned)	29
	Rio Linda Blvd	39
	Western Pacific RR	35
Natomas west drainage canal	Del Paso Rd	12
	El Centro Rd	12
	San Juan Rd	12
Natomas main drainage canal	I-880	8
	West El Camino Ave	8
Natomas east main drainage canal	Main Ave	33
	I-880	32
	Silver Eagle Rd	32
	El Camino Ave	32
	Northgate Ave	31
	Discovery Park entrance, road	29
	I-5	29
	Jibboon St	29
Natomas east drainage canal	Elkhorn Blvd	12
	Del Paso Rd	11
	San Juan Rd	10
	I-5 northbound on ramp	10
	I-5	10
	I-5 southbound on ramp	10
Morrison Creek	Central California Traction RR	42
	Florin Perkins Rd	41
	Army Depot bridge (9.9 mi upstream from mouth)	40
	Army Depot bridge (10.5 mi upstream from mouth)	39
	Army Depot Southern Pacific RR spur	37
	Southern Pacific RR	35
	Power Inn Rd	30
	65th Expressway	27
	Elder Creek Rd	25
	Stockton Blvd	24
	Franklin Blvd	16
	G Parkway	15
	Meadowview Rd	15
	Elder Creek	14
	Western Pacific RR	13
Magpie Creek	Raley Blvd	47
Magpie Creek—diversion	Vinci Ave	44
Lower Magpie Creek	Dry Creek Rd	40
	Rio Linda Blvd	32
	Bell Ave	28
	Jessie Ave	26
	Norwood Ave	23
Laguna Creek	Sheldon Rd	22
	Franklin Blvd	18
Florin Creek	Florin Perkins Rd	36
	Center Parkway	18
	Brookfield Dr	17
	Franklin Blvd	18
Elder Creek	Highway 99 and Alternate 5 and frontage road	20

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Center Parkway	18
	Tangerine St	17
	Franklin Blvd	16
Dry Creek	Western Pacific RR	35
Arcade Creek	Auburn Blvd	69
	Bridge Rd	65
	I-80 off ramp	63
	I-80	62
	Watt Ave	62
	Roseville Rd	47
	Southern Pacific RR	45
	Verano St	40
	Del Paso Blvd	40
	Marysville Blvd	39
	Footbridge	34
	Rio Linda Blvd	33
	Sacramento Northern RR. (abandoned)	33
American River	Norwood Ave	32
	Western Pacific RR	32
	Watt Ave	46
	Howe Ave	43
	Guy West footbridge	41
	H St gaging station	39
	I-80	35
	Southern Pacific RR	34
	Western Pacific RR	32
	Abandoned railroad bridge	32
	State Highway 160	32
	I-5	29
	Jibboon St	29

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary

[FR Doc. 78-13891 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3798]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Thousand Oaks, Ventura County, Calif.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Thousand Oaks, Ventura County, Calif. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Thousand Oaks, Calif.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Thousand Oaks, are available for review at City Hall, 401 West Hillcrest Drive, Thousand Oaks, Calif.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Thousand Oaks, Calif. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Branch Arroyo Conejo	Vent-Tu Park Rd	621
	U.S. Highway 101 (Rancho Conejo Blvd. Overpass)	641
	Kimber Rd	684
	West Lynn Rd	736
	Briar Rd. (upstream side)	757
Tributary to South Branch Arroyo Conejo	Reno Rd	683
Lang Creek	Wilbur Rd	750
	Combes Ave	761
	Gainsborough Rd	763

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

tion of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary

[FR Doc. 78-13892 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3799]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Erie, Weld and Boulder Counties, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Erie, Weld and Boulder Counties, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Erie, Colo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Erie, are available for review at Town Hall, Erie, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C., 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Erie, Colo. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the

community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Coal Creek	Briggs St	5011
	Cheesman St	5016
	Moffat St	5020
	Anderson St	5023

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: April 20, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator

[FR Doc. 78-13862 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3682]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Wiggins, Morgan County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Wiggins, Morgan County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the town of Wiggins, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final

elevations for the town of Wiggins, are available for review at Wiggins Hardware Store, 218 Main Street, Wiggins, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Wiggins, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Kiowa Creek	Burlington Northern RR	*4,552
	do.....	**4,547
	U.S. Highway 6	*4,545
	do.....	**4,544
	Interstate 76	4,543

*Upstream side.
**Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator

[FR Doc. 78-13863 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3820]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Bayfield, La Plata County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Bayfield, La Plata County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the town of Bayfield, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Bayfield, Colo., are available for review at Town Hall, Bayfield, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Bayfield, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR part 1910. The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Los Pinos River	U.S. Highway 160 (alternate).	6,865

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS, Secretary, Federal Insurance Administrator. [FR Doc. 78-13893 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-4141]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Littleton, Arapahoe County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Littleton, Arapahoe County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Littleton, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Littleton, are available for review at City Hall, 2450 West Main Street, Littleton, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Littleton, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Slaughterhouse Gulch.	West Berry Ave..... ⁽¹⁾	
	South Hickory St.....	5,398
	South Greenwood St.....	5,395
	South Elmwood St.....	5,389
	South Datura St.....	5,385
	South Windermere St.....	5,378
	South Prince St.....	5,320
	West Powers Ave.....	5,390
Tributary to Slaughterhouse Gulch.		
South Platte River.	West Bowles Ave.....	5,322
	West Crestline Ave.....	75,319
	West Bellevue Ave.....	5,311
Big Dry Creek.....	South Santa Fe Dr.....	5,317
	Denver & Rio Grand Western RR.	5,325
	Atchison, Topeka & Santa Fe RR.	5,326
	Lehow Ave.....	5,374
	South Broadway.....	5,390
	East Littleton Blvd.....	5,419
Little Creek.....	South Apache St.....	5,462
	South Cherokee St.....	5,450
	South Delaware St.....	5,446
	Arapahoe Dr.....	5,443
	South Elati St.....	5,439
	South Greenwood St.....	5,429
	South Gallup St.....	5,423
	West Caley Ave.....	5,408
	South Windermere St.....	5,405
	Parkhill Ave.....	5,392
	West Lake Ave.....	5,385
	South Bemis St.....	5,371
	South Nevada St.....	5,351
	South Curtice St.....	5,340
	South Rapp St.....	5,338
	South Santa Fe Dr.....	5,336
Lee Gulch.....	South Elati St.....	5,465
	South Gallup St.....	5,435
	South Prince St.....	5,384

⁽¹⁾Varies.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS, Secretary. [FR Doc. 78-13894 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3638]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Loveland, Larimer County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Loveland, Larimer County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Loveland, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Loveland, are available for review at City Hall, 410 East 5th Street, Loveland, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Loveland, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Thompson River.	U.S. Route 287.....	4,931
	Fairground access road ..	4,938
	Colorado & Southern RR.	4,947

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS, Secretary. [FR Doc. 78-13895 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3724]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Northglenn, Adams County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Northglenn, Adams County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the city of Northglenn, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Northglenn, Colo., are available for review at City Hall, 10701 Melody Drive, Suite 313, Northglenn, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Northglenn, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Grange Hall Creek.	Interstate 25.....	5,348
	Grant Dr.....	5,319
	Washington St.....	5,283
	Larson St.....	5,279
	Marion St.....	5,257
	Irma Dr. (upstream side).	5,231
	Dirt Rd. (upstream side) 700 ft downstream of confluence of south fork.	5,223
North fork, Grange Hall Creek.	Leroy Dr.....	5,240
	Union Pacific RR. (upstream).	5,230
	Union Pacific RR. (downstream).	5,209
South fork, Grange Hall Creek.	Tuck Lateral Station (12,640 ft above Grange Hall Creek).	5,400
	Melody Dr.....	5,392
	Interstate 25 (upstream side).	5,368
	104th Ave.....	5,238
Grange Hall Creek Tributary.	Union Pacific RR.....	5,255
	York St.....	5,241

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13896 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3640]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Silverton, San Juan County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Silverton, San Juan County, Colo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Silverton, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Silverton, are available for review at Town Hall, 1360 Greene Street, Silverton, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Silverton, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).

ance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The administrator has developed criteria for flood plain management in flood-prone areas in accordance 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Animas River.....	Bridge No. 1 (14th St.) ...	9,289
Mineral Creek.....	Bridge No. 3 (Denver and Rio Grande Western RR.)	9,236
	Bridge No. 4 (Highway 550)	9,255
Cement Creek.....	Bridge No. 5 (14th St.) ...	9,308
	Bridge No. 8 (U.S. Highway 110)	9,327

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13898 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3760]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Telluride, San Miguel County, Colo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevation, are listed below for selected locations in the town of Telluride, San Miguel County, Colo. These base (100-year) flood elevations are the bases for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Telluride, San Miguel County, Colo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Telluride are available for review at Telluride Town Hall, 135 West Columbia, Telluride, Colo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Telluride, San Miguel County, Colo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
San Miguel River..	Bridge at Telluride Lodge.	8,728
	700 ft upstream of bridge at Telluride Lodge.	8,730
	850 ft upstream of bridge at Telluride Lodge.	8,735
	1,150 ft upstream of bridge at Telluride Lodge.	8,735
	100 ft downstream of South Fir Street Bridge.	8,747
	50 ft upstream of South Pine Street Bridge.	8,751
	Upstream of Maple Street Bridge.	8,759

Zoning Office, Town Hall, Madison, Conn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 7th St. SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Madison, New Haven County, Conn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Hammonasset River.	Approximately 100 ft upstream of Chestnut Hill Rd.	52
	Approximately 100 ft upstream of confluence of Camp Laurelwood Brook.	121
	Route 80 (old toll road) ..	214
Camp Laurelwood Brook.	Just upstream of Summer Hill Rd.	184
Bailey Creek	Approximately 100 ft upstream of Sandlewood Rd.	11
	Approximately 100 ft upstream of Salem Rd.	12
Neck River	Approximately 100 ft upstream of Fort Path Rd.	17
	Approximately 200 ft downstream of Route 95 (Connecticut Turnpike).	21
	Approximately 100 ft downstream of Warpass Rd.	31
Long Island Sound	Entire shoreline.....	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	1,900 ft upstream of North Maple Street Bridge (at east corporate limit).	8,774
		Depth in feet above ground level
Cornet Creek	Area between West Pacific Ave. to West Galena Ave.	1
	Area between West Galena Ave. to the northern corporate limits.	2

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13897 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3824]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Madison, New Haven County, Conn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Madison, New Haven County, Conn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Madison, New Haven County, Conn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Madison, New Haven County, Conn., are available for review at the Planning and

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13899 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-2898]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Lake Clarke Shores, Palm Beach County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Lake Clarke Shores, Palm Beach County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Lake Clarke Shores, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Lake Clarke Shores, are available for review at Town Hall, 1701 Barbados Road, Lake Clarke Shores, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Lake Clarke Shores, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination

to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevation for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shallow flooding (rainfall runoff).	Areas surrounding Lake Clarke and all canals.	*12

*Depth: 1 to 3 ft.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13864 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3985]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Ocoee, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Ocoee, Orange County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Ocoee, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Ocoee, are available for review at City Hall, 150 Lake Shore Drive, Ocoee, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Ocoee, Fla.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Stream "A"	Bluford Ave.**	101
	do.	113
	Oakland Ave.*	119
Stream "B"	No physical features	116
Stream "C"	Palm Dr.	117
Starke Lake	Areas along the shore	101
Spring Lake	do.	121
Peach Lake	do.	149
Lake Moxie	do.	142
Lake Bennet	do.	116

*Upstream side.
**Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13865 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3825]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Belle Isle, Orange County, Fla.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Belle Isle, Orange County, Fla. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Belle Isle, Fla.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Belle Isle, Fla., are available for review at City Hall, Belle Isle, Fla.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Belle Isle, Fla. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake Conway	Shoreline	89
Little Lake Conway	do.	89

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13900 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3491]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Athens, Clarke County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Athens, Clarke County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Athens, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Athens, are available for review at City Hall, 301 College Avenue, Athens, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Athens, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Brooklyn Creek	Talmadge Dr	706
	King St	694
	Broad St	666
	Dearing extension	663
	Baxter St	652
	Baxter Dr	632
	Dudley Dr	627
	Fortson Dr	618
	Milledge Circle	609
	West Lake Dr	602
	Belvoir Heights	701
Brooklyn Creek—Tributary A	Rockspring Rd	698
Brooklyn Creek—Tributary B	Paris St	676
	Minor St	666
Carr's Creek	U.S. Highway 76	637
	Unnamed paved road	629
Hunnicutt Creek	Janice Dr	672
	Ashton St	658
	Seaboard Coastline RR	629
	Oglethorpe Ave	624
Middle Oconee River	Mitchell Bridge	584
	U.S. Highway 29	563
	Malcolm Branch	580
	U.S. Highways 29 and 78	577
	U.S. Highways 144 and 129, Georgia Highway 15	563
North Oconee River	North Athens bypass	620
	Elizabeth St	617
	Seaboard Coastline RR	615
	North Ave	615
	Broad St	611
	Georgia RR	609
	U.S. Highway 78 and Oconee St	607
Tanyard Creek	Cemetery Rd	605
	Baxter St	621
	Lumkin St	612
	Sanford Dr	606
Trail Creek	Seaboard Coastline RR	611
Tributary C	John Davis Rd	563
Tributary D	Will Hunter Rd	562
Tributary F	Boulevard	638
	Nantahala Ave	685
	Seaboard Coastline RR	669
	Barber St	661
	Southern RR	655

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tributary M	Waterworks Dr	635
	Unnamed dirt road	640
	Unnamed Rd	631
	Newton Bridge Rd	623
Tributary MT	Seaboard Airline	668
	U.S. Highway 29	650
Tributary O	Tallassee Rd	621
Tributary P	U.S. Highway 29 (upstream side)	642
	U.S. Highway 29 (downstream side)	630

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13901 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3762]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Clarke County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Clarke County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Clarke County, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Clarke County, Ga., are available for review at Clarke County Courthouse, Athens, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Clarke County, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Oconee River	Barnett Shoals Rd.*	533
	Confluence with North Oconee and Middle Oconee Rivers	541
Middle Oconee River	Central of Georgia RR...	544
	Old Lexington Rd.	550
	U.S. Highways 441 and 125; Georgia Highway 15	563
McNutt Creek	Mitchell Bridge Rd.	584
	Seaboard Coastline RR.	603
	Georgia Highway 330	649
	U.S. Highway 441	559
	Epps Bridge Rd.*	521
	U.S. Highway 78	710
Malcolm Branch	U.S. Highway 78*	623
Big Bear Creek	Big Bear Rd.	618
Little Bear Creek	Fowler Mill Rd.*	659
Turkey Creek	Tallahassee Rd.*	610
	Lavender Rd.*	655
North Oconee River	Whitehall Rd.*	559
	College Station Rd.*	592
	Southern RR.	621
	Newton Bridge Rd.	825
Big Creek	Old Lexington Rd.*	605
Tributary H	U.S. Highway 78 and Georgia Highway 10*	637
Shoal Creek	Barnett Shoals Rd.	541
	Belmont Rd.	594
	Lexington Rd.*	615
	U.S. Highway 78*	638
	Beaver Dam Rd.*	652
	Cherokee Rd.*	662
Tributary J	Winterville corporate limits.	735
Cedar Creek	Barnett Shoals Rd.*	615
	Old Lexington Rd.*	636
	Gentry Dr.*	644
	Cedar Creek Dr.*	672
Carrs Creek	At the confluence with the Oconee River.	596
Tributary G	Barnett Shoals Rd.	605
	U.S. Highway 78	720
Tributary K	College Station Rd.	600
	River Rd.	618
Trail Creek	At the confluence with East and West Fork Trail Creek.	643

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East Fork Trail Creek	Joyles Rd.*	741
Tributary 5	At the confluence with East Fork Trail Creek	663
West Fork Trail Creek	Seaboard Coastline RR.	646
Sandy Creek	New Hull Rd.*	674
East Sandy Creek	U.S. Highway 441*	621
Noketchee Creek	Nowhere Rd.*	644
	Nowhere Rd.*	641
Walton Creek	Smokey Rd.	739
Tributary R	Jefferson River Rd.*	650
	Athena Dr.*	666

*Upstream side.

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13902 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3806]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Unincorporated Areas of Rockdale County, Ga.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the unincorporated areas of Rockdale County, Ga. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the unincorporated areas of Rockdale County, Ga.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the unincorporated areas of Rockdale County, Ga., are available for review at the Planning and Inspection Office, 922 Court Street, Conyers, Ga.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the unincorporated areas of Rockdale County, Ga.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period on ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yellow River	Just upstream Gees Mill Rd.	650
	Just upstream Georgia Highway 138.	660
	Just downstream Irwin Bridge Rd.	709
Carr Branch	Just upstream of Hi-Roc Rd.	675
Carr Branch tributary	do	676
Boar Tusk Creek	Just downstream of Boar Tusk Rd.	670
	Norton Rd.	763
North Conyers tributary	Approximately 50 ft upstream Sigmund Rd. bypass.	750
Mark Branch	Almand Rd.	784
Lake Capri tributary	Lake Capri Dr.	727
Snapping Shoals Creek	Approximately 150 ft upstream Honey Creek Rd.	706
	Approximately 100 ft upstream Old Salem Rd.	752
Almand Creek	Approximately 100 ft upstream McDonough Highway (Route 20).	729
	Just upstream Stockbridge Highway (Route 138).	756
Snapping Shoals Creek tributary	Confluence with Snapping Shoals Creek.	750
Snapping Shoals Creek tributary No. 2	Confluence with Snapping Shoals Creek tributary.	763
South River	Confluence of Bailey Creek.	622

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Approximately 100 ft upstream Oglesby Bridge.	634
	Approximately 300 ft downstream Georgia Highway 138.	651
Honey Creek	Just upstream Georgia Highway 212.	642
	Confluence with Rowan Rd. tributary.	653
	Approximately 100 ft upstream Tucker Mill Rd.	680
	Just upstream Smyrna Rd.	710
	Just upstream Turner Rd.	777
McLane Creek	Approximately 100 ft upstream Troupe Smith Rd.	663
McLane Creek tributary	Confluence of McLane Creek tributary No. 2.	681
McLane Creek tributary No. 2	Hall Rd. (extended)	700
Cowan Lake tributary	Old Honey Creek Rd.	659
Goodard Road tributary	Ebenezer Rd.	693
	Northeastern corporate limit.	747
Bailey Creek	Wendwood Rd.	654
Scott Creek	East Shore Dr.	640

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13903 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-4142]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Cahokia, St. Clair County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Cahokia, St. Clair County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the village of Cahokia, St. Clair County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Cahokia, St. Clair County, Ill., are available for review at the Cahokia Village Hall, 103 Main Street, Cahokia, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Cahokia, St. Clair County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Areas of shallow flooding due to rainfall.	South of the intersection of Capgill Rd. and the Illinois Central Gulf RR., running parallel to the railroad to corporate limits.	397
	Between Dead Creek and Falling Springs Rds., south of Edward Pl., extending slightly south of Mildred Ave.	405
	West of Dead Creek in the area of Barber St.	405
	Between Falling Springs Rd. and corporate limits, north of Judith Lane.	405
	Between northern corporate limits and Bi-State Parks Airport, extending from hangar area to southeastern corporate limits.	406

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Between Missouri Pacific RR. and Terminal Railroad Association of St. Louis, south of 7th St.	406
	Between Range Lane and LaSalle Dr., east of Missouri Pacific RR.	408
	400 ft on either side of St. Michael Rd., between Ellen St. and St. Stephen Dr.	409
	Between Camp Jackson Rd. and William St., bordered by Carol Rd. and Annunciation Ct.	409
	Area bordered by Armard, Melvin, Andrews Drs., and Reiber Rd., and southern corporate limits.	406
	Area extending approximately 1,200 ft on either side of Goose Lake ditch.	406
Mississippi River	Upstream corporate limits.	423
	Downstream corporate limits.	422

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13866 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3807]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of De Kalb, Dutchess County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of De Kalb, Dutchess County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevations, for the city of De Kalb, Dutchess County, Ill.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of De Kalb, Dutchess County, Ill., are available for review at the De Kalb City Hall, 200 South Fourth Street, De Kalb, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of De Kalb, Dutchess County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The administrator has developed criteria for flood plain management in flood-prone areas in accordance 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South branch Kishwaukee River.	North corporate limit	837
	Hillcrest Dr.....	842
	Lucinda Ave.....	848
	Chicago & Northwestern RR.....	848
Unnamed tributary to Kishwaukee River.	Taylor St.....	850
	South corporate limit	851
	Confluence with south branch, Kishwaukee River.....	847
	Castel St.....	850
	Normal Rd	850
	Carroll Ave.....	852
	Lucinda Ave.....	855
Upstream of Glidden Ave.	Downstream of Glidden Ave.....	859
	Upstream of Glidden Ave.....	863
	Upstream of Grant Drive East.....	870

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13867 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3939]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Village of Lombard, DuPage County, Ill.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Lombard, DuPage County, Ill. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Lombard, DuPage County, Ill.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Lombard, DuPage County, Ill., are available for review at the Lombard Village Hall, 48 North Park Avenue, Lombard, Ill.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Lombard, DuPage County, Ill.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act

of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East branch DuPage River.	Downstream corporate limits at Glen Ellyn sewage treatment plant.....	680
	Treatment plant road.....	680
	Confluence with unnamed tributary north of 22nd St.....	683
	Corporate limits (2,700 ft upstream from treatment plant road).....	683
	Corporate limit at Charles Lane.....	688
	Hill Ave	692
	Chicago & Northwestern RR.....	692
	Crescent Blvd.....	692
	Corporate limit at Churchill Woods.....	692
	Tributary north of 22nd St.....	705
(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)	Issued: May 2, 1978.	
	GLORIA M. JIMENEZ, Federal Insurance Administrator. [FR Doc. 78-13868 Filed 5-25-78; 8:45 am]	
	[4210-01]	
	[Docket No. FI-3834]	
	PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW	
	Final Flood Elevation Determination for Town of Longmeadow, Hampden County, Mass.	
	AGENCY: Federal Insurance Administration, HUD.	
	ACTION: Final rule.	
	SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Longmeadow, Hampden County, Mass.	
	The final base (100-year) flood elevations for selected locations are:	

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 43 FR 7719.)

Issued: May 2, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.
[FR Doc. 78-13868 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3834]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determination for Town of Longmeadow, Hampden County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Longmeadow, Hampden County, Mass.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Longmeadow, Hampden County, Mass.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Longmeadow are available for review at the Planning Board's Office, Town Hall, 20 Williams Street, Longmeadow, Mass. 01106.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Longmeadow, Hampden County, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Connecticut River.	At southern corporate limit.....	58
	10,000 ft upstream of confluence of Longmeadow Brook.....	58
	Confluence with Connecticut River.....	57
Longmeadow Brook.	400 ft downstream of route 91.....	58
	300 ft upstream of route 91.....	63

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	150 ft downstream of Longmeadow St.....	64
	Upstream end of Longmeadow St. culvert.....	78
	800 ft upstream of Mill Rd.....	78
	325 ft downstream of Old Shaker Rd.....	82
	50 ft downstream of Old Shaker Rd.....	86
	50 ft upstream of Shaker Rd.....	101

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13869 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-1147]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Town of Mashpee, Barnstable County, Mass.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Mashpee, Barnstable County, Mass. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Mashpee, Mass.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Mashpee, are available for review at Town Hall, Main Street, Mashpee, Mass.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Mashpee, Mass.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Nantucket South (Waquoit Bay to Popponesset Bay).	Bluff Ave.....	11
	Nick Trall (extended).....	11
	Kim Path (extended).....	11
	Waterline Dr.....	11
	Mariner Lane.....	11
	Whippoorwill Circle.....	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13870 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3615]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Bay City, Bay County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Bay City, Bay County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Bay City, Mich.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Bay City, are available for review at City Hall, 201 Washington Street, Bay City, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Bay City, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Saginaw River	Belinda St.....	585
	Lafayette Ave.....	585
	Southernmost corporate limit.	586

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13871 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3692]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Southgate, Wayne County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Southgate, Wayne County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Southgate, Mich.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Southgate, are available for review at City Hall, 13763 Northline Road, Southgate, Mich.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Southgate, Mich.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13872 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3693]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Circle Pines, Anoka County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Circle Pines, Anoka County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Frank and Poet Drain.	Pennsylvania Ave.....	594
	Southgate Kennels:	
	Footbridge No. 1	595
	Footbridge No. 2	595
	Dix-Toledo Highway.....	596
	Allen Rd	598

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13872 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3693]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Circle Pines, Anoka County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Circle Pines, Anoka County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Circle Pines, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Circle Pines, are available for review at City Hall, 9201 Lexington Avenue North, Circle Pines, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free-line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Circle Pines, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The administrator has developed criteria for flood plain management in flood-prone areas in accordance 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Rice Creek.....	Baldwin Lake	885
	Southern corporate limits.	885
Blaine Pond	Western corporate limits (east of Blaine Pond).	885
Baldwin Lake.....	Eastern corporate limits (at Baldwin Lake).	885

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13873 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3695]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of North St. Paul, Ramsey County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of North St. Paul, Ramsey County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of North St. Paul, Minn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of North St. Paul, are available for review at City Hall, 2526 East 7th Avenue, North St. Paul, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of North St. Paul, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
County ditch No. 18.	Ariel St.....	929
	13th Ave. North.....	929
	do.*.....	931
	Detention Pond service road*.....	931
	do.*.....	935
	11th Ave. North.....	935
	Shopping center service road.....	935
	Minnesota Highway 38*.....	935
	do.*.....	937
	Soo Line RR. bridge*.....	937
North branch, County ditch No. 18.	do.*.....	939
	East South Ave.....	939
Casey Lake.....	McKnight Rd.....	938
Silver Lake.....	Western corporate limits (north of 17th Ave.).....	928
	Eastern corporate limits (west of Century Ave. in Oakdale).....	991

*Downstream side.
**Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13874 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3771]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Shakopee, Scott County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Shakopee, Scott County, Minn. These base

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13874 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3771]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Shakopee, Scott County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Shakopee, Scott County, Minn. These base

(100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Shakopee, Minn.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Shakopee, are available for review at City Hall, 129 East 1st Avenue, Shakopee, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Shakopee, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individual to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Minnesota River....	State Highway 101 and U.S. Highway 169.	722

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

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Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13875 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3733]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Wilkin County, Minn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Wilkin County, Minn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Wilkin County, Minn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Wilkin County, are available for review at Wilkin County Courthouse, Breckenridge, Minn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Wilkin County, Minn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Otter Tail River	Minnesota Highway 9.....	962
	County Road 164.....	964
	County State Aid Highway 14.....	970
	County Road 169.....	989
Bois De Sioux River.	County State Aid Highway 19.....	1,007
	County State Aid Highway 6.....	968
	County State Aid Highway 9.....	969

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13876 Filed 5-22-78; 8:45 am]

[4210-01]

[Docket No. FI-3696]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Cleveland, Bolivar County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Cleveland, Bolivar County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Cleveland, Miss.

ADDRESS: Maps and other information showing the detailed outlines of

the flood-prone areas and the final elevations for the city of Cleveland, are available for review at City Hall, 100 North Street, Cleveland, Miss.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Cleveland, Miss.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jones Bayou.....	Rosemary Rd., upstream.....	138
	Downstream.....	137
	Hillcrest Circle.....	137
	West 3d St., upstream.....	137
	Downstream.....	136
	South Court St.....	136
	Leflore Ave.....	135
Bear Pen Canal	Yale St.....	135
	Highway 8, upstream.....	137
	Downstream.....	136
	Sunflower Rd.....	136
Pecan Bayou.....	Road (360 ft upstream of corporate limits).	134
	Maple St.....	137
	College St.....	136
	Bishop St.....	136
West Main Canal ..	Yale St.....	135
	Unnamed Road (at upstream corporate limits).	139
	Pearman Rd.....	137
	Sunflower Rd., upstream.....	136
	Downstream.....	135

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delega-

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tion of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13877 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3653]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Grenada County, Miss.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Grenada County, Miss. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Grenada County, Miss.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Grenada County, are available for review at Grenada County Courthouse, Grenada, Miss.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Grenada County, Miss.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been

provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yalobusha River ...	State Highway 8*.....	158
	I-55 southbound lane.....	177
	I-55 northbound lane.....	178
	State Highway 51.....	180
Batupan Bogue.....	Main St.....	181
	Illinois Central Gulf RR.....	182
	State Highway 8.....	186
	Tie Plant Rd.....	196
Perry Creek.....	County Rd. (approximately 2 ml downstream from county line).	218
	Vance Rd.*.....	193
	U.S. Highway 51*.....	210
	I-55*.....	222
Perry Creek tributary.	I-55 northbound lane.....	232
	I-55 southbound lane.....	239
	Carrollton Rd.....	239
	Shelby Chapel Rd.....	250

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13878 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3773]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Aurora, Lawrence County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Aurora, Lawrence County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in

order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Aurora, Lawrence County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Aurora are available for review at City Hall, Aurora, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Aurora, Lawrence County, Mo.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Chat Creek.....	1,100 ft upstream from Missouri Highway 39.	1,340
	250 ft upstream from Missouri Pacific RR.	1,345
	360 ft downstream from Morgan Ave.	1,350
	McNatt Ave	1,357
	30 ft downstream from Elliott Ave.	1,359
	St. Louis-San Francisco RR.	1,368
	20 ft downstream from Hudson Ave.	1,375
	105 ft upstream from Business Route 60.	1,378
	55 ft downstream from Highland St.	1,382
Unnamed tributary No. 1 at Carnation Rd.	110 ft upstream from Carnation Rd.	1,342
	190 ft upstream from Lewis-Shaw Ave.	1,349

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	245 ft upstream from Business Route 60.	1,354
	Downstream side of South St.	1,356
	Upstream of Lincoln Ave.	1,366
	60 ft downstream from Springfield St.	1,368
	110 ft upstream from Jefferson Ave.	1,386
	Union St.....	1,401
Unnamed tributary No. 2, 2,700 ft upstream from the tributary No. 1 at Carnation Rd.	500 ft upstream from the confluence with tributary No. 1.	1,359
	65 ft downstream from Springfield St.	1,365
	Springfield St.....	1,366
	20 ft downstream from confluence of tributary No. 3.	1,373
	30 feet upstream from Hadley St.	1,386
	460 ft upstream from Hadley St.	1,380
	70 ft downstream from Prospect St.	1,399
	Prospect St.....	1,401
Tributary No. 3, 2,840 ft from the confluence with tributary No. 1.	130 ft upstream from Hadley St.	1,380
Tributary No. 4 at Roosevelt Ave.	750 ft upstream from Hadley St.	1,387
	60 ft downstream from W. St. Louis St.	1,360
	90 feet downstream from W. Springfield St.	1,366
	60 ft upstream from W. Springfield St.	1,369
	40 ft downstream from Pearl St.	1,370
	90 ft downstream from Lincoln Ave.	1,374
	130 ft downstream from Hadley St.	1,379
	Hadley St.....	1,381

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13879 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3774]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Blue Springs, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Blue Springs, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Blue Springs, Jackson County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Blue Springs, Jackson County, Mo., are available for review at Engineering and Inspection Office, 903 Main Street, Blue Springs, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Blue Springs, Jackson County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Burr Oak Creek.....	Northern corporate limits.	773
	Just upstream of Pink Hill Rd.	799

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Bridgeton.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum	Depth in feet, above ground level
Cowmire Creek.....	At the confluence of east tributary.	468	
	Just downstream of Norfolk & Western RR.	469	
	Just upstream of Norfolk & Western RR.	480	
	1,300 ft upstream of Enterprise Way.	481	
	Just downstream of Pennridge Dr.	488	
	Just downstream of Interstate 270.	490	
	Just downstream of Target Store culvert.	492	
	Just upstream of Target Store culvert.	497	
	Just downstream of McKelvey Rd.	497	
East tributary, Cowmire Creek.	At the confluence with Cowmire Creek.	468	
	1,160 ft upstream of confluence with Cowmire Creek.	469	
	Just downstream of Norfolk & Western RR.	481	
South tributary, Cowmire Creek.	250 ft south of the southern wall of Target Store.	494	
	Just upstream of Target culvert south.	496	
	Just downstream of McKelvin Rd. culvert.	496	
Missouri River.....	9,770 ft downstream of Norfolk & Western RR.	451	
	Just downstream of Highway 115.	454	
South tributary, Cowmire Creek.	250 ft south of the southern wall of Target Store.	1	

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just downstream of Saunders Rd.	833
Burr Oak Creek tributary.	Just downstream of Pink Hill Rd.	803

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13880 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3734]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Bridgeton, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Bridgeton, St. Louis County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Bridgeton, St. Louis County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood prone areas and the final elevations for the city of Bridgeton are available for review at the Engineer's Office, City Hall, 11955 Natural Bridge, Bridgeton, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-13881 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3847]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Buckner, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Buckner, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Buckner, Jackson County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Buckner, Jackson County, Mo., are available for review at City Hall, Buckner, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Buckner, Jackson County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)).

ance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Fire Prairie Creek.	Eastern corporate limit..	725
	Approximately 140 ft upstream of Buckner-Tarsney Rd.	730

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2737, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13882 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3775]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Gideon, New Madrid County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Gideon, New Madrid County, Mo. The base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map

(FIRM), showing base (100-year) flood elevation, for the city of Gideon, New Madrid County, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Gideon, New Madrid County, Mo., are available for review at Gideon City Hall, P.O. Box 396, Gideon, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Gideon, New Madrid County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received for the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Ditch No. 3.....	Downstream of 4th St. (Route 162).	268
	Downstream of Route 153.	269

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13883 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3776]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Hayti, Pemiscot County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Hayti, Pemiscot County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Hayti, Pemiscot County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Hayti, Pemiscot County, Mo., are available for review at City Clerk's Office, Hayti, Mo. 63851.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Hayti, Pemiscot County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Main ditch No. 6 ...	Approximately 160 ft downstream of the western crossing of Route 84.	261
	Approximately 160 ft downstream of the eastern crossing of Route 84.	262
Lateral No. 21	Intersection of Mallory St. and Lincoln St.	268

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

FR Doc. 78-13884 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3848]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for City of Mosby, Clay County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Mosby, Clay County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Mosby, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Mosby, are

available for review at City Hall, Main Street, Mosby, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Mosby, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Fishing River.....	Main St.....	765
	Rock Island RR.....	767
	U.S. Route 69	770

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13885 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3777]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for City of Raytown, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Raytown, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Raytown, Jackson County, Mo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Raytown, Jackson County, Mo., are available for review at the Public Works Department, 10000 East 59th Street, Raytown, Mo. 64133.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Raytown, Jackson County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
White Oak Creek ..	Approximately 110 ft upstream from Raytown Rd.	876
	Approximately 420 ft upstream from southern corporate limits.	812
Round Grove Creek.	Just upstream of Raytown Rd.	867
	Approximately 150 ft upstream from 55th St.	892

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13886 Filed 5-25-78; 8:45 am]

[4210-01]

[Docket No. FI-3714]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Vernon County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Vernon County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Vernon County, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Vernon County, Wis., are available for review at Vernon County, Courthouse, Virginia, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Vernon County, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
West Fork Kickapoo River.	Town Rd (upstream)	864
	(Downstream)	860
	Salem ridge Rd	874
	County Trunk Highway "S"	918
	Town Rd	932
	County Trunk Highway "P"	951
Coon Creek	County Trunk Highway "P"	752
Tributary to Coon Creek.	County Trunk Highway "P" (upstream)	747
	(Downstream)	745
Bad Axe River	Burlington Northern	835
	State Trunk Highway 35	835
	Willenberg Rd	836
	Town Rd	841
North Fork Bad Axe River.	State Trunk Highway 56	861
	North Ridge Rd ..668(upstream)	865
	(Downstream)	865
	County Trunk Highway "O"	732
South Fork Bad Axe River.	Kuehn Rd	851
	Lockington Rd	860
	Town Rd (upstream)	872
	(Downstream)	869
	South Creek Rd (upstream)	884
	(Downstream)	882
	Town Rd (upstream)	889
	(Downstream)	887
	County Trunk Highway "N"	898
Kickapoo River at Readstown.	State Trunk Highway 131	750
West Fork Kickapoo river at Readstown.	Town Rd	750
West Branch Baraboo River.	Town Rd	967
Bear Creek	State Trunk Highway 131	795
North Bear Creek.	County Trunk Highway "D"	826

Source of flooding	Location	Elevation, in feet, national geodetic vertical datum
Otter Creek	State Trunk Highway 82 (just west of La Farge). Farm Rd	803
	State Trunk Highway 82 (near Greene Hollow). State Trunk Highway 82 (about 0.4 mile east of intersection with County Trunk Highway "D").	824
		838
		863
Tributary to Webster Creek.	Town Rd	923
	County Trunk Highway "P"	962
Warner Creek	County Trunk Highway "P" (upstream)	884
	(Downstream)	879
	Valley Ave (upstream)	891
	(Downstream)	889
	Union Ave (upstream)	902
	(Downstream)	900
	Farm Bridge	913
	Warner Ave (upstream)	922
	(Downstream)	919
Webster Creek	Town Rd	920
Tributary at De Soto.	Private Dr	714
	State Trunk Highway 82	734

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 12, 1978.

GLORIA M. JIMENEZ,
Federal Insurance Administrator.

[FR Doc. 78-13850 Filed 5-25-78; 8:45 am]

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Definitions

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The Commission is amending the definitions section of its rules to provide that the "Chairman" of the National Commissioners shall be known as the "presiding officer" of the National Commissioners, in order to distinguish the Commissioner exercising that function from the Chairman of the Commission and the Chairman of the National Appeals Board.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael A. Stover, Office of the

General Counsel, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537; telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: This rule has not been published for public comment inasmuch as it relates to the internal procedures of the Commission.

Accordingly, pursuant to 18 U.S.C. § 4203(a)(7) and § 4204(a)(6) Title 28, Code of Federal Regulations, § 2.1(d) is amended to read as follows:

§ 2.1 Definitions.

(d) The term "National Commissioners" refers to the Chairman of the Commission and the three members of the National Appeals Board. The Vice Chairman of the Commission shall be the presiding officer of the National Commissioners. In the absence of vacancy of the Vice Chairman, the Chairman of the Commission shall be presiding officer of the National Commissioners.

Dated: May 22, 1978.

CECIL C. MCCALL,
Chairman,
U.S. Parole Commission.
[FR Doc. 78-14763 Filed 5-26-78; 8:45 am]

[4410-01]

PART 2—PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS

Paroling, Recommitting and Supervising Federal Prisoners

AGENCY: United States Parole Commission.

ACTION: Final rule.

SUMMARY: The rule as adopted would remove a previous restriction on Commissioners and hearing examiners from holding personal interviews with persons wishing to discuss a specific case before the Commission. Instead of a blanket prohibition, which was found to be unduly restrictive in cases where interviews with family members, community representatives, etc., would be appropriate and useful to the Commission, the final rule provides that a written summary of such an interview must be retained in order to protect the integrity of the Commission's consideration of the case under discussion.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael A. Stover, Office of the

General Counsel, United States Parole Commission, 320 First Street NW., Washington, D.C. 20537, telephone 202-724-3092.

SUPPLEMENTARY INFORMATION: This rule has not been published for public comment inasmuch as it relates to the internal procedures of the Commission.

Accordingly, pursuant to 18 U.S.C. § 4203(a)(7) and § 4204(a)(6), Title 28, Code of Federal Regulations, § 2.22, is amended by deletion of the entire text of that section and the substitution of the following text:

§ 2.22 Communication with the Commission.

Attorneys, relatives, or interested parties wishing a personal interview to discuss a specific case with a representative of the Commission must submit a written request to the appropriate office setting forth the nature of the information to be discussed. Such interview may be conducted by a Commissioner or assigned staff, and a written summary of each such interview shall be prepared and placed in the prisoner's file.

Dated: May 22, 1978.

CECIL C. MCCALL,
Chairman, United States
Parole Commission.
[FR Doc. 78-14764 Filed 5-26-78; 8:45 am]

[7630-01]

Title 36—Parks, Forests, and Public Property

CHAPTER IX—PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PART 904—RELOCATION ASSISTANCE AND LAND ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

AGENCY: Pennsylvania Avenue Development Corporation.

ACTION: Interim rule and request for comments.

SUMMARY: The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 requires: that any Federal agency acquiring real property do so in a manner consistent with the acquisition requirements of the Act; that persons affected by real property acquisition be provided with relocation advisory services; that persons who are required to move as a result of the acquisition be provided with benefits related to the expenses of moving and, in some cases, pay-

ments to assist with purchase of a new home or rental of a new dwelling. Because the Corporation will be acquiring real property in the area along the north side of Pennsylvania Avenue NW., Washington, D.C., the Corporation is promulgating this interim rule in compliance with the Uniform Act. The interim rule sets out the Corporation's policies and procedures for the acquisition of real property and the procedures for obtaining benefits relating to relocation.

DATES: Submit written comments by June 30, 1978; effective date: May 26, 1978.

ADDRESS: Send written comments to: Mr. Jerry Smedley, Chief of Real Estate Operations, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Suite 1148, Washington, D.C. 20004. All written comments relating to this interim rule will be available for public inspection during normal business hours at this office.

FOR FURTHER INFORMATION CONTACT:

Mr. Clifford Brooks, Community Planner, Real Estate Staff, 202-566-0602, or Ms. Mary M. Schneider, Attorney, Office of General Counsel, 202-566-1078, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Suite 1148, Washington, D.C. 20004.

SUPPLEMENTARY INFORMATION: Chapter IX of Title 36 of the Code of Federal Regulations is amended by adding a new Part 904. This part provides for implementation of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Pub. L. 91-646, 84 Stat. 1894, 42 U.S.C. 4601 et seq.).

The Pennsylvania Avenue Development Corporation was established by Act of Congress (Pub. L. 92-578, 86 Stat. 1270, as amended, 40 U.S.C. 871 et seq.) to improve and enhance the ceremonial thoroughfare known as Pennsylvania Avenue, and its northern environs, between the White House and the Capitol in Washington, D.C.

In section 2(c) of the Pennsylvania Avenue Development Corporation Act of 1972 (supra) Congress declared that "to insure suitable development, maintenance, and use of the area and the elimination of blight, it is essential that there be developed and carried out as an entirety plans for this area which will specify the uses, both public and private, to which property is to be put, the programming and financing of necessary acquisitions, construction, reconstruction, and other activities;" and in section 2(e) "that the powers conferred by this chapter are for public uses and purposes for which public powers may be employed, public funds may be expended, and

the powers of eminent domain and the police power may be exercised, and the granting of such powers is necessary in the public interest." As required by this enabling legislation, the Corporation prepared "The Pennsylvania Avenue Plan—1974," and is now beginning the implementation phase of the Plan. During implementation, real property will be acquired by the Corporation, and, of necessity, current occupants will be displaced, and adjacent properties will be affected by the Corporation's project.

Because of this acquisition and the attendant relocations, the Corporation must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (supra). In drafting this interim rule, the preparers have attempted to organize and write it so that it is easy to read and understand. Comments addressing the organization and readability of this interim rule will be carefully considered. The interim rule reflects the Corporation's determinations concerning the provisions of the Uniform Act, specifically:

(1) Part 904 has been divided into subparts with each subpart covering a general category of benefits or procedures. Subpart A has an extensive section on definitions which apply to all subparts. Since many of the terms defined are used throughout the part, it was decided that a single definition section was convenient and easy to understand. Subpart A covers, in addition to definitions, those procedures that are administratively applicable to one or more of the other subparts. Repetition is minimized by organizing the material in this manner.

(2) In subpart B, the term "eligible person" rather than "displaced person" was used to refer to a person who can obtain relocation advisory services, because these services are available to persons other than just those within the definition of "displaced person." The term "eligible person" is used throughout this subpart for that reason.

(3) In subpart D on Replacement Housing Payments, attempts were made to minimize complexity. To that end, the sections describing the three basic types of payments provide a formula intended to be easy to read and understand. The formula is set out step-by-step making it easy to calculate the payment to which displaced persons are entitled. Brevity may have been sacrificed in this instance, but with the benefit of clarity.

(4) The Review Procedure in subpart E was established to provide the requisite review for anyone aggrieved by a determination made on any claim under this part. The procedure is intended to provide an objective final determination. Because the Corporation has relatively few employees, it

was felt that objectivity in making a final determination could be obtained by giving the responsibility to someone other than a staff member. The Chairman or member of the board of Directors can provide that objectivity, and the procedures set out for review are in keeping with the requirements of the Administrative Procedure Act (5 U.S.C. 551 et seq.).

(5) The procedures for the acquisition of real property by the Corporation are set out in subpart F and are in compliance with the requirements of the Uniform Act.

For the reasons described above, the Corporation amends chapter IX of title 36 of the code of Federal Regulations by adding part 904 as follows:

Subpart A—General

Sec.

- 904.1 Purpose and policy.
- 904.2 Definitions.
- 904.3 Program administration.
- 904.4 Written notices.
- 904.5 Records.
- 904.6 Availability of housing.
- 904.7 Application and payment for relocation benefits.
- 904.8 Payments not to be considered income.
- 904.9 Outleasings.

Subpart B—Relocation Advisory Services

- 904.10 Scope.
- 904.11 Eligibility.
- 904.12 Minimum advisory services provided.
- 904.13 Refusal of assistance.
- 904.14 Coordination with other agencies.

Subpart C—Relocation Moving Payments

- 904.21 Scope.
- 904.22 Eligibility.
- 904.23 Actual reasonable moving expenses.
- 904.24 Exclusions.
- 904.25 Additional moving and related expenses: business or non-profit organizations.
- 904.26 Fixed payment in lieu of moving and related expenses: businesses and non-profit organizations.
- 904.27 Fixed payments in lieu of moving and related expenses: Individuals and families.

Subpart D—Replacement Housing Payments

- 904.40 Scope.
- 904.41 Eligibility.
- 904.42 Replacement housing payments: purchase.
- 904.43 Replacement housing payments: rental assistance.
- 904.44 Replacement housing payments: down payment assistance.
- 904.45 Combined payments.
- 904.46 Occupancy.
- 904.47 Inspection of replacement dwelling required.
- 904.48 Provisional payment pending condemnation.
- 904.49 Partial use of home for business.
- 904.50 Multiple occupants of a single dwelling.
- 904.51 Dwelling in multiple unit building.
- 904.52 Certificate of Eligibility pending purchase of replacement dwelling.

Subpart E—Review Procedure

Sec.

- 904.70 Scope.
- 904.71 Request for review.
- 904.72 Time for filing request for review.
- 904.73 Review procedures.
- 904.74 Final determination.

Subpart F—Acquisition of Real Property

904.80 Scope.

- 904.81 Real property acquisition practices.
- 904.82 Statement of just compensation to owner.
- 904.83 Buildings, structures, and Improvements to be acquired.
- 904.84 Expenses incidental to transfer of title.
- 904.85 Litigation expenses.
- 904.86 Allowance for benefits prohibited.

AUTHORITY: Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Pub. L. 91-648, 84 Stat. 1894 (42 U.S.C. 4601 et seq.); Pennsylvania Avenue Development Corporation Act of 1972, as amended, sec. 6(6), Pub. L. 92-578, 86 Stat. 1270 (40 U.S.C. 875(6)); sec. 8, Pub. L. 92-578, 86 Stat. 1273 (40 U.S.C. 877).

Subpart A—General

§ 904.1 Purpose and Policy.

(a) This part provides the policy and procedures to be followed by the Pennsylvania Avenue Development Corporation (hereinafter referred to as the Corporation) or its agents for implementing the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (hereinafter referred to as the Act). These regulations are intended to establish equitable policies and procedures for acquiring real property and providing relocation services and payments so that persons displaced by the Corporation do not suffer disproportionate injuries as a result of activities designed for the benefit of the public as a whole.

(b) The Corporation to the greatest extent practicable will:

(1) Administer its development program so that when any person is displaced by the Corporation from his dwelling, a comparable replacement dwelling will be available.

(2) Make prompt and equitable relocation assistance payments to eligible displaced persons.

(3) Provide relocation assistance advisory services in a manner that assures eligible persons will receive assistance suitable to their needs.

(4) Provide review procedures that afford prompt and proper resolution of any grievance.

(5) Notify displaced persons promptly of the date they will be required to vacate, in order to provide maximum time to relocate.

(6) Make every effort to expeditiously acquire real property based upon payment of just compensation.

§ 904.2 Definitions.

The following definitions shall apply to this part:

(a) "Business" means any lawful activity other than a farm operation conducted primarily for the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property; or for the sale of services to the public; and includes activities of a nonprofit organization.

(b) "Comparable replacement dwelling" is one which is:

(1) Decent, safe, and sanitary, as defined in paragraph (c) of this section.

(2) Functionally equivalent and substantially the same as the dwelling being acquired with respect to: (i) number of rooms, (ii) area of living space, and (iii) type of construction, but no precluding new construction.

(3) In an area not generally less desirable than the dwelling being acquired with respect to: (i) public utilities, (ii) public and commercial facilities, and (iii) neighborhood conditions, including municipal services, and unreasonably adverse environmental factors.

(4) Reasonably accessible to the place of employment, or potential place of employment, of the head of the displaced family, or the displaced individual, as the case may be.

(5) Adequate in size to accommodate the needs of the displaced family or individual.

(6) Within the financial means of the displaced family or individual. A dwelling is within the financial means of an individual or family if, taking into account payments made under subpart D, the monthly housing cost (including payments for mortgage, insurance, and property taxes) or rental cost is not more than: (i) 25 percent of the monthly gross income of the individual or family (including supplemental income payments received from public agencies); or (ii) the portion of the monthly gross income of the individual or family (including supplemental income payments received from public agencies), paid for rent or housing cost at the acquired dwelling, if the rent or housing cost was not excessive taking into consideration the cost of other needs of the family or individual.

(7) Open to all individuals regardless of race, color, religion, or national origin, in a manner consistent with the requirements of title VIII of the Civil Rights Act of 1968, as amended, and available to all individuals regardless of sex.

If replacement dwellings which meet the requirements in paragraph (b) (1) through (7) of this section are not available on the market, the Corporation may, after a proper finding of the need therefore, treat available dwellings which exceed those requirements as comparable replacement dwellings.

(c) "Decent, safe, and sanitary housing" means a dwelling which meets the following criteria:

(1) For housekeeping units, a decent, safe, and sanitary dwelling is one which:

(i) Conforms with all applicable provisions for existing structures that have been established under state or local building, plumbing, electrical, housing, and occupancy codes and similar ordinances or regulations.

(ii) Has a continuing and adequate supply of potable, safe water.

(iii) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition, connected to hot and cold water, an adequate sewage system, and a stove and refrigerator in good operating condition when required by local codes, ordinances, or customs. When these appliances are not required by local codes, ordinances, or customs, the kitchen area or area set aside for kitchen use shall have utility service connections and adequate space for installation of such appliances.

(iv) Has an adequate heating system in good working order which will maintain a minimum temperature of 68 degrees in the living area (excluding bedrooms) under local outdoor temperature conditions. A heating system will not be required in those geographical areas where it is not normally included in new housing.

(v) Has a bathroom, well lighted and ventilated; affording privacy to a person within it; containing a lavatory basin and bathtub or stall shower, properly connected to an adequate supply of hot and cold running water; having a flush toilet, properly connected to a sewage disposal system; and all in good working order.

(vi) Has an adequate and safe wiring system for lighting and other electrical services in each room.

(vii) Is structurally sound, weather-tight, in good repair and adequately maintained.

(viii) Has a safe unobstructed means of egress leading to safe open space at ground level. Each unit in a multiple dwelling must have access either directly or through a common corridor to a means of egress leading to open space at ground level. In a multiple dwelling of three stories or more, the common corridor on each story must have at least two means of egress.

(ix) Has habitable sleeping, living, cooking, and dining floor space (exclusive of such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfurnished attics, foyers, storage spaces, cellars, utility rooms, or similar spaces) subdivided into adequately ventilated rooms sufficient to accommodate the occupants.

(2) For non-housekeeping units (rental of sleeping rooms), decent, safe and sanitary dwelling is one which includes the minimum requirements contained in paragraphs (c) (1) (i), (ii),

(iv), (vi), (vii), and (viii) of this section, and has a lavatory; bath and flush toilet facilities providing privacy; and a door that can be locked if such facilities are separate from the sleeping room.

(3) In those instances in which a dwelling is located in an area where the local housing code does not meet all the standards listed in paragraphs (c) (1) and (2) of this section, the Corporation may approve the dwelling as acceptable, decent, safe, and sanitary housing if it meets the standards of the local code.

(4) Exceptions may be granted to decent, safe, and sanitary standards, but such exceptions shall be limited to items and circumstances that are beyond the reasonable control of the Corporation. Approved exceptions shall not affect the computation of the replacement housing payment. In case of extreme hardship or other extenuating circumstances, an exception to the decent, safe, and sanitary requirements of replacement housing may be permitted in a particular case, with the written concurrence of the Corporation.

(d) "Displaced person" means any person who moves from real property, or moves his personal property from real property, as a result of the Corporation's acquisition of such real property, in whole or in part; or a written order to vacate from the Corporation.

(e) "Dwelling" means the place of permanent or customary and usual abode of a person. It includes a single family building, a one-family unit in a multi-family building, a unit of a condominium or cooperative housing project, or any other residential unit.

(f) "Economic rent" means the amount of rent a residential displaced person would have to pay for a comparable dwelling unit in areas not less desirable than that of the dwelling unit to be acquired by the Corporation.

(g) "Family" means two or more individuals who live together in a dwelling and are related by blood, marriage, adoption, legal guardianship, or operation of law; or determined by the Corporation to be jointly eligible for benefits under this part.

(h) "Farm operation" means a lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(i) "Initiation of negotiations" means the day on which the Corporation makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the proper-

ty, or the day on which a written offer is mailed to the property owner or his representative.

(j) "Mortgage" means a lien commonly given to secure an advance on, or the unpaid purchase price of, real property under the laws of the state in which the real property is located, together with any credit instruments secured thereby.

(k) "Nonprofit organization" means a corporation, partnership, individual, or other public or private entity, engaged in a lawful activity on a non-profit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession or instructional activity on the premises.

(l) "Owner" means a person(s):
(1) Owning, legally or equitably, the fee simple estate, a life estate, a 99 year lease or other proprietary interest in the property.

(2) The contract purchaser of any of the foregoing estates or interests, who has the right of occupancy under said contract.

(3) With a lease, at least 50 years to run from the date of the acquisition of the property.

(4) With an interest in a cooperative housing project, which includes the right to occupy a dwelling.

(5) Who has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law. For the purpose of these regulations, in the event of acquisition of ownership by any of the foregoing methods in this paragraph, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(m) "Person" includes a partnership, company, corporation, or association as well as an individual or family.

(n) "Peak business season" means that period of time between December 1 and January 1, inclusive, and 2 weeks prior to Easter day and Easter day, inclusive.

§ 904.3 Program administration.

In carrying out the relocation assistance program set forth in this part, the Corporation will have at least one employee whose primary responsibility is relocation assistance. The Corporation may also hire or contract with other persons or government agencies to assist in implementation of this program.

§ 904.4 Written notices.

Written notices, including the following, shall be served personally or sent by certified or registered first class mail, return receipt requested:

(a) *Notice of appraisal.* Prior to appraisal of property, the Corporation will notify each owner that the Corporation is having his property appraised. This notice shall state the

name of the appraiser(s) and shall afford the owner or his representative the opportunity to accompany the appraiser(s) during inspection of the property.

(b) *Notice of initiation of negotiations.* The Corporation will notify each owner at the time of initiation of negotiations, and each tenant within 15 days of initiation of negotiations, of the following:

(1) The Corporation has made an offer to purchase the property;

(2) All tenants will be required to execute disclaimers or releases of leases;

(3) The occupants will be required to pay rent during the period of occupancy following acquisition;

(4) The Corporation's schedule for vacating the property;

(5) The name of the person to contact for relocation assistance;

(6) Information on the eligibility for relocation assistance and the types of assistance available generally;

(7) A written statement setting forth the optional types and amounts of replacement housing payments to which the individual displaced person may be entitled; and

(8) A copy of the relocation brochure.

(c) *Ninety-day notice.* The Corporation will notify all persons lawfully occupying real property acquired or to be acquired by the Corporation of the scheduled date for vacating the real property. The construction or development of the Corporation's project shall be scheduled so that to the extent practicable, no person lawfully occupying real property shall be notified or required to move without at least ninety days written notice of the Corporation's scheduled date for vacating the property. This notice is not an Order to Vacate and can be furnished at any time after the Corporation's Board of Directors has approved the acquisition of the property occupied by such individual. This notice may also be included in the notices provided for in paragraphs (b) and (d) of this section.

(d) *Order to vacate.* Following acquisition of real property or an interest therein requiring the displacement of lawful occupants, the Corporation will serve or send the occupants an Order to Vacate as follows:

(1) When the effective date is the same or later than the date specified in the Ninety Day Notice provided for in paragraph (c) of this section, the order shall be furnished at least 30 days prior to the date the property must be vacated.

(2) When the effective date is earlier than the date specified in the Ninety Day Notice provided for in paragraph (c) of this section, or in the event no Ninety Day Notice preceded the Order to Vacate, the Order shall be furnished, to the extent practicable, at

least 90 days prior to the date the property must be vacated.

(3) To the extent practicable, no Order to Vacate will require retail occupants to vacate during a peak business season.

(e) *Notice of right to review.* At the time the Corporation makes a determination regarding eligibility or benefits under this part, all persons shall be furnished a written notice of their right to have such determinations reviewed.

§ 904.5 Records.

(a) The Corporation will maintain separate records for each acquisition of real property and for each relocation of a displaced person suitable for enabling a fair determination of any claim or request for review and for determining just compensation in any eminent domain proceeding.

(b) Records maintained on individuals will be subject to the provisions of the Privacy Act of 1974 (Pub. L. 93-579, 88 Stat. 1896 (5 U.S.C. 522a)).

§ 904.6 Availability of housing.

(a) The Corporation shall assure, within a reasonable period of time prior to displacement of any person from a dwelling, that a comparable replacement dwelling is available. No person shall be required to move from his dwelling unless a comparable replacement dwelling is available to such person.

(b) In the event the Corporation cannot proceed to actual construction because comparable replacement sale or rental dwellings are not available and the Corporation determines that such dwellings cannot otherwise be made available, the Corporation may take such action as is necessary or appropriate to provide such dwellings by use of funds authorized for the Corporation's project. In doing so, the Corporation will be guided by criteria and procedures of the Secretary of Housing and Urban Development appearing at 24 CFR Part 43, Subpart A.

§ 904.7 Application and payment for relocation benefits.

(a) A displaced person who is eligible for payments must submit an application in writing which:

(1) Is signed by, or on behalf of, the displaced person;

(2) Itemizes the expenses and benefits claimed;

(3) Includes such supporting receipts, invoices, and other documents that the Corporation may require; and

(4) Is submitted within 18 months of becoming eligible for payments for benefits under subpart C and within 6 months of becoming eligible for payment under subpart D.

(b) Payment shall be made as follows:

(1) If a displaced person, his mover, and the Corporation agree in writing,

the displaced person may submit an unpaid bill for moving expenses for direct payment to the mover.

(2) In the case of a self-move by a displaced person who conducts a business, the amount of payment for actual reasonable moving expenses is negotiable but may not be more than the lower of two firm bids or estimates furnished to the Corporation unless the Corporation determines that a greater amount is justified. The displaced person may claim allowable removal and installation expenses in addition to self-move expenses.

(3) A displaced person may not be paid for his moving expenses in advance of the actual move unless the Corporation finds that a hardship would otherwise result.

(4) The Corporation shall make payment under subpart D directly to the displaced homeowner or tenant, if he has purchased or rented and occupied a decent, safe, and sanitary dwelling. At the option of the displaced homeowner or tenant, the Corporation may make payment to the seller or lessor of the decent, safe and sanitary dwelling.

(5) The Corporation shall make a rental payment under § 904.43 in installments if requested by the displaced person.

(6) The Corporation shall not withhold all or any portion of payments provided for herein to cover claims or rentals owed to the Corporation unless the displaced person agrees in writing that the Corporation may withhold claims or rentals from payments.

§ 904.8 Payments not to be considered income.

Payments received by a displaced person under these regulations shall not be considered income for the purpose of:

(a) Internal Revenue Code of 1954, as amended; or

(b) Determining the eligibility or extent of eligibility for assistance under the Social Security Act or any other Federal law.

§ 904.9 Outleasings.

Persons who become occupants of Corporation property after acquisition of the property will not be eligible for benefits under this Part. The Corporation will obtain a waiver, specifically waiving the lessee's rights to claim any benefits under this Part, from any lessee to whom it leases if that person was not occupying the property at the time of its acquisition by the Corporation. The waiver will be obtained prior to execution of the outlease and will be incorporated in the outlease, where possible.

Subpart B—Relocation Advisory Services

§ 904.10 Scope.

This subpart prescribes the requirements for providing relocation assistance advisory services to eligible persons affected by the Corporation's acquisition of real property.

§ 904.11 Eligibility.

The Corporation shall offer relocation assistance advisory services to any "displaced person," and any person occupying property immediately adjacent to the real property acquired when PADC determines that such person is caused substantial economic injury because of the acquisition.

§ 904.12 Minimum advisory services provided.

(a) The Corporation shall carry out a relocation assistance advisory program so eligible persons will receive uniform and consistent services and payments regardless of race, color, or national origin pursuant to Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000a). The Corporation, as necessary or appropriate, will:

(1) Explain the services available, relocation payments and the eligibility requirements and assist in completing any applications or other forms required;

(2) Determine the need, if any, of eligible persons, for relocation assistance;

(3) Provide current and continuing information on the availability, prices and rentals of comparable decent, safe, and sanitary sale and rental housing, and of comparable commercial properties and locations;

(4) Assist eligible persons in obtaining and becoming established in replacement locations;

(5) Supply information concerning Federal and District of Columbia housing programs, disaster loan programs, and other Federal or District of Columbia programs offering assistance to eligible persons; and

(6) Provide other advisory services to eligible persons in order to minimize hardships in adjusting to their new location.

(b) Advisory services, to the extent practicable, shall be provided by personal contact. If such personal contact cannot be made, the Corporation shall document reasonable efforts made to achieve personal contact.

§ 904.13 Refusal of assistance.

A person may refuse relocation advisory services and still be eligible for payments. If a person refuses relocation advisory services, the Corporation shall obtain a statement from that person stating that relocation advisory services were offered and declined and

that relocation benefits were explained.

§ 904.14 Coordination with other agencies.

All relocation advisory services performed by or on behalf of the Corporation shall be coordinated with the District of Columbia's central relocation programs. The Corporation will coordinate and, where appropriate, enter cooperative agreements with other agencies providing services useful to persons being relocated. Such agencies may include social welfare agencies, business development organizations, urban renewal agencies, redevelopment authorities, the U.S. Department of Housing and Urban Development, the Veteran's Administration and the Small Business Administration. The Corporation shall obtain information on available replacement properties and financial assistance from the local private real estate, banking and investment communities.

Subpart C—Relocation Moving Payments

§ 904.21 Scope.

This Subpart prescribes the requirements and procedures for the payment of moving and related expenses and other payments for persons displaced from real property or who move their personal property from real property as the result of acquisition of that real property by the Corporation.

§ 904.22 Eligibility.

(a) A displaced person is eligible for payment of moving and related expenses or payments in lieu thereof without regard to the length of time he occupied the real property from which displacement occurred. A person may be eligible for both a business and a residential moving payment if the displaced person resides and conducts a business on the same property, or is the owner-occupant of a multi-family dwelling that is being acquired.

(b) To be eligible for the moving expense payments provided for in this subpart, a person shall:

(1) Be a displaced person.

(2) Submit (i) a written notice of his intention to move, setting forth the address to which he will move, (ii) an inventory of the personal property to be moved, and (iii) any other supportive data or information, including bids which the Corporation may require. All of these shall be submitted at least 15 days prior to the move, unless the Corporation determines under exceptional circumstances that less than 15 days is justified.

(3) Not be a department, agency or instrumentality of any Federal, state, or local government.

§904.23 Actual reasonable moving expenses.

Except as provided in §904.24, a displaced person is entitled to actual reasonable expenses for the following:

(a) Transporting individuals, families and personal property from the displacement site to a replacement site (including storage), but not more than fifty (50) miles unless the Corporation finds that the displaced person cannot relocate within that distance. If the Corporation finds that relocation cannot be accomplished within the 50 mile limit, then payments may be allowed, but only to the nearest adequate and available site. This paragraph is not intended to limit the distance a displaced person may move, but sets the maximum distance for which the Corporation will pay the transportation component of moving expenses;

(b) Packing and unpacking, crating and uncrating personal property, and advertising for such services when the Corporation determines that advertising is necessary;

(c) Storing personal property for up to 12 months when determined necessary by the Corporation;

(d) Insurance premiums covering loss or damage of personal property while in storage or transit. Also, the reasonable replacement value of property lost, stolen or damaged through no intentional or negligent actions of the displaced person, his agent or employee, where insurance to cover such loss or damage is unavailable.

(e) Removing, reinstalling, and reconnecting utilities for machinery, appliances, and equipment, together with modification when the Corporation determines modification to be necessary; if the items are not acquired by the Corporation as real property, and the displaced person agrees in writing that the items are personal property and releases the Corporation from payment for them;

(f) Such additional expenses as may apply under section 904.25;

(g) Such other reasonable expenses determined to be allowable by the Corporation.

§904.24 Exclusions.

A displaced person is not entitled to be paid for:

(a) Additional expenses incurred because of living in a new location;

(b) The cost of moving structures or other improvements to real property in which ownership is reserved by the displaced person;

(c) Improvements to the replacement site, except when required by law for use of tangible personal property moved from the acquired property;

(d) Interest on loans to cover moving expenses;

(e) Loss of goodwill, profits, or trained employees;

(f) Loss due to personal injury;

(g) Cost of preparing the application for moving and related expenses;

(h) Expenses in searching for a replacement dwelling; or

(i) Any item which the Corporation excludes from payments as inconsistent with these regulations.

§904.25 Additional moving and related expenses: business or non-profit organizations.

In addition to those expenses provided for in §904.23, the following pertains to an eligible person who conducts a business:

(a) A displaced person who conducts a business is entitled to additional actual reasonable expenses for:

(1) Licenses, permits, fees or certifications determined by the Corporation to be necessary and related to the move, when (i) the displaced person had such license, permit, or certification at the acquired property, and (ii) the cost does not exceed the cost for one year or the remaining useful life of the license, permit, or certification at the acquired property.

(2) Relettering of trucks, signs, and similar items, and reprinting of a reasonable supply of stationery determined by the Corporation to be necessary as a result of the move.

(b) In the case of low value, high bulk personal property, such as junk, stockpiled sand, gravel, minerals, metals, or similar items used in connection with a relocated business, payment for actual reasonable moving expenses may not be more than the cost of replacing that personal property at the relocation site less the amount for which it could be sold at the displacement site.

(c) If the cost of moving or relocating an outdoor advertising display is determined to be equal to or in excess of the in-place value of the display, the Corporation shall acquire the display as part of the real property.

(d) Regarding actual direct losses, a displaced person who conducts a business and does not move all or part of his business-related personal property and makes a bona fide effort to sell business-related personal property not moved, is entitled, subject to the requirements and limitations in paragraphs (d) (1) through (3) of this section, to payment for actual direct losses of personal property used in connection with the business but is no longer needed because the business is being discontinued; or not being moved to a relocation site because it is not suitable for use there.

(1) The displaced person who relocates a business, sells an item of business-related personal property and promptly replaces it with a comparable item, is entitled to payment for actual direct loss of the original item but not more than the replacement

cost less its sale price, or the estimated cost of moving the original item, whichever is less.

(2) The displaced person who discontinues a business and sells an item of business-related personal property is entitled to payment for actual direct loss of the item but not more than the fair market value of the item for continued use at its location prior to displacement less its sale price, or the estimated cost of moving the original item 50 miles, whichever is less.

(3) The displaced person who abandons an item of business-related personal property after making a bona fide effort to sell it is entitled to payment for the actual direct loss of that item but not more than the fair market value of the item for continued use at its location prior to displacement of the estimated cost of moving the original item 50 miles, whichever is less regardless of the cost of the Corporation of removing that item.

(e) For the actual reasonable expenses in searching for a replacement business location, the displaced person may be reimbursed up to Five Hundred Dollars (\$500). In exceptional cases, and with prior approval of the Corporation, an amount greater than Five Hundred Dollars (\$500) may be authorized when circumstances so require. The displaced person must submit receipted bills for expenses claimed, other than the value of time when time actually spent in search is claimed. A signed statement of the time spent in search and the applicable wage rate(s) shall accompany the claim and shall be based on the actual wage rate for the person(s) conducting the search, but not to exceed \$10.00 per hour. Expenses to be reimbursed may include transportation, meals, lodging away from home and the reasonable value of time actually spent in search. Such expenses may also include the fees of real estate agents or real estate brokers when determined necessary by the Corporation.

§904.26 Fixed payment in lieu of moving and related expenses: businesses and non-profit organizations.

(a) Any displaced person eligible for payments under §904.23 who is displaced from his place of business and who elects to accept the payment provided for in this section in lieu of the payment authorized by §904.23 may receive a fixed payment in an amount equal to the average annual net earnings of the business except that the payment shall be not less than \$2,500 nor more than \$10,000. For purposes of this section, the term "average annual net earnings" means one-half of any net earnings of the business, before Federal, State, and local income taxes, during the two taxable years immediately preceding the tax-

able year in which such business moves from the real property acquired by the Corporation, or such other period of time as may be determined under paragraph (d) of this section. Earnings shall include any compensation paid by the business to the owner, his spouse, or his dependents during such period. If a business has no average annual net earnings or has an average annual net deficit during the period used to compute average annual net earnings, the person who conducts that business may receive a \$2,500 payment if he is otherwise eligible for payment under this section.

(b) A business conducted for profit qualifies for a payment in lieu of moving and related expenses if, in addition to the requirements in paragraph (c) of this section, the Corporation determines that during the two taxable years immediately preceding displacement the business had:

(1) Average gross receipts of at least \$2,000 in value; or

(2) Average annual net earnings of at least \$1,000 in value; or

(3) Contributed at least 33 1/3 percent of the average gross annual income of the owner including income from all sources, such as welfare.

(c) A business or non-profit organization qualifies for a payment in lieu of moving and related expenses, if the Corporation determines that:

(1) It cannot be relocated without substantial loss of existing patronage, taking into consideration such factors as the type of business, the nature of its clientele, the relative importance of the present and proposed locations, and the availability of relocation sites.

(2) It is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business, and not being acquired by the United States.

(d) The Corporation shall:

(1) Prescribe some other time period for computing average annual net earnings if it finds that the two tax years immediately preceding displacement are not representative or the business has not been in operation for at least two years;

(2) Require a displaced person who conducts a business and elects to receive a payment in lieu of moving and related expenses to provide proof of his earnings from the business. Proof of earnings may be established by income tax returns, certified financial statements, or other similar evidence;

(3) Consider the following factors, among others, in determining whether one or more displaced legal entities, constitute a single business for purposes of this section:

(i) The extent to which the same premises and equipment are shared;

(ii) The extent to which substantially identical or intimately interrelated business functions are pursued and

business and financial affairs are commingled;

(iii) The extent to which such entities are held out to the public, and to those customarily dealing with such entities as one business; and

(iv) The extent to which one person or closely related persons own, control or manage the entities.

§904.27 Fixed payments in lieu of moving and related expenses: individuals and families.

(a) An individual or family displaced from a dwelling who elects to receive a fixed dislocation and moving expense allowance in lieu of payment of actual moving and related expenses is entitled to:

(1) A dislocation allowance of \$200; and

(2) The applicable moving expense allowance specified in the schedule of moving expense allowances for the District of Columbia, established and maintained by the Federal Highway Administration (42 FR 35961, July 13, 1977, as amended).

(b) Two or more individuals, not a family, who occupy the same dwelling, are considered to be a single family for the purposes of this section.

Subpart D—Replacement Housing Payments**§904.40 Scope.**

This subpart prescribes the requirements governing payment for replacement housing for individuals and families displaced from a dwelling actually owned and occupied by such individuals or families as the result of acquisition of the dwelling by the Corporation.

§904.41 Eligibility.

(a) A displaced homeowner, who actually owned and occupied the acquired dwelling for at least 180 consecutive days immediately preceding initiation of negotiations for the property, is eligible for a replacement housing payment under §§904.42 or 904.43 and, a displaced homeowner, who actually owned and occupied the acquired dwelling for at least 90 consecutive days, but less than 180 days, immediately preceding initiation of negotiations for the property, is eligible for a replacement housing payment under §§904.43 or 904.44 if he:

(1) Qualifies as a displaced person; and

(2) In the case of a payment under §§904.42 or 904.44 purchases and occupies, or, in the case of a payment under §904.43 rents and occupies, a decent, safe and sanitary dwelling within one year after the latest of the following events: The date he receives a final payment of just compensation paid for the acquired dwelling; or the date he moves from the acquired dwelling.

(b) A displaced tenant is eligible for a replacement housing payment under §§904.43 or 904.44 if he:

(1) Qualifies as a displaced person;

(2) Actually lawfully occupied the acquired dwelling for at least 90 consecutive days immediately preceding the initiation of negotiations for the property; and

(3) Rents or purchases, and occupies a decent, safe and sanitary dwelling within one year after the effective date he is required to move as stated in the Notice to Vacate, or, if earlier, the date he actually moves.

(c) For the purpose of this section, if a homeowner inherits an interest in a dwelling by devise or operation of law, his tenure of ownership, but not occupancy, includes the tenure of the preceding homeowner.

§904.42 Replacement housing payments: purchase.

(a) A displaced homeowner who actually owned and occupied the acquired dwelling for at least 180 days immediately preceding initiation of negotiations, and qualifies under §904.41(a) is entitled to a replacement housing payment of not more than \$15,000, which represents the combined cost of:

(1) The amount, if any, by which the cost of a comparable replacement dwelling as determined under paragraph (b) of this section exceeds the price the Corporation paid for the acquired dwelling;

(2) The amount, if any, necessary to compensate the displaced person for any increased interest costs and other debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling, as determined under paragraph (c) of this section; and

(3) The amount of the reasonable expenses, as determined in accordance with paragraph (d) of this section that are incidental to the purchase of the replacement dwelling, but not including prepaid expenses.

(b) *Computation of reasonable cost of comparable replacement dwelling.*

(1) The Corporation shall compute the amount of payment to which the displaced homeowner is entitled under this section by: (i) Establishing the cost of a comparable replacement dwelling by examining the selling prices of at least three comparable replacement dwellings; and

(ii) Subtracting the price the Corporation paid for the acquired dwelling.

(2) If the displaced homeowner purchases and occupies a decent, safe and sanitary dwelling, for a price less than the amount established in paragraph (b)(1)(i) of this section, then the actual purchase price will be used to compute the amount of the payment. To obtain a payment, however, the purchase price must be higher than

the price paid for the acquired dwelling.

(3) If the displaced homeowner purchases and occupies a decent, safe and sanitary dwelling, for a price greater than the amount established in paragraph (b)(1)(i) of this section, then the amount established in paragraph (b)(1)(i) of this section will set the upper limit of the replacement housing payment. The displaced homeowner must pay any part of the purchase price over the cost of a comparable replacement dwelling.

(c) *Computation of increased interest costs.* (1) The amount payable for increased interest costs under paragraph (a)(2) of this section is the present value of the difference in interest costs and other debt service costs (including points paid by the purchaser) charged for refinancing an amount equal to the new mortgage or the balance of the mortgage on the acquired dwelling at the time of acquisition, whichever is less, over a period equal to the term of the new mortgage or the remaining term of the mortgage on the acquired dwelling, whichever is shorter.

(2) For purposes of computing increased interest costs, the following rules apply:

(i) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(ii) The present value of the increased interest cost must be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area in which the replacement dwelling is located.

(iii) Purchaser's points or origination fees, or both, where permitted by law, may be added to the increased interest costs upon approval by the Corporation.

(iv) Seller's points may not be added to the increased interest costs.

(d) *Computation of incidental expenses.* (1) The incidental expenses payable under paragraph (a)(3) is the amount necessary to compensate the homeowner or tenant for actual costs incurred incident to the purchase of a decent, safe and sanitary dwelling, including the following:

(i) Legal closing costs, including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation;

(ii) Lender, FHA, or VA appraisal or application fees;

(iii) Certification of structural soundness when required by the lender, FHA, or VA;

(iv) Credit report;

(v) Title policies or abstract of title;

(vi) Escrow agent's fee;

(vii) State revenue stamps or sale or transfer taxes.

(2) An incidental expense which is part of a finance charge under the Truth in Lending Act, Title I, Pub. L. 90-321, and Regulation "Z" (12 CFR Part 226) issued thereunder by the Board of Governors of the Federal Reserve System, may not be reimbursed.

§ 904.43 Replacement housing payments: rental assistance.

(a) A person is entitled to a payment of not more than \$4,000 for rental assistance as determined in paragraph (b) of this section, if that person:

(1) Qualifies under § 904.41;

(2) Is a displaced homeowner who actually owned and occupied, or a displaced tenant who actually rented and occupied, the acquired dwelling for at least 90 days immediately preceding initiation of negotiations; and

(3) The amounts established in paragraph (b)(2) (i) and (ii) of this section are each greater than the rent paid at the acquired dwelling. For the purposes of this section, the amount used as rent paid at the acquired dwelling shall be the average monthly rent paid during the three months immediately preceding initiation of negotiations for the acquired dwelling. In the case of a homeowner, or in the case of a tenant whose rent was not reasonable, then the economic rent for the acquired dwelling will be the amount used as the rent paid at the acquired dwelling.

(b) *Computation of rental assistance.* (1) The Corporation shall establish the amount necessary to rent a comparable replacement dwelling for four years by examining the rent of at least three comparable replacement dwellings.

(2) The Corporation shall compute the amount of the payment by subtracting 48 times the average monthly rent paid at the acquired dwelling from the lesser of:

(i) The actual rent to be paid for a 4-year term (or 48 times the actual monthly rent) at the replacement dwelling; or

(ii) The rent established in paragraph (b)(1) of this section.

§ 904.44 Replacement housing payments: down payment assistance.

(a) A displaced homeowner who actually owned and occupied the acquired dwelling for at least 90 days but less than 180 days immediately preceding initiation of negotiations or a displaced tenant who actually rented and occupied the acquired dwelling for at least 90 days immediately preceding initiation of negotiations, and qualifies under § 904.41, and purchases a comparable replacement dwelling, is entitled to a payment of not more than \$4,000 for down payment assistance.

(b) *Computation of down payment assistance.* (1) In determining the payment to which the displaced homeowner or tenant is entitled under para-

graph (a) of this section, the Corporation shall establish:

(i) The down payment ordinarily required for financing a conventional loan on a comparable replacement dwelling. The comparable replacement dwelling value will be established by examining the price of three available Comparable Replacement Dwellings; or, if less

(ii) The down payment required for financing a conventional loan on the replacement dwelling actually purchased.

(2) Using the amount determined in paragraph (b)(1) of this section, the Corporation shall:

(i) Pay the full amount of the first \$2,000 of the down payment required to obtain a conventional loan and incidental expenses as computed under § 904.42(d); plus

(ii) One-half of any amount required over \$2,000, but the total amount provided by the Corporation shall not exceed \$4,000.

The displaced homeowner or tenant must apply the full contribution of the Corporation to the down payment and incidental expenses.

§ 904.45 Combined payments.

(a) If a homeowner is eligible for payment under § 904.42, but has previously received a rental payment under § 904.43, the amount of rental payment previously received must be deducted from any amount that he receives under § 904.42.

(b) If a homeowner or tenant is eligible for a down payment under § 904.44, but has previously received a rental payment under § 904.43, the amount of rental payment previously received shall be deducted from the amount of any down payment that he receives under § 904.44.

§ 904.46 Occupancy.

(a) A displaced tenant or homeowner "occupies" a dwelling within the meaning of this subpart only if the dwelling is his permanent place of residence.

(b) If a tenant or homeowner contracts for the construction or rehabilitation of a replacement dwelling, and for reasons not within his control the construction or rehabilitation is delayed beyond the date occupancy is required, the Corporation may extend the period of eligibility for a replacement housing payment until the tenant or homeowner occupies the replacement dwelling.

§ 904.47 Inspection of replacement dwelling required.

(a) Before making a replacement housing payment to a displaced homeowner or tenant, or releasing a payment from escrow, the Corporation shall inspect the replacement dwelling

to determine whether or not it meets the criteria for decent, safe, and sanitary dwellings. The Corporation may use the services of any public agency ordinarily engaged in housing inspection to conduct the inspection required by this section.

(b) A determination by the Corporation that a dwelling meets the criteria for decent, safe, and sanitary housing is solely for the purpose of this subpart and is not a representation for any other purpose.

§ 904.48 Provisional payment pending condemnation.

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the Corporation may make a provisional replacement housing payment to the displaced homeowner equal to the difference between the Corporation's estimate of just compensation deposited in court for the property and the reasonable cost of a comparable replacement dwelling, but only if the homeowner enters into an agreement with the Corporation that:

(a) Upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the Corporation's estimate of just compensation upon which the provisional replacement housing payment is based the difference will be refunded to the Corporation; and

(c) If the acquisition price as determined by the court is less than the Corporation's estimate of just compensation upon which the provisional replacement housing payment is based, the difference will be paid to the homeowner.

§ 904.49 Partial use of home for business.

In the case of a displaced homeowner or tenant who has allocated part of his dwelling for use in connection with a displaced business, a replacement housing payment may not be paid for that part of the property which is allocated to the business.

§ 904.50 Multiple occupants of a single dwelling.

(a) Where two or more individuals, families, or combination thereof occupy an acquired dwelling, the replacement housing payment is based on the cost of a single comparable replacement dwelling.

(b) If a single comparable replacement dwelling is not available on the market, then a single replacement housing payment may be based on the cost of more than one comparable replacement dwelling.

§ 904.51 Dwelling in a multiple unit building.

In the case of a displaced homeowner who is required to move from a unit in a multiple dwelling which he owns, the replacement housing payment must be based on:

(a) The cost of a comparable unit in a multiple dwelling without regard for the number of units in the building being acquired; or

(b) If a comparable unit in a multiple dwelling is not available, the cost of a single-family structure.

§ 904.52 Certificate of eligibility pending purchase of replacement dwelling.

The Corporation shall, upon request of an eligible homeowner or tenant, certify to any interested party, financial institution, or lending agency, the eligibility of the displaced homeowner or tenant, the amount he will receive, and the time limit applicable to the payment if he purchases and occupies a decent, safe, and sanitary dwelling.

Subpart E—Review Procedure

§ 904.70 Scope.

This subpart prescribes the procedures for review of a claim submitted by any person aggrieved by a determination as to the amount of, or eligibility for, benefits under the Act, and these regulations.

§ 904.71 Request for review.

Any person aggrieved by a determination as to the amount of, or his eligibility for, a payment under the Act and these regulations may request that the determination be reviewed. The request shall be in writing, state the reasons for requesting review, and the relief sought by the applicant. The applicant's written request for review shall be sent to the Chief of Real Estate Operations, Pennsylvania Avenue Development Corporation, 425 13th Street NW., Washington, D.C. 20004.

§ 904.72 Time for filing request for review.

Any person who files a request for review must do so within one year of the date of the determination for which review is sought.

§ 904.73 Review procedures.

(a) Upon receipt of a request for review, the Chief of Real Estate Operations shall compile all pertinent records maintained on the applicant's relocation claim, including the following:

(1) Information on which the original determination was based, including applicable regulations;

(2) Information submitted by the applicant including the request for review and any information submitted in support of the claim;

(3) Any additional information the Chief of Real Estate Operations con-

siders relevant to a full and fair review of the claim and which he obtains by request, investigation or research.

(b) The Chief of Real Estate Operations shall submit the complete file together with a summary of the issues and facts involved in the claim to the Chairman of the Board or his designee within 30 days of receipt of the request for review.

(c) The Chairman of the Board of Directors of the Corporation may either review the claim, or, designate one or more persons from the Board of Directors or from outside the Corporation to review the claim. During review the Chairman or designated person(s) may consult with the Corporation's General Counsel to obtain advice on legal issues arising from the claim.

§ 904.74 Final determination.

(a) The reviewer(s) shall make a final determination on the claim within 45 days of receipt of the file from the Chief of Real Estate Operations. The final determination shall be in the form of Findings of Fact and Conclusions of Law and shall be sent to the applicant. A copy of the final determination shall be furnished to the Chief of Real Estate Operations for appropriate action.

(b) If the applicant is determined to have been aggrieved as to eligibility for, or amount of, payment, the Corporation shall promptly make payment to the applicant based on the final determination. If the amount of payment due to the applicant is not stated in the final determination, and the final determination indicates the applicant is to receive a payment, the Corporation shall promptly determine the amount of payment, and shall pay the applicant.

(c) A notice of the right to judicial review shall be sent to the applicant with the final determination.

Subpart F—Acquisition of Real Property

§ 904.80 Scope.

This subpart prescribes procedures for the acquisition of real property by the Pennsylvania Avenue Development Corporation.

§ 904.81 Real property acquisition practices.

(a) In acquiring real property, the Corporation shall to the greatest extent practicable:

(1) Make every reasonable effort to acquire real property expeditiously through negotiation;

(2) Have the real property appraised before the initiation of negotiations and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property;

(3) Before the initiation of negotiations establish an amount which it believes to be just compensation for the real property and make a prompt, written offer to acquire the property for that amount. In no event shall the amount be less than the Corporation's approved appraisal of the fair market value of the property. Any decrease or increase in the fair market value of the real property prior to the date of evaluation caused by the Corporation, The Pennsylvania Avenue Plan—1974, as amended, implementation of the Plan, or by the likelihood that the property would be acquired by the Corporation, other than any increase or decrease due to physical deterioration within the reasonable control of the owner, will be disregarded in determining compensation for the property;

(4) Before requiring any owner to surrender possession of real property: (i) Pay the agreed purchase price; or (ii) deposit with the court an amount not less than the Corporation's approved appraisal of the fair market value of the property;

(5) If any interest in real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to establish the taking of his real property;

(6) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, offer to acquire that remnant; and

(7) Schedule the construction or development of a public improvement so that no person lawfully occupying real property shall be required to move from a dwelling or to move his business without at least 90 days written notice of the scheduled date for vacating the property.

(b) In acquiring real property, to the greatest extent practicable, the Corporation shall not:

(1) Charge more than the short-term fair rental value of the property, if the Corporation rents real property for short term to the person who occupied the property at the time of the Corporation's acquisition.

(2) Compel an agreement on the price to be paid for the property by: (i) Advancing the time of condemnation; (ii) deferring negotiations, condemnation, or the deposit of funds in court for use of the owner; or (iii) taking any other action coercive in nature.

§ 904.82 Statement of just compensation to owner.

At the time it makes an offer to purchase real property, the Corporation shall provide the owner with a written statement and summary of the basis for the amount established by the Corporation as just compensation. To

the greatest extent practicable, the statement shall include: an identification of the real property, the interests being acquired, and the owner of the interests; an identification of buildings, structures, and other improvements, including fixtures, removable building equipment, and any trade fixtures considered part of the real property for which the offer of just compensation is made; and a declaration regarding the Corporation's determination of just compensation. The declaration shall state that the determination of just compensation:

(1) Is based on the fair market value of the property;

(2) Is not less than the Corporation's approved appraised value of the property;

(3) Disregards any decrease or increase in the fair market value as set forth in § 904.81(a)(3); and

(4) In the case of separately held interests in the real property, includes an apportionment of the total just compensation for each of those interests, including, in the case of partial taking, the amount of damages, if any, to the remaining real property.

§ 904.83 Buildings, structures, and improvements to be acquired.

(a) In acquiring any interest in real property, the Corporation shall acquire at least an equal interest in all buildings, structures, or other improvements located on that real property which must be removed or which the Corporation determines will be adversely affected by the completed project.

(b) In the case of a building, structure, or other improvement owned by a tenant on the real property required to be acquired by paragraph (a) of this section, the Corporation shall, notwithstanding the right or obligation of the tenant to remove such building, structure, or improvement at the expiration of his lease, subject to paragraph (c) of this section, pay the tenant the greater of:

(1) The fair market value that the building, structure, or other improvement contributes to the fair market value of the real property acquired; or

(2) The fair market value of the building, structure or other improvement, for removal from the property.

(c) The Corporation shall not pay a tenant under paragraph (b) of this section unless:

(1) The tenant, in consideration for the payment, assigns, transfers, and releases to the Corporation all his right, title, and interest in the improvement;

(2) The owner of the acquired real property disclaims all interest in the improvement; and

(3) The payment is not duplicated by any payment otherwise authorized by law.

(d) Nothing in this section shall be construed to deprive the tenant of any rights to reject payment under this section and to obtain payment otherwise authorized by law.

§ 904.84 Expenses incidental to transfer of title.

As soon as possible after real property has been acquired, the Corporation shall, to the extent it deems fair and reasonable, reimburse the owner for expenses necessarily incurred for:

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the Corporation;

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes which are allocable to a period subsequent to the date of vesting title in the Corporation or the effective date of possession of the real property by the Corporation, whichever is the earlier.

§ 904.85 Litigation expenses.

The Corporation shall pay any award made pursuant to section 304(a) of Pub. L. 91-646 (42 U.S.C. 4654(b)).

§ 904.86 Allowance for benefits prohibited.

No allowance for relocation benefits provided in Title II of the Act and this part may be included in:

(a) Contracts or options to purchase real property;

(b) The appraised value of real property; and

(c) Estimated compensation in the event of condemnation with a declaration of taking.

Dated: May 22, 1978.

Approved:

E. R. QUESADA,
Chairman.

[FR Doc 78-14803 Filed 5-25-78; 8:45 am]

[8320-01]

Title 38—Pensions, Bonuses and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 36—LOAN GUARANTY

Increase in Maximum Permissible Interest Rate on New, Guaranteed, Insured, and Direct Loans

AGENCY: Veterans Administration.

ACTION: Final regulations.

SUMMARY: The VA (Veterans Administration) is increasing the maxi-

mum interest rate on guaranteed, insured and direct loans for new homes and condominiums. The interest rate is also increased on loans for the purchase of a mobile home lot or for site preparation over \$2,500 on a lot previously acquired by a veteran. The maximum interest rate is increased because the former interest rate was not sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. The increase in the interest rate will assure a continuing supply of funds for home mortgages; thereby allowing veterans to purchase a home with the assistance of a no downpayment VA loan.

EFFECTIVE DATE: May 23, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. George D. Moerman, Loan Guaranty service (264), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-3042.

SUPPLEMENTARY INFORMATION:

The Administrator is required to establish a maximum interest rate for loans guaranteed, insured or made by the Veterans Administration as he finds the mortgage money market demands. Recent market indicators—including the rate of discount charged by lenders on VA and Federal Housing Administration loans, the general increase in interest rates charged by lenders on conventional loans, and the results of the bi-weekly Federal National Mortgage Association auctions—have shown that the mortgage money market has become more restrictive. The maximum rate in effect for VA guaranteed loans has not been sufficiently competitive to induce private sector lenders to make VA guaranteed or insured loans without imposing substantial discounts. To assure a continuing supply of funds for home mortgages through the VA loan guaranty program it has been determined that an increase in the maximum permissible rate is necessary. The increased return to the lender will make VA loans competitive with other available investments and assure a continuing supply of funds for guaranteed and insured mortgages.

At present no change is being made in the maximum interest rate applicable to the mobile home loan program except as to loans to purchase mobile home lots. The lender's return on mobile home unit loans appears competitive with other forms of consumer financing to which this type of loan is comparable, and no change in rate is justified at this time.

However, a loan to purchase a mobile home lot is similar to other real estate loans and for the purpose of assuring a continuing supply of

funds and consistency with other real estate programs, the rate on these loans is also being increased.

The increase in the maximum interest rate is accomplished by amending §§ 36.4212(a) (2) and (3), 36.4311(a), and 36.4503(a), Title 38, Code of Federal Regulations. Compliance with the procedure for publication of proposed regulations prior to final adoption is waived because compliance would create an acute shortage of mortgage funds pending the final date which would necessarily be more than 30 days after publication in proposed form.

Approved: May 22, 1978.

MAX CLELAND,
Administrator.

1. In § 36.4212, paragraph (a)(2) and (3) is revised to read as follows:

§ 36.4212 Interest rates and late charges.

(a) The interest rate charged the borrower on a loan guaranteed pursuant to 38 U.S.C. 1819 may not exceed the following maxima except on loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration prior to May 23, 1978 (38 U.S.C. 1819(f)).

(2) 9 percent simple interest per annum for that portion of the loan which finances the purchase of a lot and the cost of necessary site preparation, if any.

(3) 9 percent simple interest per annum on that portion of a loan which will finance the cost of the site preparation necessary to make a lot owned by the veteran acceptable as the site for the mobile home purchased with the proceeds of the loan except that a rate of not to exceed 12 percent may be charged if the portion of the loan to pay for the cost of such necessary site preparation does not exceed \$2,500.

2. In § 36.4311, paragraph (a) is revised to read as follows:

36.4311 Interest rates.

(a) Excepting loans guaranteed or insured pursuant to guaranty or insurance commitments issued by the Veterans Administration which specify an interest rate in excess of 9 per centum per annum, effective May 23, 1978, the interest rate on any loan guaranteed or insured wholly or in part on or after such date may not exceed 9 per centum per annum on the unpaid principal balance (38 U.S.C. 1803(c)(1)).

3. In § 36.4503, paragraph (a) is revised to read as follows:

§ 36.4503 Amount and amortization.

(a) The original principal amount of any loan made on or after October 1, 1976, shall not exceed an amount which bears the same ratio to \$33,000 as the amount of the guaranty to which the veteran is entitled under 38 U.S.C. 1810 at the time the loan is made bears to \$17,500. This limitation shall not preclude the making of advances, otherwise proper, subsequent to the making of the loan pursuant to the provisions of § 36.4511. Loans made by the Veterans Administration shall bear interest at the rate of 9 percent per annum (38 U.S.C. 1811(d)(1)).

[FR Doc. 78-14768 Filed 5-25-78; 8:45 am]

[7710-12]

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

PART 10—INTERNATIONAL POSTAL SERVICE

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

PART 601—PROCUREMENT OF PROPERTY AND SERVICES

Incorporations by Reference

EDITORIAL NOTE.—The Director of the Federal Register, under 5 U.S.C. 552(a) and 1 CFR Part 51, grants approval to extend, from July 1, 1978 until July 1, 1979, the following incorporations by reference: Postal Service Publication No. 42, International Mail (39 CFR 10.4); Chapter I of the Postal Service Manual (39 CFR 111.4); and Publication No. 41, Postal Contracting Manual (39 CFR 601.100).

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

[FRL 885-8]

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Revisions of Maryland State Implementation Plan

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: This notice announces the Administrator's approval of amendments to Maryland's air pollution control regulations, Section 10.03.35, as a revision of the Maryland State Implementation Plan (SIP). The State requested that the Administrator review and process the amendments as revisions of the Maryland SIP for the attainment and maintenance of national ambient air quality standards. The amendments consist of various definitions of terms, changes of the State Air Pollution Episode Plans, changes of the method of measurement of air quality to determine conformance to air quality standards, changes of the registration procedures for existing installations, changes of the requirements for permits to construct and permits to operate, changes of the procedures with respect to action on application for permits, changes of procedures with respect to denying an application for permits, and deletion of provisions governing prior registration of proposed installations.

EFFECTIVE DATE: June 26, 1978.

ADDRESSES: Copies of the amended regulations and associated support and comment material are available for public inspection during normal business hours at the following locations:

U.S. Environmental Protection Agency, Region III, Curtis Building, 10th Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106, Attention: Mr. Harold A. Frankford.

Maryland Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Md. 21201, Attention: Mr. George P. Ferreri.

Public Information Reference Unit, Room 2922—EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Harold A. Frankford (3AH11), U.S. Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106. Attention: AH001/4/8MD-G, phone 215-597-8392.

SUPPLEMENTARY INFORMATION: The State of Maryland submitted amendments to Section 10.03.35 of the Maryland Regulations governing the control of Air Pollution. The State requested that these amendments submitted on April 24, 1974, December 11, 1974 and July 1, 1975 be reviewed and processed as revisions of the Maryland State Implementation Plan for the attainment and maintenance of national ambient air quality standards. The amendments consist of the below-listed changes:

REGULATION AND BRIEF DESCRIPTION, 10.03.35

- .01C Definition of "Char-Broiling" (addition).
.01F Definition of "Control Equipment" (addition).
.01P Definition of "Grill" (addition).
.01U Definition of "Interruptible Gas Service" (addition).
.01Z Definition of "Opacity" (addition).
.01AP Definition of "Rotary Cup Burner" (addition).
.03B Air Pollution Episode Plan.
.03B(2)b Deletion of the phrase "of Health and Mental Hygiene".
.03B(2)c Deletion of the phrase "of Health and Mental Hygiene".
.03B(2)e Deletion of the phrase "of Health and Mental Hygiene".
.03C(5) Standby emission reduction plans.—Delegation of authority changed from "Secretary" to "Department".
.03D Control Requirements and Standby Orders.
.03D(2)C (addition). Requirements for sources with regard to standby emission reduction plans.
.04 (deletion). Prior Registration of Proposed Installations.
.04A (1)-(4) (addition). (Formerly 10.03.36-41.05A.) Definitions of Pollutants.—Change in definition from "include" to "means".
.04F (Formerly 10.03.36-41.05E(4).) Method of Measurement (National Ambient Air Quality Standards).—Deletion of expression "and any later applicable amendment and".
.04G (1)-(3) (addition). Number and Duration of Measurements.—Specifies sampling frequencies for different types of measurements and instruments.
.05E(2) Installations Not Required to be Registered.—Section rewritten to indicate that installations exempt from the "Permit to Construct" requirements are listed in Section 10.03.35.11G.
.06A(3) Requirements for Testing.—Effective date of amendments specified; scaffolding requirement added.
.11B Permit to Operate.—Renewal period for permit changed from "90 days prior to expiration" to "60 days prior to expiration".
.11G Installations Not Required to Obtain Permits to Construct.
.11G(1) The term "replacement" is modified to read "component replacement".
.11G(9) Photographic process equipment (minor wording change).
.11G(11) Storage of motor vehicle gasoline.—In areas III and IV.—The requirement only exempts storage tanks of "less than 5000 gallons"; in the remainder of the State,

25,000 gallon tanks or greater are not exempted.

.11G(15) Char-broilers with a total area of less than 5 [square] feet (addition).

.11H Installations Required to Obtain a Permit to Operate.

.11H(10) Lime Kilns.—Those of less than 1-ton-per-hour capacity are no longer excluded.

.11H(11) Cement Kilns.—those of less than 1-ton-per-hour capacity no longer excluded.

.11H(12) Other kilns of 1 ton per hour or more throughput are excluded.

.11H(26) Deletion of the requirement that "any installation with a potential hydrocarbon solvent emission of one ton per day or more" obtain a permit to operate.

.11J Action on Application of Permits.—The time limit during which the State must notify an applicant that additional information is required is extended from 30 days to 60 days.

.11K Denial of Application.—An example is added to illustrate the conditions under which a permit may be denied.

Table 1.—Episode Plan—Alert Stage.—Onsite incineration resulting from public collection of refuse is permitted.

Tables I, II, III.—Wording is added to specify that the source of emissions categories listed in these tables are primarily for the control of TSP and SO₂.

Table 1. (Formerly Table 3 of Regulations 10.03.36 through 10.03.41.) Ambient Air Quality Standards.

1. Sulfur Dioxide.
a. Lower limit of More Adverse Range (annual average) changed from 39 ug/m³ to 60 ug/m³.

b. More adverse range.—1-hour and 24-hour average—deleted.

c. 5-minute average deleted.

2. Dustfall—"monthly average" replaces "monthly maximum".

3. Nitrogen Dioxide—ug/m³ to ppm conversion factor deleted.

4. General.—Annual average based on calendar year replaces annual average based on at least nine monthly averages.

The State of Maryland submitted proof that public hearings with regard to these amendments were held in accordance with the requirements of 40 CFR 51.4. All of the above-listed amendments were proposed by EPA as revisions of the Maryland State Implementation Plan. The actions taken by the State and EPA are summarized on the following chart:

Date of Submittal by Maryland to EPA	Date of Public Hearings Held by Maryland	Location of Public Hearings	Date of Notice of Proposed Rulemaking (FR Citation)	Expiration Date of Public Comment Period	Nature of Public Comments Received
April 24, 1974	Sept. 5, '73 Sept. 6, '73	Baltimore Silver Spring	March 27, 1975 (40 FR 13521)	April 28, 1975	None Received
Dec. 11, 1974	August 6, '74 August 7, '74	Takoma Park Baltimore	January 30, 1975 (40 FR 4447) March 27, 1975 (40 FR 13521) November 19, 1975 (40 FR 53595)	March 3, 1975 April 28, 1975 December 19, 1975	None Received
July 1, 1975	May 21, '75 May 25, '75 May 26, 1975	Baltimore Cambridge Cumberland	October 6, 1975 (40 FR 46117)	November 5, 1975	None Received

The amendment to Section 10.03.35.11K (Denial of Application) consists of a specific example under which a permit to construct would be denied. This example has been interpreted to be illustrative in nature and should not be construed as the only condition under which a permit will be denied. The State of Maryland is encouraged to clarify the wording and intent of Sections .11K(1) and .11K of Regulation 10.03.35.

Notwithstanding this comment, all of the above-listed amendments meet the criteria of Section 110(a)(2) of the Clean Air Act and 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans.

In view of this evaluation, the Administrator hereby approves the above-listed amendments to Sections .01, .03, .04 (formerly Section .05 of Regulations 10.03.36-10.03.41), .05, .06, .11 and the deletion of the former section .04 of Maryland Regulation 10.03.35 as revisions of the Maryland State Implementation Plan effective June 26, 1978. Section 52.1070 (Identification of Plan) of 40 CFR Subpart V (Maryland) is hereby amended to incorporate these amendments into the federally approved Maryland SIP.

(42 U.S.C. 7401.)

Dated: May 19, 1978.

DOUGLAS M. COSTLE,
Administrator.

Part 52 of Title 40, Code of Federal Regulations, is amended as follows:

Subpart V—Maryland

1. In § 52.1070, paragraph (c) is amended as follows:

§ 52.1070 Identification of plan.

(c) The plan revisions listed below were submitted on the dates specified

(19) Amendments to Sections .03 (Air Pollution Episode System), .06 (Test Methods) and .11 (Permits); and deletion of .04 (Prior Registration of Proposed Installations) of Maryland Regulation 10.03.35 (Regulations Gov-

erning Control of Air Pollution in the State of Maryland); submitted on April 24, 1974 by the Governor.

(20) Amendments to Sections .01 (Definitions), .04 (Ambient Air Quality Standards (Former Section .05 of Regulations 10.03.36 through 10.03.41 inclusive)) and .11 (Permits) of Maryland Regulation 10.03.35 (Regulations Governing Control of Air Pollution in the State of Maryland) submitted on December 11, 1974 by the Governor.

(21) Amendments to Section .11 (Permits) of Maryland Regulation 10.03.35 (Regulations Governing Control of Air Pollution in the State of Maryland) submitted on July 1, 1975 by the Governor.

[FR Doc. 78-14736 Filed 5-25-78; 8:45 am]

[6560-01]

[FRL 900-21]

PART 52—APPROVED AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: South Coast Air Quality Management District—Air Pollution Emergency Episode Plans

AGENCY: U.S. Environmental Protection Agency.

ACTION: Final rulemaking.

SUMMARY: The Environmental Protection Agency (EPA) takes final action to approve and, where appropriate, disapprove, take no action on, and promulgate substitute regulations for the South Coast Air Quality Management District (SCAQMD) portion of the California State Implementation Plan (SIP) submitted by the Governor's designee. The intended effect of this action is to provide air pollution emergency episode rules and regulations and to correct certain deficiencies in the SIP.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Allyn M. Davis, Acting Director, Air

and Hazardous Materials Division, Environmental Protection Agency, 215 Fremont Street, San Francisco, Calif. 94105, Attn.: Charlotte Hopper, 415-556-2002.

SUPPLEMENTARY INFORMATION: On November 30, 1977 (42 FR 60929), the Administrator published proposed rules for air pollution emergency episodes in the South Coast Air Quality Management District (SCAQMD). The proposed rulemaking included partial approval of the SCAQMD Regulation VII (Emergencies) submitted by the California Air Resources Board as a revision to the State Implementation Plan (SIP) in July 1977 and the proposal of substitute regulations by EPA to correct those deficiencies found in Regulation VII. The Administrator invited public comments on both the SIP revision and the EPA-proposed substitute regulations, as required by section 110 of the Clean Air Act, and held a public hearing in the City of Los Angeles on January 13, 1978, for the purpose of receiving comments. The comments are addressed below.

No action is being taken on the following paragraphs of Regulation VII as they have been superseded by revisions to the SIP which were submitted too late to be included in the proposed rulemaking: Rules 708.2(b)(3)(B), 708.2(b)(4)(B), 708.2(b)(4)(C), and 708.2(b)(5)(C) concerning abatement plans for certain categories of sources. Action on the corresponding rules and on other additions to Regulation VII submitted as an SIP revision in October and November 1977, is being proposed in a separate section of this FEDERAL REGISTER.

Subsequent to the publication of the Notice of Proposed Rulemaking, two additional deficiencies were discovered in the course of preparation for the public hearing and are remedied in the final rulemaking. These deficiencies were announced at the public hearing in Los Angeles on January 13, 1978, and are discussed below.

The Notice of Proposed Rulemaking inadvertently omitted the requirement for daily acquisition of forecasts of atmospheric stagnation conditions during any episode stage and the up-

dating of such forecasts at least every 12 hours. This requirement is included in the final rulemaking.

An additional oversight occurred in the carbon monoxide (CO) criteria levels. A concentration of 50 parts per million for CO has been established for an eight-hour averaging period by EPA as that level beyond which public health may be significantly impaired. The criteria level established by the South Coast Air Quality Management District for stage 3 CO episodes is 50 parts per million over a 12-hour averaging time. This level would allow concentrations of CO to equal or exceed the significant harm level before stage 3 abatement action would be required by Regulation VII. Therefore, the final regulation establishes the following criteria levels for carbon monoxide concentrations averaged over eight hours:

15 parts per million for Stage 1;
30 parts per million for Stage 2; and
40 parts per million for Stage 3 episodes.

These criteria levels are intended to augment the existing South Coast Air Quality Management District one-hour and twelve-hour CO criteria and the same episode actions that are now required at each of the three stages by Regulation VII apply to the eight-hour criteria.

The wording of paragraph (c)(2) has been clarified to require that all sources listed in SCAQMD Rules 708.1 and 708.3 submit stationary source curtailment plans and/or traffic abatement plans to EPA regardless of whether or not they have been notified to submit such plans by the SCAQMD. Paragraph (d)(16) has been added to indicate where the plans are to be sent.

Paragraph (c)(4) has been modified to make it consistent with paragraph (d)(8)(vii). It requires owners or operators who submit abatement plans that are subsequently disapproved by the Administrator to modify and resubmit such plans within 30 days of receipt of the notice of disapproval.

Comments on the proposed regulations were received from the SCAQMD, California Lung Association, the Southern California Edison Co. and the California Asphalt Pavement Association. The major issues raised in the comments to EPA, and EPA's responses, are summarized below.

Comments from the SCAQMD included a request to consider the changes in requirements for abatement plans under Regulation VII adopted by the District in July 1977. Although these changes were submitted to EPA in October and November 1977, they were not processed in sufficient time to be included in the November 30, 1977, notice of proposed rulemaking in this matter. They are,

however, being proposed for approval in another section of this *FEDERAL REGISTER*. The changes include requirements to curtail or postpone electrically intensive operations; measures for utilities to import power; requirements for fossil fuel-fired combustion sources to use fuel oil with specific sulfur content when natural gas is unavailable, and provisions for exemption if there is adequate demonstration that such fuel is not available.

EPA has made some adjustments to its regulations to reflect the changes in Regulation VII adopted in July 1977 so that requirements for abatement of individual sources will be consistent with those of the SCAQMD. These changes are discussed below.

Comment: Proposed paragraph (d)(8)(ii) (F)(2), (G)(3), and (G)(6) all address reductions to be specified in source abatement plans for emissions of nitrogen dioxide, particulate matter and sulfur dioxide from electric generating facilities or combustion sources. Paragraph (G)(3) requires the use of low sulfur fuel; paragraphs (F)(2) and (G)(6) require contaminant emissions reductions of 10 and 20 percent, respectively. The District commented that switching to low sulfur fuel oil does not decrease NO_x or particulate emissions, and that to reduce those emissions a different fuel must be used or less fuel burned. They state that reducing SO_x emissions requires that the sulfur content of the fuel burned be reduced. The District indicated that to reduce electrical generating capacity when gas is not available can result in blackouts and that reductions in the case of refineries can result in excessive hydrocarbon emissions.

Reply: EPA agrees with the comments to the extent that it is not the intent of 40 CFR 51.16 or Appendix L to limit the amount of electricity to be generated or to create a different problem while solving the initial problem. Thus EPA has reviewed the most recent version (July 8, 1977) of Regulation VII, Rule 708.2(b), which includes abatement measures as suggested in Appendix L, and has determined that incorporation of those measures into the substitute rule would meet all requirements for reduction of NO_x, TSP, and SO_x. Those measures required in the July 1977 amendments of Regulation VII, Rule 708.2 (b)(3) through (b)(5) are included in paragraphs (d)(8)(ii) (F) through (J) as substitutes for, or in addition to proposed paragraphs (d)(8)(ii) (F)(2), and (G)(3) through (G)(6). Briefly, these measures which are incorporated in response to the SCAQMD's comments call for the importation of power where feasible, postponement of electrically intensive industrial operations, and measures to use fuel with the sulfur content reduced to specific percentages.

These changes also include a provision for exemption from the natural gas use requirement, if it can be demonstrated that natural gas is not available. A provision has been added to the requirements for refineries such that they are to reduce emissions of the episode contaminant without increasing emissions of other pollutants.

Comment: The SCAQMD commented that the Stage 3 NO_x abatement plans for petroleum refineries should require a reduction in NO_x emissions without causing an increase in other contaminants, specifically hydrocarbons.

Reply: If a petroleum refinery should attempt to reduce throughout sufficiently to meet the NO_x reductions, the resulting refinery operations could be upset to the point of emitting more hydrocarbons than would normally be emitted. To prevent this potential problem and to be consistent with the intent of 40 CFR 51.16, Paragraph (d)(8)(ii)(H)(1) has been modified to reflect this comment.

Comment: Both the SCAQMD and the Southern California Edison company commented that the proposed wording of paragraph (d)(8)(ii)(I) would require the shutting down of electric generating facilities.

Reply: Electric generating facilities are covered in paragraphs (d)(8)(ii) (F) and (G) and the measures required for Stage I and Stage II carry over to Stage III. Thus further abatement actions were not required for these facilities in the proposal in the paragraphs concerning Stage III requirements. The wording of these paragraphs has been changed in order to clarify the meaning. There was no intent in the proposal to shut down electric generating facilities if natural gas were not available, but only to insure that adequate measures to reduce emissions are taken.

Comment: Those portions of Regulation VII dealing with sulfates, combined sulfate and O₃, and combined SO_x and O₃ episodes should not be included in the EPA approval because significant harm levels have not been defined by EPA for those pollutants.

Reply: The EPA indicated in the proposed rulemaking that no action would be taken on the "Sulfate Episode Actions" portion of Regulation VII since a significant harm level has not been defined in 40 CFR 51.16 for that pollutant. Since significant harm levels for combined SO_x and O₃, combined sulfate and O₃, as well as sulfates have not been defined, EPA takes no action on the portions of Regulation VII concerning these three pollutants.

Comment: The episode criteria are of concern because the levels are not related to current data or medical judgment.

Reply: The criteria levels are part of the example guidelines for episode

plans listed in Appendix L. They are designed to provide for increasingly stringent emission control actions to be taken as pollutant concentrations increase, with the goal of insuring that such concentrations do not exceed the levels specified in 40 CFR 51.16. No evidence has been presented to warrant consideration of changes in these levels. Moreover, this rulemaking concerns emergency episode plans for the South Coast Air Basin and not changes to the episode criteria in 40 CFR 51.16.

Comment: Penalties for noncompliance with source abatement actions are not spelled out.

Reply: Paragraph (d)(15) of the regulations requires appropriate enforcement for non-compliance under Section 113 of the Clean Air Act.

Comment: The EPA should have undertaken a comprehensive study to determine the strategies for mobile source reductions for NO_x.

Reply: Several alternative NO_x emission reduction strategies were examined in the "Evaluation Report and Technical Support Document" that was prepared to support the proposed regulations. The strategies involved various degrees and combinations of stationary and mobile source emission reductions. Among all the alternatives considered, the one requiring the "major national holiday" strategy was selected because it assures protection against reaching the significant harm level while, at the same time, minimizing the institutional and socio-economic impacts. The commentator did not present any data or alternative strategies to support a change in the regulations.

Comment: Strategies are needed for episodes attained without having been forecast because there is a possibility that concentrations of contaminants could reach episode levels before they are forecast.

Reply: Paragraphs (d) (9) through (11) provide actions for NO_x, TSP, and combined SO_x and TSP episodes that have been attained without being forecast. Regulation VII provides similar actions for SO_x episodes but not for implementation of abatement plans for attained stage 2 or 3 CO and O₃ episodes. Paragraph (c)(8) has been added to the regulations to provide for the implementation of abatement plan strategies when the episode levels for CO and O₃ are attained.

Comment: A comment from the California Asphalt Pavement Association requested clarification of the term "without upsetting production".

Reply: The phrase "without upsetting production" in paragraph (d)(8)(ii)(G)(1) means that the production rate (or throughput) shall be reduced, but not necessarily to the point where the production ceases. If the operation of a source (e.g., a chemical

processing plant) is such that mere reduction of throughput to a certain level causes the entire operation to cease production, a reduction to such level is not required. This paragraph is similar to rule 708.2(a)(9)(A) of the SCAQMD's Regulation VII.

The Administrator has weighed all of the comments submitted to EPA, evaluated the SCAQMD Regulation VII as well as the proposed substitute regulations to remedy deficiencies noted in Regulation VII and concludes that together they satisfy the requirements of the Clean Air Act and 40 CFR 51.16 for the prevention of significant harm in the South Coast Air Basin. The Administrator hereby approves the oxidant, carbon monoxide, and sulfur dioxide related portions of Regulation VII of the South Coast Air Quality Management District, except for certain portions of Rule 708.2, making it a part of the approved SIP for California; disapproves Regulation VII to the extent it does not include provisions for nitrogen dioxide, particulate matter, and combined sulfur dioxide and particulate matter episodes as well as the other elements delineated in § 52.274(b); and promulgates the substitute regulations herein.

(Secs. 110, 301(a), Clean Air Act, as amended (42 U.S.C. 7410, 7601(a).))

Dated: May 18, 1978.

DOUGLAS M. COSTLE,
Administrator.

Subpart F of Part 52 of Chapter I, Title 40, of the Code of Federal Regulations is amended as follows:

Subpart F—California

1. Section 52.220 is amended by adding paragraph (c)(38) as follows:

§ 52.220 Identification of plan.

• • • • •
(c) • • • • •
• • • • •

(38) Revisions to air pollution emergency episode plans submitted on June 1, 1977 by the Governor's designee.

(i) South Coast Air Quality Management District's Regulation VII Emergencies as revised on May 6, 1977. No action has been taken on those portions of Rules 702, 703, 704, 706, 708, 708.2, 710, 711, 712 and 714 that pertain to sulfate, oxidant in combination with sulfate, or oxidant in combination with sulfur dioxide. No action has been taken on Rules 708.2(b)(3)(B), 708.2(b)(4)(B), 708.2(b)(4)(C) and 708.2(b)(5)(C).

• • • • •
2. Section 52.274 is added as follows:

§ 52.274 California air pollution emergency plan.

(a) The requirements of § 51.16 of this chapter are not met, except in the South Coast Air Quality Management District (SCAQMD) portion of the Metropolitan Los Angeles Intrastate Air Quality Control Region since the California Air Pollution Emergency Plan does not provide complete, implementable provisions for taking emission control actions necessary to prevent ambient concentrations from reaching significant harm levels.

(b) The requirements of § 51.16 of this chapter are met in the SCAQMD with the following exceptions: SCAQMD Regulation VII has no schedule to assure that the emission control actions are fully implementable; does not provide specific emission control actions for interdistrict coordination; has no provisions for nitrogen dioxide, particulate matter, and sulfur dioxide and particulate matter combined episodes; has no criteria or provisions to protect the eight-hour averaged carbon monoxide significant harm level; and has no provisions for implementation of abatement plans for stage 2 or 3 carbon monoxide or oxidant episodes that are attained without being predicted.

(c) Regulation for prevention of air pollution emergency episodes—plan scheduling, interdistrict coordination, episode criteria, and declaration.

(1) The requirements of this paragraph are applicable in the SCAQMD.

(2) The owner or operator of any governmental, industrial, business, or commercial activity listed in Rules 708.1 and 708.3 of Regulation VII of the SCAQMD, as revised on May 6, 1977, shall submit a Stationary Source Curtailment Plan and/or Traffic Abatement Plan to the Administrator within sixty days after the effective date of this paragraph.

(3) The plans submitted pursuant to the requirements of this paragraph, shall be reviewed by the Administrator for approval or disapproval according to the following schedule:

(i) For sources with emissions of hydrocarbons (HC) or nitrogen oxides (NO_x) greater than or equal to 454 metric tons (500 tons) per year, or for establishments employing 400 or more employees per shift, within 45 days after receipt.

(ii) For sources with emissions of HC or NO_x greater than or equal to 91 metric tons (100 tons) per year and less than 454 metric tons (500 tons) per year, or for establishments employing more than 200 and less than 400 employees per shift, within 90 days after receipt.

(iii) For sources or establishments other than those addressed in paragraph (c)(3) (i) through (ii) of this section, within 180 days after receipt.

(4) The owner or operator of an industrial, business, governmental or

commercial establishment required to submit a plan by this paragraph shall be notified by the Administrator within thirty days after the plan has been evaluated if the plan is disapproved. Any plan disapproved by the Administrator shall be modified to overcome the disapproval and resubmitted to the Administrator within 30 days of the receipt of the notice of disapproval.

(5) In the event specific sources or source areas within the SCAQMD are determined to significantly contribute to a declared air pollution episode in a nearby Air Pollution Control District, emission control actions specified in Regulation VII of the SCAQMD, as revised on May 6, 1977, for that declared episode stage shall be taken in the SCAQMD to abate that episode.

(6) For the purposes of this paragraph, the following episode criteria shall apply to carbon monoxide concentrations averaged over eight hours:

- (i) For stage 1, 15 parts per million.
- (ii) For stage 2, 30 parts per million.
- (iii) For stage 3, 40 parts per million.

(7) The provisions of SCAQMD Regulation VII, as revised on May 6, 1977, relating to carbon monoxide episodes averaged over 12 hours shall apply to carbon monoxide episodes averaged over 8 hours except that the Administrator shall provide for declaration, notification, source inspections, and termination of the episodes.

(8) Whenever the Administrator has determined that the stage 2 or 3 episode level for oxidant or carbon monoxide as specified in Rule 703 of Regulation VII of the SCAQMD, as amended May 6, 1977, is being attained or has been attained, and is predicted to remain at such level for 12 or more hours, or increase, or in the case of oxidant to reoccur within the next 24 hours, unless control actions are taken, the existence of the appropriate episode level and the location of the source-receptor areas shall be declared, and the actions specified in Rules 710(b)(1), 710(b)(2), 711(b)(1), or 711(b)(2) shall be taken by the Administrator.

(d) *Regulation for prevention of air pollution emergency episodes—nitrogen dioxide, particulate matter, and sulfur dioxide and particulate matter combined.*

(1) The requirements of this paragraph are applicable in the SCAQMD.

(2) For the purposes of this regulation the following definitions apply:

- (i) "ppm" means parts per million by volume.
- (ii) "COH" means coefficient of haze.
- (iii) "ugm" means micrograms per cubic meter.
- (iv) "Administrator" means the Administrator of the Environmental Protection Agency or his authorized representative.

(v) "Major National Holiday" means a holiday such as Christmas, New Year's Day, or Independence Day.

(vi) "Source/Receptor Areas" are defined for each episode occurrence based on air monitoring, geographical, and meteorological factors: Source area is that area in which contaminants are discharged and a receptor

area is that area in which the contaminants accumulate and are measured.

(vii) "Air Contaminants" means nitrogen dioxide, particulate matter, and/or sulfur dioxide and particulate matter combined.

(3) For the purposes of this regulation, the following episode criteria shall apply:

Contaminants	Averaging time (hours)	Stage 1	Stage 2	Stage 3
Nitrogen dioxide.....	1	0.6 ppm.....	1.2 ppm.....	1.6 ppm.....
	24	0.15 ppm.....	0.3 ppm.....	0.4 ppm.....
Particulate matter.....	24	3.0 COH.....	5.0 COH.....	7.0 COH.....
	24	375 ugm ⁻³	625 ugm ⁻³	875 ugm ⁻³
Sulfur dioxide and particulate matter combined.	24	0.2°.....	0.8°.....	1.2°.....
	24	65,000**.....	261,000**.....	393,000**.....

*Product of sulfur dioxide (ppm) and particulate matter (COH).

**Product of sulfur dioxide (ugm⁻³) and particulate matter (ugm⁻³).

(4) Whenever the Administrator has determined that any episode level specified in subparagraph (3) of this paragraph is being attained or has been attained, and is predicted to remain at such level for 12 or more hours, or increase, unless control actions are taken, the existence of the appropriate episode level and the location of the source-receptor areas shall be declared.

(5) Whenever the available scientific and meteorological data indicate that any episode level declared by subparagraph (4) of this paragraph is no longer occurring and is not predicted to immediately increase again to episode levels, such episode shall be declared terminated.

(6) The following shall be notified by the Administrator whenever an episode is predicted, attained or terminated: (i) Public officials; (ii) persons operating any facility or activity named in subparagraph (8) of this paragraph; (iii) public health, safety, and emergency agencies; (iv) news media.

(7) Upon request of the Administrator, persons operating any facility or activity named in subparagraph (8) of this paragraph shall install, properly maintain, and operate radio-receiving equipment with decoding device capable of receiving broadcasts of the declaration and termination of episodes required under this paragraph and instructions as to the actions to be taken.

(8) Stationary source curtailment plans and traffic abatement plans shall be prepared by industrial, business, commercial, and governmental establishments as follows:

(i) The owner or operator of any industrial, business, commercial, or governmental activity listed below shall submit to the Administrator plans to curtail operations causing stationary

source air contaminants in such activity:

(A) Petroleum refinery emitting 23 metric tons (25 tons) or more per year of air contaminants.

(B) Metal-melting plant requiring molten metal temperatures in excess of 540° C (1,000° F) or metal-refining plant or metal-smelting plant, in which a total of 1,135 kilograms (2,500 pounds) or more of metal are in a molten state at any one time or are poured in any 1 hour.

(C) Fossil fuel-fired electric generating facility having a total rated capacity of 50 megawatts or more.

(D) Any facility or plant emitting 91 metric tons (100 tons) or more per year of air contaminants.

(ii) The plans required by subparagraph (8)(i) of this paragraph shall include the following:

(A) A list of equipment which emits nitrogen oxides, particulate matter, and/or sulfur dioxide, including the SCAQMD permit number, the daily amount of air contaminants emitted, and a statement of the minimum time and recommended time to implement the abatement actions for each episode stage for the equipment listed and the percent reduction in emissions at each episode stage.

(B) The total number of employees at the facility during each shift on a normal weekday and on a major national holiday.

(C) The normal amount of electricity used on a normal weekday and on a major national holiday.

(D) The actions to inform employees of the procedures to be taken in the event of an episode declaration.

(E) The name and telephone numbers of the facility's episode action coordinator and alternate, who are responsible for implementation of the plan.

(F) For stage 1 episodes:

(1) The measures to voluntarily curtail equipment emitting air contaminants.

(2) The measures to curtail or postpone electrically intensive industrial operations, where feasible.

(3) The measures for electric utilities to import power from outside the basin to the extent feasible.

(G) For stage 2 episodes:

(1) The measures to curtail as much as possible, without upsetting production, equipment operations which emit air contaminants.

(2) The measures to postpone operations which can be postponed until after the episode.

(3) For fossil fuel-fired combustion sources, including: electric utilities, with a heat input greater than 50 million BTU per hour:

(i) The measures to burn natural gas.

(ii) To the extent that natural gas is not available, the measures to burn fuel oil with a sulfur content of not more than 0.25 percent by weight or the measures to reduce air contaminant emissions to equivalent discharge. Any combustion source may be exempt from the provisions of this subparagraph upon demonstration that fuel oil with the specified sulfur content is not available.

(4) For electric utilities the measures, in addition to those in subparagraph (F)(3), to:

(i) Shift oil burning power generation to non-source areas to the maximum extent consistent with the public health, safety, and welfare.

(ii) Shift oil burning power generation to combined cycle gas turbine generating equipment burning fuel oil containing less than 0.15 percent sulfur to the maximum extent consistent with the public health, safety, and welfare.

(5) For refineries and chemical plants the measures to be taken to reduce air contaminant emissions by 20 percent without jeopardizing the public health or safety, without causing an increase in the emissions of other air contaminants, without damaging the equipment or without reducing production by more than 20 percent.

(6) The measures in subparagraph (8)(ii)(F) of this paragraph.

(H) For stage 3 nitrogen dioxide episodes:

(1) The measures for petroleum refineries to reduce emissions of nitrogen dioxide by 33 percent, without damaging the equipment or increasing the emissions of other air contaminants.

(2) The measures in subparagraph (8)(ii)(G) of this paragraph.

(3) A list of equipment and the permit numbers of such equipment not operated on a major national holiday.

(4) A statement as to whether or not the facility operates on a major national holiday.

(I) For stage 3 particulate matter episodes:

(1) The measures for petroleum refineries to reduce emissions of particulate matter by 33 percent, without damaging the equipment or increasing the emissions of other air contaminants.

(2) The measures described in subparagraph (8)(ii)(G) of this paragraph.

(3) The measures for any facility or plant, except electrical generating facilities and petroleum refineries, normally emitting 91 metric tons (100 tons) or more per year of particulate matter to eliminate such emissions by starting no new batches, by ceasing feed of new materials, and by phasing down as rapidly as possible without damage to the equipment.

(4) The measures for metal melting, refining, or smelting plants to eliminate emissions of particulate matter by starting no new batches, by ceasing feed of new materials, and by phasing down as rapidly as possible without damage to the equipment.

(J) For stage 3 sulfur dioxide and particulate matter combined episodes:

(1) The measures described in subparagraphs (8)(ii)(G) and (I) of this paragraph.

(2) The measures for petroleum refineries to reduce emissions of sulfur dioxide by 33 percent, without damaging the equipment or increasing the emissions of other air contaminants.

(3) The measures for any facility or plant, except electrical generating facilities and petroleum refineries, normally emitting 91 metric tons (100 tons) or more per year of sulfur dioxide to eliminate such emissions by starting no new batches, by ceasing feed of new materials, and by phasing down as rapidly as possible without damage to the equipment.

(K) An estimate of the resultant reduction in air contaminant emissions.

(iii) The owner or operator of any industrial, business, commercial, or governmental activity listed below shall submit to the Administrator plans to curtail or cease operations causing air contaminants from vehicle use:

(A) Operators of 50 or more fleet vehicles.

(B) Industrial, business, commercial, or governmental establishments employing more than 100 persons per shift at one business address.

(iv) The plans required by subparagraph (8)(iii) of this paragraph shall include the following:

(A) The total number of employees at the facility during each shift on a normal weekday and on a major national holiday.

(B) The number of motor vehicles and vehicle miles traveled for motor vehicles operated:

(1) By the company on company business on a normal weekday and on a major national holiday.

(2) By employees commuting from home to the place of business on a normal weekday and on a major national holiday.

(C) The number of parking spaces used on a normal weekday and on a major national holiday.

(D) The minimum number of motor vehicles to be operated that are necessary to protect public health or safety.

(E) The actions to inform employees of the procedures to be taken in the event of an episode declaration.

(F) The name and telephone numbers of the facility's episode action coordinator and alternate, who are responsible for implementation of the plan.

(G) For stage 1 episodes, the methods by which employers will encourage the utilization of car pools or otherwise reduce employee motor vehicle travel.

(H) For stage 2 and 3 episodes, the measures within the reasonable control of the employer to reduce the number of vehicle miles driven by employees in commuting to and from work.

(I) An estimate of the reduction in vehicle miles traveled as a result of the measures in this subparagraph.

(v) Each owner or operator required to submit a plan by this paragraph shall submit to the Administrator such plan within 60 days of the effective date of this paragraph.

(vi) The plans submitted in accordance with the provisions of this paragraph shall be approved or disapproved by the Administrator according to the following schedule:

(A) For sources with emissions of air contaminants greater than or equal to 454 metric tons (500 tons) per year, or for establishments employing 400 or more employees per shift, within 45 days after receipt.

(B) For sources with emissions of air contaminants greater than or equal to 91 metric tons (100 tons) per year and less than 454 metric tons (500 tons) per year, or for establishments employing more than 200 and less than 400 employees per shift, within 90 days after receipt.

(C) For sources with emissions of air contaminants less than 91 metric tons (100 tons) per year, or for establishments employing 100 to 200 employees per shift, within 180 days after receipt.

(vii) The owner or operator required to submit a plan by this paragraph shall be notified by the Administrator within 30 days after the plan has been evaluated if the plan is disapproved. Any plan disapproved by the Administrator shall be modified to overcome this disapproval and resubmitted to the Administrator within 30 days of the receipt of the notice of disapproval.

(viii) A copy of the plan approved in accordance with the provisions of this paragraph shall be on file and readily available on the premises to any person authorized to enforce the provisions of this section.

(9) The following actions shall be taken in the source and receptor areas upon declaration of a stage 1 episode:

(i) The notifications required by paragraph (d)(6) of this paragraph.

(ii) The Administrator shall advise the public that those individuals with special health problems should follow the precautions recommended by their physicians and health officials.

(iii) The Administrator shall advise school officials to cancel, postpone, or reschedule programs which require outdoor physical activity.

(iv) The Administrator shall request the public to stop all unnecessary driving.

(v) The Administrator shall request the public to operate all privately owned vehicles on a pool basis.

(vi) Persons operating any facility or activity named in subparagraph (8) of this paragraph shall implement the appropriate plans specified in subparagraph (8) for the declared stage 1 episode and air contaminant(s).

(10) The following actions shall be taken in the source and receptor areas upon declaration of a stage 2 episode:

(i) The actions described in subparagraphs (9)(i)-(v) of this paragraph.

(ii) The Administrator shall request suspension of programs that involve physical exertion by participants using public parks or public recreational facilities located in receptor areas.

(iii) The burning of combustible refuse shall be postponed until the episode has been terminated.

(iv) The Administrator shall request the public to reduce the use of electricity by 10 percent.

(v) Persons operating any facility or activity named in subparagraph (8) of this paragraph shall implement the appropriate plans specified in subparagraph (8) for the declared stage 2 episode and air contaminant(s).

(11) The following actions shall be taken in the source and receptor areas upon declaration of a stage 3 episode:

(i) The actions described in subparagraphs (10)(i)-(iii) of this paragraph.

(ii) The Administrator shall request the public to reduce the use of electricity by 40 percent.

(iii) Persons operating any facility or activity named in subparagraph (8) of this paragraph shall implement the appropriate plans specified in subparagraph (8) for the declared stage 3 episode and air contaminant(s).

(iv) For nitrogen dioxide, the general public, schools, industrial, business, commercial, and governmental activities throughout the District shall operate as though the day were a major national holiday.

(v) For particulate matter and/or sulfur dioxide and particulate matter combined, the Administrator shall request the public to reduce as much as possible activities causing dust emissions including agricultural operations, off-road vehicle use, and driving on unpaved roads. Construction and demolition operation shall be postponed until the episode has been terminated.

(12) In the event specific sources or source areas within the SCAQMD are determined to significantly contribute to a declared air pollution episode in a nearby Air Pollution Control District, emission control actions specified in this paragraph for that declared episode stage shall be taken in the SCAQMD to abate that episode.

(13) A source inspection plan shall be implemented by the Administrator upon the declaration of any episode stage.

(14) The Administrator shall provide for daily acquisition of forecasts of atmospheric stagnation conditions during any episode stage and updating of such forecasts at least every 12 hours.

(15) Any source that violates any requirement of this section shall be subject to enforcement action under section 113 of the Act.

(16) All submittals or notifications required to be submitted to the Administrator by this section shall be sent to:

Environmental Protection Agency, Air and Hazardous Materials Division (A-4), Attn: Air Programs Branch, 215 Fremont Street, San Francisco, Calif. 94105.

[FR Doc. 78-14732 Filed 5-25-78; 8:45 am]

[6560-01]

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 900-7; PP 8F2067/R153]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Chlorothalonil

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

AGENCY: Final rule.

SUMMARY: This rule established a tolerance for residues of the fungicide chlorothalonil on bananas. The amendment to the regulations was requested by Diamond Shamrock Corp. This rule establishes a maximum permissible level for residues of chlorothalonil on bananas.

EFFECTIVE DATE: May 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Eugene Wilson, Product Manager (PM) 21, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C., 202-426-2456.

SUPPLEMENTARY INFORMATION: On May 4, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 19240) in response to a pesticide petition (PP 8F2067) submitted to the Agency by Diamond Shamrock Corp., 1100 Superior Avenue, Cleveland, Ohio 44114. This petition proposed that 40 CFR 180.275 be amended by the establishment of a tolerance for combined residues of the fungicide chlorothalonil (tetrachloroisophthalonitrile) and its metabolite, 4-hydroxy-2,5,6-trichloroisophthalonitrile, in or on the raw agricultural commodity bananas at 0.5 part per million (ppm), of which no more than 0.05 ppm of combined residues shall be present in the edible pulp of banana fruit. No comments were received in response to this notice of proposed rulemaking. As provided in the Administrative Procedure Act (5 U.S.C. 553(d)(3)), the comment period was shortened to less than 30 days because: (1) The notice of filing for this petition, published on April 18, 1978 (43 FR 16400), invited the submission of written comments on the proposed tolerance, and (2) there is an epidemic of banana leaf spot disease (Black Sigatoka) in Honduras against which chlorothalonil is effective.

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.275 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before June 26, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington D.C. 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 19, 1978, part 180, subpart C, § 180.275 is amended by alphabetically inserting a tolerance in the table on bananas at 0.5 ppm as set forth below.

(Sec. 408(d) Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a(d)).)

Dated: May 19, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Part 180, subpart C, § 180.275 is amended by alphabetically inserting in

the table a tolerance on bananas at 0.5 ppm to read as follows:

§ 180.275 Chlorothalonil; tolerance for residues.

Commodity:	Parts per million
Bananas (NMT 0.05 ppm in edible pulp)	0.5

[FR Doc 78-14720 Filed 5-25-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 26—PUBLIC ENTRY AND USE

Kenai National Moose Range, Alaska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special Regulations.

SUMMARY: These special regulations govern the use of aircraft, snowmobiles and watercraft on the Kenai National Moose Range in Alaska. The Director has determined that these regulations are consistent with the primary objectives for which the range was established, and will provide additional recreational opportunity to the public.

DATES: These regulations are effective from May 26, 1978 through May 31, 1979.

FOR FURTHER INFORMATION CONTACT:

James E. Frates, Refuge Manager, Kenai National Moose Range, P.O. Box 500, Kenai, Alaska 99611, 907-283-4877.

SUPPLEMENTARY INFORMATION: The primary author of this document is James E. Frates. Regulations and maps describing the designated areas are available at the Headquarters, Kenai National Moose Range, Kenai, Alaska.

§ 26.34 Special regulations concerning public access, use and recreation for individual national wildlife refuges.

ALASKA—KENAI NATIONAL MOOSE RANGE

(a) The landing and operation of aircraft in the Kenai National Moose Range, under other than emergency conditions, is prohibited except as authorized in the following areas: North of the Sterling Highway aircraft may land on lakes except those lakes with

recreational developments including campgrounds, camp sites, road waysides with connecting access trails, the canoe system lakes and lakes within the Moose Research Center inclosures including Coyote Lake. Furthermore, the Swan Lake Canoe Area including the several public recreational lakes bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the north-south section line immediately west of Arrow Lake (located at the eastern terminus of Swan Lake Road open to the public) and continuing south 5.8 miles to its intersection with the Moose River (one-half mile southwest of the eastern-most shore of Swan Lake), thence downstream the Moose River, and bounded on the south by the Moose Range boundary, is not designated aircraft landing area; south of the north shoreline of the Kenai River and Skilak Lake, aircraft may land on lakes and rivers except the following lakes not authorized for aircraft operations include: Benchland, Cirque, Crater, Emma, Horsetrail, Marmot Lakes, Newman's, Timberline, Trophy and Wolverine.

(1) The landing of aircraft on any road, glacier or ice field is prohibited.

(2) Hidden Lake, Swanson Lake, Gene Lake and Pepper Lake are designated aircraft landing areas in season, for the purpose of sport ice fishing only.

(3) Bottenintnin Lake is a designated aircraft landing area. (b) The operation of off-road vehicles commonly referred to as all-terrain vehicles (ATVs) is prohibited on the Kenai National Moose Range except the use of lightweight motorized vehicles commonly identified by the general term "snowmobile" are authorized on certain designated areas of the Moose Range and subject to the following special conditions:

(1) Only snowmobiles with an overall width less than 40 inches will be permitted.

(2) The use of snowmobiles may be authorized during the period December 1, 1978 through April 30, 1979, and only when the snow depth is sufficient to protect underlying vegetation and terrain along the route of travel and when determined and announced by the refuge manager.

(3) The use of snowmobiles is prohibited in those game management units of the Kenai National Moose Range during an established moose hunting season. The use of snowmobiles as an aid in big game hunting or for transporting big game animals, except fur animals, is not authorized.

(4) The use of snowmobiles on maintained roads within the Moose Range is prohibited, except that, a snowmobile may cross a maintained road only after stopping and when traffic on the roadway allows crossing safely.

(5) That area above timberline located between Skilak Lake and Tustumena Lake is not authorized for snowmobile use.

(6) The area within T 4 N, R 10 W, Section 5 and those portions of Sections 6 and 7 east of the Sterling Highway right-of-way, including the Soldotna Ski Hill, the cross-country ski trails, Headquarters Lake and Nordic Lake, is not a designated snowmobile area.

(7) The use of snowmobiles for racing purposes is prohibited.

(8) The Swanson River Canoe Route lakes and portages are closed to snowmobile use.

(9) An area including the Swan Lake Canoe Route and several road connected public recreational lakes is not a designated snowmobile area. That area closed to such use is bounded on the west by the Swanson River Road, bounded on the north by the Swan Lake Road, bounded on the east by the section line immediately west of Arrow Lake (which is located at the eastern terminus of Swan Lake Road open to the public) and proceeds south 5.8 miles to its intersection with the Moose River (one-half mile southeast of the eastern-most shore of Swan Lake), thence downstream along the west bank of Moose River, and bounded on the south by the Moose Range boundary.

(c) The use of motorized boats and canoes, other motorized watercraft, engines, including chain saws, auxiliary power units, etc., is prohibited within the Moose Range Canoe System, except that boats and canoes with outboard motors will be permitted on Moose River and Swanson River. The Canoe System includes those lakes and their related shore areas, waterways, tributaries and portages within the existing Swan Lake Canoe Route and Swanson River Canoe Route as described on maps available at Kenai Moose Range Headquarters.

(d) The use of airboats is authorized only on Skilak Lake, Tustumena Lake, the Kenai River and Kaslof River.

(e) The provisions of this special regulation supplement the regulations which govern public entry and use on national wildlife refuges which are set forth in Title 50, Code of Federal Regulations, Part 26.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: May 16, 1978.

JAMES E. FRATES,
Refuge Manager,
Kenai National Moose Range.

[FR Doc. 78-14727 Filed 5-25-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Proposed Handling Regulation

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would continue through May 31, 1979, current minimum grade and size requirements applicable to fresh shipments of California nectarines. The proposal is designed to maintain orderly marketing conditions in the interest of producers and consumers.

DATE: Comments must be received on or before June 27, 1978.

ADDRESS: Send comments to: Hearing Clerk, USDA, Room 1077, South Building, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION. The proposed amendment was submitted by the Nectarine Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916) which regulates the handling of nectarines grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

This notice invites written comment relative to a proposed amendment that would continue Nectarine Regulation 10 (§ 916.352; 43 FR 20218) through May 31, 1979. Said regulation will expire on July 16, 1978, unless extended. The regulation prescribes that shipments of California nectarines grade U.S. No. 1 except that (1) a slightly smaller area of the surface of each fruit may be affected by fairly light colored, fairly smooth scars, and (2) an additional tolerance is provided for individual fruit not well formed but not badly misshapen. The regulation also prescribes minimum sizes for 47 named varieties. The proposal is designed to continue to provide markets with an ample supply of desirable size and quality nectarines consistent with the available supply in the interest of producers and consumers.

Data, views, or arguments for consideration in connection with this proposed amendment shall be filed, in duplicate, with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than June 27, 1978. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Under the proposal, the provisions of Nectarine Regulation 10 (§ 916.352; 43 FR 20218) are revised to read as follows:

§ 916.352 Nectarine Regulation 10.

Order. (a) During the period July 16, 1978, through May 31, 1979, no handler shall handle:

(1) Any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1. *Provided*, That nectarines 2 inches in diameter or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle $\frac{1}{4}$ inch in diameter, and nectarines larger than 2 inches in diameter shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle $\frac{1}{4}$ inch in diameter: *Provided further*, That an additional tolerance of 25 percent shall be permitted for fruit that is not well formed but not badly misshapen.

(2) Any package or container of Mayred variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 105 nectarines.

(3) Any package or container of Mayfair variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 108 nectarines in the lug box;

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (3) are of a size that a 16 pound

sample, representative of the nectarines in the package or container, contains not more than 102 nectarines.

(4) Any package or container of Crimson, Gold, June Belle, June Grand, May Grand, Red June, Spring Grand, Armking, Zee Gold, Apache, Spring Red, Red King, Early Sungrand, Independence, Moon Grand, Star Grand I, Star Grand II, Summer Grand, Sun Grand, Kent Grand, Early Star, Firebrite, or Red Diamond variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (4) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 90 nectarines.

(5) Any package or container of Autumn Grand, Clinton-Strawberry, Fantasia, Flamekist, Flavortop, Gold King, Granderli, Grand Prize, Harry Grand, Hi-Red, Late Le Grand, Le Grand, Niagara Grand, Red Grand, Regal Grand, Richards Grand, Royal Grand, September Grand, Fairlane, Red Free, Bob Grand, Tom Grand, or Kings Canyon variety nectarines unless:

(i) Such nectarines, when packed in molded forms (tray pack) in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(ii) Such nectarines in any container when packed other than as specified in subdivision (i) of this subparagraph (5) are of a size that a 16 pound sample, representative of the nectarines in the package or container, contains not more than 78 nectarines.

(b) As used herein, "U.S. No. 1" and "standard pack" mean the same as defined in the United States Standards for Grades of Nectarines (7 CFR 51.3145-51.3160); No. 22D standard lug box" means the same as defined in section 1387.11 of the "Regulations of the California Department of Food and Agriculture", and all other terms mean the same as defined in the marketing order.

Dated: May 23, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-14798 Filed 5-25-78; 8:45 am]

[3410-02]

[7 CFR Part 989]

RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Proposed Increase in Payment Rate for Handler Services on Reserve Tonnage Raisins

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice of proposed rulemaking invites written comments on increasing the rates of payment to handlers for receiving, storing, fumigating, and handling reserve tonnage raisins during and beyond the crop year of acquisition. The increased rates would be applicable to reserve raisins of the current (1977-78) and subsequent crop years. The increased rates of payment were proposed by the Raisin Administrative Committee to compensate handlers for increased plant and administrative overhead, labor, material and equipment, and other related costs involved in providing these services. The Committee is the agency established under the order to administer its terms and conditions.

DATES: Comments must be received on or before June 15, 1978.

ADDRESSES: Send two copies of comments to the hearing Clerk, U.S. Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be available for inspection during business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: This proposed action would increase the rates of payment made to handlers for: (1) Receiving, storing, fumigating, and handling reserve tonnage raisins during the crop year of acquisition from \$17 to \$24 per ton; and (2) holding reserve tonnage raisins beyond the crop year of acquisition from 85 cents to \$1.20 per ton for each month of the three-month period ending November 30, and from 42.5 cents to 60 cents per ton for each month of the next nine months. The current rates have been effective since the 1975-76 crop year and since that time handler costs for all these services have increased significantly.

To make the proposed rate increases it is necessary to amend § 989.401(a)(1)

and (b) of Subpart—Schedule of Payments (7 CFR 989.401; 42 FR 52374; 57683). This action would be taken under § 989.66(f) of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989; 42 FR 37200), regulating the handling of raisins produced from grapes grown in California (hereinafter referred to collectively as the "order"). The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is to amend § 989.401 (a)(1) and (b) as follows:

§ 989.401 Payments for services performed with respect to reserve tonnage raisins.

(a) *Payment for crop year of acquisition—(1) Receiving, storing, fumigating, and handling.* Each handler shall, beginning with the crop year which began August 1, 1977, be compensated at the rate of \$24 per ton (natural condition weight at the time of acquisition) for receiving, storing, fumigating, and handling the reserve tonnage raisins, as determined by the final reserve tonnage percentages, acquired during a particular crop year and held by him for the account of the Raisin Administrative Committee during all or any part of the same crop year.

(b) *additional payment for reserve tonnage raisins held beyond the crop year of acquisition.* Additional payment for reserve tonnage raisins held beyond the crop year of acquisition shall be made in accordance with this paragraph. Each handler holding such raisins for the account of the Committee on August 15 and the following September 1 shall be compensated for storing, handling, and fumigating such raisins at the rate of \$1.20 per ton per month, or any part thereof, for each month of the three-month period ending November 30, and 60 cents per ton per month, or any part thereof, for each month of the next nine months. Such services shall be completed so that the Committee is assured that the raisins are maintained in good condition.

Dated: May 23, 1978.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.
[FR Doc. 78-14797 Filed 5-25-78; 8:45 am]

[3410-05]

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO LOAN PROGRAM

Proposed 1978 Crop Grade Loan Rates—Flue-Cured Tobacco

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Proposed rule.

SUMMARY: The Commodity Credit Corporation (USDA), is considering the grade loan rates to be applied to the various grades of 1978-crop flue-cured tobacco to provide price support as required by the Agricultural Act of 1949, as amended. This document invites all interested parties to submit views and recommendations with respect to the proposed rates.

DATES: Written comments must be received by June 26, 1978, in order to be sure of consideration.

ADDRESS: Send comments to Director, Price Support and Loan Division, ASCS, P.O. Box 2415, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

R. P. Hieronymus, 202-447-6695.

SUPPLEMENTARY INFORMATION: Section 106 of the Agricultural Act of 1949, as amended, requires that the 1978 crop of flue-cured tobacco be supported at the level of 121.0 cents per pound. It is anticipated that price support will be provided through a loan to a producers association which will receive the tobacco from the producers and make price support advances to the producers for the tobacco received. The price support advances will be based on the proposed grade loan rates, which will average the required level of support when weighted by the anticipated grade percentages, in accordance with section 403 of the Act. The price support advances to producers shall be the amounts determined by multiplying the pounds of each grade received by the respective grade loan rate less 1 cent per pound, which the producers' association is authorized to deduct and to apply against overhead costs.

PROPOSED RULE

Under the Tobacco Loan Program published in this part and section 403 of the Act, Commodity Credit Corporation proposes to establish loan rates by grades for 1978-crop flue-cured tobacco, types 11-14, as set forth herein. These proposed rates calculated to provide the level of support of 121.0 cents per pound as determined under section 106 of the Agricultural Act of 1949 (7 U.S.C. 1445) are set forth below. Accordingly, it is proposed that

7 CFR Part 1464 be amended by revising § 1464.16 to read as follows effective for the 1978 crop of flue-cured tobacco, types 11-14.

§ 1464.16 1978 crop flue-cured tobacco, types 11-14, loan schedule.¹

(Dollars per hundred pound, farm sales weight)

Grade	Loan rate	Grade	Loan rate
A1F.....	156	B3KL.....	127
A1L.....	156	B4KL.....	123
B1L.....	146	B5KL.....	118
B2L.....	142	B6KL.....	112
B3L.....	139	B3KF.....	127
B4L.....	135	B4KF.....	123
B5L.....	131	B5KF.....	117
B6L.....	125	B6KF.....	112
B1F.....	146	B3KM.....	130
B2F.....	142	B4KM.....	127
B3F.....	139	B5KM.....	122
B4F.....	135	B6KM.....	114
B5F.....	131	B3KR.....	133
B6F.....	125	B4KR.....	129
B1FR.....	144	B5KR.....	124
B2FR.....	140	B6KV.....	118
B3FR.....	137	B5KV.....	113
B4FR.....	134	B6KV.....	107
B5FR.....	130	B4G.....	117
B6FR.....	124	B5G.....	113
B4R.....	123	B6G.....	107
B5R.....	116	B5GR.....	101
B3K.....	134	B4GK.....	114
B4K.....	130	B5GK.....	110
B5K.....	126	B6GK.....	105
B6K.....	119	B5GG.....	101
B3V.....	130	H3L.....	142
B4V.....	125	H4L.....	139
B5V.....	121	H5L.....	134
B3S.....	127	H6L.....	129
B4S.....	123	X3KM.....	124
B5S.....	117	X4KM.....	119
X1L.....	141	X4G.....	109
X2L.....	137	X5G.....	105
X3L.....	132	X4GK.....	109
X4L.....	127	P2L.....	113
X5L.....	118	P3L.....	107
X1F.....	141	P4L.....	99
X2F.....	137	P5L.....	93
X3F.....	132	P2F.....	113
X4F.....	127	P3F.....	107
X5F.....	118	P4F.....	99
X3V.....	123	P5F.....	93
X4V.....	118	P4G.....	89
X3S.....	123	P5G.....	83
X4KL.....	118	M4F.....	121
X4KF.....	118	M5F.....	116
X4KV.....	112	M4KR.....	115
X3KR.....	129	H1F.....	149

¹The loan rates listed are applicable to tied and untied flue-cured tobacco which is (1) eligible tobacco as defined in the regulations and (2) identified by a marketing card which does not bear the notation "Discount Variety-Limited Support." Rates for eligible tobacco identified by a marketing card, which bears the notation "Discount Variety-Limited Support," are 50 percent of the loan rates listed plus fifty cents (\$0.50) per hundred pounds. Any grade to which the special factor "sand" or "dirt" is added (denoting a moderate amount of sand or dirt in excess of normal) may be accepted at 90 percent, rounded to the nearest dollar, of the loan rate listed. Tobacco graded "W" (doubtful keeping order), "U" (unsound), "N2", "No-G", "No-G-F", "No G-F-sand", "No G-F-dirt", or "scrap" will not be accepted. Tobacco is eligible for advance only if consigned by the original producer. The cooperative association through which advances are made available is authorized to deduct 1 cent per pound to apply against overhead costs.

Grade	Loan rate	Grade	Loan rate
X4KR.....	124	H2F.....	145
H3F.....	142	C4KL.....	126
H4F.....	139	C4KR.....	127
H5F.....	134	C4KR.....	131
H6F.....	129	C4G.....	119
H4FR.....	136	C4GK.....	118
H5FR.....	131	M4KM.....	114
H6FR.....	126	M5KM.....	109
H4K.....	134	M4GK.....	108
H5K.....	129	M5GK.....	102
H6K.....	124	N1L.....	85
C1L.....	145	N1XL.....	90
C2L.....	142	N1K.....	97
C3L.....	139	N1R.....	88
C4L.....	136	N1GL.....	79
C5L.....	132		89
C1F.....	145	N1GF.....	89
C2F.....	142	N1GR.....	84
C3F.....	139	N1KV.....	88
C4F.....	136	N1GG.....	81
C5F.....	132	N1BO.....	80
C4V.....	127	N1XO.....	78
C4S.....	125	N1PO.....	74

Prior to making any determination, the Department will give consideration to comments, views, and recommendations submitted in writing to the Director, Price Support and Loan Division.

All written submission will be made available for public inspection from 8:15 a.m. to 4:45 p.m. Monday through Friday in Room 3741, South Building, USDA, 14th and Independence Avenue SW., Washington, D.C. 20013.

NOTE.—Commodity Credit Corporation has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as extended by 11949, and OMB Circular A-107.

NOTE.—Based on an assessment of the environmental impacts of the proposed action, it has also been determined that an environmental impact statement need not be prepared since the proposals will have no significant effect on the quality of the human environment.

Signed at Washington, D.C., on May 19, 1978.

STEWART N. SMITH,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 78-19595 Filed 5-25-78; 8:45 am]

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 136]

[Docket No. 75P-0361]

BAKERY PRODUCTS

Amendment of Standards of Identity

AGENCY: Food and Drug Administration.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend the standard of identity for

bread, rolls, and buns by removing the limit on the use of mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids, and other ingredients that perform a similar function. The Commissioner of Food and Drugs has determined that it is appropriate to remove these limitations from the standard because technical considerations make it unlikely that excessive amounts of these ingredients would be used.

DATES: Comments by July 25, 1978. It is proposed that the regulation based on this proposal become effective 31 days after publication of the final order in the FEDERAL REGISTER.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Harold Salwin, Bureau of Foods (HFF-416), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-8531.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of February 12, 1978 (41 FR 6242), the Commissioner of Food and Drugs revised the standards of identity for bakery products in Part 136 (21 CFR Part 136, formerly 21 CFR Part 17 prior to the recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302). In response to written objections and requests for a hearing, a notice identifying certain provisions that were stayed pending consideration whether a hearing is necessary was published in the FEDERAL REGISTER of October 15, 1976 (41 FR 45540). As indicated elsewhere in this issue of the FEDERAL REGISTER, the Commissioner has now determined that it is necessary to conduct a hearing to resolve four issues. The Commissioner has determined that the fifth issue, relating to the optional use of mono- and diglycerides of fat-forming fatty acids and of certain other ingredients that perform a similar function, can be resolved without a hearing by amending the regulation.

The standards of identity for bakery products provide for the optional use in bread of mono- and diglycerides and of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, and propylene glycol mono- and diesters of fat-forming fatty acids. These ingredients are frequently used in breadmaking as antistaling agents, their function being generally regarded as delaying the firming of bread.

The current standard limits the total weight of these ingredients to not more than 20 percent of the combined weight of the ingredients and the shortening. The standard also limits the amount of monoglycerides, diacetyl tartaric acid ester of monoglyceride, and propylene glycol monoester that may be used in bread.

Section 136.110(c)(5)(ii) (21 CFR 136.110(c)(5)(ii)) of the final regulation, now stayed, limited the total quantity of these ingredients, whether used alone or in combination, to not more than 0.5 part for each 100 parts by weight of flour used. This 0.5 percent limit is more liberal than the current limit when the shortening content is less than 2 percent and is more restrictive when the shortening content exceeds 2 percent.

Objections to § 136.110(c)(5)(ii) were confined to the 0.5 percent limit as applied to mono- and diglycerides of fat-forming fatty acids. Grounds for the objections were that the limit unnecessarily restricts the flexibility of the baker, that the limit is lower than the amount permitted under the current standard, and that the limit is lower than the amounts actually being used by many manufacturers of bakery products. (The Commissioner notes that the comparison with the current standard is correct only for bakery products which contain more than 2 parts of shortening for each 100 parts by weight of flour used.) One objection to the 0.5 percent limit suggested that either the limit should be one part for each 100 parts of flour, or that it should be determined on the basis of the alpha-monoglyceride present rather than on the basis of the total mono- and diglycerides, in which case it would be 0.5 part, or possibly 0.56 part, per 100 parts of flour. A second objection stated that the limit should be removed completely or that, if any limitation is to be imposed, it should be based on flour weight and tied to alpha-monoglyceride level only. One comment recommended that the limit be no more than necessary to accomplish the intended effect. Other comments recommended that the limit be 0.75 part for each 100 parts by weight of flour.

The Food and Drug Administration received a letter, dated March 31, 1977, from the American Bakers Association and ICI United States, Inc., supplementing their previously expressed views concerning the level of mono- and diglycerides permitted in standardized bakery foods. The letter (on file with the Hearing Clerk, Food and Drug Administration), which in effect constitutes a request for reconsideration, recommended changes in the limits on the diacetyl tartaric acid esters and propylene glycol esters as well as the limits on mono- and diglycerides of fat-forming fatty acids. The

first recommendation, identified as the preferred approach, was that limits on all such ingredients be removed. As an alternative, the letter recommended that the present § 136.110(c)(5)(ii) be amended to read as follows:

Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids complying with the provisions of Part 172 of this chapter (formerly Part 121), or a combination of two or more of these. The total quantity of these ingredients, whether used alone or in combination, does not exceed the greater of: (a) 0.75 part for each 100 parts by weight of flour used, with the weight of the mono- and diglycerides used computed on the basis of alpha mono-glyceride content only; or (b) 20 percent by weight of the combination of such ingredients and the shortening, and the total amount of monoglyceride, diacetyl tartaric acid ester of monoglyceride, and propylene glycol monoester does not exceed 8 percent by weight of the combination; but if purified or concentrated monoglyceride alone is used, amount does not exceed 10 percent by weight of the combination.

(Underscoring indicates changes from stayed § 136.110(c)(5)(ii); (b) reproduces, without change, the language of the currently effective limit.)

If the alternative recommendation were adopted, its only effect would be to permit the use of greater amounts of the ingredients in low-shortening breads than current regulations permit.

Section 136.110(b) currently requires that all ingredients used in bread be safe and suitable. A safe and suitable ingredient is defined in § 130.3(d) (21 CFR 130.3(d)), as (1) one that performs an appropriate function in the food in which it is used; (2) one that is used at a level no higher than necessary to achieve its intended purpose; and (3) in the case of a food additive, one that is used in conformity with regulations established under section 409 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348). The applicable regulations for the ingredients identified in the foregoing paragraphs are §§ 172.856, 182.4101, and 182.4505 (21 CFR 172.856, 182.4101, and 182.4505). Use levels for these ingredients and others which have a similar function will be established in the food additive regulations as part of the cyclic review of food additives now in progress, and their use in bread will be subject to the limits that are adopted.

The Commissioner previously believed that the 0.5 percent limit would be adequate because of the trend in commercial breadmaking to reduce the shortening content. Information now available, however, demonstrates that: (1) The average amount of shortening being used, based on weight of flour, is 3 percent in bread and 5 percent in buns, with levels sometimes as

high as 8 percent in rolls; (2) the levels of mono- and diglyceride mixtures being used frequently exceed 0.5 part per 100 parts of flour; and (3) excessive use in bread of mono- and diglycerides is unlikely, because excessive quantities adversely affect the shape and texture of bread loaves.

After reconsidering the issue, the Commissioner agrees that it is appropriate to remove the limits from the standard of identity and proposes to do so by amending § 136.110(c)(5)(ii) as set out below. The Commissioner also proposes to make minor editorial changes in § 136.110(c)(15) and (18).

The Commissioner has considered the environmental effects of the issuance or amendment of food standards and has concluded in § 25.1(d)(4) (21 CFR 25.1(d)(4)) that food standards are not major agency actions significantly affecting the quality of the human environment. Therefore, an environmental impact statement is not required for this proposal.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e))) and under authority delegated to him (21 CFR 5.1), the Commissioner proposes that Part 136 be amended in § 136.110 by revising paragraphs (c)(5)(ii) and (c)(15) and (18), to read as follows:

PART 136—BAKERY PRODUCTS

§ 136.110 Bread, rolls, and buns.

(c) * * *

(5) * * *

(ii) Mono- and diglycerides of fat-forming fatty acids, diacetyl tartaric acid esters of mono- and diglycerides of fat-forming fatty acids, propylene glycol mono- and diesters of fat-forming fatty acids, and other ingredients that perform a similar function.

(15) Dough strengtheners and other dough conditioners not listed or referred to in this paragraph, if the total quantities of such ingredients or combination is not more than 0.5 part for each 100 parts by weight of flour used.

(18) Other ingredients that do not change the basic identity or adversely affect the physical and nutritional characteristics of the food.

Interested persons may, on or before July 25, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal.

Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE.—The Food Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14729 Filed 5-25-78; 8:45 am]

[1505-01]

[21 CFR Part 101]

[Docket No. 77P-0413]

FOOD LABELING

Ingredient Labeling Exemption

Correction

In FR Doc. 78-10035, appearing at page 16347 in the issue of Tuesday, April 18, 1978, the third line of the "Summary" paragraph should read, "agents in food (e.g., calcium salts in", and the date in the first line of the "Date" paragraph and the second line of the last complete paragraph on page 16348 should read, "June 19, 1978".

[4110-03]

[21 CFR PARTS 436, 449]

[Docket No. 77N-0069]

GRISEOFULVIN GAS LIQUID CHROMATOGRAPHY

Method for Griseofulvin Content

AGENCY: Food and Drug Administration.

ACTION: Proposal.

SUMMARY: This proposal would amend the antibiotic drug regulations to provide for an improved method for determining the griseofulvin content of antibiotic drug products containing griseofulvin. The new method, gas liquid chromatography, replaces two existing methods—the spectrophotometric assay and the microbiological agar diffusion assay. This proposal is issued in response to a request by a manufacturer to adopt the new method.

DATE: Comments by July 25, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Joan Eckert, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4290.

SUPPLEMENTARY INFORMATION: The Commissioner of Food and Drugs has evaluated a request submitted in accordance with the antibiotic drug regulations promulgated under section 507 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 357) as amended, that a newly developed gas liquid chromatography method be adopted as the method specified in the regulations for content determination of the antibiotic drug griseofulvin.

As reported in the Journal of Pharmaceutical Sciences, 64(6):1020-1022, June 1975, a collaborative study involving 19 laboratories was conducted to validate this new method. The overall recovery from three samples tested was 99.52±2.33 percent.

The Commissioner finds that the gas liquid chromatography method is more accurate and reliable than the microbiological agar diffusion assay and the spectrophotometric assay methods currently in the regulation. Therefore, he proposes that the gas liquid chromatography method replace the other two methods in the regulation. He also proposes to add an upper potency limit of 1,050 micrograms of griseofulvin per milligram to the monograph for griseofulvin bulk drug. This is consistent with the agency's practice in recent years of establishing upper potency limits for all antibiotic bulk drugs as an added measure of quality assurance.

Therefore, under the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended (21 U.S.C. 357)) and under authority delegated to him (21 CFR 5.1), the Commissioner of Food and Drugs proposes to amend Parts 436 and 449 as follows:

1. Part 436 is amended by adding new § 436.321 to read as follows:

§ 436.321 Griseofulvin gas liquid chromatography.

(a) *Equipment.* Gas chromatograph equipped with an electronic integrator and with a flame ionization detector: Hewlett Packard 7600 or equivalent.

(b) *Reagents.* (1) Chloroform, reagent grade.

(2) Internal standard solution: Prepare a solution containing 1.0 milligram of tetraphenylcyclopentadienone per milliliter in chloroform.

(c) *Typical conditions.*—(1) *Column.* 1.2 meters by 4 millimeters ID, glass, packed with 1 percent OV-17 on Gas Chrom Q (100/120 mesh), or equivalent.

(2) *Temperatures.* Column 245° C; detector 260° C; injection port 260° C.

(3) *Carrier gas.* Helium approximately 60 millimeters per minute and 40 pounds per square inch (1.7 kilograms per square centimeter).

(4) *Detector.* Hydrogen flame ionization-hydrogen at 12 pounds per square inch (0.5 kilogram per square centimeter), air at 34 pounds per square inch (1.43 kilograms per square centimeter).

(5) *Sensitivity.* Adjusted to obtain peak heights greater than 50 percent full scale deflection.

(d) *Preparation of griseofulvin sample and working standard solutions.* Accurately weigh approximately 40 milligrams of both the sample and the working standard into separate 25-milliliter volumetric flasks. Add sufficient internal standard solution to dissolve the contents of each flask with vigorous mixing and then dilute to volume with internal standard solution and mix. Proceed as directed in paragraph (e) of this section.

(e) *Procedure.* Inject 1.0 microliter of this solution into the gas chromatograph. Use the typical conditions and materials listed in paragraphs (a), (b), and (c) of this section. The resolution of the peaks should be complete. The griseofulvin peak will elute before the internal standard peak. Calculate the griseofulvin content as directed in paragraph (f) of this section.

(f) *Calculations.* Calculate the griseofulvin content of the sample as follows:

$$\text{Micrograms of griseofulvin per milligram} = \frac{\left(\frac{R_u}{R_s}\right) \left(\frac{W_s}{W_u}\right) (f)}{\left(\frac{R_s}{R_u}\right) \left(\frac{W_u}{W_s}\right)}$$

where:

$$\frac{R_u}{R_s} = \frac{\text{Area of the griseofulvin sample peak (at a retention time equal to that observed for the griseofulvin standard)}}{\text{Area of the internal standard peak}}$$

$$\frac{R_s}{R_u} = \frac{\text{Area of the griseofulvin working standard peak}}{\text{Area of the internal standard peak}}$$

$$\frac{W_s}{W_u} = \frac{\text{Weight of the griseofulvin working standard in milligrams}}{\text{Weight of the sample in milligrams}}$$

$$f = \frac{\text{Potency of the griseofulvin working standard in micrograms per milligram}}{\text{Potency of the griseofulvin working standard in micrograms per milligram}}$$

2. Part 449 is amended as follows:

a. In § 449.20, paragraphs (a)(1)(i), (a)(3)(i), (b)(1), and (b)(6) are revised to read as follows:

§ 449.20 Griseofulvin.

(a) * * *

(1) * * *

(i) Its griseofulvin content is not less than 900 micrograms and not more than 1,050 micrograms of griseofulvin per milligram.

(3) * * *

(i) Results of tests and assays on the batch for griseofulvin content, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) *Tests and methods of assay.*—(1) *Griseofulvin content (gas liquid chromatography).* Proceed as directed in § 436.321 of this chapter.

(6) *Identity.* Dissolve an accurately weighed portion of the sample and of the griseofulvin working standard and dissolve each in sufficient methyl alcohol to obtain a concentration of 10 micrograms of griseofulvin per milliliter and mix well. (The standard solution can be kept under refrigeration and used for up to 1 month.) Record the ultraviolet absorption spectrum of solutions of the sample and standard from 240 to 320 nanometers. The spectral curves shall be similar, and each shall have a maximum at 292±2 nanometers and a minimum at 269±2 nanometers.

b. In § 449.120a, paragraphs (a)(1), (a)(3)(i)(a) and (b), and (b)(1) are revised to read as follows:

§ 449.120a Griseofulvin tablets.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Griseofulvin tablets are tablets composed of griseofulvin, with or without one or more suitable fillers, colorings, lubricants, and binders. Each tablet contains 125, 250,

or 500 milligrams of griseofulvin. The griseofulvin content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. The loss on drying is not more than 5.0 percent. The tablets shall disintegrate within 1 hour. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(3) * * *

(1) * * *

(a) The griseofulvin used in making the batch for griseofulvin content, safety, loss on drying, melting point, specific rotation, identity, residue on

$$\text{Milligrams of griseofulvin per tablet} = \frac{\left(\frac{R_u}{R_s}\right) \left(\frac{W_s}{W_u}\right) (f) \left(\frac{W_u}{W_s}\right) (V)}{\left(\frac{R_s}{R_u}\right) \left(\frac{W_u}{W_s}\right) (1,000) (50)}$$

where:

$$\frac{R_u}{R_s} = \frac{\text{Area of the griseofulvin sample peak (at a retention time equal to that observed for the griseofulvin standard)}}{\text{Area of the internal standard peak}}$$

$$\frac{R_s}{R_u} = \frac{\text{Area of the griseofulvin working standard peak}}{\text{Area of the internal standard peak}}$$

$$f = \frac{\text{Potency of the griseofulvin working standard in micrograms per milligram}}{\text{Potency of the griseofulvin working standard in micrograms per milligram}}$$

$$\frac{W_s}{W_u} = \frac{\text{Average tablet weight in milligrams}}{\text{Average tablet weight in milligrams}}$$

c. In § 449.120b, paragraphs (a)(1), (a)(3)(i)(a) and (b), and (b)(1) are revised to read as follows:

§ 449.120b Griseofulvin capsules.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.* Griseofulvin capsules are gelatin capsules containing griseofulvin with a suitable filler and binder, with or without a suitable lubricant. Each capsule contains 125 or 250 milligrams of griseofulvin. The griseofulvin content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is

ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for griseofulvin content, loss on drying, and disintegration time.

(b) *Tests and methods of assay.*—(1) *Griseofulvin content (gas liquid chromatography).* Proceed as directed in § 436.321 of this chapter, except:

(i) Prepare the sample solution as follows: Accurately weigh 20 tablets and determine the average tablet weight. Grind the tablets to a fine powder in a mortar and transfer an accurately weighed sample to a volumetric flask of such size that for each 50 milliliters of volume there 40 milligrams of griseofulvin (estimated). Add chloroform to about one-fourth volume of the flask. Swirl the flask and apply gentle heat to aid in dissolution of the griseofulvin. Allow the mixture to cool and then dilute to volume with chloroform and mix. Allow to settle and transfer 2.0 milliliters of the supernate to a conical centrifuge tube and evaporate to dryness under a current of dry air. Add 1.0 milliliter of the internal standard solution to the centrifuge tube and mix vigorously to obtain a uniform solution; and, (ii) Calculate the milligrams of griseofulvin per tablet as follows:

$$\text{Milligrams of griseofulvin per tablet} = \frac{\left(\frac{R_u}{R_s}\right) \left(\frac{W_s}{W_u}\right) (f) \left(\frac{W_u}{W_s}\right) (V)}{\left(\frac{R_s}{R_u}\right) \left(\frac{W_u}{W_s}\right) (1,000) (50)}$$

represented to contain. The loss on drying is not more than 1.0 percent. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(3) * * *

(1) * * *

(a) The griseofulvin used in making the batch for griseofulvin content, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for griseofulvin content and loss on drying.

$\frac{W_s}{s}$ = Weight of the griseofulvin working standard in milligrams;

$\frac{W_u}{u}$ = Weight of the ground tablet powder sample in milligrams;

$\frac{V}{u}$ = Volume of the dissolved ground tablet powder sample in milliliters.

(b) *Tests and methods of assay*—(1) *Griseofulvin content (gas liquid chromatography)*. Proceed as directed in § 436.321 of this chapter, except:

(i) Prepare the sample solution as follows: Empty the contents of 20 capsules into a tared weighing bottle. Weigh the powder and calculate the average capsule weight. Mix the powder and transfer an accurately weighed sample to a volumetric flask of such size that for each 50 milliliters of volume there are 40 milligrams of griseofulvin (estimated). Add chloro-

form to about one-fourth volume of the flask. Swirl the flask and apply gentle heat to aid in dissolution of the griseofulvin. Allow the mixture to cool and then dilute to volume with chloroform and mix. Allow to settle and transfer 2.0 milliliters of the supernate to a conical centrifuge tube and evaporate to dryness under a current of dry air. Add 1.0 milliliter of the internal standard solution to the centrifuge tube and mix vigorously to obtain a uniform solution; and,

(ii) Calculate the milligrams of griseofulvin per capsule as follows:

$$\text{Milligrams of griseofulvin per capsule} = \frac{\left(\frac{R_u}{s}\right) \left(\frac{W_s}{s}\right) (f) \left(\frac{W_a}{a}\right) \left(\frac{V}{u}\right)}{\left(\frac{R_s}{s}\right) \left(\frac{W_u}{u}\right) (1,000) (50)}$$

where:

$\frac{R_u}{u}$ = $\frac{\text{Area of the griseofulvin sample peak (at a retention time equal to that observed for the griseofulvin standard)}}{\text{Area of the internal standard peak}}$;

$\frac{R_s}{s}$ = $\frac{\text{Area of the griseofulvin working standard peak}}{\text{Area of the internal standard peak}}$;

$\frac{W_s}{s}$ = Weight of the griseofulvin working standard in milligrams;

f = Potency of the griseofulvin working standard in micrograms per milligram;

$\frac{W_a}{a}$ = Average capsule fill weight in milligrams;

$\frac{W_u}{u}$ = Weight of the capsule powder sample in milligrams;

$\frac{V}{u}$ = Volume of the dissolved capsule powder sample in milliliters.

d. In § 449.120c, paragraphs (a)(1), (a)(3)(i) (a) and (b), and (b)(1) are revised to read as follows:

§ 449.120c Griseofulvin oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity*. Griseofulvin oral suspension is griseofulvin oral suspension with one or more suitable flavorings, colorings, wetting agents, preservatives, and diluents in an aqueous vehicle. Each milliliter contains 25 milligrams of griseofulvin. Its griseofulvin content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. Its pH is not less than 6.5 and not more than 7.5. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(3) . . .
(1) . . .

(a) The griseofulvin used in making the batch for griseofulvin content, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for griseofulvin content and pH.

(b) *Tests and methods of assay*—(1) *Griseofulvin content (gas liquid chromatography)*. Proceed as directed in § 436.321 of this chapter, except:

(i) Prepare the sample solution as follows: Transfer an accurately measured portion of the oral suspension equivalent to 100 milligrams of griseofulvin into a 50-milliliter round-bottomed glass-stoppered centrifuge tube. Add 5 milliliters of water and 20 milliliters of a solvent mixture of ethyl acetate and chloroform (85:15). Shake the tube for 1 minute and centrifuge it briefly to separate the layers. Transfer most of the upper layer to a 100-milliliter volumetric flask being careful not to remove any of the lower aqueous layer. Repeat the extraction step with two additional 20-milliliter portions of the solvent mixture combining the extracts in the volumetric flask with the first 20-milliliter extract. Dilute to volume with the solvent mixture and

mix. Place 2.0 milliliters of this solution in a conical centrifuge tube and evaporate the contents to dryness on a steam bath under a current of dry air. Add 1.0 milliliter of the internal stand-

ard solution to the centrifuge tube and mix vigorously to obtain a uniform solution; and,

(ii) Calculate the milligrams of griseofulvin per milliliter as follows:

$$\text{Milligrams of griseofulvin per milliliter} = \frac{\left(\frac{R_u}{u}\right) \left(\frac{W_s}{s}\right) (f) (2)}{\left(\frac{R_s}{s}\right) (1,000) \left(\frac{V}{u}\right)}$$

where:

$\frac{R_u}{u}$ = $\frac{\text{Area of the griseofulvin sample peak (at a retention time equal to that observed for the griseofulvin standard)}}{\text{Area of the internal standard peak}}$;

$\frac{R_s}{s}$ = $\frac{\text{Area of the griseofulvin working standard peak}}{\text{Area of the internal standard peak}}$;

$\frac{W_s}{s}$ = Weight of the griseofulvin working standard in milligrams;

f = Potency of the griseofulvin working standard in micrograms per milligram;

$\frac{V}{u}$ = Volume of oral suspension taken in milliliters.

e. In § 449.120d, paragraphs (a)(1), (a)(3)(i)(a) and (b), and (b)(1) are revised to read as follows:

§ 449.120d Griseofulvin (ultramicrosize) tablets.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality and purity*. Griseofulvin (ultramicrosize) tablets are composed of ultramicrosize crystals of griseofulvin dispersed in polyethylene glycol 6,000. Each tablet contains 125 milligrams of griseofulvin. The griseofulvin content is satisfactory if it is not less than 90 percent and not more than 115 percent of the number of milligrams of griseofulvin that it is represented to contain. The loss on drying is not more than 5.0 percent. It passes the solubility characteristic test. The griseofulvin used conforms to the standards prescribed by § 449.20(a)(1).

(3) . . .
(1) . . .

(a) The griseofulvin used in making the batch for griseofulvin content, safety, loss on drying, melting point, specific rotation, identity, residue on ignition, heavy metals, specific surface area, and crystallinity.

(b) The batch for griseofulvin content, loss on drying, and solubility characteristic.

$$\text{Milligrams of griseofulvin per tablet} = \frac{\left(\frac{R_u}{u}\right) \left(\frac{W_s}{s}\right) (f) \left(\frac{W_a}{a}\right) \left(\frac{V}{u}\right)}{\left(\frac{R_s}{s}\right) \left(\frac{W_u}{u}\right) (1,000) (50)}$$

where:

$\frac{R_u}{u}$ = $\frac{\text{Area of the griseofulvin sample peak (at a retention time equal to that observed for the griseofulvin standard)}}{\text{Area of the internal standard peak}}$;

$\frac{R_s}{s}$ = $\frac{\text{Area of the griseofulvin working standard peak}}{\text{Area of the internal standard peak}}$;

$\frac{W_s}{s}$ = Weight of the griseofulvin working standard in milligrams;

f = Potency of the griseofulvin working standard in micrograms per milligram;

$\frac{W_a}{a}$ = Average tablet weight in milligrams;

$\frac{W_u}{u}$ = Weight of the ground tablet powder sample in milligrams;

$\frac{V}{u}$ = Volume of the dissolved ground tablet powder sample in milliliters.

(b) *Tests and methods of assay*—(1) *Griseofulvin content (gas liquid chromatography)*. Proceed as directed in § 436.321 of this chapter, except:

(i) Prepare the same solution as follows: Accurately weight 20 tablets and determine the average tablet weight. Grind the tablets to a fine powder in a mortar and transfer an accurately weighed sample to a volumetric flask of such size that for each 50 milliliters of volume there are 40 milligrams of griseofulvin (estimated). Add chloroform to about one-fourth volume of the flask. Swirl the flask and apply gentle heat to aid in dissolution of the griseofulvin. Allow the mixture to cool and then dilute to volume with chloroform. Mix and allow to settle. Using gentle vacuum, remove and discard the waxy substance that forms on the top of the chloroform. Transfer 2.0 milliliters of the chloroform solution to a conical centrifuge tube and evaporate to dryness under a current of dry air. Add 1.0 milliliter of the internal standard solution to the centrifuge tube and mix vigorously to obtain a uniform solution; and,

(ii) Calculate the milligrams of griseofulvin per tablet as follows:

Interested persons may, on or before July 25, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments (preferably four copies identified with the Hearing Clerk docket number found in brackets in the heading of this document) regarding this proposal. Received comments may be seen in the Hearing Clerk's office between the hours of 9 a.m. and 4 p.m., Monday through Friday.

NOTE—The Food and Drug Administration has determined that this proposal will not have a major economic impact as defined by Executive Order 11821 (amended by Executive Order 11949) and OMB Circular A-107. A copy of the economic impact assessment is on file with the Hearing Clerk, Food and Drug Administration.

Dated: May 16, 1978.

MARY A. McENIRY,
Assistant Director for
Regulatory Affairs, Bureau of Drugs.
[FR Doc. 78-14452 Filed 5-25-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-185-74]

DEFINED BENEFIT PLANS FOR SELF-EMPLOYED INDIVIDUALS AND SHAREHOLDER-EMPLOYEES

Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to defined benefit plans for self-employed individuals and shareholder-employees. Changes in the applicable tax law were made by the Employee Retirement Income Security Act of 1974. The regulations would provide the public with the guidance needed to comply with that Act and would affect sole proprietorships, partnerships, and "Subchapter S" corporations which adopt or amend tax-qualified defined benefit plans.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 25, 1978. The amendments are proposed to be effective for taxable years beginning after December 31, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-185-74), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Richard J. Wickersham of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T) (202-566-3289) (not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under sections 401(a)(18) and 401(j) of the Internal Revenue Code of 1954. Conforming amendments are also proposed under Code sections 404(e) and 1379. These amendments are proposed to conform the regulations to section 2001(d) of the Employee Retirement Income Security Act of 1974 (88 Stat. 953) and are to be issued under the authority contained in sections 401(j) and 7805 of the Internal Revenue Code of 1954 (88 Stat. 953, 68A Stat. 917; 26 U.S.C. 401(j) and 7805).

APPLICABILITY

Section 401(j) of the Code applies to defined benefit plans which benefit self-employed individuals, often referred to as "H.R. 10 plans" or "Keogh plans". The section is also applicable to defined benefit plans which benefit shareholder-employees of electing small business corporations ("Subchapter S corporations"). Section 401(j) of the Code prescribes limitations on the benefits which these plans may provide for such individuals. These limitations are qualification requirements which must be satisfied by plans to maintain their tax-qualified status.

EFFECTIVE DATES

Proposed § 1.401(j)-6 provides the effective dates for the proposed regulations under section 401(j) of the Code. These rules apply to employers' taxable years beginning after December 31, 1975, and to any plan year beginning with or within these years. A transitional rule is provided so that plans can be amended after the final regulations are adopted to adjust benefits to conform to their requirements.

DETERMINATION LETTERS

The Internal Revenue Service has not been issuing any determination letters for newly established defined benefit plans and has been issuing determination letters, but without regard to Code section 401(j) aspects,

for old defined benefit plans of Subchapter S corporations. The Service has not been issuing any opinion or determination letters for defined benefit H.R. 10 plans (see IRS News Release IR-1714, dated December 14, 1976, and IRS Announcement 77-7, 1977-2 I.R.B. 25).

Taxpayers, pending the issuance of final regulations, may now rely on these proposed regulations to establish defined benefit plans subject to the requirements of section 401(j). Further, the Service will now issue opinion and determination letters, both for new plans and old Subchapter S corporation plans, on the basis of these proposed regulations. Taxpayers are cautioned however, that once the final regulations are issued under section 401(j), plans may be required to be retroactively amended to conform to the final regulations.

PLAN TYPES

This notice of proposed rulemaking provides rules for "career average pay" plans and for "final average pay" plans. Most of the proposed rules are equally applicable to both types of plans. Other proposed rules apply in a different manner, depending upon the type of defined benefit plan.

MAXIMUM BENEFIT FOR CAREER AVERAGE PLANS

Under a career average pay plan the benefit accruing for each plan year of an employee's participation cannot exceed a maximum basic benefit. Proposed § 1.401(j)-1(d) sets forth a rule for computing this maximum benefit. In general, the rule is based on two factors: (1) An employee's compensation, and (2) an applicable percentage determined for the year in which plan participation began. The rule is designed to allow a career average pay plan to provide a level of retirement benefits which is comparable to the level that could be provided under a qualified defined contribution plan.

MAXIMUM BENEFIT FOR FINAL AVERAGE PAY PLANS

Under a final average pay plan (defined in proposed § 1.401(j)-1(e)(5)) the benefit accruing for the years of an employee's participation cannot exceed a maximum basic amount. Proposed § 1.401(j)-5 sets forth rules for computing this maximum basic amount. In general, the rule is designed to allow a final average pay plan to provide, over a period of time, a level of retirement benefits which is comparable to the level which could be provided under a qualified career average plan.

PLAN AMENDMENTS

Proposed § 1.401(j)-3 provides detailed rules for a plan which is amended to change the rate of benefit accrual or compensation base. In general, a plan providing less than the maximum benefit may provide a higher aggregate benefit for an employee over a period of time if the plan, at establishment, provides a high rate of accrual and a low compensation base (rather than a low rate of accrual and a high compensation base) and is subsequently amended.

OTHER RULES

Proposed § 1.401(j)-1(g) provides rules to allow plans to take into account other benefits which are not basic benefits. In general, a basic benefit is a straight life annuity provided for solely by employer contributions which commences at age 65 under a plan providing no other form of benefit. Special rules are provided for employees who are covered by two or more qualified plans and for other circumstances.

FULLY INSURED PLANS

Proposed § 1.401(j)-2(e) provides a special rule for certain plans funded by insurance contracts. Such plans generally utilize actuarial assumptions for their guaranteed benefits which are more conservative than the assumptions used to compute the applicable percentages under the proposed regulations. Also the benefits actually payable under the contracts generally exceed the guaranteed benefits. Accordingly, the applicable percentages for these plans must be adjusted to reflect the assumptions used in the insurance contracts. This rule is proposed to insure that these plans will not provide benefits which are in excess of those provided by other types of qualified plans.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably eight copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was Richard J. Wickersham of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other of-

fices of the Internal Revenue Service and Treasury Department participated in developing the regulations, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

1. Paragraph (e) of § 1.404(e)-1A as set forth in paragraph 13 of the appendix to the notice of proposed rulemaking published in the FEDERAL REGISTER for April 15, 1975 (40 FR 17586) is withdrawn.

2. The proposed amendments to 26 CFR Part 1 are as follows:

PARAGRAPH 1. The following new section is added immediately before § 1.401(a)-19:

§ 1.401(a)-18 Special requirements for defined benefit plans providing benefits for self-employed individuals or shareholder-employees.

For special requirements which apply to a defined benefit plan which provides benefits for an employee who is either an employee within the meaning of section 401(c)(1) or a shareholder-employee within the meaning of section 1379(d), see §§ 1.401(j)-1 through 1.401(j)-6.

PAR. 2. The following new sections are added immediately after § 1.401(b)-1:

§ 1.401(j)-1 Certain defined benefit plans; general rules.

(a) *Application of section 401(a)(18) and (j).* Section 401(a)(18) and (j) and the regulations thereunder apply to a defined benefit plan which provides benefits for an employee who is either an employee within the meaning of section 401(c)(1) or a shareholder-employee of an electing small business (subchapter S) corporation within the meaning of section 1379(d). In the regulations under section 401(j), such an employee is referred to, respectively, as a "self-employed individual" or a "shareholder-employee". See § 1.401(j)-2(g) for a special deduction rule applicable to these plans.

(b) *Requirements; organization of regulations.* (1) *Requirements.* A defined benefit plan to which section 401(j) applies is not a qualified plan (and a trust forming part of such plan is not a qualified trust) unless the plan satisfies the applicable requirements of section 401(j) and the regulations thereunder (that is, §§ 1.401(j)-1 through 1.401(j)-6, inclusive).

2. *General rules; definitions, etc.* This section prescribes general rules under section 401(j) for plans other than final average pay plans. These plans are commonly referred to as "career average plans". This section also provides the definitions used in applying section 401(j) and §§ 1.401(j)-1 through 1.401(j)-6, including the definitions set forth in section

401(j)(5). In addition, this section provides the rules under section 401(j)(2) (relating to maximum basic benefit), section 401(j)(3)(A) (relating to applicable percentages), and under 401(j)(3)(B) (i), (ii), and (iv) (relating to certain adjustments to applicable percentages).

(3) *Other requirements and special rules.* Section 1.401(j)-2 provides rules under section 401(j)(1) (relating to certain plan aggregations) and under section 401(j)(4) (relating to a requirement that a plan covering owner-employees may not be integrated with social security, etc.). Section 1.401(j)-2 also provides rules relating to fully insured plans and to the nondiscrimination requirements.

(4) *Certain changes.* Section 1.401(j)-3 provides rules under section 401(j)(3)(B)(iii) relating to changes in the rate of benefit accrual and compensation base under a plan.

(5) *Subchapter S corporation.* Section 1.401(j)-4 provides a special rule for plans of an electing small business corporation.

(6) *Final average pay plan.* Section 1.401(j)-5 provides rules for applying the requirements of section 401(j) and § 1.401(j)-1 through 1.401(j)-4 to a final average pay plan.

(7) *Effective dates.* Section 1.401(j)-6 provides the effective dates for the application of section 401(j) to a plan and a special transitional rule.

(c) *General rule.* Section 401(j) imposes a limitation on the amount of the basic benefit, as defined in paragraph (e)(1) of this section, which may be accrued under a defined benefit plan for any plan year of participation, as defined in paragraph (e)(7) of this section, by any employee who is either a self-employed individual or a shareholder-employee. Thus, a plan to which this section applies is not a qualified plan (and a trust forming a part of such a plan is not a qualified trust) if the benefit accruing under the plan for any plan year of participation by such an employee exceeds the maximum basic benefit. Further, the plan is not qualified unless the plan contains provisions that preclude any such benefit accrual proscribed in the preceding sentence, irrespective of whether or not there is, in fact, an excess accrual for such an employee. For special benefit accrual rules which apply to a final average pay plan, see § 1.401(j)-5. Section 401(j) and this section do not, however, limit the benefit which may be accrued under a plan for any plan year of participation by an employee who, during that year is neither a self-employed individual nor a shareholder-employee, nor do they require a plan to provide accrued benefits in the form of a basic benefit. For other rules and requirements which must be satisfied, see paragraph (g) of this section, and § 1.401(j)-2 (f), (h), (i), and (j).

(d) **Maximum basic benefit.** For purposes of section 401(j), in the case of a plan other than a final average pay plan, the maximum basic benefit of a self-employed individual or a shareholder employee for a plan year equals—

(1) The employee's annual compensation not in excess of the compensation base for such year, as defined in paragraph (e)(6) of this section, multiplied by

(2) The statutory percentage as adjusted in this section for such year (the applicable percentage).

In no event may the maximum basic benefit of such an employee for a plan year exceed 6.5 percent of \$50,000, or \$3,250. For adjustments to the maximum basic benefit where the compensation base is in excess of \$50,000, see § 1.401(j)-3(b)(2). For special rules applicable to final average pay plans, see § 1.401(j)-5.

(e) **Definitions.** For purposes of section 401(j) and the regulations thereunder, the definitions in this paragraph apply.

(1) **Basic benefit.** The term "basic benefit" with respect to an employee means a benefit under a plan under the following conditions—

(i) The benefit is in the form of a straight life annuity,

(ii) The benefit commences at the later of age 65, or the day 5 years after the day the participant's current period of participation began,

(iii) The plan provides no ancillary benefits, and

(iv) The employee does not contribute to the plan.

(2) **Compensation.** The term "compensation" means—

(i) In the case of a self-employed individual, the earned income of the individual,

(ii) In the case of a shareholder-employee, the compensation received (or accrued in the case of an individual who computes income under the accrual method) by the individual from the electing small business corporation, or

(iii) In the case of any employee not included in subdivision (i) or (ii) for any relevant year, the compensation includible in the individual's gross income derived from the partnership or the electing small business corporation (see the change in status rules in paragraph (g)(6) of this section for application of this provision).

(3) **Defined benefit plan.** See section 414(j) for the definition of a defined benefit plan.

(4) **Defined contribution plan.** See section 414(i) for the definition of a defined contribution plan.

(5) **Final average pay plan.** A final average pay plan is a defined benefit plan accruing benefits based on the employee's compensation over a period less than the total period of the em-

ployee's participation in the plan. Thus, for example, a plan which provides that an employee's accrued benefit is based on compensation earned over the last five years would be a final average pay plan.

(6) **Compensation base.** The term "compensation base" means the highest level of annual compensation of the employee which may be taken into account for a plan year under the plan for determining benefits.

(7) **Plan year of participation.** The term "plan year of participation" means a plan year for which a participant accrues a benefit under the terms of the plan (determined only with respect to benefits provided by the plan and without regard to any plan provision not in effect in that plan year). Thus, for example, benefits provided under the Social Security Act or past service benefits for prior years are not included.

(8) **When plan participation begins.** An employee begins his plan participation at the beginning of the first plan year in which he participates under the plan. If the plan has a past service benefit, service for which such benefits are given is not considered as participation under the plan for purposes of this subparagraph.

(9) **Current period of participation.** The term "current period of participation" means any period of consecutive plan years of participation beginning with the first day of the first plan year of participation in the period and ending with the last day of the last consecutive plan year of participation in the period. The applicable current period of participation at any relevant date is determined by the applicable period of consecutive plan years within which the relevant date falls.

(f) **Rules relating to applicable percentages—(1) Statutory percentage; applicable percentage.** For purposes of section 401(j) and the regulations thereunder, the statutory percentage for an employee for any plan year shall be the percentage shown on the following table opposite the age of the employee determined at the time the current period of participation in the plan by the employee began:

Age	Statutory percentage
30 or less	6.5
31	6.3
32	6.0
33	5.8
34	5.6
35	5.4
36	5.1
37	4.9
38	4.8
39	4.6
40	4.4
41	4.2
42	4.1
43	3.9
44	3.8
45	3.6
46	3.5

Age	Statutory percentage
47	3.4
48	3.2
49	3.1
50	3.0
51	2.9
52	2.8
53	2.7
54	2.6
55	2.5
56	2.4
57	2.3
58	2.2
59	2.1
60 or over	2.0

The statutory percentage shall be adjusted as further provided in the regulations under section 401(j). As used hereafter, the term "applicable percentage" means the statutory percentage as so adjusted. For purposes of this subparagraph, the status of an employee at the time his current period of participation in the plan began (i.e., as a common-law employee, self-employed individual, or shareholder-employee) is not relevant.

(2) **Changes in statutory percentages.** In the case of periods beginning after December 31, 1977, the statutory percentages under paragraph (f) of this section may be adjusted by the Commissioner from time to time to take into account changes in prevailing interest and mortality rates occurring after December 31, 1973.

(3) **Determination of ages.** For purposes of section 401(j), the age of an employee at a relevant date (e.g., when participation began) is the employee's age on his last birthday on or before that date.

(4) **Examples.** The provisions of this section can be illustrated by the following examples, in which, except where otherwise specified, it is assumed that the participant is not married and has continuous service and plan years of participation:

Example 1. (i) A, a self-employed individual, enters a defined benefit plan at age 30. The plan provides benefits on compensation up to \$50,000 in the form of a single life annuity commencing at age 65 with no ancillary benefits. If A's compensation for the first year equals \$20,000, the maximum basic benefit accruing which could be provided by the plan for A under paragraph (f) of this section equals \$1,300 (6.5 percent of \$20,000). The applicable percentage for such year is determined under paragraph (f) of this section for the age at which A's participation begins, age 30.

(ii) Assume that for the next four years, A's compensation remains at \$20,000. Under this section, A's maximum benefit accruing for each of these years is still \$1,300 (6.5 percent of \$20,000). The applicable percentage is still measured by the 6.5 percent applicable to age 30, when his current period of plan participation began, even though he is older.

(iii) Assume that, after five years of participation, A leaves the plan and recommences participation at age 50. In the first year after his return, A earns \$30,000. Under this section, A's maximum benefit for the year cannot exceed \$900 (3 percent of

\$30,000). The applicable percentage is determined for age 50, when his next current period of plan participation began, and not at age 30. If A's compensation remains at \$30,000 for four more years, A's maximum benefit for each of these four years remains at \$900 (3 percent of \$30,000).

(iv) Assume that, at age 55, A's compensation is \$40,000. Under this section, A's maximum benefit for the year cannot exceed \$1,200 (3 percent of \$40,000). The percentage limit of paragraph (f)(1) of this section remains at 3 percent because the determination is made by reference to age 50, when A's current period of plan participation began. If A's compensation remains at \$40,000 for four more years, A's maximum

benefit for each of these four years remains at \$1,200 (3 percent of \$40,000).

(v) Assume that, at age 60, A's compensation is \$50,000. Under this section, A's maximum benefit for the year cannot exceed \$1,500 (3 percent of \$50,000). The percentage limit of paragraph (f)(1) of this section remains at 3 percent. If A's compensation remains at or above \$50,000 for four more years, A's maximum benefit for each of these four years remains at \$1,500 (3 percent of \$50,000).

(vi) Accordingly, the maximum basic benefit accruing which could be paid to A under the plan would be \$24,500 per year, computed as follows:

Age	Compensation per year	Rate	Benefit earned per year	Total benefit
30 to 34	\$20,000	6.5	\$1,300	\$6,500
35 to 39	30,000	3.0	900	4,500
40 to 44	40,000	3.0	1,200	6,000
45 to 49	50,000	3.0	1,500	7,500
Total				24,500

Example 2. A defined benefit plan covers employee F who is a self-employed individual. In 1980, F's total accrued annual benefits equal \$13,000. The maximum basic benefit for F at this time equals \$13,500. The plan, however, for plan year 1980 accrued an annual benefit for F equal to \$1,800 when the maximum basic benefit equalled \$1,625. The plan fails to satisfy the requirements of this section in 1980. Under § 1.401(j)-1(c), the limitation on an employee's benefits must be satisfied in each plan year, even though his aggregate benefits may satisfy the limitations.

(g) **Certain adjustments and additional requirements—(1) Compensation base.** In order for a plan to satisfy the requirements of section 401(j), the plan must specify the compensation base under the plan. For rules applicable to plans which change compensation bases, see § 1.401(j)-3(b)(2).

(2) **Nonbasic benefits.** (i) In the case of a plan which provides a benefit which is not a basic benefit, as defined in paragraph (e)(1) of this section, any nonbasic benefit shall not exceed the actuarial equivalent, as determined by the Commissioner, of the maximum basic benefit.

(ii) A defined benefit plan shall not satisfy the requirements of this section, if—

(A) Any benefit under the plan is adjusted under a cost of living formula, or

(B) The plan is funded by the purchase of variable annuity contracts.

(iii) The benefits, other than basic benefits, which a plan may provide, and for which the commissioner shall adjust the applicable percentage, include, but are not limited to, pre-retirement death and disability benefits and benefits payable in the form of either a joint and survivor annuity or

an annuity certain for a specified period.

(3) **Employee contributions.** (i) This subdivision applies to voluntary employee contributions within the meaning of section 411. The maximum basic benefit shall not be adjusted for these voluntary contributions. In such a case the plan can provide a benefit equal to the sum of the maximum basic benefit and the benefit accounted for separately. See section 411(b)(2), (c)(2)(A), and (d)(5), and § 1.411(c)-1(a) for rules which require separate accounting in the case of voluntary employee contributions.

(ii) This subdivision applies to mandatory employee contributions within the meaning of section 411(c)(2)(C). Under section 411(c) and § 1.411(c)-1, the employee's total accrued benefit (determined without regard to any accrued benefit attributable to voluntary employee contributions) must be allocated between the part attributable to mandatory employee contributions and the part attributable to employer contributions according to specified rules. For purposes of determining the participant's maximum basic benefit under section 401(j) the following rules apply with respect to each plan year.

For each plan year, the total benefit accruing derived from all contributions and the benefit accruing from mandatory employee contributions must be computed in accordance with the rules in section 411(c)(2)(B). Then the participant's total benefit accruing for the year must be reduced by the benefit accruing derived from his mandatory contributions for the year and the remaining difference must be com-

pared with the maximum basic benefit. The total benefit accruing for the year is determined by ascertaining the increase from the total accrued benefit (for all prior years) as of the close of the immediately preceding plan year and the benefit accruing from mandatory employee contributions is determined only with respect to those contributions made for the year.

(4) **Contributions allocable to insurance protection.** For purposes of determining the maximum basic benefit in the case of any plan which provides a benefit in the form of life, accident, health, or other insurance protection, no adjustment is required for any such plan benefit attributable to amounts considered to be contributed by the employee under the rules of section 72(f) and paragraph (b) of § 1.72-16 and includible in the employee's gross income.

(5) **Change in status.** (i) In the case of a participant who is neither a self-employed individual nor a shareholder-employee and who becomes a self-employed individual or shareholder-employee during the plan year, the applicable percentage for such year is not less than the applicable percentage determined under this section for the age of the participant when he becomes a self-employed individual or shareholder-employee. A higher applicable percentage will be allowed limited to the accrual rate established by the lesser of (A) the past accrual rate for the participant or (B) the applicable percentage determined under this section for the age when the participant's current period of participation commenced, and for the compensation base in effect when the participant becomes a self-employed individual or shareholder-employee.

(ii) (A) For purposes of this subparagraph, the past accrual rate equals the ratio determined by dividing (1) the employer-derived accrued benefit of the participant as of the close of the plan year immediately preceding the year in which the participant becomes a self-employed individual or a shareholder-employee, by (2) the sum of the compensation earned by the participant in each year (limited to the compensation covered by the plan for each year) for all periods of plan participation ending with the close of such immediately preceding plan year. The accrued benefit of the participant as of the close of the immediately preceding plan year shall be determined by disregarding any increase in the benefit not in effect at such time. Thus, for example, a subsequent past service benefit provided retroactively for the plan year would be disregarded.

(B) If records are unavailable to compute the sum of the compensation earned by the participant, the compensation of the participant, referred to in subdivision (ii)(A), shall be deter-

mined by assuming that the participant earned compensation in each year of plan participation equal to the compensation earned in the plan year immediately preceding the plan year in which the participant becomes a self-employed individual or shareholder-employee. This assumption shall not apply to any plan years of participation ending after December 31, 1975.

§ 1.401(j)-2 Other requirements and special rules.

(a) *In general.* Paragraphs (b), (c), and (d) of this section set forth additional requirements under section 401(j)(1) applicable to an employer, and certain related employers, maintaining a plan subject to the requirements of section 401(j) and other plans. Paragraph (e) of this section sets forth a requirement for fully insured defined benefit plans. Paragraphs (f), (g), (h), (i), and (j) set forth special rules under section 401(j) (4) and (6) and under sections 401(a)(4), 415, and 401(a), relating, respectively, to integration, deductions, nondiscrimination, other benefit limitations and definitely determinable benefits.

(b) *Multiple plans.* All plans of an employer must be taken into account in determining whether or not the requirements of section 401(j) are satisfied. In addition, in the case of a self-employed individual, all plans of all trades or businesses in which the employee is a self-employed individual must be taken into account.

(c) *Two or more defined benefit plans.* (1) If two or more defined benefit plans are required to be aggregated under paragraph (b) of this section, then the accrued benefit under all such plans for any employee subject to the limitations of this section must be aggregated in determining whether or not the limitation on benefit accruals is exceeded.

(2) In order to insure reasonable comparability of retirement benefits between qualified defined benefit plans and qualified defined contribution plans, or combinations thereof, as required by section 401(j)(1), this subparagraph sets forth certain conditions which must be satisfied in order for a defined benefit plan to be qualified. If one defined benefit plan ("first plan") is established and another defined benefit plan ("second plan") is established by the same employer subsequent to the establishment of the first plan, and if the second plan is required to be aggregated with the first plan under paragraph (b) of this section, the second plan shall be deemed not to satisfy the requirements of section 401(j) unless both plans have the same plan year. Notwithstanding the preceding sentence, in the case where two or more such plans have been adopted prior to July 25, 1978, with different plan years, the second plan

shall not fail to satisfy the requirements of this section solely by reason of having a different plan year if the plans are amended to adopt, for years beginning after that date, the same plan year and to adjust plan benefits as determined by the Commissioner. Irrespective of any limitation on time of amendment, the amendment required by the preceding sentence may be adopted within the 1 year period beginning [with the date of publication of this section in the FEDERAL REGISTER as a Treasury decision].

(d) *Defined benefit and defined contribution plans.* (1) If a defined benefit plan and a defined contribution plan are required to be aggregated under paragraph (b) of this section, the maximum basic benefit with respect to the defined benefit plan on behalf of an employee subject to the limitations of section 401(j) shall be determined by multiplying the maximum basic benefit otherwise determined under section 401(j) for the defined benefit plan (determined without regard to this subparagraph) by 1 minus the fraction determined under subparagraph (2) of this paragraph.

(2) The fraction for any taxable year in which an employee is a participant in a defined contribution plan is a fraction—

(i) The numerator of which is the amount deductible for the participant under the defined contribution plan, and

(ii) The denominator of which is the maximum amount deductible (and not includible in gross income under section 1379(b)) under the defined contribution plan if the plan provided for the maximum deduction allowable for the participant under section 404 and the regulations thereunder.

For purposes of this paragraph, if the plan year and taxable year do not coincide, the relevant plan year is the year ending with or within such taxable year.

(e) *Special rule for certain fully insured plans.* (1) In the case of a plan which is funded exclusively by the purchase of insurance or annuity contracts, prior to any adjustments otherwise required by section 401(j), the statutory percentages determined under § 1.401(j)-1 (f)(1) shall be adjusted by multiplying such percentages by the ratio of the normal rate to the guaranteed rate.

(2) If the insurance or annuity contracts are based on different interest and mortality assumptions determined by the sex of the participant, the plan shall use Table A, Sex Based Table, for determining the normal rate. If the insurance or annuity contracts are not based on such different assumptions by sex, the plan shall use Table B, Unisex Table. For Table A, the normal rate is the amount shown in that table according to the sex of the

participant and the age at which the basic benefit is to commence. For Table B, the normal rate is the amount shown on that table applicable to the age at which the basic benefit is to commence.

TABLE A.—Sex based table

Age when basic benefit commences	Normal rate	
	Male	Female
65.....	\$1,112	\$1,305
66.....	1,079	1,272
67.....	1,046	1,238
68.....	1,013	1,203
69.....	980	1,168
70.....	948	1,131

TABLE B.—Unisex table

Age when basic benefit commences	Normal rate
65.....	\$1,151
66.....	1,118
67.....	1,084
68.....	1,051
69.....	1,018
70.....	985

(3) The guaranteed rate is the cash value which must be accumulated under a typical policy used by the plan to provide a guaranteed basic benefit of \$10 a month commencing at the same age for a participant of the same sex (if Table A is applicable) or for a participant without regard to sex (if Table B is applicable).

(4) If a plan subject to this paragraph (e) changes either its compensation base or rate of accrual, the applicable percentages, normal rates and guaranteed rates shall all be subject to adjustment in a manner determined by the Commissioner.

(5) Nothing in section 401 (j) and this paragraph precludes a plan subject to this paragraph from providing a benefit in excess of the benefit specified in the plan.

(f) *No integration for plan benefit owner-employees.* A defined benefit plan which provides contributions or benefits for owner-employees does not satisfy the requirements of section 401 (j) and this section unless such plan meets the requirements of section 401 (a) (4) without taking into account contributions or benefits under chapter 2 of the Code (relating to tax on self-employment income), chapter 21 of the Code (relating to Federal Insurance Contributions Act), title II of the Social Security Act, or under any other Federal or State law. Thus, such a plan will not qualify if the plan offsets its benefits by benefits provided under Social Security or under similar laws.

(g) *Special rule for deductions and inclusions.* A defined benefit plan to

which section 401 (j) applies is not subject to the special limitations on deductions for self-employed individuals set forth in section 404 (e) or the special deduction computations, for common-law employees and self-employed individuals, set forth in section 404 (a) (9). (See § 1.404(e)-1 (A)). Section 404 (a)(1) sets forth the rules with respect to deductions for defined benefit plans.

(h) *Other limitations.* A plan to which this section applies is also subject to the limitations on benefits set forth in section 415. Consequently, even though a plan provides benefits which are not in excess of the maximum basic benefit set forth in this section, the plan will not be qualified under section 401 (a) if the plan benefits are in excess of the section 415 limitations.

(i) *Application of nondiscrimination requirements.* Section 401(a)(4) requires that a defined benefit plan not discriminate in favor of employees who are members of the prohibited group. The term "prohibited group employees" means those employees in whose favor the benefits provided under a defined benefit plan may not discriminate under section 401(a)(4). For purposes of testing discrimination under a plan which provides for full and immediate vesting, the plan will not be considered to be discriminatory merely because the accrued benefit determined under the plan for any employee is limited to the maximum basic benefit as determined under section 401(j). Thus, for example, a plan providing for full and immediate vesting and which bases benefits on percentages of compensation determined at the age when an employee's participation in the plan commences will not be considered to be discriminatory merely because the prohibited group employees are younger than other employees at such time and consequently have benefits determined at higher percentages.

(j) *Definitely determinable benefits.* A defined benefit plan to which this section applies is also subject to the requirements under section 401(a) to provide definitely determinable benefits. Thus, for example, for a final average pay plan to satisfy both the requirements of section 401(j) and the definitely determinable requirements, the plan would have to provide for a plan benefit formula under which a self-employed individual's or shareholder-employee's accrued benefit does not exceed the lesser of the final average pay formula, determined without regard to § 1.401(j)-5 but with regard to other applicable requirements (such as those set forth in section 415), or the limitation in that section.

(k) *Examples.* The provisions of this section may be illustrated by the ex-

amples set forth below. In each example the defined benefit plan is not a final average pay plan.

Example (1). Employee D is a self-employed individual in a partnership which has a defined benefit plan. D also has an unrelated sole proprietorship which has a defined benefit plan. The two plans both have the same plan years. Under paragraph (c)(1) of this section, both plans are required to be taken into account in determining whether or not the requirements of this section are satisfied.

Example (2). Employee E is covered by both a defined benefit and a defined contribution plan required to be aggregated under paragraph (b) of this section. If, for 1980, the defined contribution plan is subject to the limitation of section 404(e) and E had \$50,000 of earned income in 1980, the maximum amount deductible with respect to E equals \$7,500 (15 percent of \$50,000). If, for 1980, there is a deductible contribution for E under the defined contribution plan of \$1,875, the fraction referred to in paragraph (d)(2) of this section equals \$1,875/\$7,500 or ¼. If, for 1980, E's maximum basic benefit under the defined benefit plan, determined without regard to paragraph (d)(1) of this section, equals \$2,200, E's maximum basic benefit is determined by multiplying \$2,200 times ¾ (that is, 1 minus ¼) which equals \$1,650. Consequently, if E accrues a benefit in 1980 in excess of \$1,650 under the defined benefit plan, the plan fails to satisfy the requirements of section 401(j).

§ 1.401(j)-3 Change in compensation base or rate of accrual.

(a) *In general.* (1) Section 401(j)(1) authorizes the Secretary to prescribe regulations to insure reasonable comparability of retirement benefits between qualified defined benefit plans and qualified defined contribution plans, or combinations thereof. Further, among several provisions under which the Secretary is required to prescribe regulations is a provision stating that an increase in a plan's rate of benefit accrual or compensation base must begin a new period of participation with respect to such increase (section 401(j)(3)(B)(iii)). In order to insure such comparability and to prescribe such regulations, this section sets forth requirements applicable to a plan which changes either the compensation base or the rate of benefit accrual, or both, applicable to a participant who is either a self-employed individual or a shareholder-employee. The limitations in this section referring to a participant are applicable only to a participant who is either a self-employed individual or a shareholder-employee. If a plan never amends its compensation base or rate of benefit accrual (or amends, but makes the changes applicable only to participants who are neither self-employed individuals nor shareholder-employees), the requirements of this section will not apply. See § 1.401(j)-5 for the requirements dealing with changes in compensation base and rate of benefit accrual in the case of a final average pay plan.

(2) For purposes of section 401(j) and the regulations thereunder, amendments to the compensation base or rate of accrual include both adopted plan amendments and scheduled amendments (that is, amendments which are effective at a later time). Whether a particular amendment results in a change in base or rate shall be determined by the effect of the amendment upon plan benefit accruals and not by either the particular form of the amendment or the specific plan provision amended. For example, any plan amendment which changes the definition of compensation from less than total compensation to increase that amount upon which benefit accruals are based (for example, to add overtime hours to the compensation taken into account) would constitute a change in compensation base. Additionally, an increase in a survivor annuity from 50 percent to 75 percent of the employee benefit without any actuarial reduction would constitute a change in rate of benefit accrual.

(3) If the rate of benefit accrual for any level of compensation exceeds the applicable percentage for that level determined under this section, the plan does not satisfy section 401(j). Also, the general rule set forth in § 1.401(j)-1(c) that a plan is not qualified unless the plan contains provisions that preclude benefit accruals in excess of permissible section 401(j) amounts is equally applicable to changes in a plan's rate of accrual or compensation base. Thus, even though there is not in fact an excess accrual for a self-employed individual or shareholder-employee by reason of such an amendment, the plan is not qualified if there could be such an excess under the plan amendment.

(4) All plan amendments which effect a change in the plan's rate of benefit accrual or compensation base, and which are effective at the same time, shall be deemed to be a single amendment for purposes of applying the rules of this section.

(b) *Definitions, etc.* (1) A Plan which changes its compensation base applicable to a participant shall have its applicable percentage determined by reference to the different compensation bases. These different compensation bases result in different levels of compensation. For this purpose, the term "level of compensation" means: (i) the initial compensation base, and (ii) the difference between each prior compensation base (beginning with the initial base) and the next succeeding compensation base.

(2) (i) In the case of a plan which initially specifies a compensation base in excess of \$50,000, the statutory percentage determined under § 1.401(j)-1(f)(1) shall be adjusted by multiplying such percentage by the ratio of \$50,000 to the initial compensation base of the plan.

(ii) In the case of a plan which amends its compensation base to increase such base in excess of \$50,000, the statutory percentage applicable to the compensation between the prior compensation base and the new compensation base shall be adjusted by multiplying that percentage by a fraction, the numerator of which equals the excess of \$50,000, if any, over the prior compensation base, and the denominator of which equals the new compensation base minus the prior compensation base. However, no adjustment is required to the statutory percentage applicable to a participant's compensation up to the prior compensation base.

(iii) In the case of a plan which has a compensation base in excess of \$50,000 and which subsequently amends its compensation base to decrease such base to another base in excess of \$50,000, either the adjustment specified in subdivision (ii) or (i) of this subparagraph shall be made, depending on whether there is, or is not, respectively, a prior compensation base less than \$50,000.

(iv) For purposes of section 401(j) and the regulations thereunder, the adjustments in this subparagraph are referred to as the "adjustments for excess compensation base."

(3) For purposes of this section, the term "attained-age applicable percentage" means the otherwise determined applicable percentage for the age of the participant when the plan amendment to either the compensation base or the rate of accrual is effective. The attained-age applicable percentage is determined for each different level of compensation by using the compensation base in effect after the plan amendment, including any adjustment for excess compensation base referred to in paragraph (b)(2) of this section.

(4) For purposes of this section, the term "prior-benefit accrual rate" means the benefit accrual rate, if any, determined under the plan for each level of compensation under the plan prior to any change in the plan's compensation base or the benefit accrual rate. If a plan decreases its benefit accrual rate, the decreased benefit accrual rate (not the rate prior to the decrease) shall, on and after the effective date of the decrease, be deemed to be the plan's prior-benefit accrual rate.

(5) For purposes of this section, the term "entry-age applicable percentage" means, with respect to a level of compensation, the otherwise applicable percentage determined under section 401(j) for the age of the participant at which a benefit could first accrue under the plan for that level of compensation or, if later, at which that participant's current period of participation began. The entry-age applicable percentage is determined for

each different level of compensation by using the compensation base in effect prior to any change in the plan's compensation base and by including any adjustment (in effect prior to such change) for excess compensation base referred to in paragraph (b)(2) of this section.

(c) *Requirements for changes in rate of benefit accrual or changes in compensation base.* If a plan changes either the rate of benefit accrual or the compensation base (or both) with respect to a participant, the applicable percentage for any level of compensation is the greater of: (1) the prior-benefit accrual rate with respect to that level of compensation, or (2) the attained-age applicable percentage with respect to that level of compensation. In no event shall the prior-benefit accrual rate exceed the entry-age applicable percentage.

(d) *Other changes.* If a plan's rate of benefit accrual or compensation base is changed in a manner not dealt with in this section, the applicable percentages for the plan shall be adjusted, as determined by the Commissioner, in a manner consistent with the regulations under section 401(j).

(e) *Fresh start.* If with respect to any participant subject to the requirements of section 401(j) a plan is amended so that the participant is treated under the plan as commencing a new period of plan participation and his applicable percentage is determined on the basis of his attained age at that time, then the plan shall be deemed to be a new plan with respect to that participant. Thus, such a plan amendment would not be subject to the requirements of this section.

(f) *Examples.* The provisions of this section can be illustrated by the examples set forth below. In each of the examples (except where otherwise specified) the following assumptions have been made: (1) Each participant is an unmarried self-employed individual or shareholder-employee in a career average defined benefit plan; (2) each plan is established on the first day of a coinciding plan year and employer taxable year when the entering participant is age 30 ("Time 1"); (3) each plan is amended and the amendment is effective 10 years later on the first day of the coinciding plan year and taxable year when the relevant participant is age 40 ("Time 2"); (4) each participant has continuous service and one current period of participation beginning at Time 1 and not ending before Time 2; (5) each plan provides a basic benefit for each participant; (6) at all relevant times the participant's actual compensation exceeds each plan's applicable compensation base; and (7) each plan is not a fully insured plan subject to § 1.401(j)-2(e).

Example (1). Participant A begins participation at Time 1 in Plan X, which provides

an accrued benefit (in the form of a basic benefit) accruing at the annual rate of 3.25 percent. At Time 1, Plan X's compensation base is \$50,000. The applicable percentage for A at Time 1 is 6.5 percent. At Time 2, Plan X is amended to increase its rate of benefit accrual to the maximum applicable percentage, and to provide the maximum basic benefit. The applicable percentage and maximum benefit at Time 2 are determined as follows:

(i) Under paragraph (c), the applicable percentage at Time 2 is the greater of (1) 3.25 percent (Plan X's prior-benefit accrual rate for A) or (2) 4.4 percent (Plan X's attained-age applicable percentage for A). Accordingly, the rate of benefit accrual for A in Plan X at Time 2 cannot exceed 4.4 percent.

(ii) Under § 1.401(j)-1(d), the maximum basic benefit at Time 2 which could accrue annually for A under Plan X equals the product of \$50,000 (the compensation base) times 4.4 percent (the applicable percentage). Accordingly, A's maximum basic benefit equals \$2,200.

Example (2). Participant B begins participation at Time 1 in Plan Y, which provides an accrued benefit (in the form of a basic benefit) accruing at the annual rate of 5.0 percent. At Time 1, Plan Y's specified compensation base is \$20,000. The applicable percentage for B at Time 1 is 6.5 percent. At Time 2, Plan Y is amended to increase the specified compensation base to \$50,000 and to provide the maximum basic benefit. The applicable percentages for each level of compensation and maximum benefit at Time 2 are determined as follows:

(i) Under paragraph (c), the applicable percentage at Time 2 cannot exceed the limitation applicable to each level of compensation. For the initial compensation base of \$20,000, the applicable percentage is the greater of (1) 5.0 percent (Plan Y's prior-benefit accrual rate for B) or (2) 4.4 percent (Plan Y's attained-age applicable percentage for B), or 5.0 percent.

(ii) The applicable percentage at Time 2 for the next level of compensation in excess of \$20,000 up to the new \$50,000 compensation base, or the next \$30,000 of compensation, is 4.4 percent (Plan Y's attained-age applicable percentage for B). There is no prior-benefit accrual rate for the level of compensation.

(iii) Under § 1.401(j)-1(d), the maximum basic benefit at Time 2 which could accrue annually for B under Plan Y equals the sum of \$1,000 (the initial compensation base of \$20,000 times the 5.0 percent applicable percentage) and \$1,320 (the \$30,000 next level of compensation times the 4.4 percent applicable percentage). Accordingly, B's maximum basic benefit equals \$2,320.

Example (3). Assume the same facts as in example (2) for Time 1 for participant C in Plan Y except that the annual rate is 6.5 percent. At Time 2, Plan Y is amended to increase the specified compensation base to \$75,000 and to provide the maximum basic benefit. The applicable percentages for each level of compensation and maximum benefit at Time 2 are determined as follows:

(i) Under paragraph (c), the applicable percentage at Time 2 cannot exceed a limitation applicable to each level of compensation. For the initial compensation base of \$20,000, the applicable percentage is the greater of (1) 6.5 percent (Plan Y's prior-benefit accrual rate for C) or (2) 4.4 percent (Plan Y's attained-age applicable percentage for C), or 6.5 percent.

(ii) The applicable percentage at Time 2 for the next level of compensation in excess of \$20,000 up to the new \$75,000 compensation base, or the next \$55,000 of compensation, is the attained-age applicable percentage (there is no prior-benefit accrual rate for this level of compensation). Under paragraph (b)(3), the attained-age applicable percentage for C is determined by making the adjustment for the excess compensation base specified in paragraph (b)(2). Accordingly, the applicable percentage is 2.4 percent (4.4 percent times (\$50,000 - \$20,000) / (\$75,000 - \$20,000)).

(iii) Under § 1.401(j)-1(d), the maximum basic benefit at Time 2 which could accrue annually for C under Plan Y equals the sum of \$1,300 (the initial compensation base of \$20,000 times the 6.5 percent applicable percentage) and \$1,320 (\$55,000, the next level of compensation, times the 2.4 percent applicable percentage). Accordingly, C's maximum basic benefit equals \$2,620.

Example (4). Participant D begins participation at Time 1 in Plan Z, which provides an accrued benefit (in the form of a basic benefit) accruing at the annual rate of 3.25 percent. At Time 1, Plan Z's specified compensation base is \$100,000. In order to determine the applicable percentage, the statutory percentage of 6.5 percent must be adjusted for the excess compensation base, as specified in paragraph (b)(2), to obtain a modified statutory percentage of 3.25 percent (6.5 percent times \$50,000/\$100,000). At Time 2, Plan Z is amended to decrease its specified compensation base to \$50,000 and to provide the maximum basic benefit. The applicable percentage for the new compensation base and the maximum benefit at Time 2 are determined as follows:

(i) Under paragraph (c), the applicable percentage for the new \$50,000 compensation base is the greater of 3.25 percent (Plan Z's prior-benefit accrual rate for D) or 4.4 percent (Plan Z's attained-age applicable percentage for D), or 4.4 percent.

(ii) Under § 1.401(j)-1(d), the maximum basic benefit at Time 2 which could accrue annually for C under Plan Z equals the product of \$50,000 (the new compensation base) times 4.4 percent (the applicable percentage). Accordingly, D's maximum basic benefit equals \$2,200.

Example (5). Participant E begins participation at Time 1 in Plan W, which provides an accrued benefit (in the form of a basic benefit) accruing at the annual rate of 3 percent. At Time 1, Plan W's specified compensation base is \$30,000. The applicable percentage for E at Time 1 is 6.5 percent. At Time 2, Plan W is amended to increase the specified compensation base to \$50,000, to increase the rate of benefit accrual and to provide the maximum basic benefit. The applicable percentages for each level of compensation, the accrual rates and maximum benefit at Time 2 are determined as follows:

(i) Under paragraph (c), the applicable percentages at Time 2 cannot exceed a limitation applicable to each level of compensation. For the initial compensation base of \$30,000, the limitation determined under paragraph (c) is 4.4 percent (the greater of (A) 3 percent, Plan W's prior-benefit accrual rate for E, or (B) 4.4 percent, Plan W's attained-age applicable percentage for E). In this instance, Plan W can raise its benefit accrual rate to 4.4 percent applicable to the initial compensation base of \$30,000.

(ii) The limitation on the applicable percentage at Time 2 for the next level of compensation in excess of \$30,000 up to the new

\$50,000 compensation base (the next \$20,000 of compensation) is 4.4 percent, the attained-age applicable percentage (there is no prior-benefit accrual rate for this level of compensation). In this instance, Plan W can raise its benefit accrual rate to 4.4 percent applicable to this next \$20,000 level of compensation.

(iii) Under § 1.401(j)-1(d), the maximum basic benefit at Time 2 which could accrue annually for E under Plan W equals the sum of \$1,320 (the initial compensation base of \$30,000 times the 4.4 percent applicable percentage) and \$880 (the \$20,000 next level of compensation times the 4.4 percent applicable percentage). Accordingly, E's maximum basic benefit equals \$2,200.

§ 1.401(j)-4 Special rules for electing small business corporation.

(a) *In general; definitions.* This section sets forth special rules applicable to defined benefit plans of an electing small business corporation, as defined in section 1371(a). For purposes of this section the following definitions shall apply.

(1) *Old Sub-S plan.* The terms "old Sub-S plan" means a defined benefit plan (and trust) to which section 401(j) applies and which is established prior to the first plan year to which section 401(j) applies.

(2) *New Sub-S plan.* The term "new Sub-S plan" means a defined benefit plan (and trust) to which section 401(j) applies and which is not established prior to the first plan year to which section 401(j) applies.

(3) *Pre-401(j) part.* The term "pre-401(j) part" of an old Sub-S plan (and trust) means that part attributable to benefits accrued for plan years beginning prior to the first plan year to which section 401(j) applies to the plan.

(4) *Post-401(j) part.* The term "post-401(j) part" of an old Sub-S plan (and trust) means that part attributable to benefits accrued for plan years beginning with the first plan year to which section 401(j) applies to the plan.

(b) *New Sub-S plan.* A new Sub-S plan to which section 401(j) applies is not subject to the rules on taxability of shareholder-employee beneficiaries, etc. set forth in section 1379(b) and the regulations thereunder. The other rules prescribed under section 401(j) in §§ 1.401(j)-1 through 1.401(j)-3, 1.401(j)-5, and 1.401(j)-6 apply to a new Sub-S plan.

(c) *Old Sub-S plan.* (1) *General rule.* An old Sub-S plan to which section 401(j) applies is subject to the special rules set forth in subparagraph (2).

(2) *Special rules.* (i) The pre-401(j) part of an old Sub-S plan is also not subject to the rules on taxability of shareholder-employees, etc. set forth in section 1379(b) and the regulations thereunder.

(ii) An old Sub-S plan may provide benefits for years to which section 401(j) and the regulations thereunder apply. In that instance, with respect to

the post-401(j) part of the plan, the rules prescribed under section 401(j) in §§ 1.401(j)-1 through 1.401(j)-3, 1.401(j)-5 and 1.401(j)-6 apply, except as modified by the rules set forth in subdivisions (iii) and (iv).

(iii) The applicable percentage shall be determined in the same manner as is provided for a change in status under § 1.401(j)-1(g)(6) and as if the time section 401(j) applies to the plan is the time of such a change in status. Thus, for example, if a plan provided for a 7.5 percent past accrual rate on \$50,000 of compensation for Participant A, who commenced participation at age 30 in 1966, and the plan is amended for 1976 to meet the requirements of section 401(j), the applicable percentage for 1976 is determined under § 1.401(j)-1(g)(6)(i) and equals 6.5 percent (the lesser of 7.5 percent (past accrual rate) or 6.5 percent (applicable percentage in 1966); but not less than 4.4 percent (the applicable percentage at age 40)). Further, the past accrual rate is determined under § 1.401(j)-1(g)(6)(ii)(A) by dividing the shareholder-employee's total employer-derived benefit within the employer's last taxable year (beginning before January 1, 1976) by the sum of the shareholder-employee's total compensation up to the close of that period.

(iv) A plan amendment required (with respect to the first plan year) to satisfy the requirements of section 401(a)(18) and (j) shall not be treated as a change in the plan's compensation base or rate of accrual for purposes of applying the rules of 1.401(j)-3. Thus, for example, a plan which provided a benefit accrual of 7.5 percent on a compensation base of \$100,000 in 1975 would not be subject to the special rules of § 1.401(j)-3 when the plan is amended for 1976 to provide, for example, a basic benefit accrual of 6.5 percent of \$50,000.

§ 1.401(j)-5 Special rules applicable to final average pay plans.

(a) *General rule.* Except as provided in this section, the provisions of § 1.401(j)-1 through 1.401(j)-4, inclusive, and § 1.401(j)-6 apply to a final average pay plan, as defined in § 1.401(j)-1(e)(5). If such a plan in any plan year provides for an accrual of benefits by any designated employee in excess of the limitation on amount of the basic benefit, the plan (and trust, if any) does not satisfy section 401(j) in that plan year. As indicated in § 1.401(j)-1(c), the plan is also not qualified unless the plan precludes the potential of accruals in excess of the limitation on amount of basic benefit. The designated employees are self-employed individuals and shareholder-employees, and the limitation on amount is the limitation on amount determined under this section.

(b) *General limitation on amount; no amendment*—(1) *Application*. This paragraph (b) applies to a plan which never is amended to change the plan's compensation base or rate of benefit accrual (or is amended, but makes the changes applicable only to participants who are neither self-employed individuals nor shareholder-employees). If a participant is always subject to section 401(j) and the plan is never amended, see paragraph (b)(4). This paragraph also applies to a plan which is amended effective as of the date section 401(j) first applies to the plan to conform the plan to the requirements of section 401(j) provided that the plan is not subsequently amended. In other cases, the rules in paragraph (c) apply. In lieu of the limitation in § 1.401(j)-1 (c) and (d) (relating to the maximum basic benefit which can accrue for a plan year of participation under plans, other than final average pay plans) the general limitation for final average pay plans ("General Limitation"), applicable to the participant, applies.

(2) *General Limitation*. The General Limitation, with respect to a participant, is equal to the sum of (i) the limitation for the plan's pre-401(j) benefit and (ii) the limitation for the plan's post-401(j) benefit.

(3) *Limitation on pre-401(j) benefit*. The limitation with respect to a participant for the plan's pre-401(j) benefit (that is, the limitation applicable to plan years before section 401(j) becomes applicable to the participant) equals the greater of—

(i) The accrued benefit of the participant under the plan as of the close of the plan year immediately preceding the later of (a) the plan year in which the participant becomes a self-employed individual or a shareholder-employee or (B) the first plan year for which section 401(j) applies to the plan (determined as if the participant separates at such time); or

(ii) The accrued benefit of the participant obtained by multiplying (A) the applicable percentage rate, determined under § 1.401(j)-1, for the time the participant's current period of plan participation commenced by (B) the sum of the compensation earned by the participant for each year for the period of plan participation beginning with his first such year and ending with the close of the immediately preceding plan year referred to in subdivision (i) of this subparagraph. The accrued benefit of the participant determined under subdivisions (i) and (ii) of this subparagraph shall be determined in a manner consistent with the determination of the accrued benefit under § 1.401(j)-1(g)(5)(ii) (relating to pass accrual rates in the case of an employee's change in status). Notwithstanding § 1.401(j)-1(g)(5)(ii), any plan amendment affecting the

compensation base or rate of accrual occurring prior to or within the immediately preceding plan year referred to in subdivision (i) of this subparagraph shall be disregarded for purposes of determining the accrued benefit under subdivision (ii) of this subparagraph. Further, the applicable percentage in subdivision (ii)(A) and the compensation for each year described in subdivision (ii)(B) shall be determined with respect to the plan's compensation base in effect for the plan year beginning immediately after the close of the plan year referred to in subdivision (i).

(4) *Limitation on post-401(j) benefit*. The limitation with respect to a participant for the plan's post-401(j) benefit for any relevant plan year (that is, the limitation applicable to the first plan year for which section 401(j) applies to the participant and any subsequent plan year) equals the product of—

(i) The applicable percentage rate, determined under § 1.401(j)-1, for the time when the participant's current period of plan participation commenced, multiplied by

(ii) The sum of the participant's compensation covered under the plan for each post-401(j) plan year within the participant's current period of plan participation including the relevant plan year (that is, the plan year for which the limitation is being determined).

(c) *General limitation on amount; amended plan*—(1) *Application*. This paragraph (c) applies to a plan to which paragraph (b) does not apply. In lieu of the limitation in §§ 1.401(j)-1 (c) and (d), and 1.401(j)-3 (relating, respectively, to the maximum basic benefit, etc., and change in compensation base or rate of accrual for plans other than final average pay plans), the general limitation for amended final average pay plans ("Amended Limitation"), applicable to the participant, applies. As specified in paragraph (a) of this section, the plan does not satisfy section 401(j) in any plan year for which the plan provides for (or permits) an accrual of benefits for any designated employee which exceeds the Amended Limitation.

(2) *General limitation for amended plan*. The Amended Limitation, with respect to a participant, for any level of compensation (see § 1.401(j)-3(b)(1)), equals the sum of (i) the accrued basic benefit of the participant with respect to that level of compensation under the plan as established and (ii) the accrued basic benefit of the participant under the plan on account of each subsequent amendment with respect to that level of compensation. For purposes of this subparagraph and the succeeding rules in this section, the term "under the plan as established" means, with respect to a par-

ticipant's level of compensation, under the plan at the time the participant first accrues a benefit for a particular level of compensation (or could have so accrued but for his compensation being less than such level). Thus, for example, if a plan is established in year 1 and a designated employee commences participation in year 10, then the plan as established means the plan in year 10.

(3) *Accrued basic benefit under plan as established*. The accrued basic benefit of the participant under the plan as established equals the lesser of (i) the accrued benefit of the participant determined based on the plan in effect on the date that the participant is first subject to section 401(j) and based on that participant's service and compensation taken into account under the plan for the participant's period of plan participation, or (ii) the participant's General Limitation determined under paragraph (b)(2) for each level of compensation.

(4) *Limitation on increases*. If the accrued benefit of the participant on account of the plan as established with respect to a level of compensation equals the participant's General Limitation (determined under subparagraph (3)(ii) above), then the accrued benefit of the participant on account of each subsequent amendment with respect to such level of compensation is zero.

(5) *Permitted increases*. If the accrued benefit of the participant on account of the plan as established with respect to a level of compensation is less than the participant's General Limitation (determined under subparagraph (3)(ii) above), then the accrued benefit of the participant on account of each subsequent amendment with respect to such level of compensation at any relevant time affected by such amendment equals the lesser of—

(i) The increase in the accrued benefit of the participant under the plan formula as a result of such amendment, or

(ii) The future limitation for the plan's future service benefit with respect to that participant ("Averaged Cap").

(6) *Increase under plan formula; Averaged Cap*. (i) The increase in the participant's accrued benefit under the plan formula described in subparagraph (5)(i) above equals the difference between (A) the participant's accrued benefit determined under the plan in effect prior to the plan amendment and (B) the participant's accrued benefit determined under the plan in effect after the plan amendment. Both such accrued benefits are determined with respect to the participant's service and compensation taken into account under the plan and as of the relevant date (that is, the plan year for

which the limitation is being determined).

(ii) The Averaged Cap described in subparagraph (5)(ii) above with respect to the participant equals the product of (A) the difference, if any, between (1) the applicable percentage rate of the participant after the amendment and (2) the prior-benefit accrual rate of the participant before the amendment, as defined in § 1.401(j)-3(b)(4), and (B) the sum of the compensation earned by the participant after the amendment (and taken into account under the plan's level of compensation) for each plan year within the participant's current period of plan participation including the relevant plan year (that is, the plan year for which the limitation is being determined). The percentage rates of the participant referred to in (A) (1) and (2) of this subdivision are the otherwise determined percentages under section 401(j), including the required adjustments under § 1.401(j)-3, relating to changes in compensation base rate of accrual. Thus, for example, the participant's applicable percentage rate before the amendment for a particular level of compensation must be determined in a manner consistent with the rules in § 1.401(j)-3(d), relating to requirements for changes in compensation bases.

(7) *Averaged Cap; limitation on increases*. If the accrued benefit of the participant on account of the plan as first amended with respect to a level of compensation equals the participant's Averaged Cap (determined under subparagraph (6)(ii) above), then the accrued benefit of the participant on account of each succeeding amendment, after the first such amendment, with respect to such level of compensation is zero.

(8) *Averaged Cap; permitted increases*. (i) If the accrued benefit of the participant on account of the plan's first amendment with respect to a level of compensation is less than the participant's Averaged Cap (determined under subparagraph (6)(ii) above), then the participant's accrued benefit on account of each succeeding amendment, after the first such amendment, is determined under the following procedure.

(ii) The participant's accrued benefit is determined under subparagraph (6) above by applying the rules of that subparagraph to each succeeding amendment as if the plan as established and first amended with respect to a level of compensation constituted the established plan. In that application of the rules under subparagraph (6), above, the participant's General Limitation (determined under subparagraph (3)(ii) of this paragraph) shall be deemed to be the participant's Averaged Cap (determined under subparagraph (6)(ii) above).

(d) *Other adjustments*. The Commissioner shall, in the case of a final average pay plan, determine if any other adjustments to plan accruals are required to be made in a manner consistent with section 401(j) including this section and § 1.401(j)-3.

(e) *Examples*. The provisions of this section can be illustrated by the examples set forth below. In each of the examples (except where otherwise specified) the following assumptions have been made: (1) each participant is a single self-employed individual or shareholder-employee in a final average pay plan; (2) each plan is established and effective on the first day of a coinciding plan year and employer taxable year when the entering participant is age 50 ("Time 1"); (3) each plan that is amended is effectively amended on the first day of a coinciding plan year and taxable year ("Time 2"); and (4) each plan provides a basic benefit for each participant.

Example (1). Participant A begins participation in Plan M at Time 1 (age 50). Plan M provides for an annual benefit accrual of 1 percent of last year's compensation, not to exceed \$50,000, for each year of participation (A plan would not be qualified if benefits were based on only the last year, but for illustrative purposes assume that such a formula is permissible). Plan M also limits benefit accruals to satisfy the limitations of this section. A's compensation for each of the first 10 years equals \$10,000 per year. At Time 2 (age 60), A's compensation is increased and equals \$40,000. A's General Limitation and benefit accrual for the 11th year is determined as follows:

(A) Because there is no pre-401(j) benefit under Plan M for A, A's General Limitation is determined under paragraph (b)(4) and equals the product of 3 percent (the applicable percentage at age 50) times \$140,000 (10 years times \$10,000, or \$100,000) plus (1 year times \$40,000, or \$40,000), or \$4,200.

(B) Under Plan M's benefit formula, without regard to the plan provision required to satisfy the General Limitation, A's accrued benefit would equal 1 percent times \$40,000 times 11 years, or \$4,400.

(C) Accordingly, Plan M could satisfy section 401(j) and could provide a deferred normal retirement benefit for A of 4,200, if A left the plan at the end of his 11th year of participation.

(D) If Plan M is never amended and A continues his plan participation (instead of ending his plan participation as in (C), above) for 4 more years at the same compensation of \$40,000, then A's accrued normal retirement benefit under the plan equals \$6,000 (1 percent times \$40,000 times 15 years). A's General Limitation, in this instance, equals \$9,000 (3 percent times \$300,000 (\$140,000 for 11 years plus \$160,000 for 4 years)). Plan M would satisfy section 401(j) by providing A with a \$6,000 normal retirement benefit.

Example (2). Participant B begins participation in Plan N at Time 1 (age 50). Plan N provides for an annual benefit accrual of 1 percent of last year's compensation, not to exceed \$50,000 for each year of participation. Plan N is amended to provide for an annual benefit accrual of 2 percent of last year's compensation, not to exceed \$50,000

when B is age 55 (6th year of B's plan participation). Plan N also limits benefit accruals to satisfy the limitation of this section. B's compensation for each of the first 10 years (age 50 to 59) equals \$25,000 per year. When B is age 60, B's compensation is increased and equals \$40,000 for each of the next 5 years (age 60 to age 64). Assume the Plan N's benefit formula has satisfied this section prior to the plan amendment. B's Amended Limitation and benefit accrual are determined as follows:

(A) B's Amended Limitation under Plan N is determined under paragraph (c). B's Amended Limitation for the plan's \$50,000 level of compensation equals the sum of (1) B's accrued benefit under Plan N as established and (2) B's accrued benefit on account of the amendment to Plan N.

(B) B's accrued benefit under Plan N as established equals the lesser of (1) B's accrued benefit under Plan N as in effect when section 401(j) applies to B or (2) B's General Limitation. In this case these amounts, respectively, equal \$6,000 (1 percent times \$40,000 times 15 years) and \$13,500 (3 percent, age 50, times \$450,000 (10 years times \$25,000, or \$250,000) plus (5 years times \$40,000, or \$200,000)). Accordingly, B's accrued benefit under Plan N, as established, equals \$6,000. Because B's General Limitation exceeds his accrued benefit under the plan as established, Plan N can amend its plan benefit accrual formula to provide B a greater accrued benefit.

(C) B's accrued benefit on account of the amendment to Plan N equals the lesser of (1) B's increased accrued benefit as a result of the amendment or (2) B's Averaged Cap. B's accrued benefit under the new plan benefit formula equals \$12,000 (2 percent times \$40,000 times 15 years). Therefore, B's increased accrued benefit equals \$6,000 (\$12,000 new minus \$6,000 old). B's Averaged Cap equals (under paragraph (c)(6)(ii)) the product of a percentage and a career compensation dollar amount. B's compensation for his 10 years of plan participation since the plan amendment equals \$325,000 (5 times \$25,000 plus 5 times \$40,000). The percentage equals the difference between the post-amendment applicable percentage and the prior-benefit accrual rate, both determined consistently with the plan amendment rules in § 1.401(j)-3. In this case, B's post-amendment percentage equals the attained-age applicable percentage of 2.5 percent for age 55. B's prior-benefit accrual rate is determined by dividing B's accrued benefit of \$6,000 under the original plan by B's \$450,000 compensation for his 15 years of plan participation and equals 1.33 percent. The difference between the two percentages equals 1.17 percent. Accordingly, B's Averaged Cap under Plan N, as amended, equals \$3,803 (\$325,000 times 1.17 percent). B's accrued benefit on account of the amendment equals \$3,803 (the lesser of \$6,000 or \$3,803).

(d) B's Amended Limitation under Plan N equals \$9,803 (\$6,000 plus \$3,803). Because B's accrued benefit on account of the plan amendment is determined by reference to B's Averaged Cap, Plan N could not provide for additional benefit accruals for B, assuming B leaves the plan after his 15 years of participation.

Example (3). Using the facts of example (2), B's Amended Limitation and benefit accrual can be computed under the following worksheet:

FINAL AVERAGE PAY WORKSHEET
(For one level of compensation and
only one period of current participation)

STEP	OPERATION	ANSWER
1.	Determine accrued benefit under plan as established, using plan formula and final average pay	\$6,000 (1% x 15 x \$40,000)
2.	Determine General Limitation by following steps:	
	(a) Limitation on pre-401 (j) benefit	
	(i) accrued benefit of participant as of close of last pre-401 (j) plan year determined as of that time	0
	(ii) applicable percentage based on age as of beginning of current participation	3%
	(iii) sum of compensations within this level for years prior to 401 (j)	0
	(iv) product of (ii) and (iii)	0
	(v) greater of (i) or (iv)	0
	(b) Limitation on post-401 (j) benefit	
	(i) applicable percentage in (a) (ii)	3%
	(ii) sum of compensations within this level for years since 401 (j)	\$450,000 (10 x \$25,000 + 5 x \$40,000)

(iii) product of (i) and (ii)	\$13,500
(c) General Limitation equals the sum of (a) (v) plus (b) (iii)	\$13,500

If Step 1 is not less than Step 2 (c), or if there are no further plan amendments, enter zero in Step 6 and proceed to Step 7. Otherwise proceed to Step 3.

	Amendment	1	2	3
3.	Determine the accrued benefit on account of each subsequent amendment, using plan formula, and final average pay as follows:			
	(a) Accrued benefit based on plan in effect after the amendment	\$ 12,000 (2% x 15 x \$40,000)		
	(b) Accrued benefit based on plan in effect prior to the amendment	\$ 6,000		
	(c) Increase [(a) - (b)]	\$ 6,000		
4.	Determine Averaged Cap steps:			
	(a) Prior benefit accrual rate			
	(i) accrual rate for plan as established [Step 1 ÷ (Step 2(a) (iii) + Step 2(b) (ii))]]	1.33% \$6,000 0 + \$450,000		
	(ii) greater of Step 4(a) (i) in this column or Step 4 (a) (iv) in prior column	1.33%		
	(iii) from prior column [Step 5 ÷ Step 4 (d)]	0		

(iv) sum of Step 4 (a) (iii) and Step 4 (a) (ii)	1.33%		
(b) Attained age applicable percentage at time of amendment	2.5%		
(c) Excess, if any [(b) - (a) (iv)]	1.17%		
(d) Sum of compensations within this level for years since amendment	\$325,000 (5 x \$40,000 + 5 x \$25,000)		
(e) Product of (c) and (d)	\$ 3,803		
5. Maximum accrued benefit attributable to this amendment (Lesser of Step 3 (c) or Step 4 (e))	\$ 3,803		

If, for this amendment, Step 3 (c) is not less than Step 4 (e) or, if there are no subsequent amendments, proceed to Step 6. Otherwise, do Steps 3 - 5 for the next amendment.

6. Maximum accrued benefit due to all amendments (sum columns of Step 5)	\$3,803		
7. Maximum accrued benefit under plan as established (lesser of Steps 1 or 2 (c))	\$6,000		
8. Maximum accrued benefit - Total (Sum of Step 6 and Step 7)	\$9,803		

Par. 4. Section 1.1379-1(a) is amended by adding a new sentence at the end thereof to read as follows:

§ 1.1379-1 Additional requirement for qualification of profit-sharing plans of electing small business corporations.

(a) Introduction. . . . For special requirements which apply to a defined benefit plan for taxable years beginning after December 31, 1975, see section 401(j) and the regulations thereunder.

JEROME KURTZ,
Commissioner of
Internal Revenue.

[FR Doc. 78-14545 Filed 5-25-78; 8:45 am]

§ 1.401(j)-6 Effective dates and transitional rules.

(a) *Effective dates.* Section 401 (j) and the regulations thereunder apply to taxable years of an employer beginning after December 31, 1975, and to any plan year beginning with or within such taxable years.

(b) *Transitional rule.* A plan will be treated as satisfying the requirements of section 401(j) for plan years beginning prior to July 25, 1978, if, for such years, any excess of the benefit accruing under the plan over the maximum benefit permitted for a participant under section 401(j) for such year is used, to the extent reasonably possible, to reduce the maximum benefit permitted under section 401(j) for plan years beginning on or after such date. This paragraph will apply to a plan only if it is amended to satisfy the requirements of this paragraph. Irrespective of any other limitation on time of amendment, the amendment may be adopted within the 1 year period beginning [with the date of publication of this section in the FEDERAL REGISTER as a Treasury decision].

Par. 3. Section 1.404 (e)-1A is amended by adding paragraph (e) to read as follows:

§ 1.404(e)-1A Contributions on behalf of a self-employed individual to or under a qualified pension, annuity, or profit-sharing plan.

(e) *Combination of plans.* For special rules, if a self-employed individual in any taxable year is a participant in both a defined benefit plan and a defined contribution plan, see § 1.401(j)-2(d).

Par. 4. Section 1.1379-1(a) is amended by adding a new sentence at the end thereof to read as follows:

§ 1.1379-1 Additional requirement for qualification of profit-sharing plans of electing small business corporations.

(a) Introduction. . . . For special requirements which apply to a defined benefit plan for taxable years beginning after December 31, 1975, see section 401(j) and the regulations thereunder.

(b) Forfeiture of statutory good time not restored shall be deemed, in itself, to indicate that the prisoner has violated the rules of the institution to a serious degree.

The final sentence of § 2.53(a), which contains language to the same effect, would also be eliminated.

Dated: May 22, 1978.

CECIL C. McCALL,
Chairman,
U.S. Parole Commission.

[FR Doc. 78-14765 Filed 5-26-78; 8:45 am]

[4410-01]
DEPARTMENT OF JUSTICE
Parole Commission
[28 CFR Part 2]
PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS AND JUVENILE DELINQUENTS
Forfeiture of statutory "good time" as precluding parole
AGENCY: United States Parole Commission.
ACTION: Proposed rule.
SUMMARY: This proposal will clarify that the Commission does not simply accept a forfeiture of statutory "good time" as precluding the possibility of parole. Instead, the Commission would, under this proposal, make an assessment of the severity of the underlying violation before making a decision not to release a prisoner on the basis of misconduct. The reason for the proposed change is that disciplinary actions may vary from institution to institution, and sometimes may not reflect behavior serious enough to warrant parole denial.
DATES: Comments must be received by June 30, 1978.
ADDRESSES: Send comments to the United States Parole Commission, Federal Home Loan Bank Building, 320 First Street NW., Washington, D.C. 20537, Attention: Office of the General Counsel.
FOR FURTHER INFORMATION CONTACT: Michael A. Stover, Office of the General Counsel, Telephone: 202-724-3092.
SUPPLEMENTARY INFORMATION: The specific proposed rule change would be to eliminate from Title 28, Code of Federal Regulations, § 2.6(b), which states as follows:
(b) Forfeiture of statutory good time not restored shall be deemed, in itself, to indicate that the prisoner has violated the rules of the institution to a serious degree.
The final sentence of § 2.53(a), which contains language to the same effect, would also be eliminated.
Dated: May 22, 1978.
CECIL C. McCALL,
Chairman,
U.S. Parole Commission.
[FR Doc. 78-14765 Filed 5-26-78; 8:45 am]

[4410-01]
[28 CFR Part 2]
PAROLE, RELEASE, SUPERVISION AND RECOMMITMENT OF PRISONERS, YOUTH OFFENDERS, AND JUVENILE DELINQUENTS
Deportation as Consideration in Parole of Prisoner Subject to Immigration Detainer
AGENCY: United States Parole Commission.
ACTION: Proposed rule.
SUMMARY: The proposed rule would reflect a previous determination by the Commission that, when making a parole decision in a case in which the prisoner happens to be subject to an immigration detainer, the possibility of deportation should not enter into the Commission's consideration. Thus, the rule would provide that while a parole grant in such a case would recognize the necessity of first delivering the prisoner to the custody of the detaining authorities, it would also reflect a decision that the prisoner was suitable for release to supervision and residence in the U.S.A., if not deported. This change would avoid the procedural difficulties inherent in paroling prisoners for deportation only, when release to the community is not intended, as well as avoiding the necessity for involving the Commission in a decisional area not within its statutory competence (deportation).
DATES: Comments must be received by June 30, 1978.
ADDRESSES: Send comments to the United States Parole Commission, Federal Home Loan Bank Board Building, 320 First Street NW., Washington, D.C. 20537, Attention: Office of General Counsel.
FOR FURTHER INFORMATION CONTACT: Michael A. Stover, Office of the General Counsel, Telephone 202-724-3092.
SUPPLEMENTARY INFORMATION: The proposal would amend Title 28, Code of Federal Regulation, § 2.32(b), to provide for only one type of parole order when the Commission wishes to parole a prisoner subject to a detainer filed by Federal immigration officials (instead of the present three). The text of paragraph (b) would be as follows:
§ 2.32 Parole to local or immigration detainers.
(b) When the Commission wishes to parole a prisoner subject to a detainer filed by Federal immigration officials, the Commission shall order the following:
Parole to the actual physical custody of the immigration authorities or an approved

plan. In this event, release is to be effected regardless of whether or not immigration officials take the prisoner into custody, providing there is an acceptable plan for community supervision.

Date: May 22, 1978.

CECIL C. McCALL,
Chairman,
United States Parole Commission.
[FR Doc. 78-14766 Filed 5-26-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 900-1]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

California Plan Revision: South Coast Air Quality Management District—Air Pollution Emergency Episode Regulations

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed rulemaking.

SUMMARY: It is the purpose of this notice to propose approval of and invite public comments on revisions to the South Coast Air Quality Management District's (SCAQMD) Regulation VII (Emergencies) that were submitted to EPA by the California Air Resources Board for inclusion in the California State Implementation Plan. These revisions deal with changes to the rules concerning the content of source abatement plans for certain sources and other minor non-substantive changes.

DATES: Comments may be submitted up to June 26, 1978.

ADDRESSES: Comments may be sent to: Regional Administrator, Attn.: Air and Hazardous Materials Division, Air Programs Branch, Technical Assistance Team (A-4), Environmental Protection Agency, Region IX, 215 Fremont Street, San Francisco, Calif. 94105. Copies of the proposed revisions and EPA's evaluation report are available for public inspection during normal business hours at the EPA Region IX office at the above address and at the following locations: South Coast Air Quality Management District, 9420 Telstar Avenue, El Monte, Calif. 91731. California Air Resources Board, 1102 Q Street, P.O. Box 2815, Sacramento, Calif. 95814. Public Information Reference Unit, Room 2922 (EPA Library), 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Charlotte Hopper, Technical Assistance Team, EPA, Region IX, 415-556-2002.

SUPPLEMENTARY INFORMATION: The October 13, 1977, and November 4, 1977, submittals from the California Air Resources Board contained revisions to the following rules:

RULE 702—DEFINITIONS

Emission source/receptor areas are delineated on an attached map and a definition of "air contaminant" is added.

RULE 708.2—CONTENT OF STATIONARY SOURCE CURTAILMENT PLANS

Rule 708.2 revisions pertain to the content of stationary source curtailment plans for first, second and third-stage sulfur dioxide episode. The rule provides for measures to curtail or postpone electrically-intensive industrial operations and import power from outside the basin. Combustion sources, including electrical utilities, shall have plans to burn natural gas during second and third stage SO₂ episodes. If natural gas is unavailable, low sulfur fuel oil may be used.

RULE 714—SOURCE INSPECTIONS

Rule 714 is modified to require implementation of a source inspection plan upon the declaration of any episode.

The following rules was added:

RULE 715.1—BURNING OF FOSSIL FUEL ON EPISODE DAYS

Rule 715.1 prohibits the burning of liquid or solid fossil fuel in electrical generating facilities on episode days unless natural gas is unavailable.

Under section 110 of the Clean Air Act as amended, and 40 CFR Part 51, the Administrator is required to approve or disapprove the regulations as a SIP revision. The Regional Administrator has evaluated these revisions along side the requirements of 40 CFR 51.16 and the existing Regulation VII. The revisions are equal to or more stringent than the existing regulations. They are consistent with 40 CFR 51.16 and will prevent the significant harm level from being reached and are therefore approvable. No action is being taken, however, on that portion of Regulation 702 which defines "Air contaminants" as odors, as odors are not pollutants for which significant harm levels or National Ambient Air Quality Standards have been established.

The Regional Administrator hereby issues this notice proposing to approve these revisions and advises the public that interested persons may participate by submitting written comments to the Region IX office.

(Sec. 110, 301(a), Clean Air Act as amended (42 U.S.C. 7140, 7601(a)).)

Dated: April 26, 1978.

SHEILA M. PRINDIVILLE,
Acting Regional Administrator.
[FR Doc. 78-14733 Filed 5-25-78; 8:45 am]

[6560-01]

[40 CFR Part 52]

[FRL 901-6]

STATE OF MARYLAND

Proposed Revision of Implementation Plan;
Extension of Comment Period

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule—Extension of public comment period.

SUMMARY: This notice is a follow-up to a previous extension notice which appeared in the FEDERAL REGISTER on April 11, 1978 (43 FR 15167). The purpose of this notice is to further extend the public comment period for the notice of proposed rulemaking issued by EPA Region III on March 6, 1978 (43 FR 9162), pertaining to a proposed revision of the Maryland State Implementation Plan (SIP). The proposed plan revision refers to an exception request submitted to EPA by the State of Maryland on behalf of the Westvaco Corp., Luke, Md.

DATE: The public comment period has been extended to June 7, 1978.

ADDRESSES: Copies of the proposed revision, together with supporting documentation and correspondence, are available for public inspection during normal business hours at the offices of:

U.S. Environmental Protection Agency, Region III, Curtis Building, Tenth Floor, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

Maryland Bureau of Air Quality and Noise Control, 201 West Preston Street, Baltimore, Md. 21201, Attn.: Mr. George P. Ferrel.

Public Information Reference Unit, Room 2922, EPA Library, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. Israel Milner, Manager, Plans Management Group, Air Programs Branch, U.S. Environmental Protection Agency, Region III, Curtis Building, 6th and Walnut Streets, Philadelphia, Pa. 19106, telephone 215-597-8174.

SUPPLEMENTARY INFORMATION: On March 6, 1978 (43 FR 9162), EPA issued a notice of proposed rulemaking pertaining to a proposed revision of the Maryland State Implementation Plan and on April 11, 1978 (43 FR 15167), the public comment period for

this notice was extended to May 8, 1978. The proposed plan revision refers to an exception request submitted to EPA by the State of Maryland on behalf of the Westvaco Corp., Luke, Md. The request would except Westvaco from the applicable State and Federal sulfur content-in-fuel regulations and at the same time, limit sulfur dioxide emissions from all fuel-burning equipment located as this facility to 49 tons per day.

This notice is to advise the public that the comment period on this exception request is extended until June 7, 1978. All comments submitted on or before that date will be considered as a basis for the Administrator's final determination with regard to this proposed SIP revision.

(42 U.S.C. 7401.)

Dated: May 12, 1978.

A. R. MORRIS,
Acting Regional Administrator.
[FR Doc. 78-14820 Filed 5-25-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 900-3]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Approval of an Administrative Order Issued by the State of Colorado to U.S. Army Depot Activity, Pueblo, Colo.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an administrative order issued by the State of Colorado, through the Air Pollution Variance Board to the U.S. Army Depot Activity at Pueblo, Colo. The order requires the Army Depot to bring air emissions from its Boiler Plant Building No. 524 into compliance with certain regulations contained in the federally-approved Colorado State Implementation Plan (SIP) by February 28, 1979. Because the order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act (the Act). If approved by EPA, the order will constitute an addition to the SIP. In addition, a source in compliance with an approved order may not be sued under the federal enforcement or citizen suit provisions of the Act for violations of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the order as a delayed compliance order.

DATE: Written comments must be received on or before June 26, 1978.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region VIII, 1860 Lincoln Street, Denver, Colo. 80295. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Gary E. Parish, Enforcement Division, EPA, Region VIII, 1860 Lincoln Street, Denver, Colo. 80295, telephone 303-837-2361.

SUPPLEMENTARY INFORMATION: The order under consideration is set forth after the signature line below.

EPA, Region VIII, issued a notice of violation to the U.S. Army Depot Activity on December 2, 1977, for violation of Regulation 1, Sections I.A.1 and II.A. Although the Colorado order only addresses Regulation 1, Section I.A.1, Region VIII believes that the control equipment to be utilized (baghouses) should also provide for compliance with Section II.A. Approval of this order by EPA would be expressly conditioned so that final compliance by February 28, 1979, must occur for Sections I.A.1 and II.A of Regulation 1. Because this order has been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Act. EPA may approve the order only if it satisfies the appropriate requirements of this subsection. EPA has preliminarily determined that the order complies with those requirements, but specifically requests public comment on those matters.

If the order is approved by EPA, source compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violations of the regulations covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the order would also constitute an addition to the [name of State] SIP.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedure for EPA's issuance, approval, and disapproval of orders under Section 113(d) of the Act. In addition, Part 65 will contain sections summarizing orders issued, approved and disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and

replaced by a notice promulgating these new regulations.)

(42 U.S.C. 7413, 7601.)

All interested persons are invited to submit written comments on proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. Final approval or disapproval will also be published in the FEDERAL REGISTER.

Dated: April 25, 1978.

ALAN MERSON,
Regional Administrator,
Region VIII.

BEFORE AIR POLLUTION VARIANCE BOARD,
STATE OF COLORADO, COLORADO DEPARTMENT OF HEALTH

DIVISION OF ADMINISTRATION

IN THE MATTER OF U.S. ARMY DEPOT ACTIVITY, PUEBLO

FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

This matter was heard by the Colorado Air Pollution Variance Board (hereinafter "the Board") at its scheduled meeting on March 2, 1978 at the City Hall, Pueblo, Colo. The hearing was conducted at the request of the U.S. Army Depot Activity, at Pueblo, Colo. (hereinafter "the petitioner"), for the purpose of determining whether this Board should grant an order authorizing a specific period of variance from the provisions of Regulation No. 1, Section I.A.1 of the Air Pollution Control Commission for the purpose of petitioner's installation of control equipment. Such installation was to be upon an express timetable and schedule, and was to accomplish compliance of petitioner's Boiler Plant Building No. 524 with the above-referenced regulations.

A quorum of the Variance Board was present during the entire hearing and participated in deliberation and voting on this matter. Thomas D. Smart, Jr. presided over the hearing as Vice Chairman.

FINDINGS OF FACT

In accord with the full and complete agreement of the parties and based upon the evidence presented at and during the hearing on March 2, 1978, a record of the proceedings having been duly recorded and compiled by a certified shorthand reporter (which record is available to any party and for review by any member of the public, in accord with C.R.S. 1973, 25-7-116(3)), the Board has made the following findings of fact in support of its decision:

1. The petitioner's boiler stacks at Boiler Plant Building No. 524, located near Pueblo, Colo., were in violation of the Commission's Regulation No. 1, Section I.A.1. as alleged in the Cease and Desist Order issued by the Division on November 22, 1977. This finding is supported by petitioner's stipulation as to the validity and propriety of the Division's Cease and Desist Order.

2. The Division Order of November 22, 1977 applies to all five (5) boiler stacks located at Building No. 524. This finding is supported by the language of the Order and by petitioner's stipulation thereto.

3. Petitioner's Boiler Plant Building No. 524 is not capable of compliance with applicable emission control regulations without

installation of the control equipment proposed for installation (baghouse) or comparable equipment. This finding is supported by petitioner's stipulation thereto and by inspections and evaluations conducted by the Division.

4. Petitioner desires the grant of a variance for the purpose of installing sufficient control equipment at its Boiler Plant Building No. 524 to accomplish compliance with all applicable rules and regulations of the Colorado Air Pollution Control Commission and further desires to take such steps as may be necessary to assure that this Order of the Board is sufficient to meet all requirements of Section 113(d) of the Federal Clean Air Act, as amended (42 U.S.C. 7413(d)) ("delayed compliance orders"). This finding is supported by petitioner's stipulation thereto.

CONCLUSIONS OF LAW

In the course of its deliberations and ancillary to its findings and decision in this matter, the Board has made the following conclusions of law:

1. That the Colorado Air Pollution Variance Board has authority to accept, review, and grant or deny requests for hearings regarding requested variances and that it has the power to hold such public hearings, receive pertinent and relevant proof, rule on objections and motions, and do such other things as it deems necessary, proper, or desirable in order to effectively discharge its duties and responsibilities under Article 7 of Title 25, C.R.S. 1973, all in conformity with that statute and with Article 4 of Title 24, C.R.S. 1973. In the course of such a hearing, the board has specific authority to determine whether alleged violations of emission control regulations exist or did exist and to consider the granting of variances. (Section 25-7-113 and 25-7-115, C.R.S. 1973, as amended.)

2. That in the course of performing duties and exercising responsibilities delegated to this Board, a hearing afforded petitioner was conducted in accord with procedural requirements of the Colorado Administrative Procedure Act and all applicable provisions of the Colorado Air Pollution Control Act. The decision of the Board, set forth below, is based upon substantial evidence presented at the hearing.

3. That the provisions of the Commission's Regulation No. 1, Section I.A.1. have been and are now applicable to petitioner's boiler unit stacks at Building No. 524, U.S. Army Depot Activity, Pueblo, pursuant to provisions of Section 116 of the Federal Clean Air Act, as amended (42 U.S.C. 7416).

4. That as concerns violations alleged by the Division, the petitioner's boiler unit stacks at Boiler Plant Building No. 524 are subject to the 20 percent opacity standard set forth in the Commission's Regulation No. 1, Section I.A.1.; petitioner has alleged no facts upon which this Board could find the 40 percent standard, set forth at Section I.A.2.(d) of Regulation No. 1, applicable to the stacks at Boiler Plant Building No. 524.

5. That the Board, having determined violations to exist or have existed and having received a specific request for variance from the petitioner, has authority to grant a variance to the petitioner with express conditions pursuant to authority granted by C.R.S. 1973, Section 25-7-115(4). Petitioner has the burden of proof with regard to the necessity of propriety of any such variance. The determination of this Board is final and effective on the date of the grant or denial

of variance to the petitioner, subject to further action by the Commission pursuant to C.R.S. 1973, 25-7-116(9) or the grant of a rehearing by this Board, either or both of which must occur within thirty (30) days from the date of such grant or denial of variance.

DECISION AND ORDER

Upon formal motion and by unanimous vote, the Air Pollution Variance Board finds the U.S. Army Depot Activity, at Pueblo, Colo., in violation of Air Pollution Control Commission Regulation No. 1, Section I.A.1., relative to all five (5) boiler stacks located at Building No. 524, pursuant to the stipulation of Pueblo Depot Activity, at Pueblo, and based upon the testimony and exhibits presented by the Colorado Department of Health, Air Pollution Control Division.

The Colorado Air Pollution Variance Board hereby grants to the petitioner a variance from the application of Commission Regulation No. 1, Section I.A.1. and from the enforcement of a Cease and Desist Order issued by the Division on November 22, 1977, which Order pertains to the petitioner's Boiler Plant Building No. 524 at Pueblo, Colo. This variance is granted to allow for completion of construction and preliminary testing of four (4) new baghouse units. Petitioner shall employ its best efforts to achieve final compliance by December 29, 1978, but in no event shall petitioner fail to attain compliance by February 28, 1979. This variance shall expire on the date of attainment of compliance, but in any event not later than February 28, 1979, and shall be subject to the following specific terms and conditions:

1. Petitioner will implement a schedule for construction and final compliance as follows:

Completion of design, July 1, 1977 (complete).
Advertise for bids, July 15, 1977 (complete).
Award contract, October 17, 1977 (complete).
Submittal of schedule and bar charts not later than April 15, 1978.
Start construction, April 15, 1978.
Complete construction, December 1, 1978.
Complete testing, December 28, 1978.
Final compliance, no later than February 28, 1979.

Quarterly progress reports shall be submitted to the Division and the Variance Board in a form prescribed by the Division, and the Board shall be given four (4) weeks' prior notice of any anticipated failure to meet schedule dates.

2. During the interim period prior to the final compliance date, the following measures will be undertaken by the petitioner:

(a) The existing opacity monitoring equipment will be transferred to the baghouse stacks when the baghouses now under construction are put in service. Data on emissions collected by these monitoring systems shall be reported to the Division, in a form approved by the Division, on a quarterly basis.

(b) Ultimate and proximate analysis of coal shall be conducted, and results shall be reported to the Division, in a form approved by the Division, on a quarterly basis and at the time of any change of coal supply.

(c) Such operational measures as are considered practical and beneficial with respect to minimization of emissions shall be undertaken on a continuous basis. Such measures

shall include, but not be limited to, the following:

(i) The pressure drop across the multi-clone shall be maintained as close as is practical to optimum design values.

(ii) Operating procedures as prescribed in a letter from Robert Shepherd to John Clouse, dated February 23, 1978 shall be followed by the petitioner to the maximum extent possible.

(iii) Coal burned shall be of best quality obtainable through normal fuel supply channels with respect to heat, ash, and sulfur content, so as to consistently minimize total emissions.

(iv) All boilers will be operated at base load as much as is possible in accordance with steam-demand.

(v) Development of a contingency plan regarding operation of the boilers at Building No. 524 during periods of opacity in excess of 20 percent shall be completed by petitioner not later than April 15, 1978. This plan must be approved by the Division and shall be employed whenever opacity in excess of 20 percent is either observed or anticipated from the boiler stacks at Building No. 524.

3. Petitioner will comply to the best of its ability with the requirements of all applicable provisions of State and Federal regulations regarding air pollution, and is fully aware that, if final compliance is not achieved by July 1, 1979, sanctions will be imposed by USEPA (United States Environmental Protection Agency) pursuant to Section 120 of Federal Clean Air Act (42 USC 7420).

4. For purposes of ensuring that this Order of the Colorado Air Pollution Variance Board will be acceptable to the USEPA for approval and issuance pursuant to Section 113(d) of the Federal Clean Air Act, as amended (42 USC 7413(d)), the petitioner has expressed its desire to and does formally:

(a) Waive any and all of its rights provided under Colorado law for appeal of or challenge to the substantive merits of a Cease and Desist Order issued November 22, 1977 by the Air Pollution Control Division, Colorado Department of Health, and to any and all associated rights and claims for administrative or judicial stay of said Order.

(b) Waive any and all of its rights provided under Colorado law for appeal of or challenge to the substantive merits of any order issued by the Colorado Air Pollution Variance Board granting a variance in this matter, and to any and all associated rights for or claims to administrative or judicial stay of such Order.

5. Should the petitioner, U.S. Army Depot Activity, Pueblo fail to meet any of the above terms and conditions of this variance, the variance shall forthwith be rendered null and void in accord with the provisions of C.R.S. 1973, 25-7-115(4).

The following members of the Colorado Air Pollution Variance Board voted in favor of this decision: Thomas D. Smart, Jr., Lewis H. Hoyle, M.D., A. George Setter, E. W. Karger, Michael L. Gilbert, Samuel E. Forbes, and Gerald J. Devitt.

The following Board members voted against this decision: None.

Dated this 21st day of March, 1978, nunc pro tunc to March 2, 1978.

For the Air Pollution Variance Board of the State of Colorado,

THOMAS D. SMART, JR.,
Vice Chairman.

[FR Doc. 78-14779 Filed 5-25-78; 8:45 am]

[6560-01]

[40 CFR Part 180]

[FRL 900-8; PP 6E1670/P70]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Proposed Tolerances for the Pesticide Chemical 2,6-Dimethyl-4-Tridecylmorpholine

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This notice proposes that the fungicide 2,6-dimethyl-4-tridecylmorpholine be used on bananas. The proposal was submitted by BASF Wyandotte Corp. This amendment to the regulations would establish a maximum permissible level for residues of 2,6-dimethyl-4-tridecylmorpholine on bananas.

DATE: Comments must be received on or before June 26, 1978.

ADDRESS COMMENTS TO: Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Rm. 401, East Tower, 401 M Street SW., Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT:

Mr. John Lee, Product Manager (PM) 22, Registration Division (WH-567), Office of Pesticide Programs, EPA, 202-426-2454.

SUPPLEMENTARY INFORMATION: BASF Wyandotte Corp., 100 Cherry Hill Road, P.O. Box 181, Parsippany N.J. 07054, has submitted a pesticide petition (PP 6E1670) to the EPA. This petition proposes that 40 CFR Part 180 be amended by the establishment of a tolerance for residues of the fungicide 2,6-dimethyl-4-tridecylmorpholine in or on the raw agricultural commodity bananas at 0.1 part per million (ppm).

The data submitted in the petition and other relevant material have been evaluated. The toxicology data considered in support of the proposed tolerance included acute oral lethal dose 50 (LD₅₀) studies on rats (1,000 mg/kg body weight); 90-day dog and rat feeding studies with no-observable-effect levels (NOEL) of 800 ppm and 200 ppm, respectively; a two-year rat feeding study (NOEL 30 ppm); a three-generation rat reproduction study (NOEL 20 ppm); and mouse and rat teratogenic studies.

The acceptable daily intake (ADI) of the pesticide is 0.015 mg/kg of body weight based on the two-year rat-feeding study with an NOEL of 30 ppm. The proposed tolerance would contribute 0.2 percent of the ADI to the diet and will not exceed the ADI.

The subject pesticide is a referral chemical undergoing review for possible rebuttable presumption against registration candidacy because one of the pesticide's metabolites is the suspect carcinogen morpholine. Although an oncogenicity study in a second mammalian species is missing, this study is not essential to making a safety determination because: (1) The theoretical maximal residue contribution (TMRC) of 0.002 mg/day is considered toxicologically insignificant, (2) no residues of either the plant metabolite 2,6-dimethylmorpholine or its N-nitroso derivative were found in bananas treated with the subject pesticide, (3) no residues of unsubstituted morpholine are expected to be present in the bananas, (4) the existing oncogenic study in rats conducted at levels which produced toxicological effects did not reveal the presence of increased oncogenic activity among the pesticide-treated animals, and (5) the proposed tolerance was raised from 0.1 ppm in or on bananas and 0.05 ppm in the pulp to 0.1 ppm in or on the bananas due to the lack of an adequately sensitive analytical method and not the presence of residues in excess of 0.05 ppm in the pulp.

No permanent tolerances have previously been established for residues of the pesticide, and an adequate analytical method (colorimetry) is available for enforcement purposes. The metabolism of the pesticide is adequately understood. There is no reasonable expectation of residues in eggs, meat, milk, or poultry as delineated in 40 CFR 180.6(a)(3). The pesticide is considered useful for the purpose for which a tolerance is sought, and it is concluded that the tolerance of 0.1 ppm established by amending 40 CFR Part 180 will protect the public health. It is proposed, therefore, that the tolerance be established as set forth below.

Any person who has registered, or submitted an application for the registration of a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act which contains any of the ingredients listed herein may request, on or before June 26, 1978, that this rule-making proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on the proposed regulation. The comments must bear a notation indicating both the subject and the petition/document control number, "PP6E1670/P70". All written comments filed in response to this notice of proposed rulemaking will be available for public inspection in the office of the Federal Register from 8:30 a.m. to 4 p.m., Monday through Friday.

(Sec. 408(e), Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348a(e)).)

Dated: May 19, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

It is proposed that Part 180, Subpart C, be amended by adding the new §180.372 containing a tolerance for residues of 2,6-dimethyl-4-tridecylmorpholine on bananas to read as follows:

§ 180.372 2,6-Dimethyl-4-tridecylmorpholine; tolerances for residues.

A tolerance is established for residues of the fungicide 2,6-dimethyl-4-tridecylmorpholine in or on the following raw agricultural commodity:

Commodity:	Parts per million
Bananas.....	0.1

[FR Doc. 78-14716 Filed 5-25-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1121]

[Ex Parte No. 274 (Sub-No. 21A)]

ABANDONMENT OF RAILROAD LINES AND DISCONTINUANCE OF SERVICE

Identification and Handling of Related Rail Abandonment Applications

AGENCY: Interstate Commerce Commission.

ACTION: Extension of time for filing comments in the above-entitled rule-making proceeding.

SUMMARY: The purpose of this document is to announce an extension of the time for filing comments in the above-entitled rulemaking proceeding.

DATES: Comments must be received on or before June 16, 1978.

ADDRESSES: Send comments to: Section of Finance, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423.

FOR FURTHER INFORMATION CONTACT:

Edward J. Schack, 202-275-7581.

SUPPLEMENTARY INFORMATION: The time for filing comments in the above-entitled proceeding, originally set as May 15, 1978, is now extended to June 16, 1978. No further extensions will be granted.

H. G. HOMME, Jr.,
Acting Secretary.

IDENTIFICATION AND HANDLING OF RELATED RAIL ABANDONMENT APPLICATIONS

I have considered the record in this proceeding including (1) the notice of proposed policy statement and proposed revisions of regulations published in the FEDERAL REGISTER on April 14, 1978, volume 43, page 15754,

and (2) the request for an extension of time for filing comments to the notice filed on May 12, 1978, by the Executive Office of Transportation and Construction, designated State agency for rail matters for the State of Massachusetts.

In the request for an extension of time, the Executive Office of Transportation and Construction states that it was not given notice of the proposed policy statement and should be given an opportunity to comment beyond the 30 days set forth in the FEDERAL REGISTER notice.

Subsequent to publication of the notice of April 14, 1978, the Commission received a corrected address listing for many of the designated State agencies entitled to comment in this proceeding.

In view of the fact that many of these State agencies were not served with the FEDERAL REGISTER publication, I find that good cause has been shown for extending the time for filing comments to June 18, 1978.

It is ordered: (1) The time for filing comments to the FEDERAL REGISTER publication of April 14, 1978, is extended to June 18, 1978.

(2) Notice of this decision shall be given to the general public by filing a copy with the Director, Office of the FEDERAL REGISTER.

Decided: May 22, 1978.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

H. G. HOMME, Jr.,
Acting Secretary.

(FR Doc. 78-14812 Filed 5-25-78; 8:45 am)

[4810-22]

DEPARTMENT OF THE TREASURY CUSTOMS SERVICE

[19 CFR Part 101]

GENERAL PROVISIONS

Proposed Changes in the Field Organization of the Customs Service

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Proposed rule.

SUMMARY: This notice proposes to change the field organization of the Customs Service by changing the status of Point Roberts, Washington, from a Customs station under the supervision of the port of Blaine, Washington, to a new port of entry in the Seattle, Washington, Customs district. This change is needed because of administrative problems resulting from the unique geographical location of Point Roberts.

Also proposed is the revocation of the designation of Hogansburg, Morristown, and Waddington, New York, as Customs stations in the Ogdensburg, New York, Customs district. Due to minimal Customs transactions at these stations, they have not been

staffed for several years. The areas they once served are adequately covered by the ports of entry at Massena and Ogdensburg, New York.

DATES: Comments (preferably in 3 copies) must be received on or before June 26, 1978.

ADDRESS: Comments may be addressed to the Commissioner of Customs, Attention: Regulations and Legal Publications Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT:

Robert Schenarts, Inspection and Control Division, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229, 202-566-8151.

SUPPLEMENTARY INFORMATION:

BACKGROUND

The Customs station of Point Roberts, Washington, is located at the tip of a peninsula just south of the 49th parallel which is part of the boundary between the United States and Canada. It is almost entirely surrounded by the Strait of Georgia and Boundary Bay. Due to its location, Point Roberts is isolated from the port of Blaine, Washington, its supervising Customs port. Custom officers from Blaine must either cross Boundary Bay by vessel or go north into Canada, proceed westerly and then southerly down the peninsula into Whatcom County, Washington, to reach Point Roberts. This isolation causes many administrative problems for the Customs station of Point Roberts and the port of entry at Blaine. Therefore, it is proposed to create a new port of entry at Point Roberts. This would allow Customs to provide better on-site port administration and supervision of the border crossing station and would facilitate the entry and clearance of yachts at Point Roberts.

If this proposal is adopted, the status of Point Roberts would be changed from a Customs station to a port of entry in the Customs district of Seattle, Washington (Region VIII). The port limits would be the same as the present station limits, that is, all the land below the 49th parallel and constituting the peninsula known as Point Roberts, Whatcom County, Washington.

It also is proposed to revoke the designation of Hogansburg, Morristown,

and Waddington, New York, as Customs stations in the Customs district of Ogdensburg, New York (Region II). Due to minimal Customs transactions at these stations, they have not been staffed for several years. The areas they once served are adequately covered by the ports of entry at Massena and Ogdensburg, New York.

These field organization changes are proposed by the Customs Service as part of a continuing program to obtain more efficient use of its personnel, facilities and resources, and to provide better service to carriers, importers, and the public.

If adopted, the list of Customs ports of entry in section 101.3 of the Customs Regulations (19 CFR 101.3) and the list of Customs stations in section 101.4 of the Customs Regulations (19 CFR 101.4) would be amended to reflect the changes.

COMMENTS

Before adopting this proposal, consideration will be given to any written comments that are submitted timely to the Commissioner of Customs. Comments submitted will be available for public inspection in accordance with section 103.8(b) of the Customs Regulations (19 CFR 103.8(b)) during regular business hours at the Regulations and Legal Publications Division, Room 2335, Headquarters, U.S. Customs Service, 1301 Constitution Avenue, NW., Washington, D.C. 20229.

AUTHORITY

This change is proposed under the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), and delegated to the Secretary of the Treasury by Executive Order No. 10289, September 17, 1951 (3 CFR, 1949-1953 Comp., Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 14 (43 FR 35239).

DRAFTING INFORMATION

The principal author of this document was Teresa M. Polino, Regulations and Legal Publications Division, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other Customs offices participated in its development.

Dated: May 17, 1978.

BETTE B. ANDERSON,
Under Secretary of the Treasury.

(FR Doc. 78-15040 Filed 5-25-78; 10:59 am)

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-34]

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

CERTAIN STOCKYARDS AND LIVESTOCK MARKETS

Notice of Approval

The regulations in 9 CFR part 76, as amended, contain restrictions on the interstate movement of swine and swine products to prevent the spread of hog cholera and other swine diseases. This document adds certain livestock markets to the list of livestock markets approved for purposes of the regulations on the basis of a determination of their eligibility for such approval under § 76.18 of the regulations and removes from the list certain other livestock markets which have been found no longer to qualify for such approval.

The following livestock markets preceded by an asterisk are specifically approved to handle any class of swine and those livestock markets not preceded by an asterisk are specifically approved to handle slaughter swine only:

ALABAMA

Alabama Pork Buyers, Elba.
Agricultural Marketing Association of Alabama, Inc., Andalusia.
*Atmore Truckers Association, Inc., Atmore.
Beard Livestock Market, Scottsboro.
Casey's Selma Stockyard, Selma.
*Central Alabama Feeder Pig Association, Clanton.
*Conecuh Stockyard, Evergreen.
*Cullman Feeder Pig Association, Cullman.
*Cullman Stock Yard, Cullman.
*Dothan Livestock Auction, Inc., Dothan.
*Escambia County Co-op, Brewton.
*Farmers Co-op Market, Frisco City.
*Farmers Cooperative Market, Inc., Opp.
*Farmer's Livestock Co-op, Elba.
Fayette Stockyards, Inc., Fayette.
Florence Trading Post, Florence.
H. E. Fulford Stockyard, Hartford.
*Geneva Stock Yards, Inc., Geneva.
*Hamilton Stockyard, Inc., Hamilton.
*Headland Stockyards, Inc., Headland.
*Henry County Livestock Association, Inc., Abbeville.
Hodges Stockyard, Inc., Montgomery.
Kennamer Livestock, Inc., Guntersville.
*Limestone County Feeder Pig Association, Inc., Athens.
Moulton Stockyard, Moulton.
*Northeast Alabama Feeder Pig Association, Section.
*Northwest Alabama Feeder Pig Association, Inc., Russellville.
Northwest Alabama Livestock Association, Russellville.

*Northwest Alabama Livestock Auction, Russellville.
*Perry-Dallas Feeder Pig Sale, Suttle.
Pickens County Livestock Commission Co., Aliceville.
Carl Register Stockyards, Slocumb.
*Robertsdale Livestock Auction, Inc., Robertsdale.
*Sand Mountain Feeder Pig Association, Guntersville.
*South Alabama Feeder Pig Producers Association, Greenville.
*Southeast Alabama Feeder Pig Association, Inc., Dothan.
Stokes & Brogden Stock Yard, Andalusia.
*Tennessee Valley Feeder Pig Association, Huntsville.
*Upper Coastal Feeder Pig Association, Inc., Fayette.
David West Livestock Co., Cottonwood.

ARKANSAS

*Arkansas National Stockyards, Little Rock.
*Ash Flat Livestock Auction, Ash Flat.
Atkins Livestock Auction, Atkins.
*Batesville Livestock, Batesville.
*Beebe Auction, Inc., Beebe.
*Bentonville Livestock Auction, Bentonville.
*Carroll County Livestock Auction, Berryville.
Central Livestock Auction, Inc., Morrilton.
*Clark County Livestock Auction, Arkadelphia.
Clebume County Livestock Auction, Herber Springs.
Decatur Livestock Auction, Decatur.
Drew County Auction, Monticello.
Eudora Livestock Auction, Eudora.
*Farmers & Ranchers Livestock Auction, Inc., Batesville.
*Farmers & Ranchers Livestock Auction, Mt. View.
Glover Livestock Commission Co., Pine Bluff.
*Bob Gordon Livestock Auction, Mena.
*Harrison Stockyards Auction, Inc., Harrison.
*Hill & Nuel Livestock Auction, Batesville.
Hope Livestock Auction, Hope.
*Jonesboro Stockyards, Jonesboro.
*Lewis Livestock Co., Inc., Conway.
*Loftin Pig Farm, Fayetteville.
Magnolia Livestock Auction, Magnolia.
*MFA Livestock Association, Imboden.
*Meridith Livestock Auction, Inc., Pocahontas.
*Montgomery Auction, Searcy.
*Mountain Home Livestock Auction, Mt. Home.
*Nettleton Stockyards, Jonesboro.
North Arkansas Livestock Auction, Green Forest.
*Oak Lawn Farms, Pine Bluff.
Ola Livestock Market, Ola.
*Paragould Livestock Auction, Paragould.
*Rector Auction Salebarn, Rector.
Salem Livestock Auction, Salem.
*Saline-Ouachita Valley Livestock Commission Co., Warren.
*Scott County Livestock Auction, Waldron.
*Searcy County Livestock Auction, Marshall.

*Shantz Livestock Commission Co., North Little Rock.
Siloam Springs Sale Barn, Siloam Springs.
Van Buren County Auction, Clinton.
*Washington County Sales, Fayetteville.
White Livestock Auction, Russellville.

COLORADO

*A. A. Blakley Livestock Commission Co., Denver.
*Alamosa Auction, Alamosa.
*Basin Livestock Commission Co., Inc., Durango.
*Brush Livestock of Colorado, Inc., Brush.
*Burlington Livestock Market Center, Burlington.
*Burlington Produce Livestock Marketing Association, Burlington.
Clougherty Packing Co., Greeley.
*Cortez Livestock Auction, Inc., Cortez.
*Delta Sales Yard, Delta.
*Denver Livestock Market, Denver.
*Farmers & Ranchers Livestock Commission Co., Inc., Fort Collins.
*Fowler Auction Co., Fowler.
*Monte Vista Livestock Commission Co., Inc., Monte Vista.
Producers Livestock Marketing Association, Greeley.
*Ranchland Livestock Commission Co., Wray.
*Stratton Livestock Marketing Center, Stratton.
*Sterling Livestock Commission Co., Inc., Sterling.
*Union Stockyards, Denver.
*Valley Livestock Auction Co., Fruita.
*Valley Livestock Auction Co., Grand Junction.
*Winter Livestock Commission Co., La Junta.
*Yuma Livestock Auction, Yuma.

DELAWARE

*Carroll's Sales Co., Felton.
Goldinger Bros., Inc., Smyrna.
Charles F. Poore Livestock Market, Smyrna.
Floyd E. West Livestock, Frankford.

FLORIDA

*Chiple Livestock Market, Chiple.
*Columbia Livestock Market, Lake City.
*Gadsden County Livestock Auction Market, Quincy.
*Gainesville Livestock Market, Inc., Gainesville.
Jacksonville Livestock Auction Co., Whitehouse.
*Jay Livestock Auction Market, Jay.
*Madison Stockyards, Madison.
*Mills Auction Market, Ocala.
Monticello Livestock Market, Inc., Monticello.
*Suwannee Valley Livestock Market, Live Oak.
*Tindell Livestock Market, Graceville.
West Florida Livestock Auction Market, Marianna.

GEORGIA

*Appling Stockmen's Association, Baxley.

Bainbridge Auction Market, Bainbridge.
Bacon County Stockyards, Alma.
*Barrett Feeder Pigs, Dublin.
Bartow Livestock Commission Co., Cartersville.
*Beckley County Feeder Pig Sale, Cochran.
*Bullock Stockyards, Statesboro.
Carroll County Livestock Sale Barn, Carrollton.
Chatham Livestock Co., Savannah.
Citizens Stockyard, Arlington.
Columbus-Muscogee Livestock, Columbus.
Coosa Valley Livestock Co., Rome.
Cordele Livestock Commission Co., Cordele.
*County Stock Barn, Sandersville.
*CSRA Feeder Pig Association, Warrenton.
Cutts Livestock Co., Pelham.
Dawson Livestock Co., Dawson.
*Dodge County Stock Barn, Eastman.
*Dublin Livestock & Commission Co., Dublin.
Effingham County Stockyard, Springfield.
Farmers Livestock Market, Douglas.
Farmers Stockyard, Sylvania.
Farmers Stockyard of McRae, Inc., McRae.
Fitzgerald Farmers Auction, Inc., Fitzgerald.
Flint River Livestock Market, Bainbridge.
*Forshee Livestock Co., Inc., Statesboro.
Fortner Buying Station, Kite.
*Four County Farm Bureau Market Association, Inc., Twin City.
Franklin County Livestock Market, Inc., Carnesville.
Franklin County Livestock Swine Buying Station, Carnesville.
Georgia Farm Products Sales Corp., Thomaston.
Georgia Farmers Livestock, Inc., Cumming.
Glennville Hog Market, Glennville.
*Grady County Swine Producers Association, Cairo.
O. M. Greene Livestock Co., Inc., Bainbridge.
Hagan Livestock Market, Inc., Hagan.
B. H. Harrison Livestock Co., Bainbridge.
Irwin County Livestock Co., Ocilla.
Jepeaway-Craig Commission Co., Dublin.
Livestock Marketers, Inc., Douglas.
*Lolli Sales Pavilion, Macon.
Metter Livestock Market, Metter.
Miles Stockyard, Baxley.
Miller Livestock Co., Colquitt.
Mitchell County Livestock Market, Camilla.
John Mosley Livestock & Holman Auction Co., Blakely.
*Moultrie Livestock Co., Moultrie.
Mt. Vernon Hog Market, Mt. Vernon.
*Northeast Georgia Livestock Barn, Gainesville.
North Georgia Livestock Auction, Inc., Athens.
Peoples Stockyard, Cuthbert.
Pierced County Stockyard, Blackshear.
Pulaski Stockyard, Hawkinsville.
Radford Collection Point, Sylvester.
Seminole Livestock, Inc., Donalsonville.
Sam Simmons Gordon County Livestock Commission Co., Calhoun.
Seaboard Stockyard, Colquitt.
Smith Bros. Stockyard, Bartow.
Soperton Stockyard, Soperton.
*Sumter Livestock Association, Americus.
*Sutton Livestock Co., Sylvester.
Swainsboro Stockyards, Inc., Swainsboro.
Sylvania Stockyard, Sylvania.
Tattnall & Long N.F.O. Collection Point, Glennville.
*Telfair-Wheeler Livestock Market, McRae.
Thomas County Stockyard, Thomasville.
Tift County N.F.O., Inc., Tifton.
Tifton Stockyards, Tifton.
Toombs County Stockyard, Lyons.

*Tri-County Feeder Pig Sale, Brixton.
Tri-County Livestock Co., Social Circle.
Tri-County N.F.O. Collection Point, Inc., Blackshear.
*Turner County Stockyard, Ashburn.
Union Stockyards, Albany.
*Valdosta Livestock Co., Inc., Valdosta.
Vidalia Livestock Auction, Inc., Vidalia.
Wayne County Stockyard, Jesup.
Wheeler Bros. Livestock Market, Inc., Eastonville.
White Livestock Co., Quitman.
Wilkes County Stockyard, Washington.

IDAHO

*Blackfoot Livestock Commission Co., Blackfoot.
*Bonners Ferry Livestock, Inc., Bonners Ferry.
Burley Livestock Commission Co., Burley.
Cache Valley Livestock Auction, Preston.
*Coeur d'Alene Livestock, Inc., Coeur d'Alene.
Cottonwood Sales Yard, Cottonwood.
Gooding Livestock Commission Co., Gooding.
*Idaho Livestock Auction, Inc., Idaho Falls.
*Nampa Livestock Markets, Inc., Nampa.
Producer's Jerome Livestock Marketing Association, Jerome.
*Rexburg Livestock Auction, Inc., Rexburg.
Salmon River Livestock Market, Salmon.
Shoshone Sale Yard, Shoshone.
*Spencer Livestock Commission Co., Lewiston.
Stockgrowers Commission Co., Inc., Twin Falls.
*Treasure Valley Livestock Auction, Caldwell.
*Twin City Salesyard, Lewiston.
*Twin Falls Livestock Commission Co., Twin Falls.
*Valley Livestock Commission Co., Rupert.
*Weiser Livestock Commission Co., Weiser.

ILLINOIS

Albion Livestock, Albion.
Armour-Klarer & Co., Marshall.
*Barnard Livestock Auction, Wayne City.
*Benton Livestock Association, Benton.
*Bloomington Livestock Commission Co., Bloomington.
*Breed's Livestock Sales, Elizabeth.
Brutlag Livestock Co., Potomac.
*Carthage Livestock Auction, Carthage.
Carthage Order Buyers, Carthage.
*Cherry, Nellis, Shannon.
Chicago Stockyards—Atkinson Market, Inc., Atkinson.
Cudahy, Patrick, Orangeville.
*Dameron Livestock Auction, Vienna.
*Danville Livestock Commission Co., Danville.
Deckers Livestock, Charleston.
*Decker's Livestock Inc., Milford.
*DeWane's Livestock Exchange, Belvidere.
Edgar County Marketing Association, Paris.
Emge Stock Yards, Palestine.
Farmers Hog Market of Ursa, Ursa.
*Galesburg Livestock Sale, Galesburg.
Galesburg Order Buyers, Milledgeville.
George Thompson & Son, Morrison.
*Greenville Livestock Auction Co., Greenville.
Heinold Hog Market, Brookport.
Heinold Hog Market, Girard.
Heinold Hog Market, Leland.
Heinold Hog Market, Marengo.
Heinold Hog Market, Inc., Atkinson.
Hesselbacher Bros., Scales Mound.
Huber Livestock Co., Greenville.
*Illinois Auction Commission Co., Paris.
*Livestock Producers Livestock Association, Shelbyville.

Interstate Producers Livestock Association, Apple River.
*Interstate Producers Livestock Association, Fieldon.
*Interstate Producers Livestock Association, Danville.
*Interstate Producers Livestock Association, Dongola.
Interstate Producers Livestock Association, Elvaston.
Interstate Producers Livestock Association, Erie.
*Interstate Producers Livestock Association, Fairfield.
*Interstate Producers Livestock Association, Golconda.
*Interstate Producers Livestock Association, Harrisburg.
*Interstate Producers Livestock Association, Pinckneyville.
*Interstate Producers Livestock Association, Quincy.
*Interstate Producers Livestock Association, Salem.
*Jennings Sales Co., Macomb.
Joliet Livestock Marketing Center, Inc., Joliet.
*Kewanee Sale Barn, Kewanee.
Knowles Stock Yards, Marshall.
*Knoxville Sale Co., Inc., Knoxville.
*Kuntz, Clyde, Gridley.
LaHarpe Order Buyers, LaHarpe.
Mayer, Oscar & Co., Barry.
Mayer, Oscar & Co., Davis.
Mayer, Oscar & Co., Esmond.
Mayer, Oscar & Co., German Valley.
Mayer, Oscar & Co., McConnell.
Mayer, Oscar & Co., Pleasant Hill.
Mayer, Oscar & Co., Pittsfield.
Mayer, Oscar & Co., Quincy.
Mayer, Oscar & Co., Shannon.
Mayer, Oscar & Co., Warren.
*Mehler Stock Yards, West York.
Mendon Order Buyers, Mendon.
*Mercer County Livestock Co., Viola.
*Monmouth Livestock Sales Co., Monmouth.
*Olney Livestock Commission Co., Olney.
*Paris Livestock Sales Co., Paris.
Peoria Union Stockyards Co., Peoria.
*Rock Island Auction Sales, Inc., Rock Island.
St. Louis National Stockyards, National Stockyards.
*Savanna Livestock Sales, Savanna.
*Schrader, Harry, Consignment, Dakota.
*Southeastern Livestock Association, Inc., Albion.
Stanton Stock Yard, Lena.
State Line Reload—NFO, Roscoe.
*Walnut Auction Co., Walnut.
*Warren County Livestock Auction, Monmouth.
Wilson Feeds Corp., Albany.
*Winslow Marketing Center, Inc., Winslow.
Winslow Stockyards, Winslow.
Wood, Marvin T., Morrison.

INDIANA

D. M. Archer, Princeton.
Attica Stockyards, Attica.
Joe Ault, Claypool.
*Boone County Sale Barn, Lebanon.
*Boswell Livestock Commission, Boswell.
*Raymond Boyce Livestock Co., Monon.
Mike Brady Stockyards, Lagrange.
Mike Brady Stockyards, Waterloo.
*Brookville Sale Barn, Brookville.
Camden Hog Market, Camden.
*Don Clark Feeder Pig, Brook.
*Claypool Sale Inc., Silver Lake.
*Delta Livestock Yards, Fort Wayne.
Delta Livestock Yards, Fort Wayne.

I. Duffey & Son, Lagro.
I. Duffey & Son, Peru.
*Robert Elliott, Westport.
Emge Packing Co., Fairmount.
Emge Packing Co., Inc., Anderson.
Emge Packing Co., Inc., Fort Branch.
Emge Packing Co., Montpelier.
*Evansville Union Stockyards Co., Inc., Evansville.
*Fountain County Livestock Commission Co., Veederburg.
*Geneva Berne Livestock Sale, Berne.
*Goshen Commission Sale, Goshen.
Greencastle Livestock Center, Greencastle.
J. L. Hawkins Co., Logansport.
Heinold Hog Market, Bluffton.
Heinold Hog Market, Burlington.
Heinold Hog Market, Cambridge City.
Heinold Hog Market, Chalmers.
Heinold Hog Market, Crawfordsville.
Heinold Hog Market, Goodland.
Heinold Hog Market, Inc., Jasper.
Heinold Hog Market, Corunna.
Heinold Hog Market, Kouts.
Heinold Hog Market, Liberty.
Heinold Market, Milroy.
Heinold Market, North Manchester.
Heinold Hog Market, Portland.
Heinold Hog Market, Rensselaer.
Heinold Hog Market, Rushville.
Heinold Hog Market, Tipton.
Heinold Hog Market, Wheatland.
*Henry County Livestock Auction, New Castle.
*Hilltop Auction Sale, Hanover.
Hoosier Stockyards Inc., Frankfort.
Hoosier Stockyards Inc., Knightstown.
Hoosier Stockyards Inc., Ladoga.
Hoosier Stockyards, Inc., Lebanon.
Hoosier Stockyards Inc., Roann.
*Huntington Livestock Co., Huntington.
Indianapolis Stockyards Corp., Indianapolis.
*Johnson County Sale Pavilion, Franklin.
*Knightstown Sale Barn, Knightstown.
*Gordon Jones, Ridgeville.
*La Fountain Livestock Sale, La Fountain.
Logansport Livestock Yards, Inc., Logansport.
Logansport Livestock, Winamac.
*Lowell Livestock Auction, Lowell.
*Loy's Sale Barn, Portland.
M&R Livestock Market, Culver.
MFA Hog Market, Burlington Junction.
M&R Livestock Co., Huntington.
M&R Livestock Co., Loogootee.
M&R Livestock Co., Spencer.
*Bill Manns, Rensselaer.
Marhoefer Packing Co., Inc., Muncie.
Mentone Stockyards, Mentone.
*Mid-States Feeder Pig Co., Inc., Flora.
*Jack Milhollin, Parker.
*Montgomery County Sale Pavilion, Crawfordsville.
*Morton Sale Barn, Morton.
Muncie Livestock Co., Muncie.
*Muscatatuck Valley Feeder Pig Association, North Vernon.
New Castle Stockyards, New Castle.
Ohio Valley Livestock Corp., Williamsburg.
*Ohio Valley Producers, Evansville.
*Owen-Monroe Feeder Association, Spencer.
*Parke County Sales Pavilion, Rockville.
Pavy Stockyard, Greensburg.
Pavy Stockyards, Milroy.
*Platte Valley Livestock Inc., Gering.
Portland, Crawfordsville.
*Producers Livestock Association, Bath.
*Producers Livestock Association, Vincennes.
Producers Livestock Association, Vincennes.
Producers Livestock Association, Winchester.
Producers Marketing Association, Amboy.

*Producers Marketing Association, Boonville.
*Producers Marketing Association, Inc., Centerville.
Producers Marketing Association, Stockyards, Centerville.
*Producers Marketing Association, Clayton.
*Producers Marketing Association, Columbia City.
Producers Marketing Association, Frankfort.
Producers Marketing Association, Greensburg.
*Producers Market Association, Mentone.
*Producers Marketing Association Inc., Montgomery.
*Producers Marketing Association Feeder Pig, Montpelier.
Producers Marketing Association, Rensselaer.
Producers Marketing Association, Rockville.
*Producers Marketing Association, Salem.
*Producers Marketing Association, Seymour.
*Producers Marketing Association, Inc., Terre Haute.
Producers Marketing Association, Terre Haute.
*Producers Marketing Association, Inc., Topeka.
Producers Marketing Association, Uniondale.
*Producers Marketing Association, West Lafayette.
Producers Marketing Association W. Lafayette.
Producers Marketing Association, Inc., Worthington.
*Reynolds Sale Barn, Reynolds.
Reynolds Stockyards, Reynolds.
*Rochester Sale Barn, Rochester.
*Royal Center Sale Barn, Royal Center.
Rushville Community Sale, Rushville.
*Russellville Feeder Pig Co., Russellville.
*Scottsburg Sale Barn, Scottsburg.
*Shipshewana Auction Co., Shipshewana.
*Southeastern Indiana Feeder Pig Auction Association, Osgood.
*Southern Indiana Livestock Exchange, Scottsburg.
*Springville Feeder Auction Association, Inc., Springville.
P. B. Stewart Co., Berne.
P. B. Stewart Co., Decatur.
P. B. Stewart Co., Fulton.
P. B. Stewart Co., Plymouth.
P. B. Stewart Co., Shipshewana.
P. B. Stewart Co., South Whitley.
*Stoney Pike Sale Barn, Logansport.
Sullivan County Livestock Market, Sullivan.
*Topeka Livestock Auction Co., Topeka.
Topeka Livestock Auction, Inc., Wakarusa.
Valleydale Stockyard, Burlington.
*Valparaiso Commission Sale Barn, Valparaiso.
Wabash Valley Stockyard, Wolcott.
*White River Valley Feeder Auction Association, Worthington.
Whiting & Decker, Vincennes.
Wilson & Co., Inc., North Judson.
Winner Order Buyers, Converse.
*Ralph Yarling, Elwood.
*Yeager & Sullivan, Inc., Camden.
Zechel Stockyards, Knox.

IOWA

*Albia Sales Co., Inc., Albia.
*Aplington Livestock Sales Co., Inc., Aplington.
Applegate Hog Yard, Leon.
Armour & Co., Bedford.
Armour & Co., Mt. Ayr.
Armour & Co., Shenandoah.

Audubon County Livestock Exchange, Audubon.
*Audubon County Livestock Exchange, Audubon.
Bank's Hog Yards, Seymour.
*Bedford Sale Co., Bedford.
*B&H Cattle Co., Ida Grove.
*Bigley Sale Co., Inc., Knoxville.
*Bleil & Chapman Livestock Auction, Kingsley.
*Bloomfield Livestock Market, Inc., Bloomfield.
*Bowman Order Buyers, DeWitt.
Brighton Stockyards Inc., Brighton.
*Centerville Hog Market, Centerville.
*Charlton Sales, Inc., Charlton.
*Central Iowa Stockyards, Webster City.
*Clarinda Auction Co., Clarinda.
Coldfax Livestock Sales Co., Coldfax.
*Coldfax Livestock Sales Co., Coldfax.
Decker Livestock, Charlton.
*Decorah Sales Commission, Decorah.
*DeVries Auction, Buffalo Center.
*Dunlap Livestock Auction, Dunlap.
*Edgewood Sale Barn, Inc., Edgewood.
*Elkader Sale Barn, Elkader.
J. G. Foecke & Co., West Point.
*Forest City Cow Palace/Jennings Bros., Inc., Forest City.
*Gaffney Storm Lake Auction, Storm Lake.
*Galva Pig Market, Galva.
*Grassland Co., Odebolt.
*Harlan G. Habben Feeder Pig Sales, Pocahontas.
Heinold Hog Market, Birmingham.
Heinold Hog Markets, Bloomfield.
Heinold Hog Market, Donnellson.
Heinold Hog Market, Seymour.
*Hilltop Feeder Pig Co., Aplington.
Hormel Hog Market, Centerville.
*Humeston Livestock Auction, Humeston.
Hygrade Food Products Corp., Clarinda.
Hygrade Hog Buying Station, Sheldon.
*Interstate Producers, Waukon.
Interstate Producers, Waukon.
*Kalona Sale Barn, Inc., Kalona.
*Keoco Auction Co., Sigourney.
*Keosauqua Sale Co., Inc., Keosauqua.
*Kimballton Auction Co., Kimballton.
*Lamoni Livestock Sales Co., Inc., Lamoni.
*Leon Sale, Leon.
Mahaska Sale Co., Oskaloosa.
*Mapleton Livestock Sales Co., Mapleton.
*Maquoketa Sales Co., Inc., Maquoketa.
*Middletown Auction Sales, Inc., Middletown.
*Montezuma Sales Co., Inc., Montezuma.
*Monticello Sale Barn, Monticello.
*Moorhead Auction Co., Moorhead.
*Mt. Ayr Livestock Market, Mt. Ayr.
Ralph Mullenback, Stacyville.
*Keith E. Myers, Grundy Center.
New Albin Stockyard, New Albin.
*New Liberty Livestock Auction, New Liberty.
N.E. Iowa Sales Commission, Waukon.
*N.E. Iowa Sales Commission, Waukon.
NFO Collection Point, Ossian.
Noe Livestock, Lime Springs.
*Northeast Iowa Sales Commission, Waukon.
*North Iowa Livestock Exchange, Garner.
*Northside Sales Co., Sibley.
Osage NFO Collection Point, Osage.
*Perry Sales Pavilion, Perry.
Petefish Scale Yard, Bloomfield.
*Porth & Baxter, DeWitt.
*Producers Livestock Marketing Agency, Feeder Pig Division, Creston.
Quale Livestock, Chester.
Rath Hog Buying Station, Weaver.
*Riceville Sales Pavilion, Riceville.
*Norb Roecker Feeder Pigs, Denison.

*Jerry Rolston, Inc., Sheldon.
 *Sales Co. of Hawarden, Hawarden.
 *Sheldon Approved Hog Mart, Sheldon.
 *Sheldon Livestock Sales Co., Sheldon.
 *Shenandoah Livestock Auction, Inc., Shenandoah.

Simmons Hog Buyer, Farmington.
 *Sioux City Stockyards, Sioux City.
 *Sioux City Stockyards Feeder Pig Auction, Sioux City.
 *Spirit Lake State-Federal Approved Feeder Pig Market, Spirit Lake.
 Steeples Hog Market, Bonaparte.
 *Tama Livestock Auction Co., Tama.
 Thompson Livestock Commission Co., Inc., Davis City.
 Carl S. Thurn Stockyard, Edgewood.
 *Traer Auction Co., Inc., Traer.
 *Tri-State Livestock Auction Co., Inc., Sioux Center.
 Troutman Hog Market, Burlington.
 *Wapello Livestock Sales, Inc., Wapello.
 *Waverly Sales Co., Waverly.
 *Wayland Livestock Auction Market, Wayland.
 Weerhelm Livestock, Rock Rapids.
 Wiechman Pig Co., Inc., Des Moines.
 Wilson & Co., Inc., Shenandoah.
 *Wilson & Co., Inc., Shenandoah.
 *Woodbury County Livestock Auction, Lawton.

KANSAS

*Atchison County Auction Co., Atchison.
 *Atwood Sale Barn, Inc., Atwood.
 *Belleville Livestock Commission Co., Belleville.
 *Caldwell Community Sale, Caldwell.
 *Circle "L" Livestock Sale, Liberal.
 *Clay Center Livestock Co., Inc., Clay Center.
 Clougherty Packing Co., Marysville.
 *Coffeyville Livestock Sales Co., Inc., Coffeyville.
 *Colby Livestock Auction, Colby.
 *Dodge City Livestock Commission Co., Dodge City.
 *El Dorado Livestock Auction, Inc., El Dorado.
 Farmland Foods, Seneca.
 Fort Scott Sale Co., Inc., Fort Scott.
 *Goodland Livestock Commission Co., Inc., Goodland.
 *Hansen Livestock Auction, Concordia.
 *Hays Livestock Market Center, Inc., Hays.
 *Hiawatha Auction Co., Hiawatha.
 *Hoxie Livestock Sale, Hoxie.
 *J. J. Livestock Commission Co., Effingham.
 *Junction City Sales Co., Inc., Junction City.
 Kansas Hog Co., Morland.
 Kuhlman Hog Yards, Smith Center.
 Luckeroth Hog Market, Seneca.
 *Mankato Livestock Commission Co., Mankato.
 *Marysville Livestock Commission Co., Marysville.
 Mauer-Neuer Packing Co., Independence.
 *Medicine Lodge Sale Co., Medicine Lodge.
 *Miami County Livestock Co., Inc., Paloa.
 *Mid-Kansas Swine Association, Hutchinson.
 *Moline Auction Co., Inc., Moline.
 N.F.O. Buying Station, Marysville.
 *Norton Livestock Auction, Inc., Norton.
 *Oberlin Livestock Commission Co., Oberlin.
 *Parsons Livestock Auction Inc., Parsons.
 *Phillipsburg Sales Co., Phillipsburg.
 *Sabetha Livestock Auction, Sabetha.
 Smith Center Hog Co., Smith Center.
 *South East Kansas Feeder Pig Association, Fredonia.
 *Syracuse Sale Co., Syracuse.

*Washington Livestock Sales, Washington.
 *St. Francis Livestock Sales, St. Francis.
 *Washington Sale Co., Inc., Washington.
 *Wilson Certified Foods, Independence.
 *Wichita Union Stockyards, Wichita.
 *Winfield Livestock Auction Inc., Winfield.

KENTUCKY

Adair County Stockyard, Columbia.
 Albany Stockyard, Albany.
 R. B. Berry & Sons, Clinton.
 *Blue Grass Stockyard, Lexington.
 *Bourbon Livestock Center, Bowling Green.
 *Bourbon Stockyard Co., Louisville.
 *Bowling Green Stockyard, Bowling Green.
 *Boyle County Stockyard, Danville.
 Breckinridge Livestock Center, Irvington.
 Brown Livestock Co., Clinton.
 *Bullitt County Stockyards, Shepherdsville.
 Burkesville Stockyard, Burkesville.
 Carnes Livestock Market, Leitchfield.
 *Catlettsburg Livestock Market, Catlettsburg.
 Christian County Livestock Market, Inc., Hopkinsville.
 *Clark County Livestock Market, Winchester.
 *Dinwiddie Feeder Pig, Leitchfield.
 Edmonston Livestock Market, Edmonston.
 Elizabethtown NFO Reload, Elizabethtown.
 Faure Stockyards, Bardwell.
 *Farmers Commission Co., Inc., Tompkinsville.
 *Farmers Livestock Feeder Pig Sale, Mayfield.
 *Farmers Livestock Market, London.
 *Farmers Livestock Marketing Co-op, Russellville.
 *Farmers Stockyards, Flemingsburg.
 Farmers Livestock Market, Mayfield.
 *Farmers Livestock Market of Glasgow, Inc., Glasgow.
 Field Packing Co. Stockyard, Ownesboro.
 *Florence, Peak, & Fryman, Cynthiana.
 Franklin-Simpson Livestock Co., Inc., Franklin.
 *Farfield Auction Market, Harned.
 *Garrard County Stockyard, Lancaster.
 *Glasgow Livestock Market, Glasgow.
 *Good Day Stockyards, Princeton.
 Graves County Livestock Co., Inc., Mayfield.
 *Grayson County Stockyards Market, Inc., Leitchfield.
 *Green County Stockyards, Greensburg.
 Hart County Livestock Market, Munfordville.
 Heinold Hog Markets, Inc., Fancy Farm.
 Heinold Hog Markets, Marion.
 Heinold Hog Markets, Inc., Morganfield.
 *Henry County Stockyard, Inc., Sulphur.
 Horse Cave Stockyards, Horse Cave.
 *Interstate Producers Livestock Association, Fancy Farm.
 *Jolly Feeder Pigs, Albany.
 *Kentuckiana Livestock Market, Owensboro.
 *Kentucky-Tennessee Livestock Market, Guthrie.
 *King Livestock Co., Inc., Hopkinsville.
 *Laurel Sales Co., London.
 *Madison Sales Co., Richmond.
 *Mammoth Cave Marketing Corp., Smith Grove.
 Mantle Stockyards, Bardwell.
 *Maysville Stockyard, Maysville.
 Morganfield NFO Collection Point, Morganfield.
 Morganfield Stockyards, Morganfield.
 *N.F.O. Stockyards, Cynthiana.
 *N.F.O. Collection Point, Walton.
 Ohio Valley Producers, Corydon.
 *Ohio Valley Producers Livestock Association, Inc., Clinton.

*Owen County Stockyard, Owenton.
 *Owsley County Stockyard, Booneville.
 Paducah Livestock Co., Paducah.
 *Paintsville Livestock Market, Paintsville.
 *Paris Stockyard, Paris.
 Purchase Reload NFO, Fancy Farm.
 *Ratcliff Stockyards, Mt. Sterling.
 *Russell County Stockyard, Russell Springs.
 *Schneider & Colston Sale Barn, South Walton.
 *Somerset & Pulaski Livestock Market, Inc., Somerset.
 *Taylor County Stockyards, Campbellsville.
 *Washington County Livestock Center, Inc., Springfield.
 *Wayne County Feeder Pig Auction, Monticello.
 Wayne County Livestock Market, Inc., Monticello.
 *West Kentucky Lane & Cattle Co., Inc., Marion.
 *Wigwam Hog & Feeder Pig Market, Horse Cave.
 *Williamstown Stockyard, Williamstown.

LOUISIANA

Ar-La-Tex Pork Marketing Association, Minden.
 *Avoyelles Swine Association, Marksfield.
 *Bastrop Livestock Auction, Bastrop.
 *Central Louisiana Swine Producers Association, Jena.
 *DeQuincy Livestock Commission, Co., DeQuincy.
 *DeRidder Livestock Commission Co., DeRidder.
 *Florida Parisher Feeder Pig Association, Amite.
 *Franklinton Stockyards, Inc., Franklinton.
 *Gulibeau-Kennedy, Inc., Baton Rouge.
 Homer Livestock Commission Co., Homer.
 Bill Lyles Livestock Auction, Grand Cane.
 *Delhi Livestock Auction, Delhi.
 *Macon Ridge Swine Producers Association, Winnsboro.
 *Michelle's Commission Yard, Inc., Lake Charles.
 *Northwest Louisiana Swine Growers Association, Minden.
 *Southwest Louisiana Swine Producers, Basile.
 *West Monroe Livestock Auction, West Monroe.

MAINE

*Ben Tilton & Sons, Corinth.
 *Crosman's Livestock Sales, Corinna.

MARYLAND

*Aberdeen Sales Co., Aberdeen.
 Adkin Livestock, Inc., Parsonburg.
 Baltimore Livestock Exchange, Inc., West Friendship.
 *Caroline Sales Co., Denton.
 *Cumberland Stockyards, Inc., Cumberland.
 *Dukes Bros. Stockyards, Inc., Eden.
 Esskay Buying Station, Baltimore.
 Esskay Buying Station, Salisbury.
 Esskay Buying Station, Wye Mills.
 *Farmers Livestock Exchange, Inc., Boonsboro.
 *Farmers Market & Auction, Mechanicsville.
 *Four State's Livestock Sales, Inc., Hagerstown.
 *Frederick Livestock Auction, Inc., Frederick.
 *Friend's Stock Yard, Inc., Accident.
 *Grantsville Community Sales, Inc., Grantsville.
 *Harry Rudnick & Sons, Inc., Galena.
 *West Nottingham Auction, Rising Sun.
 *Western Maryland Stock Yards, Inc., Westminster.

*Woodsboro Livestock Sales, Inc., Walkersville.

MASSACHUSETTS

*Stanley Beckwith & Son, Granville.
 *Farmers Live Animal Market Exchange, Inc., Littleton.
 *J. P. Hass & Sons, Rehoboth.
 *Northampton Coop Auction Market, Whately.
 *Soares Livestock & Equipment, West Bridgewater.

MICHIGAN

Andy Adams Sale Barn, Hillsdale.
 Clare Bordner, Burr Oak.
 Coldwater Livestock Auction, Coldwater.
 Crosswell Stockyards, Crosswell.
 Dundee Livestock Sales Inc., Dundee.
 Equity Cooperative Livestock Sales Association, Menominee.
 Heinold Hog Markets, Inc., Burlington.
 Heinold Hog Markets, Inc., Jones.
 Linsmeyer Livestock Auction, Menominee.
 Luginbros, Inc., Morenci.
 Michigan Live Stock Exchange, Battle Creek.
 Michigan Live Stock Exchange, Cassopolis.
 Michigan Livestock Exchange, Manchester.
 Napoleon Livestock Commission Co., Napoleon.
 Ridley Commission, Inc., Detroit.
 Tecumseh NFO Collection Point, Britton.
 Westfall Stockyards, Hillsdale.

MINNESOTA

*Anderson Feeder Pig Co., Willmar.
 *Arends Sale Yard, Inc., Blue Earth.
 Armour & Co., Browns Valley.
 Armour & Co., Dawson.
 Armour & Co., Kiester.
 Armour & Co., Winona.
 Armour & Co. Hog Buying, Harmony.
 Armour Hog Buying Station, Ortonville.
 *Bauman's Livestock, Ellsworth.
 *Benson Livestock, Olivia.
 *Benson Livestock Exchange, Inc., Benson.
 Breckenridge Livestock, Breckenridge.
 *Canby Livestock Sales Co., Canby.
 *Cottonwood Veterinary Clinic, Windom.
 *Farmers Feeder Pig Association, Worthington.
 Farmers Livestock Auction Market, Caledonia.
 Farmers Livestock Co., Elmore.
 *Geneva Livestock Exchange, Geneva.
 *Gibbon Feeder Pig Market, Gibbon.
 *Gordon Ness Feeder Pig Co., Hector.
 Gries Livestock Market, Kiester.
 *Hebrink Feeder Pig Market, Renville.
 Hokah Stockyards, Hokah.
 *Hollerich Feeder Pig Market, Good Thunder.
 George Hormel & Co., Mabel.
 Geo. A. Hormel Livestock Buying Station, Canby.
 Hormel Livestock Buying Station, Blue Earth.
 Ivanhoe NFO Collection Point, Ivanhoe.
 *Jackson Livestock Exchange, Inc., Jackson.
 *Kasson Livestock Exchange, Kasson.
 Lakefield N.F.O. Collection Point, Lakefield.
 *Lamberton Feeder Pig Market, Lamberton.
 *L&L Livestock, Dunnell.
 *Lamberton Stockyards, Inc., Lamberton.
 *Lewiston Livestock Market, Lewiston.
 *Long Prairie Livestock Auction Market, Long Prairie.
 *Luverne Livestock Auction, Luverne.
 Meyer Livestock, Granada.
 *Minnesota Feeder Pig Market, Inc., Morris.
 *Minnesota Feeder Pig Markets, Inc., Willmar.

Morrell Hog Buying Station, Madison.
 *Northern States Feeder Pig Inc., Sauk Center.
 Pierson Livestock, Ivanhoe.
 *Pipestone Livestock Auction Market, Pipestone.
 Rath Packing Co., Prosper.
 Rath Packing Co., Rushford.
 *Rice Feeder Pig Center, Rice.
 Rosen Livestock, Fairmont.
 *Rush City Livestock Sales Inc., Rush City.
 *St. Paul Union Stockyards, So. St. Paul.
 *Skellon Feeder Pig Market, Bemidji.
 *Speldrich Feeder Pig Market, Belgrade.
 *Springfield Stockyards, Springfield.
 *Spring Grove Livestock Exchange, Inc., Spring Grove.
 *Spring Valley Sales Co., Inc., Spring Valley.
 *Tenney Feeder Pig Co., St. James.
 *Thornburg Sheep Co., Lakefield.
 *Top Livestock Auction, Edgerton.
 Welcome NFO Livestock Collection Point, Welcome.
 Wilson & Co., Briceville.
 *Windom Feeder Pig Market, Windom.
 *Windom Sale Co., Inc., Windom.
 *Wisconsin Feeder Pig Marketing Coop, Perham.
 *Wisconsin Feeder Pig Marketing Coop, Sauk Centre.
 *Worthington Livestock Sales Co., Worthington.
 *Zumbrota Livestock Auction Market, Inc., Zumbrota.

MISSISSIPPI

*Alcon County Stockyards, Corinth.
 Max Alman's Assembly Point, Pelahatchie.
 *Amory Area Feeder Pig Sale, Amory.
 S. K. Askew Assembly Point, Edwards.
 *Booneville Area Feeder Pig Association, Booneville.
 *Booneville Commission Co., Booneville.
 *H. T. Branning Livestock Co., French Camp.
 *Bruce Area Feeder Pig Sale, Bruce.
 *Central Mississippi Livestock Commission Co., Carthage.
 *Chickasaw Livestock Auction, Inc., Houston.
 *Dickie Stockyards, Inc., Meridian.
 Donald & Vines Assembly Point, Morton.
 *East Mississippi Farmer's Livestock Co., Philadelphia.
 George County Stockyards, Inc., Lucedale.
 *Glynn Robinson Stockyard, West Point.
 *Grenada Livestock Exchange, Grenada.
 Laurel Stockyards, Laurel.
 *Lucedale Area Feeder Pig Association, Lucedale.
 *Lum Commission Co., Vicksburg.
 Edward McCaughn Assembly Point, Morton.
 *McComb Area Feeder Pig Sale, McComb.
 Meridian Stockyards, Meridian.
 *Natchez Stockyards, Natchez.
 *New Albany Feeder Pig Sale, New Albany.
 *Peelers Livestock Sales, Kosciusko.
 *Port Gibson Area Feeder Pig Association, Port Gibson.
 Ranchers & Farmers Livestock Commission Co., Macon.
 Smith Brothers Stockyard, Poplarville.
 T. Smith Livestock, Hattiesburg.
 *Southeast Mississippi Feeder Pig Association, Laurel.
 *Southeast Mississippi Livestock Farmers Association, Hattiesburg.
 *Southwest Livestock, Inc., Lorman.
 Spicer Livestock, Inc., Tupelo.
 Stockyard Beef Sale, Inc., Tupelo.
 Stringer Sale Barn, Columbia.

*Tri-State Stockyards, Inc., Greenville.
 *Walnut Sales Co., Walnut.
 *Wayne Area Pork Producers Association, Waynesboro.
 *Waynesboro Livestock Yards, Inc., Waynesboro.

MISSOURI

*Adair County Livestock Market Center, Kirksville.
 *Alton Sale Co., Alton.
 Armour & Co., Corder.
 *Ava Sales Co., Ava.
 Baring Stockyards, Baring.
 *Beck & McCord Auction Co., Sikeston.
 *Benton County Producers Association, Warsaw.
 *Bob Franklin Sale Barn, Buffalo.
 *Bollinger County Livestock Producers, Marbel Hill.
 *Boonville Livestock Auction, Boonville.
 *Brookfield Livestock Auction, Inc., Brookfield.
 *Browning & Crowe Order Buyers, Monroe.
 Browning and Crowe Order Buyers, Inc., Paris.
 *Bryant and Kirkman, Summersville.
 *Buffalo Sale Barn, Buffalo.
 Burrus & Troutman Livestock, Memphis.
 *Butler Community Sale, Butler.
 *Cabool Livestock Market, Cabool.
 *Callaway Livestock Auction, Fulton.
 *Cantrell & Sons, Archie.
 Callao NFO Collection Point, Callao.
 *Callaway Stock Sales Co., Fulton.
 *Carrollton Livestock Auction, Carrollton.
 *Cassville Livestock Market, Inc., Cassville.
 *Cattlemen Auction Co., Inc., Humansville.
 Central Hog Buyers, Centralia.
 Central Hog Market, Rich Fountain.
 *Central Livestock Market of Poplar Bluff, Poplar Bluff.
 *Central Missouri Livestock Auction, Inc., Mexico.
 *Central Missouri Sales Co., Inc., Sedalia.
 *Central Ozark Auction, West Plains.
 *Charleston Auction Co., Charleston.
 *Chillicothe Livestock Market, Inc., Chillicothe.
 *Circle S Livestock Market, Stanberry.
 *Clark County Sale Co., Kahoka.
 Clinton Hog Market, Clinton.
 *Columbia Livestock Auction Market, Inc., Columbia.
 *Concordia Livestock Auction, Concordia.
 Constable Stockyards, Princeton.
 Day's Hog Buying, Troy.
 *Dent County Livestock Improvement Association, Salem.
 *Downing Stockyards, Downing.
 *Edina Auction Market, Inc., Edina.
 Edina Stockyards-NFO Buying Station, Edina.
 Eldon Hog Market, Olean.
 Esskay Buying Station, Littletown.
 *Farmers & Traders Commission Co., Inc., Palmyra.
 *Farmington Auction Market, Farmington.
 Ferguson Hog Market, Sedalia.
 Fortuna NFO Collection Point, Sedalia.
 Fortuna NFO Collection Point, Fortuna.
 4 Corners Collection Point (NFO), Humansville.
 Four Rivers Collection Point, Labadie.
 *Four-Square Markets, Inc., Marshall.
 *Four State Livestock Auction Center, Diamond.
 *Fredericktown Auction Co., Inc., Fredericktown.
 *Fruitland Livestock Auction, Inc., Jackson.
 *Gallatin Livestock Auction, Inc., Gallatin.
 *Grant City Livestock Auction, Grant City.
 Grant City Livestock Auction, Grant City.

Grant City Sale Barn, Grant City.
 *Green City Auction Market, Inc., Green City.
 Harkins Livestock Market, Trenton.
 Heinold Hog Market, Inc., Monticello.
 Heinold Hog Markets, Inc., Paris.
 Heinold Hog Market, Inc., Bloomfield.
 Heinold Hog Byers, Inc., Bowling Green.
 Heinold Hog Market, Hawkpoint.
 Heinold Hog Market, King City.
 Heinold Hog Market, Labelle.
 Heinold Hog Market, Maryville.
 Heinold Hog Market, Monroe City.
 Heinold Hog Market, Inc., Sedalia.
 Heinold Hog Market, Stet.
 Heinold Hog Market, Inc., Clarence.
 Heinold Hog Market, Inc., Tarkio.
 Heinold Hog Market, Inc., Wellsville.
 Otto Hollon Hog Market, Inc., Browning.
 Howard County NFP Collection Point, Armstrong.
 *Interstate Producers Livestock Association, Brookfield.
 *Ireland & Thorne Livestock Market, Inc., Trenton.
 *Interstate Producers Livestock Association, Caledonia.
 *Interstate Producers Livestock Association, Cuba.
 *Interstate Producers Livestock Association, Feeder Pig Market, Hamilton.
 *Interstate Producers Livestock Association, Jackson.
 *Interstate Producers Livestock Association, Perryville.
 *Jack Sivils Sales Co., Inc., Butler.
 *Johnson County Livestock Market, Warrensburg.
 *Joplin Stockyards, Joplin.
 *Kahoka Sale Co., Inc., Kahoka.
 *Kansas City Stockyards, Kansas City.
 *Kelly Auction Service Livestock Sales, Mountain Grove.
 *Kennett Sales Co., Inc., Kennett.
 Kingsville NFO Collection Point, Kingsville.
 Kirksville Community Sale, Inc., Kirksville.
 Kleen-Leen, Inc., Jackson.
 Kleen-Leen, Inc., Salem.
 Harold Kornbrust Hog Buying Station, Marceline.
 *The Lamar Cattle Auction, Lamar.
 *Lamar Sales, Lamar.
 *Laclede County Livestock Producers Association, Lebanon.
 LaMonte NFO Collection Point, LaMonte.
 *Lamar Auction Market, Lamar.
 *Lexington Livestock Auction, Lexington.
 *Licking Livestock Sales, Inc., Licking.
 Lamonte Livestock Collection Point (NFO) Lamonte.
 *Lewis County Auction Co., Lewistown.
 Lewis & Son Hog Buyers, Glasgow.
 *Lindsay Livestock Auction, Inc., Lebanon.
 *Linn County Beef Producers, Inc., Brookfield.
 *Lockwood Community Sales, Lockwood.
 *Lolli Sales Pavilion, Macon.
 *Mansfield Livestock Auction, Inc., Mansfield.
 *Marshall Livestock Auction, Marshall.
 Oscar Mayer & Co., Inc., Brookfield.
 Oscar Mayer & Co., Inc., Callao.
 Oscar Mayer & Co., Inc., Shelby.
 Maysville NFO Collection Point, Amity.
 *Maysville NFO Collection Point, Amity.
 *McDonald County Sale Co., Jane.
 *Mercer County Sale Co., Princeton.
 *Mercer County Producers Association, Princeton.
 *Meta Collection Point, Inc., Meta.
 *MFA Feeder Pig Assembly Point, Ellington.
 *MFA Feeder Pig Market, Sedalia.

*MFA Feeder Pig Tele Auction, Doniphan.
 *MFA Feeder Pig Yards, Rolla.
 *MFA Feeder Pig Yards, Stockton.
 *MFA Feeder Pig Market, Taneyville.
 *MFA Feeder Pig Yards, Westphalia.
 *MFA Livestock Association, Alton.
 *MFA Livestock Association, Cabool.
 *MFA Livestock Association, Mansfield.
 *MFA Livestock Association, Inc., Wheaton.
 *Mid-West Livestock Market, Inc., Nevada.
 *Missouri Feeder Pig Auctions, Inc., Middletown.
 *Moberly Auction Co., Inc., Moberly.
 National Hog Buyers, Inc., Columbia.
 *Nevada Livestock Auction, Inc., Nevada.
 *New Cambria Livestock Auction Market, New Cambria.
 NFO Cameron Collection Point, Cameron.
 Nichols Stockyards, Bethany.
 *Odessa Community Sale, Odessa.
 *Olean Livestock Market, Inc., Olean.
 Oligschlaeger Livestock Market, St. Elizabeth.
 Osage Hog Buyers, Inc., Linn.
 *Oregon Livestock Sales Co., Oregon.
 *Osage County Livestock Producers Association, Linn.
 *Palmyra Livestock Auction Market, Palmyra.
 *Pasley Auction Co., Osceola.
 *Patton Jct. N.F.O. Collection Point, Patton.
 *Bob Pierce Sale Barn, Buffalo.
 *Pike County Livestock Market, Bowling Green.
 *Platte County Livestock Co., Platte City.
 *Poplar Bluff Sales Co., Poplar Bluff.
 *Potosi Livestock Market, Potosi.
 *Puxico Stockyards & Auction Co., Puxico.
 Rains Livestock, Inc., Poplar Bluff.
 Reed Livestock, Dexter.
 Reed (Chester) Livestock Market, Mountain Grove.
 *Rich Hill Sale Co., Rich Hill.
 Richland Livestock, Richland.
 *Roberts Livestock Auction, Bolivar.
 *Rockport Sales Pavilion, Inc., Rockport.
 *St. Clair Auction Co., St. Clair.
 *St. James Livestock Auction, St. James.
 *St. Joseph Stockyards, South St. Joseph.
 *St. Joseph Stockyards Market Hog Division, South St. Joseph.
 *Salem Auction Co., Salem.
 *Savannah Sale Co., Savannah.
 *Scotland County Livestock Auction, Memphis.
 *Sedgewickville Auction, Sedgewickville.
 *Shelbina Auction Co., Shelbina.
 Shell Feed & Supply, Fredericktown.
 Shell Feed & Supply, Perryville.
 Shell Feed & Supply, Lutesville.
 *Sho-Me-Feeder Pig, Inc., Ava.
 *Sho-Me-Feeder Pig, Inc., Thayer.
 *South Central Livestock Market, Inc., Vienna.
 Southeast Missouri Stockyards Co., Oran.
 *Southwest Feeder Pig Market, Inc., Nixa.
 *Southwest Missouri Livestock Association, Inc., Sarcosie.
 *Summersville Livestock Market, Summersville.
 Swift Fresh Meats Co., Eolia.
 *Sullivan County Livestock Auction Market, Milan.
 Thomas Hog Market, Syracuse.
 Thomas & Potter Hog Markets, Eldon.
 Thompson Hog Market, Glasgow.
 *Union Stockyards, Springfield.
 *Unionville Sale Co., Unionville.
 Carroll Warnock Stockyards, Lineville.
 Warnock Stockyard, Trenton.
 *Warsaw Auction Co., Warsaw.
 West Plains City Scales, West Plains.

*West Plains Livestock Auction, Pomona.
 *Wheaton Livestock Auction, Wheaton.
 Wilson & Co. Hog Market, Chillicothe.
 Wilson & Co. Hog Market, Palmyra.
 Wilson & Co. Hog Market, Unionville.
 Wilson & Co., Inc., Marshall.
 Wilson Hog Buying Station, Greenfield.
 Wilson Hog Market, Albany.
 Wilson Hog Market, Novelty.
 Wilson Hog Market, Salisbury.
 *Windsor Auction, Windsor.

MONTANA

*Baker Livestock Auction, Inc., Baker.
 *Beaverhead Livestock Market, Inc., Dillon.
 Glendive Livestock Sales Co., Glendive.
 *Kallispell Livestock Auction, Kallispell.
 *Public Auction Yards, Billings.
 *Sidney Livestock Market Center, Sidney.
 Pierce Buying Station No. 1, Baker.

NEBRASKA

*Ainsworth Livestock Auction, Ainsworth.
 *Alma Livestock Commission Co., Alma.
 *Beatrice Sales Pavilion, Beatrice.
 *Beatrice 77 Livestock Sales Co., Beatrice.
 *Butte Livestock Market, Butte.
 *Chappell Livestock Auction, Chappell.
 *Creighton Livestock Market, Inc., Creighton.
 Daniels Livestock, Whitney.
 *Falls City Auction Co., Falls City.
 *Farmers Livestock Sales Co., Benkelman.
 Farmland Food, Inc., Hardy.
 Gordon NFO Collection Point, Gordon.
 *Hebron Livestock Commission Co., Hebron.
 *Holdrege Livestock Auction Market, Holdrege.
 *Holdrege Livestock Commission Co., Holdrege.
 George Hormel & Co., Falls City.
 *Huss Platte Valley Auction, Inc., Kearney.
 *Imperial Auction Market, Inc., Imperial.
 *Kimball Livestock Auction, Kimball.
 Kleen-Leen, McCook.
 *Midwest Livestock Commission Co., Inc., McCook.
 *Morris Livestock Auction, Plattsmouth.
 National Farmers Organization, Guide Rock.
 National Farmers Organization, Pawnee City.
 *Nebraska City Sale Barn, Inc., Nebraska City.
 *Norfolk Livestock Market, Inc., Norfolk.
 *Nebraska Livestock Market, Inc., Franklin.
 N.F.O. Reload Point, Whitney.
 *Omaha Livestock Market, Inc., Omaha.
 *Ogallala Livestock Market, Ogallala.
 *Oxford Livestock Market, Oxford.
 *Pawnee Livestock Inc., Pawnee City.
 *Platte Valley Livestock Auction, Inc., Gering.
 *Red Cloud Livestock Commission Co., Inc., Red Cloud.
 *Scottsbluff Livestock Auction, Inc., Scottsbluff.
 *Sheridan Livestock Commission Co., Rushville.
 Superior Hog Market, Superior.
 *Superior Livestock Commission Co., Inc., Superior.
 *Syracuse Sales Pavilion, Inc., Syracuse.
 *Tri-State Livestock Commission, Inc., McCook.
 *Valentine Livestock Auction Co., Inc., Valentine.
 *Tecumseh Livestock Market, Tecumseh.
 *Verdigre Livestock Market, Verdigré.
 *The Weichman Pig Co., Inc., Fremont.
 WEW Hog Co., McCook.
 Wilson & Co., Auburn.
 Wilson & Co., Pawnee City.

Wilson & Co., Syracuse.
 *York Livestock Sales Co., York.
 York Pack Buying Station, Superior.

NEW JERSEY

Wallace H. Coates Livestock Co., Monroeville.
 Jaeger's Livestock Market, Sussex.
 *Livestock Cooperative Auction Market Association of North Jersey, Inc., Hackettstown.
 *Vealey Livestock Co., Lafayette.

NEW MEXICO

*Clovis Hog Company, Inc., Clovis.
 *Five States Livestock Auction Co., Clayton.

NEW YORK

Buffalo Stockyards Company, Inc., Buffalo.
 *Empire Livestock Marketing Cooperative, Inc., Caledonia.
 Empire Livestock Marketing Cooperative, Inc., Waterloo.
 Luther's Livestock Commission Market, Wassaic.
 Millerton Livestock Auction, Hillsdale.
 *Finger Lakes Livestock Sale, Canandaigua.

NORTH CAROLINA

*Albemarle Cooperative Association, Inc., Edenton.
 Baker Hog Market, Tyner.
 Brite-Tatum Livestock Auction, Elizabeth City.
 *Carolina Stockyards, Siler City.
 *Carolina-Virginia Stockyard, Windsor.
 Cattleman's Livestock Market, Canton.
 *Central Carolina Farmers Livestock Market Quality Feeder Pig Sale, Hillsborough.
 *Chadbourn Graded Feeder Pig Sale, Chadbourn.
 Chadbourn Livestock Market, Chadbourn.
 C & J Livestock, Lumberton.
 D. F. Foust Livestock Auction, Inc., Greensboro.
 Franklin Livestock Market, Franklin.
 *Greensboro Graded Feeder Pig Sale, Greensboro.
 Greenville Stock Yard, Greenville.
 Gwaltney-Hertford Livestock Market, Hertford.
 W. H. Horney, Siler City.
 Robert P. Hollowell Livestock Market, Sunbury.
 *Iredell Livestock Co., Turnersburg.
 *Kinston Stockyard, Kinston.
 George P. Kittrell Livestock Market, Corapeake.
 *Gus Z. Lancaster Quality Feeder Pig Sale, Dunn.
 *Gus Z. Lancaster Quality Feeder Pig Sale, Rocky Mount.
 *Gus Z. Lancaster Stockyards, Inc., Rocky Mount.
 Laurinburg Livestock Market, Laurinburg.
 Lumberton Auction Co., Lumberton.
 Bill Martin, Greensboro.
 *MCM Livestock, Inc., Whiteville.
 Miller's Livestock, Inc., Winfall.
 Mountain Livestock Auction, Murphy.
 Murphy Livestock Auction Co., Murphy.
 *Norwood Graded Quality Feeder Pig Sale, Norwood.
 *Oxford Livestock Market, Inc., Oxford.
 *Pates Stockyard, Inc., Pembroke.
 *Powell Livestock Co., of Smithfield, Smithfield.
 Reaves Livestock, Inc., Rowland.
 *Sessions Packing Co., Ahoskie.
 Smithfield Packing Co., Hog Buying Station, Murfreesboro.

Turner's Livestock Inc., Elizabeth City.
 *Union County Livestock Auction, Inc., Monroe.
 *Wells Livestock Market Graded Feeder Pig Sale, Wallace.
 *Western Carolina Feeder Pig Sale, Asheville.
 Whedbee Livestock Market, Hertford.
 R. G. Whitley & Son, Inc., Como.
 William A. Crofton Livestock Market, Rowland.

NORTH DAKOTA

Armour & Co., Wahpeton.
 *Bowman Livestock Auction Market, Bowman.
 *Carrington Livestock Sales, Inc., Carrington.
 Central Livestock Association, Inc., Dickinson.
 Dakota Meats, Inc., Minot.
 *Edgeley Livestock Inc., Edgeley.
 Ellendale Livestock Sales Co., Ellendale.
 Hamann Livestock Co., Dickinson.
 *Harvey Livestock Auction, Harvey.
 *Hettinger Auction Market, Inc., Hettinger.
 *Jamestown Livestock Sales Co., Jamestown.
 *Kist Livestock Auction Co., Mandan.
 *Lake Region Auction & Livestock Market, Inc., Devils Lake.
 *Linton Livestock Sales, Inc., Linton.
 *Lorenz Livestock Sale, Hazen.
 *Minot Livestock Auction, Minot.
 *Missouri Slope Livestock Auction, Inc., Bismarck.
 NFO Collection Point, Beach.
 *Park River Livestock Exchange, Park River.
 Pierce Packing Co. Buying Station, Hettinger.
 *Rugby Livestock Auction Inc., Rugby.
 *Stockmen's Livestock Exchange, Inc., Dickinson.
 *Sitting Bull Auction, Williston.
 *Stockmen's Livestock Exchange, Inc., Beulah.
 *Turtle Lake Livestock Inc., Turtle Lake.
 *Union Stockyards Co. of Fargo, West Fargo.
 *Watford City Livestock Auction, Watford City.
 *Western Livestock, Inc., Dickinson.
 *Wikenheiser Livestock, Strasburg.
 *Wisconsin Feeder Pig Marketing Co-op, Litchville.

OHIO

*A. E. Miller Livestock, Delphos.
 Bauman Stockyards, Inc., Napoleon.
 *Bloomfield Livestock Auction, North Bloomfield.
 Merle A. Bussert Livestock, Amanda.
 *Burkettsville N.F.O. Collection Point, Burkettsville.
 Butler County NFO Collection Point, Hamilton.
 *Carrollton Livestock Auction, Carrollton.
 Chickasaw Stockyard, Chickasaw.
 Cisco Stockyard, Inc., St. Marys.
 *Damascus Livestock Auction, Damascus.
 *Delta Livestock Auction, Delta.
 *Dicke Stockyard, New Bremen.
 Wm. Espel Sons, Inc., Cincinnati.
 *Findlay Producers Livestock Association, Findlay.
 French City Meats, Inc., Gallipolis.
 Gamboe Stockyards, Pioneer.
 *Gaugha Livestock Commission, Inc., Middlefield.
 Harpster Stockyards, Ashland.
 Harvey Livestock, Inc., Coldwater.
 Heinold Hog Market, Eldorado.

Heinold Hog Markets, Gettysburg.
 Frank D. Helsel Livestock, Washington Court House.
 Interstate Farmers Livestock Co., Oxford.
 Interstate Livestock, Inc., Oxford.
 E. Kahn's Sons Co., Cincinnati.
 Kleinhenz Brothers Stockyard, Fort Recovery.
 Kleinhenz Brothers Stockyard, Celina.
 Kloeppel Livestock, Sidney.
 *Krugh's Stockyards, Wren.
 *Virgil Lampert Stockyards, New Bremen.
 Lewisburg NFO Collection Point, Lewisburg.
 *Lugbill Brothers, Archbold.
 Lugbill Brothers, Fayette.
 Lugbill Brothers, Wauseon.
 *Middendorf Stockyards, Botkins.
 *Middendorf Stockyards, Celina.
 *Middendorf Stockyard Co., Fort Loramie.
 Middleton Stockyards, Inc., New Madison.
 A. E. Miller Stockyard, Middle Point.
 *Ohio Valley Livestock Co., Gallipolis.
 Ohio Valley Livestock Corp. d.b.a. Preble County Stockyards, Eaton.
 *Wilson Brothers d.b.a. Peoples Livestock Exchange, Greenville.
 Philothea Stockyard, Coldwater.
 *Producers Livestock Association, Bucyrus.
 *Producers Livestock Association, Cadiz.
 *Producers Livestock Association, Eaton.
 *Producers Livestock Association, Findlay.
 *Producers Livestock Association, Greenville.
 *Producers Livestock Association, Hillsboro.
 *Producers Livestock Association, Lancaster.
 *Producers Livestock Association, London.
 *Producers Livestock Association, Marysville.
 *Producers Livestock Association, Mt. Vernon.
 *Producers Livestock Association, Orrville.
 *Producers Livestock Association, Springfield.
 *Producers Livestock Association, Wapakoneta.
 *Producers Livestock Association, Woodville.
 Selected Meat Co., Greenfield.
 Don H. Smith Stockyard, Fort Recovery.
 P. B. Stewart, Edon.
 Tuente Stockyards, Saint Sebastian.
 Tuente Stockyards, Yorkshire.
 *The Union Stockyards Co., Hillsboro.
 *Vic Ruhe Livestock, Ottawa.
 Ward Livestock Co., Stryker.
 Waynesfield Stockyard, Waynesfield.
 Werling & Sons, Inc. d.b.a. Burkettsville Stockyard, Burkettsville.
 Jerome Winner Stockyard, New Weston.
 Robert Winner Sons, Inc., Osgood.

OKLAHOMA

*Adair County Livestock Auction, Inc., Stillwell.
 Ag Markets Inc., Woodward.
 *Checotah Livestock Auction, Checotah.
 *Delaware County Livestock Auction, Jay.
 *Durant Stockyards Co., Inc., Durant.
 *Farmers & Ranchers Livestock Auction, Vinita.
 *Ft. Smith Stockyards Co., Inc., West Fort Smith.
 *Hugo Sales Commission, Inc., Hugo.
 *Kay County Farm Center d.b.a. Tonkawa Auction Center, Tonkawa.
 Arthur Kelly Stockyards, Muskogee.
 *LeFlore County Livestock Auction, Wister.
 Maurer & Neuer, Enid.
 *Maxson Sales Co., Inc., Welch.
 *Muskogee Stockyards & Livestock Auction, Inc., Muskogee.
 *Newkirk Sale Co., Newkirk.
 *Northeast Oklahoma Feeder Pig & Livestock Market, Leach.

*Oklahoma National Stockyards, Oklahoma City.
 Small Hog Co., Alva.
 *South Coffeyville Livestock Market, Inc., South Coffeyville.
 *Tahlequah Sale Barn, Tahlequah.

OREGON

*Hermiston Livestock Commission Co., Hermiston.
 *Northwestern Livestock Commission Co., Hermiston.
 *Ontario Livestock Commission Co., Ontario.
 *The Portland Livestock Market, Inc., North Portland.
 *The Dalles Auction Yard, The Dalles.
 *Vale Livestock Auction, Vale.

PENNSYLVANIA

*Belknap Livestock Market, Inc., Dayton.
 *Belleville Livestock Market, Inc., Belleville.
 Edgar K. Black, Skippack.
 K. M. Border Livestock, Dover.
 *Carlisle Livestock Market, Inc., Carlisle.
 Cattle Sales, Inc. d.b.a. Scenery Hill Stockyards, Scenery Hill.
 *Chambersburg Livestock Sales, Inc., Chambersburg.
 *Chesley's Sales, Inc., Northeast.
 *Cowanesque Valley Livestock Auction, Knoxville.
 Wayne F. Craig & Son, Shippensburg.
 *Danville Cattle Co., Inc., Danville.
 *Dewart Livestock Market, Dewart.
 *Eighty Four Auction Sales, Inc., Eighty Four.
 *Enon Valley Community Sale, Enon Valley.
 *Fayette Stockyards Inc., Uniontown.
 *G & M Livestock Market, Inc., Duncansville.
 *Greencastle Livestock Market, Inc., Greencastle.
 *Green Dragon Livestock Sales, Ephrata.
 *Hickory Auction and Sales, Inc., Hickory.
 *Hulshart, C. A., Stewartstown.
 *Indiana Livestock Auction, Inc., Homer City.
 *Jersey Shore Livestock, Inc., Jersey Shore.
 *Kelster's Middleburg Auction Sales, Inc., Middleburg.
 *Lancaster Stockyards, Inc., Lancaster.
 *Lebanon Valley Livestock Market, Inc., Fredericksburg.
 *Leesport Market & Auction, Inc., Leesport.
 *Meadville Livestock Auction, Saegertown.
 *Mercer Livestock Auction, Mercer.
 C. Robert Miller, Watsonstown.
 *Morrison Cove Livestock Market, Martinsburg.
 New Holland Sales Stables, Inc., New Holland.
 *New Wilmington Livestock Auction, Inc., New Wilmington.
 *Nicholson Sales Co., Nicholson.
 *Penns Valley Livestock Auction, Inc., Centre Hall.
 *Pennsylvania Livestock Auction, Inc., Waynesburg.
 *Perkiomenville Sales Stables, Inc., Perkiomenville.
 *Quakertown Livestock Sale, Quakertown.
 *Sechrist Sales Co., Inc., Fawn Grove.
 W. R. Sellers Livestock, Greencastle.
 *Tri-County Livestock Auction, Inc., Brockway.
 *Thomasville Livestock Market, Inc., York.
 *Troy Sales Cooperative, Troy.
 *Union City Livestock Auction, Union City.
 *Valley Stockyards, Inc., Athens.
 *Vintage Sales Stables, Inc., Paradise.
 *Wayne County Livestock Exchange, Inc., Honesdale.

*Wyalusing Livestock Market, Wyalusing.

SOUTH CAROLINA

P. L. Bruce Stockyard, Greenville.
 Central Carolina Livestock Market, Inc., Lugoff.
 Chesnee Livestock Co., Chesnee.
 Conway Stockyard, Conway.
 Conway Stockyard, Loris.
 *Darlington Auction Market, Darlington.
 Dorchester Marketing Association, St. George.
 *Farmers County Line Stockyards, Andrews.
 *Farmers Market, Estill.
 Farmers Livestock Market, Leesville.
 Florence Union Stockyards, New street.
 Greenwood Stockyard, Inc., Greenwood.
 *Hemingway Livestock Market, Hemingway.
 *Hendon's Stockyards, Inc., Ehrhardt.
 *Hutto Stockyards, Inc., Holly Hill.
 Kingstree Union Stockyard, Kingstree.
 M & R Livestock, Neeses.
 M & R Livestock Co., Nichols.
 M & R Livestock, Ruffin.
 Neeses Stockyards, Neeses.
 *Orangeburg Stockyard, Inc., Orangeburg.
 Saluda County Stockyards, Saluda.
 South Carolina Farm Bureau d.b.a. Jim's Livestock, Kingstree.
 Spartanburg Livestock Market, Spartanburg.
 *Springfield Stockyard, Inc., Springfield.
 S & S Milling Co., Hemingway.
 John C. Taylor Stockyard, Anderson.
 Walterboro Stockyards Co., Inc., Walterboro.
 York county Stockyards, York.

SOUTH DAKOTA

*Aberdeen Livestock Sales Co., Inc., Aberdeen.
 Armour & Co. Hog Buying Station, Aberdeen.
 Armour Buying Station, Hudson.
 *Belle Fourche Livestock Exchange, Inc., Belle Fourche.
 *Bowdle Livestock Sales, Inc., Bowdle.
 *Brookings Livestock Auction, Brookings.
 Browns Valley Collection Point, Inc., Browns Valley.
 Burke Livestock Auction, Burke.
 *Canton Livestock Sales Co., Canton.
 *Chamberlain Livestock Sales, Inc., Chamberlain.
 Columbia Collection Point, Columbia.
 *Corsica Livestock Sales Co., Corsica.
 *Edgemont Livestock Commission Co., Edgemont.
 *Eureka Sales Co., Eureka.
 *Faith Livestock Commission Co., Inc., Faith.
 *Fort Pierre Livestock Commission, Fort Pierre.
 *Gregory Livestock Auction Co., Gregory.
 *Herreid Livestock Market, Herreid.
 *Hub City Livestock Sales, Aberdeen.
 *Kramer's Livestock Auction Co., Inc., Sioux Falls.
 *Loken's Watertown Sales Pavilion, Inc., Watertown.
 *Madden's Livestock Auction Market, Inc., St. Onge.
 *Madison Livestock Auction Co., Madison.
 *Magness-Huron Livestock Exchange, Inc., Huron.
 *Marshall Livestock Auction Co., Britton.
 *Martin Auction Company, Inc., Martin.
 *McLaughlin Commission Co., Inc., McLaughlin.
 *Mitchell Livestock Auction Co., Inc., Mitchell.
 *Mordidge Livestock Auction Sales, Inc., Mordidge.

John Morrell Hog Buying Station, Aberdeen.
 John Morrell & Co., Watertown.
 Morrell Buying Station, Flandreau.
 Owen Livestock Co., Britton.
 *Phillip Livestock Auction, Phillip.
 *Rapid City Livestock Commission Co., Rapid City.
 *Sioux Falls Stock Yards Co., Sioux Falls.
 *Sisseton Livestock Auction Inc., Sisseton.
 Sodak Pork, Aberdeen.
 *South Dakota Livestock Sales Co., Watertown.
 *Stockman's Auction Co., Inc. d.b.a. Bales Continental Commission Co., Huron.
 *Stockmen's Livestock Auction Co., Yankton.
 *Sturgis Livestock Exchange, Inc., Sturgis.
 Swift Fresh Meats Co., Watertown.
 *Wall Livestock Auction, Wall.
 *Wessington Springs Livestock Co., Wessington Springs.
 *West River Livestock Market Co., Lemmon.
 *Willow Lake Livestock Auction, Willow.
 *Winner Livestock Auction Co., Winner.
 *Yankton Livestock Auction Market, Yankton.

TENNESSEE

Algood Stockyard, Algood.
 Athens Livestock Auction Co., Athens.
 *Bedford County Feeder Pig Sale, Unionville.
 *Harry Bogle Feeder Pig Barn, Murfreesboro.
 *Johnny Boyce Feeder Pig Barn, Unionville.
 *Raymond Boyce Feeder Pig Market, Unionville.
 *Brownsville Feeder Sales Association, Brownsville.
 *Carroll County Feeder Pig Association, Huntingdon.
 Chattanooga Union Stockyard, Chattanooga.
 Altsheiler & Payne d.b.a./Clarksville Livestock Co., Clarksville.
 Frosty Morn Meats d.b.a./Clarksville Livestock Market, Clarksville.
 Cleveland Livestock Auction Co., Cleveland.
 *Chickasaw Feeder Association, Selmer.
 Clinton Livestock Auction Co., Clinton.
 C & M Livestock Market, Jamestown.
 Coffee County Livestock Market, Manchester.
 Collierville Livestock Auction Co., Collierville.
 Covington Sales Co., Covington.
 Crockett County Sales Co., Maury City.
 Cumberland City Stockyard, Cumberland City.
 *Cumberland Feeder Pig Sales, Cookeville.
 DeKalb County Livestock Co., Alexandria.
 *Joe H. Derryberry d.b.a. Derryberry Pig Barn, Chesterfield.
 *Dickson County Feeder Pig Sale, White Bluff.
 Dickson Livestock Center, Dickson.
 East Tennessee Livestock Center, Sweetwater.
 Farmers Auction Co., Fayetteville.
 Farmers Livestock Exchange, Union City.
 Farmers Livestock Market, Greeneville.
 *Feeder Pig Division of Lawrence County Livestock Association, Lawrenceburg.
 *Feeder Pig Division of Marshall County Livestock Association, Lewisburg.
 Gamaliel Livestock Market, Gamaliel.
 *T. D. Garrett & Sons, College Grove.
 *Giles County Feeder Pig Sales, Pulaski.
 Giles County Stockyard, Pulaski.
 Greenville Livestock Company, Inc., Greenville.
 *Hardin County Livestock Association, Savannah.

Hardin County Stockyards, Savannah.
 *J. T. Herren d.b.a./J. T. Herren Feeder Pig Market, Baxter.
 *Hohenwald Livestock Market, Hohenwald.
 *Hughes Feeder Pigs, Guys.
 Jackson County Commission Co., Gainesboro.
 *Johns Bros. Feeder Pigs, Chapel Hill.
 Johnson City Livestock Market, Johnson City.
 *Jolly Bros., Doyle.
 Jonesboro Livestock Yards, Inc., Telford.
 Kingsport Livestock Auction Corp., Kingsport.
 Lawrence County Stockyards, Lawrenceburg.
 Lexington Sales Co., Lexington.
 Logan Livestock Co., Union City.
 *Warren County Livestock Association, McMinnville.
 McNairy County Livestock and Auction Corp., Selmer.
 Macon County Livestock Market, Lafayette.
 Middleton Sales Co., Middleton.
 Mid-South Livestock Commission Co., Columbia.
 *Mid-State Producers Feeder Pig Sale, Woodbury.
 Morristown Stockyards, Inc., Morristown.
 Murfreesboro Livestock Market Co., Murfreesboro.
 David Via-Newbern Sales Company, Inc., Newbern.
 New Tazewell Livestock Market, New Tazewell.
 *Meridith Livestock Auction, Pocahtontas.
 North Central Livestock Center, Cross Plains.
 Paris Livestock Commission Co., Paris.
 Peoples Livestock Market, Cookeville.
 Peoples Stockyard, Fayetteville.
 Plateau Livestock Exchange, Crossville.
 Pulaski Stockyard, Pulaski.
 *Robinson, Jimmie & Son, Franklin.
 Rogersville Livestock Market, Rogersville.
 Odell Sampson-Sampson & Maxwell Livestock Auction, Lewisburg.
 Scotts Hill Auction Company, Inc., Scotts Hill.
 *Sells, Lonnie, Winchester.
 *Sevier County Livestock Association, Sevierville.
 Sevier County Livestock Auction, Seymour.
 Shelbyville Livestock Market, Shelbyville.
 Smith County Commission Co., Inc., Carthage.
 *Smith County Feeder Pig Association, Carthage.
 Smithville Livestock Market, Smithville.
 *Smotherman, E. H., Murfreesboro.
 South Memphis Stock Yards Co., Memphis.
 Southern Livestock Auction Co., Columbia.
 Southwestern Sales Company, Inc., Huntingdon.
 Sparta Livestock Co., Inc., Sparta.
 *Taylor Bros. Feeder Pigs, College Grove.
 Tennessee Livestock Producers Inc., Fayetteville.
 Tennessee Livestock Producers, Inc., Thompson Station.
 Tennessee Livestock Producers, Inc., Woodbury.
 Thompson Livestock Co., Obion.
 Trenton Livestock Sales, Trenton.
 Tri-County Stockyards, McKenzie.
 Trousdale County Livestock Market, Hartselle.
 Union Livestock Yards, Inc., Knoxville.
 Unionville Livestock Market, Unionville.
 United Farmers Marketing Service, Manchester.
 *Volunteer Feeder Pig Association, Lexington.

*Walker, Dallas Livestock, Rutherford.
 Warren County Livestock Co., McMinnville.
 *Weakley County Feeder Pig Sale, Dresden.
 West Tennessee Auction Co., Martin.
 Wilson County Livestock Market, Lebanon.
 Wilson Livestock Market, Newport.
 *Young Livestock, Murfreesboro.

TEXAS

*Dalhart Auction Co., Dalhart.
 Farmers Hog Market, Shamrock.
 *Fort Worth Stockyards, Fort Worth.
 *Gainesville Livestock Auction, Gainesville.
 *J & J Livestock Commission Co., Inc., Texarkana.
 Muenster Livestock Auction, Muenster.
 Robinson Livestock, Booker.
 South Plains Swine Market Association, Lubbock.
 *Texarkana Stockyards Co., Texarkana.
 Texas Agricultural Marketing and Development Association, Amarillo.
 West Texas Hog Company, Inc., Wellington.

UTAH

*Producers Livestock Marketing Association and North Salt Lake Livestock Co., North Salt Lake.
 Uintah Sales Barn, Inc., Roosevelt.
 Vernal Livestock Auction, Vernal.

VIRGINIA

Abingdon Livestock Market, Inc., Abingdon.
 Albermarle Livestock Market, Inc., Charlottesville.
 Amherst County Livestock Market, Inc., Amherst.
 Bedford Livestock Market, Inc., Bedford.
 Blackstone Livestock Market, Blackstone.
 Caret Livestock Market, Caret.
 Christiansburg Livestock Market, Inc., Christiansburg.
 Creech Livestock Market, Inc., South Hill.
 Culpeper Livestock Exchange, Culpeper.
 Eddins Livestock Market, Standardsville.
 Emporia Hog Market, Emporia.
 Esskay Buying Station, Caret.
 Ewing Livestock Market, Ewing.
 Farmers Livestock Market, Gate City.
 Farmers Livestock Market, Inc., Tazewell.
 Farmers Livestock Market, Inc., Ewing.
 *Farmers Livestock Exchange, Inc., Winchester.
 *Farmville Livestock Market, Farmville.
 Fauquier Livestock Exchange, Inc., Marshall.
 Front Royal Livestock Market, Front Royal.
 Galax Livestock Market, Inc., Galax.
 Halifax Livestock Market, Halifax.
 Jonesville Livestock Market, Jonesville.
 Fredericksburg Stockyard, Inc., Fredericksburg.
 Leesburg Livestock Market, Inc., Leesburg.
 Leonard Harrell Livestock, Chesapeake.
 Lottsburg Buying Station, Lottsburg.
 Lynchburg Livestock Market, Lynchburg.
 *Madison Livestock Market, Inc., Madison Mills.
 McComb and Block, Inc./Lawrenceville Hog Market, Lawrenceville.
 Monterey Livestock Sales, Inc., Monterey.
 Narrows Livestock Auction Market, Narrows.
 *Nokesville Livestock Market, Nokesville.
 Orange Livestock Market, Orange.
 Pearce's Livestock Market, Holland.
 *Petersburg Livestock Market, Petersburg.
 Phenix Livestock Market, Phenix.
 Pulaski County Livestock, Dublin.
 Richmond Union Stockyards, Richmond.
 Roanoke-Hollins Stockyard, Hollins.
 Roanoke Livestock Market, Roanoke.
 *Rockingham Livestock Sales, Inc., Harrisonburg.

J. L. Rose Hog Buying Stations, Courtland.
 J. L. Rose Hog Buying Stations, Wakefield.
 Saluda Buying Station, Glennis.
 Scott County Livestock Market, Gates City.
 Shen-Valley Buying Station, Dillwyn.
 Shen-Valley Buying Station, Madison Mills.
 *Shenandoah Valley Livestock Sales, Inc., Harrisonburg.

Smithfield Livestock Market, Inc., Smithfield.
 Smithfield Packing Co. Buying Station, Courtland.
 *Southampton Livestock Sales, Inc., Courtland.
 South Boston Livestock Market, Inc., South Boston.
 Southampton Peanut Co. Buying Station, Branchville.
 *South Hill Livestock Market, South Hill.
 Southside Stockyards, Inc., Blackstone.
 *Southside Stockyards, Inc., Petersburg.
 Staunton Livestock Market, Inc., Staunton.
 *Staunton Union Stockyards, Staunton.
 *Tappahannock Livestock Market, Inc., Tappahannock.
 Tazewell Livestock Market, Inc., Tazewell.
 Tidewater Livestock Sales Co., Courtland.
 Tri-State Livestock Market, Abingdon.
 B. C. Umbarger Assembly Yard, Wytheville.
 Victoria Livestock Market, South Hill.
 Virginia-Carolina Livestock and Agriculture Market, Inc., Danville.
 *Walker Bros. Livestock Pavilion, Seven Mile Ford.
 *Woodstock Livestock Market, Inc., Woodstock.
 Wytheville Livestock Market, Inc., Wytheville.

WASHINGTON

*Auburn Livestock, Inc., Auburn.
 *Prosser Commission Co., Inc., Prosser.
 *Stockland Union Stockyards, Spokane.
 *Sunnyside Livestock Market, Sunnyside.
 *Walla Walla Livestock & Feedlot, Walla Walla.

WEST VIRGINIA

*Bluegrass Market, Inc., North Caldwell.
 *Blue Ridge Livestock Sales, Inc., Charles Town.
 *Jackson County Livestock Market, Inc., Ripley.
 *Moundsville Livestock Auction Co., Moundsville.
 *Ohio County Livestock Auction, Mt. Echo.
 *Pt. Pleasant Livestock Co., Point Pleasant.
 *Terra Alta Stockyards, Inc., Terra Alta.
 *United Livestock Sales Co., Parkersburg.

WISCONSIN

*Belmont Livestock Market, Belmont.
 Al Berning, Cuba City.
 Darlington N.F.O. Stockyards, Darlington.
 *Dittner Feeder Pigs, Marshfield.
 Dubuque Stockyards (Kuhl's), Hazel Green.
 *Don Eilers, Marshfield.
 Dunwiddle Livestock, Brodhead.
 Dunwiddle Livestock, Juda.
 Ellsworth N.F.O. Collection Point, Ellsworth.
 *Equity Cooperative Livestock, Bonduel.
 *Equity Co-op Livestock, Johnson Creek.
 *Equity Co-op Livestock Sales, Association, Monroe.
 Grant County Livestock Exchange, Hazel Green.
 *Grassland Feeder Pig, Neillsville.
 *Iowa County Livestock Market, Dodgeville.
 Theodore Lipke, Milton.
 Ted Lipke, Avalon.
 Oscar Mayer & Co., Cuba City.

Oscar Mayer & Co., Shullsburg.
Midwest Livestock Producers Co-op, Marion.
*Midwest Livestock Producers Co-op, Et-trick.

*Midwest Livestock Producers, Shullsburg.
*Midwest Livestock Producers, Monticello.
*Midwest Livestock Producers, Fennimore.
*Midwest Livestock Producers, Francis Creek.

*Midwest Livestock Producers, Lomira.
*Midwest Livestock Producers Co-op, Pesh-tigo.

Milwaukee Stockyards, Milwaukee.
NFO Collection Point, Independence.

*Midwest Livestock Producers, Peshtigo.
*Tim Orr Livestock Market, Waupaca.

Peshtigo Livestock Sales, Peshtigo.
*Gordon Peterson, Waupaca.

*Charles Pufahl Market, Waupaca.
*Lawrence Richter & Son, Rice Lake.

Rock County Reload Market, Hanover.
*Donald Schwebs Market, DeForest.

*Haulis E. Simon, New Richmond.
Emil Treuthardt, Juda.

*Waupaca Feeder Pigs, Scandinavia.
*Wisconsin Feeder Pig Cooperative, Almena.

*Wisconsin Feeder Pig Co-op, Boltonville.
*Wisconsin Feeder Pig Co-op, Francis Creek.

*Wisconsin Feeder Pig Co-op, Galesville.
*Wisconsin Feeder Pig Market Co-op, Lan-caster.

*Wisconsin Feeder Pig Co-op, Waupaca.
*Ray Wolosek, Wisconsin Rapids.

WYOMING

*Douglas Livestock Exchange Co., Douglas.
*Gillette Livestock Exchange, Gillette.

*Greybull Livestock Auction, Greybull.
Pierce Packing Company Buying Station,

Powell.
*Powell Auction Market, Powell.

*Sheridan Livestock Exchange, Sheridan.
*Stockgrowers Livestock Auction, Worland.

*Stockman Livestock Auction, Torrington.
*Torrington Livestock Commission Co., Tor-rington.

*Stockman's Livestock Auction, Torrington.
(Sec. 2, 32 Stat. 792, as amended; secs. 4 and

5, 23 Stat. 32, as amended; sec. 1, 75 Stat. 481; sec. 1, 32 Stat. 791, as amended; secs. 3 and 4, 33 Stat. 1265, as amended; secs. 3 and

11, 76 Stat. 130, 132 (21 U.S.C. 111-113, 114g, 120, 125, 126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141).)

Effective date: The foregoing notice shall become effective on May 26, 1978.

This action imposes certain restric-tions necessary to prevent the spread of hog cholera and relieves certain re-strictions presently imposed. It should become effective promptly to accom-plish its purpose in the public interest and to be of maximum benefit to per-sons subject to the restrictions which are relieved. Accordingly, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public pro-cedure with respect to this action are impracticable and contrary to the public interest, and good cause is found for making this notice effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of May 1978.

NOTE.—The Animal and Plant Health In-spection Service has determined that this

document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

M. T. Goff,
Acting Assistant
Administrator, Veterinary Services.
[FR Doc. 78-14594 Filed 5-25-78; 8:45 am]

[3410-05]

Commodity Credit Corporation

[Amdt. 4]

NONFAT DRY MILK, BUTTER, CHEDDAR CHEESE AND PEANUTS

Monthly Sales List (Period June 1, 1977 Through May 31, 1978)

The CCC Monthly Sales List for the period June 1, 1977 through May 31, 1978, published at 42 FR 40945 (Aug. 12, 1977), as amended at 42 FR 54582 (Oct. 7, 1977), 43 FR 4079 (Jan. 31, 1978) and 43 FR 13595 (March 31, 1978) is further amended as follows:

1. Sections 27, entitled "Nonfat Dry Milk-Unrestricted Use Sales" 28, entitled "Butter-Unrestricted Use Sales", and 29, entitled "Cheddar Cheese-Unrestricted Use Sales" are deleted.

2. Section 27 is added which reads as follows:

27. Nonfat Dry Milk—Unrestricted Use Sales (Instore-Carlot Quantities):

1. Market price, but not less than 78 cents per pound for U.S. Extra Grade spray process in 50 pound bags. Sales are made under Announcement PV-DS-2.

2. Competitive offer basis: From time to time an invitation will be issued for competitive offers under Announcement PV-DS-1 to purchase nonfat dry milk which is 20 months old or older and/or has moisture content of 4.2 percent but not more than 5.0 percent.

3. Section 28 is added which reads as follows:

28. Butter—Unrestricted Use Sales (Instore-Carlot Quantities): Market price, but not less than 11 cents per pound over CCC's purchase price at each location for U.S. Grade A or higher in 60 to 68-pound blocks. Sales are made under Announcement PV-DS-2.

4. Section 29 is added which reads as follows:

29. Cheddar Cheese—Unrestricted Use Sales (Instore-Carlot Quantities): Market price, but not less than \$1.14 per pound (standard moisture basis) for U.S. Grade A or higher in 40 pound blocks. Sales are made under Announcement PV-DS-2.

5. Section 31 entitled "Peanuts Farmers Stock—Restricted Use Sales—Crushing or Export" is amended by deleting item 2 entitled "Segregation 2 lots."

(Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b); sec. 407, 63 Stat. 1055, as amended (7 U.S.C. 1427).)

Effective Date: Item 1 8:15 a.m. (EST) March 8, 1978. Items 2, 3, 4 and 5 2:30 p.m. (EST) March 31, 1978.

Signed at Washington, D.C., on May 22, 1978.

RAY FITZGERALD,
Executive Vice President,
Commodity Credit Corporation.
[FR Doc. 78-14784 Filed 5-25-78; 8:45 am]

[3410-11]

Forest Service

COOPERATIVE WESTERN SPRUCE BUDWORM PROGRAM FINAL ENVIRONMENTAL STATEMENT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for control of the western spruce budworm in Washington, USDA-FS-R6-FES(Adm)-78-6.

The environmental statement sets forth several management alternatives for managing western spruce budworm populations in 1978. Eight alternatives are presented, ranging from no treatment to intensive chemical control on Federal, State, and private lands in Whatcom, Kittitas, Chelan, and Okanogan Counties in Washington during the spring and summer of 1978 with carbaryl.

This final environmental statement was transmitted to EPA on May 17, 1978.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, Room 3210, 12th Street and Independence Avenue SW., Washington, D.C. 20013.

USDA, Forest Service, Pacific Northwest Region, 319 Southwest Pine Street, Portland, Ore. 97204.

Okanogan National Forest, 1240 Second Avenue South, Okanogan, Wash. 98840.

Wenatchee National Forest, 301 Yakima Street, Wenatchee, Wash. 98801.

National Park Service, Pacific Northwest Region, 4th and Pike, Seattle, Wash. 98101.

Washington State Department of Natural Resources, Public Lands Building, Room 201, Olympia, Wash. 98504.

A limited number of single copies are available upon request to Regional Forester R. E. Worthington, Pacific Northwest Region, P.O. Box 3623, Portland, Ore. 97208.

Copies of the final environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ guidelines.

Dated: May 17, 1978.

ALAN FOX,
Acting Regional Environmental
Coordinator, Planning, Pro-
gramming, and Budgeting
[FR Doc. 78-14712 Filed 5-25-78; 8:45 am]

[3410-15]

Rural Electrification Administration

UNITED POWER ASSOCIATION

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Impact Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a request for a loan guarantee commitment from the Rural Electrification Administration from the United Power Association of Elk River, Minnesota. This loan guarantee commitment is planned to assist in obtaining financing for the construction of one 60 MW coal-fired supplemental steam generator at the Stanton Generating Station in Mercer County, N. Dak.

Additional information may be secured on request, submitted to Mr. Richard F. Richter, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Impact Statement are being sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Impact Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C. or at the borrower's address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Richter at the address given above. Comments must be received on or before July 25, 1978 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after requirements set forth

in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 22 day of May 1978.

JOSEPH VELLONE,
Acting Administrator,
Rural Electrification Administration.

[FR Doc. 78-14848 Filed 5-25-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 31808]

CHICAGO-ALBANY/SYRACUSE-BOSTON COMPETITIVE SERVICE INVESTIGATION

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding is assigned to be held on June 20, 1978, at 9:30 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 22, 1978.

GREER M. MURPHY,
Administrative Law Judge.
[FR Doc. 78-14805 Filed 5-25-78; 8:45 am]

[6320-01]

[Dockets 32396, et al.; Order 78-5-120]

CONNER AIRLINES, ET AL.

Applications; Order

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of May 1978.

Applications of Conner Airlines, Docket 32396; Capitol International Airways, Docket 32538; Evergreen International Airways, Docket 32334; Overseas National Airways, Docket 32346; Rich International Airways, Docket 32337; Southern Air Transport, Docket 32342; Trans International Airlines, Docket 32336; World Airways, Docket 32341; Zantop International Airlines, Docket 32335; for grandfather section 418 certificates.

By Pub. L. 95-245, Congress amended section 418 of the Act to include within the group of carriers eligible to receive grandfather all-cargo service certificates those that have a valid certificate under section 401(d)(3) of the

Act and have provided supplemental air transportation carrying only cargo at any time during the period from January 1, 1977, through March 14, 1978.¹ Applications for this authority were filed by Conner Airlines, Capitol International Airways, Evergreen International Airlines, Overseas National Airways, Rich International Airways, Southern Air Transport, Trans International Airlines, World Airways, and Zantop International Airlines.

No answers or further information on these applications have been received.

We have determined that, with the exception of Conner Airlines, the above-referenced carriers are in compliance with section 418(a)(3) and should receive all-cargo service certificates. Conner Airlines, however, admits that it does not have a supplemental certificate under section 401(d)(3). Its allegations that it should have been granted one in 1962 (37 CAB 745 (1962)) are irrelevant. As we have pointed out in previous orders under the grandfather provisions of section 418, we have no discretion in the issuance of these certificates. Congress has stated that the Board shall certificate a carrier that fulfills the requirements of section 418 (a)(1), (a)(2), or (a)(3) and has not given us the authority to waive any of the prerequisites or exempt applicants from them.

Accordingly, it is ordered, That: 1. The following carriers² be issued all-cargo service certificates under section 418, in the form attached: Capitol International Airways, Evergreen International Airlines, Overseas National Airways, Rich International Airways, Southern Air Transport, Trans International Airlines, World Airways, and Zantop International Airlines; and 2. The application of Conner Airlines in Docket 32396 be denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.³

PHYLLIS T. KAYLOR,
Secretary.
[FR Doc. 78-14806 Filed 5-25-78; 8:45 am]

¹Section 418 was amended by Pub. L. 95-245 to add a new provision, section 418(a)(3), which reads as follows: "(3) Any citizen of the United States who has a valid certificate issued under section 401(d)(3) of this title and who provided supplemental air transportation carrying only cargo at any time during the period from January 1, 1977, through the date of enactment of this section may, during the forty-five day period beginning on April 1, 1978, submit an application to the Board for a certificate under this section to provide all-cargo air service. Such application shall contain such information and be in such form as the Board shall by regulation require."

²Certificates filed as part of the original document.

³All Members concurred.

[6320-01]

[Docket 31185; Order 78-5-122]

HUGHES AIR CORP., D.B.A. HUGHES AIRWEST

Certificate of Public Convenience and
Necessity; Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of May 1978.

By application dated July 25, 1977, Airwest asked the Board to amend its certificate of public convenience and necessity under Subpart M by removing existing one-stop restrictions and granting it unrestricted nonstop authority in the Reno-Los Angeles/Spokane markets. Requests for summary dismissal and answers opposing the application were filed by United, Western, and Pacific Southwest Airlines (PSA). Supporting answers were filed by the Reno, Spokane, and Canadian parties,¹ and the Washington Utilities and Transportation Commission. Airwest filed a reply to the opposing answers.

In addition to this application, Airwest filed a Subpart A application, Docket 31718, seeking Reno-Los Angeles authority.

PSA filed a motion to consolidate its application in Docket 30659 (asking for nonstop authority between Los Angeles/Burbank and Reno) with this proceeding.² Answers opposing that motion were filed by United, Western and Airwest. Reno answered in support.

Subsequently, both the PSA application and Airwest's Subpart A application were consolidated with the *California-Nevada Low Fare Route Proceeding*, Docket 31574. See Orders 78-1-16 and 77-10-136.

On January 27, 1978, Airwest filed a motion asking that: (1) the Reno-Los Angeles portion of its Subpart M application be dismissed without prejudice, and (2) the Reno-Spokane portion be granted without further procedures. Answers supporting that motion were filed by the Spokane parties, the Canadian parties, and the Washington Utilities and Transportation Commission. Western filed an answer asking that Airwest be prohibited from operating single-plane service between the Los Angeles area, San Diego, Phoenix, and the San Francisco Bay area, on the one hand, and Calgary and Edmonton, on the other hand.

We have decided: (1) To grant Airwest's motion to dismiss without pre-

¹The Reno Parties are the City of Reno and the Greater Reno Chamber of Commerce. The Spokane Parties are the City of Spokane, Spokane County, and the Spokane Area Chamber of Commerce. The Canadian Parties are the Calgary Transportation Authority and the Edmonton Area Air Services Commission.

²In view of our disposition here, PSA's motion will be dismissed.

judice the Reno-Los Angeles portion of its application, and (2) to issue this show-cause order proposing to grant it unrestricted nonstop authority between Reno and Spokane.

The service needs of the Reno-Los Angeles market will be fully explored in the *California-Nevada* proceeding in which Airwest is a party. Since it would be inefficient to consider the needs of that market in two separate proceedings, we will dismiss without prejudice the Reno-Los Angeles portion of Airwest's application.

Turning to Reno-Spokane, we have, on the basis of the tentative findings below, tentatively concluded that Airwest should be granted nonstop authority in the market. Reno-Spokane is a small market of 8,790 O&D plus interline connecting passengers, and it receives single-plane service only from Airwest. Although United holds nonstop authority, it has provided no nonstop service in 10 years and no single-plane service since 1969. Removal of Airwest's one-stop restriction will potentially benefit both the carrier and the public with little harm to any other carrier.

In the original round of answers opposing Airwest's Subpart M application, the objections focused almost entirely on the Reno-Los Angeles market. In response to Airwest's January 27 motion, no answers were filed opposing Airwest's request for Reno-Spokane authority or its request that the authority be granted without further procedures. Interested parties have thus had two opportunities to come forward with reasons why the Board should not grant Airwest nonstop authority in the Reno-Spokane market. Under these circumstances, we feel that nothing would be gained by instituting a formal oral hearing. This order will afford the parties yet another opportunity to be heard.

While Western does not object to the grant of Reno-Spokane nonstop authority, it asks that Airwest be prohibited from operating single-plane service in the San Diego/Phoenix/Los Angeles area/San Francisco area-Calgary/Edmonton markets on nonstop flights between Reno and Spokane until final Board decision in the *California-Alberta* case, Docket 28198. In support of that request, Western argues that at Airwest's request in the Western realignment proceeding, the Board stayed any improvement in Western's *California-Alberta* authority via Great Falls, pending a decision in the *California-Alberta* case;³ and that Reno-Spokane nonstop authority will result in improved *California-Alberta* authority for Airwest, thereby prejudicing Western's position in the case.

³See Order 78-2-8, issued February 1, 1978.

We have tentatively decided to deny Western's request. First, we declined to stay improvement of Western's Phoenix/San Diego-Alberta authority on the ground that those markets were not at issue in the *California-Alberta* case. Order 78-2-8, p. 3, n. 7. Thus, the stay was issued only for the Los Angeles area/San Francisco Bay area-Alberta markets. Moreover, we expressly stated that we did not grant the stay on the ground that improving Western's authority would prejudice Airwest's position in the *California-Alberta* case. Rather, we did so on the basis of administrative convenience. Id., at 3. Thus, Western is wrong about our basis for issuing the order on which it relies.

Most importantly, Western's best authority in the relevant markets was being improved from two-stop to one-stop. Here, removing a one-stop restriction on Airwest's authority between Reno and Spokane will result in an improvement of its *California-Alberta* authority (via Reno and Spokane) from three-stop to two-stop. Airwest, however, already has one-stop authority in the Los Angeles-Alberta markets (via Las Vegas), and two-stop authority in the San Francisco-Alberta markets (via Spokane). It is thus apparent that awarding Airwest nonstop Reno-Spokane authority will not improve its best authority between California and Alberta. Therefore, Order 78-2-8, staying improvement of Western's *California-Alberta* authority is not controlling here. Furthermore, in view of the foregoing facts, we do not feel that Western's position in the *California-Alberta* case will be prejudiced by removal of the one-stop restriction on Airwest's Reno-Spokane authority.

We therefore tentatively find that the public convenience and necessity require the amendment of Airwest's certificate to grant it unrestricted nonstop authority in the Reno-Spokane market, and that it is fit, willing and able to perform properly the air transportation proposed in its application, and to conform to the Act, and to the rules, regulations, and requirements of the Board.

Accordingly, it is ordered, That: 1. All interested persons be directed to show cause why the Board should not make final the tentative findings stated here and why Hughes Airwest should not be issued an amended certificate of public convenience and necessity in the form attached, granting it unrestricted nonstop authority between Reno, Nev., and Spokane, Wash.;

2. Any interested person objecting to the issuance of an order making final the tentative findings, or to the issuance of the proposed foreign air carrier permit, shall file a statement of objections, fully supported by evidence,

within 20 days after the service date of this order; answers to objections shall be filed within 10 days thereafter;

3. If timely and properly supported objections are filed, the Board will accord full consideration to all matters and issues raised by the objections before it takes further action;

4. If no objections are filed, all further procedural steps will be considered waived, and the Board may enter an order adopting as final the tentative findings set forth here; and

5. Except to the extent granted here, Airwest's petition in Docket 31185 be dismissed;

6. Pacific Southwest Airline's motion to consolidate with this proceeding its application in Docket 30659 be dismissed; and

7. This order shall be served on Hughes Airwest, United Air Lines, Western Air Lines, Pacific Southwest Airlines, the Reno, Spokane, and Canadian parties and the Washington Utilities and Transportation Commission.

By the Civil Aeronautics Board.*

PHYLLIS T. KAYLOR,
Secretary.

[Specimen Certificate]

CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY FOR LOCAL SERVICE (AS AMENDED)
FOR ROUTE 78

HUGHES AIR CORP. D.B.A. HUGHES AIRWEST

is authorized, subject to the following provisions, the provisions of title IV of the Federal Aviation Act of 1958, and the orders, rules, and regulations issued under it, to engage in air transportation of persons, property, and mail:

Between the terminal point Seattle-Tacoma, Wash. (to be served through Seattle-Tacoma International Airport), the intermediate points Astoria-Seaside, Portland, Albany-Corvallis, Eugene, Bend-Redmond, North Bend-Coos Bay, Medford, and Klamath Falls, Oreg., Crescent City, Eureka-Arcata, Red Bluff-Redding, and Chico, Calif., Reno, Nev., Santa Rosa, Sacramento, Stockton, Oakland, San Francisco, San Jose, Monterey-Salinas, Fresno, Bakersfield, Santa Maria, Santa Barbara, Palmdale-Lancaster, Oxnard-Ventura, Riverside-Ontario, Burbank, Los Angeles-Ontario, Orange County-Santa Ana-Anaheim, San Diego, Indio-Palm Springs, El Centro, and Blythe, Calif., Yuma, Tucson, Phoenix, Prescott, Kingman, and Grand Canyon, Ariz., Las Vegas, Nev., Page, Ariz., Cedar City and Salt Lake City, Utah, Twin Falls, Pocatello, Idaho Falls, Sun Valley-Halley-Ketchum, and Boise, Idaho, Lewiston, Idaho-Clarkston, Wash., Pullman, Wash.-Moscow, Idaho, Walla Walla, Pasco-Kennewick-Richland, Yakima, Wenatchee, Ephrata-Moses Lake, and Spokane, Wash., and Kalispell, Mont., and the terminal point Great Falls, Mont.

This service is subject to the following terms, conditions, and limitations:

*Since the Board has provided for the filing of objections to this order, it will not entertain petitions for reconsideration.

*All Members concurred.

(1) The holder shall render service to and from each of the points named, except as temporary suspensions of service may be authorized by the Board; and may begin or terminate, or begin and terminate, trips at points short of terminal points.

(2) The holder may continue to serve regularly any point named here through the airport it last used regularly to serve that point before the effective date of this certificate. Upon compliance with such procedures as may be prescribed by the Board, the holder may, in addition, regularly serve a point named here, other than a point required to be served through a single airport, through any convenient airport.

(3) On each trip operated over all or part of Route 76, the holder shall stop at each point named between the point of origin and point of termination of the trip except at a point or points where (a) the Board, under such procedure as the Board may from time to time prescribe, by order relieves it from this requirement, (b) the holder is authorized to suspend service, (c) the holder is unable to render service on the trip because of adverse weather conditions or other conditions which it could not reasonably foresee or control, or (d) the holder has scheduled at least two daily round trips, in which case it may omit the point or points on any additional trips scheduled over all or part of said route, subject to the conditions set forth in paragraphs (4), (5), and (6) below:

(4) The holder shall schedule service to a minimum of one intermediate point between the following pairs of points:

Bakersfield, Calif., to:

Portland, Oreg.

Salt Lake City, Utah.

Seattle-Tacoma, Wash.

Spokane, Wash.

Boise, Idaho, to:

Burbank, Calif.

Los Angeles-Ontario, Calif.

Reno, Nev.

Riverside-Ontario, Calif.

Sacramento, Calif.

San Francisco, Calif.

San Jose, Calif.

Burbank, Calif., to:

Eugene, Oreg.

Medford, Oreg.

Oakland, Calif.

Reno, Nev.

Sacramento, Calif.

San Francisco, Calif.

Spokane, Wash.

Eugene, Oreg., to:

Las Vegas, Nev.

Los Angeles-Ontario, Calif.

Riverside-Ontario, Calif.

Salt Lake City, Utah

San Diego, Calif.

Seattle-Tacoma, Wash.

Spokane, Wash.

Fresno, Calif., to:

Portland, Oreg.

Salt Lake City, Utah

Seattle-Tacoma, Wash.

Spokane, Wash.

Great Falls, Mont., to:

Idaho Falls, Idaho

Pocatello, Idaho

Spokane, Wash.

Idaho Falls, Idaho, to:

Salt Lake City, Utah

Indio-Palm Springs, Calif., to:

Oakland, Calif.

Orange County-Santa Ana-Anaheim, Calif.

Reno, Nev.

Sacramento, Calif.

Salt Lake City, Utah

San Francisco, Calif.

San Jose, Calif.

Las Vegas, Nev., to:

Medford, Oreg.

Portland, Oreg.

San Francisco, Calif.

Seattle-Tacoma, Wash.

Los Angeles-Ontario, Calif.

Medford, Oreg.

Oakland, Calif.

Reno, Nev.

Sacramento, Calif.

San Diego, Calif.

San Francisco, Calif.

Los Angeles-Ontario, Calif. (when served

through the Ontario International Air-

port), to:

Salt Lake City, Utah

Los Angeles-Ontario, Calif. (when served

through the Los Angeles International

Airport), to:

Phoenix, Ariz.

Portland, Oreg.

Medford, Oreg., to:

Salt Lake City, Utah

San Diego, Calif.

Seattle-Tacoma, Wash.

Spokane, Wash.

Monterey-Salinas, Calif.

Portland, Oreg.

Salt Lake City, Utah

Seattle-Tacoma, Wash.

Spokane, Wash.

Oakland, Calif.

Orange County-Santa Ana-Anaheim,

Calif.

Portland, Oreg.

Reno, Nev.

San Diego, Calif.

Spokane, Wash.

Tucson, Ariz.

Orange County-Santa Ana-Anaheim, Calif.

Sacramento, Calif.

San Francisco, Calif.

San Jose, Calif.

Phoenix, Ariz., to:

Portland, Oreg.

Sacramento, Calif.

San Diego, Calif.

San Francisco, Calif.

Seattle-Tacoma, Wash.

Pocatello, Idaho, to:

Salt Lake City, Utah

Portland, Oreg., to:

Sacramento, Calif.

San Francisco, Calif.

Santa Barbara, Calif.

Stockton, Calif.

Tucson, Ariz.

Reno, Nev., to:

Salt Lake City, Utah

San Diego, Calif.

San Francisco, Calif.

Riverside-Ontario, Calif., to:

Medford, Oreg.

Oakland, Calif.

Reno, Nev.

Sacramento, Calif.

San Diego, Calif.

San Francisco, Calif.

Spokane, Wash.

Riverside-Ontario, Calif. (when served

through the Ontario International Air-

port), to:

Salt Lake City, Utah

Sacramento, Calif., to:

Salt Lake City, Utah

San Diego, Calif.

Spokane, Wash.

Salt Lake City, Utah, to:

San Diego, Calif.

San Jose, Calif.
 Santa Barbara, Calif.
 Stockton, Calif.
 San Diego, Calif., to:
 San Francisco, Calif.
 Spokane, Wash.
 San Francisco, Calif., to:
 Seattle-Tacoma, Wash.
 Spokane, Wash.
 Tucson, Ariz.
 San Jose, Calif., to:
 Spokane, Wash.
 Tucson, Ariz.
 Santa Barbara, Calif., to:
 Seattle-Tacoma, Wash.
 Spokane, Wash.
 Seattle-Tacoma, Wash., to:
 Stockton, Calif.
 Tucson, Ariz.
 Spokane, Wash., to:
 Stockton, Calif.

Provided: That the holder may schedule nonstop service (i) between San Francisco and Los Angeles-Ontario, Calif. (when served through the Los Angeles International Airport), (1) on flights which also serve Chico, Calif., or a point north thereof, *Provided, further:* That if said flights serve Eugene or Medford, Oreg., they shall also serve Portland or a point north thereof, or (2) on flights which also serve a point south of Los Angeles other than Orange County-Santa Ana-Anaheim, Indio-Palm Springs or San Diego, Calif., (ii) between Portland, Oreg., and San Francisco, Calif., on flights which also serve a point south of San Jose, Calif., or a point north of Portland, and (iii) between San Diego and Los Angeles-Ontario, Calif. (when served through the Los Angeles International Airport), on flights which also serve a point north of Burbank, Calif., or east of San Diego.

(5) The holder shall schedule service to a minimum of two intermediate points between the following pairs of points:

Boise, Idaho, to:
 Oakland, Calif.
 San Diego, Calif.
 Burbank, Calif., to:
 Great Falls, Mont.
 Idaho Falls, Idaho
 Pocatello, Idaho
 Portland, Oreg.
 Great Falls, Mont., to:
 Los Angeles-Ontario, Calif.
 Oakland, Calif.
 Portland, Oreg.
 Riverside-Ontario, Calif.
 Salt Lake City, Utah
 San Francisco, Calif.
 San Jose, Calif.
 Seattle-Tacoma, Wash.
 Tucson, Ariz.
 Idaho Falls, Idaho, to:
 Las Vegas, Nev.
 Los Angeles-Ontario, Calif.
 Oakland, Calif.
 Riverside-Ontario, Calif.
 Sacramento, Calif.
 San Diego, Calif.
 San Francisco, Calif.
 San Jose, Calif.
 Indio-Palm Springs, Calif., to:
 Portland, Oreg.
 Seattle-Tacoma, Wash.
 Las Vegas, Nev., to:
 Pocatello, Idaho
 Los Angeles-Ontario, Calif., to:
 Pocatello, Idaho
 Los Angeles-Ontario, Calif. (when served through the Ontario International Airport), to:

Portland, Oreg.
 Los Angeles-Ontario (when served through the Los Angeles International Airport), to:
 Seattle-Tacoma, Wash.
 Oakland, Calif., to:
 Salt Lake City, Utah
 Seattle-Tacoma, Wash.
 Orange County-Santa Ana-Anaheim, Calif., to:
 Portland, Oreg.
 Pocatello, Idaho, to:
 San Diego, Calif.
 Portland, Oreg., to:
 San Diego, Calif.
 San Jose, Calif.
 Spokane, Wash.
 Riverside-Ontario, Calif., to:
 Pocatello, Idaho
 Riverside-Ontario, Calif. (when served through the Ontario International Airport), to:
 Portland, Oreg.
 Sacramento, Calif., to:
 Seattle-Tacoma, Wash.
 San Diego, Calif., to:
 Seattle-Tacoma, Wash.
 San Francisco, Calif., to:
 Salt Lake City, Utah
 San Jose, Calif., to:
 Seattle-Tacoma, Wash.

(6) The holder shall schedule a minimum of three intermediate points between the following pairs of points:

Seattle-Tacoma, Wash., to:
 Burbank, Calif.
 Los Angeles-Ontario, Calif. (when served through the Ontario International Airport)
 Orange County-Santa Ana-Anaheim, Calif.
 Riverside-Ontario, Calif. (when served through the Ontario International Airport)

Provided: That the holder may schedule a minimum of two intermediate points on flights between Seattle-Tacoma and Orange County-Santa Ana-Anaheim if Reno, Nev., is served as one of those intermediate points.

(7) The holder shall serve Spokane, Wash., on all flights serving Great Falls, Mont., on the one hand, and Salt Lake City, Utah, or Tucson, Ariz., on the other hand.

(8) If the holder has scheduled (a) one daily round trip to Sun Valley-Halley-Ketchum, Idaho, Cedar City, Utah, or Blythe, Calif., or to Bend-Redmond, Oreg., on flights serving Portland, Oreg., or (b) two round trips five days a week to Prescott, Kingman, Grand Canyon, or Page, Ariz., the holder may omit such point on any additional trip.

(9) The holder shall not provide turnaround service between Tucson and Phoenix, Ariz.

(10) The holder shall not provide single-plane service through the Ontario International Airport between Los Angeles-Ontario or Riverside-Ontario, Calif., and San Jose, Calif.

(11) The holder is authorized to render flag-stop service by omitting the physical landing of its aircraft at any intermediate point scheduled to be served on a particular flight: *Provided,* That there are no persons, property, or mail on the aircraft destined for that point and no traffic available there for the flight at the scheduled time of departure.

(12) The holder's authority to engage in the transportation of mail in these operations listed in Appendix A, Categories I

and II of Order 78-1-116, as amended by Order —, is limited to carriage on a nonsubsidy basis, i.e., on a service mail rate to be paid entirely by the Postmaster General; the authority listed in these categories shall, for purposes of profit sharing, be treated separately. The authority to operate over the segments listed in Category II is conditioned upon compliance with the interim accounting procedure for profit sharing adopted in Docket 28800.

(13) The holder's authority to serve Ephrata-Mose Lake, Wash., is suspended.

The exercise of the privileges granted by this certificate shall be subject to such other reasonable terms, conditions, and limitations required by the public interest as may from time to time be prescribed by the Board.

The services authorized by this certificate were originally established pursuant to a determination of policy by the Civil Aeronautics Board that in the discharge of its obligation to encourage and develop air transportation under the Civil Aeronautics Act, as amended, it is in the public interest to establish certain air carriers who will be primarily engaged in short-haul air transportation as distinguished from the service rendered by trunkline air carriers. In accepting this certificate, the holder acknowledges and agrees that the primary purpose of this certificate is to authorize and require it to offer short-haul local or feeder, air transportation service of the character described above.

The holder acknowledges and agrees that it is entitled to receive only service mail pay for the mail service rendered or to be rendered solely in connection with operations specified in paragraph (12), and that it is not authorized to request or receive any compensation for mail service rendered or to be rendered for such operations in excess of the amount payable by the Postmaster General.

This certificate shall be effective on — *Provided, however,* That the continued authority to operate nonstop between (a) Spokane and Los Angeles/Reno, and (b) Phoenix and Des Moines/Milwaukee shall be conditioned on timely payment by the holder of such license fee as may be appropriate under rules to be prescribed by the Board.

The Civil Aeronautics Board has directed its Secretary to execute this certificate and to affix the seal of the Board on the —

PHYLLIS T. KAYLOR,
 Secretary.

[FR Doc. 78-14807 Filed 5-25-78; 8:45 am]

[6335-01]

COMMISSION ON CIVIL RIGHTS

INDIANA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Indiana Advisory Committee (SAC) of the Commission will convene at 7 p.m. and will end at 9 p.m. on June 29, 1978 and will convene again on June 30, 1978 at 9 a.m. to 12 noon, Marriott Inn, 1-69 and U.S.—North, Fort Wayne, Ind.

Persons wishing to attend this factfinding meeting should contact the Committee Chairperson, or the Midwestern Regional Office of the Commission, 230 South Dearborn Street, 32nd Floor, Chicago, Ill. 60604.

The purpose of this meeting is the Fort Wayne School Desegregation follow up: reports will be presented to the Committee from the Fort Wayne Action Committee, NAACP, Minestorial Alliance, Urban League, Fort Wayne Community Schools, and Teachers Association. Will also discuss fiscal year 1979 and 1980 programs.

This meeting will be conducted pursuant to the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1978.

JOHN I. BINKLEY,
 Advisory Committee Management
 Officer.

[FR Doc. 78-14760 Filed 5-25-78; 8:45 am]

[6335-01]

SOUTH CAROLINA ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the Rules and Regulations of the U.S. Commission on Civil Rights, that a planning meeting of the South Carolina Advisory Committee (SAC) of the Commission will convene at 12 p.m. and will end at 4 p.m. on June 19, 1978 Holiday Inn Northwest, Junction Interstate 26 and U.S. 1, P.O. Box 258, Columbia, S.C. 29169. (Palmetto Room)

Persons wishing to attend this open meeting should contact the Committee Chairperson, or the Southern Regional Office of the Commission, 75 Piedmont Avenue, N.E., Atlanta, Ga. 30303.

The purpose of this meeting is to discuss draft copy of SAC report on Municipal Services in Mullins, make plans for follow up for Report Review proceedings of Regional SAC Conference in April.

This meeting will be conducted pursuant to the provisions of the Rules and Regulations of the Commission.

Dated at Washington, D.C., May 23, 1978.

JOHN I. BINKLEY,
 Advisory Committee
 Management Officer.

[FR Doc 78-14761 Filed 5-25-78; 8:45 am]

[6325-01]

CIVIL SERVICE COMMISSION

DEPARTMENTS OF COMMERCE; ENERGY; HEALTH, EDUCATION, AND WELFARE; EXECUTIVE OFFICE OF THE PRESIDENT

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20) the

Civil Service Commission authorized the following agencies to fill by noncareer executive assignment in the excepted service the positions listed below:

Department of Commerce—Deputy Assistant Secretary for Domestic Business Development, Industry and Trade Administration.

Department of Energy—Executive Assistant to the Deputy Secretary, Office of the Deputy Secretary.

Department of Health, Education, and Welfare—Director, Community College Unit, Bureau of Postsecondary Education, Office of Education.

Executive Office of the President—Assistant Director for Domestic Policy Analysis, Office of Telecommunications Policy.

UNITED STATES CIVIL SERVICE COMMISSION.

JAMES C. SPRY,
 Executive Assistant
 to the Commissioners.

[FR Doc. 78-14808 Filed 5-25-78; 8:45 am]

[6325-01]

DEPARTMENTS OF COMMERCE; ENERGY; HEALTH, EDUCATION, AND WELFARE; FEDERAL HOME LOAN BANK BOARD

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission authorizes the following agencies to fill by noncareer executive assignment in the excepted service the positions listed below:

Department of Commerce—Special Assistant for Minority Enterprise, Office of Minority Business Enterprise.

Department of Energy—(1) Chief, Office of Electric Power Regulation, Federal Energy Regulatory Commission; (2) Director, Office of Regulatory Analysis, Federal Energy Regulatory Commission.

Department of Health, Education, and Welfare—Director, Medicaid Bureau, Health Care Financing Administration.

Federal Home Loan Bank Board—Director, Federal Savings and Loan Insurance Corporation, Office of the Director.

UNITED STATES CIVIL SERVICE COMMISSION,

JAMES C. SPRY,
 Executive Assistant
 to the Commissioners.

[FR Doc. 78-14809 Filed 5-25-78; 8:45 am]

[6325-01]

DEPARTMENTS OF THE AIR FORCE; HEALTH, EDUCATION, AND WELFARE; LABOR; ENVIRONMENTAL PROTECTION AGENCY

Grant of Authority To Make Noncareer Executive Assignment

Under authority of section 9.20 of Civil Service Rule IX (5 CFR 9.20) the Civil Service Commission authorizes the following agencies to fill by noncareer executive assignment in the excepted service the positions listed below:

Department of the Air Force—Principal Deputy Assistant Secretary for Manpower Resources and Reserve Affairs, Office, Assistant Secretary (Manpower, Reserve Affairs and Installations), Office, Secretary of the Air Force.

Department of Health, Education, and Welfare—Director, Office of Legislative Planning, Office of Policy, Planning and Research, Office of the Administrator, Health Care Financing Administration.

Department of Labor—Deputy Assistant Secretary for Policy, Evaluation, and Research, Office of the Secretary.

Environmental Protection Agency—Executive Assistant (Econometrics) to the Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION.

JAMES C. SPRY,
 Executive Assistant
 to the Commissioners.

[FR Doc. 78-14810 Filed 5-25-78; 8:45 am]

[6325-01]

DEPARTMENTS OF COMMERCE; ENERGY, ENVIRONMENTAL PROTECTION AGENCY

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Departments below to fill by noncareer executive assignment in the excepted service the following positions:

Department of Commerce—(1) Executive Director, Interagency Council for Minority Business Enterprise, Office of Minority Business Enterprise, and (2) General Counsel, National Oceanic and Atmospheric Administration.

Department of Energy—Associate Assistant Administrator for International Agreements and Regional Affairs, International Energy Affairs.

Environmental Protection Agency—(1) Scientific Assistant to the Administrator, Office of the Administrator, (2) Assistant to the Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-14648 Filed 5-25-78; 8:45 am]

[6325-01]

DEPARTMENTS OF COMMERCE, HEALTH, EDUCATION AND WELFARE, ENVIRONMENTAL PROTECTION AGENCY, INTERSTATE COMMERCE COMMISSION

Grant of Authority To Make Noncareer
Executive Assignment

Under authority of § 9.20 of Civil
Service Rule IX (5 CFR 9.20) the Civil

Service Commission authorizes the following agencies to fill by noncareer executive assignment in the excepted service the positions listed below:

Department of Commerce—Special Counsel for Law of the Sea, National Oceanic and Atmospheric Administration.

Department of Health, Education and Welfare—Deputy Assistant Secretary for Education (Policy Development), Office of the Deputy Assistant Secretary for Education, Office of the Assistant Secretary for Education, Education Division.

Environmental Protection Agency—Executive Assistant to the Administrator (Technical), Office of the Administrator.

Interstate Commerce Commission—(1) Deputy Director, Office of Rail Public Counsel, (2) two positions of Associate Rail Public Counsel, Office of Rail Public Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
JAMES C. SPRY,
Executive Assistant
to the Commissioners.

[FR Doc. 78-14649 Filed 5-25-78; 8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content

The Federal Trade Commission's laboratory has determined the "tar" (dry particulate matter) and total alkaloid (reported as nicotine) content of 167 varieties of domestic cigarettes. The laboratory utilized the Cambridge filter method with the specifications set forth in the Commission's announcement dated July 31, 1967 (32 FR 11178). The varieties are arranged in alphabetical order with tar values rounded to the nearest whole milligram and nicotine values rounded to the nearest tenth of a milligram.

Tar¹ and nicotine² content of 167 varieties of domestic cigarettes, Federal Trade Commission, May 1978

[In milligram per cigarette]

Brand	Type	TPM dry (tar) ¹	Nicotine ²
Alpine	King size, filter, menthol	14	0.8
American Lights	120 mm, filter	8	.7
Do	120 mm, filter, menthol	9	.7
Belair	King size, filter, menthol	15	.9
Do	100 mm, filter, menthol	16	1.1
Benson & Hedges	Regular size, filter (hard pack)	1	.1
Do	King size, filter (hard pack)	17	1.2
Benson & Hedges 100's	100 mm, filter (hard pack)	17	1.1
Do	100 mm, filter, menthol (hard pack)	17	1.1
Do	100 mm, filter	17	1.1
Do	100 mm, filter, menthol	17	1.0
Bull Durham	King size, filter	30	2.0
Camel	Regular size, nonfilter	25	1.6
Do	King size, filter	19	1.3
Carlton	King size, filter (hard pack)	<0.5	<.05
Do	King size, filter	1	.1
Do	King size, filter, menthol	4	.4
Do	100 mm, filter	23	1.3
Chesterfield	Regular size, nonfilter	28	1.7
Do	King size, nonfilter	17	1.1
Do	King size, filter	17	1.1
Do	101 mm, filter	5	.4
Decade	King size, filter	5	.4
Do	King size, filter, menthol	12	.9
Doral	King size, filter	12	.8
Do	King size, filter, menthol	16	1.1
DuMaurier	King size, filter (hard pack)	23	1.6
English Ovals	Regular size, nonfilter (hard pack)	30	2.1
Do	King size, nonfilter (hard pack)	16	1.0
Eve	100 mm, filter	16	1.0
Eve	100 mm, filter, menthol	14	1.0
Eve 120's	120 mm, filter (hard pack)	15	1.1
Do	120 mm, filter, menthol (hard pack)	12	.8
Fact	King size, filter	13	.9
Do	King size, filter, menthol	28	1.7
Fatima	King size, nonfilter	16	1.0
Galaxy	King size, filter	24	1.5
Half & Half	Do	29	1.8
Herbert Tareyton	King size, nonfilter	10	.7
Hi-Lite	100 mm, filter (hard pack)	21	1.5
Home Run	Regular size, nonfilter	3	.3
Iceberg 100's	100 mm, filter, menthol		

Tar¹ and nicotine² content of 167 varieties of domestic cigarettes, Federal Trade Commission, May 1978—Continued

[In milligram per cigarette]

Brand	Type	TPM dry (tar) ¹	Nicotine ²
Kent	King size, filter (hard pack)	15	1.0
Do	King size, filter	16	1.1
Kent Micronite II	Do	12	.9
Kent Golden Lights	Do	8	.7
Do	King size, filter, menthol	9	.7
Kent	100 mm, filter	18	1.3
Kent Micronite II	Do	14	1.0
Kent Golden Lights	Do	9	.8
Kent	100 mm, filter, menthol	17	1.1
Kent Golden Lights	Do	9	.8
King Sano	King size, filter	6	.3
Do	King size, filter, menthol	6	.3
Kool	Regular size, nonfilter, menthol	20	1.3
Do	King size, filter, menthol (hard pack)	18	1.4
Do	King size, filter, menthol	17	1.4
Kool Milds	King size, filter, menthol	14	.9
Kool	100 mm, filter, menthol	18	1.3
L&M	King size, filter (hard pack)	17	1.0
L&M	King size, filter	17	1.0
L&M Lights	Do	7	.8
L&M	100 mm, filter	17	1.1
L&M Lights	Do	8	.8
L&M	100 mm, filter, menthol	18	1.1
L. T. Brown	120 mm, filter	20	1.5
Do	120 mm, filter, menthol	19	1.4
Lark	King size, filter	17	1.1
Do	100 mm, filter	19	1.2
Long Johns	120 mm, filter	17	1.3
Do	120 mm, filter, menthol	16	1.3
Lucky Strike	Regular size, nonfilter	24	1.4
Lucky Ten	King size, filter	9	.7
Lucky 100's	100 mm, filter	2	.3
Mapleton	Regular size, nonfilter	27	1.2
Do	King size, filter	24	1.4
Marlboro	King size, filter (hard pack)	17	1.0
Do	King size, filter, menthol (hard pack)	14	.8
Do	King size, filter	17	1.0
Marlboro Lights	Do	12	.8
Marlboro	King size, filter, menthol	14	.8
Do	100 mm, filter (hard pack)	17	1.1
Do	100 mm, filter	18	1.1
Max	120 mm, filter	17	1.3
Max	120 mm, filter, menthol	17	1.3
Merit	King size, filter	8	.6
Do	King size, filter, menthol	8	.6
Merit 100's	100 mm, filter	11	.7
Do	100 mm, filter, menthol	11	.7
Montclair	King size, filter, menthol	17	1.3
More	120 mm, filter	23	1.7
Do	120 mm, filter, menthol	23	1.7
Multifilter	King size, filter	13	.8
Do	King size, filter, menthol	11	.7
Newport	King size, filter, menthol (hard pack)	17	1.2
Do	King size, filter, menthol	18	1.3
Newport Lights	Do	10	.8
Newport	100 mm, filter, menthol	19	1.4
Now	King size, filter (hard pack)	1	.1
Now	King size, filter, menthol (hard pack)	1	.1
Oasis	King size, filter, menthol	16	1.1
Old Gold Straights	Regular size, nonfilter	30	1.2
Do	King size, nonfilter	25	1.6
Old Gold Filters	King size, filter (hard pack)	16	1.1
Do	King size, filter	16	1.2
Old Gold 100's	100 mm, filter	21	1.4
Pall Mall	King size, nonfilter	26	1.6
Do	King size, filter	17	1.2
Pall Mall Extra Mild	Do	7	.5
Pall Mall	100 mm, filter	19	1.4
Do	100 mm, filter, menthol	16	1.2
Parliament	King size, filter (hard pack)	9	.6
Do	King size, filter	9	.6
Do	100 mm, filter	12	.8
Philip Morris	Regular size, nonfilter	20	1.1
Philip Morris Commander	King size, nonfilter	35	1.4
Philip Morris International	100 mm, filter (hard pack)	17	1.1
Do	100 mm, filter, menthol (hard pack)	16	1.0
Picayune	Regular size, nonfilter	23	1.6
Piedmont	Do	24	1.4
Players	Regular size, nonfilter (hard pack)	35	2.5
Raleigh	King size, nonfilter	24	1.4
Do	King size, filter	16	1.0
Raleigh Lights	Do	13	.9
Raleigh	100 mm, filter	17	1.3
Real	King size, filter	9	.7
Do	King size, filter, menthol	8	.8

Tar¹ and nicotine² content of 167 varieties of domestic cigarettes, Federal Trade Commission, May 1978—Continued
(In milligram per cigarette)

Brand	Type	TPM dry (tar) ¹	Nicotine ²
St. Moritz	100 mm, filter	16	1.1
Do	100 mm, filter, menthol	17	1.1
Salem	King size, filter, menthol (hard pack)	18	1.2
Do	King size, filter, menthol	18	1.1
Salem Lights	do	19	.8
Salem	100 mm, filter, menthol	19	1.3
Salem Long Lights	do	19	.8
Sano	Regular size, nonfilter	16	.5
Saratoga	120 mm, filter (hard pack)	15	1.0
Do	120 mm, filter, menthol (hard pack)	16	1.0
Silva Thins	100 mm, filter	16	1.2
Do	100 mm, filter, menthol	16	1.1
Spring 100's	do	20	1.1
Stratford	King size, nonfilter	26	1.1
Do	King size, filter	25	1.4
Tall	120 mm, filter	17	1.4
Do	120 mm, filter, menthol	16	1.3
Tareyton	King size, filter	17	1.2
Tareyton Lights	do	7	.8
Tareyton	100 mm, filter	16	1.2
Tempo	King size, filter	7	.5
True	do	5	.4
Do	King size, filter, menthol	5	.4
True 100's	100 mm, filter	13	.8
Do	100 mm, filter, menthol	13	.8
Twist	100 mm, filter, lemon/menthol	17	1.3
Vantage	King size, filter	11	.8
Do	King size, filter	11	.8
Do	100 mm, filter, menthol	10	.8
Viceroy	King size, filter	16	1.1
Viceroy Extra Mild	do	11	.8
Viceroy	100 mm, filter	18	1.2
Virginia Slims	do	16	.8
Do	100 mm, filter, menthol	16	.8
Winston	King size, filter (hard pack)	19	1.3
Do	King size, filter	20	1.3
Winston Lights	do	13	.8
Winston	100 mm, filter	19	1.3
Winston Lights	do	13	1.0
Winston	100 mm, filter, menthol	19	1.3

¹TPM (tar)—milligrams total particulate matter less nicotine and water.

²Milligrams total alkaloids reported as nicotine.

³Now cigarettes have been reformulated to produce 2 mg tar and 0.1 mg nicotine in the FTC test method, according to the manufacturer.

By direction of the Commission dated May 5, 1978.

CAROL M. THOMAS,
Secretary.

[FR Doc. 78-14547 Filed 5-25-78; 8:45 am]

[3510-22]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric
Administration

**MID-ATLANTIC FISHERY MANAGEMENT
COUNCIL'S SCIENTIFIC AND STATISTICAL
COMMITTEE**

Public Meeting

The Scientific and Statistical Committee of the Mid-Atlantic Fishery Management Council, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet June 12, 1978, at Brandywine Hilton, 195 and Naamans Road, Claymont, Delaware 19703. The meeting starts at 9 a.m. on June 12, 1978, and will end at approximately 3 p.m.

Proposed Agenda: (1) Review of Butterfish and Shark Fishery Management Plans; (2) Develop priority list for fishery management; (3) Review of Surf Clam Situation.

Meeting is open to the public. For more information on seating, changes to the agenda, and/or written comments, contact John C. Bryson, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Delaware, telephone 302-674-2331.

Dated: May 22, 1978.

WINFRED H. MEIBOHM,
Associate Director,
National Marine Fisheries Service.

[FR Doc. 78-14787 Filed 5-25-78; 8:45 am]

[6820-33]

**COMMITTEE FOR PURCHASE FROM
THE BLIND AND OTHER SEVERELY
HANDICAPPED**

PROCUREMENT LIST 1978

Additions

AGENCY: Committee for Purchase

from the Blind and Other Severely Handicapped.

ACTION: Additions to Procurement List.

SUMMARY: This action adds to Procurement List 1978 services to be provided by workshops for the blind or other severely handicapped.

EFFECTIVE DATE: May 26, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street N., Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: On February 10 and February 17,

1978, the Committee for Purchase from the Blind and Other Severely Handicapped published notices (43 FR 5861 and 43 FR 6992) of proposed additions to Procurement List 1978, November 14, 1977 (42 FR 59015).

After consideration of the relevant matter presented, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46-48(c), 85 Stat. 77.

Accordingly, the following services are hereby added to Procurement List 1978:

SIC 7349

Janitorial/Custodial (SH), Including Light Fixture Cleaning, Veterans Administration Building, 252 Seventh Avenue, New York, N.Y.

SIC 7399

Shrink Wrapping Gift Packages (SH), Item No. 825.
U.S. Postal Service, Item No. 826.
Washington, D.C., Item No. 827.

C. W. FLETCHER,
Executive Director.

[FR Doc. 78-14783 Filed 5-25-78; 8:45 am]

[6820-33]

PROCUREMENT LIST 1978

Proposed Addition

AGENCY: Committee for Purchase from the Blind and Other Severely Handicapped.

ACTION: Proposed Addition to Procurement List.

SUMMARY: The Committee has received a proposal to add to Procurement List 1978 military resale items produced by workshops for the blind or other severely handicapped.

COMMENTS MUST BE RECEIVED ON OR BEFORE: June 28, 1978.

ADDRESS: Committee for Purchase from the Blind and Other Severely Handicapped, 2009 14th Street N., Suite 610, Arlington, Va. 22201.

FOR FURTHER INFORMATION CONTACT:

C. W. Fletcher, 703-557-1145.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2), 85 Stat. 77.

If the Committee approves the proposed addition, all entities of the Federal Government will be required to procure the military resale items listed below from workshops for the blind or other severely handicapped.

It is proposed to add the following military resale items to Procurement List 1978, November 14, 1977 (42 FR 59015): I73 Military Resale Item No. and Name

No. 555.—Scrubber, Kitchen.
No. 556.—Scrubber, Bathroom.

No. 557.—Scrubber, General Household.
No. 598.—Cutlery Set, H.D., Plastic.
No. 597.—Knives, H.D., Plastic.
No. 598.—Forks, H.D., Plastic.
No. 599.—Spoons, H.D., Plastic.

C. W. FLETCHER,
Executive Director.

[FR Doc 78-14782 Filed 5-25-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Office of Energy Technology

**LIGNITE SUBCOMMITTEE, FOSSIL ENERGY
ADVISORY COMMITTEE**

Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Lignite Subcommittee of the Fossil Energy Advisory Committee will meet Thursday, June 15, 1978, at 9 a.m. in Room 125 at the Grand Forks Energy Research Center, 15 North 23rd Street, Grand Forks, North Dakota.

The purpose of the Subcommittee is to advise the Secretary of Energy with regard to the Grand Forks Energy Research Center's activities which pertain to developing technology for the use of lignite and other low-rank coal. The agenda for the meeting is as follows:

9 a.m.—Opening Remarks.

9:15 a.m.—DOE Fossil Energy Organization Program Status and Plans for fiscal year 1978, 1979, 1980.

9:45 a.m.—General Summary of Grand Forks Energy Research Center (GFERC) Program and Facilities Status and Plans.

10:15 a.m.—Details of GFERC Technical Program fiscal year 1978 and Plans for fiscal year 1979-80: Gasification, Liquefaction, Combustion, Emissions Control, Analytical Research and Support.

11:30 a.m.—Lunch Break and Tour of Center.

1 p.m.—Continue Detailed Discussion of GFERC Technical Program.

1:30 p.m.—Activities at Area Universities.

1:45 p.m.—Discussion by the Subcommittee: Plans for 1979 Lignite Symposium; Low-Rank Coal Lead Center Status for GFERC; Reinstatement of Low-Rank Coal Preparation Program at GFERC; Need for Lignite Mining Research North Dakota Lignite Development and Research Needs; Gulf Coast Lignite Development and Research Needs.

4 p.m.—Public Comments (10 Minute Rule), Concluding Remarks.

The meeting is open to the public. The Chairman of the Subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform

Georgia Hildreth, Acting Director, Advisory Committee Management, 202-566-9996, at least 5 days prior to the meeting and reasonable provision will be made for their appearance on the agenda.

The transcript of the meeting will be available for public review at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C., between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on May 23, 1978.

WILLIAM P. DAVIS,
Deputy Director of
Administration.

[FR Doc. 78-14780 Filed 5-25-78; 8:45 am]

[3128-01]

Office of Special Counsel for Compliance

[Case No. 680R00205]

PHILLIPS PETROLEUM CO.

Action Taken on Consent Order

Pursuant to 10 CFR § 205.199J, the Economic Regulatory Administration (ERA) of the Department of Energy (DOE), hereby gives notice of final action taken on a Consent Order. Under the terms of 10 CFR § 205.199J(c), no Consent Order involving sums in excess of \$500,000 shall become effective until DOE publishes notice of its execution and solicits and considers public comments with respect to its terms. On September 15, 1977, DOE published Notice of a Consent Order which was executed between Phillips Petroleum Co. (Phillips) and DOE (42 FR 46393, September 15, 1977). With that notice, and in accordance with 10 CFR § 205.199J(c), DOE invited interested persons to comment on the Consent Order. The only comment received by DOE with respect to the Consent Order concerned the proposed remedy for \$977,890.54 in overcharges which DOE alleged to have occurred in Phillips' sales of No. 2 heating oil and kerosene to Union Petroleum Corp. (Union) during 1974, 1975, and 1976. The comment recommended that the Consent Order contain express provisions to protect Union's customers who may have been overcharged as a result of the alleged excessive prices.

10 CFR § 205.199J(a) empowers the DOE to provide such remedies as it determines are necessary. Accordingly, after giving due consideration to the comment received, DOE is concurrently issuing an Ancillary Order to Union Petroleum Co. requiring Union to:

a. Deposit the total amount of the refund from Phillips into a special segregated account to which interest will be accrued.

b. Maintain in the special account all amounts deposited and all amounts earned and/or accumulated on the deposit until otherwise directed by designated officials of the Department of Energy.

c. Keep the account available for inspection, audit, and other purposes deemed necessary by the Department of Energy.

With the issuance of the Ancillary Order to Union, DOE has concluded that the Consent Order as executed between DOE and Phillips is an appropriate resolution of the compliance proceedings described in the Notice published on September 15, 1977, and hereby gives notice that the Consent Order shall become effective on May 27, 1978.

Issued in Washington, D.C., on the 23rd day of May, 1978.

PAUL L. BLOOM,
Special Counsel for Compliance.
(FR Doc. 78-14864 Filed 5-25-78; 8:45 am)

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 902-11]

ENVIRONMENTAL IMPACT STATEMENTS

Receipt

Pursuant to the President's Reorganization Plan No. 1, the Environmental Protection Agency is the official recipient for environmental impact statements (EIS's) and is required to publish the availability of each EIS received weekly. The following is a list of environmental impact statements received by the Environmental Protection Agency from May 15, through May 19, 1978. The date of receipt for each statement is noted in the statement summary. Under the Guidelines of the Council on Environmental Quality the minimum period for public review and comment on draft environmental impact statements is forty-five (45) days; the date of submission of comments is July 10, 1978. The thirty (30) day period for each final statement begins the day the statement is made available to the Environmental Protection Agency and to commenting parties.

Copies of individual statements are available for review from the originating agency. Back copies are also available at 10 cents per page from the Environmental Law Institute, 1346 Connecticut Avenue, Washington, D.C. 20036.

Dated: May 23, 1978.

PETER F. SMITH,
Acting Director,
Office of Federal Activities.

DEPARTMENT OF AGRICULTURE

Contact: Mr. Barry Flamm, Coordinator, Environmental Quality Activities, U.S. Department of Agriculture, Room 359A, Washington, D.C. 20250, 202-447-3965.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

The comment period for the following draft EIS has been shortened to June 5, 1978, due to restraints placed upon the agency by the court system.

Draft

Japanese Beetle Regulatory Program, May 17: This statement presents the selection criteria of the Japanese Beetle regulatory program of retarding the artificial movement of the Japanese Beetle by aircraft from infested areas to the following noninfested States: Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, and certain foreign countries. Approximately seven airports in the infested area may be declared hazardous due to high populations of Japanese Beetles in the coming year. Approximately 3,000 aircraft will require some type of chemical treatment (USDA-APHIS, (ADM)-78-1-D). (ELR Order No. 80522.)

FOREST SERVICE

Final

Upper Cispus Unit Plan, Gifford Pinchot National Forest, Lewis, Skamania, and Yakima Counties, Ore., May 16: Proposed is the implementation of a comprehensive land use plan for the Upper Cispus Planning Unit, Gifford Pinchot National Forest, the unit covers 183,960 acres of land, of which 114,630 acres lie in Lewis County, 64,930 acres lie in Skamania County, and 4,400 acres lie in Yakima County. Primary land allotments are for purposes of timber management, wilderness study, dispersed recreation, and allocation to key wildlife habitat. Adverse effects include those caused by additional people in the area (USDA-FS-R8-FES(ADM)-78-1). Comments made by: USDA, FERC, EPA, DOE, DOI, State and local agencies, and groups and individuals and businesses. (ELR Order No. 80516.)

Lone Tree unit plan, Gifford Pinchot National Forest, Lewis and Skamania Counties, Wash., May 16: The proposed action describes alternative management plans for national forest land in the lone tree planning unit, located in Lewis and Skamania Counties, Wash. Included is 1,480 acres of private land and 113,370 acres of national forest land administered by the Gifford Pinchot National Forest's Randle ranger district. The Lone Tree unit is 1 of 16 such units on the Gifford Pinchot National Forest. The geographic center of the unit is about 65 airline miles northeast of Vancouver, Wash., and Portland, Oregon Metropolitan Area, and 70 miles southeast of the Seattle/Tacoma area (USDA-FS-R6-FES(ADM)-78-5). Comments made by: DOE, HUD, FERC, DOT, EPA, USDA, DOI, State and local agencies, and groups, individuals, and businesses. (ELR Order No. 80515.)

RURAL ELECTRIFICATION ADMINISTRATION

Draft

Black Fox station units 1 and 2, guaranteed loan, Rodgers County, Okla., May 19: This statement concerns the use of REA guaranteed loan funds by Western Farmers Electric Cooperative of Anadarko, Oklahoma and Associated Electric Cooperative, Inc., to finance a 39.19 percent undivided ownership interest in units 1 and 2 of the Black Fox station, Rodgers County, Okla. The station would consist of two boiling water reactors producing up to 3,579 megawatts thermal per unit. Steam turbine generators would use this heat to provide 1,150 megawatts of electrical power capacity per unit (USDA-FEA-EIS(ADM)-78-4-D). (ELR Order No. 80532.)

U.S. ARMY CORPS OF ENGINEERS

Contact: Dr. C. Grant Ash, Office of Environmental Policy Department, Attn: DAEN-CWR-P, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202-693-6795.

Draft

Norfolk Lake highway bridges, U.S. 62 and AR-101, Baxter County, Ark., May 16: The purpose of this proposed project is to connect two segments of U.S. Highway 101, which are presently separated by Norfolk Lake, located in township 19 north, range 12 west Baxter County, Ark. The project consists of the construction of two high level, 2-lane, fixed bridges referred to as U.S. 62 and Arkansas 101 and the necessary bridge approaches. The U.S. 62 bridge would span 3,460 feet long and Arkansas 101 would be 2,880 feet long, eight alternates are considered (Little Rock District). (ELR Order No. 80511.)

Draft

Richard B. Russell Dam and Lake, pumped storage, several counties in Georgia and South Carolina, May 15: The proposed action concerns the installation of pump storage units at the Richard B. Russell Dam and Lake located in the counties of Elbert and Hart, Ga., and Abbeville and Anderson Counties, S.C. The units consist of four 75,000 kW reversible motor generator units driven by four reversible pump turbines. The reversible pump turbines will be in the dam located on the Savannah River. The turbines for the pump units will be a vertical shaft, single unit reversible pump type (Savannah District). (ELR Order No. 80509.)

Madison Parish Port Improvement, Madison County, La., May 15: The proposed project concerns improvements to the Madison Parish Port, Madison Parish, La. The actions involved are the creation of a 9 by 150 foot access channel with a 35 by 1,100 foot turning basin in a sand bar west of the main channel of the Mississippi River. Dredged material from construction and maintenance operations will be deposited in confined, upland areas designated for disposal. A total of 610,000 cubic yards of material will be removed from the sand bar during construction. The project will also include a fluting and berthing area that will be constructed by local interests (Vicksburg District). (ELR Order No. 80597.)

Final

Potomac River water supply structures, counties in Maryland and Virginia, May 18: Proposed is the corps' issuance of three

pending permit applications for structures associated with water supply facilities on the Potomac River. Plans call for construction of a diversion weir across the north channel of the Potomac River near Watkins Island, Montgomery County, by the Washington Suburban Sanitary Commission (WSSC); the replacement of the existing intake structure at that location by WSSC; and the construction of an intake facility at Lowes Island, Loudoun County, VA., by the Fairfax County Water Authority (FHWA-VA-EIS-77-01-F). Comments made by: EPA, USDA, DOC, DOI, State agencies, and individuals. (ELR Order No. 80523.)

Lutsen and Beaver Harbors of Refuge, Lake Superior, Cook and Lake Counties, Minn., May 18: The statement proposes the construction of two harbors-of-refuge at Lutsen and Beaver Bay, Minn. The project is part of a continuous system of harbors for small craft along the north shore of Lake Superior at 30 to 40 mile intervals. Structures necessary at the Lutsen site would cover one acre of lake bottom, and one acre would be dredged. At the Beaver Bay site, structures would cover 0.05 acre of land and 2 acres would be dredged. In addition, an indetermined amount of lake bottom and land area would be utilized for project-induced secondary developments (St. Paul District). Comments made by: EPA, USDA, DOC, HUD, HEW, DOI, CGD, DOT, AHP, State and local agencies, and groups and individuals. (ELR Order No. 80526.)

Final supplement

GIWW dredge, channel to Rockport (S-2), Texas, May 16: This statement supplements a final EIS filed with CEQ in January 1976. The proposed action is periodic maintenance dredging of the channel to Rockport, Tex., which is a tributary channel to the Gulf Intracoastal waterway (GIWW). The project is a shallow-draft channel and turning basin in Aransas Bay adjacent to Rockport. The project includes a channel 9 feet deep by 200 feet wide from the main channel of the GIWW to the city of Rockport. The project also includes a turning basin near Rockport 9 feet deep by 1,255 feet long (Galveston District). Comments made by: EPA, DOC, DOI, DOT, CGD, USDA, AHP, and State and local agencies. (ELR Order No. 80514.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Wallace Stickney, Environmental Protection Agency, Region 1, JFK Federal Building, Boston, Mass. 02203, 617-223-4635.

Final supplement

Scarborough wastewater collection, disposal system, Cumberland County, Maine, May 17: This statement supplements a final EIS filed in May 1977 concerning step II grant funds for the Scarborough sanitary district for the design and construction of a sanitary sewerage system in Scarborough, Cumberland County, Maine. The final EIS recommended a preferred alternative which, due to subsequent studies, has been shown as not feasible. As a result, another alternative has been selected for consideration which involves the construction of a 1.8 MGD wastewater treatment facility at Prout's Neck with an ocean outfall off Prout's Neck for disposal of the treated effluent. (ELR Order No. 80518.)

GREAT LAKES BASIN COMMISSION

Contact: Mrs. Lee Batts, Chairman, GLBC, 3475 Plymouth Road, Post Office

Box 48106, Ann Arbor, Michigan 48106, 313-668-2300.

The following draft EIS has been issued by the Great Lakes Basin Commission to fulfill the requirement of the EIS process and the Resource Study. Therefore the review has been extended to 90 days.

Draft

Maumee River Basin Study, several counties, Michigan, Ohio, and Indiana, May 18: The proposed action involves the Maumee Level B Plan which includes provisions for the conservation, development, and use of water and related land resources consistent with the interests of the local citizens, the States of Michigan, Indiana, and Ohio, and the Nation. The plan preparation process was designed to fulfill the environmental impact analysis requirements of the National Environmental Policy Act. The proposed action proposes future programs to meet resource needs and problems needs and problems in the areas of land resources management, erosion and sedimentation, water quality, wildlife, hunting and flooding in the Maumee Bay. (ELR Order No. 80525.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, Room 4256, Interior Building, Department of the Interior, Washington, D.C. 20240, 202-343-3891.

BUREAU OF LAND MANAGEMENT

Draft

Hot Desert Grazing Management Plan, Dixie Resource, Washington County, Utah, May 19: This statement concerns livestock grazing management plans in 529,564 acres of public land in the Dixie Resource Area, Washington County, Utah. The plan will involve 42 allotment plans, 14 custodial plans and 3 plans to eliminate grazing. Four basic systems are proposed which consist of: (1) A 1-year rest period on 401,271 acres; (2) delayed grazing on a portion of each allotment during the growing season; (3) delay of grazing until after the growing season; and (4) season long use primarily during the winter period (DES-78-21). (ELR Order No. 80528.)

Draft

Sandy Area Livestock Grazing Management, several counties, Wyoming, May 19: This statement concerns a grazing management program for the Sandy Area located in Sweetwater, Lincoln, Sublette and Fremont Counties, Wyo. The project proposes management of grazing on approximately 1,997,330 acres and no grazing on 970 acres. The plan will involve 18 allotment plans (Amp's) and 13 custodial pastures employing a variety of grazing/rest rotation plans. The action will also provide for, within the Amp's, seasonal use, proper grazing, allowance of animal unit months (AUM), Available boundaries, grazing land treatment, and conversion of livestock qualification in AUM's. (DES-78-22). (ELR Order No. 80529.)

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Contact: Mr. Nathaniel Cohen, Director, Office of Policy Analysis, National Aeronautics and Space Administration, 4400 Maryland Avenue, Washington, D.C. 20546, 202-755-8433.

Final Supplement

Space Shuttle Program (S-2), May 16: The proposed program entails the development

of a reusable space shuttle system for carrying payloads to near-Earth orbit and back to Earth, production of the necessary vehicles, and operations beginning in 1979 and extending for at least a decade. This revisor of a 1972 broad program statement considers systems design changes and other recently derived information in assessing environmental effects. Potential adverse effects include air pollution and noise from rocket exhausts at test and launch sites, sonic boom at launch and landing sites, and a small decrease in stratospheric ozone concentration. Comments made by: AHP, USDA, USAF, HEW, DOI, STAT, and State and local agencies. (ELR Order No. 80513.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Office of Environmental Quality, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, 202-755-6308.

Draft

Terrestria Planned Unit Development, Stone Bridge, Camden County, N.J., May 16: The proposed action concerns the issuance of land acquisition and development, and subdivision feasibility mortgage insurance for the residential development of Terrestria (Stone Bridge Run), Gloucester Township, Camden County, N.J. The development will consist of mixed residential uses with 2,765 dwelling units of a variety of types including single-family detached, townhouses, duplexes, and high rise apartments, seven acres are to be used for shopping and 81 acres of flood plain will be left undeveloped (HUD-R02). (ELR Order No. 80520.)

Final

Larchmont Natomas Development, Rancho Cordova, Sacramento County, Calif., May 15: Proposed is the development of a residential development incorporating public and commercial land uses, containing 240 acres, 1,295 dwelling units, and an ultimate population estimated at 4,250. The project is located in the community of Rancho Cordova, Sacramento County, Calif. (HUD-R09-EIS-77-6F). Comments made by: AHP, USDA, COE, HEW, DOT, GSA, and State and local agencies. (ELR Order No. 80506.)

Final

I-95/Route 40 Growth Corridor, New Castle Co., New Castle County, Del., May 19: The proposed action is for the Department of HUD to accept the New Castle County 1985 general comprehensive plan and to accept future HUD project applications within the I-95/Route 40 growth corridor for processing without applying the automatic 500-unit EIS threshold if they are in compliance with the plan and this EIS. The 18.5-mile growth corridor would provide living accommodations for approximately 40,000 people by the year 1995. Adverse effects include the loss of approximately 1,500 acres of forested land and 5,000 acres of prime and productive farmland, and increased air and water pollution. (ELR Order No. 80531.)

West Park Hills & Countryside Developments, Hennepin County, Minn., May 19: Proposed is the issuance of mortgage insurance under section 203(B) for 764 dwelling units comprising portions of the countryside and West Park Hills housing developments in the city of Bloomington, Hennepin

County, Minn. The developments cover .86 square mile for which approximately 1,275 housing units are planned. Adverse impacts include the removal of 1 square mile of agricultural land and wildlife habitat from production; increased demand for public services and facilities; increased air and noise pollution; increased pressure for development; and construction-related pollution. (HUD-R05-EIS-78-02-D.) Comments made by: FERC, DOT, GSA, VA, EPA, DOI, HUD, DOC, and State and local agencies. (ELR Order No. 80538.)

Robinwood Subdivision, formerly North Forest, Montgomery County, Tex., May 18: The proposed action is for the Department of HUD to accept for HUD/FHA mortgage insurance purposes the 199,186 acre Robinwood subdivision located in Montgomery County, Tex. When completed in approximately 6 years, the subdivision will contain approximately 763 single-family homes, plus some possible proposed multifamily housing, and commercial and recreational facilities to serve the needs of the subdivision. The proposed project has been renamed from North Forest to Robinwood since the draft EIS was filed. (HUD-R06-EIS-78-14F.) Comments made by: USDA, EPA, DOI, DOT, AHP. (ELR Order No. 80510.)

The following are community development block grant statements prepared and circulated directly by applicants pursuant to section 104(H) of the 1974 Housing and Community Development Act. Copies may be obtained from the office of the appropriate local executive. Copies are not available from HUD.

SECTION 104(H)

Draft

Rochester Circulation Plan, Central Business District, Monroe County, N.Y., May 19: The proposed action is a request by the city of Rochester for HUD block grant funds for a circulation plan for the city of Rochester's central business district, Monroe County, N.Y. The action involves the conversion of three-tenths of a mile of Main Street into a pedestrian/transit with widened sidewalks, Main Street between St. Paul Street and Chesnut Street will become a two lane curbed roadway section with bus lanes at stops. To accommodate traffic volume, reclassification of key thoroughfares will be made in the core retail area, and new street construction will be considered. (ELR Order No. 80530.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Affairs, U.S. Department of Transportation, 400 7th Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 20 and MA-85, Marlborough, Middlesex County, Mass., May 15: The proposed action is the relocation of U.S. 20 and MA-85 in the city of Marlborough, Middlesex County, Mass. The proposed segments include a 700-foot west section and a 650-foot east section of Route 20 south of its present alignment and the 1,250-foot south section of relocated Route 85 west of the present route. These segments will complete the relocation of these roadways as four-lane uncontrolled access arterials. To build alternatives are being considered in addition to a nonbuild alternative (FHWA-MASS-EIS-78-02-D). (ELR Order No. 80508.)

Draft

Kipling to Independence, I-70 to Ralston Road, Jefferson County, Colo., May 17: This project consists of the location and construction of a four-lane arterial through the Kipling/Independence Corridor. The corridor is located in the northwest quadrant of the Denver Metropolitan Area and south central portion of the city of Arvada, Jefferson County, Colo. In addition to a no-build alternative, four others are being considered which are: (1) The existing route along Kipling/Independence; (2) extend Kipling north to Arvada Cemetery and transition into Independence; (3) transition from Kipling to Independence along the public service power lines and extend up Independence; (4) extend Kipling north to Ralston Road. (FHWA-COLO-EIS-78-01-D)(ELR Order No. 80521.)

Dubuque north-west arterial U.S. 20 to U.S. 52 and Iowa-3, Dubuque County, Iowa, May 18: The proposed project pertains to the construction of a divided four-lane highway facility beginning at U.S. 20 in the vicinity of its intersection with Crescent Ridge Road in the west-central portion of Dubuque and proceeding northerly and to intersect with U.S. 52 and Iowa-3 northerly of West Thirty-Second Street, a distance of approximately 5.0 miles. The project is located within the Dubuque Metropolitan Area in Dubuque County, Iowa (FHWA-IOWA-EIS-78-01-D). (ELR Order No. 80517.)

Powell Boulevard, Phase II, Mt. Hood, Highway 28, Multnomah County, Oreg., May 18: The proposed project is to widen and improve a portion of SE. Powell Boulevard from SE. 50th to SE. 92nd Avenue, west of I-205, the city of Portland and Multnomah County, Oreg. In addition to a no-build alternative, three build alternatives are being considered, which would widen the 40-foot roadway to 80 feet with two travel lanes in each direction, left-turn refuges, bus pull-out bays, no on-street parking, and a coordinated signal system. The alternatives differ in the width of right-of-way and other features (FHWA-OR-EIS-78-7-D). (ELR Order No. 80512.)

Taylor Drive CTH TA, Sheboygan County, Wis., May 17: The proposed action concerns the construction of a major arterial roadway in Sheboygan City, Sheboygan County, Wis. The roadway, to be known as CTH "TA" Taylor Drive, will extend northward from CTH PP to North Avenue and then eastward to STH 42. The construction will consist of the initial 1.16-mile segment of new roadway with approximately 250 feet of right-of-way and the upgrading of a 3.0-mile segment of existing roadway, the majority of which will be contained within the existing right-of-way (FHWA-WISC-EIS-77-02-D). (ELR Order No. 80519.)

Draft Supplement

Supplement Freeway 408, Barry to Quincy, Pike and Adams Counties, Ill., May 15: This statement supplements a draft EIS filed in February 1974 concerning a proposed highway project consisting of constructing a section of supplemental freeway FAP 408 between the cities of Barry and Quincy in Pike and Adams Counties, Ill. When completed FAP 408 will establish a freeway across midstate Illinois connecting the major metropolitan terminal of west-central Illinois, Springfield and Quincy. The project will involve approximately 1,100 acres and will provide a four-lane, full access control facility for a length of about

26 miles (FHWA-ILL-EIS-74-01-D). (ELR Order No. 80505.)

Final

Route 168—Great Bridge Bypass, Chesapeake County, Va., May 18: Proposed is the construction of Route 168 Great Bridge Bypass located within the city of Chesapeake. The facility will consist of two 24-foot wide lanes separated by a 40-footwide depressed median, beginning just south of Kegman Road and proceeding in a northerly direction for 4.4 miles to the intersection of Oak Grove Road and Battlefield Boulevard. The entire facility will be on new location and will cross the Chesapeake and Alberman Canals. Adverse effects include the relocation of 29 families and 2 businesses and the destruction of approximately 2.6 acres of wetlands (Region 3). FHWA-VA-EIS-77-01-F. Comments made by: DOI, USDA, EPA, DOC, CGD, and State agencies. (ELR Order No. 80524.)

URBAN MASS TRANSPORTATION ADMINISTRATION

Final

Dade County Metro Rail Transit, Dade County, Fla., May 18: Proposed is the granting of UMTA Federal grant assistance for a fixed rail rapid transit project in Metropolitan Dade County, Fla., beginning in the vicinity of Dadeland and extending 20.5 miles northeasterly to the central business district of Miami. Adverse impacts include the demolition of 100-150 commercial buildings and 575-650 residential units; loss of some vegetation; and construction-related impacts. (UMTA No. FL-03-0036). Comments made by: DOC, DOD, COE, HEW, DOI, DOT, CGD, EPA, State and local agencies, and groups and individuals. (ELR Order No. 80527.)

INFORMATION REPORTS

The EPA has received the following reports which provide supplemental information on proposals which have fulfilled the NEPA process. Copies of the reports are available from the originating agency upon request.

U.S. Army, Corps of Engineers, Dr. C. Grant Ash, Office of Environmental Policy Department, Attention: DAEN-CWR-P, Office of the Chief of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20310, 202-693-6795.

ELR No., Date received, and Title

80533—May 19, 1978—Clarification Statement to Mount Morris Operation and Maintenance FEIS dated June 1975, Livingston County, N.Y.

80534—May 19, 1978—Clarification Statement Pointe Mouillee Dredged Material Disposal Facility, Monroe County, Mich., FEIS dated April 5, 1974.

80535—May 19, 1978—Clarification Statement to Maintenance Dredging of the Federal Navigation Channels in the Saginaw River and Saginaw Bay, Mich.

80537—May 19, 1978—Supplement II, Information Supplement to Chief Joseph Dam Additional Units, Environmental Impact Statement, Columbia River, Wash., Relocation of Road and Utilities.

OFFICIAL CORRECTION AND EXTENSION OF TIME

In the FEDERAL REGISTER dated April 21, 1978 EPA incorrectly listed a final

EIS as a Draft. The review period has been officially extended to June 10, 1978. The statement should be listed as:

Contact: Mr. William Geise, Environmental Protection Agency, Region 8, 1880 Lincoln Street, Denver, Colo. 80203, telephone 303-837-4831.

Final

Denver Regional Wastewater Facilities, Colorado, April 12: Proposed is the construction, improvement, and/or expansion of the municipal wastewater collection and treatment systems for the Denver region in Colorado. The region includes the following planning areas: South Adams County, Englewood and Littleton, South Lakewood, Cherry Creek and Goldsmith Gulch, Lower South Platte, Clear Creek and Sand Creek, Westminster and Broomfield, Northglenn and the Metropolitan Denver Sewage Disposal District No. 1. Adverse impacts include construction site erosion, runoff, and stream channelization (Region 8). (EPA-90815-77-001A.) Comments made by: USDA, DOI, FEA, HEW, HUD, State and local agencies, and groups and individuals. (ELR Order No. 80553.)

[FR Doc. 78-14822 Filed 5-25-78; 8:45 am]

[6560-01]

[FRL 901-7; OPP-00073]

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT SCIENTIFIC ADVISORY PANEL

Open Meeting

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Notice of open meeting.

SUMMARY: There will be a two-day meeting of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel from 9:30 a.m. to 4:30 p.m. daily on Wednesday and Thursday, June 14, and 15, 1978. The meeting will be held in Room 1112A, Crystal Mall, Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va., and will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Dr. H. Wade Fowler, Jr., Executive Secretary, FIFRA Scientific Advisory Panel, Office of Pesticide Programs (WH-566), Room 803, Crystal Mall, Building 2, 1921 Jefferson Davis Highway, Arlington, Va., telephone 703-557-7560.

SUPPLEMENTARY INFORMATION: In accordance with section 25(d) of the amended FIFRA, the Scientific Advisory Panel will comment on the impact on health and the environment of regulatory actions under section 6(b) and 25(a) prior to implementation. The purpose of this meeting is to discuss the following topics:

1. Review of the Agency's decision concerning continued registration of chlorobenzilate products;

2. Presentation of the decision options being considered by the Agency to conclude the endrin RPAR (rebuttable presumption against registration); and

3. In addition, the Agency may present status reports on other ongoing programs of the Office of Pesticide Programs.

Any member of the public wishing to attend or submit a paper should contact Dr. H. Wade Fowler, Jr., at the address or phone listed above to be sure that the meeting is still scheduled. Interested persons are permitted to file written statements before or after the meeting, and may upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. Written or oral statements will be taken into consideration by the Panel in formulating comments or in deciding to waive comments. Persons desirous of making oral statements must notify the Executive Secretary and submit copies of a summary no later than June 9, 1978.

Individuals who wish to file written statements are advised to submit ten copies of statements to the Executive Secretary in a timely manner to ensure appropriate consideration by the Panel.

(Section 25(d) of FIFRA, as amended (86 Stat. 973; 89 Stat. 751); (7 U.S.C. 136(a) et seq.) and Sec. 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 86 Stat. 770).)

Dated: May 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.
[FR Doc. 78-14821 Filed 5-25-78; 8:45 am]

[6560-01]

[FRL 900-4; PFT-20B]

FOOD ADDITIVE PETITION AMENDMENT

Filing

On December 21, 1976, the Environmental Protection Agency (EPA) announced (41 FR 55570) that Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409, had submitted a petition (FAP 7H5156) which proposed to amend 21 CFR Part 561 by establishing a food additive regulation permitting the use of the insecticide O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate in a proposed experimental program involving application of the insecticide to growing cotton with a tolerance limitation of 9.0 parts per million (ppm) in soapstock hulls and 3.0 ppm in cottonseed hulls for residues of the insecticide and its metabolites converted to 4-bromo-2-chloro-

phenol and calculated as O-(4-bromo-2-chlorophenyl) O-ethyl S-propyl phosphorothioate. The applicant has submitted an amendment to this petition increasing the proposed tolerance to 15 ppm for soapstock hulls and 6 ppm for cottonseed hulls.

Notice of this submission is given pursuant to section 409(b)(5) of the Federal Food, Drug, and Cosmetic Act.

Interested persons are invited to submit written comments on this petition to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW, Washington, D.C. 20460. Inquiries concerning this petition may be directed to Special Registration Branch, Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at 202-755-4851. Written comments should bear a notation indicating the petition number. Comments may be made at any time while a petition is pending before the agency. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 19, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc. 78-14719 Filed 5-25-78; 8:45 am]

[6560-01]

[FRL 900-5; PF-1021]

PESTICIDE AND FOOD ADDITIVE PETITIONS

Filing

Pursuant to the provisions of sections 408(d)(1) and 409(b)(5) of the Federal Food, Drug, and Cosmetic Act, the Environmental Protection Agency (EPA) gives notice that the following petitions have been submitted to the Agency for consideration.

PP8F2077, Rhodia Inc., Agricultural Division, P.O. Box 125, Monmouth Junction, N.J. 08852. Proposes that 40 CFR 180.346 be amended by the establishment of a tolerance for residues of the herbicide oxadiazon (2-tert-Butyl-4-(2,4-dichloro-5-isopropoxyphenyl)-Δ¹,3,4-Oxadiazolin-5-one) and its metabolites in or on almonds, apples, and grapes at 0.05 part per million (ppm) and almond hulls at 1.0 ppm. The proposed analytical method for determining residues is by electron capture gas liquid chromatography. PM24. (202-755-2197).

FAP6H5128, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903; on behalf of the (1) IR-4 Technical Committee; (2) Agricultural Experiment Station of California, California Department of Food and Agriculture, Sacramento, Calif. 95841; (3) Bureau of Sanitary Engineering, California State Department of Public Health; and (4)

Lake County Mosquito Abatement District, Lakeport, Calif. 95453. Propose that 21 CFR 193.315 be amended by the establishment of a regulation permitting the use of the insecticide parathion (0,0-diethyl-0-p-nitrophenyl thiophosphate) or its methyl homolog in potable water derived from the Clear Lake region of California with a tolerance limitation of 0.01 ppm. SRB (202-755-2516).

Interested persons are invited to submit written comments on these petitions to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401 East Tower, 401 M Street SW., Washington, D.C. 20460. Inquiries concerning these petitions may be directed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone at the numbers cited. Written comments should bear a notation indicating the petition number to which the comments pertain. Comments may be made at any time while a petition is pending before the Agency. All written comments filed pursuant to these notices will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Dated: May 19, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

(FR Doc. 78-14718 Filed 5-25-78; 8:45 am)

[6560-01]

(FRL 900-6; OPP-30149)

PESTICIDE PROGRAMS

Receipt of Applications To Register Pesticide Products Containing New Active Ingredient

Applications have been submitted to the Environmental Protection Agency (EPA) to register pesticide products containing an active ingredient which has not been included in any previously registered pesticide products. Applications were made pursuant to the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 973, 89 Stat. 751; 7 U.S.C. 136(a) et seq.), and the regulations thereunder (40 CFR Part 162). Notice of receipt of these applications does not indicate a decision by the Agency on the applications.

Interested persons are invited to submit written comments on any applications referred to in this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, EPA, Room 401, East Tower, 401 M Street SW., Washington, D.C. 2060. The comments must be received on or before June 26, 1978, and should bear a notation indicating the EPA File Symbol number of

the application to which the comments pertain. Comments received within the specified time period will be considered before a final decision is made, comments received after the specified time period will be considered only to the extent possible without delaying processing of the application. Specific questions concerning these applications and the data submitted should be directed to Product Manager (PM) 16, Registration Division (WH-567), Office of Pesticide Programs, at the above address or the telephone number cited. The labels furnished by Ciba-Geigy Corp., as well as all written comments filed pursuant to this notice, will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4 p.m. Monday through Friday.

Notice of approval or denial of the applications to register pesticide products listed will be announced in the FEDERAL REGISTER. Except for such material protected by section 10 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the test data and other information submitted in support of registration as well as other scientific information deemed relevant to the registration decision may be made available after approval under the provisions of the Freedom of Information Act. The procedures for requesting such data will be given in the FEDERAL REGISTER if an application is approved.

Dated: May 19, 1978.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

APPLICATIONS RECEIVED

EPA File Symbol 100-LOI. Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409. Curacron Technical. Active Ingredient: *O*-(4-bromo-2-chlorophenyl) *O*-ethyl *S*-propyl phosphorothioate 88.0 percent. Application proposes that this product be used as an insecticide for formulating use only. PM16. (202-755-9315)

EPA File Symbol 100-LOO. Ciba-Geigy Corp., Agricultural Division, P.O. Box 11422, Greensboro, N.C. 27409. Curacron 6E Insecticide. Active Ingredient: *O*-(4-bromo-2-chlorophenyl) *O*-ethyl *S*-propyl phosphorothioate 59.6 percent. Application proposes that his product be classified for general use as an insecticide for the control of insects in cotton. PM16.

(FR Doc. 78-14717 Filed 5-25-78; 8:45 am)

[3125-01]

INTERAGENCY TOXIC SUBSTANCES DATA COMMITTEE

Notice of Charter, Membership, and Meetings

The Environmental Protection Agency and the Council on Environ-

mental Quality jointly established and co-chair an Interagency Toxic Substances Data Committee in accordance with their statutory responsibilities under the Toxic Substances Control Act, sections 10(b)(1) and 25(b). These sections of the Act specifically recognize the need for interagency coordination with respect to chemical information collection, dissemination and classification.

At the April 4, 1978, meeting of the Interagency Toxic Substances Data Committee, which was held at the New Executive Office Building, Washington, D.C., an official charter was adopted and a meeting policy was established. This charter, a membership list, and a notice of public meetings follow.

For further information, contact Ms. Barbara Ostrow, Executive Secretary, Interagency Toxic Substances Data Committee, at 202-755-4880 or address correspondence to:

Ms. Barbara Ostrow, Office of Toxic Substances—TS 793, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

A. Charter for the Interagency Toxic Substances Data Committee.

1. *Authority and Purpose:* The Toxic Substances Control Act (TSCA), Pub. L. 94-469, Section 10(b)(1) requires that the Administrator of the Environmental Protection Agency "establish, administer, and be responsible for the continuing activities of an interagency committee which shall design, establish, and coordinate an efficient and effective system within the Environmental Protection Agency, for the collection, dissemination to other Federal departments and agencies, and use of data submitted to the Administrator under this Act."

Section 25(b) of the above Act requires the Council on Environmental Quality, in coordination with the Administrator of EPA, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the heads of other appropriate Federal departments or agencies, to "coordinate a study of the feasibility of establishing (1) a standard classification system for chemical substances and related substances, and (2) a standard means for storing and for obtaining rapid access to information respecting such substances." That agency is also assigned broad coordination and policy development responsibilities under the National Environmental Policy Act of 1969 and the Environmental Quality Improvement Act of 1970.

2. *Objectives and Scope:* Pub. L. 94-469 provides the Administrator the authority for the collection and management of specific data relating to the substances in commerce. CEQ is authorized to coordinate a feasibility study of a standard classification system for chemicals and related sub-

stances, as well as a standard means of storing and retrieving information related to such substances. Other Federal agencies and departments have authorities for the collection of data on chemical substances for various purposes and have a need to share in the data collected under TSCA to supplement other existing data bases. This committee will operate to study and coordinate the planning and activities of the major Federal producers, and users of chemical data so as to minimize the total burden of reporting which is placed upon the private sector and to facilitate the collection, analysis and exchange of data among Federal agencies and other user groups.

The committee will maintain close liaison with the various TSCA rulemaking work groups that are developing regulations requiring information to be reported to EPA. The committee shall interface directly with the Office of the Deputy Assistant Administrator for Program Integration and Information, Office of Toxic Substances and make recommendations with respect to TSCA data dissemination outside of the agency.

3. *Duration of Activities:* In accordance with the requirements of Pub. L. 94-469, this committee will have a permanent charter.

4. *Reporting:* This committee will report directly to the Administrator of EPA and the Chairman of the CEQ or their designees.

5. *Support:* The Administrator of EPA will designate a full-time employee of the agency to serve as Executive Secretary and provide such additional administrative support as the committee may reasonably require.

6. *Duties:* The duties of the committee shall include, but are not limited to, the following areas:

A. Determining the feasibility of and making recommendations for establishing standard classification and nomenclature systems for information relating to chemicals and related substances.

B. Analysis of the chemical information data bases that function as a result of regulatory or other authority to determine the categories, quantity, quality, and current status of the data contained therein and to recommend steps to coordinate and streamline Federal reporting requirements.

C. Identification of the specific data needs of other Federal departments and agencies and state and local authorities that can be most effectively and efficiently filled using the information authorities of TSCA.

D. Analyze and make recommendations with respect to interagency resource considerations for implementing committee decisions.

E. Study and recommend any changes in current policies and proce-

dures to facilitate the timely sharing of information and data throughout government.

F. Study and recommend data formats which can be universally shared with other government sources.

G. Oversee the development and management of the Chemical Substances Information System.

H. Maintain liaison and coordinate activities with the Interagency Regulatory Liaison Group, Toxic Substances Strategy Committee, the Interagency Testing Committee, state governments, industry and trade associations, the academic community and other interest groups.

7. *Costs:* The operating budget of this committee will be developed as it performs its duties. Costs will include the salary of the Executive Secretary and contract support as required.

8. *Meetings:* The committee shall convene at the call of the chairman. Subcommittees may be established to consider specialized problems as they develop.

9. *Membership:* Proposed for initial membership are representatives of the Environmental Protection Agency, the Council on environmental Quality, the Department of Health, Education, and Welfare and several of its component agencies, the Departments of Labor, Commerce, Agriculture, Interior, Defense, Transportation, State and Energy as well as the Consumer Product Safety Commission, the International Trade Commission, and the National Science Foundation.

B. The following individuals are committee participants.

Co-Chairman

Marilyn C. Bracken, U.S. Environmental Protection Agency, TS-793, Washington, D.C. 20460, 755-8040.

Carroll Leslie Bastian, Council on Environmental Quality, Washington, D.C. 20006, 633-7107.

Executive Secretary

Barbara Ostrow, U.S. Environmental Protection Agency—TS-793, Washington, D.C. 20460, 755-4880.

Members

Patricia Breslin (Fred Clayton—Alternate Room N 3629), OSHA/DOL N 3700, 200 Constitution Avenue, Washington, D.C. 20210, 523-7115.

Terri Damstra (Ray Shapiro—Alternate), Office of Health Hazard Assessment, NIEHS, P.O. Box 12233 Research Triangle Park, North Carolina 27709, 8-629-3471.

Robert Dixon (Carl Gerber—Alternate), Office of Science and Technology Policy, Washington, D.C. 20500, 458-6272.

Margaret G. Finarelli (Robert Mikulak—Alternate), U.S. Arms Control and Disarmament Agency, Washington, D.C. 20451, 632-0872.

Sidney R. Galler (1) (Bernard Greifer—Alternate) (2), U.S. Department of Commerce, Washington, D.C. 20230, (1) 377-4335, (2) 377-3234.

Richard A. Hartfield (1) (Richard G. Muranka—Alternate) (2), U.S. Nuclear Regula-

tory Commission MNBB 12105, Washington, D.C. 20555, (1) 492-7834, (2) 492-7735. Allen Helm (1) (Robert A. Bell—Alternate) (2), Scientific Coordinator of Toxicology Programs, Room 11-40, FDA, 5600 Fishers Lane, Rockville, Md. 20857, (1) 301-443-3773, (2) 301-443-3290.

Aimison Jonnard (Edmund Cappuccilli—Alternate), U.S. International Trade Commission, 701 E Street NW., Washington, D.C. 20436, (1) 523-0423, (2) 523-0387.

Henry Kissman (Donald Hummel—Alternate), National Library of Medicine, National Institutes of Health, Bethesda, Md. 20014, 496-3147.

Richard J. Lewis, National Institute for Occupational Safety and Health, Cincinnati, Ohio 45226, (1) 513-684-8317 (Verna W. Hudson—Alternate), National Institute for Occupational Safety and Health, 8A-53, Rockville, Md. 20857, (2) 301-443-2100.

Calvin M. Menzie, Fish and Wildlife Service, Room 511, Matomic Building, U.S. Department of the Interior, Washington, D.C. 20241, (1) 632-5316 (Raymond E. Corcoran—Alternate), Bureau of Mines, U.S. Department of the Interior, Washington, D.C. 20241, (2) 634-1313.

Robert S. Murphy (Kurt Maurer—Alternate), National Center for Health Statistics, 3700 East-West Highway, Hyattsville, Md. 20782, 436-7081.

Joseph Nash (Richard Stevenson—Alternate), Department of Energy, E201 20 Massachusetts Avenue, Washington, D.C. 20545, 376-9073.

William Rhode (1) (Leonore Wagner—Alternate) (2), National Institutes of Health, Bethesda, Md. 20014, (1) 496-9285, (2) 496-9291.

Alan I. Roberts (1) (Erskine Haston, Jr.—DMT-10, U.S. Department of Transportation, Washington, D.C. 20590, (1) 428-0656, (2) 426-2311.

James Sontag (Sidney Siegel—Alternate), National Cancer Institute, National Institutes of Health, Bethesda, Md. 20014, 496-5108.

Irvin Weiss (Glenn Simpson—Alternate), U.S. Consumer Product Safety Commission, Washington, D.C. 20207, 492-6470.

Gooloo S. Wunderlich (1) (Selma Goldblatt—Alternate) (2), Office of the Assistant Secretary for Health, Department of Health, Education, and Welfare, Washington, D.C. 20201, (1) 472-7398, (2) 472-5194.

Committee Representatives

Carroll Bastian, Toxic Substances Strategy Committee, Council on Environmental Quality, Washington, D.C. 20006, 633-7107.

Patricia Breslin, Interagency Regulatory Liaison Group (IRLG), OSHA/NOL N3700, 200 Constitution Avenue, Washington, D.C. 20210, 523-7115. Ray Shapiro (Henry Kissman—Alternate), DHEW Committee to Coordinate Toxicology and Related Programs, NIEHS P.O. Box 12233, Research Triangle Park, North Carolina 27709, (1) 443-6274, (2) 496-3147.

C. Meeting Information—Time: The first Tuesday of each month, 9:30 a.m. to 11:30 a.m. Place: New Executive Office Building, Room 2010, 17th and Pennsylvania Avenue, Washington, D.C. 20006.

These meetings will be open to the public unless otherwise specified.

Dated: May 12, 1978.

MARILYN C. BRACKEN,
Co-Chairman, Environmental
Protection Agency.

CARROLL LESLIE BASTIAN,
Co-Chairman, Council on
Environmental Quality.

[FR Doc. 78-14767 Filed 5-28-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 1-469]

INTERNATIONAL AND SATELLITE RADIO

Applications Accepted for Filing

MAY 22, 1978.

By the Chief, Common Carrier Bureau: The Applications listed herein have been found, upon initial review, to be Acceptable for filing. The Commission reserves the right to return any of these applications if, upon further examination, it is determined they are defective and not in conformance with the Commission's Rules, Regulations and its Policies. Final action will not be taken on any of these applications earlier than 31 days following the date of this notice. Section 309(d)(1). Effective March 6, 1978, all applications accepted for filing will be assigned Call Signs. However these assignments are for administrative purposes only and do not in any way prejudice Commission actions.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,

Secretary.

SATELLITE COMMUNICATIONS SERVICES

000591-DSE-P/L-78 (KH87), Western Satellite Corp. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth Station. Location: San Ysidro, San Diego, Calif. 32°32'47"N. Lat., 117°21'W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 4.5 meters, Andrew model ESA5-4.

000590-DSE-P/L-78 (KH88), Nationwide Cablevision, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Anacortes, Skagit, Wash. 48°29'22" Lat., 122°37'22"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 5.0 meters, Scientific Atlanta model 8008.

000592-DSE-P/L-78 (KH89), Tele-Vu, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Grants, Valencia, N. Mex. 35°9'11"N. Lat., 107°50'58"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 4.5 meters, Prodelin model 137-750.

000593-DSE-P/L-78 (KH90), city of San Bruno. Application for authority to con-

struct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: San Bruno, San Mateo, Calif. 37°37'40"N. Lat., 122°36'46"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 4.5 meters, Prodelin model 137-752.

000597-DSE-P/L-78 (KH91), Western TV Cable. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: South San Francisco, San Mateo, Calif., 37°39'2"N. Lat., 122°24'56"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 4.5 meters, Andrew ESA5-4HP.

000598-DSE-P/L-78 (KH92), Satellite Networks Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed earth station. Location: Omaha, Douglas, Nebr. 41°13'1"N. Lat., 96°24'8"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 10.0 meters, Andrew Corp. ESA10-46B. This is a major application within the meaning of section 1.1305 of the rules of environmental processing.

000594-DSE-P/L-78 (WH66), Americable Associate. Application for authority to construct and operate new Earth station. Service: Domestic Fixed satellite. Class of station: Fixed Earth station. Location: Homestead, Dade, Fla. 25°34'18"N. Lat., 80°27'47"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 10.0 meters, Gregorian RF Systems, model 802-6-10M.

000595-DSE-P/L-78 (WH67), Meadville Master Antenna, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Meadville, Crawford, Pa. 41°37'47"N. 80°10'40"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 5.0 meters, Scientific model 8008A.

000596-DSE-P/L-78 (WH68), Titusville Cable TV, Inc. Application for authority to construct and operate new Earth station. Service: Domestic fixed satellite. Class of station: Fixed Earth station. Location: Titusville, Crawford, Pa. 41°52'45"N. Lat., 79°36'55"W. Long. Particulars of operation: 3700.000-4200.000 MHz, 36000F9—DBW. Antennas: 5.0 meters Scientific Atlanta model 8008A.

[FR Doc 78-14777 Filed 5-25-78; 8:45 am]

[6712-01]

FM AND TV TRANSLATOR APPLICATIONS READY AND AVAILABLE FOR PROCESSING

Adopted: May 16, 1978.

Released: May 19, 1978.

By the Chief, Broadcast Bureau: Notice is hereby given pursuant to §§ 1.572(c) and 1.573(d) of the Commission's rules, that on June 29, 1978, the TV and FM translator applications listed in the attached Appendix will be considered as ready and available for processing. Pursuant to § 1.227(b)(1) and § 1.519(b) of the Commission's rules, an application, in order to be considered with any application ap-

pearing on the attached list or with any other application on file by the close of business on June 28, 1978, which involves a conflict necessitating a hearing with any application on this list, must be substantially complete and submitted for filing at the offices of the Commission in Washington, D.C., by the close of business on June 28, 1978. The attention of prospective applicants is directed to the fact that some contemplated proposals may not be eligible for consideration with an application appearing in the attached Appendix by reason of conflicts between the listed applications and applications appearing in previous notices published pursuant to § 1.573(d) of the Commission's rules.

The attention of any party in interest desiring to file pleadings concerning any pending TV and FM translator application, pursuant to section 309(d)(1) of the Communications Act of 1934, as amended, is directed to § 1.580(i) of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

BPFT-5 (K237AI), Mesquite, Nev., Mesquite Town Board. Req: Change frequency to 96.7 MHz, channel 244.

BPFT-508 (New), Hot Springs, S. Dak., James E. Taylor. Req: Channel 237, 95.3 MHz, 1 watt. Primary: KGGG-FM, Rapid City, S. Dak.

BPFT-509 (New), Johnstownville and Herling, Calif., Lloyd E. Pochop. Req: Channel 249, 97.7 MHz, 10 watts. Primary: KNIS-FM, Carson City, Nev.

BPFT-510 (New), Bonners Ferry, Idaho, Boundary County TV Translator District. Req: Channel 296, 107.1 MHz, 10 watts. Primary: KXLY-FM, Spokane, Wash.

BPFT-511 (New), Bonners Ferry, Idaho, Boundary County TV Translator District. Req: Channel 272, 102.3 MHz, 10 watts. Primary: KEZE-FM, Spokane, Wash.

BPFT-512 (New), Bonners Ferry, Idaho, Boundary County TV Translator District. Req: Channel 276, 103.1 MHz, 10 watts. Primary: KHQ-FM, Spokane, Wash.

BPFT-513 (New), Licensee's Mining Site and Hite Marina, Utah, Plateau Resources Ltd. Req: Channel 292, 106.3 MHz, 1 watt. Primary: KALL-FM, Salt Lake City, Utah.

BPFT-514 (New), Edgemont, S. Dak., Sturgis Radio, Inc. Req: Channel 249, 97.7 MHz, 1 watt. Primary: KRCS-FM, Sturgis, S. Dak.

BPFT-515 (New), Newcastle, Wyo., Sturgis Radio, Inc. Req: Channel 280, 103.9 MHz, 1 watt. Primary: KRCS-FM, Sturgis, S. Dak.

BPFT-516 (New), Hoyt Lakes, Minn., Stereo Broadcasting, Inc. Req: Channel 280, 103.9 MHz, 10 watts. Primary: WAKX-FM, Duluth, Minn.

BPFT-517 (new), Laytonville and Cummings, Calif., Western Translators, Inc. Req: Channel 296, 107.1 MHz, 1 watt. Primary: KEAR-FM, San Francisco, Calif.

BPFT-518 (new), Garberville and Miranda, Calif., Western Translators, Inc. Req:

Channel 288, 105.5 MHz, 10 watts. Primary: KEAR-FM, San Francisco, Calif.

BPFT-519 (new), Leadville, Colo., Lake County TV-FM, Inc. Req: Channel 228, 93.5 MHz, 10 watts. Primary: KVOD-FM, Denver, Colo.

BPFT-520 (new), Salisbury, Md., Calvary Baptist Tabernacle, Inc. Req: Channel 285, 100.9 MHz, 1 watt. Primary: WRBS-FM, Baltimore, Md.

BPFT-521 (new), New Holstein, Wis., Jerome Schnieder. Req: Channel 276, 103.1 MHz, 1 watt. Primary: WAUN-FM, Kewaunee, Wis.

BPFT-522 (new), Eureka and Fortuna, Calif., Western Translators, Inc. Req: Channel 296, 107.1 MHz, 10 watts. Primary: KEAR-FM, San Francisco, Calif.

BPFT-523 (new), Douglas Creek, Colo., and Cisco, Utah, XYZ Television, Inc. Req: Channel 240, 95.9 MHz, 10 watts. Primary: KREX-FM, Grand Junction, Colo.

BMPFT-61 (K298AX), Moab, Utah, Mesa Broadcasting Co. Req: To add Castle Valley and Arches National Park, Utah, to present principal community.

BPFTB-13 (new), Walnut Creek, Pleasant Hill, and Concord, Calif., Bay Area Broadcasting Co. Req: Channel 243, 96.5 MHz, 10 watts. Primary: KOIT-FM, San Francisco, Calif.

BPFTB-14 (new), Pleasanton, Dublin and San Ramon, Calif., Buckley Broadcasting Corp. of California. Req: Channel 239, 95.7 MHz, 10 watts. Primary: KKHI-FM, San Francisco, Calif.

BPTTV-6081 (new), Animas and Cotton City, N. Mex., Hidalgo County Commissioners. Req: Channel 2, 54-60 MHz, 10 watts. Primary: KGUN-TV, Tucson, Ariz.

BPTTV-6082 (new), Animas and Cotton City, N. Mex., Hidalgo County Commissioners. Req: Channel 7, 174-180 MHz, 10 watts. Primary: KOLD-TV, Tucson, Ariz.

BPTTV-6083 (new), Animas and Cotton City, N. Mex., Hidalgo County Commissioners. Req: Channel 11, 198-204 MHz, 10 watts. Primary: KVOA-TV, Tucson, Ariz.

BPTTV-6084 (new), Angoon, Alaska, Angoon Public Schools, Clatman School District. Req: Channel 2, 54-60 MHz, 10 watts. Primary: KENI-TV, KIMO-TV, KTVA-TV, KAKM-TV, Anchorage, Alaska.

BPTTV-6085 (new), Juntura, Oreg., Juntura Community TV. Req: Channel 9, 186-192 MHz, 1 watt. Primary: KJVJ-TV, Nampa, Idaho.

BPTTV-6091 (new), Black Lake addition, Colfax County, 20 miles south of Eagle Nest, N. Mex., Black Lake TV Association, Inc. Req: Channel 6, 82-88 MHz, 1 watt. Primary: KOB-TV, Albuquerque, N. Mex.

BPTTV-6092 (K08EW), Buford, Colo., Rio Blanco County TV Association. Req: Add Upper White River rural area, Colorado, to present principal community, change primary TV station to KMGH-TV, Channel 7, Denver, Colo.

BPTTV-6095 (new), Afton, Fairview, Auburn, Grover, and Smoot, Wyo., Star Valley TV System. Req: Channel 11, 198-204 MHz, 1 watt. Primary: KID-TV, Idaho Falls, Idaho.

UHF TV TRANSLATOR APPLICATIONS

BPTT-3531 (K70DF), Running Springs, Calif., San Bernardino County Superintendent of Schools. Req: Add Big Bear Lake and Green Valley Lake, Calif., to present principal community.

BPTT-3578 (new), Wendover, Utah, Wendover City. Req: Channel 57, 728-734

MHz, 20 watts. Primary: KUED-TV, Salt Lake City, Utah.

BPTT-3582 (new), White River Area (east-west) and Piceance Creek Area, Colorado, Rio Blanco County TV Association. Req: Channel 54, 710-716 MHz, 100 watts. Primary: KMGH-TV, Denver, Colo.

BPTT-3583 (new), Piceance Creek Rural Area (Central), Colorado, Rio Blanco County TV Association. Req: Channel 81, 752-758 MHz, 20 watts. Primary: KMGH-TV, Denver, Colo.

BPTT-3584 (K71BD), Lakeport and Clear Lake Basin, Calif., The Lake County Television Club. Req: Change frequency to channel 66, 782-788 MHz.

BPTT-3585 (K77BS), Lakeport, Calif., The Lake County Television Club. Req: Change frequency to channel 59, 740-746 MHz.

BPTT-3586 (K80BG), Lakeport, Calif., Lake County Television Club. Req: Change frequency to channel 57, 728-734 MHz.

BPTT-3587 (new), Silt and Rural Areas Upper Four Mile Creek, Colorado, Garfield County. Req: Channel 54, 710-716 MHz, 100 watts. Primary: KOA-TV, Denver, Colo.

BPTT-3588 (new), Wilson Creek and Meeker, including White River Rural Area, Colo., Rio Blanco County TV Association. Req: Channel 50, 686-692 MHz, 100 watts. Primary: KRMA-TV, Denver, Colo.

BMPPT-999 (K64AP), Grand Canyon, Williams and Ash Fork, Ariz., Bill Williams TV Association, Inc. Req: Add Parks to principal community, and delete Williams from present principal community.

[FR Doc. 78-14775 Filed 5-25-78; 8:45 am]

[6712-01]

RADIO ASTRONOMY SERVICE WORKING GROUP FOR 1979 ITU WORLD ADMINISTRATIVE RADIO CONFERENCE

Meeting

MAY 23, 1978.

A meeting of the Radio Astronomy Service Working Group for the 1979 General World Administrative Radio Conference is scheduled to be held on Friday, June 16, 1978, at 9:30 a.m., in room 8210 of the Commission's offices located at 2025 M Street NW., Washington, D.C.

This meeting will be held to examine and discuss the Sixth, Seventh, and Eighth Notices of Inquiry, Docket No. 20271, and formulate a final draft of comments of the Radio Astronomy Service Working Group. Additionally, inputs on lunar quiet zone for consideration as U.S. position will be generated.

The advisory committee meeting is open to the general public and any written comments will be accepted before or after the meeting.

FEDERAL COMMUNICATIONS COMMISSION,
WILLIAM J. TRICARICO,
Secretary.

[FR Doc. 78-14776 Filed 5-25-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

PETITIONS FILED

The Federal Maritime Commission hereby gives notice that the following petition(s) have been filed with the Commission for approval pursuant to section 14b of the Shipping Act, 1916, as amended (75 Stat. 762, 46 U.S.C. 813a).

Interested parties may inspect and obtain a copy of the petition(s) and the justification(s) offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the petition(s) at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on the petition(s) including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 19, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed petition(s). Comments shall discuss with particularity allegations that the petition is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the petition(s) and the statement should indicate that this has been done.

Agreement No. 7680 DR (Second DR Westbound).

Filing Party: John K. Cunningham, Chairman, American West African Freight Conference, 67 Broad Street, New York, N.Y. 10004.

Summary: The American West African Freight Conference has requested, pursuant to section 14b of the Shipping Act, 1916, that the term of its dual rate system and associated second westbound exclusive patronage (dual rate) contract form, denominated as No. 7680 DR (Second DR Westbound), be extended for an indefinite period beyond the July 13, 1978 expiration date thereof. The contract is applicable to metal ingots, latex, logs and lumber, rubber in packages and tapioca flour moving in the trade from West African ports (in the range south of the southerly border of Rio de Oro, Spanish Sahara and north of the northerly border of Southwest Africa) including the Atlantic islands of the Azores, Madeira, Canary, and Cape Verde; also the islands of Fernando Po, Principe and Sao Tome in the Gulf of Guinea to U.S. Atlantic and Gulf ports and Canadian Atlantic and St. Lawrence River ports not west of Montreal.

By order of the Federal Maritime Commission.

Dated: May 23, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14771 Filed 5-25-78; 8:45 am]

[6730-01]

[Docket No. 78-15]

**UNITED STATES LINES, INC. V. MARYLAND
PORT ADMINISTRATION**

Filing of Complaint

Notice is hereby given that a complaint filed by United States Lines, Inc. against Maryland Port Administration was served May 12, 1978. The complaint alleges that respondent has issued and seeks to enforce tariff provisions which subject complainant to undue or unreasonable prejudice or disadvantage in violation of Section 16 First of the Shipping Act and constitute unjust or unreasonable regulations or practices in violation of Section 17 of the Act.

Hearing in this matter, if any is held, shall commence on or before November 12, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14708 Filed 5-23-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

BOVINA BANCSHARES, INC.

Formation of Bank Holding Company

Bovina Bancshares, Inc., Bovina, Tex., has applied for the Board's approval under 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank of Bovina, Bovina, Tex. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 16, 1978.

Board of Governors of the Federal Reserve System, May 18, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14737 Filed; 5-25-78 8:45 am]

[6210-01]

BROWNWOOD BANCSHARES, INC.

Formation of Bank Holding Company

Brownwood Bancshares, Inc., Brownwood, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Citizens National Bank at Brownwood, Brownwood, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 13, 1978.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14738 Filed 5-25-78; 8:45 am]

[6210-01]

FEDERAL OPEN MARKET COMMITTEE

Domestic Policy Directive of April 18, 1978

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Domestic Policy Directive issued at its meeting held on April 18, 1978.

The information reviewed at this meeting suggests that growth in real output of goods and services was small in the first quarter, owing in part to the unusually severe weather and the lengthy strike in coal mining, but that economic activity was rebounding in the latter part of the period. In March industrial production and nonfarm payroll employment increased sharply further. The unemployment rate edged up from 6.1 to 6.2 percent, as the civilian labor force expanded substantially. Retail sales recovered much more in February than had been reported earlier, and sales rose considerably further in March. The pace of the rise in wholesale prices remained rapid, reflecting further large increases in farm products and processed foods. The index of average hourly

The Record of Policy Actions of the Committee for the meeting of Apr. 18, 1978, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

earnings accelerated in the first quarter, largely because of the increase in minimum wages at the beginning of the year.

The trade-weighted value of the dollar against major foreign currencies declined sharply after the March 31 announcement of a very large increase in the U.S. foreign trade deficit for February. But over the past week the dollar has recovered to about its level of 4 weeks ago.

M-1, which had declined in February, rose moderately in March. Inflows to banks of time and savings deposits other than negotiable CD's and inflows to nonbank thrift institutions remained slow. Most market interest rates, especially longer-term rates, have increased somewhat on balance in recent weeks.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster bank reserve and other financial conditions that will resist inflationary pressures while encouraging continued moderate economic expansion and contributing to a sustainable pattern of international transactions.

Growth of M-1, M-2, and M-3 within ranges of 4 to 6 percent, 6% to 9 percent, and 7% to 10 percent, respectively, from the first quarter of 1978 to the first quarter of 1979 appears to be consistent with these objectives. The associated range for bank credit is 7% to 10% percent. These ranges are subject to reconsideration at any time as conditions warrant.

The Committee seeks to encourage near-term rates of growth in M-1 and M-2 on a path believed to be reasonably consistent with the longer-run ranges for monetary aggregates cited in the preceding paragraph. Specifically, at present, it expects the annual growth rates over the April-May period to be within ranges of 4 to 8% percent for M-1 and 5% to 9% percent for M-2. In the judgment of the Committee such growth rates are likely to be associated with a weekly-average Federal funds rate slightly above the current level. If, giving approximately equal weight to M-1 and M-2, it appears that growth rates over the 2-month period will deviate significantly from the midpoints of the indicated ranges, the operational objective for the Federal funds rate shall be modified in an orderly fashion within a range of 6% to 7% percent. In the conduct of day-to-day operations, account shall be taken of emerging financial market conditions, including the conditions in foreign exchange markets.

If it appears during the period before the next meeting that the operating constraints specified above are proving to be significantly inconsistent, the Manager is promptly to notify the Chairman who will then decide whether the situation calls for supplementary instructions from the Committee.

By order of the Federal Open Market Committee, May 19, 1978.

ARTHUR L. BROIDA,
Secretary.

[FR Doc. 78-14744 Filed 5-25-78; 8:45 am]

[6210-01]

FIRSTTRUST BANCSHARES CORP.

Formation of Bank Holding Company

Firsttrust Bancshares Corp., Cedar Rapids, Iowa, has applied for the Board's approval under 3(a)(1) of the

Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 90 percent or more of the voting shares of First Trust & Savings Bank, Cedar Rapids, Iowa. The factors that are considered in acting on the application are set forth in 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than June 19, 1978.

Board of Governors of the Federal Reserve System, May 18, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14739 Filed; 5-25-78 8:45 am]

[6210-01]

NATIONAL DETROIT CORP.

Acquisition of Bank

National Detroit Corp., Detroit, Mich., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First State Bank of Saginaw, Saginaw, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 19, 1978.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14740 Filed 5-25-78; 8:45 am]

[6210-01]

SOUTHWEST NATIONAL CORP.

Acquisition of Bank

Southwest National Corp., Albuquerque, N. Mex., has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Southwest National Bank, Hobbs, N. Mex., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 15.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14741 Filed 5-25-78; 8:45 am]

[6210-01]

STRAWN BANCSHARES, INC.

Formation of Bank Holding Company

Strawn Bancshares, Inc., Strawn, Tex., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of Strawn Security Bank, Strawn, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 12, 1978.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14742 Filed 5-25-78; 8:45 am]

[6210-01]

TEXAS COMMERCE BANCSHARES, INC.

Acquisition of Bank

Texas Commerce Bancshares, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of South Belt Commerce Bank National Association, Houston, Tex., a proposed new bank. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 15, 1978.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14743 Filed 5-25-78; 8:45 am]

[6210-01]

GRANDVIEW BANCSHARES, INC.

Formation of Bank Holding Company

Grandview Bancshares, Inc., Grandview, Tex., has applied for the Board's approval under § 3(a)(1) of the Bank Holding Company Act (12 U.S.C. § 1842(a)(1)) to become a bank holding company by acquiring 80 percent or more of the voting shares of First State Bank, Grandview, Tex. The factors that are considered in acting on the application are set forth in § 3(c) of the Act (12 U.S.C. § 1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Reserve Bank, to be received not later than June 14, 1978.

Board of Governors of the Federal Reserve System, May 23, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary
of the Board.

[FR Doc. 78-14772 Filed 5-25-78; 8:45 am]

[6210-01]

OLD STONE CORP.

Proposed Acquisition of Guild Loan and Investment Co.

Old Stone Corp., Providence, R.I., has applied, pursuant to § 4(c)(8) of the Bank Holding Company Act (12 U.S.C. § 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y (12 CFR § 225.4(b)(2)), for permission to acquire voting shares of Guild Loan and Investment Co., Providence, R.I. Notice of the application was published on February 5, 1978, in The Providence Daily Journal, a newspaper circulated in Providence, R.I.

Applicant states that the proposed subsidiary would engage de novo in the following activities: making and servicing consumer installment loans, consumer demand loans and mortgage loans and accepting consumer savings deposits in the manner authorized by Rhode Island law for loan and investment companies. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether con-

summation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 22, 1978.

Board of Governors of the Federal Reserve System, May 23, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14773 Filed 5-25-78; 8:45 am]

[6210-01]

[Docket No. R-0163]

INTERCORPORATE INCOME TAX ACCOUNTING TRANSACTIONS OF BANK HOLDING COMPANIES AND STATE-CHARTERED

Policy Statement

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed Policy Statement.

SUMMARY: The Board of Governors of the Federal Reserve System believes that a bank holding company should serve as a source of strength for its subsidiary banks and that subsidiary banks should not be disadvantaged by reason of their control by a bank holding company. It has come to the attention of the Board that a few bank holding companies and their subsidiary banks are engaging in certain intercorporate tax accounting transactions that appear to be in conflict with this established policy of the Board. The Board believes that these practices are inappropriate and should cease. Comments on the proposal may be submitted until June 23, 1978. Public comments are being requested so that the Board may fully consider the implications of this policy for intercorporate operations, flow of funds and tax planning.

DATE: Comments must be received by June 23, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System,

Washington, D.C. 20551. All material submitted should include Docket Number R-0163.

FOR FURTHER INFORMATION CONTACT:

Sandra A. Greene, Senior Staff Assistant 202-452-2742 or Samuel H. Talley, Assistant Director 202-452-3354, of the Division of Banking Supervision and Regulation, or Robert E. Mannion, Associate General Counsel, Legal Division 202-452-3274, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

SUPPLEMENTARY INFORMATION: The Board proposes to issue the following statement of policy pursuant to the Financial Institutions Supervisory Act (12 U.S.C. §1818) and section 23A of the Federal Reserve Act (12 U.S.C. §371(c)).

POLICY STATEMENT REGARDING INTERCORPORATE INCOME TAX ACCOUNTING TRANSACTIONS OF BANK HOLDING COMPANIES AND STATE-CHARTERED BANKS THAT ARE MEMBERS OF THE FEDERAL RESERVE SYSTEM

It has come to the attention of the Board of Governors of the Federal Reserve System that a few bank holding companies and certain of their bank subsidiaries are engaging in intercorporate income tax accounting transactions that have the effect of transferring assets and income from the subsidiary banks to the parent company without offsetting benefits to the bank.

These practices include: (1) The bank paying taxes to the parent under an arrangement that may leave the bank less well off than if the bank filed a return on a separate entity basis; (2) the bank paying taxes to the parent prior to the time that the parent's actual or estimated current tax liability is due and payable; and (3) the bank transferring its deferred tax account to the parent, in most cases along with an equivalent amount of cash or earning assets. While these practices are not now widespread, the Board believes that they are inappropriate and should cease. Accordingly, the Board will apply appropriate supervisory remedies to these practices including, under certain circumstances, its cease and desist powers under the Financial Institutions Supervisory Act (12 U.S.C. §1818).

One of the advantages of a bank holding company organization is to derive tax savings by offsetting the profits and losses of the various entities that participate in the filing of the consolidated tax return. Typically, bank subsidiaries having a profit pay current taxes to their parent either on a separate equity basis or on one of a variety of allocation methods that often results in some lesser amount of

taxes being remitted to the parent. In those cases where a bank incurs a loss, the bank may or may not receive an equitable refund from its parent.

The Board does not wish to prescribe the tax accounting methods to be used by bank holding companies. However, the Board does require that those methods employed give bank subsidiaries equitable treatment. Such equitable treatment would not result if: (1) The bank's tax payments to the parent during a profitable period exceed what the bank would pay if it filed on a separate entity basis; (2) the bank does not receive an appropriate refund from the parent when the bank incurs a loss; or (3) the bank's tax payments to the parent significantly precede the time that the parent's actual or estimated current tax liability is due and payable to the tax authorities.

Many bank holding companies now have written tax agreements with their bank subsidiaries that specify intercorporate tax settlement policies. The Board believes that having such agreements is desirable and wishes to encourage all holding companies to have such agreements.

In the last several years, an increasing number of banks have been transferring their deferred tax account to their parent. Typically, these transfers have been accompanied by the bank transferring an equivalent dollar amount of cash or earning assets. The Board believes that a bank's deferred tax account does not constitute a current liability of the bank. Consequently, when a bank transfers its deferred tax account to its parent, usually along with an equivalent amount of cash or earning assets, the bank is engaging in a transaction that has an adverse effect on its financial condition. Such a transaction is tantamount to a prepayment or excessive payment of taxes. Moreover, the Board believes that the transfer of a bank's deferred tax account would result in the bank subsequently filing inaccurate reports for supervisory purposes.

In those few instances where deferred tax accounts of state member banks have already been transferred to the parent, the Board believes that such transfers should be reversed in the most expeditious way that is practical, given attendant circumstances and supervisory objectives. In most cases, this would involve an immediate reinstatement of the deferred tax on the books of the bank, along with the transfer by the parent of an equivalent amount of cash or appropriate earning assets. In those cases where the parent cannot immediately remit cash or appropriate earning assets, the holding company and the bank should work out an appropriate alternative arrangement with their Federal Reserve Bank. In most situations, the

most appropriate alternative would involve the bank recording a loan to the parent.

By Order of the Board of Governors, May 23, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14774 Filed 5-25-78; 8:45 am]

[6210-01]

HALECO BANCSHARES, INC.

Formation of Bank Holding Company

HaleCo BancShares, Inc., Plainview, Tex., has applied for the Board's approval under §3(a)(1) of the Bank Holding Company Act (12 U.S.C. §1842(a)(1)) to become a bank holding company by acquiring 80 percent or more (less director's qualifying shares) of the voting shares of Hale County State Bank, Plainview, Tex. The factors that are considered in acting on the application are set forth in §3(c) of the Act (12 U.S.C. §1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received no later than June 14, 1978.

Board of Governors of the Federal Reserve System, May 22, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[FR Doc. 78-14785 Filed 5-25-78; 8:45 am]

[6210-01]

HARROGATE CORP.

Formation of Bank Holding Company

Harrogate Corp., Harrogate, Tenn., has applied for the Board's approval under §3(a)(1) of the Bank Holding Company Act (12 U.S.C. §1842(a)(1)) to become a bank holding company by acquiring 52 percent of the voting shares of Commercial Bank of Claiborne County, Harrogate, Tenn. The factors that are considered in acting on the application are set forth in §3(c) of the Act (12 U.S.C. §1842(c)).

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received no later than June 19, 1978.

Board of Governors of the Federal Reserve System, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14786 Filed 5-25-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Meetings

Correction

In FR Doc. 78-13288 appearing at page 21052 in the issue for Tuesday, May 16, 1978, make the following correction: On page 21054, in the text which appears below the table for committee number 7, "Panel on Review of Antimicrobial Agents", the last sentence which reads, "To date, the following presentations have been scheduled for this time period" should be completed with the following information:

"Topic and Presenter"

Clinical Forms and Morphology, Dr. Samuel Frank.
Etiologic Role of Hormones, Dr. John Strauss
Etiologic Role of Bacteria, Dr. Sirje Puhvel
Host Immune Response, Dr. Sirje Puhvel
Sebum and Other Etiologic Factors, Dr. Peter Pochi
Topical and Systemic Antibiotics, Dr. Alan Shalita
Benzoyl Peroxide, Resorcinol, Sulfur, Dr. Richard Dobson
Consumer Needs in Acne, Dr. Zenona Mally
Salicylic Acid, Dr. Albert Kligman
Scrubs, Cleansers, and Topical Antibacterials, Dr. John Strauss
Clinical Methods of Evaluating Topical Treatment, Dr. Alan Shalita
Microbiological Considerations, Dr. Charles Evans.

"After all presentations have been given there will be a panel discussion.

"Open committee discussion. The Panel will review data submitted in response to the over-the-counter (OTC) review's call for data for this Panel (see also §330.10(a)(2) (21 CFR 330.10(a)(2))).

"The Panel will be reviewing, voting upon, and modifying the content of summary minutes and categorization of ingredients and claims."

This material was printed in the first column of page 21056 and should be deleted from that page.

[4110-03]

[Docket No. 77P-0401]

BORDO CITRUS PRODUCTS COOPERATIVE

Canned Grapefruit Deviating From Identity and Quality Standards: Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces that a temporary permit has been issued to the Bordo Citrus Products Cooperative to market test a new style of canned grapefruit designated as "grapefruit slices." The finished product deviates from the standards of identity and quality for canned grapefruit. The purpose of the market test is to measure consumer acceptance of the product so as to collect data to support a petition to amend the standards of identity and quality for canned grapefruit.

EFFECTIVE DATE: This permit is effective for a period of 15 months, beginning no later than August 24, 1978.

FOR FURTHER INFORMATION CONTACT:

Benjamin M. Gutterman, Bureau of Foods (HFF-402), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-245-1231.

SUPPLEMENTARY INFORMATION: In accordance with §130.17 (21 CFR 130.17) concerning temporary permits to facilitate market testing of food deviating from the requirements of the standards of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341), notice is given that a temporary permit has been issued to Bordo Citrus Products Cooperative, P.O. Box 1152, Winter Haven, Fla. This permit covers interstate marketing tests of canned grapefruit that deviates from the standard of identity prescribed in §145.145 (a)(2) (21 CFR 145.145(a)(2)) and the standard of quality prescribed in §145.145(b)(1)(ii)(a). The permit provides for the temporary marketing of grapefruit called "slices" that is sliced without regard to the location of the naturally occurring membranes that divide the grapefruit segments. This is an optional style not provided for in the standard of identity, nor permitted by the standard of quality because of the presence of an amount of membrane normally not found in canned grapefruit segments.

The applicant states that the new style of canned grapefruit will have the following advantages: (1) The segments of fruit hold their shape and firmness; (2) the processing is less expensive, and the savings can be passed

on to the consumer; and (3) the flavor of the product is enhanced in that the product appears and tastes more like fresh grapefruit.

This permit provides for the market testing of 100,000 cases of twenty-four 16-ounce cans of the test product. The product will be manufactured by Bordo Citrus Products Cooperative in Winter Haven, Fla., and will be distributed in the State of Florida and at selected locations throughout the Nation.

In addition to the name "grapefruit slices," the principal display panel of the label will contain the words "In light sirup." The label will also contain the statement "Slices Contain Grapefruit Segment Membrane." The ingredients will be declared on the label in accordance with 21 CFR Part 101.

This permit is effective for a period of 15 months, beginning on the day the test food is introduced or caused to be introduced into interstate commerce, but no later than August 24, 1978.

Dated: May 18, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14575 Filed 5-25-78; 8:45 am]

[4110-03]

DERMATOLOGY SUBCOMMITTEE OF THE ANTI-INFECTION AND TOPICAL DRUGS ADVISORY COMMITTEE

Meeting Cancellation

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Dermatology Subcommittee of the Antinfective and Topical Drugs Advisory Committee meeting announced by a notice in the FEDERAL REGISTER of May 16, 1978 (43 FR 21054) for June 8, 1978, has been canceled.

FOR FURTHER INFORMATION CONTACT:

Mary K. Bruch, Bureau of Drugs (HFD-140), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4310.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14722 Filed 5-25-78; 8:45 am]

[4110-03]

[Docket No. 75N-0232]

FOOD FLAVORING

Additional Flavoring Substances in GRAS Review; Extension of Effective Date for Compliance With Bulk Flavor Ingredient Declaration Requirements

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This document announces the addition of 71 flavoring substances to the agency's safety review of substances that are generally recognized as safe (GRAS) and extension of the effective date for compliance with a bulk flavor labeling regulation for these ingredients. The flavors are listed in the Flavor and Extract Manufacturers' Association (FEMA) GRAS List No. 11 (published in Food Technology, February 1978).

DATE: Compliance with bulk labeling requirements by July 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In notices published in the FEDERAL REGISTER of July 26, 1973 (38 FR 20051) and March 28, 1978 (43 FR 12941), the Food and Drug Administration (FDA) announced that, as part of its GRAS review program, Scientific Literature Reviews (SLR's) were being prepared on several chemical classes of flavoring ingredients. The July 26, 1973, notice also announced that these reviews would include all flavoring ingredients listed in §§ 182.10, 182.20, 182.30, 182.40, 182.50, 182.60, and part 172 (subpart F) (21 CFR 182.10, 182.20, 182.30, 182.40, 182.50, 182.60, and part 172, subpart F) or flavoring ingredients otherwise submitted to the agency.

In the FEDERAL REGISTER of February 3, 1978 (41 FR 4954), FDA also extended until July 1, 1979, the effective date for compliance with bulk labeling requirements of § 101.22(g)(2) (21 CFR 101.22(g)(2)) for those flavor ingredients that are listed as GRAS in a reliable industry association list and are included by FDA in its review of GRAS food ingredients. The notice also announced a procedure under which FDA would accept additional substances for incorporation into its safety review. The procedure provided for the inclusion of additional flavoring ingredients if the SLR for each chemical class of flavors is appropriately amended before the safety evaluation begins. In this way, all available data for each chemical class of flavors will be included and evaluated at the same time. If individual flavor ingredients cannot be added to the SLR's by these provisions, extension of the effective date for compliance with bulk labeling requirements and exemptions from specific ingredient listing as specified in § 101.22(g)(2) will not be granted except by FDA approval of food additive or GRAS affirmation petitions for the ingredients.

In accordance with this procedure, FEMA published its GRAS List No. 10 in January 1977, comprising 50 flavoring substances. The Commissioner announced in the FEDERAL REGISTER of October 18, 1977 (42 FR 55643) that the substances in FEMA GRAS List No. 10 had been properly added to the safety review and, therefore, the effective date of their compliance with § 101.22(g)(2) was extended to July 1, 1979.

FEMA has recently published its GRAS List No. 11 (Food Technology, Vol. 32, No. 2, February 1978), comprising an additional 71 flavoring substances. FEMA has included 6 of these ingredients in already completed SLR's. The Commissioner has received a written commitment from FEMA stating that the remaining 65 flavoring substances will be appended to SLR's currently being drafted by them. The 71 flavoring ingredients that constitute the FEMA GRAS List No. 11 are the following:

2-Acetoxy-3-butanone.
3-Acetyl-2, 5-dimethylthiophene.
1, 2-Butanedithiol.
1, 3-Butanedithiol.
m-Cresol.
Cyclohexanecarboxylic acid.
3-Decen-2-one.
Diallyl polysulfides.
1, 1-Di[(1'-ethoxy)ethoxy] propane.
2, 3-Dimethylbenzofuran.
Dimethyl disulfide.
2, 6-Dimethyl-4-heptanone.
2, 6-Dimethyl-3-[(2-methyl-3-furyl)thio]4-heptanone.
3, 7-Dimethyl-1, 3, 6-octatriene.
2, 6-Dimethylpyridine.
3, 5-Dimethyl-1, 2, 4-trithiolane.
6, 10-Dimethyl-5, 9-undecadien-2-one.
Ethylene brassylate.
Ethyl cyclohexanecarboxylate.
Ethyl 3-hydroxyhexanoate.
5-Ethyl-2-methylpyridine.
3-Heptanol.
2-Hydroxyacetophenone.
6-Hydroxydihydrotheaspirane.
3-Hydroxy-2-pentanone.
Isoamyl acetate.
Isojasmane.
Isophorone.
5-Isopropyl-2-methylpyrazine.
2-Isopropyl-4-methylthiazole.
Isopropyl myristate.
p-Mentha-1, 8-dien-7-yl.
p-Mentha-1, 3-diene.
p-Mentha-1, 4-diene.
p-Mentha-1, 4(8)-dien-3-one.
p-Mentha-1, 8-dien-7-yl acetate.
p-Menth-2-ol.
p-Menth-3-en-1-ol.

p-Menth-8-en-1-ol.
p-Menth-8-en-2-one.
1-p-Menth-9-yl acetate.
p-Methoxycinnamaldehyde.
Methyl cyclohexanecarboxylate.
2-Methyl-3, 5 or 6-ethoxypyrazine.
3-[(2-Methyl-3-furyl)thio]4-heptanone.
4-[(2-Methyl-3-furyl)thio]5-nonanone.
5-Methylhexanoic acid.
Methyl 2-methyl-3-furyl disulfide.
4-Methynonanolic acid.
4-Methyloctanoic acid.
Methyl 1-propenyl disulfide.
3-Methyl-5-propyl-2-cyclohexen-1-one.
2-Methyl-4-propyl-1, 3-oxathiane.
1, 4-nonanediol diacetate.
cis-8-Nonenal.
3-Octanol.
1-Octen-3-yl acetate.
3-Octyl acetate.
1-Penten-3-ol.
L-Phenylalanine.
2-Phenyl-3-(2-furyl)-prop-2-enal.
2(10)-Pinen-3-ol.
1, 3-Propanedithiol.
Resorcinol.
Δ-Tetradecalactone.
Theobromine.
2, 2, 3-Trimethylcyclopent-3-en-1-ylacetaldehyde.
1, 2, 3-Tris[(1'-ethoxy)ethoxy]propane.
Verbenol.
2, 5-Xylenol.
3, 4-Xylenol.

The Commissioner has determined that the 6 ingredients included in completed SLR's have been properly added to the safety review, and he accepts the FEMA commitment to add the 65 remaining ingredients to the SLR's now in draft. The effective date of compliance with § 101.22(g)(2) will, therefore, be extended to July 1, 1979. The Commissioner has determined that inclusion of any additional flavoring ingredients must be accomplished in the aforesaid manner if exemption to specific ingredient listing is desired. Additional FEDERAL REGISTER notices will be issued for subsequent industry GRAS flavor lists that are to be included in the FDA GRAS review.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14723 Filed 5-25-78 8:45 am]

[4110-03]

[Docket No. 75P-0361]

STANDARDS OF IDENTITY FOR BAKERY PRODUCTS

Hearing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: This notice announces a formal evidentiary public rulemaking hearing and a prehearing conference for the purpose of resolving factual issues raised by objections that stayed certain provisions of the standards of identity for bakery products.

DATES: Prehearing conference June 28, 1978, beginning at 10 a.m. Written notices of participation must be received by June 26, 1978.

ADDRESSES: The prehearing conference will be held in the Food and Drug Administration (FDA) Hearing Room, 4A-27, 5600 Fishers Lane, Rockville, Md. 20857. Written notices of participation should be submitted to the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Richard Hunt, Compliance Regulations Policy Staff (HFC-10), Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3480.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of February 12, 1978 (41 FR 6242), the Commissioner of Food and Drugs revised the standards of identity for bakery products in Part 136 (21 CFR Part 136, formerly 21 CFR Part 17 prior to the recodification published in the FEDERAL REGISTER of March 15, 1977 (42 FR 14302)). In response to written objections and requests for a hearing, a notice identifying certain provisions that were stayed pending consideration whether a hearing is necessary was published in the FEDERAL REGISTER of October 15, 1976 (41 FR 45540). The Commissioner has now determined that it is necessary to conduct a hearing to resolve four issues. A proposal to amend § 136.110(c)(5)(ii) (21 CFR 136.110(c)(5)(ii)), relating to the optional use of mono- and diglycerides of fat-forming fatty acid and of certain other ingredients that perform a similar function, is being published elsewhere in this issue of the FEDERAL REGISTER in order to resolve the fifth issue.

A hearing is being granted on the following stated objections:

1. The State of New York, Department of Agriculture and Markets, and the State of Tennessee, Department of Agriculture, objected to § 136.110(c)(5)(i) (21 CFR 136.110(c)(5)(i)), formerly § 17.10(c)(5)(i)), which permits the use of lecithin, hydroxylated lecithin, and related phosphatides in egg bread, egg rolls, and egg buns, on the grounds that the egg content of egg bread supplies sufficient emulsification to make the use of lecithin unnecessary and that if lecithin and related phosphatides were not present, it would be possible to test in the laboratory for the presence of egg yolk in the finished bread, thus eliminating the need for continual plant inspection.

2. Basic Foods, Division of Mallinckrodt, Inc., objected to § 136.110(c)(16) (21 CFR 136.110(c)(16)), formerly

§ 17.10(c)(16)), which limits the use of spices, spice oil, and spice extract in such a way that a color simulating that of egg is not imparted to the finished food. The objection was based on the argument that spice ingredients which impart a color to the finished food have other functional utility and benefit consumers when used in standardized bakery products not purporting to contain egg.

3. The American Bakers Association (ABA) objected to § 136.110(c)(17) (21 CFR 136.110(c)(17)), formerly § 17.10(c)(17)), which, it argues, permits the use in bread of butter with added color while prohibiting the use in bread of natural or artificial colors as such. The ABA claims that there is no basis for discriminating between butter and margarine with respect to the use of artificial coloring in breads and recommends that artificial color be allowed in like amounts in both margarine and butter when either is used in bread. The permission to use butter with added color, therefore, was stayed. The use of colored margarine has never been approved. Consequently, the use of artificially colored margarine as well as artificially colored butter was prohibited during the period of the stay.

4. Sections 136.110(e), 136.115(b), 136.160(b), and 136.165(b) (21 CFR 136.110(e), 136.115(b), 136.160(b), and 136.165(b)), formerly §§ 17.10(e), 17.20(b), 17.40(b), 17.60(b)), which require bread to contain a minimum of 2.56 percent by weight of whole egg solids in order to be named "egg bread," "enriched egg bread," "raisin and egg bread," or "enriched raisin and egg bread," as applicable, were stayed by objections filed by the State of New York, Department of Agriculture and Markets, and the State of Tennessee, Department of Agriculture. These State agencies asserted that the specified minimum percentage is too low to justify use of the name "egg bread."

The fact that the Commissioner has granted a hearing on the issues raised by the objections does not indicate that he agrees with those objections. The stays will remain in effect until all issues are resolved. Therefore, it is ordered that a public hearing be held on the following factual issues:

1. Whether it is in the best interests of the consumer to prohibit the use of lecithin, hydroxylated lecithin, and related phosphatides in egg bread, egg rolls, and egg buns.

2. Whether it is in the best interests of the consumer that spices, spice oil, and spice extract that impart to a standardized bakery product a color simulating that of egg be permitted in a standardized bakery product which is not represented on its label as containing egg or egg product and which does not purport to contain egg or egg product.

3. Whether, and on what terms, the use of butter and/or margarine containing added color within specified limits should be permitted in standardized bakery products.

4. Whether a minimum content of 2.56 percent by weight of whole egg solids in a standardized bakery product is high enough to justify use of the names "egg bread," "egg rolls," "egg buns," "enriched egg bread," "enriched egg rolls," "enriched egg buns," "raisin and egg bread," "raisin and egg rolls," "raisin and egg buns," "enriched raisin and egg bread," "enriched raisin and egg rolls," "enriched raisin and egg buns," as applicable.

Because this matter is a rulemaking proceeding pursuant to 5 U.S.C. 553, 556(d), and 557, the hearing will consist of the submission of evidence in written form only, unless otherwise ordered by the Administrative Law Judge. If the hearing consists of any oral testimony, such testimony will be taken at the FDA Hearing Room (address above). The presiding Administrative Law Judge will be Daniel J. Davidson. Written notices of participation must be filed with the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857, not later than June 26, 1978. The written notices of participation should be identified by the Hearing Clerk docket number found in brackets in the heading of this document; also, to aid in identification, the envelope containing the notice should be clearly labeled "Egg Bread Hearing."

Parties to the hearing shall be the Bureau of Foods of the Food and Drug Administration, the New York State Department of Agriculture and Markets, the Tennessee State Department of Agriculture, the Basic Foods Division of Mallinckrodt, Inc., and the American Bakers Association.

Pursuant to § 12.85 (21 CFR 12.85), the Bureau of Foods has filed with the Hearing Clerk a narrative statement of its position on the hearing issues and a summary of the evidence it intends to introduce at the hearing in support of its position. The Bureau has also filed with the Hearing Clerk copies of the original Great Atlantic and Pacific Tea Co. petition and all other data in its possession bearing on the issues raised herein. Additional copies need not be submitted by other parties or participants.

Interested persons may obtain a copy of the narrative statement filed by the Bureau of Foods from the office of the Hearing Clerk, at the address given above. Interested persons may also examine the administrative record at the office of the Hearing Clerk, from 9 a.m. to 4 p.m., Monday through Friday.

The portions of the administrative record that the Bureau of Foods

deems relevant at this time include the following:

1. Petition by the Great Atlantic & Pacific Tea Co., Inc.

2. Data from published recipes regarding egg content of egg bread.

3. The Munsell Butter Comparator and directions for its use.

4. Other relevant data in the possession of the Bureau of Foods.

5. Excerpts from the scientific and technical literature bearing on the issues in the hearing.

The hearing will be open to the public. Any participant may appear in person, or by or with counsel or other qualified representatives and may make known his or her views on matters relevant to the issues under consideration. Participants other than the Bureau of Foods shall disclose data and information under § 12.85 by July 25, 1978.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 401, 701(e), 52 Stat. 1046, 70 Stat. 919 as amended (21 U.S.C. 341, 371(e)) and under authority delegated to him (21 CFR 5.1), the Commissioner orders that a public hearing be held on the issues set out in this notice.

Dated: May 22, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-14724 Filed 5-25-78; 8:45 am]

[4110-83]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources Administration ADVISORY COMMITTEE

Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), announcement is made of the following National Advisory body scheduled to meet during the month of June 1978:

Name: Graduate Medical Education National Advisory Committee.
Date and Time: June 22-23, 1978, 9 a.m.
Place: Rooms 403A/405A, Hubert H. Humphrey Building, 200 Independence Avenue, Washington, D.C. 20201.
Open for entire meeting.

Purpose: The Graduate Medical Education National Advisory Committee is responsible for advising and making recommendations with respect to: (1) present and future supply and requirements of physicians by specialty and geographic location; (2) ranges and types of numbers of graduate training opportunities needed to approach a more desirable distribution of physician services; and (3) the impact of various activities which influence specialty distribution and the availability of training opportunities including systems of reimbursement and the financing of graduate medical education.

Agenda: Issues associated with the financing of graduate medical education, physician extenders, and the development of a manpower model will be discussed. Brief presentations by selected specialty or private sector organizations will be scheduled on the second day of the meeting.

A portion of the meeting will be available for comments and participation by the public. Due to limited seating, attendance by the public will be provided on a first-come, first-serve basis.

Anyone wishing to obtain a roster of members, minutes of meeting, or other relevant information should contact Dr. Frederick V. Featherstone, Bureau of Health Manpower, Room 4-44, Center Building, 3700 East-West Highway, Hyattsville, Md. 20782, telephone 301-436-6430.

Agenda items are subject to change as priorities dictate.

Dated: May 18, 1978.

JAMES A. WALSH,
Associate Administrator for
Operations and Management.

[FR Doc. 78-14635 Filed 5-25-78; 8:45 am]

[4110-83]

Health Resources Administration

GRADUATE MEDICAL EDUCATION NATIONAL ADVISORY COMMITTEE

Reestablishment

Pursuant to the Federal Advisory Committee Act, Pub. L. 92-463 (5 U.S.C. Appendix I), the Health Resources Administration announces the reestablishment by the Secretary, HEW, with concurrence by the General Services Administration, of the following advisory committee:

Designation: Graduate Medical Education National Advisory Committee.

Purpose: The Committee shall advise, consult with and make recommendations to the Secretary on overall strategies on the present and future supply and requirements of physicians by specialty and geographic locations; translation of physician requirements into a range of types and numbers of graduate training opportunities needed to approach a more desirable distribution of physician services, taking into account National Health Planning goals, guidelines, standards, and, as appropriate, the health system plans developed by health system agencies; factors which affect physician career choice; the impact of various activities which influence specialty distribution and the availability of training opportunities, including systems of reimbursement of services and financing of graduate medical education; and the relationship of graduate medical education to the provision of services in training institutions, including alternatives for the provision of these services. The Committee shall advise on data requirements and systems needed to conduct the activities of the Committee; propose national goals for the distribution of physicians in graduate training; and recommend Federal

al policies, strategies, and plans to achieve the established goals in concert with the private sector and non-Federal agencies.

Authority for this Committee will expire on April 20, 1980, unless the Secretary, HEW, with the concurrence of the General Services Administration, formally determines that continuance is in the public interest.

Dated: May 24, 1978.

JAMES A. WALSH,
Associate Administrator for
Operations and Management.

[FR Doc. 78-14888 Filed 5-25-78 8:45 am]

[4110-08]

National Institutes of Health

AGING REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Aging Review Committee, National Institute on Aging, on June 30, 1978, in Building 31C, Conference Room 8, National Institutes of Health, Bethesda, Md.

The meeting will be open to the public from 9 to 10 a.m. for introductory remarks. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public from 10 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications.

Mrs. Suzanna H. Porter, Committee Management Officer, NIA Building 31, Room 5C07, National Institutes of Health, Bethesda, Md., area code 301-496-5345, will provide summaries of meetings and rosters of Committee members as well as substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.866, National Institutes of Health.)

Dated: May 12, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14756 Filed 5-25-78; 8:45 am]

[4110-08]

GENERAL RESEARCH SUPPORT PROGRAM ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the

General Research Support Program Advisory Committee, Division of Research Resources, June 22-23, 1978, from 9 a.m. to 5 p.m. in the Maryland Room of the Holiday Inn, 8130 Wisconsin Avenue, Bethesda, Md. 20014.

This meeting will be open to the public from 9 a.m. to 1:30 p.m. on June 22, 1978, to discuss administrative matters relating to the programs. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 22, 1978, from 1:30 p.m. to 5 p.m., and on June 23, 1978, from 9 a.m. to adjournment for the review, discussion, and evaluation of individual grant applications submitted to the Minority Biomedical Support Program. These applications and discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications.

Mr. James Augustine, Information Officer, Division of Research Resources, National Institutes of Health, Building 31, Room 5B13, Bethesda, Md. 20014, telephone area code 301-496-5545, will provide summaries of meetings and rosters of committee members. Dr. Sidney A. McNairy, Jr., Executive Secretary of the General Research Support Program Advisory Committee, Building 31, Room 5B33, Bethesda, Md. 20014, telephone area code 301-496-6743 will furnish substantive program information.

(Catalog of Federal Domestic Assistance Programs No. 13.375, National Institutes of Health.)

Dated: May 12, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14748 Filed 5-25-78; 8:45 am]

[4110-08]

CLEARINGHOUSE ON ENVIRONMENTAL CARCINOGENS

Renewal

The Director, National Institutes of Health, announces the renewal on May 5, 1978, of the Clearinghouse on Environmental Carcinogens, under the authority of Section 410(a)(3) of the Public Health Service Act (42 U.S.C. 286d). Such advisory committees shall be governed by the provisions of the Federal Advisory Committee Act, as amended (Pub. L. 92-463) setting forth standards governing the establishment and use of advisory committees.

This committee provides to the Director, NCI, and the Director, Division

of Cancer Cause and Prevention, advice concerning matters relating to the identification and evaluation of environmental carcinogens. The committee will terminate May 5, 1980, unless renewed by appropriate action as authorized by law.

Dated: May 12, 1978.

DONALD S. FREDRICKSON,
Director, National
Institutes of Health.

[FR Doc. 78-14749 Filed 5-25-78; 8:45 am]

[4110-08]

CLINICAL APPLICATIONS AND PREVENTION ADVISORY COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Applications and Prevention Advisory Committee, Division of Heart and Vascular Diseases, National Heart, Lung, and Blood Institute, July 13-14, 1978, Federal Building, Room 6C01, Bethesda, Md.

This meeting will be open to the public on July 13, from 9 a.m. to 12 noon, to discuss the current progress of the Aspirin Myocardial Infarction Study and the Epidemiology program. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Sections 552b(c)(4) and 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on July 13, from noon to adjournment and on July 14, from 8:30 a.m. to adjournment, for the review, discussion, and evaluation of individual contract renewal proposals. The proposals and the discussions could reveal confidential trade secrets and personal information such as privileged unblinded medical data about individuals associated with the proposals.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, National Heart, Lung, and Blood Institute, Building 31, Room 5A03, National Institutes of Health, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of meetings and rosters of committee members. Dr. William J. Zukel, Executive Secretary of the Committee, Federal Building, Room 4C10, Bethesda, Md., 20014, phone 301-496-2533, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, National Institutes of Health.)

Dated: May 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-14754 Filed 5-25-78; 8:45 am]

[4110-08]

CLINICAL TRIALS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Clinical Trials Review Committee, National Heart, Lung, and Blood Institute, June 22, 1978, at the National Institutes of Health, Building 31A, Conference Room 4.

The entire meeting will be open to the public from 8:30 a.m. to adjournment on June 22, 1978, to hear a report by the Deputy Director, NHLBI, concerning the current status of the National Heart, Lung, and Blood Institute. Also, there will be an orientation of new members and discussion of National Heart, Lung and Blood Institute Clinical Trials programs, and other committee business. Attendance by the public will be limited to space available.

Mr. York Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, National Institutes of Health, Building 31, Room 5A-03, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Fred P. Heydrick, Chief, Research Contracts Review Section, Division of Extramural Affairs, NHLBI, Westwood Building, Room 548B, phone 301-496-7363, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838 and 13.839, National Institutes of Health.)

Dated: May 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-14755 Filed 5-25-78; 8:45 am]

[4110-08]

CLINICAL CANCER EDUCATION COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in meeting date of the Clinical Cancer Education Committee, National Cancer Institute, National Institutes of Health, June 1 and 2, 1978, which was published in the FEDERAL REGISTER on May 5, 1978 (43 FR 19463).

The meeting will now be held one day only on June 2, 1978 in Building 31C, Conference Room 10, National Institutes of Health. The meeting will be open to the public from 8:30 a.m. to 9:30 a.m. to review administrative details. Attendance by the public will be limited to space available.

Dated: May 15, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-14750 Filed 5-25-78; 8:45 am]

[4110-08]

ADVISORY COMMITTEES; NATIONAL CANCER INSTITUTE

Open Meetings

Pursuant to Pub. L. 92-463, notice is hereby given of the meetings of committees advisory to the National Cancer Institute.

These meetings will be entirely open to the public to discuss issues relating to committee business as indicated in the notice. Attendance by the public will be limited to space available. Meetings will be held at the National Institutes of Health, 9000 Rockville Pike, Bethesda, Md. 20014, unless otherwise stated.

Mrs. Marjorie F. Early, Committee Management Officer, NCI, Building 31, Room 4B43, National Institutes of Health, Bethesda, Md. 20014, 301-496-5708, will furnish summaries of the meetings and rosters of committee members upon request.

Other information pertaining to the meeting can be obtained from the Executive Secretary indicated.

Name of Committee: Cancer Control and Rehabilitation Advisory Committee.
Dates: July 12-13, 1978, 9 a.m. to adjournment.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To discuss current and projected programs of the Division of Cancer Control and Rehabilitation.

Executive Secretary: Dr. Veronica L. Conley, Blair Building, Room 7A07, National Institutes of Health, phone 301-427-7941.

Name of Committee: Executive Subgroup of the Clearinghouse on Environmental Carcinogens.

Dates: July 19, 1978, 8:30 a.m. to adjournment.

Place: Building 31C, Conference Room 6, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To review the activities of the Clearinghouse bioassay program and other relevant matters.

Executive Secretary: Dr. James M. Sontag, Building 31, Room 3A16, National Institutes of Health, phone 301-496-5108.

Name of Committee: President's Cancer Panel.

Dates: July 25, 1978, 9:30 a.m. to adjournment.

Place: Building 31C, Conference Room 7, National Institutes of Health.

Times: Open for the entire meeting.

Agenda: To hear reports on the President's Cancer Panel and the National Cancer Program.

Executive Secretary: Dr. Richard A. Tjalma, Building 31, Room 11A46, National Institutes of Health, phone 301-496-5854.

Dated: May 18, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-14751 Filed 5-25-78; 8:45 am]

[4110-08]

HEART, LUNG, AND BLOOD RESEARCH REVIEW COMMITTEE A

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee A, National Heart, Lung, and Blood Institute, June 30, July 1, 1978, National Institutes of Health, Building 31, Wing C, Conference Room 7, Bethesda, Md.

The meeting will be open to the public on June 30, 1978 from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear reports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 30, 1978 from 9:30 a.m. until the adjournment on July 1, 1978, for the review, discussion and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Arthur W. Merrick, Executive Secretary, NHLBI, NIH, Room 552, Westwood Building, Bethesda, Md. 20014, phone 301-496-7917, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, National Institutes of Health.)

Dated: May 12, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-14752 Filed 5-25-78; 8:45 am]

[4110-08]

HEART, LUNG, AND BLOOD RESEARCH REVIEW COMMITTEE B

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Heart, Lung, and Blood Research Review Committee B, National Heart, Lung, and Blood Institute, June 30, and July 1, 1978, Conference Room 9, Building 31, National Institutes of Health, Bethesda, Md.

This meeting will be open to the public on June 30, 1978 from 8:30 a.m. to approximately 9:30 a.m. to discuss administrative details and to hear re-

ports concerning the current status of the National Heart, Lung, and Blood Institute. Attendance by the public will be limited to space available.

In accordance with the provisions set forth in Section 552b(c)(6), Title 5, U.S. Code and Section 10(d) of Pub. L. 92-463, the meeting will be closed to the public on June 30, 1978 from 9:30 a.m. until adjournment on July 1, 1978 for the review, discussion, and evaluation of individual grant applications. These applications and the discussions could reveal personal information concerning individuals associated with the applications.

Mr. York E. Onnen, Chief, Public Inquiries and Reports Branch, NHLBI, NIH, Room 5A03, Building 31, Bethesda, Md. 20014, phone 301-496-4236, will provide summaries of the meeting and rosters of the committee members. Dr. Henry G. Roscoe, Executive Secretary, NHLBI, NIH, Room 554, Westwood Building, Bethesda, Md. 20014, phone 301-496-7915, will furnish substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.837, 13.838, 13.839, National Institutes of Health.)

Dated: May 12, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-14753 Filed 5-25-78; 8:45 am]

[4110-08]

MINORITY ACCESS TO RESEARCH CAREERS REVIEW COMMITTEE

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Minority Access to Research Careers Review Committee, National Institute of General Medical Sciences, on June 27 to 30, 1978, 9 a.m., National Institutes of Health, Building 31C, Conference Room 9.

This meeting will be open to the public on June 27, 9 a.m. to 12 noon. The meeting will consist of opening remarks and discussion of procedural matters. Attendance by the public will be limited to space available.

In accordance with provisions set forth in Title 5, U.S. Code 552b(c)(6), the meeting will be closed to the public on June 27 from 1:30 p.m. to 5 p.m. and on June 28-29 from 9 a.m. until 5 p.m. and on June 30 from 9 a.m. until adjournment, for the review, discussion, and evaluation of individual and institutional grant applications. These applications could reveal personal information concerning individuals associated with the applications.

Mr. Paul Deming, Research Reports Officer, NIGMS, Westwood Building, 5333 Westbard Avenue, Room 9A-05,

Bethesda, Md. 20014, telephone 301-496-7301, will furnish summary minutes of the meeting and a roster of committee members.

Substantive program information may be obtained from Dr. Prince Rivers, Executive Secretary, Westwood Building, Room 9A-17, Bethesda, Md. 20014, telephone 301-496-7357.

(Catalog of Federal Domestic Assistance Programs 13-859, 13-860, 13-861, 13-862, General Medical Sciences.)

Dated: May 12, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-14757 Filed 5-25-78; 8:45 am]

[4110-08]

NATIONAL CANCER ADVISORY BOARD

Amended Notice of Meeting

Notice is hereby given of a change in the presentation of an agenda item of the National Cancer Advisory Board meeting, National Cancer Institute, National Institutes of Health, May 30-31, 1978, which was published in the FEDERAL REGISTER on April 21, 1978 (43 FR 17059).

The presentation on May 31 on NIH trends in grants and contracts and NCI trends in grants, originally scheduled for 4:20 p.m., has been rescheduled for presentation at 8:30 a.m., May 31. Attendance by the public will be limited to space available.

Dated: May 18, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.
[FR Doc. 78-14747 Filed 5-25-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

ROBINSON RANCHERIA

Procedures to Return Land to Trust Status

MAY 17, 1978.

The notice is published in exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 230 DM 1 and 2.

Pursuant to the Final Declaratory Judgment and Decree issued in *Mable Duncan, et al., v Andrus, et al.*, Nos. C-71-1572 and C-71-1713 by the United States District Court for the Northern District of California, each Indian of the Robinson Rancheria who has or retains any interest in or to the lands or assets thereof (however acquired) shall be entitled to elect to convey his or her interest to the United States to

be held in trust. Unless otherwise specified in the instrument of conveyance, title to the lands or assets described therein shall be held by the United States in trust for the individual Indian or Indians executing the conveyance. Conveyance of title to the United States may, at the election of the grantor, provide that the United States will hold title in trust for the Indians of the Robinson Rancheria, subject to such conditions or restrictions as are set forth in the instrument of conveyance. Each Indian of the Robinson Rancheria has until July 1, 1978 to exercise his option to convey his or her interest to the United States to be held in trust as specified in the instrument of conveyance. An acceptable form of Grant Deed—Individual is available at the Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, Calif. 95825, and will be furnished upon request.

Similarly, trust status shall be restored to the community properties of the Rancheria upon the election of the Indians of the Robinson Rancheria. An acceptable form of Grant Deed—Community is available and will be furnished upon request. Completed instruments of conveyance are to be filed with the Bureau of Indian Affairs, 2800 Cottage Way, Sacramento, Calif. 95825, who will be responsible for recording said instruments with the County Recorder of Lake County.

In the event that lands are subsequently acquired within the boundaries of the Rancheria by one or more Indians thereof, they may be similarly restored to trust status in accordance with the procedures outlined above.

These procedures will be published by the Department in the FEDERAL REGISTER, will be posted in two conspicuous places on the Rancheria and in a newspaper of general circulation within Lake County, and will be sent to each individual named in this notice.

NAME AND ADDRESS

Elmer Moore, 1824 Bruce Street, Chico, Calif. 95926.
Milton Gorbett, 2526 Shawnee Street, Santa Rosa, Calif. 95401.
Evelyn Peake, 2546 34th Avenue, Oakland, Calif. 94601.
Marcus Anderson, Box 3765, Chico, Calif. 95926.
Rosita Anderson, Box 3765, Chico, Calif. 95926.
Charlotte Anderson, Box 3765, Chico, Calif. 95926.
Herbert Anderson, P.O. Box 1271, Lakeport, Calif. 95453.
Earl Duncan, 5526 Cranbrook Way, Fair Oaks, Calif. 95628.
Mildred Duncan, 5526 Cranbrook Way, Fair Oaks, Calif. 95628.
Alfretta Boggs Mix, 1304 Hemlock Street, Chico, Calif. 95926.
Mabel Knight, P.O. Box 274, Upper Lake, Calif. 95485.
Coleen Tripp Poe, 2526 Shawnee Street, Santa Rosa, Calif. 95401.

Freda Duncan, 3815 East 14th Street, Oakland, Calif. 94601.
 Pearl Wilson, P.O. Box 415, Upper Lake, Calif. 95485.
 Alice Peters, 286 Humboldt Avenue, Apt. 2, Chico, Calif. 95926.
 Ivan Anderson, Box 371, Upper Lake, Calif. 95485.
 Alvin Anderson, Box 371, Upper Lake, Calif. 95485.
 Barbara White, 731 4th Street, Woodland, Calif. 95695.
 Elsie Wilson, P.O. Box 415, Upper Lake, Calif. 95485.
 Nathan Boggs, 1372 East 10th Street, Chico, Calif. 95926.
 Bernadine Connor, 5526 Cranbrook Way, Fair Oaks, Calif. 95628.
 Maude Boggs, 1372 East 10th Street, Chico, Calif. 95926.
 Wilbur Augustine, P.O. Box 142, Arcata, Calif. 95521.
 Carston Duncan, General Delivery, Upper Lake, Calif. 95485.

RICK LAVIS,
 Deputy Assistant Secretary,
 Indian Affairs.

[FR Doc. 78-14769 Filed 5-25-78; 8:45 am]

[7020-02]

INTERNATIONAL TRADE COMMISSION

[337-TA-39]

CERTAIN LUGGAGE PRODUCTS

Order Permitting Inspection of In Camera Record and Extending Time for Written Submissions

Notice is hereby given that a request was received from the Federal Trade Commission on May 9, 1978, that the United States International Trade Commission exercise its discretion pursuant to Rule 210.44(a) of the Commission's Rules of Practice and Procedure (19 C.F.R. 210.44(a)) to permit inspection by two designated FTC attorneys of the *in camera* record and confidential findings contained in the recommended determination filed by the presiding officer on March 24, 1978, in the certain luggage products investigation No. 337-TA-39.

The presiding officer issued a recommendation and order concerning the Federal Trade Commission's request on May 12, 1978. He recommended that:

1. The requested disclosure to the FTC be made so as to permit inspection by attorneys Carl Hevener, Esq. and John F. McDermid, Esq. of the Federal Trade Commission;
2. That the date of disclosure be set for May 19, 1978 in the Office of the Secretary of this Commission; and
3. The extension of the briefing date be granted until May 26, 1978.

Counsel for complainant, Airway Industries, Inc., consented to the Federal Trade Commission's request for inspection of the *in camera* record on May 16, 1978.

Having considered the Federal Trade Commission's request of May 9,

1978; the presiding officer's recommendation concerning disclosure, and the consent of the complainant, the United States International Trade Commission, on May 22, 1978, *Ordered*—

(1) That Carl Hevener, Esq. and John F. McDermid, Esq., of the Federal Trade Commission will be permitted to inspect the *in camera* record and confidential findings contained in the recommended determination of the presiding officer filed on March 24, 1978, in the certain luggage products investigation No. 337-TA-39 on May 23, 1978, in the Office of the Secretary of this Commission; and

(2) The date for filing written submissions from the parties, other interested persons, Government agencies and departments, Governments or the public with respect to the recommended determination, the appropriate standard for granting temporary relief in section 337 proceedings, and the subject matter of subsections (a)(1), and (a)(2), and (a)(3) of section 210.14 of the Commission's Rules of Practice and Procedure (19 C.F.R. §210.14 (a)(1), (2), and (3)) (i.e., with respect to remedy, bonding, and the public interest) is extended until May 26, 1978.

Notice of the Commission's institution of the investigation was published in the FEDERAL REGISTER of November 30, 1977 (42 F.R. 60962).

By order of the Commission.

Issued May 23, 1978.

KENNETH R. MASON,
 Secretary.

[FR Doc. 78-14813 Filed 5-25-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Antitrust Division

UNITED STATES v. LEGGETT & PLATT, INC.

Written Comments Upon Consent Judgment and Department of Justice Response Thereto

Pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16, the following written comments on the proposed judgment filed with the United States District Court in the Southern Division of Ohio, *Western Division in Civil Action No. 7976, United States of America v. Leggett & Platt, Inc.* were received by the Department of Justice and are published herewith, together with Justice's response to the comments.

Dated: May 15, 1978.

CHARLES F. B. MCALEER,
 Special Assistant for Judgment
 Negotiations, Office of Operations, Antitrust Division.

SMITH AND KIRCHER
 Cincinnati, Ohio, March 17, 1978.
 Mr. JOHN A. WEEDON,

Chief, Great Lakes Field Office, Antitrust Division, U.S. Department of Justice, Cleveland, Ohio.

Re: *United States of America v. Leggett & Platt, Incorporated*, Civil Action No. 7976.

DEAR MR. WEEDON: Enclosed, pursuant to 15 U.S.C. 16 (d) and (e), are written comments of Local 156, Upholsterers International Union of North America, AFL-CIO relating to the proposal for the consent judgment in the above-captioned matter.

Very truly yours,

THOMAS J. KIRCHER.

BEFORE THE ANTI-TRUST DIVISION, U.S. DEPARTMENT OF JUSTICE

COMMENTS OF LOCAL 156, UPHOLSTERERS INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO, RELATING TO THE PROPOSED FINAL JUDGMENT IN UNITED STATES OF AMERICA v. LEGGETT & PLATT, INC., CIVIL ACTION NO. 7976

Local 156, Upholsterers International Union of North America, AFL-CIO ("Local 156") submits the following comments (including the attached Affidavit), pursuant to U.S.C. 16 (d) and (e), with respect to the proposed Final Judgment in *United States of America v. Leggett & Platt, Inc.*, CA No. 7976, presently pending in the Western Division of the United States District Court for the Southern District of Ohio.

1. Local 156 is, as shown by the attached Affidavit, the bargaining representative of the production and maintenance employees at the facility which is to be affected by the proposed Final Judgment. Local 156 urges modification of the proposed decree, as more fully explained and set forth below.

2. The collective bargaining agreement between Local 156 and Defendant purports to be binding upon the "successors or assigns" of Defendant (Exhibit A, p. 1). Defendant thus has an obligation to see that any assignee of its operation assume such agreement, with the job security and other protections provided for employees under that agreement. As a matter of both practicality and Federal law, the successorship clause of the agreement will be unenforceable against any assignee unless assumption of the agreement is made a condition of sale.

The proposed Final Judgment, however, does not require either Defendant or the Trustee to make retention of employees or assumption of the agreement a condition of sale; indeed, it is arguable that neither Defendant nor the Trustee could insist upon such action by the buyer as a condition of sale. Failure by the buyer to take such action would result in the following consequences detrimental to the public interest:

A. Loss of employment by a large number of older workers with many years of service, with the attendant individual hardship and governmental burden of their unemployment; and

B. Loss to Defendant's competitor of workers with valuable skills and experience in the industry.

Therefore, Local 156 would urge that Section IV(D) of the proposed Final Judgment be modified to read as follows:

(D) Leggett & Platt and thereafter the Trustee shall use their best efforts to sell Greeno to a person (i) which intends to operate Greeno as a going business for the manufacture of innersprings and boxsprings and for the sale of such products to parties independent of such person and (ii) which is deemed suited to increase competition in the sale of such products and (iii) which un-

dertakes to retain the production and maintenance employees and assume the existing collective bargaining agreement.

3. The proposed decree would require that the assets of the facility be sold if the facility cannot be sold as a going business. Local 156 respectfully suggests that the decree's requirements for sale of the business by Defendant and the Trustee will effectuate virtually all of the goals of the settlement. If competitors did not purchase the business within the 24 months provided, it is fairly obvious that the marginal impact upon competition of continued operation of the facility by Defendant would be almost nil. The competitive impact statement filed by the parties does not indicate otherwise.

Certainly such impact is small when compared to the harm to the public interest entailed in throwing all of the workers out of jobs, especially when (see Affidavit) large numbers of them are older workers with skills which are not transferrable to other industries.

Local 156 would therefore urge that Section IV(A) of the proposed decree be modified to read:

(A) Leggett & Platt is ordered and directed to sell Greeno. Such sale shall be made, if possible, within thirty (30) months as provided in Section IV;

and that Section IV(E) of the proposed decree be modified to read:

(E) If such a purchaser for Greeno is not found within thirty (30) months from entry of this Final Judgment, the Trustee shall return its interest in Greeno to Leggett & Platt.

Respectfully submitted,

THOMAS J. KIRCHER,
 Smith & Kircher, Attorneys for Local 156, Upholsterers International Union of North America, AFL-CIO, 2402 Kroger Building, Cincinnati, Ohio 45202, 513-381-3525.

AFFIDAVIT

STATE OF OHIO,
 County of Hamilton, ss:

My name is Joe Harold Sampson. I reside at 5337 Charloe Street, Cincinnati, Ohio 45227. I am steward of Local 156, Upholsterers International Union, at the Leggett & Platt Greeno facility (also known as Ellis Street). I have held this position for approximately 16 years.

Attached hereto as Exhibit A is a copy of the current collective bargaining agreement covering the Greeno facility between Local 156 and Leggett & Platt. At present there are 53 employees working in the bargaining unit. At one point in the early 1970's, there were 265 employees, and there has been a gradual decline since that time. Attached hereto as Exhibit B is a copy of a seniority list from January, 1975. Attached hereto as Exhibit C is a copy of a seniority list from December, 1977. Substantially all of the persons shown on the 1975 list were working at that time. Of the people shown on the 1977 list only the 53 I mentioned above are working now.

The net result of all this is that the people who are working there now are, to a large extent, older workers with many years in the trade. They are skilled in spring manufacture, but their skills would not be readily transferrable to other industries. Many would be unemployed for long periods of time if production at the Greeno facility were terminated.

JOE HAROLD SAMPSON.

Sworn to before me and subscribed in my presence this 16th day of March, 1978.

THERESA ANN SPARER,
 Notary Public.

UNITED STATES DISTRICT COURT, SOUTHERN DIVISION OF OHIO, WESTERN DIVISION

United States of America, Plaintiff, v. *Leggett & Platt, Inc.*, Defendant.

Civil No. 7976.

Judge Carl B. Rubin.

GOVERNMENT'S RESPONSE TO COMMENTS OF LOCAL 156, UPHOLSTERERS INTERNATIONAL UNION OF NORTH AMERICA, AFL-CIO

The United States submits this response to the comments of Local 156, Upholsterers International Union of North America, AFL-CIO, upon the proposed Final Judgment in *"United States v. Leggett & Platt, Inc."*, Civil Action No. 7976.

In its comments, Local 156 states that, without their suggested modifications, the proposed Final Judgment could result in the loss of employment by the present production and maintenance employees at Leggett & Platt's Greeno facility on Ellis Street in Cincinnati, Ohio. The Government shares the concern of Local 156 for the employees at Greeno, but believes that the modifications suggested by Local 156 would lessen the likelihood of achieving the primary objective of divesting Greeno from Leggett & Platt. The Government, in formulating the proposed Final Judgment, has sought to protect competition in the innerspring and boxspring industry and to serve the interests of the public, who, as consumers, will purchase the finished product. Thus, the Judgment requires Leggett & Platt to sell its interest in Greeno to someone who intends to operate Greeno as a going business and who is deemed suited to increase competition in the innerspring and boxspring industry.

The first modification suggested by Local 156 would limit the number of prospective purchasers to those who are willing to be bound by Greeno's present collective bargaining agreement, thereby possibly reducing the chances that Greeno will be sold as a going business. The second modification suggested by Local 156, would eliminate the requirement that Leggett & Platt sell Greeno piecemeal if it cannot be sold as a going business. If the proposed Final Judgment were to allow the return of Greeno to Leggett & Platt after thirty (30) months, an incentive encouraging Leggett & Platt to sell would be eliminated. The probability that Greeno would be divested would thus be reduced. Matters relating to the employment of the production and maintenance employees of Greeno are properly left to Local 156, Leggett & Platt, and the purchaser of Greeno to negotiate. Such matters should not be fixed in the Judgment so as to interfere with the primary objective, to accomplish divestiture and restore competition.

The proposed Final Judgment is structured so that the most likely result is the sale of Greeno as a going business. The modifications recommended are either unnecessary or inappropriate and, therefore, would not further the public interest in this matter.

Dated: May 12, 1978.

FEDERAL REGISTER, VOL. 43, NO. 103—FRIDAY, MAY 26, 1978

JOHN A. WEEDON,
 Chief, Great Lakes Field Office.

DAVID F. HILLS,
 Attorney, Department of Justice.

DIANE RUBIN WILLIAMS,
 SAUNDRA B. WALLACE,
 DONALD S. SCHERZER,

Attorneys, Department of Justice,
 Antitrust Division, 995 Celebrezze
 Federal Building, Cleveland, Ohio
 44199, Telephone: 216-522-4080.

[FR Doc. 78-14714 Filed 5-25-78; 8:45 am]

[4410-01]

Office of the Attorney General

[Order No. 785-78]

JOHN M. HARMON, ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGAL COUNSEL

Delegation of Authority Respecting the Application for Approval of a Joint Operating Arrangement Between the Cincinnati Post and Cincinnati Enquirer

Pursuant to the Newspaper Preservation Act, 15 U.S.C. 1801 et seq., the Attorney General must approve, by prior written consent, an application for a joint newspaper operating arrangement if the arrangement is to qualify for the limited antitrust exemption afforded by the Act.

The regulations implementing the Newspaper Preservation Act are set forth in 28 CFR Part 48. The term "Attorney General" is defined by §48.2(a) of the Part to mean the Attorney General "or his delegate." I hereby delegate to John M. Harmon, Assistant Attorney General, Office of Legal Counsel, the authority to decide all questions arising under the Act in the matter of the September 28, 1977, application filed by the Cincinnati Post and the Cincinnati Enquirer for approval to enter into a joint newspaper operating arrangement, except that the Attorney General retains the authority to make the final decision in accordance with 28 CFR 48.14.

Dated: May 16, 1978.

GRIFFIN B. BELL,
 Attorney General.

[FR Doc. 78-14713 Filed 5-25-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

EMPLOYMENT TRANSFER AND BUSINESS COMPETITION DETERMINATIONS UNDER THE RURAL DEVELOPMENT ACT

Applications

The organizations listed in the attachment have applied to the Secretary of Agriculture for financial assistance in the form of grants, loans, or loan guarantees in order to establish or improve facilities at the locations

listed for the purposes given in the attached list. The financial assistance would be authorized by the Consolidated Farm and Rural Development Act, as amended, 7 USC 1924(b), 1932, or 1942(b).

The Act requires the Secretary of Labor to determine whether such Federal assistance is calculated to or is likely to result in the transfer from one area to another of any employment or business activity provided by operations of the applicant. It is permissible to assist the establishment of a new branch, affiliate or subsidiary, only if this will not result in increased unemployment in the place of present operations and there is no reason to believe the new facility is being established with the intention of closing down an operating facility.

The Act also prohibits such assistance if the Secretary of Labor determines that it is calculated to or is likely to result in an increase in the production of goods, materials, or commodities, or the availability of services or facilities in the area, when there is not sufficient demand for such goods, materials, commodities, services, or facilities to employ the efficient capacity of existing competitive commercial or industrial enterprises, unless such financial or other assistance will not have an adverse effect upon existing competitive enterprises in the area.

The Secretary of Labor's review and certification procedures are set forth at 29 CFR Part 75. In determining whether the applications should be approved or denied, the Secretary will take into consideration the following factors:

1. The overall employment and unemployment situation in the local area in which the proposed facility will be located.
2. Employment trends in the same industry in the local area.
3. The potential effect of the new facility upon the local labor market, with particular emphasis upon its potential impact upon competitive enterprises in the same area.
4. The competitive effect upon other facilities in the same industry located in other areas (where such competition is a factor).
5. In the case of applications involving the establishment of branch plants or facilities, the potential effect of such new facilities on other existing plants or facilities operated by the applicant.

All persons wishing to bring to the attention of the Secretary of Labor any information pertinent to the determinations which must be made regarding these applications are invited to submit such information in writing within two weeks of publication of this notice to: Deputy Assistant Secretary for Employment and Training, 601 D Street NW., Washington, D.C. 20213.

Signed at Washington, D.C., this 22nd day of May 1978.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

APPLICATIONS RECEIVED DURING THE WEEK ENDING MAY 19, 1978

Name of applicant, location of enterprise,
and principal product or activity

Rodco Vermont, Inc., Randolph, Vt., customizing automotive-type vans.
Woodwork Interiors Corp., Lewiston, Maine, manufacture of wood fixtures.
Vermont Castings, Inc., Barre, Vt., manufacture of gray iron castings.
Kors, Inc., Springfield, Vt., manufacture of bags, shirts, and film.
Owl Wire & Cable, Inc., Canastota, N.Y., drawing and stranding of nonferrous metals.
Inter American University, Arecibo, P.R., post secondary educational services.
Guterl Special Steel Corp., Lockport, N.Y., manufacture of special alloy steels.
George-Port of Canaan, Inc., Canaan, N.Y., restaurant, auto/truck fueling and repair services, motel and general store.
Canoe Manufacturing Co., Pine Grove, Pa., manufacture of children's jeeps.
Rippon Candy Co., Mount Union, Pa., retail sales of candy.
Marshall Manufacturing, New Castle, Pa., manufacture of plastic bottles and parts.
T & T Coals, Inc., Bruceton Mills, W. Va., coal production.
Edgewood Racquet Club, Inc., Butler Twp., Pa., gymnastics facility.
Wakefield Homes, Inc., Spring Hope, N.C., manufacture of houses.
Hytec Corp., Niota and Smyrna, Tenn. and Cherryville, N.C., manufacture of rugs and fiberglass tub and shower units.
Farmers Marketing Association, Pontotoc, Miss., grain handling.
North Florida Concrete, Inc., Macclenny, Mayo, and Perry, Fla., manufacture of concrete products and sales of building materials.
Rhea Stone and Materials, Inc., Dayton, Tenn., stone quarry.
Cooke Manufacturing Co., Inc., Cleveland, Tenn., manufacture of furniture.
Aqua Glass Corp., Adamsville, Tenn., manufacture of fiberglass reinforced bath units.
Lane & Anderson Inc., Rural Lexington County, S.C., a lumber plant.
Roberts Enterprises, Lowell, N.C., steak restaurant.
Industrial Heat Exchanger Manufacturing Co., Henderson, Tenn., manufacture of radiators for diesel engines.
Milan Crop Spray, Inc., Milan, Tenn., wholesaling agribusiness products.
Buffaloe Lanes, Raleigh, N.C., bowling alley.
St. Stephen Knitwear, Inc., St. Stephen, S.C., manufacture of children's knitwear.
RefreshMark, Inc., Anderson County, S.C., soft drink bottling.
Franklin Signal Corp., Clear Lake, Wis., manufacture of digital telephone communicator.
Life Lines, Inc., Jeffersonville, Ind., manufacture of cassettes.
Jackson Tube Service, Inc., Piqua, Ohio, manufacturing of welded steel tubing.
Birch's Heating and Air Conditioning, Inc., Charleston, Ill., appliance sales and service.
Leland Eugene McNeill, M.D., Charleston, Ill., general medical practice.

Proprietors Corp., Delaware, Ohio, fire, casualty, and life insurance.
Greensburg Motor Lodge Inc., Greensburg, Ind., motel and restaurant.
Gallatin Oil Co., Inc., Gallatin, Tenn., markets, truck stop and shopping center.
Green Country Livestock Co., Rogers County, Okla., cattle sales.
Service Machine & Shipbuilding Corp., Amelia, La., pipe rolling mill.
Temtex Products, Inc., Terrell, Tex., manufacture of metal fireplaces for homes.
Anderson Grain Corp., Levelland, Tex., wholesaling agribusiness products.
Holiday Inn, Las Cruces, N. Mex., motel.
Silver King Mines, Inc., Ely, Nev., silver mining and processing.
Lamar Utilities Board, Lamar, Colo., natural gas.
Nephi Cement, Inc., Nephi, Utah, cement plant.
Clipperton, Inc., Bellevue, Wash., processing frozen seafood.
Piara S. Johl, Yuba City, Calif., prune dryer.

[FR Doc. 78-14614 Filed 5-25-78; 8:45 am]

[4510-43]

Mine Safety and Health Administration

[Docket No. M-78-28-M]

NATIONAL GYPSUM CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Gold Bond Building Products, a division of National Gypsum Co., P.O. Box, Drawer B, Medicine Lodge, Kans. 67104, has filed a petition to modify the application of 30 CFR 55.9-88 (roll-over protective structures), to its Sun City Mine and Mill and Sun City Pit, located in Barber County, Kans., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

- (1) The installation of a roll-over protective structure (ROPS) on Petitioner's 1974 model Cline side dump truck, 25 ton capacity, would prevent the truck from clearing in the mine.
- (2) It is not feasible to install a ROPS each time it comes to the surface as the truck makes 15 to 20 trips per day.
- (3) The haul roads are very good with no embankments, so that there is no danger of roll-over.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before June 26, 1978.

Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: May 17, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for
Mine Safety and Health.

[FR Doc. 78-14815 Filed 5-25-78; 8:45 am]

[4510-43]

[Docket No. M-78-62-C]

PEABODY COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that Peabody Coal Co., Graham, Ky. 42344, has filed a petition to modify the application of 30 CFR 75.1710-1 (cabs and canopies), to its Graham Hill Mine, located in Muhlenberg County, Ky., in accordance with section 101(c) of the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164.

The substance of Petitioner's statement is as follows:

- (1) The top at the above mine varies from 42 to 60 inches and is restricted because of the need to leave some bottom coal in place due to water accumulations and the need to install cross bars (rail bars) on the mine roof.
- (2) The use of canopies in such conditions reduces the equipment operator's field of vision, increasing the risk of injury to miners in the area and to the operator, who must lean out from the canopy to see more clearly.
- (3) Reduced compartment space increases operator fatigue and restricts arm and leg movement, hampering the safe operation of controls.
- (4) The increased equipment height and restricted vision create the danger of destruction of line curtains, other similar ventilation devices, roof supports, and trailing cables.
- (5) Restricted space impairs the operator's ability to escape from the equipment in an emergency.
- (6) The installation of a cab or canopy on roof bolters leaves insuffi-

cient clearance between the roof bolters and the rib such that the roof support plan cannot be complied with.

(7) As an alternative to cabs or canopies, Petitioner proposes to comply with its roof control plan, continue its regular program of safety instruction, with emphasis on problems relating to top and roof falls, make frequent tests of the roof, continue its job safety analysis program and intensify its training and retraining program involving roof control and examinations.

REQUEST FOR COMMENTS

Persons interested in this petition may furnish written comments on or before June 26, 1978.

Comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

Dated: May 17, 1978.

ROBERT B. LAGATHER,
Assistant Secretary for
Mine Safety and Health.

[FR Doc. 78-14814 Filed 5-25-78; 8:45 am]

[4510-28]

Office of the Secretary

INVESTIGATIONS REGARDING CERTIFICATION OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
All Seasons, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,579	Ladies' coats.
All Star, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,580	Ladies' coats and raincoats.
Alpe Coats, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,581	Ladies' coats, outerwear.
Alvin Coat, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,582	Ladies' coats and some raincoats.
B & B Coat (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,583	Ladies' winter coats.
Baron Fashions, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,584	Ladies' woolen full length coats.
Brutin & Co., Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,585	Ladies' coats and suits.
Dee Jay (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,586	Ladies' wool coats and raincoats.
E & M Coat, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,587	Ladies' coats and rainwear.
Fashion Clothing, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,588	Ladies' coats.
Glamour Fashion (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,589	Ladies' coats and raincoats.
H & D Sportswear (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,590	Ladies' coats and jackets.
High Fashion, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,591	Ladies' coats, raincoats, and blazers.
International Coat (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,592	Ladies' coats and raincoats.
J & R Fashions, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,593	Ladies' winter coats.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the worker's form or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivision and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under title II, chapter 2, of the Act in accordance with the provisions of subpart B of 29 CFR part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 5, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 5, 1978.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 8th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Jo-Dan Apparel (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,594	Ladies' blazers.
Lady Jersey (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,595	Ladies' blazers, vests, and some separates.
Lamar Coat (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,596	Ladies' coats and children's coats.
Lido Fashion (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,597	Ladies' coats.
N & R Fashions, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,598	Ladies' coats and raincoats.
Nu Look Fashions, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,599	Ladies' coats.
Paterson Cloak & Suit, Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,600	Ladies' coats and suits.
Patmore (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,601	Ladies' topcoats.
Pennsy Coat Co., Inc. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,602	Ladies' raincoats.
Q & T (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,603	Ladies' coats.
Regal Fashions Co. (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,604	Ladies' jackets and some spring coats.
Riverpark Manufacturing Company (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,605	Ladies' coats.
Riverside Manufacturing (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,606	Ladies' coats.
Rose Marie Coat (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,607	Ladies' coats.
S & B Coat (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,608	Ladies' coats.
Star Fashion Coat Company (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,609	Ladies' coats, overcoats, and blazers.
Style Sportswear (ILGWU)	Paterson, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,610	Ladies' coats and raincoats.
Alpo Coat, Inc. (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,611	Ladies' overcoats and some raincoats.
Avante Fashions (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,612	Ladies' coats.
Cerro Coat, Inc. (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,613	Ladies' coats.
Dante Fashions (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,614	Ladies' coats.
Delba Coat, Inc. (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,615	Ladies' coats and suits.
Delcor Fashion (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,616	Ladies' coats.
Elizabeth Fashion (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,617	Ladies' fake fur coats.
G & S Coat (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,618	Ladies' coats.
Grace Coat (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,619	Ladies' winter coats.
Italcraft, Inc. (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,620	Ladies' coats.
Jay Cee Coats (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,621	Ladies' coats and jackets.
Jersey Made Fashion (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,622	Ladies' winter garments.
Mona Lisa Coat Co. (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,623	Ladies' winter coats.
Novelle Fashion (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,624	Ladies' coats.
Rain Rose (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,625	Ladies' raincoats.
Randy Coat (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,626	Ladies' coats.
Rosalba Coat (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,627	Ladies' coats.
Rosemary Fashion Coat Co. (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,628	Ladies' coats and raincoats.
Star Coat Co. (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,629	Ladies' coats and raincoats.
Tel-Aviv Fashions, Inc.	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,630	Ladies' winter coats.
Verdi Fashions (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,631	Ladies' and men's coats.
Winter Scene (ILGWU)	Hoboken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,632	Ladies' coats.
Carole Lynn Coats (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,633	Children's winter coats.
D & P Clothing Co., Inc. (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,634	Ladies' winter coats and raincoats.
David Sportswear, Inc. (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,635	Ladies' sportswear.
Dayton Industries, Inc. (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,636	Ladies' blazers, pants, skirts, and blouses.
Gaylor Fashions, Inc. (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,637	Ladies' blazers and jackets.
Jolce Fashions (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,638	Ladies' garments.
Kay Coat, Inc. (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,639	Junior and children's coats and raincoats.
Marie Coats & Suits, Inc. (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,640	Ladies' coats and suits.
Pam Coat, Inc. (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,641	Children's and ladies' coats.
President Sportswear, Inc. (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,642	Children's coats.
R & S Garments (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,643	Ladies' coats.
RCR Sportswear (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,644	Ladies' coats and raincoats.
Vai Jon Corp. (ILGWU)	Passaic, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,645	Ladies' winter coats.
Adriana Coat (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,646	Ladies' coats.
Bernardi Fashion (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,647	Ladies' fake fur coats and some cloth coats.
Clara Fashions (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,648	Ladies' coats.
J. Z. Coat Co. (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,649	Ladies' coats.
M & T Fashions, Inc. (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,650	Fake fur lining.
Remm Fashions (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,651	Children's and ladies' coats.
Roma Fashions (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,652	Ladies' coats.
Snob Fashions (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,653	Ladies' coats and raincoats.
Venus Coat Co. (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,654	Ladies' coats.
Vinco Fashions (ILGWU)	Jersey City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,655	Ladies' coats and raincoats.
Lyndhurst Coat, Inc. (ILGWU)	Hackensack, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,656	Ladies' outerwear and rainwear.
Regal Sportthogs, Inc.	Hackensack, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,657	Ladies' coats and children's coats.
F & A Fashions (ILGWU)	Long Branch, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,658	Children's coats.
J & J Fashions (ILGWU)	Long Branch, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,659	Children's coats.
Paul Terri Sportswear (ILGWU)	Long Branch, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,660	Ladies' coats and suits.
Arvin Outerwear (ILGWU)	Union City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,661	Ladies' winter coats.
C & M Coat (ILGWU)	Union City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,662	Ladies' coats.
CEL Fashions (ILGWU)	Union City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,663	Children's winter coats.
J & M Coat (ILGWU)	Union City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,664	Ladies' winter coats.
Manhattan Fashions, Inc. (ILGWU)	Union City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,665	Ladies' coats and raincoats.
Natalie Ann Fashions (ILGWU)	Union City, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,666	Ladies' winter coats.
Tiara Coat (ILGWU)	West New York, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,667	Ladies' coats and raincoats.
West New York Sportswear	West New York, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,668	Ladies' sportswear.
Midland Garments, Inc. (ILGWU)	Garfield, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,669	Ladies' coats, suits, jackets, pants, skirts, and blouses.

APPENDIX—Continued

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Supercraft Coats (ILGWU)	Garfield, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,670	Ladies' coats.
Target Togs (ILGWU)	Garfield, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,671	Ladies' sportswear and raincoats.
American Girl (ILGWU)	New Brunswick, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,672	Ladies' coats and children's coats.
Rutgers Cloak (ILGWU)	East Brunswick, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,673	Children's coats.
C & C Styles (ILGWU)	Weehawken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,674	Ladies' coats and raincoats.
Tonia Fashions (ILGWU)	Weehawken, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,675	Ladies' coats and suits.
Snappy Garments, Inc. (ILGWU)	East Newark, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,676	Ladies' raincoats.
J & R Manufacturing (ILGWU)	Newark, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,677	Ladies' coats.
Sharlyn Fashions, Inc. (ILGWU)	East Newark, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,678	Children's dresses.
Antonello Fashions, Inc. (ILGWU)	Prospect Park, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,679	Ladies' blazers.
Arjan, Inc. (ILGWU)	Sussex, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,680	Ladies' raincoats and winter coats.
Biflex International (ILGWU)	Carlstadt, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,681	Ladies' brassiers and girdles.
Brade Sportswear (ILGWU)	Perth Amboy, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,682	Ladies' coats.
Colleen Fashions, Inc. (ILGWU)	Lidi, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,683	Ladies' spring blazers.
Country Girls Fashions (ILGWU)	Lyndhurst, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,684	Ladies' skirts and vests.
Flora Fashion, Inc. (ILGWU)	Stanhope, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,685	Ladies' coats and raincoats.
Formflex Foundations, Inc. (ILGWU)	Saddle Brook, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,686	Ladies' and girls' brassiers and ladies' girdles.
F & P Coat Co. (ILGWU)	Neptune, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,687	Children's coats.
Gloria Coat, Inc. (ILGWU)	Morristown, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,688	Ladies' raincoats and coats.
Loyal Cloak (ILGWU)	Lakewood, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,689	Ladies' skirts and suits.
M & D (ILGWU)	Summit, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,690	Ladies' toppers, coats, and raincoats.
Michelle Rena Fashions (ILGWU)	Red Bank, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,691	Ladies' coats and raincoats.
New Brunswick Children's Coats (ILGWU)	Highland Park, N.J.	Apr. 28, 1978	Apr. 25, 1978	TA-W-3,692	Children's coats.

[FR Doc. 78-14365 Filed 5-22-78; 8:45 am]

[7510-01]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (78-18)]

LIFE SCIENCES ADVISORY COMMITTEE

Meeting

The NAC Life Sciences Advisory Committee will meet on June 19-21, 1978, Kennedy Space Center, Kennedy Space Center, Fla. 32899. The meeting will be held in the first floor conference room of the O&C Building, Building M7355. Members of the public will be admitted on a first-come first-served basis, up to the capacity of the room, which is about 50 persons.

The NAC Life Sciences Advisory Committee serves in an advisory capacity only. In this capacity, it is concerned with man in relation to space travel, with exobiology, and with other life forms. Its academic interest include: physiology, behavior, clinical aerospace medicine, microbiology, radiology, biochemistry, plant biology nutrition and food technology, exobiology, biology of gravity and rhythms, ecology, and biotechnology. The current Chairman is Dr. G. Donald Whedon. There are 17 members.

The following list sets forth the approved agenda. For further information, please contact Dr. S. P. Vinograd:

Area Code 202-755-3723, NASA Headquarters, Washington, D.C. 20546.

TIME AND TOPIC

Monday, June 19, 1978

- 0800-0815 Welcome by Center Director.
- 0815-0845 Administrative. Call to order. Chairman's views and comments on intervening events, actions and anticipated requirements. Approval of minutes. Task team reports and Committee business.
- 0845-0930 NASA Life Sciences Overview. Briefing by the NASA Director of Life Sciences on recent and future events, progress and status of the Life Sciences Program.
- 0930-1700 Committee Work. Preparation of Committee document containing its review and recommendations to NASA on future directions for the Life Sciences.

Tuesday, June 20, 1978

- 0800-1300 Committee Work (continued).
- 1300-1430 KSC Life Sciences Program. To brief the Committee on the activities and future plans of the Life Sciences organization at the Kennedy Space Center.
- 1430-1730 Tour of the Facilities.

Wednesday, June 21, 1978

- 0830-1430 Committee Work (continued).

Dated: May 22, 1978.

KENNETH R. CHAPMAN,
Associate Administrator
for External Relations.

[FR Doc. 78-14781 Filed 5-25-78; 8:45 am]

[7537-01]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MEDIA ARTS ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Major Media Centers) to the National Council on the Arts will be held June 14, 1978, from 9 a.m. to 6 p.m.; and June 15, 1978, from 9 a.m. to 1 p.m.; in Room 1340 of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of March 17, 1977, these sessions will be

closed to the public pursuant to subsection (c)(4), (6), and 9(B) of section 552 of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

MAY 22, 1978.

JOHN H. CLARK,
Director, Office of Council and
Panel Operations, National
Endowment for the Arts.

[FR Doc. 78-14725 Filed 5-25-78; 8:45 am]

[7537-01]

MUSEUM ADVISORY PANEL

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Museum Advisory Panel to the National Council on the Arts will be held June 13, 1978, from 9:30 a.m. to 5:30 p.m.; and June 14, 1978, from 9:30 a.m. to 5:30 p.m., in Room 1422, of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

A portion of this meeting will be open to the public on June 13, 1978, from 9:30 to 10:30 a.m. The topic of discussion will be guidelines.

The remaining sessions of this meeting on June 13, 1978, from 10:30 a.m. to 5:30 p.m.; and June 14, 1978, from 9:30 a.m. to 5:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER March 17, 1977, these sessions will be closed to the public pursuant to subsections (c)(4), (6), and 9(b) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Mr. John H. Clark, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call 202-634-6070.

MAY 22, 1978.

JOHN H. CLARK,
Director, Office of Council and
Panel Operations, National
Endowment for the Arts.

[FR Doc. 78-14726 Filed 5-25-78; 8:45 am]

[7555-01]

NATIONAL SCIENCE FOUNDATION

DOE/NSF NUCLEAR SCIENCE ADVISORY COMMITTEE (NUSAC)

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: DOE/NSF Nuclear Science Advisory Committee (NUSAC).
Date and Time: June 11, 1978, 9 a.m.-5 p.m., June 12, 1978, 9 a.m.-5 p.m.
Place: Duane Hall, F-1117, University of Colorado, Boulder, Colo.
Type of Meeting: June 11, 1978, open: 9 a.m.-5 p.m., June 12, 1978, closed: 9 a.m.-10 a.m., June 12, 1978, open: 10 a.m.-5 p.m.
Contact Person: Dr. Howel G. Pugh, Head, Nuclear Science Section, Room 341, National Science Foundation, Washington, D.C. 20550. Telephone: 202-632-4318.
Summary Minutes: May be obtained from the Committee Management Coordinator, Division of Financial & Administrative Management, Room 248, National Science Foundation, Washington, D.C. 20550.
Purpose of Committee: To provide advice on a continuing basis to both DOE and NSF on support for basic nuclear science in the United States.
Agenda:

JUNE 11, 1978

Open Session (9 a.m.-5 p.m.)

Introductory remarks and discussion.
Discussion of a general policy on facilities.
Discussion of opportunities and needs in research into solar neutrinos.
Discussion of activities of the 1978 NUSAC Manpower Subcommittee.

JUNE 12, 1978

Closed Session (9-10 a.m.)

Discussion of projects under consideration for funding.

Open Session (10 a.m.-5 p.m.)

Discussion of activities of the 1978 NUSAC Instrumentation Subcommittee.
Discussion of activities of the 1978 Working Group on Budget Impacts upon Ongoing Research Programs.
Discussion of issues raised by the user-group mode of research.
Discussion of issues raised from the floor.
Reason for Closing: The projects being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are within exemptions (4) and (6) of 5 U.S.C. 552b(c), Government in the Sunshine Act.
Authority to Close Meeting: This determination was made by the Committee Management Officer, pursuant to provisions of Section 10(d) of Pub. L. 92-463. The Committee Management Officer was delegated the authority to make such determina-

tions by the Acting Director, NSF, on February 18, 1977.

M. REBECCA WINKLER,
Committee Management
Coordinator.

MAY 23, 1978.

[FR Doc. 78-14762 Filed 5-25-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 40-8102]

EXXON MINERALS CO., U.S.A.

Availability of Draft Environmental Statement for Highland Uranium Solution Mining Project

Notice is hereby given that a Draft Environmental Statement prepared by the Commission's Office of Nuclear Material Safety and Safeguards related to the proposed Highland uranium solution mining project located in Converse County, Wyo., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C. 20555. The Draft Statement is also being made available at the State Clearinghouse, State Planning Coordinator, Office of the Governor, Capitol Building, Cheyenne, Wyo. 82001. Requests for copies of the Draft Environmental Statement (identified as NUREG-0407) should be addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Division of Technical Information and Document Control.

The Applicant's Environmental Report submitted by Exxon Minerals Co., U.S.A., is also available for public inspection at the above-designated locations. Notice of availability of the Applicant's Environmental Report was published in the FEDERAL REGISTER on October 3, 1977 (42 FR 53691).

Interested persons may submit comments on the Draft Environmental Statement for the Commission's consideration. Federal and State agencies are being provided with copies of the draft Environmental Statement (local agencies may obtain these documents upon request). Comments by Federal, State, and local officials, or other persons received by the Commission will be made available for public inspection at the Commission's Public Document Room in Washington, D.C. Comments are due by July 10, 1978. Upon consideration of comments submitted with respect to the Draft Environmental Statement, the Commission's staff will prepare a final environmental statement, the availability of which will be published in the FEDERAL REGISTER.

Comments on the Draft Environmental Statement from interested persons of the public should be addressed to the U.S. Nuclear Regulatory Com-

mission, Washington, D.C. 20555, Attention: Director, Division of Fuel Cycle and Material Safety.

Dated at Silver Spring, Md., this 15th day of May 1978.

For the Nuclear Regulatory Commission.

LELAND C. ROUSE,
Chief Fuel Processing and Fabrication Branch, Division of
Fuel Cycle and Material
Safety.

[FR Doc 78-14816 Filed 5-25-78; 8:45 am]

[4710-02]

DEPARTMENT OF STATE

Agency for International Development

[Delegation of Authority No. 1301]

EXECUTIVE SECRETARY

Delegation of Authority To Classify, Downgrade and Declassify

MAY 15, 1978.

Pursuant to the authority vested in me by Executive Order 11652, I hereby delegate to the Executive Secretary, or in his absence, the Deputy Executive Secretary, authority to classify, downgrade and declassify Secret and Confidential information material.

JOHN J. GILLIGAN,
Administrator, A.I.D.

[FR Doc. 78-14715 Filed 5-25-78; 8:45 am]

[4910-22]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Open Meeting

Pursuant to Executive Order 11671, the Federal Highway Administration (FHWA) announces the meeting dates and relevant information for the mid-year meeting of the National Advisory Committee on Uniform Traffic Control Devices. The meeting will be held June 14-16, 1978, at the Doubletree Inn, Scottsdale, Ariz., with a schedule as follows:

Wednesday, June 14:
Registration 8-12
General Session 1-3
Subcommittee Sessions 3-5
Thursday, June 15:
Subcommittee Sessions 8:30-5 p.m.
Executive Committee 2-5 p.m.
Friday, June 16:
General Session 8-3 p.m.

Attendance by the public will be limited to space available. For further information contact the Office of Traffic Operations, Federal Highway Administration, Washington, D.C. 20590, code 202-426-0411.

Purpose. This Committee reviews currently approved standards, guides and warrants for traffic control devices including signs, signals and pavement markings contained in the Manual on Uniform Traffic Control Devices. They recommend revisions of such standards, propose new ones to meet new developments and improvements and provide advice to the Federal Highway Administrator to the end that the Manual shall be at all times and as far as practicable, a complete and up-to-date presentation of best practices.

Agenda. Technical items for review and discussion at sessions of the respective subcommittees include the following:

SUBCOMMITTEE ON SIGNS

- (a) Experimentation with "Star of Life" symbol, Sn-233.
- (b) Use of Turn Signs, Sn-234.
- (c) Placement of Warning Signs, Sn-217.
- (d) Bicycle Parking Sign, By-8.
- (e) International Youth Hostel Sign, By-9.
- (f) Specific Service Information Signs, Sn-198.
- (g) Recreational and Cultural Interest Signs, Sn-219.
- (h) One-Way Sign at Signalized Intersections, Sn-235.
- (i) On-Ramp Symbol Signs, Sn-236.
- (j) Task Force Reports.
1. Symbols.
2. Signing for Public Median Crossovers.
3. Signing for Rest Area Facilities.
4. Ramp Terminal Direction Signs.
5. Need for DIESEL Fuel Service Signs.
6. Display of County Route Markers.
7. Recreational Vehicle Traffic Control Signs.
8. Signing for Medical Facilities.

SUBCOMMITTEE ON SIGNALS

- (a) Flashing WALK Provision; Sg-88.
- (b) Red Arrow for NTOR, Sg-98.
- (c) Signal Shielding Requirements, Sg-105.
- (d) "Blinking" Signal, Sg-106.
- (e) Combination Flashing Beacons and Steady Burn Right Turn, Sg-108.
- (f) Sightless Pedestrian Signal, Sg-109.
- (g) Steady Green-vs-Flashing Yellow for Emergency Signals.
- (h) Traffic Control Devices Handbook, Part IV.
- (i) Task Force Reports.
1. Signal Indications, Sequences and Phasing.
2. Pedestrian Indications.
3. Flashing Beacons.
4. Signal Location and Intensity.
5. Signal Warrants.

SUBCOMMITTEE ON MARKINGS

- (a) Use of Raised Pavement Markers, M-57.
- (b) Use of Delineators, M-35.
- (c) Standardization of Colors of Type 3 Object Markers, M-54.
- (d) Lane Drop Markings, M-58.

SUBCOMMITTEE ON CONSTRUCTION AND MAINTENANCE

- (a) Temporary Markings for C&M Areas, Cn-41.
- (b) Remarks by Associate Administrator for Safety.

- (c) MUTCD Illustrations.
- (d) Comments of Center for Auto Safety.
- (e) Traffic Control Devices Handbook—Part VI.
- (f) Review of Cn-30.
- (g) APWA Report Evaluation.

SUBCOMMITTEE ON GRADE CROSSINGS

- (a) Traffic Control Devices Handbook, Part VIII.
- (b) Lateral Clearance for Flashing Light Signals and Gates, RR-5.
- (c) Warning Signs on Parallel Roadways, RR-6.
- (d) Reflectorized Crossbuck Border, RR-7.

SUBCOMMITTEE ON RESEARCH

- (a) Reorganization of Subcommittee.
 - (b) Status of FHWA Research Studies.
 - (c) Progress Report on NAC Research Projects.
 - (d) Requests for Research and Experimentation.
 - (e) Subcommittee recommendations.
 - (f) Other.
- The agenda for the general session is as follows:
- (a) Call to Order—Executive Director.
 - (b) Opening Remarks—FHWA Sponsor.
 - (c) Introduction of Guests—Chairman.
 - (d) Report of Officers.
 - (e) Reports and Recommendations of Subcommittees.
 - (f) Other Reports and Comments.
 - (g) Other Business.
 - (h) Adjournment.

Additional items may be added to the items noted with the approval of the Subcommittee Chairmen and within the allotted time.

J. J. CROWLEY,
Director,

Office of Traffic Operations.

[FR Doc. 78-14770 Filed 5-25-78; 8:45 am]

[4810-40]

DEPARTMENT OF THE TREASURY

Office of the Secretary

TREASURY NOTES OF JUNE 30, 1982; SERIES H-1982

Public Debt Series—No. 13-78

MAY 23, 1978.

1. INVITATION FOR TENDERS

1.1. The Secretary of the Treasury, under the authority of the Second Liberty Bond Act, as amended, invites tenders for approximately \$2,250,000,000 of United States securities, designated Treasury Notes of June 30, 1982, Series H-1982 (CUSIP No. 912827 HU 9). The securities will be sold at auction with bidding on the basis of yield. Payment will be required at the price equivalent of the bid yield of each accepted tender. The interest rate on the securities and the price equivalent of each accepted bid will be determined in the manner described below. Additional amounts of these securities may be issued for cash to Federal Reserve Banks as agents of

foreign and international monetary authorities.

2. DESCRIPTION OF SECURITIES

2.1. The securities will be dated June 7, 1978, and will bear interest from that date, payable on a semiannual basis on December 31, 1978, and each subsequent 6 months on June 30 and December 31, until the principal becomes payable. They will mature June 30, 1982, and will not be subject to call for redemption prior to maturity.

2.2. The income derived from the securities is subject to all taxes imposed under the Internal Revenue Code of 1954. The securities are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, any possession of the United States, or any local taxing authority.

2.3. The securities will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

2.4. Bearer securities with interest coupons attached, and securities registered as to principal and interest, will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. Book-entry securities will be available to eligible bidders in multiples of those amounts. Interchanges of securities of different denominations and of coupon, registered and book-entry securities, and the transfer of registered securities will be permitted.

2.5. The Department of the Treasury's general regulations governing United States securities apply to the securities offered in this circular. These general regulations include those currently in effect, as well as those that may be issued at a later date.

3. SALE PROCEDURES

3.1. Tenders will be received at Federal Reserve Banks and Branches and at the Bureau of the Public Debt, Washington, D.C. 20226, up to 1:30 p.m., Eastern Daylight Saving time, Wednesday, May 31, 1978. Noncompetitive tenders as defined below will be considered timely if postmarked no later than Tuesday, May 30, 1978.

3.2. Each tender must state the face amount of securities bid for. The minimum bid is \$1,000 and larger bids must be in multiples of that amount. Competitive tenders must also show the yield desired, expressed in terms of an annual yield with two decimals, e.g., 7.11 percent. Common fractions may not be used. Noncompetitive tenders must show the term "noncompetitive" on the tender form in lieu of a specified yield. No bidder may submit more than one noncompetitive tender and the amount may not exceed \$1,000,000.

3.3. All bidders must certify that they have not made and will not make any agreements for the sale or purchase of any securities of this issue prior to the deadline established in Section 3.1. for receipt of tenders. Those authorized to submit tenders for the account of customers will be required to certify that such tenders are submitted under the same conditions, agreements, and certifications as tenders submitted directly by bidders for their own account.

3.4. Commercial banks, which for this purpose are defined as banks accepting demand deposits, and primary dealers, which for this purpose are defined as dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions in and borrowings on such securities, may submit tenders for account of customers if the names of the customers and the amount for each customer are furnished. Others are only permitted to submit tenders for their own account.

3.5. Tenders will be received without deposit for their own account from commercial banks and other banking institutions; primary dealers, as defined above; federally-insured savings and loan associations; States, and their political subdivisions or instrumentalities; public pension and retirement and other public funds; international organizations in which the United States holds membership; foreign central banks and foreign states; Federal Reserve Banks; and Government accounts. Tenders from others must be accompanied by a deposit of 5 percent of the face amount of securities applied for (in the form of cash, maturing Treasury securities or readily collectible checks), or by a guarantee of such deposit by a commercial bank or a primary dealer.

3.6. Immediately after the closing hour, tenders will be opened, followed by a public announcement of the amount and yield range of accepted bids. Subject to the reservations expressed in Section 4, noncompetitive tenders will be accepted in full, and then competitive tenders will be accepted, starting with those at the lowest yields, through successively higher yields to the extent required to attain the amount offered. Tenders at the highest accepted yield will be prorated if necessary. After the determination is made as to which tenders are accepted, a coupon rate will be established, on the basis of one-eighth of one percent increment, which results in an equivalent average accepted price close to 100.000 and a lowest accepted price above the original issue discount limit of 99.000. That rate of interest will be paid on all of the securities. Based on such interest rate, the price on each competitive tender allot-

ted will be determined and each successful competitive bidder will be required to pay the price equivalent to the yield bid. Those submitting noncompetitive tenders will pay the price equivalent to the weighted average yield of accepted competitive tenders. Price calculations will be carried to three decimal places on the basis of price per hundred, e.g., 99.923, and the determinations of the Secretary of the Treasury shall be final. If the amount of noncompetitive tenders received would absorb all or most of the offering, competitive tenders will be accepted in an amount sufficient to provide a fair determination of the yield. Tenders received from Government accounts and Federal Reserve Banks will be accepted at the price equivalent to the weighted average yield of accepted competitive tenders.

3.7. Competitive bidders will be advised of the acceptance or rejection of their tenders. Those submitting noncompetitive tenders will only be notified if the tender is not accepted in full, or when the price is over par.

4. RESERVATIONS

4.1. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders in whole or in part, to allot more or less than the amount of securities specified in Section 1, and to make different percentage allotments to various classes of applicants when the Secretary considers it in the public interest. The Secretary's action under this Section is final.

5. PAYMENT AND DELIVERY

5.1. Settlement for allotted securities must be made or completed on or before Wednesday, June 7, 1978, at the Federal Reserve Bank or Branch or at the Bureau of the Public Debt, wherever the tender was submitted. Payment must be in cash; in other funds immediately available to the Treasury; in Treasury bills, notes or bonds (with all coupons detached) maturing on or before the settlement date but which are not overdue as defined in the general regulations governing United States securities; or by check drawn to the order of the institution to which the tender was submitted, which must be received at such institution no later than:

(a) Monday, June 5, 1978, if the check is drawn on a bank in the Federal Reserve District of the institution to which the check is submitted (the Fifth Federal Reserve District in case of the Bureau of the Public Debt), or

(b) Friday, June 2, 1978, if the check is drawn on a bank in another Federal Reserve District.

Checks received after the dates set forth in the preceding sentence will not be accepted unless they are pay-

able at the applicable Federal Reserve Bank. Payment will not be considered complete where registered securities are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made in securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities presented and the amount payable on the securities allotted.

5.2. In every case where full payment is not completed on time, the deposit submitted with the tender, up to 5 percent of the face amount of securities allotted, shall, at the discretion of the Secretary of the Treasury, be forfeited to the United States.

5.3. Registered securities tendered as deposits and in payment for allotted securities are not required to be assigned if the new securities are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. When the new securities are to be registered in names and forms different from those in the inscriptions or assignments of the securities presented, the assignment should be to "The Secretary of the Treasury for (securities offered by this circular) in the name of (name and taxpayer identifying number)." If new securities in coupon form are desired, the assignment should be to "The Secretary of the Treasury for coupon (securities offered by this circular) to be delivered to (name and address)." Specific instructions for the issuance and delivery of the new securities, signed by the owner or authorized representative, must accompany the securities presented. Securities tendered in payment should be surrendered to the Federal Reserve Bank or Branch or to the Bureau of the Public Debt, Washington, D.C. 20226. The securities must be delivered at the expense and risk of the holder.

5.4. If bearer securities are not ready for delivery on the settlement date, purchasers may elect to receive interim certificates. These certificates shall be issued in bearer form and shall be exchangeable for definitive securities of this issue, when such securities are available, at any Federal Reserve Bank or Branch or at the Bureau of the Public Debt, Washington, D.C. 20226. The interim certificates must be returned at the risk and expense of the holder.

5.5. Delivery of securities in registered form will be made after the requested form of registration has been validated, the registered interest account has been established, and the securities have been inscribed.

6. GENERAL PROVISIONS

6.1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive tenders, to make allotments as directed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of securities on full-paid allotments, and to issue interim certificates pending delivery of the definitive securities.

6.2. The Secretary of the Treasury may at any time issue supplemental or amendatory rules and regulations governing the offering. Public announcement of such changes will be promptly provided.

PAUL H. TAYLOR,
Acting Fiscal
Assistant Secretary.

[FR Doc 78-14788 Filed 5-24-78; 8:45 am]

IRS[4830-01]
DOL[4510-29]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

DEPARTMENT OF LABOR

Pension and Welfare Benefit Programs
(Prohibited Transaction Exemption 78-5)

F. W. HARRIS, INC. EMPLOYEES PROFIT
SHARING TRUST

Exemption from the Prohibitions Respecting a
Transaction

AGENCIES: Department of the Treasury/Internal Revenue Service, Department of Labor.

ACTION: Grant of individual exemption.

SUMMARY: This exemption enables the F. W. Harris, Inc. Employees Profit Sharing Trust (the Plan) to sell certain plan assets to F. W. Harris, Inc. (the Employer).

FOR FURTHER INFORMATION
CONTACT:

Charles Humphrey of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (attention: EEP:PT:2), 202-566-3089 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On January 13, 1978, notice was published in the FEDERAL REGISTER (43 FR 2029) of the pendency before the Internal Revenue Service and the Department of Labor (the Agencies) of an exemption from the taxes imposed by section 4975 (a) and (b) of the Internal Revenue Code of 1954 (the Code) by reason of section 4975(c)(1) (A) through (E) of the Code and from the provisions of section 406(a)(1), 406(b)(1), and 406(b)(2) of the Em-

ployee Retirement Income Security Act of 1974 (the Act), for a transaction described in an application submitted by the Employer and the trustees of the Plan. The notice set forth a summary of the facts and representations contained in the application for exemption and referred interested persons to the application for a complete statement of the facts and representations. The application has been available for public inspection at the Agencies in Washington, D.C. The notice also invited interested persons to submit comments on the requested exemption to the Internal Revenue Service (the Service). In addition, the notice stated that any interested person might submit a written request that a hearing be held relating to this exemption. No public comments and no requests for a hearing were received by the Service.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or party in interest or disqualified person with respect to a plan to which the exemption is applicable from certain other provisions of the Code and the Act. These provisions include any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with subsection (a)(1)(B) of section 404 of the Act, nor does the fact the transaction is the subject of an exemption affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries.

(2) This exemption does not extend to transactions prohibited under section 4975(c)(1)(F) of the Code and section 406(b)(3) of the Act.

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Code and the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

EXEMPTION

In accordance with section 4975(c)(2) of the Code and section 408(a) of the Act and the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722, and

ERISA Proc. 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Agencies make the following determinations: (a) The exemption is administratively feasible; (b) It is in the interests of the Plan and of the participants and beneficiaries; and (c) It is protective of the rights of participants and beneficiaries of the Plan.

Accordingly, the following exemption is hereby granted under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26 and ERISA Proc. 75-1.

The taxes imposed by section 4975(a) and (b) of the Code by reason or section 4975(c)(1) (A) through (E) of the Code and the restrictions of section 406(a)(1), 406(b)(1), and 406(b)(2) of the Act shall not apply to a transaction involving the sale of a 1.13 acre parcel of property located on State Route No. 636 and State Route No. 28 in Loudoun County, Va., by the Plan to the Employer for \$50,000, provided that this amount is not less than the fair market value of the property.

The availability of this exemption is subject to the express conditions that the material facts and representations contained in the application are true and complete and that the application accurately describes all material terms of the transaction consummated pursuant to the exemption.

Signed at Washington, D.C., this 19th day of May 1978.

IAN D. LANOFF,
Administrator for Pension and
Welfare Benefit Programs,
Labor-Management Services
Administration, U.S. Department of Labor.

FRED J. OCHS,
Director, Employee Plans Division,
Internal Revenue Service.

[FR Doc. 78-14560 Filed 5-22-78; 8:45 am]

[4830-01]
[4510-29]

Internal Revenue Service

Pension and Welfare Benefit Programs

[Application Nos. D-391 and D-461]

EMPLOYEE BENEFIT PLANS

Proposed Class Exemption to Permit Certain Transactions Involving Employee Benefit Plans and Insurance Companies that are Affiliated Through Stock Ownership with the Employers Maintaining the Plans

AGENCIES: Department of the Treasury/Internal Revenue Service, Department of Labor.

ACTION: Notice of proposed class exemption.

SUMMARY: This document contains a notice of pendency before the Internal Revenue Service and the Department of Labor (the Agencies) of a proposed class exemption from certain restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and from certain taxes imposed by section 4975 of the Internal Revenue Code of 1954 (the Code). The proposed class exemption, if granted, would enable insurance companies which are affiliated through stock ownership with employers establishing or maintaining employee benefit plans to sell life insurance, health insurance or annuity contracts to such plans. The proposed exemption, if granted, would affect participants and beneficiaries of plans to which such insurance products are furnished, employers maintaining these plans, affiliated insurance companies that are covered by the exemption, and other persons participating in the transactions.

DATES: Written comments and requests for a public hearing must be received by the Internal Revenue Service on or before July 25, 1978.

ADDRESS: All written comments and requests for a hearing (at least six copies) should be addressed to the Commissioner of Internal Revenue, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: E:EP:PT, "Captive Insurance". All the applications for exemption which form the basis of this class exemption and all comments relating to this proposed exemption will be available for public inspection at the Internal Revenue Service National Office Reading Room, 1111 Constitution Avenue NW., Washington, D.C. 20224, and at the Public Documents Room of the Pension and Welfare Benefit Programs, Room N-4467, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216.

FOR FURTHER INFORMATION CONTACT:

Gary H. Lefkowitz of the Prohibited Transactions Staff of the Employee Plans Division, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: E:EP:PT), 202-566-3045, or Charles Edelstein, Office of Regulatory Standards and Exceptions, Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20216, 202-523-8444. These are not toll free numbers.

SUPPLEMENTARY INFORMATION: Notice is hereby given of the pendency before the Agencies of a class exemption from the restrictions of sections 406(a), 406(b) (1) and (2) and section 407(a) of the Act and from the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975 (c)(1) (A) through (E) of the code. The

Agencies received two applications requesting a class exemption for the subject transaction. One was filed jointly by the National Association of Independent Insurers (NAII) and the American Mutual Insurance Alliance (Alliance) (D-461). The other application was filed by the American Council of Life Insurance (ACLI) (D-391).

The applications for class exemption were filed pursuant to section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26, 1975-1 C.B. 722 and ERISA Procedure 75-1 (40 FR 18471, April 28, 1975).

Numerous applications have also been received for individual exemptions covering transactions of the type described in this proposed class exemption. All such transactions will be exempted if they satisfy the terms and conditions of the proposed class exemption. As stated in section 3.04 of Rev. Proc. 75-26 and ERISA Proc. 75-1, an application for an individual exemption will not ordinarily be considered separately if a class exemption which may encompass the transaction described in the application for an individual exemption is under consideration by the Agencies. Accordingly, the Agencies are notifying directly each applicant for an individual exemption of the fact that such applicant's application is not being considered separately from this proposed class exemption, that such application will ordinarily be closed, and, therefore, that such applicant's comments with respect to this pending class exemption are sought by the Agencies.¹

SUMMARY OF FACTS AND REPRESENTATIONS

Section 4975(d)(5) of the Code and section 408(b)(5) of the Act contain a statutory exemption from the prohibited transactions provisions of the Code and Act for some of the transactions addressed in this proposal. The applicants, however, make many representations with respect to the unsuitability of the statutory exemption and the conditions contained therein to the subject transactions. These representations are summarized below. Interested persons are referred to the applications on file with the Agencies for the complete representations of the applicants.

¹The Agencies have received exemption applications which involve transactions whereby one insurance company which has sold an insurance contract to a plan reinsures all or a portion of the risk with another insurance company, under circumstances where either of the companies is a disqualified person or party in interest. This proposed class exemption is not intended to cover such reinsurance arrangements to the extent they are prohibited transactions.

I—ACLI

The application submitted by the ACLI (the successor to the American Life Insurance Association) requests a class exemption which would allow a life insurance company to sell insurance or annuity contracts to an employee benefit plan maintained by a corporation that is a subsidiary of the life insurance company. The ACLI makes the following representations in connection with the requested exemption.

(a) The ACLI is an association of 441 life insurance companies. As of November 23, 1977, these companies were the insurers of 92 percent of the life insurance in force in the United States and held 99 percent of the assets of insured pension plans.

(b) Where a stock-affiliated controlled group of corporations includes a life insurance company, it has been the customary and normal practice for employee plans maintained by members of the group to be funded by the purchase of insurance policies from the life insurance company.

(c) The sale or provision of insurance policies to an affiliated company's plan by a life insurance company which, within the meaning of section 4975(e)(2) of the Code and section 3(14) of the Act, is a disqualified person or party in interest with respect to that plan, may be a prohibited transaction under section 4975(c)(1) of the Code and section 406 of the Act. Sections 4975(d)(5)(B) of the Code and 408(b)(5)(B) of the Act do, however, specifically exempt such transactions if, among other conditions, the life insurance company is (directly or indirectly) a wholly owned subsidiary of the company maintaining the plan. But there is no express statutory exemption for the reverse situation where the life insurance company is the parent corporation and sells policies to fund the plan of a subsidiary. An administrative exemption is thus requested for this reverse situation.

(d) It would be contrary to normal business practices, and unnecessarily restrictive, to require an employee benefit plan to go outside the corporate group to purchase insurance where it is available from the parent corporation. The mere fact that the life insurance company is the parent corporation, instead of a subsidiary that could be covered by the statutory exemption, should not require different practices.

(e) Transactions described in the application for class exemption have occurred continually since the effective date of the prohibited transaction restrictions of the Code and Act. Since it is not clear whether the transitional rules of sections 414(c) and 2003(c)(2) of the Act of the provisions of any administrative exemption previously granted by the Agencies apply to these

transactions, the ACLI requests that the proposed class exemption be effective as of January 1, 1975.

II—NAII AND ALLIANCE

The application submitted jointly by the NAII and the Alliance requests a class exemption so that an insurance company may furnish contracts used to provide benefits to employee benefit plans maintained by its parent or other stock-affiliated company. As requested, the class exemption would also cover those transactions which might otherwise fail to qualify for the specific exemption of the Code and the Act because the insurance company making the sale is not a wholly owned subsidiary of the employer maintaining the plan or because more than 5 percent of the selling company's total annual premiums and annuity considerations are derived from sales to plans of stock-affiliated companies. The NAII and the Alliance make the following representations in connection with the requested exemption.

(a) The NAII is a voluntary trade association of over 600 stock and non-stock property-liability insurers. Its member and subscriber companies wrote insurance resulting in approximately \$23 billion of property-liability premium income in 1975 and are doing business in all states and the District of Columbia. The Alliance is a voluntary trade association of approximately 100 mutual property-liability insurers and subscribers. Its member and subscriber companies wrote insurance resulting in approximately \$15 billion of property-liability premium income in 1975 and are also doing business in all states and the District of Columbia. A substantial number of these companies have life insurance company affiliates which enable these companies to fully serve all insurance needs of their policyholders.

(b) A significant number of insurance companies have, under an industry custom, ordinarily furnished insurance and annuity contracts to fund employee benefit plans maintained by parents and other stock-affiliated insurance companies that are members and subscribers of the NAII and the Alliance. However, many well-run, adequately financed and state regulated companies do not satisfy the exemption under section 4975(d)(5)(B) of the Code and section 408(b)(5)(B) of the Act for the provision of insurance to a plan maintained by a parent because they are not wholly owned subsidiaries or because the resulting premium and annuity considerations exceed 5 percent of their premium income. Accordingly, the applicants request a class exemption, with retroactive application to January 1, 1975, to remedy what is represented to be the statutory discrimination which places affli-

ated insurance companies which satisfy the conditions of the above-referenced provisions by virtue of their sales structure and ownership alone at an unjustified competitive advantage over certain affiliated companies which do not satisfy the ownership and premium tests.

(c) The insurance sales which are the subject of the requested class exemption are generally arranged directly between the affiliated insurer and the plan (or its employer) without the intervention of a broker or other agent whose services would entitle it to a commission. In this regard, the NAII and the Alliance are aware of no state law that would require commissions to be paid upon the sale of either a group or individual policy by a disqualified person or party in interest for the purpose of funding benefits under a plan maintained by an affiliate. Consequently, the selling company can furnish the insurance at a lower rate, and the plan (or its employer), by purchasing the insurance from the affiliated company, can secure (or afford to provide) better coverage than if the insurance were to be purchased from an unaffiliated insurance company. Conversely, if the requested exemption is not granted, plans or their employers which are forced to purchase insurance from an outside company will generally be subjected to increased insurance premiums due to the acquisition cost and allowance for profits without obtaining additional financial security.

(d) If an employer is forced to fund its employee benefit plans with insurance purchased from a third party rather than from an affiliated insurance company, premium income will inevitably be lost to the affiliate. These premium payments represent revenue for affiliates and thus indirectly enhance the financial position of the employer. The applicants aver that the loss of premium payments to the affiliated insurance companies covered by the proposed exemption resulting from requiring purchases of funding products from a third party would not be balanced by any increased protection for participants in the plans.

(e) An affiliated insurance company is frequently in a better position to administer efficiently the insurance for its parent's or other stock-affiliated company's plans, since the employees of the affiliate are both familiar with the needs and interested in the success of such related employee benefit plans.

(f) The exemption is requested only for transactions involving an affiliated insurance company whose financial position is such that the benefits payable under an affiliated employer's plan will be subject to no greater risk than if the insurance were provided by

an unaffiliated company. In this connection, the applicants stress that all insurance entities are licensed by at least one state insurance regulatory authority, are required to file annual financial statements with each state insurance department granting such licenses, are subject to financial audit on a periodic basis, and are subject to capital and/or surplus requirements of each state in which they are licensed. Examinations of insurance companies by the insurance commissioners of the states in which they transact business generally take place once every 3 years, but at least once every 5 years. In all states, such an examination entails a comprehensive review of the company's operations and the manner in which it conducts its business. Typically, the minutes of the meeting of the stockholders, directors, and major committees are reviewed, underwriting practices and reinsurance facilities are surveyed, and methods of handling claims and paying benefits are examined. These state regulatory bodies require verification and evaluation of assets and creation of sufficient reserves for liabilities. Between financial examinations, a company in good standing with the state insurance commission will be issued a Certificate of Compliance, generally on an annual basis. The continued provision of insurance to employee benefit plans maintained by affiliates is protective of the rights of the participants in and beneficiaries of such plans because the audited companies would have satisfied the insurance commissioners of the states where they are licensed to do business that they have sufficient assets to pay claims under their outstanding policies—including those that pertain to the plans.²

(g) The NAIL and the Alliance make the following additional representations with respect to those requirements of the statutory exemption, noted in representation (b) above,

²Based on these representations, the proposed exemption contains a condition that the insurance company has undergone a financial examination by the insurance commissioner of its domiciliary state within 5 years prior to the sales transaction. One individual applicant has represented that one state—Illinois—does not necessarily examine all insurance companies domiciled in that state within a 5-year period but requires that each such insurance company undergo an annual audit by an independent certified public accountant. In response to this individual application the exemption provides an alternative to the state audit requirement—that the insurance company have undergone an examination by an independent certified public accountant for each of the 5 years preceding the sale. Because this condition is based on the representations of an individual applicant, the Agencies specifically solicit comments concerning the feasibility of this alternative requirement in a class exemption.

which are commonly not met by their member and subscriber companies:

1. As a result of industry tradition, reinforced by state regulations, different lines of insurance are commonly written by separate corporate entities. Thus, a related fire insurance company and auto insurance company may, for example, jointly own a life insurance company which provides insurance for plans maintained by such fire and auto insurers for their employees. In other situations, a life company may be the parent and two or more casualty companies subsidiaries, or two affiliated life companies may together own a single casualty company. Notwithstanding the condition of Code section 4975(d)(5)(B) and Act section 408(b)(5)(B) that the company selling the insurance be a wholly owned subsidiary of the employer maintaining the plan, the applicants request that the availability of the class exemption not be determined by the technical type of organization of the insurance companies within the affiliated group.

2. Moreover, although the afore-referenced Code and Act sections condition the availability of the exemptive relief contained therein upon the sale being made by an insurance company which is wholly owned by the employer maintaining the plan, the applicants assert that a conflict of interest is less likely to arise if, e.g., a subsidiary is 60 percent or 90 percent owned than if 100 percent owned. Accordingly, it is requested that the class exemption extend to all funding sales that are made by companies which are disqualified persons or parties in interest with respect to plans maintained by affiliated employers by reason of section 4975(e)(2) (E) or (G) of the Code and 3(14) (E) or (G) of the Act.

3. The applicants posit that the existence of the 5 percent of premiums test as a condition for the statutory exemption does not prevent the Agencies from applying a different percentage, or no percentage at all, as a condition for the requested administrative exemption. The legislative history does not articulate the reasons or intent behind the imposition of the percentage test in Code section 4975(d)(5)(B) and Act section 408(b)(5)(B). The applicants note, however, that it has been suggested that the legislative drafters contemplated that a percentage limitation would ensure the presence of other major insurance customers and thereby provide an objective rate comparison for plan purchases, that such a limitation prevents the establishment of insurance companies solely for the purposes of funding and servicing plans of affiliated companies, and that a percentage test enhances the financial soundness of the selling company because of the involvement of independent party purchasers.

Based on the representations outlined above, the Agencies have determined to propose a 50 percent of premiums requirement which, they believe, would provide safeguards to plans and their participants without unduly restricting the traditional sales practices within the affiliated groups.³

³The Agencies have received several exemption requests for the sale of insurance where the premiums received by the insurance company from plans with respect to which it is a disqualified persons or party in interest represent more than 50 percent of

The Agencies note that the class exemption, if granted, would be applicable to any contract for the sale of life insurance, health insurance or annuities. The Agencies specifically solicit public comments as to whether the exemption should be broadened to cover any other type of insurance currently being marketed to employee benefit plans. Public commentators should discuss each type of insurance that the commentator believes should be covered by the exemption and the reasons for including such type of insurance.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 4975(c)(2) of the Code and section 408(a) of the Act does not relieve a fiduciary or disqualified person or other party in interest with respect to a plan to which the exemption is applicable from certain other provisions of the Code and the Act, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the plan's participants and beneficiaries and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that a plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) The pending exemption, if granted, will not extend to transactions prohibited under section 4975(c)(1)(F) of the Code and section 408(b)(3) of the Act;

(3) Before an exemption may be granted under section 4975(c)(2) of the Code and section 408(a) of the Act, the Agencies must find that the exemption is administratively feasible, in the interest of the plan or plans and of their participants and beneficiaries, and protective of the rights of such participants and beneficiaries of such plan or plans;

(4) The class exemption, if granted, will be supplemental to, and not in derogation of, any other provisions of the Code and the act, including statutory exemptions and transitional rules. Furthermore, the fact that a

the total premiums or annuity considerations received by that company. To provide time for these insurance companies to reduce the premiums received from such plans to 50 percent of total premiums received—one of the conditions of the proposed exemption—the effective date for this condition will be delayed to 1 year from the date of the grant of the exemption.

transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction;

(5) If granted, the pending class exemption will be applicable to a particular transaction only if the transaction satisfies the conditions specified in the class exemption; and

(6) All interested persons are invited to submit written comments on this proposed class exemption to the address and within the time period set forth above. In addition, any interested person may submit to the address and within the time period set forth above, a written request that a hearing be held relating to the pending class exemption. Such written request should state the reasons for such person's interest in the proposed class exemption.

A list of individual applications which involve the subject transactions as well as the individual and class applications for exemption, all written comments and all requests for a hearing (preferably six copies) will be made part of the record and will be available for public inspection at the addresses set forth above.

Proposed Exemption

Based on the applications hereinabove described, the Agencies have under construction the granting of the following class exemption under the authority of section 4975(c)(2) of the Code and section 408(a) of the Act and in accordance with the procedures set forth in Rev. Proc. 75-26 and ERISA Procedure 75-1. Effective January 1, 1975, the restrictions of sections 406(a), 406(b) (1) and (2), and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the sale, in any taxable year, by an insurance company which is a disqualified person or party in interest with respect to an employee benefit plan, of life insurance, health insurance or annuity contracts if the following conditions are met:

(a) The insurance company making the sale—is a disqualified person or party in interest with respect to the plan by reason of a stock affiliation with the employer establishing or maintaining the plan that is described in section 4975 (e)(2) (E) or (G) of the Code and section 3(14) (E) or (G) of the Act;

(2) Is licensed to sell insurance in at least one state;

(3) (i) Has undergone a financial examination by the insurance commissioner of its domiciliary state within the 5 years prior to the sales transaction, or

(ii) Has undergone an examination by an independent certified public accountant for each of the 5 years prior to the sales transaction; and

(4) Has obtained a Certificate of Compliance from the insurance commissioner of its domiciliary state within the 18 months prior

to the transaction or when such certificates were last made available by the domiciliary state, if earlier;

(b) The plan pays no more than adequate consideration for the insurance contracts or annuities;

(c) Effective (date of granting of this exemption), no commissions are paid with respect to the sale of such insurance or annuity contracts; and

(d) Effective (1 year from date of granting of this exemption), the total premiums and annuity considerations received in that taxable year by the insurance company making the sale for such insurance or annuity contracts for all employee benefit plans (and their employers) with respect to which such insurance company is a disqualified person or party in interest by reason of section 4975(e)(2) (E) or (G) of the Code and section 3(14) (E) or (G) of the Act does not exceed 50 percent of the total premiums and annuity considerations received for all lines of insurance in that taxable year by such insurance company. In determining whether this requirement is met, all premiums and annuity considerations written by the insurance company making the sale for plans which it maintains are to be excluded from both the numerator and the denominator of the fraction.

Signed at Washington, D.C., this 22nd day of May 1978.

TED R. KERN,
Deputy Assistant Commissioner,
(Employee Plans and Exempt
Organizations), Internal Revenue
Service.

IAN D. LANOFF,
Administrator for Pension and
Welfare Benefit Programs,
Labor-Management Services
Administration, U.S. Department
of Labor.

[FR Doc. 78-14711 Filed 5-23-78; 9:08 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 668]

ASSIGNMENT OF HEARINGS

MAY 23, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

No. MC 139761 (Sub-No. 3), George Hand & J. R. Rutherford d.b.a. H & R Trucking, now being assigned for hearing on July 19, 1978 (3 days), at Oklahoma City, OK, in a hearing room to be later designated.

No. MC 111545 (Sub-No. 238), Home Transportation Co., Inc., now being assigned for hearing on July 24, 1978 (1 week), at Dallas, Tex., in a hearing room to be later designated.

MC-FC-77226, Burmen Co., Inc., Pittsburgh, PA, Transferee and Sullivan Lines, Inc., (The Union National Bank of Pittsburgh—successor in interest) Pittsburgh, PA, transferor, is now assigned for hearing July 17, 1978 (2 weeks) at Pittsburgh, PA, at a location to be later designated.

MC-F-13355, B & L Motor Freight, Inc.—merge—Prumty Motor Express, Inc. and MC 123255 Sub 124, B & L Motor Freight, Inc., now assigned July 19, 1978 at Columbus, OH, is canceled and both transferred to modified procedure.

MC 119789 Sub 380, Caravan Refrigerated Cargo, Inc., now assigned June 6, 1978 at Columbus, OH, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 124947 Sub 71, Machinery Transports, Inc., now assigned June 7, 1978 at Columbus, OH, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

MC 95084 Sub 118, Hove Truck Line; MC 119641 Sub 141, Ringle Express, Inc. and MC 114211 Sub 344F, Warren Transport, Inc., now assigned June 8, 1978 at Columbus, OH, will be held in Room 235, Federal Building, 85 Marconi Boulevard.

No. 36768, B & P Motor Express, Inc., and Shenango Steel Co., a corporation—Investigation of practices, now assigned June 12, 1978 at Pittsburgh, Pennsylvania, will be held in Room 1112 (Tax Court facilities), Federal Building, 1000 Liberty Avenue.

MC 126516 Sub 7, Skyline Motors Air Cargo, Inc., now assigned June 14, 1978 at Pittsburgh, PA, will be held in Room 1112 (Tax Court facilities), Federal Building, 1000 Liberty Avenue.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14799 Filed 5-25-78; 8:45 am]

[7035-01]

[Notice No. 52]

MAY 26, 1978.

MOTOR CARRIER TRANSFER PROCEEDINGS

Application filed for temporary authority under section 210a(b) in connection with transfer application under Section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77678. By application filed May 17, 1978, MARY ELIZABETH HUBERS, JOHN EDWARD HUBERS, AND WILLIAM JOSEPH HUBERS, a partnership, 103 Wells Avenue, Ferndale, Glen Burnie, MD 21061, seeks temporary authority to transfer the operating rights of Robert Lee Zimmerman and Barbara Ann Zimmerman, a partnership, d.b.a. B. & B. Bus Line, Linthicum, MD 21090, under section 210a(b). The transfer to Mary Elizabeth Hubers, John Edward Hubers, and William Joseph Hubers, a partnership, of the operating rights of Robert Lee Zimmerman and Barbara Ann Zimmerman, a partnership, d.b.a. B. & B. Bus Line, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14800 Filed 5-25-78; 8:45 am]

[7035-01]

[Notice No. 511]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 26, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and transfer rules, 49 CFR Part 1132:

No. MC-F-C 77677. By application filed May 17, 1978, QUALITY MOVERS, INC., 601 North Fourth Street, Jeanette, PA 15644, seeks temporary authority to transfer the operating rights of William F. Maroadi, an individual, d.b.a. Maroadi Transfer & Storage, 101 Parkway, McKeesport, PA 15131, under section 210a(b). The transfer to Quality Movers, Inc., of the operating rights of William F. Maroadi, an individual, d.b.a. Maroadi Transfer & Storage, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14801 Filed 5-25-78; 8:45 am]

[7035-01]

[Decision No. 36886]

TEXAS INTRASTATE FREIGHT RATES AND CHARGES

Establishment of TOFC Plan II½ Between
Dallas and Houston

By petition filed March 27, 1978, petitioner, William M. Gibbons, Trustee of the property of the Chicago, Rock Island & Pacific Railroad Co., Debtor, is made a respondent to this proceeding.

requests that this Commission institute an investigation of Texas intrastate freight rates and charges, under section 13 of the Act. Petitioner seeks an order authorizing the establishment of intrastate rates between Dallas and Houston, Tex., on the same mileage-scale level as rates in effect and charged on freight-all-kinds loaded in trailers for transportation on flat cars moving in interstate or foreign commerce in Plan II½ ramp-to-ramp service. Petitioner has stated grounds sufficient to warrant instituting an investigation.

It is ordered, The petition is granted. An investigation, under section 13 of the Act, is instituted to determine whether the Texas intrastate rail freight rates and charges in any respect cause any unjust discrimination against or any undue burden on interstate or foreign commerce, or cause undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce and persons or localities in interstate or foreign commerce, or are otherwise unlawful, by reason of the failure of such rates and charges to establish intrastate rates between Dallas and Houston, Tex., on the same mileage-scale level as rates in effect and charged on freight-all-kinds loaded in trailer or trailers for transportation on flat cars moving in interstate or foreign commerce in Plan II½ ramp-to-ramp service. The investigation shall also determine if any rates or charges, or maximum or minimum charges, or both, shall be prescribed to remove any unlawful advantage, preference, discrimination, undue burden, or other violation of law, found to exist.

The petitioner, William M. Gibbons, Trustee of the property of the Chicago Rock Island & Pacific Railroad Co., Debtor, is made a respondent to this proceeding.

All persons who wish to participate in this proceeding and to file and receive copies of pleadings shall make

known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, Washington, D.C. 20432, on or before 15 days from the FEDERAL REGISTER publication date. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. This Commission desires participation of only those who intend to take an active part in this proceeding.

As soon as practicable after the last day for indicating a desire to participate in the proceeding, this Commission will serve a list of names and addresses on all persons upon whom service of all pleadings must be made. Thereafter, this proceeding will be assigned for oral hearing or handling under modified procedure.

A copy of this order shall be served upon the respondent. Texas shall be notified of the proceeding by sending copies of this order by certified mail to the Governor of Texas and the Railroad Commission of Texas. Further notice of this proceeding shall be given to the public by depositing a copy of this order in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

Dated at Washington, D.C., this 17th day of May 1978.

By the Commission, Robert J. Brooks, Director, Office of Proceedings.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14802 Filed 5-25-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

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[6320-01]

[M-132; Amdt. 2, May 23, 1978]

CIVIL AERONAUTICS BOARD.

Notice of addition of item to the May 25, 1978 meeting agenda.

TIME AND DATE: 10 a.m., May 25, 1978.

PLACE: Room 1027, 1825 Connecticut Avenue NW., Washington, D.C. 20428.

SUBJECT: 8a. Docket 32343-Dallas-Fort Worth, Philadelphia Service Investigation, (Memo No. 7846-A).

STATUS: Open.

PERSON TO CONTACT:

Phyllis T. Kaylor, the Secretary, 202-673-5068.

SUPPLEMENTARY INFORMATION: Expedition is required because it involves the expansion of a proceeding already under way. At the prehearing conference on May 15 the Judge and the parties sought an early resolution of the issue. Accordingly, the following Members have voted that agency business requires the addition of Item 8a and that no earlier announcement of the addition was possible:

Chairman, Alfred E. Kahn
Vice Chairman, G. Joseph Minetti
Member, Lee R. West
Member, Richard J. O'Melia
Member, Elizabeth E. Bailey

[S-1105-78 Filed 5-24-78; 3:47 pm]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 10 a.m., May 31, 1978.

PLACE: 2033 K Street NW., Washington, D.C., 5th floor hearing room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Denial procedure when the Division of Trading and Markets believes an applicant is unfit for registration pursuant to section 8a(2)(B) of the Act.
Principal Management Objectives for fiscal year 1980-82.
Proposed Plan for Phase-out of Daily Trading Limits.
Petition for general exemption from the provisions of Regulation section 32.11 from Rosenthal & Co. and Dowdex Corp. Smith, et al. v. Groover, et al./possible amicus brief.

CONTACT PERSON FOR INFORMATION:

Jane Stuckey, 254-6314.

[S-1100-78 Filed 5-24-78; 11:45 am]

[6715-01]

FEDERAL ELECTION COMMISSION.

DATE AND TIME: Thursday, June 1, 1978 at 10 a.m.

PLACE: 1325 K Street NW., Washington, D.C.

STATUS: Portions of this meeting will be open to the public and portions will be closed.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Setting of future meeting dates.
Correction and approval of minutes.
Advisory opinions: 1978-9, 1978-13, 1978-25(B), 1978-29.
Rules of procedures of the FEC pursuant to 2 U.S.C. 437c(e).
Allocation of candidate travel.
Reports from division heads.
Pending legislation.
Pending litigation.
Liaison with other Federal agencies.
Classification actions.
Routine administrative matters.
Nonfiler procedures.

Portions closed to the public (executive session):

Audit Reports.
Compliance.
Personnel.

PERSON TO CONTACT FOR INFORMATION:

Mr. David Fiske, Press Officer, telephone 202-523-4065.

MARJORIE W. EMMONS,
Secretary to the Commission.

[S-1103-78 Filed 5-24-78; 3:38 pm]

[6210-01]

FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Wednesday, May 31, 1978.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

SUMMARY AGENDA

Because of their routine nature, no substantive discussion of the following items is anticipated. These matters will be resolved with a single vote unless a member of the Board requests that an item be moved to the discussion agenda.

1. Proposed discontinuance of reports FR U-4A (Annual Report of Outstanding Loans to Purchase or Carry Securities) and FR U-4M (Monthly Report of Outstanding Loans to Purchase or Carry Securities).
2. Proposed extension of the Survey of Interest Rates Charged on Selected Types of Consumer Installments Loans (FR 835b).
3. Proposed policy statement on Interagency EDP Examinations.

DISCUSSION AGENDA

1. Proposed statement to be presented to the Subcommittee on Federal Spending Practices and Open Government of the Senate Committee on Governmental Affairs regarding the impact of the Government in the Sunshine Act.
2. Proposed amendments to Regulations D (Reserves of Member Banks), Q (Interest on Deposits), and Y (Bank Holding Companies) to establish a procedure for regulating the issuance of small denomination debt obligations by bank holding companies and their non-bank subsidiaries.
3. Proposed revisions to the Planning Guidelines for Federal Reserve Bank Facilities related to Site Feasibility Studies.
4. Federal Reserve Bank and Branch director matters relating to: (a) political activity, (b) size of Class C directorate and (c) conflicts-of-interest. (Item (c) was proposed earlier for public comment; docket No. R-0144).
5. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3204.

Dated: May 23, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.

[S-1099-78 Filed: 5-24-78 11:45 am]

22806-22856

[6750-01]

5

FEDERAL TRADE COMMISSION.

TIME AND DATE: 2 p.m., Wednesday, May 31, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

Nonadjudicative matters:

(1) Approval of minutes on nonadjudicative matters considered meetings of April 27, and May 15, 1978.

(2) Consideration of request for formal investigation and resolution directing the use of compulsory process, and authorization to take action under section 205 of the Magnuson-Moss Warranty-FTC Improvement Act, in a nonpublic investigation.

(3) Consideration of issuance of an investigational resolution and authorization of compulsory process in a nonpublic Part II matter.

(4) Consideration of acceptance of proposed consent agreements in File No. 761 0074, with Lockheed Corp. and two other respondents in this matter, and consideration of acceptance of proposed consent agreement in a nonpublic Part II matter.

(5) Consideration of whether to file a trademark cancellation petition before the

SUNSHINE ACT MEETINGS

U.S. Patent Office with respect to a (non-public) Part II matter.

Adjudicative matters under Part 3 of the Rules of Practice:

Approval of minutes on adjudicative matters considered at meeting of May 15, 1978.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message: 202-523-3806.

[S-1101-78 Filed 5-24-78; 11:45 am]

[6750-01]

6

FEDERAL TRADE COMMISSION.

TIME AND DATE: 10 a.m., Thursday, June 1, 1978.

PLACE: Room 432, Federal Trade Commission Building, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

STATUS: Open.

MATTERS TO BE CONSIDERED: Consideration of proposed amendments to Part 5 of the Commission's Rules of Practice concerning standards of conduct for Commission employees.

CONTACT PERSON FOR MORE INFORMATION:

Wilbur T. Weaver, Office of Public Information, 202-523-3830. Recorded Message, 202-523-3806.

[S-1102-78 Filed 5-24-78; 11:45 am]

[7020-02]

7

INTERNATIONAL TRADE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 21106, May 16, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 2 p.m., e.d.t., Thursday, May 25, 1978.

CHANGES IN THE MEETING: Agenda item No. 7 (Molded golf balls (Inv. 337-TA-35)—consideration of procedural matters), previously scheduled for the meeting of Thursday, May 25, 1978, has been cancelled.

CONTACT PERSON FOR MORE INFORMATION:

Kenneth R. Mason, Secretary, 202-523-0161.

[S-1104-78 Filed 5-24-78; 3:38 pm]

FRIDAY, MAY 26, 1978

PART II



DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Resources
Administration

GOVERNING BODY REQUIREMENTS FOR HEALTH SYSTEMS AGENCIES

Notice of Proposed Rulemaking

[4110-83]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Health Resources Administration

[42 CFR Part 122]

GOVERNING BODY REQUIREMENTS FOR
HEALTH SYSTEMS AGENCIES

Notice of Proposed Rulemaking

AGENCY: Health Resources Administration, HEW.

ACTION: Notice of proposed rulemaking.

SUMMARY: This Notice proposes to make more explicit the regulations regarding the composition of governing bodies and executive and other committees of health systems agencies and methods of selection of members of those bodies. The proposed rules are designed to implement more effectively section 1512(b)(3)(C) of the Public Health Service Act as amended by the National Health Planning and Resources Development Act of 1974, which requires a "broadly representative" consumer majority.

DATE: Comments must be received July 10, 1978.

ADDRESS: Written comments and recommendations should be submitted, preferably in duplicate, to: Director, Office of Policy Coordination, Bureau of Health Planning and Resources Development, Center Building, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782. All materials received in response to this Notice will be available for public inspection and copying at the above location on weekdays (Federal holidays excepted) between the hours of 9 a.m. and 5 p.m.

FOR FURTHER INFORMATION CONTACT:

Colin C. Rorrie, Ph.D. Acting Director, Bureau of Health Planning and Resources Development, Center Building, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6850.

SUPPLEMENTARY INFORMATION: Title XV of the Public Health Service Act, which was added by the National Health Planning and Resources Development Act of 1974 (P.L. 93-641, January 4, 1975), authorizes the establishment of health systems agencies (HSA's) for the conduct of health planning activities in health service areas. Section 1512(b)(3)(C) sets forth requirements for the membership of HSA governing bodies and executive committees as follows:

The membership of the governing body and the executive committee (if any) of an agency shall meet the following requirements:

(i) A majority (but not more than 60 percent of the members) shall be residents

of the health service area served by the entity who are consumers of health care and who are not (nor within the twelve months preceding appointment been) providers of health care and who are broadly representative of the social, economic, linguistic and racial populations, geographic areas of the health service area, and major purchasers of health care.

(ii) The remainder of the members shall be residents of the health service area served by the agency who are providers of health care and who represent (I) physicians (particularly practicing physicians), dentists, nurses, optometrists, and other health professionals, (II) health care institutions (particularly hospitals, long-term care facilities, substance abuse treatment facilities, and health maintenance organizations), (III) health care insurers, (IV) health professional schools, and (V) the allied health professions. Not less than one-third of the providers of health care who are members of the governing body or executive committee of a health systems agency shall be direct providers of health care (as described in section 1531(3)).

(iii) The membership shall—

(I) include (either through consumer or provider members) public elected officials and other representatives of governmental authorities in the agency's health service area and representatives of public and private agencies in the area concerned with health,

(II) include a percentage of individuals who reside in nonmetropolitan areas within the health service area which percentage is equal to the percentage of residents of the area who reside in nonmetropolitan areas, and

(III) if the health systems agency serves an area in which there is located one or more hospitals or other health care facilities of the Veterans Administration, include as an ex officio member, an individual whom the Chief Medical Director of the Veterans Administration shall have designated for such purpose, and if the agency serves an area in which there is located one or more qualified health maintenance organizations (within the meaning of section 1310), include at least one member who is representative of such organizations.

Regulations governing the designation and funding of HSA's by the Secretary (42 CFR Part 122) were published in the *FEDERAL REGISTER* of March 26, 1976 (41 FR 12812). With respect to the composition and method of selection of the consumer majorities of HSA governing bodies, the regulations essentially restate the statute without further elaboration.

The Preamble to the regulations, however, stated that while the term "broadly representative" as it is used in section 1512(b)(3)(C)(i) does not necessitate an equal proportion, it does indicate that the consumer majority should "roughly approximate, in its representational aspects, the whole population of the health service area." 41 FR 12820. The Preamble further noted that the Department would "be reviewing the performance" of HSA's "to see if, in the future, more specific regulation is warranted." *Ibid.*

Experience has shown that HSA's have interpreted the representation

requirements in differing ways, producing considerable uncertainty. A number of lawsuits have been filed, challenging the legality of the composition of certain governing bodies on the grounds that various population groups (including low income persons, women, and the handicapped) are underrepresented. In view of the evident uncertainty as to the standard to be used to measure compliance with the "broadly representative" requirement, the Secretary has concluded that clarification of the regulations is needed.

In proposing the amendments to the existing regulations as set out below, the Secretary has been mindful of the following statement which appeared on page 22 of the Conference Report on the Health Planning and Health Services Research and Statistics Act of 1977 (Pub. L. 95-83):

The conferees also wish to clarify the original intent of the Health Planning and Resources Development Act with respect to the composition of governing bodies of health systems agencies. Under the law (section 1512(b)(3)(C) of the Public Health Service Act) consumer representatives of governing bodies are to be "broadly representative of the social, economic, linguistic and racial populations" residing within the health service area. The conferees emphasize that, as the law states, the populations are to be broadly represented. Therefore, several different approaches to insuring meaningful involvement in HSA decisions by all segments of society are permissible. In particular, it was not the intent of the Congress in enacting this provision to mandate a quota system requiring the selection of representatives of a particular category strictly proportionate to its representation in the population of the area or to require that representatives of a category be members of the class they represent. Instead, the Congress intended that, in implementation of the requirement with respect to consumer representatives, health systems agencies have the flexibility to adopt selection processes most appropriate to local needs. (H.R. Rep. No. 95-500, 95th Cong., 1st Sess. 22 (July 14, 1977).)

This Notice invites all interested parties to participate in the rulemaking procedure by: (1) Submitting written comments on the regulatory language proposed, (2) submitting written recommendations for alternative methods of implementing section 1512(b)(3)(C), including identification of additional issues, or (3) recommending alternative language to be used in the final regulations. After consideration of the material received in response to this Notice, the Secretary of Health, Education, and Welfare will publish final regulations.

Comments are specifically requested in the following areas:

I. *Explanation of "broadly representative."* Is the proposed explanation of the phrase "broadly representative" adequate to encompass the multiple consumer representation requirements included in section 1512(b)(3)(C)? In this connection it should be noted that

the regulations as proposed would not require that each governing body include a representative of the handicapped because of the widely varying numbers of handicapped individuals in various health service areas. However, HSA's are subject in their planning and review activities to the requirements of section 504 of the Rehabilitation Act of 1973 and its implementing regulations (45 CFR Part 84) including the requirement that they consult with handicapped persons or organizations representing handicapped persons in evaluating their policies and practices (see 45 CFR 84.6(c)). Further, the requirement that the board "roughly approximate" a group's population in the community does not require HSA's to adopt strict quotas for membership.

II. *Identification of population groups.* Should any additional specific population groups be identified within the "social, economic, linguistic and racial populations" of an area as groups of which the governing body should be representative?

Particular attention is directed to proposed § 122.109(b)(1)(i)(B), which speaks of "economic" groups, and identifies "poverty and low-income groups" as illustrative of groups which must be included. Comments and suggestions are specifically invited on whether the economic groups can or should be more explicitly identified by regulation, and if so, what approach should be used. Possible approaches include classification of economic groups into two, three or more income levels, or setting specific uniform ranges of income which rely on living standards published by the Bureau of Labor Statistics, on actual family income data available from the census or other sources, or on official "poverty" guidelines published by the Community Services Administration.

In addition, comments are also invited on whether regional variations in living costs or family income should be accounted for and, if so, whether these variations should be spelled out in the regulation or left to the HSA's to adjust national standards to reflect local conditions.

III. *Selection of governing body members.* It has been the Department's view that a person who is not a member of a particular population group may be selected as a representative of that group. However, the Department believes that it is important to the success of health systems agencies that, to the maximum extent possible, board members identify with and reflect the interest and concerns of the population groups they purport to represent. In order to prevent the selection of board members who are neither members of the group represented nor accountable to group members in some way, the proposed regula-

tions provide that to be judged representative of any population group, a governing body member must either be a member of that group or have been selected or nominated by an organization composed primarily of members of the group. See § 122.109(b)(1)(i).

In addition, a new subparagraph (4) would be added to § 122.109(b) which would require (1) that a majority of both consumer and provider members be selected through a method or procedure other than selection by the governing body of the HSA; (2) that any election must be fair and held in a place reasonably accessible to persons eligible to vote in the election; and (3) that where members are selected by the governing body, only consumer members of the body may participate in the selection of consumer members and only provider members in the selection of provider members. These proposed requirements are designed to assure that the HSA governing body not become self-perpetuating and thus insulated from accountability to the various interests which its members represent. They are also intended to prevent selection procedures under which providers select "consumer" members known to be primarily concerned with provider interests, and to assure elections which are free from any pressure or inducement by providers which may inhibit or prevent the free exercise of choice by the voter.

With these limitations the Secretary proposes to continue to afford wide latitude to HSA's to develop their own methods of selection of governing body members and their successors, providing flexibility for the accommodation of local needs and circumstances. The Secretary would then look only at the outcome of the process, to determine whether the governing body in fact meets the "broadly representative" requirement.

In this connection, the Secretary is particularly interested in receiving from HSA's descriptions of selection processes, including elections, that have, in the views of the HSA's which have employed them, proved successful in producing effective governing bodies which are broadly representative of the communities they serve. HSA's are urged to supply the Secretary with such descriptions, so that they may be used to assist other HSA's which have had difficulties in that regard.

IV. *Executive and other committees.* In order to maximize the accountability of executive committee members to the interests they purport to represent, paragraph (f)(1) would be amended to require that the consumer members of executive committees be selected by consumer members of the governing body, and provider members of such committees by provider members of the governing body.

In addition, the Act provides that if a board or executive committee appoints a subcommittee of its members or an advisory group, "it shall, to the extent practicable, make its appointments to any such subcommittee or group in such manner as to provide the representation on such subcommittee or group described [in the provision on board and executive committee membership]. It is believed that it will always be "practicable" for a subcommittee or advisory group to include a consumer majority, even if that group is too small to include members from each specific population group represented on the governing body. Accordingly, paragraph (f)(2) would be changed to specify that all subcommittees and advisory groups contain a majority (but, where mathematically possible, not more than 60 percent) of consumer members.

V. *Data and information.* A new paragraph (g) is proposed, requiring that HSAs provide data and information to the Secretary to assist him in determining compliance by the HSAs with the requirements of § 122.109 as revised. It is noted that as proposed, the new paragraph (g) would require the provision of information concerning the members of advisory groups as well as those of HSA governing bodies and committees. Concern has been expressed by individuals familiar with planning agency activities that some persons who might otherwise be willing to serve on such groups will be inhibited in doing so if information on their "income, racial and other pertinent characteristics" is to be provided routinely to the Department. HSAs obviously must obtain such information about advisory group members in order to judge their own compliance with the statutory requirements and must make the information available to the Department in order that it may monitor that compliance. However, comments are solicited on the possible implications of this proposed provision for obtaining wide participation by experts in various technical aspects of health care as well as by interested consumers in the activities of these groups, which are of great importance to the HSAs in carrying out their functions.

VI. *Effective date.* The Secretary invites comments with respect to the appropriate period of time within which HSAs will be required to conform to the new requirements established in this regulation. It is proposed that, for entities that apply for their initial conditional designation as HSAs after these amendments are published in final form, compliance with the amended regulation would be required as a condition to that designation. It is further proposed that all board and committee member selections which are made after the date of publication

of the final amendments be required to comply with the process provisions of the amendments (paragraphs (b)(4) and (f)(1)(ii)). However, the Secretary has tentatively concluded that to avoid unnecessary disruption of planning activities of entities that have applied for conditional designation or HSAs that have been conditionally or finally designated when these amendments are published as final regulations, full compliance with the new provisions for board and committee composition (paragraphs (b)(1)(i) and (f)(2)) will not be required until three years after the date of publication of the final regulation. Thus the HSAs will be able to make steady progress towards the new goals over that three-year period.

If the Secretary adopts this proposal, he also proposes to require each HSA to submit within 180 days, a plan for revised board selection procedures which will assure the Secretary (1) that substantial progress toward compliance with the composition requirements will be made with each selection of new board members during the three-year period and (2) that full compliance will be achieved by the end of the three-year period. Prior to the end of the three-year period, the currently effective provisions of § 122.109 will be used by the Secretary in making non-renewal or termination decisions. Under this proposal, the new data reporting requirements would become effective immediately upon publication of a final regulation.

The Secretary further notes that in order to assure that HSA governing bodies are representative, accountable and effective, the Department will constantly review the operations of HSAs and their board selection processes with a view to making whatever additional incremental changes may be needed to adjust the selection system so as to achieve those objectives.

The Department of Health, Education, and Welfare has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

It is proposed that 42 CFR 122.109(b) be amended as set out below.

Dated: May 8, 1978.

JOYCE C. LASHOF,
Acting Assistant Secretary
for Health.

Approved: May 10, 1978.

HALE CHAMPION,
Acting Secretary.

Section 122.109 of Title 42, CFR, is revised to read as follows:

§ 122.109 Governing body; executive and other committees.

(a) *General.* (1) A health systems agency which is a public regional planning body or single unit of general local government shall have, in addition to any other governing board, a governing body for health planning (hereinafter referred to as the "governing body") which is established in accordance with the requirements in paragraphs (b) and (c) of this action and which has the responsibilities prescribed by paragraph (d) of this section.

(2) A health systems agency which is a nonprofit private corporation (or similar legal mechanism) shall have a governing body to direct all its health planning and development activities which is established in accordance with the requirements in paragraphs (b) and (c) of this section.

(b) *Composition.* The membership of the governing body of an agency shall meet the following requirements:

(1) A majority (but not more than 60 percent) of the members, shall be: residents of the health service area served by the agency, and consumers of health care who have not been providers of health care within the 12 months prior to appointment, and broadly representative of the geographical areas, major purchasers of health care, and the social, economic, linguistic and racial populations of the health service area.

(i) The purpose of the requirements of paragraph (b)(1) of this section is to assure that each health systems agency will be governed by a body with a consumer majority which, looked at as a whole, may reasonably be expected to consider and articulate, in carrying out its health planning functions, the interests of all segments of the population of its health service area. Accordingly, the Secretary must be satisfied that the percentage of members of the consumer majority representing each of the groups described below is roughly approximate to the group's percentage of the entire population of the area. HSA's are not required to adopt rigid quotas for membership of any population group. The groups which must be so represented include:

(A) Identifiable racial or linguistic population groups which constitute a significant proportion of the population of the area;

(B) All economic groups, including poverty and low-income groups;

(C) Women; and

(D) Persons over age 65.

(ii) An individual need not necessarily be a member of a particular population group in order to be considered a representative of that group. However, no individual who is not a member of a population group may be considered a representative of that group

unless the individual has been selected or nominated for that purpose by an organization composed primarily of members of the group.

(iii) For purposes of this paragraph, "major purchaser of health care" means an entity, other than any entity described in paragraph (b)(2) of this section, which either directly or indirectly (such as through the purchase of group health insurance or hospital or medical service benefits) provides health care for its employees, members, or beneficiaries.

(2) The remainder of the members shall be residents of the health service area served by the agency who are providers of health care (of whom not less than 1/3 shall be direct providers of health care) and who represent:

(i) Physicians (particularly practicing physicians), dentists, nurses, and other health professionals;

(ii) Health care institutions (particularly hospitals, long-term care facilities, and health maintenance organizations);

(iii) Health care insurers;

(iv) Health professions schools (which include schools of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy or veterinary medicine as defined in section 724(4) of the Act, and schools of nursing as defined in section 853 of the Act); and

(v) The allied health professions.

(3) The total membership as described in paragraphs (b) (1) and (2) of this section shall:

(i) Include (either through consumer or provider members) public elected officials and other representatives of governmental authorities in the agency's health service area and representatives of public agencies in the area concerned with health;

(ii) Include representatives of private agencies in the area concerned with health;

(iii) Include a percentage of individuals who reside in nonmetropolitan areas within the health service area which is equal to the percentage of residents of the area who reside in nonmetropolitan areas;

(iv) If the health systems agency serves an area in which there is located one or more hospitals or other health care facilities of the Veterans' Administration, include, as an ex officio member, an individual whom the Chief Medical Director of the Veterans' Administration shall have designated for such purpose; and

(v) If the agency serves an area in which there is located one or more qualified health maintenance organizations (within the meaning of section 1310 of the Act), include at least one member who is representative of such organizations;

(4) A majority of the consumer members and a majority of the provider members must be selected for mem-

bership through a method or procedure other than selection by the governing body, executive committee or other committee of the health systems agency. Where such method or procedure involves an election, the election must be fair and must be held in a place reasonably accessible to persons who are eligible to vote. With respect to members who are selected by the governing body, only consumer members of the governing body shall be permitted to participate in the selection of consumer members, and only provider members of the governing body shall be permitted to participate in the selection of provider members.

(c) *Number of members.* The governing body shall be composed of not less than 10 members nor more than 30 members, except that the number of members may exceed 30 where the governing body has, in accordance with its Articles of Incorporation or by-laws (or in the case of a public regional planning body or single unit of general local government, its charter, authorizing statute, ordinance or executive order, or any rules or regulations governing its internal management), established an executive committee which meets the requirements of paragraph (f)(1) of this section.

(d) *Responsibilities and authority.* (1) The governing body of a health systems agency shall:

(i) Be responsible for the internal affairs of the agency, including matters relating to the staff of the agency and the agency's budget;

(ii) Be responsible for the adoption of procedures and criteria developed and published pursuant to section 1532 of the Act and applicable regulations of the Secretary to be utilized in the agency's performance of its functions under section 1513 (e), (f) and (g) of the Act;

(iii) Be responsible for issuing an annual report concerning the activities of the agency in accordance with § 122.115 of this subpart; and

(iv) Have the exclusive authority to perform for the agency the functions described in section 1513 of the Act and the agency's designation agreement entered into pursuant to § 122.106 or § 122.107 of this subpart. For such purposes the term "exclusive" as it applies to the role of the governing body means that the governing body shall have the sole, undivided authority to act for the agency in performing such functions subject to the provision of paragraph (f)(1) of this section relating to the delegation of function to an executive committee; *Provided*, That this does not preclude the public regional planning body or single unit of general local government from establishing procedures not inconsistent with the requirements of this part for the functioning of the agency, including an opportunity to comment on any action proposed by the governing body in the performance of its functions; and *Provided*

further, That the public regional planning body or single unit of general local government must be given the opportunity to comment on the health systems plan and the annual implementation plan prior to their establishment.

(2) The public regional planning body or single unit of general local government may establish rules and regulations for the exercise of the responsibilities described in paragraph (d)(1) of this section by the governing body; *Provided*, That such rules and regulations are not inconsistent with the Act and the regulations of this part.

(e) *Meetings and conduct of business.* The governing body shall:

(1) Meet at least once in each calendar quarter of a year and at least two additional times in a year unless its executive committee, if any, meets at least twice in that year;

(2) Act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all its members and at which a quorum, which shall be not less than one-half of its members, is in attendance;

(3) Conduct its business meetings in public, give adequate notice to the public of such meetings (as required by the agency's Articles of Incorporation or by-laws or, in the case of a public entity, its charter, authorizing statute, ordinance, or executive order or any rules or regulations for internal management) and make its data and records available to the public in accordance with the requirements of § 122.114 of this subpart; for purposes of this subpart, "business meetings" are meetings at which the governing body formally acts to carry out its responsibilities and functions under the Act, and

(4) Reimburse its members for their reasonable costs incurred in attending meetings of the governing body.

(f) *Executive committee; subcommittees and advisory committees.* (1) *Executive committee.* (i) A governing body whose membership exceeds 30 shall establish an executive committee of its members, which shall consist of not more than 25 members, shall be composed in accordance with the requirements of paragraph (b) (1), (2), and (3) of this section, and shall be delegated the authority to take such action as the governing body is authorized to take (other than authority to take action with respect to the agency's articles of incorporation or bylaws or in the case of an agency which is a public regional planning body or single unit of general local government, its charter, authorizing statute, ordinance, or executive order and any internal rules or regulations which govern its operations) except that the executive committee may not be delegated the responsibility for the establishment and amendment of the

health systems plan and annual implementation plan required by section 1513(b) (2) and (3) of the Act.

(ii) The members of the executive committee shall be selected by the governing body from among its members; *Provided*, that only consumer members of the governing body may participate in the selection of consumer members of the executive committee, and only provider members of the governing body may participate in the selection of provider members of the executive committee.

(iii) The executive committee shall:

(A) Act only by vote of a majority of its members present and voting at a meeting called upon adequate notice to all of its members at which a quorum, which shall be not less than one-half of its members, is in attendance, and

(B) Conduct its business meetings in public, give adequate notice to the public of such meetings (as required by the agency's Articles of Incorporation or by-laws or, in the case of a public regional planning body or single unit of general local government, its charter, authorizing statute, ordinance, or executive order or any rules or regulations for internal management) and make its data and records available to the public in accordance with the requirements of § 122.114 of this subpart.

(2) *Subcommittees and advisory groups.* Where in the exercise of its functions the governing body or executive committee appoints a subcommittee of its members or an advisory group, it shall, to the extent practicable, make its appointments to such subcommittee or group in such a manner as to provide that the representation on such subcommittee or group meets the composition requirements of paragraph (b) of this section; *Provided*, That a majority (but, where mathematically possible, not more than 60 percent) of the membership of each subcommittee or advisory group must be consumers of health care.

(g) *Data and information.* The health systems agency shall provide to the Secretary such data and information as he may require relating to compliance with the requirements of this section, including the following:

(1) Income, racial and other pertinent characteristics of members of the governing body, executive committee, subcommittees and advisory groups.

(2) Information supporting the health systems agency's determination of the numbers and percentages of the total population within its health service area which each population group constitutes.

(3) The process of selection of members of the governing body, executive committee, subcommittees, and advisory groups.

(Sec. 1512, Public Health Service Act, 88 Stat. 2232 (42 U.S.C. 300-1).)

[FR Doc. 78-13716 Filed 5-25-78; 8:45 am]

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FRIDAY, MAY 26, 1978
PART III



DEPARTMENT OF
LABOR

Employment Standards
Administration



MINIMUM WAGES FOR
FEDERAL AND
FEDERALLY ASSISTED
CONSTRUCTION

General Wage Determination
Decisions

[4510-27]

DEPARTMENT OF LABOR

Employment Standards Administration

MINIMUM WAGES FOR FEDERAL AND
FEDERALLY ASSISTED CONSTRUCTION

General Wage Determination Decisions

General Wage Determination Decisions of the Secretary of Labor specify, in accordance with applicable law and on the basis of information available to the Department of Labor from its study of local wage conditions and from other sources, the basic hourly wage rates and fringe benefit payments which are determined to be prevailing for the described classes of laborers and mechanics employed in construction activity of the character and in the localities specified therein.

The determinations in these decisions of such prevailing rates and fringe benefits have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 12-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in effective date as prescribed in that section, because the necessity to issue construction industry wage determination frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General Wage Determination Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5. Accordingly, the applicable decision together with any modifications issued subsequent to its publication date

NOTICES

shall be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR Part 5. The wage rates contained therein shall be the minimum paid under such contract by contractors and subcontractors on the work.

MODIFICATIONS AND SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

Modifications and Supersedes Decisions to General Wage Determination Decisions are based upon information obtained concerning changes in prevailing hourly wage rates and fringe benefit payments since the decisions were issued.

The determinations of prevailing rates and fringe benefits made in the Modifications and Supersedes Decisions have been made by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR 1.1 (including the statutes listed at 36 FR 306 following Secretary of Labor's Order No. 24-70) containing provisions for the payment of wages which are dependent upon determination by the Secretary of Labor under the Davis-Bacon Act; and pursuant to the provisions of Part 1 of Subtitle A of Title 29 of Code of Federal Regulations, Procedure for Predetermination of Wage Rates (37 FR 21138) and of Secretary of Labor's Orders 13-71 and 15-71 (36 FR 8755, 8756). The prevailing rates and fringe benefits determined in foregoing General Wage Determination Decisions, as hereby modified, and/or superseded shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged in the contract work of the character and in the localities described therein.

Modification and Supersedes Decisions are effective from their date of publication in the FEDERAL REGISTER without limitation as to time and are to be used in accordance with the provisions of 29 CFR Parts 1 and 5.

Any person, organization, or governmental agency having an interest in the wages determined as prevailing is encouraged to submit wage rate information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Office of Special Wage Standards, Division of Wage Determinations, Washington, D.C. 20210. The cause for not utilizing the rule-

making procedures prescribed in 5 U.S.C. 553 has been set forth in the original General Wage Determination Decision.

NEW GENERAL WAGE DETERMINATION DECISIONS

Georgia..... GA78-1050
Michigan..... MI78-2061

MODIFICATIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being modified and their dates of publication in the FEDERAL REGISTER are listed with each State.

Illinois:
IL78-2017; IL78-2024; Mar. 17, 1978
IL78-2038; IL78-2039;
IL78-2040.
New Hampshire:
NH77-2001; NH77-2002..... Jan. 21, 1977
NH77-2004..... Jan. 28, 1977
Ohio:
OH78-2056..... May 12, 1978
Pennsylvania:
PA77-3057..... May 13, 1977
PA77-3100..... July 15, 1977
PA77-3103; PA77-3104..... July 22, 1977
PA77-3121; PA77-3122;
PA77-3123; PA77-3124;
PA77-3125; PA77-3126;
PA77-3128; PA77-3129..... Sept. 16, 1977
PA78-3012..... Apr. 28, 1978
PA78-3016..... Apr. 14, 1978
Wisconsin:
WI77-2103..... July 15, 1977
WI77-2110..... July 22, 1977

SUPERSEDES DECISIONS TO GENERAL WAGE DETERMINATION DECISIONS

The numbers of the decisions being superseded and their dates of publication in the FEDERAL REGISTER are listed with each State.

Supersedes Decision numbers are in parentheses following the numbers of the decisions being superseded.

Alabama:
AL77-1085 (AL78-1047)..... July 22, 1977.
California:
CA78-5002 (CA78-5101); Feb. 24, 1978.
CA78-5003 (CA78-5100).
Florida:
FL77-1119 (FL78-1051); Oct. 28, 1977.
FL77-1119 (FL78-1052).
Minnesota:
MN77-2033 (MN78-2060)..... Mar. 4, 1977.

CANCELLATION OF GENERAL WAGE DETERMINATION DECISIONS

None.

Signed at Washington, D.C., this
19th day of May, 1978.

DOROTHY P. COME,
Acting Assistant Administrator,
Wage and Hour Division.

NOTICES

NEW DECISION

STATE: Michigan
DECISION NUMBER: MI78-2061
DESCRIPTION OF WORK: Residential Construction consisting of Single Family Homes and Garden Type Apartments up to and including 4 Stories.

COUNTIES: DEKALB & FULTON
DATE: DATE OF PUBLICATION

NEW DECISION

STATE: GEORGIA
DECISION NUMBER: GA78-1050
DESCRIPTION OF WORK: HEAVY CONSTRUCTION

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.35	.55	.50		.05
9.45	.50	.45		.02
8.70	.40	.55		1/2 of 1%
10.45	.9%	.57		.07
9.60	.65			.05
6.25	.20	.33		
6.75	.20	.33		.05
9.45	.45	.65		.05
10.45	.45	.65		.05
9.60	.50	.45		.02
10.75	.65	.50		.11
10.20	.50	.81		.06
6.13	.20	.30		
6.90				
8.85	.50	.75		.07
8.50	.50	.75		.07
8.85	.50	.75		.07
8.50	.50	.75		.07
8.85	.50	.75		.07
8.50	.50	.75		.07
6.28	.50	.75		.07

BRICK MASONS
CARPENTERS
CEMENT MASONS/FINISHERS
ELECTRICIANS
IRONWORKERS
LABORERS:
Unskilled
Air tool operators (air,
electric or gas powered,
such as jackhammer, paving
breaker, tampers, vibrator,
spade, chipping hammer &
barco tamp)
PAINTERS:
Brush & Roller
Spray
PILLOWMEN
PLUMBERS & PIPEFITTERS
SHEET METAL WORKERS
TRUCK DRIVERS
WATERPROOFERS (ROOFERS)

WELDERS: Receive rate
prescribed for craft
performing operation
to which welding is
incidental.

POWER EQUIPMENT OPERATORS:

Backhoe
Bulldozer
Crane
Front end loader
Mechanic
Motor grader
Pump

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.54	.86	.55		.05
7.90				
9.18				
6.00				
5.61				
6.00				
7.00				
7.00				
9.38	24.00	22.00	b	
10.61	.80	1.00	10%	.05
10.61	.80	1.00	10%	.05
10.61	.80	1.00	10%	.05

POWER EQUIPMENT OPERATORS:

Backhoe Operator
Bulldozer Operator
Front-End-Loader Operator
Roller Operator

FOOTNOTES:
a-Per Week; Per Employee
b-.2%, 4% or 6% of previous
years earnings depending
on Length of Service.

MODIFICATIONS P. 1

MODIFICATIONS P. 2

DECISION #1178-2017 - MOD. #2 (43 FR 11371 - March 17, 1978) Adams, Brown & Pike Counties Illinois	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
CHANGE: Cement Masons	\$ 9.00		1.00		
DECISION #1178-2024 - MOD. #2 (43 FR 11391 - March 17, 1978) Bureau, LaSalle, Livingston, Marshall, Putnam and Woodford Counties Illinois					
ADD: Bricklayers & Stonemasons: Bureau and Putnam Counties	11.60	.60	.25		
DECISION #1178-2038 - MOD. #2 (43 FR 11423 - March 17, 1978) Alexander, Franklin, Gallatin, Hamilton, Hendon, Jackson, Jefferson, Johnson, Marion, Massac, Perry, Pope, Pulaski, Saline, Union, White & William- son Counties Illinois					
CHANGE: Painters: Alexander, Johnson, Pulaski Counties: Commercial - Repaint Commercial - New Industrial Spray & Sandblasting - Repaint Spray & Sandblasting - New	7.00 8.00 8.70 7.50 8.50				

DECISION #1178-2040 - MOD. #1 (43 FR 11432 - March 17, 1978) Bond, Calhoun, Clinton, Greene, Jersey, Monroe, Montgomery, Randolph & Washington Counties Illinois		Fringe Benefits Payments				Education and/or Appr. Tr.
Basic Hourly Rates	H & W	Pensions	Vacation			
CHANGE: Laborers: Bond County: Vicinity of Greenville Common Brick & Plaster Mason Tenders Cutting & burning w/a torch & working on the bottom of sewer trenches, etc. Dynamite Men Pochontas & Vicinity Common Brick & Plaster Mason Tenders Cutting & burning w/a torch & working on the bottom of sewer trenches, etc. Dynamite Men Final grading laying or caulk- ing of section or sanditary or storm sewer pipe Sorento & Vicinity Common Brick & Plaster Mason Tenders Workmen cutting & burning w/a torch and working on the bottom of sewer trenches-etc. Dynamite Men Glen Carbon Common Mason & Plasterer Tenders Dynamite Men Highlands Common Mason & Plasterers Tenders Workmen cutting & burning w/a torch Dynamite Men Livingston Common Working on bottom of sewer Mason and Plasterer Tender	\$10.65 11.15 10.90 12.25 10.55 11.05 10.80 12.15 10.80 10.70 11.20 10.95 12.30 10.45 10.95 12.05 10.35 10.85 10.55 11.95 10.65 10.90 11.15	.30 .30 .30 .30 .40 .40 .40 .40 .40 .25 .25 .25 .25 .60 .60 .60 .60 .60 .60 .30 .30 .30			.035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035	

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MODIFICATIONS P. 3

MODIFICATIONS P. 4

(Cont'd)		Fringe Benefits Payments				Education and/or Appr. Tr.
Basic Hourly Rates	H & W	Pensions	Vacation			
CHANGE: Laborers: <u>Marine</u> Common Mason & Plasterer Working on bottom of sewer Troy Common Mason & Plasterer Tender Working on bottom of sewer St. Jacob Common Mason & Plasterer Tenders Working in sewer trenches Freeburg & Vicinity Laborers All Sewer Work Mason & Plaster Tenders Dynamite Men New Athens & Vicinity Laborers All Sewer Work Mason & Plaster Tenders	\$10.75 11.25 11.00 10.35 10.85 10.55 10.35 10.85 10.55 10.00 10.25 10.50 11.60 10.00 11.25 10.50	.60 .60 .60 .60 .60 .60 .60 .60 .60 .35 .35 .35 .35 .35 .35 .35	.035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035 .035			
DECISION #1178-2039 - MOD. #1 (43 FR 11427 - March 17, 1978) Boone, Carroll, DeKalb, JoDavies, Lee, Ogile, Stephenson, Whiteside & Winnebago Counties Illinois						
CHANGE: <u>Painters:</u> JoDavies County: Brush & Roller Spray, Structural Steel, Sand- blast	\$ 8.40 8.95	.30 .30				

Change: DESCRIPTION OF WORK to exclude Highway Construction						
DECISION NO. NH77-2002- Mod #5 (42 FR 4090- January 21, 1977) Merrimack County, New Hampshire						
Change: DESCRIPTION OF WORK to exclude Highway Construction						
DECISION NO. NH77-2004- Mod #5 (42 FR 5629- January 28, 1977) Strafford County, New Hampshire						
Change: DESCRIPTION OF WORK to exclude Highway Construction						

NOTICES

DECISION NO. OH78-2056 - Mod. #1 (43 FR 20673 - May 12, 1978)		Fringe Benefits Payments				Education and/or Appr. Tr.
		H & W	Pensions	Vacation		
Adams, Brown, Butler, Champaign, Basic Clark, Clermont, Clinton, Darke, Hourly Delaware, Fairfield, Fayette, Rates Franklin, Gallia, Geauga, Greene, Hamilton, Highland, Lawrence, Licking, Madison, Meigs, Miami, Montgomery, Muskingum, Perry, Pickaway, Pike, Preble, Ross, Scioto, Shelby, Union, & Warren Cos., Ohio						.5%
Change: Electricians: Clinton, Darke, Greene, Miami, Montgomery, Preble, & Warren (Rem. of Co.) Cos. Electrical communications installers within 11 mi. radius of 3rd & Main Street, Dayton		\$11.58	.75	3%+1.00		

MODIFICATIONS P. 5

Decision #PA77-3057 - Mod. #7
(42 FR 24700 - May 13, 1977)
Sullivan County, Pennsylvania

Change:
Bricklayers & Stonemasons
Electricians:
Eastern part of County
Soft Floor Layers
Sprinkler Fitters
Power Equipment Operators
Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 7-A
Group 7-B

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.70	.55	.70		.01
11.24	.65	34+.85		.03
9.20	.50	.55		.05
12.31	.75	1.05		.08
12.44	7%	10.3%	a	1.8%
12.15	7%	10.3%	a	1.8%
11.28	7%	10.3%	a	1.8%
10.51	7%	10.3%	a	1.8%
10.04	7%	10.3%	a	1.8%
9.13	7%	10.3%	a	1.8%
12.69	7%	10.3%	a	1.8%
12.94	7%	10.3%	a	1.8%
13.18	7%	10.3%	a	1.8%

MODIFICATIONS P. 6

Decision #PA77-3100 - Mod. #7
(42 FR 36775 - July 15, 1977)
Columbia, Montour & Snyder
Counties, Pennsylvania

Change:
Bricklayers & Stonemasons:
Zone 1
Zone 2
Cement Masons:
Zone 1
Zone 2
Glaziers
Zone II
Laborers:
Zone II
Class I
Class II
Zone III
Class I
Class II
Class III
Class IV
Plasterers
Zone I
Roofers
Zone II
Soft Floor Layers
Sprinkler Fitters
Power Equipment Operators
Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 7-A
Group 7-B
Omit:
Laborers
Zone III
Class IV

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.00	.55	.65		.01
9.70	.55	.70		.01
10.50	.55	.70		.01
9.05	.40	.50		.01
9.79	.40	.45		.45
7.45	.40	.45		.45
7.60	.40	.35		.35
8.00	.30	.35		.35
8.15	.30	.35		.35
8.47	.30	.35		.35
7.65	.30	.35		.35
9.05	.55	.70		.01
10.41	.80	.55		.05
9.20	.50	.55		.05
12.31	.75	1.05		.08
12.44	7%	10.3%	a	1.8%
12.15	7%	10.3%	a	1.8%
11.28	7%	10.3%	a	1.8%
10.51	7%	10.3%	a	1.8%
10.04	7%	10.3%	a	1.8%
9.13	7%	10.3%	a	1.8%
12.69	7%	10.3%	a	1.8%
12.94	7%	10.3%	a	1.8%
13.18	7%	10.3%	a	1.8%
8.12	.30	.35		

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FEDERAL REGISTER, VOL 43, NO. 103—FRIDAY, MAY 26, 1978

MODIFICATIONS P. 7

Decision #PA77-3103 - Mod. #6
(42 FR 37759 - July 22, 1977)
Bedford, Tioga & Union
Counties, Pennsylvania

Change:
Bricklayers & Stonemasons
Glaziers
Zone II
Laborers:
Class I
Class II
Sprinkler Fitters
Soft Floor Layers
Power Equipment Operators
Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 7-A
Group 7-B

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 9.90	.75	.60		.01
9.79	.40	.50		
7.45	.40	.45		
7.60	.40	.45		
12.31	.75	1.05		.08
9.20	.50	.55		.05
12.44	7%	10.3%	a	1.8%
12.15	7%	10.3%	a	1.8%
11.28	7%	10.3%	a	1.8%
10.51	7%	10.3%	a	1.8%
10.04	7%	10.3%	a	1.8%
9.13	7%	10.3%	a	1.8%
12.69	7%	10.3%	a	1.8%
12.94	7%	10.3%	a	1.8%
13.18	7%	10.3%	a	1.8%

MODIFICATIONS P. 8

Decision #PA77-3104 - Mod. #8
(42 FR 37762 - July 22, 1977)
Lancaster County, Pennsylvania

Change:
Electricians: W. Calico, E. Calico,
Brecknock, E. Carl & Caernarvon
townships
Painters:
Elizabethtown, and Dewartal
Township
Brush
Steel
Spray
Power Equipment Operators:
Group 1
Group 2
Group 3
Group 4
Group 5
Group 6
Group 7
Group 7-A
Group 7-B
Sprinkler Fitters

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$10.99	.78	34+.20		.03
9.05	.29	.27		.02
9.50	.29	.27		.02
9.80	.29	.27		.02
12.44	7%	10.3%	a	1.8%
12.15	7%	10.3%	a	1.8%
11.28	7%	10.3%	a	1.8%
10.51	7%	10.3%	a	1.8%
10.04	7%	10.3%	a	1.8%
9.13	7%	10.3%	a	1.8%
12.69	7%	10.3%	a	1.8%
12.94	7%	10.3%	a	1.8%
13.18	7%	10.3%	a	1.8%

NOTICES

FEDERAL REGISTER, VOL 43, NO. 103—FRIDAY, MAY 26, 1978

FEDERAL REGISTER, VOL. 43, NO. 103—FRIDAY, MAY 26, 1978

DECISION #PA77-3124 - Mod. #5
(42 FR 45618 - September 9, 1977)
Northampton, County, Pennsylvania

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 7.96	.35	.45		
8.21	.35	.45		
8.71	.35	.45		
8.36	.35	.45		
8.98	.35	.45		
9.30	1.00	.60		
10.05	1.00	.60		
11.01	1.00	.60		

DECISION #PA77-3124 - Mod #5

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$12.44	7%	10.3%	a	1.8%
12.15	7%	10.3%	a	1.8%
11.28	7%	10.3%	a	1.8%
10.51	7%	10.3%	a	1.8%
10.04	7%	10.3%	a	1.8%
9.13	7%	10.3%	a	1.8%
12.69	7%	10.3%	a	1.8%
12.94	7%	10.3%	a	1.8%
13.18	7%	10.3%	a	1.8%
Power Equipment Operators				
Group 1				
Group 2				
Group 3				
Group 4				
Group 5				
Group 6				
Group 7				
Group 7-A				
Group 7-B				
Truck Drivers				
CLASS I	8.97			
CLASS II	9.04			
CLASS III	9.53			

DECISION #PA77-3125 - Mod. #7
(42 FR 45620 - September 9, 1977)
Berks County, Pennsylvania

	Basic Hourly Rates	Fringe Benefits Payments		
		H & W	Pensions	Vacation
Change:	\$ 7.60	.45	.35	
General Laborers				
Operators of jackhammer, paving breaking and other pneumatic, electrical and mechanical tools coming under the jurisdiction of laborer, laying of all clay, terra cotta, ironstone, vitrified concrete or non-metallic pipe and the making of joints for same, wagon drill operators and concrete power buggies	7.83	.45	.35	
Cofferdam, (below 10'), tunnel free air muckers	7.88	.45	.35	
Handling and Using cutting or burning torches in the wrecking of buildings, plasterer tenders, scaffold builders and removal for plasterers	7.99	.45	.35	
Mason tenders, scaffold builders, removal for mason and power bug-gies	8.03	.45	.35	
Blasters	8.05	.45	.35	
Power Equipment Operators:				
Group 1	12.44	7%	10.3%	a
Group 2	12.15	7%	10.3%	a
Group 3	11.28	7%	10.3%	a
Group 4	10.51	7%	10.3%	a
Group 5	10.04	7%	10.3%	a
Group 6	9.13	7%	10.3%	a
Group 7	12.69	7%	10.3%	a
Group 7-A	12.94	7%	10.3%	a
Group 7-B	13.18	7%	10.3%	a

DECISION #PA77-3126 - Mod. #2
(42 FR 45622 - September 9, 1977)
Lycoming County, Pennsylvania

Basic Hourly Rates	Fringe Benefits Payments				Education and/or Appr. Tr.
	H & W	Pensions	Vacation		
\$ 9.90	.70	.65			.015
7.45	.40	.45			
7.60	.40	.45			.01
10.93		.20			
10.80	.50	.34			3/84
7.59	.50	.34			3/84
7.26	.50	.34			3/84
9.20	.50	.55			.05
12.31	.75	1.05			.08
12.44	.74	10.34	a		1.84
12.15	.74	10.34	a		1.84
11.28	.74	10.34	a		1.84
10.51	.74	10.34	a		1.84
10.04	.74	10.34	a		1.84
9.13	.74	10.34	a		1.84
12.69	.74	10.34	a		1.84
12.94	.74	10.34	a		1.84
13.18	.74	10.34	a		1.84

AL78-1047 - (Cont'd)

BUILDING CONSTRUCTION - POWER EQUIPMENT OPERATORS:

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP A	10.42	.40	.50		
GROUP B	10.09	.40	.50		
GROUP C	9.48	.40	.50		

GROUP A: HEAVY EQUIPMENT:

Heavy duty mechanic, crane, shovel, derrick operator (2 or more drums), draglines, pile driver operator, hoist operator (2 or more drums), cableways, excavators, front end loaders, backhoe, rubber tired backhoe, dredges, leverman, welders, mounted rotary drill machines, cherry pickers, side boom tractors, paving machines, motor patrols, pumpcrete machines, gradalls, johnson mixers, hydro-lift trucks, all batch plant and header house operators, panel board (ready-mix), hydro hammers on demolition work, concrete plants, asphalt plants, helicopter pilots and concrete paving trains, tugboats

GROUP B: MEDIUM EQUIPMENT:

Doser scrapers, turnapull, one drum hoist, self-propelled rollers, construction elevators, locomotive engineer, elevating grader tractors with power control attachments, winch truck, mixers, asphalt spreaders, drilling machines, form graders, asphalt distributors, fork-lift, well point & dewatering systems, subgraders, finishing machines, motorized compactors, wagonmobiles and push carts, riding trenching & ditching machines.

GROUP C: LIGHT EQUIPMENT:

Light plants, generators, welding machines, air compressors, pumps, conveyors, motor boats under 30 feet, tow tractors, and pile driver hammers (diesel, gas, air or electric) fireman outboard, motor boat operators and brakemen.

AL78-1047 - (Cont'd)

TRUCK DRIVERS

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
GROUP A	7.25	.40	.50		
GROUP B	7.57	.40	.50		
GROUP C	7.84	.40	.50		
GROUP D	8.15	.40	.50		
GROUP E	8.36	.40	.50		
GROUP F	9.15	.40	.50		
GROUP G	9.87	.40	.50		

GROUP A:

Drivers-trucks up to but not including 1 1/2 tons; Stations wagons; Jeeps and automobiles; Truck spotters; General warehousemen.

GROUP B:

Grease and wash rack man

GROUP C:

Drivers 1 1/2 tons up to but not including 5 tons

GROUP D:

Receiving and issuing clerk

GROUP E:

Scalemen

GROUP F:

Truck drivers on rated 5 tons or 6 yard and over, including heavy equipment such as pole trucks; midd or corning wagons; dumpers; semi-drivers; agitators; ross carriers; dumpsey dumps; euclid trucks; fork lift trucks in warehouse and similar equipment such as tractors; 10 wheelers; jeeps or dump trucks or pickup trucks pulling of four wheel trailers; hauling equipment.

GROUP G:

Truck & automobile mechanics

FEDERAL REGISTER, VOL. 43, NO. 103—FRIDAY, MAY 26, 1978

SUPERSEDES DECISION

STATE: California

COUNTIES:

Alameda, Alpine, Amador, Calaveras, Contra Costa, Del Norte, El Dorado, Fresno, Humboldt, Marin, Mariposa, Merced, Monterey, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Sutter, Tehama, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA78-5100
Supersedes Decision No. CA78-5003 dated February 24, 1978 in 43 FR 7899.
DESCRIPTION OF WORK: Residential Construction consisting of single family homes and garden type apartments up to and including 4 stories

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ASBESTOS WORKERS	\$ 13.00	.95	\$ 1.27	\$ 2.00	.07
BRICKLAYERS	13.625	1.075	1.00	.75	.02
DELINERS					
Del Norte, Humboldt, Marin, Napa, San Francisco, San Mateo, Solano and Sonoma Counties	11.42	1.50	1.10	1.00	.05
Alameda and Contra Costa Cos.	12.55	1.35	1.25		.25
Fresno, Mariposa and Merced Cos.	12.05	.95	1.00		
El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Counties	12.50	1.03	1.21		.25
Monterey and Santa Cruz Counties	12.60	1.22	1.26		
San Benito and Santa Clara Cos.	12.55	1.35	1.25		.25
Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties	11.70	1.00	1.30	1.00	
BRICK TENDERS:					
Calaveras and San Joaquin Cos.	9.98	1.25	1.70		
San Francisco and San Mateo Cos.	10.00	.65	.80		
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties	9.30	1.00	1.70		
Fresno County	10.80	.80	1.40		
CARPENTERS:					
Contra Costa County	11.70	1.35	1.71	1.00	.07
Carpenters					
Hardwood Floor Layers; Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	11.85	1.35	1.71	1.00	.07
Millwrights	12.20	1.35	1.71	1.00	.07
Piledrivermen, Bridge, Wharf and Dock Builders	12.23	.84	1.26	.75	.04
Mariposa and Merced Counties: Carpenters (wood frame residential construction)	7.00	1.22			
Fresno County:					
Frame dwellings 2 stories or less	9.00	1.35	1.71	1.00	.07

DECISION NO. CA78-5100

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
CEMENT MASONS:					
Cement Masons	\$ 10.50	\$ 1.30	\$ 1.68	\$ 1.65	.05
Mastic; Magnesite; All Composition Masons	10.75	1.30	1.68	1.65	.05
Men working from swinging or Slip Form Scaffolds	10.75	1.30	1.68	1.65	.05
Fresno County:					
Frame dwellings 2 stories or less	9.00	1.30	1.68	1.65	.05
DRYWALL INSTALLERS	11.52	1.22	1.71	.75	.07
ELECTRICIANS:					
Alameda County	13.91	1.30	341.65		.069
Electricians	15.52	1.30	341.65		.069
Cable Splicers					
Amador, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada and Placer Counties West of the Main Sierra Mountain Watershed	14.89	.95	341.85		.045
Electricians	16.38	.95	341.85		.045
Cable Splicers					
Lake Tahoe Area	14.33	.84	341.07		.08
Electricians	15.66	.84	341.07		.08
Cable Splicers					
Tehama County	8.38	1.12	341.67		.04
Electricians (family residences limited to 3 stories)					
Electricians (4 stories):					
Electricians	12.62	1.12	341.905		.04
Cable Splicers	13.88	1.12	341.905		.04
Calaveras and San Joaquin Cos.	13.80	.96	341.49		.01
Electricians	15.53	.96	341.49		.01
Cable Splicers					
Contra Costa County	15.20	.70	341.00		
Electricians	16.70	.70	341.00		
Cable Splicers					
Del Norte and Humboldt Counties	11.25	.80	341.85		.04
Electricians	12.15	.80	341.85		.04
Cable Splicers					
Fresno County					
Electricians (family residences, not to exceed 2 stories)	7.75	.80	341.05		.05

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ELECTRICIANS: (Cont'd)				
Electricians (3-4 stories):				
Cable Splicers	.80	38+1.05		.05
Marin and Sonoma Counties	.80	38+1.05		.05
Electricians	1.11	38+3.30		.02
Cable Splicers	1.11	38+3.30		.02
Mariposa, Merced and Tuolumne Counties				
Electricians	.94	38+1.50		1/48
Cable Splicers	.94	38+1.50		1/48
Monterey County				
Electricians	1.15	38+3.00		.06
Cable Splicers	1.15	38+3.00		.06
Napa and Solano Counties				
Electricians	1.08	38+1.10		.04
Cable Splicers	1.08	38+1.10		.04
San Benito, Santa Clara and Santa Cruz Counties				
Electricians	.92	38+2.10		.05
Cable Splicers	.92	38+2.10		.05
San Francisco County				
Electricians	1.04	38+9.90		.06
Cable Splicers	1.04	38+9.90		.06
San Mateo County				
Electricians	1.25	38+1.25		.03
ELEVATOR CONSTRUCTORS' HELPERS	.745	.56	a	.025
ELEVATOR CONSTRUCTORS' HELPERS (PROB.)	.745	.56	a	.025
GLAZIERS:				
Alameda, Contra Costa, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Solano (SW from E of Fairfield), Sonoma Counties	1.00	1.41		.02
Alpine, Amador, Calaveras, El Dorado, Mariposa, Merced, (North of City of Livingston), Nevada, Placer, Sacramento, Yolo and Yuba Counties				
Fresno and Remaining portions of Merced County	.58	1.50		
	.81	1.04	.805	.05

DECISION NO. CA78-5100

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
IRONWORKERS:				
Fence Erectors	\$ 1.24	\$ 2.22	\$ 1.46	.06
Reinforcing	1.24	2.22	1.46	.06
Ornamental; Structural	1.24	2.22	1.46	.06
LATHERS:				
Alameda and Contra Costa Cos.	1.09	1.26		.025
Humboldt, Nevada, Placer and Tehama Counties	.66	.50		.01
Amador, El Dorado, Sacramento and Yolo Counties	.67	1.75		.01
Calaveras and San Joaquin Cos.	.68	.55		.01
Marin and Sonoma Counties	.87	.85	1.00	1/80
Monterey and Santa Cruz Counties	.68	.55		.01
San Francisco and N of San Mateo County	.66	2.00		.02
San Benito and Santa Clara Cos.	.98	1.75		
Fresno County	.35	.45		
Mariposa, Merced and Tuolumne Counties				
Southern half of San Mateo County	.32	1.00		.01
PAINTERS:				
Alpine, Amador, Calaveras and San Joaquin Counties	.85	2.34	1.11	
Brush				
Spray; Sheetrock Tapers; Swing Stage; Scaffold; Sandblaster; Structural Steel	10.22	.85	2.34	1.11
Fresno County				
Brush; Tapers	11.12	.41	.20	
Spray; Structural Steel	11.37	.41	.20	
Del Norte and Humboldt Counties	7.55	.60	.20	.80
Brush				
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers; Paperhangers	7.80	.60	.20	.80
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of the Lake Tahoe Area)				
Brush	12.31	1.10	1.50	.80
Spray	12.56	1.10	1.50	.80
Tapers	12.86	1.10	1.50	.80

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PAINTERS: (Cont'd)				
Sutter, Tehama and Yuba Counties	.60	.40		
Brush; Pot Tenders; Rollers				
Spray; Sandblasters; Structural Steel; Swing Stage; Tapers	.60	.40		
Lake Tahoe Area				
Brush	.70	.75		
Spray; Structural Steel; Tapers	.70	.75		
Marin, San Francisco and Sonoma Counties				
Brush	12.18	1.10	.80	.06
Spray	12.68	1.10	.80	.06
Tapers	12.98	1.10	.80	.06
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Solano and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)				
Brush	12.31	1.10	.80	.06
Spray	12.61	1.10	.80	.06
Tapers	13.11	1.10	.80	.06
Mariposa, Merced and Tuolumne Counties				
Brush	9.60	.70	.45	.02
Swing Stage, Paperhangers, Bosun Chair, Steam Cleaning and Water Blasting				
Spray; Sandblasting				
PLASTERERS:				
Alameda and Contra Costa Cos.	10.10	.745	1.05	.03
Sutter and Yuba Counties	9.79	.56	1.00	.03
Fresno County	9.24	.90	1.25	.01
Monterey County	12.31	1.00	.35	.01
Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Yolo and Yuba Cos.				
San Francisco County	11.59	.71	1.50	.01
San Mateo County	12.33	1.00	2.25	.03
Del Norte, Humboldt, Marin, Napa, Solano, Sonoma and Tehama Counties	7.72	.48	.90	.025
Mariposa, Merced and Tuolumne Counties	10.65	.98	.80	.01
	9.05	.90	1.55	1.20

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
PLASTERERS TENDERS:				
Alameda and Contra Costa Cos.	\$ 8.87	\$ 1.10		
Fresno County	9.80	1.40		
Marin County	8.32	.80	.90	
Solano County	10.25	1.70	1.10	
Napa County	11.40	1.25	1.10	
San Francisco and San Mateo Cos.	9.80	.80	1.25	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento and Yolo Counties				
Calaveras and San Joaquin Cos.	7.455	1.40	.80	
Monterey County	9.91	1.25	1.70	1.00
San Benito, Santa Clara and Santa Cruz Counties	10.40	1.25	1.70	
PLUMBERS:				
Alameda County	11.80	.70	1.40	.12
Contra Costa County	13.10	.83	1.55	.20
PLUMBERS: Steamfitters:				
Amador (Northern half of County), El Dorado, Sacramento, Yolo, Nevada, Placer (excluding Lake Tahoe Area)	13.84	1.32	1.81	.14
Lake Tahoe Area	10.99	.58	.60	.10
Marin, San Francisco and Sonoma Counties				
San Benito and Santa Clara Cos.	11.75	1.905	1.17	.15
San Mateo County	15.15	1.08	1.77	.14
Alpine, Amador (Southern portion of County), Calaveras, Fresno, Mariposa, Merced, Monterey, San Joaquin, Santa Cruz, Sutter	14.41	1.14	2.30	.25
Tehama, Tuolumne and Yuba Cos.				
Napa and Solano Counties	13.60	1.44	2.00	.10
Del Norte and Humboldt Cos.	14.44	1.25	2.29	.22
ROOFERS:				
Alameda and Contra Costa Cos.	12.29	.86	1.22	.05
Roofers				
Mastic workers; Kettlemen (2 Kettles w/o pumps)	10.94	1.17	1.10	.04
Bitumastic; Enamellers; Pipe-wrappers; Coal tar built up	11.19	1.17	1.10	.04
	11.94	1.17	1.10	.04

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Basic Hourly Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
	H & W	Pensions	Vacation	
ROOFERS: (Cont'd)				
Alpina, Calaveras, Mariposa, Merced, San Joaquin and Tuolumne Counties				
Roofers (slate, tile and composition and built up)	\$ 11.29	.67		
Felt Machine Operator	11.44	.67		
El Dorado, Placer, Sutter and Yuba Counties				
Roofers	11.89	.93	.40	.06
Fraano County Roofers	11.95	.60	.80	
Marin, Napa, Solano and Sonoma Counties				
Roofers	10.13	.85	1.20	1.63
Mastic Workers; Kettlemen (2 kettles w/o pumps)	10.38	.85	1.20	1.63
Bitumastic; Enamelers; Pipe- wrappers; Coal tar pitch	11.13	.85	1.20	1.63
Del Norte and Humboldt Counties				
Roofers	10.32	.40	.75	.35
Monterey and Santa Cruz Counties				
Roofers	10.40	1.40	1.15	
San Francisco and San Mateo Cos.				
Roofers	11.58	.60	1.20	1.15
Mastic Workers and Kettlemen (2 kettles w/o pumps)	11.83	.60	1.20	1.15
Bitumastic; Enamelers; Pipe- wrappers; Coal tar	12.58	.60	1.20	1.15
Anador, Sacramento and Yolo Counties				
Roofers	11.15	1.04	1.10	1.00
Enamelers and Pitch	12.65	1.04	1.10	1.00
San Benito and Santa Clara Cos. Roofers; Kettlemen (1 kettle)	11.10	.85	1.29	
SHEET METAL WORKERS:				
Alameda, Contra Costa, Napa and Solano Counties				
Alpine, Calaveras and San Joaquin Counties	11.94	.73	2.11	1.28
Anador, El Dorado, Nevada, Placer, Sacramento, Sutter, Tehama, Yolo and Yuba Cos.	11.77	.66	1.40	
	11.68	.73	1.65	

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 11.14	.70	\$ 1.10		.06
11.15	38+.66	1.845	1.115	.10
13.54	.73	1.84		.12
12.50	.66	1.74		.14
	.73	1.22		.14
11.98	.73	1.22		.14
9.29				
10.73	.84	1.30	1.00	.10
10.05	.70	.20		
11.30	.60	1.00	b	.10
16.26	.65	1.45		.09
15.07	.65	.95		.08
13.30	1.25	2.29		.165
11.64	.61	1.12		.05
11.42	1.50	1.10	1.00	

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Basic Hourly Rates	H & W	Fringe Benefits Payments		Education and/or Appr. Tr.
		Pensions	Vacation	
\$ 12.00	.98	\$ 1.20	\$ 1.40	.095
9.17	1.00	.70	2.00	
10.80	1.00	.50		
13.41	1.09	1.18		
9.27	.69	.51	108	
7.78	.80	1.20		

TILE SETTERS:
 Alameda, Contra Costa, Del Norte, El Dorado, Humboldt, Marin, Napa, Nevada, Placer, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Solano, Sonoma, Sutter, Tehama, Yolo and Yuba Cos.
 Alpine, Amador, Calaveras, San Joaquin and Tuolumne Counties
 Fresno, Mariposa and Merced Counties
 Monterey and Santa Cruz Counties

TILE SETTERS' HELPERS:
 Alameda, Contra Costa, Del Norte, Humboldt, Marin, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Sonoma and Solano Counties
 Alpine, Amador, Calaveras, El Dorado, Nevada, Placer, Sacramento, San Joaquin, Sutter, Tehama, Yolo and Yuba Counties

PAID HOLIDAYS:
 A-New Year's Day; B-Memorial Day; C-Independence Day; D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:
 a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.
 b. Employer contributes \$.90 per hour for the first five years of employment; After five years \$1.05 per hour to Vacation and Holidays Benefits.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$ 10.04	\$ 1.35	\$1.25		.25
9.36	1.35	1.71	1.00	.07
8.40	1.30	1.68	1.65	.05
9.22	1.22	1.71	.75	.07
11.13	1.30	3x1.65		.069
9.24	1.24	2.22	1.46	.06
7.02	1.24	1.70	1.10	.10
9.09	1.09	1.26		.025
9.85	1.10	1.50		.06
8.08	.745	1.05		.12
10.48	.83	1.55		.12
8.75	1.17	1.10	-.60	.04
9.60	.98	1.20	1.40	.095

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LABORERS

LABORERS	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Group 1	\$ 8.775	\$ 1.25	\$ 1.70	\$ 1.10	.10
Group 1(a)	9.00	1.25	1.70	1.10	.10
Group 1(b)	9.275	1.25	1.70	1.10	.10
Group 1(c)	8.825	1.25	1.70	1.10	.10
Group 1(d)	8.775	1.25	1.70	1.10	.10
Group 1(e)	9.325	1.25	1.70	1.10	.10
Group 1(f)	9.36	1.25	1.70	1.10	.10
Group 1(f)1	8.375	1.25	1.70	1.10	.10
Group 2	8.975	1.25	1.70	1.10	.10
Group 2	8.625	1.25	1.70	1.10	.10
Group 3	8.525	1.25	1.70	1.10	.10
LABORERS (Gunnite)					
Group 1	9.235	1.25	1.70	1.10	.10
Group 2	8.645	1.25	1.70	1.10	.10
Group 3:	8.525	1.25	1.70	1.10	.10

Group 1: Asphalt Ironers and Rakets; Barko, wacker and similar type tamers; Buggybills; Chainsaw, faller, logloader and bucket; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber-and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters; Headerboardman, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-kold, cresote, lime, caustic and similar type materials; Lagging, sheeting, whaling, bracking, trench-jacking, hand-guided lagging hammer; Magnesite, Epoxyseshin, fiberglass, and mastic workers (wet or dry); Pavement Breakers and spaders, including tool grinder; Pipelayers, Caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tamers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-aligner, including placing of sacked concrete and/or sand (wet or dry); Rotary scarifier, multiple head concrete chopper; Davis trencher - 300 or similar type (and all small trenchers); Roto and Ditch Witch; Moto-tiller; Sandblasters; Potman, Gunman, Mozzelman; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Vibri-pak-it machine; High pressure blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser Beam in connection with laborers' work

Group 1(a): Joy Drill Model TMM-2A; Gardener-Denver Model DH143 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High Sealers (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair Trackman and rod beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on General construction work on or in ball hole footings and shaft

NOTICES

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LABORERS (Cont'd)

Group 1(f): Wire winding machine in connection with guniting or shotcrete - Aligner

Group 1(f)1: Wire winding machine in connection with guniting or shotcrete - Aligner helper

Group 1(g): Contra Costa County Only: Pipelayers, Caulkers, Banders, Pipewrappers, Conduit layers and plastic pipelayers; Pressure pipe tester, no joint pipe and stripping of same, including repair of voids, Precast manhole setters, cast in place, Manhole form setters

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Bucker Dumper and Chuteman; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzelman, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chippert, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; Fire Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Fillers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS (Gunnite)

Group 1: Nozzelman (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

NOTICES

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POWER EQUIPMENT OPERATORS

	Basic Hourly Rates	AREA 2	H & W	Fringe Benefits Payments		
				Pensions	Vacation	Education and/or Appr. Tr.
Group 1:	\$ 9.13	\$10.64	\$ 1.58	\$ 2.25	\$1.00	.29
Group 2:	9.50	11.01	1.58	2.25	1.00	.29
Group 3:	9.73	11.24	1.58	2.25	1.00	.29
Group 4:	10.32	11.83	1.58	2.25	1.00	.29
Group 5:	10.55	12.06	1.58	2.25	1.00	.29
Group 6:	10.71	12.22	1.58	2.25	1.00	.29
Group 7:	10.87	12.38	1.58	2.25	1.00	.29
Group 8:	11.31	12.82	1.58	2.25	1.00	.29
Group 9:	11.54	13.05	1.58	2.25	1.00	.29
Group 10:	11.76	13.27	1.58	2.25	1.00	.29
Group 10-A:	11.88	13.39	1.58	2.25	1.00	.29
Group 11:	12.06	13.57	1.58	2.25	1.00	.29
Group 11-A:	13.22	14.73	1.58	2.25	1.00	.29
Group 11-B:	13.52	15.03	1.58	2.25	1.00	.29
Group 11-C:	13.84	15.35	1.58	2.25	1.00	.29

*Includes \$.28 per hour to Pensioned Health and Welfare Fund.

POWER EQUIPMENT OPERATORS (AREAS I and II)

Group 1: Assistant to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partsman (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (signalman); Motor-man; Locomotive; Oiler; Ross Carrier (construction job site); Rotomist Operator; Screedman (except asphalt concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oiler; Rodman, Chainman

Group 4: Ballast Jack Tamper; Ballast Regulator; Ballast Tamper Multi-purpose; Boxman (asphalt plant); Elevator Operator (inside); Fork Lift or Lumber Stacker (construction job site); Line Master; Lubrication and Service Engineer (mobile and grease rack); Material Hoist (1 drum); Shuttle-car; Tie Spacer; Towermobile

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS 1 and 2) (Cont'd)

Group 5: Compressor Operator (over 2); Concrete Mixers (over 2 yard); Concrete Pump or Pumpcrete guns; Generators; Grouting Machine; Press-weld (air operated); Pumps (over 2); Welding Machines (powered other than by electricity)

Group 6: BLH Lima Road Pastor or similar; Boom truck or dual purpose A-frame truck; Concrete batch plants (wet or dry); Concrete saws (self-propelled unit) on streets, highways, airports and canals; Drilling and boring machinery, vertical and horizontal (not to apply to waterliners, wagon drills or jackhammers); Grader, Grade checker (mechanical or other-wise); Highline cableway Signal-man; Locomotives (steam or over 30 tons); Maginnis International Full Slab Vibrator (on airports, highways, canals and warehouses); Mechanical finishers (concrete); (Clary, Johnson, Bidwell Bridge Deck or similar types); Mechanical Burn, Curb and/or Curb and gutter machine, concrete or asphalt; Portable crusher; Post driver (M-1500 and similar); Power jumbo operator (setting slip forms, etc. in tunnels); Roller; Screedman (Barber-Greene and similar) (asphaltic concrete paving); Self-propelled compactor (single engine); Self-propelled Pipeline wrapping machine; Percut, CRC, or similar types; Slip forms pumps (lifting device for concrete forms); Small rubber tired tractor; Surface heater

Group 7: Concrete conveyor or concrete pump, truck or equipment mounted (boom length to apply); Concrete conveyor, building site; Deck engineers; Dual drum mixer; Fuller Kenyon pump and similar types; Gantry rider (or similar); Hydras-hammer (or similar); Material hoist (2 or more drums); Mechanical finishers or spreader machine (asphalt, Barber-Greene and similar); Mine or Shaft Hoist; Mixer/mobiler; Pavement breaker with or without compressor combination; Pavement breaker, truck mounted with compressor combination; Pipe bending machine (pipe-lines only); Pipe cleaning machine (tractor propelled and supported); Pipe wrapping machine (tractor propelled and supported); Refrigeration plant; Roller operator (finish asphalt); Self-propelled boom type lifting device (center mount) (10 tons or less M.R.C.); Self-propelled elevating grade plane; Blusher operator; Small tractor (with boom); Soil tester; Truck type loader; Instrumentman

Group 8: Armor-Conter (or similar); Asphalt plant engine; Cast-in-place pipe laying machine; Combination slusher and motor operator; Concrete batch plant (multiple units); Dozer; Heading shield operator; Heavy duty repairman and/or welder; Ken seal machine (or similar); Kolman loader; Loader (up to 2 yds.); Mechanical trench shield; Portable crushing and screening plants; Push cat; Rubber tired earth moving equipment (up to and including 45 cu. yds. "struck" M.R.C.); Euclids, T-Pulls, DW-10, 20, 21 and similar; Rubber tired dozer; Self-propelled compactor with dozer; Sheepfoot; Timber skidder (rubber tired or similar equipment); Tractor drawn scraper; Tractor trenching machine; Tri-batch paver; Tunnel mole boring machine; Welder; Woode-mixer (and other similar pugmill equipment)

Group 9: Canal finger drain digger; Chicago boom; Combination mixer and compressor (gunite); Combination slurry mixer and/or cleaner; Highline cable-way (5 tons and under); Lull Hi-lift or similar (20 ft. or over); Mucking machine (rubber tire, roll or track type); Tractor (with boom) (d-6 or larger and similar)

POWER EQUIPMENT OPERATORS (Cont'd)
(AREAS 1 and 2) (Cont'd)

Group 10: Boom-type backfilling machine; Bridge crane; Carry-lift or similar; Chemical grouting machine, truck mounted; Combination backhoe and loader (up to and including 1/2 cu. yd. M.R.C.); Derrick (2 operators required when swing engine remote from hoist); Derrick barges (except excavation work); Do-more Loader; Adams elgrader; Elevating grader; Heavy duty rotary drill rig (in-cluding caisson foundation work and Euclid loader and similar type; Robbins type drills); Koehring skoooper (or similar); Lift slab machine; (Vagborg and similar types); Loader (2 yds. up to and including 4 yds.); Locomotive 100 tons (single or multiple units); Multiple engine earthmoving machine (Euclid, dozer, etc.) (no tandem scraper); Pre-stress wire wrapping machine; Reservoir-debris tug (self-propelled floating); Rubber-tired scraper, self-loading (paddle wheels, etc.); Shuttle car (reclaim station); Single engine scraper over 45 yds. soil stabilizer (P & H or equal); Sub-grader (gurtiea or other automatic type); Tractor, compressor drill combination; Track laying type earth moving machine (single engine with tandem scrapers); Train loading station; Trenching machine, multi-engine with sloping attachment, Jefco or similar; Vacuum cooling plant; Whirley crane (up to and including 25 tons); Chief of party

Group 10-A: Backhoe (hydraulic) (up to and including 1 cu. yd. M.R.C.); Backhoe (cable) (up to and including 1 cu. yd. M.R.C.); Combination Backhoe and loader over 3/4 cu. yd. M.R.C.; Continuous flight tie back auger (up to and including 1 cu. yd.) (crane attached); Cranes (not over 25 tons, Namerhead and Gantry); Grade-alls (up to and including 1 cu. yd.); Power shovels, clamshells, draglines, (up to and including 1 cu. yd. M.R.C.); Power shovels, clamshells, draglines, (up to and including 1 cu. yd. M.R.C.); Power blade (single engine); Self-propelled boom-type lifting device (centermount) (over 10 tons); Rubber-tired scraper, self-loading (paddle wheel twin engine); CH dual lane Auto grader SP30 or similar

Group 11: Automatic concrete slip form paver; Automatic railroad car dumper; Canal trimmer; Canal trimmer w/ditching attachments; Cranes (over 25 tons up to and including 125 tons); Continuous flight tie back auger over 1 cu. yd. (including crane); Drott travelift 650-A-1 or similar (45 tons or over); Euclid loader when controlled from the pulicat; Highline cableway (over 5 tons); Loader (over 4 yds. up to and including 12 cu. yds.); Miller formless M900 sloper paver or similar; Power blade (multi-engine); Power shovels, clamshells, draglines, backhoes, grade-alls (over 1 yd. and up to and including 7 cu. yds. M.R.C.); Rubber-tired earth moving machines (multiple propulsion power units and two or more scrapers) (up to and including 75 cu. yds. "struck" M.R.C.); Self-propelled compactor (with multiple propulsion power units); Single engine rubber-tired earthmoving machines (with tandem scrapers); Slip form paver (concrete or asphalt); Tandem cats; Tower cranes mobile including rail mounted; Trencher (pulling attached shield); Universal Liebherr and Tower cranes (and similar types); Wheel excavator (up to and including 750 cu. yd. per hour); Whirley Crane (over 25 tons)

Group 11-A: Band wagons (in conjunction with wheel excavator); Cranes (over 125 tons); Loader (over 12 cu. yds. up to and including 18 cu. yds.); Power shovels and draglines (over 7 cu. yds. M.R.C.); Rubber tired multi-purpose earth moving machines (2 units over 75 cu. yds. "struck" M.R.C.); Wheel excavator (over 750 cu. yds. per hour)

Group 11-B: Loader (over 18 cu. yds.)

Group 11-C: Operator of Helicopter (when used in erection work); Remote controlled Earthmoving equipment

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TRUCK DRIVERS	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/wo auger, under 4 yds. water level); Bus or Haulhaul driver; Concrete pump machine; Concrete pump truck (when flat rack truck is used appropriate flat rack rate shall apply); Dump (under 4 yds. water level); Dumpcrete truck (under 4 yds. water level); Dumpster (under 4 yds. water level); Escort or pilot car driver; Nipper truck (when flat rack truck is used appropriate flat rack rate shall apply); Pickups; Skids (debris box, under 4 yds. water level); Team drivers; Trucks (dry pre-batch concrete mix, under 4 yds. water level); Helper; Warehousemen	\$ 10.725	\$ 1.395	.75	\$1.00	
TRANSFER Oiler and/or Greaser and/or Service man	10.80	1.395	.75	1.00	
BULK CEMENT SPREADER (w/wo auger, 4 yds. and under 6 yds. water level); Dump (4 yds. and under 6 yds. water level); Dumpcrete (4 yds. and under 6 yds. water level); Dumpster (4 yds. and under 6 yds. water level); Skids (debris box 4 yds. and under 6 yds. water level); Single unit flat rack (2 axle unit); Industrial Lift Truck (mechanical tailgate) Trucks (dry pre-batch concrete mix, 4 yds. and under 6 yds. water level)	10.82	1.395	.75	1.00	
JETTING TRUCK and WATER TRUCK (under 2,500 gallons)	10.835	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
ROAD OIL TRUCK OR BOOT Man	\$ 10.845	\$ 1.395	.75	\$1.00	
LIFT JITNEYS, Fork Lift	10.855	1.395	.75	1.00	
TRANSIT MIX, AGITATOR (under 6 yds.)	10.875	1.395	.75	1.00	
FUEL AND/OR GREASE TRUCK Driver or Fuelman	10.89	1.395	.75	1.00	
TRUCK REPAIRMAN HELPER	10.895	1.395	.75	1.00	
VACUUM TRUCK under (3,500 gallons)	10.905	1.395	.75	1.00	
SCISSOR TRUCK: Single unit flat rack (3 axle unit); Industrial Lift Truck (mechanical tailgate); Small rubber tired tractor (when used within teamsters' jurisdiction)	10.92	1.395	.75	1.00	
JETTING TRUCK & WATER TRUCK (2,500 gals. under 4,000 gals.)	10.935	1.395	.75	1.00	
COMBINATION WINCH TRUCK WITH HOIST; Transit, Mix Agitator (6 yds. and under 8 yds.)	10.975	1.395	.75	1.00	
VACUUM TRUCK (3,500 gals. and under 5,500 gals.)	10.985	1.395	.75	1.00	
RUBBER-TIRED MUCK CAR (not self-loaded)	10.995	1.395	.75	1.00	

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
<u>TRUCK DRIVERS, (cont'd.)</u>				
BULK CEMENT SPREADER (W/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 8 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	\$ 11.02	\$ 1.395	.75	\$ 1.00
A-FRAME, WINCH TRUCKS; Buggymobile; Jetting and water truck (4,000 gals. and under 5,000 gals.); Rubber tired Jumbo	11.035	1.395	.75	1.00
HEAVY DUTY TRANSPORT (high bed)	11.04	1.395	.75	1.00
CROSS HYSTER AND SIMILAR STRADDLE CARRIER	11.065	1.395	.75	1.00
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	11.075	1.395	.75	1.00
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	11.085	1.395	.75	1.00
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	11.135	1.395	.75	1.00
COMBINATION BOOTMAN and ROAD OILER	11.165	1.395	.75	1.00
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	11.175	1.395	.75	1.00

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TRUCK DRIVERS (Cont'd.)				
BULK CEMENT SPREADER (w/wo Auger, 8 yds. and including 12 yds. water level); Dump (8 yds. and including 12 yds. water level); Dumpcrete (8 yds. and including 12 yds. water level); Self-propelled street sweeper with self-contained refuse bin; Skids (debris box, 8 yds. and including 12 yds. water level); Snow go and/or snow plow; Truck (dry pre-batch concrete mix, 8 yds. and including 12 yds. water level); Dumpster (8 yds. and including 12 yds. water level)	\$ 11.26	\$ 1.395 .75	\$1.00	
HEAVY DUTY TRANSPORT (Gooseneck loaded)	11.27	1.395 .75	1.00	
TRANSMIX MIX AGITATOR (over 12 yds. through 14 yds.)	11.275	1.395 .75	1.00	
AMMONIA NITRATE DISTRIBUTOR DRIVER and Mixer; Bulk Cement Spreader (w/wo auger, over 12 yds. and including 18 yds. water level); Dump (over 12 yds. and including 18 yds. water level); Dumpcrete (over 12 yds. and including 18 yds. water level); Dumpster (over 12 yds. and including 18 yds. water level); Trucks (dry pre-batch concrete mix, over 12 yds. and including 18 yds. water level)	11.30	1.395 .75	1.00	
DOUBLE GOOSENECK (7 or more axles); Heavy duty transport tiller man	11.32	1.395 .75	1.00	
P.B. OR SIMILAR TYPE SELF-LOADING TRUCK	11.36	1.395 .75	1.00	
TRANSMIX MIX AGITATOR (over 14 yds. through 16 yds.)	11.375	1.395 .75	1.00	

TRUCK DRIVERS (Cont'd.)		Fringe Benefits Payments			
Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.	
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and in-cluding 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and in-cluding 24 yds. water level); Dumpster (over 18 yds. and in-cluding 24 yds. water level); Skid (debris box, over 17 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	\$ 11.405	\$ 1.395	.75	\$ 1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneapullis, Tournarocker, Euclid and similar type equip-ment when pulling fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	11.46	1.395	.75	1.00	
TRUCK REPAIRMAN	11.395	1.395	.75	1.00	

Fringe Benefits Payments	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Tr.
TRUCK DRIVERS (Cont'd)					
BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. water level); Dumpcrete (over 35 yds. and including 50 yds. water level); Dumpster (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	\$ 11.61	\$ 1.395	.75	\$1.00	
DW 10's, 20's, 21's and other similar cat type, Terra Cobra, Letourneau Pulla, Tournorocker, Euclid and similar type equipment when pulling Aqua/Pak or water tank trailers	11.71	1.395	.75	1.00	
BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	11.76	1.395	.75	1.00	

AREA DEFINITIONS for POWER EQUIPMENT OPERATORS

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vacation	
BULK CEMENT SPREADER (w/w/o auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	\$ 11.91	\$ 1.395	.75	\$1.00	
BULK CEMENT SPREADER (w/w/o auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix over 80 yds. and including 95 yds. water level)	12.06	1.395	.75	1.00	

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CALIFORNIA
AREA DEFINITIONS for POWER EQUIPMENT C

Thence Westerly to the N.W. corner of township 4N, range 14E,
Thence Northerly to the N.E. corner of township 5N, range 13E,
Thence Westerly to the N.E. corner of township 5N, range 13E,
Thence Northerly to the N.E. corner of township 10N, range 12E,
Thence Easterly to the S.E. corner of township 11N, range 14E,
Thence Northerly to the N.E. corner of township 11N, range 14E,
Thence Westerly to the N.E. corner of township 11N, range 10E,
Thence Northerly to the N.E. corner of township 15N, range 10E,
Thence Easterly to the S.E. corner of township 16N, range 11E,
Thence Northerly to the N.E. corner of township 16N, range 11E,
Thence Easterly to the S.E. corner of township 17N, range 14E,
Thence Southerly to the S.W. corner of township 14N, range 15E,
Thence Easterly to the S.E. corner of township 14N, range 15E,
Thence Southerly to the S.W. corner of township 13N, range 16E,
Thence Easterly to the S.E. corner of township 13N, range 16E,
Thence Southerly to the S.W. corner of township 12N, range 17E,
Thence Easterly along the Southern line of township 12N to the
Eastern boundary of the State of California,
Thence Northwesterly, thence Northerly along the Eastern boundary
of the State of California to the N.E. corner of township 17N,
range 19E,
Thence Westerly to the N.W. corner of township 17N, range 11E,
Thence Northerly to the N.E. corner of township 20N, range 10E,
Thence Westerly to the N.W. corner of township 20N, range 10E,
Thence Northerly to the N.E. corner of township 21N, range 9E,
Thence Westerly to the N.W. corner of township 21N, range 9E,
Thence Northerly to the N.E. corner of township 22N, range 8E,
Thence Westerly to the N.W. corner of township 27N, range 8E,
Thence Northerly to the S.W. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Easterly to the S.E. corner of township 27N, range 8E,
Thence Northerly to the N.E. corner of township 28N, range 8E,
Thence Westerly to the N.W. corner of township 28N, range 7E,
Thence Northerly to the N.E. corner of township 30N, range 1E,
Thence Westerly to the N.W. corner of township 30N, range 1E,
Thence Northerly along the Mt. Diablo meridian to the N.E.
corner of township 34N, range 14N,
Thence Westerly to the N.W. corner of township 34N, range 6W,
Thence Southerly to the N.E. corner of township 32N, range 7W,
Thence Westerly to the N.W. corner of township 32N, range 7W,
Thence Southerly to the S.W. corner of township 30N, range 7W,
Thence Easterly to the S.E. corner of township 30N, range 7W,
Thence Southerly to the S.W. corner of township 16N, range 6W,
Thence Easterly to the S.E. corner of township 16N, range 6W,
Thence Southerly to the S.W. corner of township 14N, range 5W,
Thence Westerly to the S.E. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 14N, range 7W,
Thence Westerly to the N.W. corner of township 14N, range 7W,
Thence Northerly to the N.E. corner of township 15N, range 8W,
Thence Westerly to the S.E. corner of township 16N, range 12N,
Thence Northerly to the N.E. corner of township 16N, range 12W.

CALIFORNIA
AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

STATE: California

*AREA 1: (Cont'd)

AREA 1 also includes that portion of Northern California included within the following line:
Commencing at the Northerly boundary of the State of California at the N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian; Thence Southerly to the S.W. corner of township 44N, range 7W, Thence Easterly to the S.E. corner of township 43N, range 6W, Thence Southerly to the S.W. corner of township 43N, range 5W, Thence Easterly to the S.E. corner of township 43N, range 5W, Thence Northerly to the N.E. corner of township 48N, range 5W, on the Northerly boundary of the State of California, Thence Westerly along the Northerly boundary of the State of California to the point of beginning.

*AREA 2: All areas not included within AREA 1 as defined.

COUNTIES: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, El Dorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo and Yuba

DECISION NUMBER: CA78-5101
Supersede Decision No. CA78-5002 dated February 24, 1978 in 43 FR 7881
DESCRIPTION OF WORK: Building Construction (does not include single family homes and garden type apartments up to and including 4 stories), heavy and highway construction and dredging.

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ASBESTOS WORKERS	\$ 13.00 13.625	.95 1.075	\$ 1.27 1.00	\$2.00 .75	.07 .02
BOILERMAKERS					
BRICKLAYERS; Stonemasons; Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma, and Trinity Counties	11.42 12.55 12.05	1.50 1.35 .95	1.10 1.25 1.00	1.00	.05 .25
Alameda and Contra Costa Cos. Mariposa and Merced Counties					
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo, and Yuba Counties	12.50 12.60 12.55	1.03 1.22 1.35	1.21 1.26 1.25		.25 .25
Monterey and Santa Cruz Cos. San Benito and Santa Clara Cos. Alpine, Amador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties	11.70 11.60	1.00 1.00	1.30 1.00	1.00	.07

NOTICES

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
ELECTRICIANS: (Cont'd)					
Lake Tahoe Area Electricians	\$ 14.33 15.66	.84 .84	34+1.07 34+1.07		.08 .08
Cable Splicers Butte, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama and Trinity Counties	12.62 13.88	1.12 1.12	34+9.05 34+9.05		.04 .04
Electricians Cable Splicers Tunnel: Electricians; Cable Splicers' Halpers	13.25 14.54	1.12 1.12	34+9.05 34+9.05		.04 .04
Cable Splicers Calaveras and San Joaquin Counties	13.80 15.53	.96 .96	34+1.49 34+1.49		.01 .01
Electricians; Technicians Cable Splicers Contra Costa County	15.20 16.70	.70 .70	34+1.00 34+1.00		.04 .04
Electricians Cable Splicers Del Norte and Humboldt Counties	11.25 12.15	.80 .80	34+1.85 34+1.85		.04 .04
Electricians Fresno, Kings, Madera and Tulare Counties	13.41 14.71	.80 .80	34+1.05 34+1.05		.05 .05
Cable Splicers Lake, Marin, Mendocino and Sonoma Counties	13.15 14.50	1.11 1.11	34+3.30 34+3.30		.02 .02
Electricians Cable Splicers Mariposa, Merced, Stanislaus and Tuolumne Counties	12.73 14.00	.94 .94	34+1.50 34+1.50		1/48 1/48
Electricians Cable Splicers Monterey County	12.50 13.81	1.15 1.15	34+3.00 34+3.00		.06 .06
Electricians Napa and Solano Counties	12.91 13.42	1.08 1.08	34+1.10 34+1.10		.04 .04

	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
BRICK TENDERS:					
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	\$ 9.30 10.00 10.80	\$1.00 .65 .80	\$ 1.70 .80 1.40		
San Francisco and San Mateo Counties	9.98 11.70	1.25 1.35	1.70 1.71	1.00	.07
Fresno, Kings, Madera and Tulare Counties	11.85 12.20	1.35 1.35	1.71 1.71	1.00 1.00	.07 .07
Calaveras and San Joaquin Counties	12.23 10.50	.84 1.30	1.26 1.43	.75 1.68	.04 .05
CARPENTERS: Hardwood Floor Layers, Power Saw Operators; Saw Filers; Shinglers; Steel Scaffold Erectors and/or Steel Shoring Erectors	10.75 11.52	1.30 1.22	1.43 1.71	1.68 .75	.05 .07
Millwrights Piledriversmen, bridge, wharf and dock builders	13.91 15.52	1.30 1.30	34+1.65 34+1.65		.069 .069
CEMENT MASONS: Cement Masons					
Mastic; Magnesiter; All Composition Masons	14.89 16.38	.95 .95	34+8.85 34+8.85		.045 .045
Men working from swinging or slip form scaffolds	15.02 17.52	.95 .95	34+8.85 34+8.85		.045 .045
DRYWALL INSTALLERS:					
ELECTRICIANS:					
Alameda County Electricians					
Cable Splicers Amador, Colusa, Sacramento, Sutter, Yolo, Yuba and those portions of Alpine, El Dorado, Nevada, Placer and Sierra Counties West of the Sierra Mountain Watershed					
Electricians Cable Splicers Tunnels: Electricians Cable Splicers					

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PAINTERS: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)	\$ 12.31 12.56 12.86	1.10 1.10 1.10	\$ 1.50 1.50 1.50	.80 .80 .80	.06 .06 .06
Lake Tahoe Area	10.95	.70	.75		
Brush	11.20	.70	.75		
Spray; Structural Steel; Tapers	12.18 12.68 12.98	1.10 1.10 1.10	1.50 1.50 1.50	.80 .80 .80	.06 .06 .06
Lake, Marin, Mendocino, San Francisco and Sonoma Cos.					
Brush	8.75	.60	.40		
Spray	9.25	.60	.40		
Tapers	10.95	.70	.75		
Brush	11.20	.70	.75		
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano, and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)	12.31 12.81 13.11	1.10 1.10 1.10	1.50 1.50 1.50	.80 .80 .80	.06 .06 .06

PAINTERS: (Cont'd)
Monterey, San Benito, San Mateo, Santa Clara and Santa Cruz Counties (excluding portions of Counties in the Lake Tahoe Area)
Brush
Spray
Tapers
Lake Tahoe Area
Brush
Spray; Structural Steel; Tapers
Lake, Marin, Mendocino, San Francisco and Sonoma Cos.
Brush
Spray
Tapers
Butte, Colusa, Glenn, Lassen, (excluding the extreme SE Corner), Modoc, Plumas, Shasta, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties
Brush; Pot Tenders; Rollers
Spray; Sandblaster; Structural Steel; Swing Stages; Tapers
Lassen County (that portion that lies Eastward of Hwy. #95, Northward to and including Honey Lake)
Brush
Spray; Structural Steel; Tapers
Alameda, Contra Costa, El Dorado, Napa, Nevada, Placer, Sacramento, Sierra, Solano, and Yolo Counties (excluding portions of Counties in the Lake Tahoe Area)
Brush
Spray
Tapers

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PAINTERS: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Del Norte and Humboldt Counties	\$ 7.55	.60	.20	.80	
Brush	7.80	.60	.20	.80	
Spray; Sandblasters; Structural Steel; Swing Stages; Tapers; Paperhangers	9.37	.55	.40	b	
Parking Lot Striping Work and/or Highway Markers	8.98	.55	.40	b	
Fresno, Kings and Tulare Counties	7.08	.55	.40	b	
Traffic Delineating Device applicator	7.08	.55	.40	b	
Wheel Stop Installer; Traffic Surface Sandblaster; Stripper	8.98	.55	.40	b	
Helper (wheel stop installer, traffic surface sandblaster, stripper)	7.98	.55	.40	b	
Slurry Seal Operator; Mixer Operator	7.08	.55	.40	b	
Squeegee Man	6.90	.55	.40	b	
Applicator Operator	6.08	.55	.40	b	
Shuttleman					
Top Man					
Remaining Counties					
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster	9.37	.55	.40	b	
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)	7.97	.55	.40	b	
Stripper	10.47	.55	.40	b	
Slurry Seal Operator; Helper (stripper)	8.47	.55	.40	b	
Mixer Operator	9.37	.55	.40	b	
Squeegee man	8.87	.55	.40	b	
Applicator Operator	7.97	.55	.40	b	
Shuttleman	6.90	.55	.40	b	
Top Man	6.47	.55	.40	b	
PLASTERERS:					
Alameda and Contra Costa Counties	10.10	.745	1.05		.03
San Mateo County	7.72	.48	.90	1.50	.025

PAINTERS: (Cont'd)
Del Norte and Humboldt Counties
Brush
Spray; Sandblasters; Structural Steel; Swing Stages; Tapers; Paperhangers
Parking Lot Striping Work and/or Highway Markers
Fresno, Kings and Tulare Counties
Traffic Delineating Device applicator
Wheel Stop Installer; Traffic Surface Sandblaster; Stripper
Helper (wheel stop installer, traffic surface sandblaster, stripper)
Slurry Seal Operator; Mixer Operator
Squeegee Man
Applicator Operator
Shuttleman
Top Man
Remaining Counties
Traffic Delineating Device Applicator; Wheel Stop Installer; Traffic Surface Sandblaster
Helper (traffic delineating device applicator, wheel stop installer, traffic surface sandblaster)
Stripper
Slurry Seal Operator; Helper (stripper)
Mixer Operator
Squeegee man
Applicator Operator
Shuttleman
Top Man
PLASTERERS:
Alameda and Contra Costa Counties
San Mateo County

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PAINTERS: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Butte, Colusa, Glenn, Lassen (Southeastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties	\$ 9.79 12.31	.56 1.00	\$ 1.00 .35		.01
Monterey County	9.24	.90	1.50	1.11	
Fresno, Kings, Madera and Tulare Counties	11.59 12.33	.71 1.00	1.50 2.25		.01 .03
Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (SE), Nevada, Placer, Plumas, Sacramento, San Joaquin, Sierra, Sutter, Yolo and Yuba Counties	10.65 9.05	.98 .90	.80 1.55	1.25 1.20	.01
PLASTERERS' TENDERS:					
Alameda and Contra Costa Counties	8.87	.60	1.10		
Fresno, Kings and Madera Counties	9.80	.80	1.40		
San Francisco and San Mateo Counties	9.80	.80	1.20	1.25	
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties	7.455	.455	1.40	.80	
Calaveras and San Joaquin Counties	9.91 8.32 10.40	1.25 .80 1.25	1.70 1.40 1.70	1.00 .90	
Marin County	11.80	.70	1.40	1.10	
Monterey County	10.25	1.25	1.70	1.10	
San Benito, Santa Clara and Santa Cruz Counties	11.40	1.25	2.29		
Napa County	14.40	1.25	2.29		
PLUMBERS:					
Alameda County	13.84	1.32	1.81		.14
Contra Costa County	10.99	.58	.60	1.95	.10
PLUMBERS; Steamfitters:					
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)	11.75	1.905	1.50	1.17	.15
Lake Tahoe Area					
Marin, Mendocino, San Francisco and Sonoma Counties					

PAINTERS: (Cont'd)
Butte, Colusa, Glenn, Lassen (Southeastern half of Lassen County), Plumas, Sierra, Sutter, and Yuba Counties
Monterey County
Fresno, Kings, Madera and Tulare Counties
Alpine, Amador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (SE), Nevada, Placer, Plumas, Sacramento, San Joaquin, Sierra, Sutter, Yolo and Yuba Counties
PLASTERERS' TENDERS:
Alameda and Contra Costa Counties
Fresno, Kings and Madera Counties
San Francisco and San Mateo Counties
Alpine, Amador, El Dorado, Nevada, Placer, Sacramento, Sierra and Yolo Counties
Calaveras and San Joaquin Counties
Marin County
Monterey County
San Benito, Santa Clara and Santa Cruz Counties
Napa County
PLUMBERS:
Alameda County
Contra Costa County
PLUMBERS; Steamfitters:
Amador (Northern half of County), Sacramento, Yolo, El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)
Lake Tahoe Area
Marin, Mendocino, San Francisco and Sonoma Counties

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PLUMBERS; Steamfitters: (Cont'd)	Fringe Benefits Payments				Education and/or Appr. Tr.
	Basic Hourly Rates	H & W	Pensions	Vacation	
Alpine, Amador (Southern Portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties	\$ 13.60 14.44 12.29 15.15 14.41	\$ 1.44 1.25 .86 1.08 1.14	\$ 2.00 2.29 1.22 1.77 2.30		.10 .22 .05 .14 .25
Lake, Napa and Solano Counties	10.94	1.17	1.10	.60	.04
Del Norte and Humboldt Counties	11.19	1.17	1.10	.60	.04
San Benito and Santa Clara Cos.	11.94	1.17	1.10	.60	.04
San Mateo County					
ROOFERS:					
Alameda and Contra Costa Cos.	10.94	1.17	1.10	.60	.04
Roofers	11.19	1.17	1.10	.60	.04
Mastic Workers; Kettlemen (2 kettles w/o pumps)	11.94	1.17	1.10	.60	.04
Bitumastic; Enamelers; Pipe-wrappers; Coal Tar built up					
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties	12.15 12.30	1.04 1.04	1.00 1.00		
Roofers (slate, tile composition and built up)					
Felt Machine Operator					
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties	11.89	.93	.40		.06
Roofers					
Fresno, Kings, Madera and Tulare Counties	11.65	.60	.90		
Roofers					
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties	10.98	1.10	1.20	1.63	.09
Roofers	11.23	1.10	1.20	1.63	.09
Mastic Workers; Kettlemen (2 kettles w/o pumps)	11.98	1.10	1.20	1.63	.09
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch					

PLUMBERS; Steamfitters: (Cont'd)
Alpine, Amador (Southern Portion of County), Butte, Calaveras, Colusa, Fresno, Glenn, Kings, Lassen, Madera, Mariposa, Merced, Modoc, Monterey, Plumas, San Joaquin, Santa Cruz, Shasta, Sierra, Siskiyou, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne and Yuba Counties
Lake, Napa and Solano Counties
Del Norte and Humboldt Counties
San Benito and Santa Clara Cos.
San Mateo County
ROOFERS:
Alameda and Contra Costa Cos.
Roofers
Mastic Workers; Kettlemen (2 kettles w/o pumps)
Bitumastic; Enamelers; Pipe-wrappers; Coal Tar built up
Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus and Tuolumne Counties
Roofers (slate, tile composition and built up)
Felt Machine Operator
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Placer, Plumas, Shasta, Sierra, Siskiyou, Sutter, Tehama, Trinity and Yuba Counties
Roofers
Fresno, Kings, Madera and Tulare Counties
Roofers
Lake, Marin, Mendocino, Napa, Solano and Sonoma Counties
Roofers
Mastic Workers; Kettlemen (2 kettles w/o pumps)
Bitumastic; Enamelers; Pipe-wrappers; Coal tar pitch

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Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
ROOFERS, (Cont'd)				
Del Norte and Humboldt Counties				
Roofers				
Monterey and Santa Cruz Counties				
Roofers				
San Francisco and San Mateo Counties				
Roofers				
Mastic Workers and Kettlemen (2 kettles) without pumps				
Bitumastic; Enamelers; Pipewrappers; Coal tar				
Anador, Sacramento and Yolo Counties				
Roofers (slate, tile and Composition)				
Enameler and Pitch				
San Benito and Santa Clara Counties				
Roofers; Kettle (1 kettle)				
SHEET METAL WORKERS:				
Alameda, Contra Costa, Napa and Solano Counties				
Alpine, Calaveras and San Joaquin Counties				
Anador, Butte, Colusa, El Dorado, Glenn, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties				
Mariposa, Merced, Stanislaus and Tuolumne Counties				
Monterey, San Benito, Santa Clara and Santa Cruz Counties				
Del Norte, Humboldt, Lake, Marin, Mendocino, San Francisco, Sonoma and Trinity Counties				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
SHEET METAL WORKERS: (Cont'd)				
Modoc and Siskiyou Counties				
Fresno, Kings, Madera and Tulare Counties				
SOFT FLOOR LAYERS:				
Alpine, Anador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen (excluding Honey Lake Area), Merced (east of San Joaquin River), Plumas, San Joaquin, Shasta, Sacramento, Stanislaus, Sutter, Tehama, Trinity, Tuolumne, Yolo and Yuba Counties and those portions of El Dorado, Nevada, Placer and Sierra Counties (excluding Lake Tahoe Area)				
Honey Lake Area and Lake Tahoe Area				
Alameda, Contra Costa, Lake, Marin, Mendocino, Merced, Monterey, Napa, San Benito, San Francisco, Santa Cruz, Santa Clara, Santa Cruz, Solano and Sonoma Counties				
SPRINKLER FITTERS:				
Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma Counties				
Remaining Counties				
STEAMFITTERS:				
Alameda and Contra Costa Cos.				
Del Norte and Humboldt Cos.				
TERRAZZO WORKERS:				
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Napa, San Francisco, San Mateo, Siskiyou, Solano, Sonoma and Trinity Cos.				
Butte, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Sutter, Tehama, Yolo and Yuba Counties				

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
TILE SETTERS:				
Alameda, Butte, Colusa, Contra Costa, Del Norte, El Dorado, Glenn, Humboldt, Lake, Lassen, Marin, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Mateo, Santa Clara, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo & Yuba Cos.				
Alpine, Anador, Calaveras, San Joaquin, Stanislaus and Tuolumne Counties				
Fresno, Kings, Madera, Mariposa, Merced and Tulare Counties				
Monterey and Santa Cruz Cos.				
TILE SETTERS' HELPERS:				
Alameda, Contra Costa, Del Norte, Humboldt, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Francisco, San Mateo, Santa Clara, Santa Cruz, Siskiyou, Sonoma, Solano and Trinity Counties				
Alpine, Anador, Butte, Calaveras, Colusa, El Dorado, Glenn, Lassen, Modoc, Nevada, Placer, Plumas, Sacramento, San Joaquin, Shasta, Sierra, Stanislaus, Sutter, Tehama, Yolo and Yuba Counties				

PAID HOLIDAYS:
A-New Year's Day; B-Memorial Day; C-Independence Day;
D-Labor Day; E-Thanksgiving Day; F-Christmas Day.

FOOTNOTES:

a. Employer contributes 8% of basic hourly rate for over 5 years' service and 6% of basic hourly rate for 6 months to 5 years as Vacation Pay Credit. Six Paid Holidays: A through F.

b. Employer contributes \$.23 per hour to Holiday Fund plus \$.14 per hour to Vacation Fund for the first year of employment; 1 year but less than 5 years \$.34 per hour to Vacation Fund; 5 years but less than 10 years \$.44 per hour to Vacation Fund; over 10 years \$.54 per hour to Vacation Fund.

c. Employer contributes \$.90 per hour for the first five years of employment; After five years \$.1.05 per hour to Vacation and Holiday Benefits.

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
LABORERS				
Group 1	\$ 8.775	\$ 1.25	\$ 1.70	.10
Group 1(a)	9.00	1.25	1.70	.10
Group 1(b)	9.275	1.25	1.70	.10
Group 1(c)	8.825	1.25	1.70	.10
Group 1(d)	8.775	1.25	1.70	.10
Group 1(e)	9.325	1.25	1.70	.10
Group 1(f)	9.36	1.25	1.70	.10
Group 1(f)1	8.375	1.25	1.70	.10
Group 1(g)	8.975	1.25	1.70	.10
Group 2	8.625	1.25	1.70	.10
Group 3	8.525	1.25	1.70	.10
LABORERS (Gunnite)				
Group 1	9.235	1.25	1.70	.10
Group 2	8.645	1.25	1.70	.10
Group 3	8.525	1.25	1.70	.10
LABORERS (Tunnel and Shaft Work)				
Group 1	10.345	1.25	1.70	.10
Group 2	10.035	1.25	1.70	.10
Group 3	9.855	1.25	1.70	.10
Group 4	9.735	1.25	1.70	.10
LABORERS (Wrecking Work)				
Group 1	8.775	1.25	1.70	.10
Group 2	8.625	1.25	1.70	.10
Group 3	8.525	1.25	1.70	.10

LABORERS

Group 1: Asphalt Ironers and Rakers; Barko, Wacker and similar type tamers; Buggymobile; Chainsaw, faller, logloader and buckler; Compactors of all types; Concrete and magnesite mixer 1/2 yard and under; Concrete pan work; Concrete saw; Concrete sander; Cribber and/or shoring; Cut granite curb setter; Form raisers; Slip forms; Green cutters; Headerboardmen, Hubsetters, Aligners; Jackhammer operators; Jacking of pipe over 12 inches; Jackson and similar type Compactors; Kettlemen, Potmen and men applying asphalt, lay-kold, creosote, lime, caustic and similar type materials; Lapping, sheeting, whaling, bracking, trench-jacking, hand-guided lagging hammer; Magnesite, Epoxypresin, fiberglass, and mastic workers (wet or dry); Pavement Breakers and spaders, including tool grinder; Pipelayers, Caulkers, banders, pipewrappers, conduit layers, plastic pipelayers; Post hole diggers - air, gas and electric; Power broom sweepers; Power tamers of all types (except as shown in Group 2); Ram set gun and stud gun; Riprap-stonepaver and rock-aligner, including placing of sacked concrete and/or sand (wet or dry); Rotary Scarifier, multiple head concrete chipper; Roto and ditch witch; Roto-tiller; Sandblasters, small trenchers; Roto and ditch witch; Rotary Scarifier, multiple head concrete chipper; Roto and ditch witch; Roto-tiller; Sandblasters, Potman, Gunman, Nozzlemans; Signalling and Rigging; Tank Cleaners; Tree Climbers; Vibra-screed - Bull float in connection with laborers' work; Vibrators; Dri-pak-it machines; High pressure blow pipe (1 1/2" or over, 100 lbs. pressure or over); Hydro Seeder and similar type; Laser Beam in connection with laborers' work

Group 1(a): Joy Drill Model TWM-2A; Gardner-Denver Model DML43 and similar type drills; Track Drillers; Jack Leg Drillers; Diamond Drillers; Wagon Drillers; Mechanical Drillers - all types regardless of type or method of power; Multiple unit drills; Blasters and Powdermen; All work of loading, placing and blasting of all powder and explosives of whatever type regardless of method used for such loading and placing; High Sealers (including drilling of same); Tree Topper; Bit Grinder

Group 1(b): Sewer Cleaners

Group 1(c): Burning and Welding

Group 1(d): Repair trackmen and road beds (cut and cover work of subway after the temporary cover has been placed)

Group 1(e): Laborers on general construction work on or in bell hole footings and shaft

Group 1(f): Wire winding machine in connection with guniting or shot-crete - Aligner

Group 1(f1): Wire winding machine in connection with guniting or shot-crete - Aligner helper

NOTICES

LABORERS (Gumite)

Group 1: Nozzlemans (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

LABORERS (Cont'd)

(Tunnel and Shaft Work)

Group 1: Diamond Driller; Groundman; Gunite and Shotcrete Nozzlemans; Rodmen; Shaft Work and Raise (below actual or excavated ground level)

Group 2: Bit Grinder; Blaster; Drillers, Powdermen-heading; Cherry Pickermen - where car is lifted; Concrete Finisher in Tunnel; Concrete Screed Man; Grout Pumpman and Potman; Gunite and Shotcrete Gunmen and Potmen; Headermen; High Pressure Nozzlemans; Miners - Tunnel, including top and bottom man on shaft and raise work; Nipper Nozzlemans on slick line; Sandblaster-potman (work assignment interchangeable) Steel Form raisers and Setters; Timberman, Retimberman - wood or steel or substitute materials therefore; Tugger

Group 3: Cabletender; Chucktender; Powderman - primer house; Vibrator-men, Pavement Breakers

Group 4: Bull Gang - Muckers, Trackmen; Concrete Crew - includes rodding and spreading; Dumpmen (any method); Grout Crew; Reboundmen; Swamper

LABORERS (Wrecking Work)

Group 1: Skilled Wrecker (removing and salvaging of sash, windows, doors, plumbing and electric fixtures)

Group 2: Semi-skilled Wrecker (salvaging or other building materials)

Group 3: General laborer (includes all cleanup work, loading, lumber, loading and burning of debris)

NOTICES

LABORERS (Cont'd)

Group 1(g): Contra Costa County Only: Pipelayers, caulkers, banders, pipewrappers, conduit layers and plastic pipelayers; Pressure pipe tester, no joint pipe and stripping of same, including repair of voids, precast manhole settlers, cast in place, manhole form settlers

Group 2: Asphalt Shovelers; Cement dumpers and handling dry cement or gypsum; Choke-setter and Rigger (clearing work); Concrete Buckler Dumper and Chute-man; Concrete Chipping and Grinding; Concrete Laborers (wet or dry); Driller's Helper; Chuck Tender; Nozzlemans, adductors; Hydraulic Monitor (over 100 lbs. pressure); Loading and unloading, carrying and handling of all rods and materials for use in reinforcing concrete construction; Pittsburgh Chipper, and similar type Brush Shredders; Sloper; Singlefoot, hand held, pneumatic tamper; All pneumatic, air, gas, and electric tools; Jacking of pipe under 12 inches

Group 3: All cleanup work of debris, grounds and buildings including but not limited to street cleaners; Cleaning and washing windows; Construction laborers including bridge and general laborers; Dumpman, load spotter; Pipe Watcher; Street Cleaners; Gardeners, Horticultural and landscape laborers; Jetting; Limbers; Brush Loaders; Filers, maintenance landscape laborers on new construction; Maintenance, Repair Trackmen and Road beds; Streetcar and Railroad construction Track Laborers; Temporary air and water lines, Victaulic or similar; Tool room attendant; Fence Erectors; Guardrail Erectors; Pavement Markers (button setters)

LABORERS (Gumite)

Group 1: Nozzlemans (including Gunman, Potman); Rodmen; Groundman

Group 2: Reboundman

Group 3: General Laborers

POWER EQUIPMENT OPERATORS:

DREDGING
CLAMSHELL AND DIPPER DREDGING
(New Construction)

Group 1: Bargeman; Deckhand; Fireman; Oiler

Area 1

Area 2

Area 3

Area 4

Group 2: Deck Engineers; Deck Mate

Area 1

Area 2

Area 3

Area 4

Group 3: Welder; Mechanic Welder; Watch Engineer

Area 1

Area 2

Area 3

Area 4

Group 4: Clamshell Operator (up to and including 7 cu. yds. m.r.c.) (Long Boom Pay)

Area 1

Area 2

Area 3

Area 4

Group 4-A: Clamshell Operator (over 7 cu. yds. m.r.c.) (Long Boom Pay)

Area 1

Area 2

Area 3

Area 4

Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
	H & W	Pensions	Vacation	
\$8.29	\$1.07*	\$1.78	.80	.14
9.13	1.07*	1.78	.80	.14
9.41	1.07*	1.78	.80	.14
9.69	1.07*	1.78	.80	.14
9.91	1.07*	1.78	.80	.14
10.76	1.07*	1.78	.80	.14
11.03	1.07*	1.78	.80	.14
11.31	1.07*	1.78	.80	.14
10.31	1.07*	1.78	.80	.14
11.15	1.07*	1.78	.80	.14
11.43	1.07*	1.78	.80	.14
11.71	1.07*	1.78	.80	.14
11.01	1.07*	1.78	.80	.14
11.86	1.07*	1.78	.80	.14
12.14	1.07*	1.78	.80	.14
12.41	1.07*	1.78	.80	.14
12.08	1.07*	1.78	.80	.14
12.93	1.07*	1.78	.80	.14
13.31	1.07*	1.78	.80	.14
13.48	1.07*	1.78	.80	.14

POWER EQUIPMENT OPERATORS DREDGING	Basic Hourly (Cont'd) Rates	Fringe Benefits Payments			Education end/or Appr. Tr.
		H & W	Pensions	Vocation	
SCHEDULE 11					
HYDRAULIC SUCTION DREDGING AND ALL OTHER CLAMSHELL AND DIPPER DREDGING					
Group A-1:					
Bargaman; Deckhand; Levee- hand; Fireman; Oiler					
Area 1	\$8.27	\$1.07*	\$1.78	.80	.14
Area 2	9.11	1.07*	1.78	.80	.14
Area 3	9.39	1.07*	1.78	.80	.14
Area 4	9.67	1.07*	1.78	.80	.14
Group A-2:					
Winchman (stern winch on dredge); Deckmate; Deck Engineer					
Area 1	9.20	1.07*	1.78	.80	.14
Area 2	10.05	1.07*	1.78	.80	.14
Area 3	10.30	1.07*	1.78	.80	.14
Area 4	10.60	1.07*	1.78	.80	.14
Group A-3:					
Watch Engineer; Welder; Welder Mechanic					
Area 1	9.85	1.07*	1.78	.80	.14
Area 2	10.70	1.07*	1.78	.80	.14
Area 3	10.98	1.07*	1.78	.80	.14
Area 4	11.25	1.07*	1.78	.80	.14
Group A-4:					
Leveeman; Clamshell Operator					
Area 1	10.69	1.07*	1.78	.80	.14
Area 2	11.54	1.07*	1.78	.80	.14
Area 3	11.82	1.07*	1.78	.80	.14
Area 4	12.09	1.07*	1.78	.80	.14

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Basic Hourly Rates	Fringe Benefits, Payments			
	H & W	Pensions	Vacation	Education end/or Appr. Tr.
\$ 9.18	\$ 1.58	\$ 2.25	\$1.00	.29
Group 1	9.55	2.25	1.00	.29
Group 1(a)	9.78	2.25	1.00	.29
Group 1(b)	9.78	2.25	1.00	.29
Group 2	9.78	2.25	1.00	.29
Group 2(a)	10.60	2.25	1.00	.29
Group 2(b)	10.60	2.25	1.00	.29
Group 3	10.92	2.25	1.00	.29
Group 3(a)	11.36	2.25	1.00	.29
Group 4	11.93	2.25	1.00	.29
Group 4(a)	12.11	2.25	1.00	.29
Group 5	12.11	2.25	1.00	.29
*Includes \$.28 per hour to Pensioned Health and Welfare Fund.				

**POWER EQUIPMENT OPERATORS
(Piledriving)**

Group 1: Assistant to Engineer (Fireman, Oiler, Deckhand)

Group 1-A: Compressor Operator

Group 1-B: Truck Crane Oiler

Group 2: Tugger Hoist (hoisting material only)

Group 2-A: Compressor Operator (2-7); Generator (100 K.W. or over); Pump (2-7); Welding Machine (2-7) (Powered other than by electricity)

Group 3: Deck Engineer; Fork Lift; A-Frame; Self-propelled Boom type lifting device

Group 3-A: Heavy Duty Repairman and/or Welder

Group 4: Operating Engineer in lieu of Assistant to Engineer Tending Boiler or Compressor attached to Crane pilot-driver.

Operator of Piledriving Rigs, Skid or Floating and Derrick Barges; Operator of Diesel or Gasoline powered Crane Piledriver (w/o boiler) up to and including 1 cu. yd.; Truck Crane, up to and including 25 tons hoisting material only.

Group 5: Operator of diesel or gasoline powered Crane Piledriver (w/o boiler) over 1 cu. yd.; Operator of Crane (w/steam, flash boiler, pump or compressor attached); Operator of steam powered Crawler or Universal type driver (Raymond or similar type); True Crane, over 25 tons hoisting material or performing piledriving work

Basic Hourly Rates	Basic Hourly Rates	Fringe Benefits Payments			
		H & W	Pensions	Vacation	Education and/or Appr. Tr.
AREA 1	AREA 2				
\$ 9.13	\$10.64	\$ 1.58	\$ 2.25	\$1.00	.29
9.50	11.01	1.58	2.25	1.00	.29
9.73	11.24	1.58	2.25	1.00	.29
10.32	11.83	1.58	2.25	1.00	.29
10.55	12.06	1.58	2.25	1.00	.29
10.71	12.22	1.58	2.25	1.00	.29
10.87	12.38	1.58	2.25	1.00	.29
11.31	12.82	1.58	2.25	1.00	.29
11.54	13.05	1.58	2.25	1.00	.29
11.76	13.27	1.58	2.25	1.00	.29
11.88	13.39	1.58	2.25	1.00	.29
12.06	13.57	1.58	2.25	1.00	.29
13.22	14.73	1.58	2.25	1.00	.29
13.52	15.03	1.58	2.25	1.00	.29
13.84	15.35	1.58	2.25	1.00	.29

*Includes \$.28 per hour to Pensioned Health and Welfare Fund.

**POWER EQUIPMENT OPERATORS
(AREAS I and II)**

Group 1: Assistants to Engineers (Brakeman; Fireman; Heavy Duty Repairman Helper; Oiler; Deckhand; Signalman; Switchman; Tar Pot Fireman); Partisan (Heavy Duty Repair shop parts room)

Group 2: Compressor Operator; Concrete Mixer (up to and including 1 yard); Conveyor Belt Operator (tunnel); Fireman Hot Plant; Hydraulic; Monitor; Mechanical Conveyor (handling building materials); Mixer Box Operator (concrete plant); Pump Operator; Spreader Boxman (with screeds); Tar Pot Fireman (power agitated)

Group 3: Box Operator (bunker); Helicopter Radioman (signalman); Motor-man; Locomotive; Oilier; Ross Carrier (construction job site); Rotomast Operator; Screenshotman (except asphalt concrete paving); Self-propelled, automatically applied concrete curing machine (on streets, highways, airports and canals); Trenching Machine. (Maximum digging capacity 3 ft. depth); Tugger Hoist, single drum; Truck Crane Oilier; Rodman; Chainman

TRUCK DRIVERS: (cont'd)	Fringe Benefits Payments			
	Basic Hourly Rates	H & W	Pensions	Vacation
BULK CEMENT SPREADER (W/wo auger, 6 yds. and under 8 yds. water level); Dump (6 yds. and under 8 yds. water level); Dumpcrete (6 yds. and under 8 yds. water level); and under 8 yds. water level); Dumpster (6 yds. and under 8 yds. water level); Skids (debris box, 6 yds. and under 6 yds. water level); Trucks (dry pre-batch concrete mix, 6 yds. and under 8 yds. water level)	\$ 11.02	\$ 1.395	.75	\$ 1.00
A-FRAME, WINCH TRUCKS; Buggymobile; Jetting and water truck (4,000 gals. and under 5,000 gals); Rubber tired Jumbo	11.035	1.395	.75	1.00
HEAVY DUTY TRANSPORT (high bed)	11.04	1.395	.75	1.00
ROSS HYSTER and SIMILAR STRADDLE CARRIER	11.065	1.395	.75	1.00
TRANSIT MIX AGITATOR (8 yds. through 10 yds.)	11.075	1.395	.75	1.00
VACUUM TRUCK (5,500 gals. and under 7,500 gals.)	11.085	1.395	.75	1.00
JETTING TRUCK & WATER TRUCK (5,000 gals. and under 7,000 gals.)	11.135	1.395	.75	1.00
COMBINATION BOOTMAN and ROAD OILER	11.165	1.395	.75	1.00
TRANSIT MIX AGITATOR (over 10 yds. through 12 yds.)	11.175	1.395	.75	1.00

TRUCK DRIVERS (Cont'd)	Fringe Benefits Payments				
	Basic Hourly Rates	H & W	Pensions	Vacation	Education and/or Appr. Fr.
BULK CEMENT SPREADER (w/wo auger, over 18 yds. and including 24 yds. water level); Combination dump and dump trailer; Dump (over 18 yds. and including 24 yds. water level); Dumpcrete (over 18 yds. and including 24 yds. water level); Dumpster (over 18 yds. and including 24 yds. water level); Skid (debris box, over 17 yds. and including 24 yds. water level); Transit mix agitator (over 12 yds. through 16 yds.); Trucks (dry pre-batch concrete mix, over 17 yds. and including 24 yds. water level)	\$11.405	\$1.395	.75	\$1.00	
BULK CEMENT SPREADER (w/wo auger, over 24 yds. and including 35 yds. water level); Dump (over 24 yds. and including 35 yds. water level); Dumpcrete (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); Dumpster (over 24 yds. and including 35 yds. water level); DW 10's, 20's, 21's and other similar cat type, Terra Cobra, LeTourneapulls, Tournarocker, Euclid and similar type equipment when pulling fuel and/or grease tank trailers or other misc. trailers; Skids (debris box, over 24 yds. and including 35 yds. water level); Truck (dry pre-batch concrete mix, over 24 yds. and including 35 yds. water level)	11.46	1.395	.75	1.00	
TRUCK REPAIRMAN	11.395	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
BULK CEMENT SPREADER (w/wo auger, over 35 yds. and including 50 yds. water level); Dump (over 35 yds. and including 50 yds. water level); and Dumpcrete (over 35 yds. and including 50 yds. water level); Skids (debris box, over 35 yds. and including 50 yds. water level); Trucks (dry pre-batch concrete mix, over 35 yds. and including 50 yds. water level)	\$ 11.61	\$ 1.395	.75	\$1.00	
DW 10's, 20's, 21's and other similar cat type, Terra Cobra, Letourneau Pulls, Tournorocket, Euclid and similar type equipment wheel pulling Aqua/Pak or water tank trailers	11.71	1.395	.75	1.00	
BULK CEMENT SPREADER w/wo auger, over 50 yds. and under 65 yds. water level); Dump (over 50 yds. and under 65 yds. water level); Dumpcrete (over 50 yds. and under 65 yds. water level); Dumpster (over 50 yds. and under 65 yds. water level); Helicopter pilot (when transporting men or materials); Skids (debris box, over 50 yds. and under 65 yds. water level); Trucks (dry pre-batch concrete mix, over 50 yds. and under 65 yds. water level)	11.76	1.395	.75	1.00	

TRUCK DRIVERS (Cont'd)	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
BULK CEMENT SPREADER (w/wo auger, over 65 yds. and including 80 yds. water level); Dump (65 yds. and including 80 yds. water level); Dumpcrete (over 65 yds. and including 80 yds. water level); Dumpster (65 yds. and including 80 yds. water level); Skids (debris box, 65 yds. and including 80 yds. water level); Trucks (dry pre-batch concrete mix, 65 yds. and including 80 yds. water level)	\$ 11.91	\$ 1.395	.75	\$1.00	
BULK CEMENT SPREADER (w/wo auger, over 80 yds. and including 95 yds. water level); Dump (over 80 yds. and including 95 yds. water level); Dumpcrete (over 80 yds. and including 95 yds. water level); Dumpster (over 80 yds. and including 95 yds. water level); Skids (debris box, over 80 yds. and including 95 yds. water level); Trucks (dry pre-batch concrete mix over 80 yds. and including 95 yds. water level)	12.06	1.395	.75	1.00	

CALIFORNIA
AREA DEFINITIONS for
POWER EQUIPMENT OPERATORS

**AREA 1: All areas included in the description defined below which is based upon township and range lines of Areas 1 and 2.

Commencing in the Pacific Ocean on the extension of the Southerly line of Township 19S.
Thence Easterly along the Southerly line of Township 19S, crossing the Mt. Diablo meridian to the S.W. corner of township 19S, range 6E, Mt. Diablo base line and meridian.
Thence Southerly to the S.W. corner of township 20S, range 6E, Thence Easterly to the S.W. corner of township 20S, range 13E, Thence Southerly to the S.W. corner of township 21S, range 13E, Thence Easterly to the S.W. corner of township 21S, range 17E, Thence Southerly to the S.W. corner of township 22S, range 17E, Thence Easterly to the S.E. corner of township 22S, range 17E, Thence Southerly to the S.W. corner of township 23S, range 18E, Thence Easterly to the S.E. corner of township 23S, range 18E, Thence Southerly to the S.W. corner of township 24S, range 19E, Thence Easterly to the S.E. corner of township 24S, range 19E, falling on the Southerly line of Kings County, thence Easterly along the Southerly boundary of Kings County and the Southerly boundary of Tulare County, to the S.E. corner of township 24S, range 29E.
Thence Northerly to the N.E. corner of township 21S, range 29E, Thence Westerly to the N.W. corner of township 21S, range 29E, Thence Northerly to the N.E. corner of township 13S, range 28E, Thence Westerly to the N.W. corner of township 13S, range 28E, Thence Northerly to the N.E. corner of township 11S, range 27E, Thence Westerly to the N.W. corner of township 11S, range 27E, Thence Northerly to the N.E. corner of township 10S, range 26E, Thence Westerly to the N.W. corner of township 9S, range 25E, Thence Northerly to the N.E. corner of township 9S, range 25E, Thence Westerly to the N.W. corner of township 8S, range 24E, Thence Northerly to the N.E. corner of township 8S, range 24E, Thence Westerly to the N.W. corner of township 6S, range 23E, Thence Northerly to the S.E. corner of township 5S, range 19E, Thence Westerly to the N.E. corner of township 5S, range 19E, Thence Northerly to the N.W. corner of township 5S, range 19E, Thence Westerly to the N.E. corner of township 3S, range 18E, Thence Northerly to the N.W. corner of township 3S, range 18E, Thence Westerly to the N.E. corner of township 2S, range 17E, Thence Northerly to the N.W. corner of township 2S, range 17E, Thence Westerly crossing the Mt. Diablo baseline to the N.E. corner of township 2N, range 16E,
Thence Westerly to the N.W. corner of township 2N, range 16E, Thence Northerly to the N.E. corner of township 3N, range 15E, Thence Westerly to the N.W. corner of township 3N, range 15E, Thence Northerly to the N.E. corner of township 4N, range 14E,

CALIFORNIA
AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

**AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 4N, range 14E, Thence Northerly to the N.E. corner of township 5N, range 13E, Thence Westerly to the N.W. corner of township 5N, range 13E, Thence Northerly to the N.E. corner of township 10N, range 12E, Thence Easterly to the S.E. corner of township 11N, range 14E, Thence Northerly to the N.E. corner of township 11N, range 14E, Thence Westerly to the N.W. corner of township 11N, range 10E, Thence Northerly to the N.E. corner of township 15N, range 10E, Thence Easterly to the S.E. corner of township 16N, range 11E, Thence Northerly to the N.E. corner of township 16N, range 11E, Thence Easterly to the S.E. corner of township 17N, range 14E, Thence Southerly to the S.W. corner of township 14N, range 15E, Thence Easterly to the S.E. corner of township 14N, range 16E, Thence Southerly to the S.W. corner of township 13N, range 16E, Thence Easterly to the S.E. corner of township 13N, range 16E, Thence Southerly to the S.W. corner of township 12N, range 17E, Thence Easterly along the Southern line of township 12N to the Eastern boundary of the State of California,
Thence Northwesterly, thence Northerly along the Eastern boundary of the State of California to the N.E. corner of township 17N, range 18E,
Thence Westerly to the N.W. corner of township 17N, range 11E, Thence Northerly to the N.E. corner of township 20N, range 10E, Thence Westerly to the N.W. corner of township 20N, range 10E, Thence Northerly to the N.E. corner of township 21N, range 9E, Thence Westerly to the N.W. corner of township 21N, range 9E, Thence Northerly to the N.E. corner of township 22N, range 8E, Thence Westerly to the N.W. corner of township 22N, range 8E, Thence Northerly to the N.E. corner of township 27N, range 8E, Thence Westerly to the S.W. corner of township 27N, range 8E, Thence Northerly to the S.E. corner of township 27N, range 8E, Thence Westerly to the S.W. corner of township 28N, range 8E, Thence Northerly to the N.E. corner of township 28N, range 7E, Thence Westerly to the N.W. corner of township 30N, range 6E, Thence Northerly to the N.E. corner of township 30N, range 1E, Thence Northerly along the Mt. Diablo meridian to the N.E. corner of township 34N, range 1W,
Thence Westerly to the N.W. corner of township 34N, range 6W, Thence Southerly to the N.E. corner of township 32N, range 7W, Thence Westerly to the N.W. corner of township 32N, range 7W, Thence Southerly to the S.W. corner of township 30N, range 7W, Thence Easterly to the S.E. corner of township 30N, range 7W, Thence Southerly to the S.W. corner of township 16N, range 6W, Thence Easterly to the S.E. corner of township 16N, range 6W, Thence Southerly to the S.W. corner of township 14N, range 5W, Thence Westerly to the S.E. corner of township 14N, range 7W, Thence Northerly to the N.E. corner of township 14N, range 7W, Thence Westerly to the N.W. corner of township 14N, range 8W, Thence Northerly to the N.E. corner of township 15N, range 8W, Thence Westerly to the S.E. corner of township 16N, range 12W, Thence Northerly to the N.E. corner of township 16N, range 12W,

CALIFORNIA
AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd):

Thence Westerly to the N.W. corner of township 16N, range 12W,
Thence Northerly to the N.E. corner of township 18N, range 12W,
Thence Westerly to the N.W. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 18N, range 14W,
Thence Southerly to the S.E. corner of township 18N, range 14W,
Thence Southerly to the S.W. corner of township 15N, range 14W,
Thence Westerly to the N.W. corner of township 15N, range 14W,
Thence Southerly to the S.W. corner of township 14N, range 14W,
Thence Southerly to the S.E. corner of township 14N, range 14W,
Thence Southerly to the S.W. corner of township 13N, range 13W,
Thence Southerly to the S.E. corner of township 13N, range 13W,
Thence Southerly to the S.W. corner of township 11N, range 12W,
Thence Southerly to the S.E. corner of township 11N, range 12W,
Thence Southerly along the Eastern line of range 12W to the
Pacific Ocean excluding that portion of Northern California
within Santa Clara County included within the following line:
Commencing at the N.W. corner of township 6S, range 3E, Mt. Diablo
baseline and Meridian;
Thence in a Southerly direction to the S.W. corner of township 7S,
range 3E,
Thence in a Easterly direction to the S.E. corner of township 7S,
range 4E,
Thence in a Northerly direction to the N.E. corner of township 6S,
range 4E,
Thence in a Westerly direction to the N.W. corner of township 6S,
range 3E, to the point of beginning which portion is a part of
Area 2.

Area 1 also includes that portion of Northern California within the
following lines:

Commencing in the Pacific Ocean on an extension of the Southerly line
of township 2N, Humboldt baseline and meridian:

Thence Easterly along the Southerly line of township 2N, to the S.W.

corner of township 2N, range 1W,

Thence Southerly to the S.W. corner of township 1N, range 1W,

Thence Easterly along the Humboldt baseline to the S.W. corner of
township 1N, range 2E,

Thence Southerly to the S.W. corner of township 2S, range 2E,

Thence Easterly to the S.E. corner of township 2S, range 2E,

Thence Southerly to the S.W. corner of township 4S, range 3E,

Thence Easterly to the S.E. corner of township 4S, range 3E,

Thence Northerly to the N.E. corner of township 2S, range 3E,

Thence Westerly to the N.W. corner of township 2S, range 3E,

Thence Northerly crossing the Humboldt baseline to the S.W. corner
of township 1N, range 3E,

Thence Easterly along the Humboldt baseline to the S.E. corner
of township 1N, range 3E,

Thence Northerly to the N.E. corner of township 9N, range 3E,

Thence Westerly to the N.W. corner of township 9N, range 2E,

Thence Northerly to the N.E. corner of township 10N, range 1E,

Thence Westerly along the Northerly line to township 10N, into the
Pacific Ocean.

CALIFORNIA
AREA DEFINITIONS for POWER EQUIPMENT OPERATORS (Cont'd)

*AREA 1: (Cont'd)

Area 1 also includes that portion of Northern California included within
the following line:

Commencing at the Northerly boundary of the State of California at the
N.W. corner of township 48N, range 7W, Mt. Diablo baseline and meridian:

Thence Southerly to the S.W. corner of township 44N, range 7W,

Thence Southerly to the S.E. corner of township 44N, range 7W,

Thence Southerly to the S.W. corner of township 43N, range 6W,

Thence Southerly to the S.E. corner of township 43N, range 5W,

Thence Northerly to the N.E. corner of township 48N, range 5W,

on the Northerly boundary of the State of California,

Thence Westerly along the Northerly boundary of the State of
California to the point of beginning.

*AREA 2: All areas not included within AREA 1 as defined.

SUPERSEDEDAS DECISION

STATE: Florida

DECISION NUMBER: FL78-1051

Supersedes Decision No. FL77-1119, dated October 28, 1977 in 42 FR 56945.

DESCRIPTION OF WORK: Highway Construction (does not include bridges designed to
accomodate navigation; tunnels; and building structures in rest area projects).

COUNTY: Broward and Palm Beach

DATE: Date of Publication

Decision No. FL78-1051

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
BRICKLAYERS	\$ 5.03				
CARPENTERS	5.00				
CEMENT FINISHERS	5.77				
ELECTRICIANS:					
Traffic signal installer	5.00		.23	.45	.03
All other electrical work	9.00	.41			
IRONWORKERS, Reinforcing	8.80				
LABORERS:					
Air Tool Operator	4.375				
Asphalt Raker	4.04				
Concrete Laborer	3.76				
Form Setters	5.02				
Pipelayers	4.69				
Unskilled	3.58				
SIGN ERECTORS	4.55				
TRUCK DRIVERS:Lowboy; Multi Rear Axle	4.15				
WELDERS - Rate for craft to which welding is incidental					
POWER EQUIPMENT OPERATORS:					
Asphalt Distributor	4.22				
Asphalt Paving Machine	4.52				
Asphalt Plant Op.	3.60				
Backhoe	5.63				
Bulldozers	5.05				
Curb Machine Op.	5.66				
Concrete Paving Machine	5.65				
Crane, Dragline	5.92				
Earth Drilling Machine	6.33				
Earth Mover Op., Heavy Rubber Tired	4.00				
Front End Loader	5.05				
Gradalls	7.03				
Mechanics	5.62				
Motor Graders	5.62				
Oilier/Greaser	4.00				
Pavement Stripping Machine	4.77				
Piledriver Op.	6.05				

	Basic Hourly Rates	Fringe Benefits Payments			Education and/or Appr. Tr.
		H & W	Pensions	Vocation	
POWER EQUIPMENT OPERATORS: (Cont'd)					
Rollers	\$ 4.31				
Subgrade, Self-Propelled	4.83				
Tractors	4.20				
Tug Boat Op.	4.09				

SUPERSEDES DECISION

STATE: Florida
DECISION NUMBER: FL78-1052
Supersedes Decision No. FL77-1119 dated October 28, 1977 in 42 FR 56945
DESCRIPTION OF WORK: Highway Construction (does not include bridges designed to accommodate navigation, tunnels, and building structures in rest area projects).

COUNTY: Dade

DATE: Date of Publication

COUNTIES: See Below
DATE: Date of Publication
Supersedes Decision No. NN77-2033, dated March 4, 1977, in 42 FR 12617
DESCRIPTION OF WORK: Heavy & Highway Construction

COUNTIES: Minnesota

DECISION NUMBER: NN78-2060

Supersedes Decision No. NN77-2033, dated March 4, 1977, in 42 FR 12617
DESCRIPTION OF WORK: Heavy & Highway Construction

COUNTIES: See Below

DATE: Date of Publication

22912

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$ 5.00				
6.33	.15		.23	
5.75				
6.92	.41	.23	.45	.03
9.00				
9.75	.75	.58		.08
4.75				
4.64				
4.76				
4.75				
4.08				
4.08				
4.92				
4.08				
6.00				
4.08				
4.60				
5.90				
5.81				
4.43	.27		.17	
5.66				
5.00				
5.02				
6.28				
5.75				
5.37				
5.90				
5.47				
5.15				
6.08				
5.01				
5.14				
5.22	.27		.20	
4.50				
5.00				

BRICKLAYERS
CARPENTERS
CONCRETE FINISHERS
ELECTRICIANS:
Traffic Signal Installation
All other Electrical work
IRONWORKERS:
Reinforcing:
Dade County
LABORERS:
Air Tool Operator
Asphalt Paving Machine
Form setters
Grade checker
Guardrail Erector
Landscaping Workers
Pipelayers
Unskilled
PILEDRIVERS
TRUCK DRIVERS
WELDERS - Rate for Craft to which welding is incidental.

POWER EQUIPMENT OPERATORS:
Asphalt Distributor
Backhoe
Boom-auger
Bulldozer
Concrete Finishing Machine
Concrete Paving Machine
Crane, Dragline
Earth Drilling Machine
Front End Loader
Grapple
Mechanics
Mixer Grader
Roller/Greaseman
Roller
Scraper
Trenching Machine
Tractor

NOTICES

Basic Hourly Rates	Fringe Benefits Payments			Education and/or App. Tr.
	H & W	Pensions	Vacation	
\$9.02	.40			
7.95				
8.36	.31	.20		
5.87				
6.66				
6.00				
6.31				
5.38				
8.21				
8.80	.45	.40		
7.74				
9.02	.45	.40		
8.05	.31	.20		
7.80				
6.96				
7.46				
7.12				
8.05	.31	.20		
6.13				
6.13				
6.22				
7.28		.30		
8.80	.45	.40		
6.58				
6.40		.30		
5.37		.30		
6.60				
6.67				
6.60				
5.66				
7.62	.31	.20		

COUNTRIES:
Cottonwood, Lincoln, Lyon, Murray, Pipestone, Redwood & Yellow Medicine
Carpenters
Cement Masons
Ironworkers
Laborers:
Unskilled
Pipelayers
Power Equipment Operators:
Asphalt Concrete Paving Machine
Asphalt Distributor Spreader
Backhoe Operator
Blade Operator
Bulldozers
Crane, Derricks & Draglines
Grader & Screening Plant
Form Motor Graders
Front-End Loaders
Mechanics
Motor Patrol
Paver Operator
Pugmill Operator
Rollers:
Base-Self Propelled
Finishing
Sheepfoot
Scraper
Tractor Operator
Truck Drivers:
Bituminous Distributor Drivers
Dump Truck Drivers
Nine Axle Truck Drivers
Mechanical Broom Operators
Single Axle Drivers
Tandem/3-Axle Drivers
Trailers Drivers

[FR Doc. 78-14487 Filed 5-28-78; 8:45 am]

FEDERAL REGISTER, VOL. 43, NO. 103—FRIDAY, MAY 26, 1978

Federal register

FRIDAY, MAY 26, 1978
PART IV



IMPROVING GOVERNMENT REGULATIONS

Proposals for
Implementing Executive
Order 12044

Table of Contents

Justice Department 22922
Labor Department 22915

PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Selective Service System	April 11	15211
Energy Department	May 1	18634
National Capital Planning Commission	May 15	20945
National Aeronautics and Space Administration ..	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
Defense Department	May 22	21994
Administrative Committee of the Federal Register	May 22	21995
Office of Management and Budget	May 22	21997
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Interior Department	May 25	22573
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National Foundation on the Arts and the Human-		
ities	May 25	22591
Council on Environmental Quality	May 25	22593
Community Services Administration	May 25	22595
Housing and Urban Development Department	May 25	22598
American Battle Monuments Commission	May 25	22602
Railroad Retirement Board	May 25	22603
Small Business Administration	May 25	22605
Pension Benefit Guaranty Corporation	May 25	22608
Equal Employment Opportunity Commission	May 25	22610
General Services Administration	May 25	22612

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Health, Education, and Welfare Department	May 30
Commerce Department	May 30
Renegotiation Board	May 30
Water Resources Council	May 30
Environmental Protection Agency	May 31
Transportation Department	June 1

REPORT ON OTHER AGENCIES

On June 2, the Office of Management and Budget will publish a listing of agencies that have determined their regulations are not covered by the provisions of the Executive Order.

[4510-23]

DEPARTMENT OF LABOR

IMPROVING LABOR REGULATIONS

Response to Executive Order No. 12044
Improving Government Regulations

AGENCY: Department of Labor.

ACTION: Request for public comment.

SUMMARY: The Department of Labor ("DOL") is issuing this notice to obtain comments on its proposals for implementing Executive Order No. 12044, Improving Government Regulations (43 FR 12661, March 24, 1978) ("the Executive Order"). The proposals include procedures for developing new regulations; analyzing their potential impact; reforming existing regulatory procedures; and increasing public participation in regulatory development.

DATE: Comments by July 28, 1978.

ADDRESS: Send comments to Seth D. Zinman, Associate Solicitor for Legislation and Legal Counsel, Office of the Solicitor, Department of Labor, Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8201.

FOR FURTHER INFORMATION CONTACT:

Sofia P. Petters (Counsel for Administrative Legal Services), Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8065.

Mark Solomons (Counsel for Special Legislative Projects), Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210, 202-523-8088.

SUPPLEMENTARY INFORMATION:

- I. Background.
- II. Summary of Past Regulatory Procedures.
- III. Proposed Procedures for Developing Regulations.
- IV. Regulations for Initial Review.
- V. Comment Procedure.

I. BACKGROUND

1. On March 23, 1978 President Carter signed Executive Order (E.O.) 12044 (43 FR 12661) which is designed to improve and reform the way in which the Executive Agencies of the United States Government develop, issue, and review the rules and regulations which are necessary for the efficient and effective administration of Government programs. To achieve these goals E.O. 12044 directs each Executive Agency to: (a) Establish procedures for the development of significant regulations which provide the maximum opportunity for early and meaningful public participation; (b) Conduct a detailed regulatory analysis of those significant regulations which

may have major economic consequences for the National economy or for a particular segment of the economy; (c) Periodically review existing regulations to determine their continuing usefulness, and; (d) Eliminate, improve, or update those existing regulations which no longer adequately serve the purpose for which they were originally issued. In connection with each of these objectives, E.O. 12044 directs each Executive Agency to prepare a draft report describing the procedures followed in the development of regulations and the changes which are proposed to bring those procedures into compliance with the E.O., proposed criteria for identifying significant regulations and regulations with major economic impact and, proposed criteria for the selection of existing regulations which are in need of review and possible revision or elimination. The report is also to contain a list of regulations which have been selected for review in the near future, and is to be published in the FEDERAL REGISTER for comments by May 23, 1978.

The Department of Labor's new procedures are intended to implement both the letter and spirit of E.O. 12044 in connection with the regulations within the jurisdiction of the United States Department of Labor.

II. SUMMARY OF PAST REGULATORY PROCEDURES

The Department of Labor is now mandated to implement many statutes and executive orders which relate to a wide range of subjects.

For example, under the Occupational safety and Health Act the department is charged with assuring working men and women with safe and healthful working conditions. Under the Comprehensive employment and Training Act the Department administers a program of Federal assistance for unemployed and economically disadvantaged individuals. Under Executive Order 11246, the Department administers a program which promotes equal employment opportunity in Government contracts and federally-assisted construction contracts. The wide range of programs administered by this Department have resulted in variations in the procedures followed in issuing regulations implementing these programs. Each agency within the Department is responsible for developing its own regulations. The issuance of regulations is triggered in various ways. A statute or executive order may provide for the issuance of regulations; there may be a change in policy in administering a program; judicial decisions may necessitate an amendment to existing regulations; complaints of affected individuals or organizations or reports from the Department's investigators may alert

agency officials to problem areas in existing regulations. The following illustrate some of the practices now in use for issuing regulations by Department of labor agencies.

The Occupational Safety and Health Act authorizes the Secretary to promulgate safety and health standards in a specified manner. When the Secretary determines, upon the basis of information submitted in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized standards-producing organization, the Secretary of Health, Education, and Welfare (HEW), the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available that a rule should be developed in order to serve the objectives of the Act, the Secretary may direct that such rule be drafted or request the recommendations of an advisory committee.

Prior to the preparation of its proposed regulation, in most rulemaking proceedings, OSHA receives informal comments from interested parties. Though not specifically set forth in its pertinent regulations, OSHA has, in drafting many of its standards, published Advance Notices of Proposed Rulemaking in the FEDERAL REGISTER. Occasionally, OSHA has held public factfinding hearings to aid in the development of proposals.

The proposals and regulations are written by OSHA's technical staff with assistance from the Solicitor's Office, which also reviews the drafts for legal sufficiency. Drafts of proposed regulations or revisions are reviewed by the OSHA Director of the Office of Standards, appropriate technical personnel, and the Assistant Secretary for OSHA. Published regulations are signed by the Assistant Secretary.

Somewhat different procedures are used in the development of safety and health standards under the Federal Mine Safety and Health Act. When the Assistant Secretary for MSHA determines that substantive regulations should be issued, the Assistant Secretary decides on the basic objectives of the regulation and indicates overall specifications. A program head, e.g., the Administrator for Coal Mine Safety and Health organizes a drafting committee for the proposed regulation. The drafting committee is staffed by technical experts from within the agency and may include attorneys from the office of the Solicitor. This committee participates in the preproposal consultations, attends sessions of any advisory committee created to advise on the particular regulation and writes the proposed draft regulation. The Solicitor's Office reviews the

proposed regulation for legal sufficiency. Prior to publication for proposed rulemaking, the draft regulations are reviewed by the program head responsible for the subject matter being regulated, the Office of Standards, Regulations, and Variances, and the Assistant Secretary for Mine Safety and Health. The Assistant Secretary signs both proposed and final regulations.

The Office of Labor-Management Standards Enforcement develops and administers the regulations in chapter IV of Title 29 of the Code of Federal Regulations which implement those sections of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), which are administered by the Department of Labor. This Office also administers regulations which have been issued to implement section 18 (Standards of Conduct) of Executive Order 11491. Those sections of the LMRDA which are administered by DOL have only been amended once, in 1965, so that most of the amendments and additions to the regulations have been for purposes such as clarification of language and reflection of court decisions rather than because of amendments to the Act.

In the case of one interpretative regulation drafted in response to a Supreme Court ruling, a decision was made to go forward after discussion between the program office and the Office of the Solicitor. The final draft was sent to the Solicitor for review and then to the Assistant Secretary for Labor-Management Relations for signature. When amendments to the regulations implementing the Labor-Management Reporting and Disclosure Act involve policy changes and are not interpretations, preproposal consultations are held with outside groups.

Under Title I of the Employee Retirement Income Security Act of 1974 (ERISA), many sections of the statute provide that the Secretary (or his delegate—the Assistant Secretary for LMSA) will issue regulations to implement specific statutory requirements. In addition, general authority is granted by the statute to prescribe regulations that are necessary or appropriate to carry out the purposes of the Title. In some cases there is authority to issue regulations which ease or waive statutory requirements.

The Administrator of Pension and Welfare Benefit Programs after consulting with certain officials within the Department, and interested members of the public, determines the priorities and time schedule for the issuance of regulations. The time schedule includes internal due dates for the various stages in the regulatory process and a projected date for publication.

Generally, the Administrator then directs the Office of Regulatory

Standards and Exceptions within the Pension and Welfare Benefit Programs to draft specifications for proposed regulations. Advice and recommendations from the Office of Policy and Planning and Research within the Administration as well as from the ERISA Advisory Council are considered in the development of specifications. The Advisory Council was created by statute to advise the Secretary of Labor with respect to carrying out ERISA functions. The Council consists of representatives of unions, employers, the general public and persons knowledgeable in the areas of insurance, corporate trust activity, actuarial counseling, investment counseling, investment management and accounting.

After the specifications are drafted they are referred to the Solicitor's Office, which has responsibility for drafting regulations based on these specifications. The draft regulations are then submitted to the Administrator for Pension and Welfare Benefit Programs, the Assistant Secretary for Labor-Management Services Administration, and the Solicitor for approval. Comments are sought from the Internal Revenue Service and the Pension Benefit Guaranty Corporation when appropriate.

The Employment Standards Administration is responsible for a greater variety of programs than any other agency within the Department of Labor. The Administration includes the Office of Federal Contract Compliance Programs (OFCCP), the Office of Workers' Compensation Programs (OWCP), and the Wage and Hour Division (WH). OFCCP enforces nondiscrimination/affirmative action employment requirements applicable to government contractors and subcontractors and federally assisted construction contractors under Executive Order 11246, Section 503 of the Rehabilitation Act of 1973, and Section 402 of the Vietnam Era Veterans Readjustment Act. OWCP administers workers' compensation benefit programs for Federal employees, longshore and harbor workers, and coal miners who have contracted black lung disease. The Wage and Hour Administration enforces statutes which establish standards in the workplace, such as the Fair Labor Standards Act (minimum wage, overtime, child labor, and equal pay), Age Discrimination in Employment, wage rates and overtime requirements in Government contracts (Davis-Bacon, Walsh-Healey, Service Contracts Act, and the Work Hours Act), and the Farm Labor Contractors Registration Act. Several factors common to all of these programs can give rise to the issuance of new regulations or the amendment of existing ones. Such factors include the enactment of legislation, changes in policy

or procedures, comments or complaints from the public, staff recognition of ambiguities in existing regulations, and the perception of areas not covered by current regulations. However, the differences in the types of programs being administered and the segments of the public affected are such that different approaches to the development of regulations are needed.

The threshold decision to modify an existing regulation or to develop a new one is most often made in the ESA division directly involved in the interpretation and enforcement of a particular statute. This decision comes about in several ways, depending upon the statute involved. In the Wage and Hour Division, the Administrator may determine that there is a need for regulatory activity because of a court decision, complaints or comments from the public, or recommendations from his or her staff arrived at through their experience with and knowledge of a program. During the formative stage of a significant regulation, there is coordination with the Assistant Secretary for Employment Standards Administration and other top Departmental policymakers.

The OFCCP develops regulatory changes for numerous reasons. These include prior experience and problems encountered in enforcing existing regulations and requirements; a desire to strengthen requirements in response to problem areas encountered in investigations; new or newly perceived areas of employment discrimination; amendments to the law itself; and developing case law.

Changes in regulations in the Office of Workers' Compensation Programs are generally initiated by the Director as a result of changes in medical technology or insurance practices, comments or complaints from the public and statutory amendments. In some instances in the past, when the regulatory change was extensive, task groups were organized to draft regulations to implement new statutory provisions.

As a rule, in all ESA divisions, the original specifications and drafting of a regulation or revision is done in the office most directly involved with the administration and enforcement of the particular statute or Executive order implemented by the regulation. The division of the Solicitor's Office most directly involved in the subject matter being regulated will assist the program officials in drafting and will then review for legal sufficiency. During this drafting process, which can extend over a long period of time, constant attention is given to questions, observations, opinions, experiences and remarks of interested persons and organizations. After that, the draft is sent for approval to the program head and the Administrator or Director of

the Division in which the program is located. The final draft is submitted to the Solicitor for review and approval. Depending upon the nature and complexity of the regulation, it is signed by the Administrator or Director of the program, the Assistant Secretary for ESA, or the Secretary of Labor.

The Employment and Training Administration has major responsibility for administering over 15 principal statutes and operates an even greater number of programs under those statutes. In some ETA statutes such as CETA, broad authority is given the Department of Labor to develop program practices and procedures.

Issuing regulations or revisions to regulations implementing the various statutes administered by the employment and Training Administration is done by each program division with the advice and assistance of the Solicitor's Office. While the decisions to go forward with the issuance of a new regulation or a revision is made by the program head, the actual drafting of the proposal is usually a joint effort by the staff of the program division within ETA which is charged with administering the Act for which implementing regulations are being written or amended and the Solicitor's Office. In many cases, the Assistant Secretary for ETA directs that a project go forward. The Assistant Secretary and program officials will seek and receive comments from State government officials, other Federal agencies, representatives of public interest groups, labor unions, employer organizations, interested parties as well as those subject to the regulations being proposed. There is formal input from the Bureau of Apprenticeship and Training when regulations affecting apprenticeship are proposed. Suggestions and comments on regulatory material also come from a national advisory committee which the Secretary of Labor has appointed to assist in carrying out the Department's responsibilities for safeguarding the welfare of apprentices. This Committee includes representatives of employers, labor, education, and officers of other executive departments.

An example of an ETA regulation that also involved the Bureau of Apprenticeship and Training concerned affirmative action in apprenticeship for women. This concept had been seriously considered by top officials in ETA and the Women's Bureau for many years. However, this particular rulemaking was initiated by the filing of a formal petition for rulemaking on this subject matter by an outside public interest organization.

In drafting the proposal for these regulations, program heads in the Bureau of Apprenticeship and Training worked with the Women's Bureau and were assisted by staff from the So-

licitor's Office who had considerable experience with other equal employment opportunity matters in its work with the Office of Federal Contract Compliance programs. The Solicitor's staff drafted and prepared the proposed amendment to the regulations for Equal Employment Opportunity in Apprenticeship and Training. The proposal was then submitted to the Solicitor for approval, then to the Assistant Secretary for ETA and to the Secretary before publication in the FEDERAL REGISTER. The public was given 60 days to comment on the proposal.

As can be seen, the procedures used by the agencies within the Department of Labor vary in accordance with the needs of the programs being administered. However, all regulations or proposed regulations must be approved by the Secretary and the Under Secretary before publication in the FEDERAL REGISTER. In addition, the Solicitor of Labor reviews all regulations and proposed regulations for legal sufficiency.

Prior to publication of a proposed regulation, the type and extent of consultations with interested persons, agencies or organizations from outside of the Department varies with each regulatory action. However, on the whole there has generally been more involvement with outside groups during drafting of amendments to regulations already issued than during the drafting of new regulations pursuant to newly enacted legislation. With new regulations, great reliance is placed on the legislative history of the statute. This is not to say that persons or groups affected by the legislation are not afforded an opportunity to comment and make suggestions before a regulation is submitted to the FEDERAL REGISTER. But as a general rule, regulations already in operation generate more comments from the regulated public.

Finally, as a minimum the provisions of the Administrative Procedure Act have been followed where applicable. Informal rulemaking predominates in the Department of Labor's regulatory procedures. However, in some instances, including a number of rulemaking procedures under the Occupational Safety and Health Act, a record of the hearing has been kept and cross-examination of witnesses allowed under the direction of an administrative law judge.

The foregoing is illustrative of the regulatory practices followed by the various agencies within the Department. Changes are being proposed in accordance with the directions of Executive Order 12044, and those changes are reflected in the following portions of this document.

III. DEPARTMENT OF LABOR POLICIES AND PROCEDURES FOR IMPROVING REGULATIONS

POLICIES

Following the issuance of the Executive Order, the Department of Labor has developed a series of procedures to achieve its objectives within the Department. All officials of the Department with responsibilities in the rule-making process must make maximum efforts to carry out the policies of the Executive Order and implement Department of Labor procedures.

It is the policy of the Department of Labor to ensure that all regulations issued or revised by the various offices and agencies within the Department conform to the following standards:

(1) Regulations shall be responsive to public needs, concerns, and legislative goals.

(2) No regulation shall be issued unless the need for it is clearly established.

(3) Appropriate efforts must be made to obtain public participation in the development and revision of significant regulations at as early a time as is practical.

(4) At an early stage, appropriate consideration should be given to meaningful alternative approaches, including approaches which achieve the desired result without the issuance of a regulation.

(5) Regulation should be designed to achieve statutory objectives and to avoid imposing unnecessary compliance, paperwork, costs, and other burdens on the economy, on individuals, on public or private organizations or on State or local governments.

(6) All regulations shall be written in clear and concise language which can be understood by those who are required to comply with them.

The Executive Order contains certain exemptions, including exemptions for emergency regulations. Even where such exemptions apply, it is the policy of the Department that the procedures described in this report be followed to the extent they are practicable and useful in the particular situation, without compromising applicable policy and legal requirements.

It is the policy of the Executive Order and the new Department procedures to improve the rulemaking process in accordance with law and avoid the issuance of unneeded regulations. Their purpose is to make necessary internal changes in procedures and they are not intended to detract from, add to or alter statutory requirements. Failure to meet the requirements of the Executive Order or of the Department's new procedures shall not provide a basis for judicial review of the regulation or other court action.

RESPONSIBILITIES OF DEPARTMENT OF LABOR OFFICIALS

Each agency head within the Department of Labor, including all Assistant Secretaries, the Solicitor, and all other chief agency officials shall become familiar with these Guidelines and shall be primarily and personally responsible for ensuring that the Guidelines are followed in connection with any regulations issued or revised by their respective agencies. In this connection, each agency head shall participate at an early stage in determining the need for the issuance or revision of regulations in their program areas, and shall exercise continuing supervision over the process by which public comment and participation is obtained, and by which final positions and regulatory provisions are developed.

REGULATORY REVIEW PANEL

In order to assist Department of Labor agencies and offices to comply with the requirements of E.O. 12044 and to facilitate the better management of regulations within the Department of Labor a Regulatory Review Panel (The Panel) will be established. The Panel will consist of representatives appointed by the heads of agencies. The Secretary of Labor will appoint a Chairperson for the Panel. The Regulatory Review Panel will be responsible for receiving from agencies, their proposals for regulations to be included in the Department of Labor's semiannual agenda or any additional supplementary agenda of regulations. These agenda will be designed to give the public adequate advance notice of significant regulations which the Department intends to develop or review in the near future. The panel will compile and transmit the agenda to the Secretary for approval with any recommendations it may deem appropriate.

In keeping with President Carter's directive that each agency establish procedures for the continuing review of existing regulations, the Regulatory Review Panel will assure that each agency within the Department is informed of the criteria to be applied in selecting any existing regulation or series of regulations for periodic review. The Panel may also make recommendations concerning the review of overlapping and common subject matter regulations in force in different agencies within the Department. Particular attention in this regard should be paid to regulations affecting disclosure, privacy, administrative procedures, and other types of regulations which cut across agency lines of jurisdiction.

PROCEDURES FOR DEVELOPING NEW REGULATIONS

Whenever an official responsible for the development of regulations be-

lieves that the development of any regulation may be necessary, the official should make an informal assessment of the need for the regulation and possible alternative approaches. If it is decided to recommend development and issuance of a regulation, the official should determine whether or not the regulation is significant.

CRITERIA FOR DETERMINING SIGNIFICANCE OF REGULATIONS

A regulation should be considered significant if it meets the criteria for major as specified in this Report or if it directly and substantially—

- (1) Affects the health or safety of employees.
- (2) Affects standards for determining the amount of or conditions under which benefits are payable to individuals or the eligibility of individuals to participate in various programs.
- (3) Affects the operations or responsibilities of a particular industry or business or group of industries or businesses, or of State or local governments, except that wage determinations issued by the Employment Standards Administration in accordance with prescribed requirements shall not be considered significant.
- (4) Increases existing reporting or compliance requirements or establishes substantial new reporting or compliance requirements for any public or private group;
- (5) Affects the competition within a particular industry or business;
- (6) Affects any program of a State or local government or of any other Federal agency; and
- (7) Affects equal employment opportunities for protected groups.

Rules or regulations which simply describe requirements compelled by law will not be considered significant. However, where these rules or regulations substantially complement statutory standards or requirements, they should be considered significant if they meet the various criteria described above. Regulations or amendments to regulations involving minor technical or clarifying charges shall not usually be considered significant. These procedures will not require the Department to regard as significant internal documents not otherwise required to be made available to the public where such documents relate to Departmental procedures in enforcing laws for which the Department has responsibility.

Even if a regulation does not meet the standards described above, it may still be appropriate to subject it to the requirements which apply to significant regulations. This would be particularly true if the regulation is likely to arouse considerable public interest or controversy.

IDENTIFYING MAJOR REGULATIONS

Once the initiating official decides whether he or she believes that any regulation should be treated as "significant," an informal assessment should be made, based on available information, as to whether the effect of the regulation would be so major as to require the preparation of a regulatory analysis. A regulatory analysis should generally speaking, be performed if the regulation is likely to cause or result in:

- (1) An increased cost of \$100 million or more in any one year for the national economy;
- (2) A \$50 million or larger increase in costs or total revenues in any 1 year for a specific segment of the economy such as a specific industry, geographic region or State or local government;
- (3) A direct dislocation of 10,000 jobs or more;
- (4) A substantial limitation on competition, marketing, market information or an increase in concentration in a market doing \$100 million of business a year or more.

These criteria should be regarded as guidelines rather than precise standards. Their purpose is to provide a rough order of magnitude. Accordingly, the Department's procedures will not ordinarily require a complex analysis to see whether a proposed regulation does or does not meet the criteria.

In addition, even where a regulation does not meet the criteria, agency heads may require that a regulatory analysis be conducted. They are encouraged to do so when a regulation is likely to cause widespread public interest or controversy.

No analysis is needed if on or before March 23, 1978 an Economic Impact Statement has already been prepared in connection with the regulation, in accordance with Executive Orders 11821 and 11949, or where a decision has been made that none was needed.

PUBLIC PARTICIPATION

The initiator of a regulation shall devise a plan to obtain early and effective public participation in the development of significant regulations. Early and effective public participation in the rulemaking process is essential to the development of responsive and useful regulations. There is no single approach toward public participation which is clearly most effective in every case. The approach selected should be suited to the project under consideration and be consistent with the requirements of the law. Among the approaches which should be considered are the following:

- (1) The publication in the FEDERAL REGISTER of a notice or advance notice of proposed rulemaking inviting public comment at the earliest possible date;
- (2) Public hearings;
- (3) Conferences or meetings with interested groups and individuals;

(4) The direct notification or interested parties of the public;

(5) The distribution of appropriate notices, press releases, or statements to trade journals or other publications including newspapers likely to be read by interested parties;

(6) Submission of the regulation or matter to be addressed in the regulation to advisory committees where appropriate; and

(7) Communication with appropriate Federal, State, or local agencies, including contacts through the Office of Legislation and Intergovernmental Relations which maintains continuing contacts with State and local officials and their representatives.

Agency personnel should be alert to those statutory provisions which govern communications with persons outside the Department under certain circumstances.

APPROVAL OF PLAN TO DEVELOP REGULATIONS

Before an agency proceeds to develop a significant regulation, the initiating official will prepare and submit to the official who will sign the regulation or appropriate agency head a proposed development plan which will include a summary of the issues to be considered and a judgment as to whether the regulation is significant. Significant regulations are signed by the appropriate Assistant Secretary, the Commissioner of the Bureau of Labor Statistics, the Under Secretary, or the Secretary except as each may otherwise provide under special circumstances. The plan will also include a summary of the alternative approaches to be explored, a judgment as to whether a regulatory analysis will be required, and a tentative plan for obtaining early public participation. Target dates should also be included.

If the individual responsible for signing the regulation as described above, or appropriate agency head approves going forward with the development of the regulations, he or she shall approve a development plan and designate a project manager or managers to assure that the regulation is considered in a proper and timely manner. The approving official shall also send a copy of the development plan to the Secretary and Under Secretary.

The project manager shall proceed to consider the issues involved and develop a regulatory analysis where required.

REGULATORY ANALYSES

The purpose of the regulatory analyses is to provide a useful tool in the decisionmaking process. They should not serve or be regarded as an additional paper-work burden which needlessly delays a governmental response to a problem. Project managers should

strive to make the best possible use of information available to the agency within an acceptable time-frame. Regulatory analyses should be succinct and written in plain, simple language and should cover the following items in such detail as is practicable:

1. Statement of the problem and regulatory objectives (e.g., statement of condition or situation requiring regulatory action; evidence of the problem; scope of the problem including an indication of the frequency and severity of effects; and an estimate of the effectiveness of a regulatory action in solving the problem).

2. A brief description of the parties (e.g., individuals, groups, industries) most likely to be affected by the regulatory action.

3. A description of the major acceptable alternative regulatory actions under consideration by the agency and a discussion of the effectiveness of each major acceptable alternative in achieving the regulatory objectives.

4. An estimate of the economic consequences of the major acceptable alternative actions, presented in as simple a form as possible, which indicates the limitations of accuracy attached to such estimates.

5. An explanation of why a given alternative was selected for proposed regulatory action.

A copy of each regulatory analysis will be transmitted to the Secretary. The transmittal will include any recommendation made by the appropriate agency head as to whether special consideration by the Secretary is needed.

APPROVAL OF SIGNIFICANT REGULATIONS

No significant regulation will be approved unless the official signing the regulation (as previously described) is satisfied that:

(1) The regulation is needed and is consistent with the law and with the legislative goal it seeks to carry out;

(2) The direct and indirect effects of the regulation have been considered and that the least burdensome of the major acceptable effective alternative approaches has been selected;

(3) Public comments have been considered, and, in the case of final regulations an adequate response has been prepared.

(4) The regulation is written in plain language which will be understood by those who must comply with the regulation, and that overly technical language, incorporation by references, and complex procedures are kept to a minimum, consistent with statutory objectives;

(5) Any new reporting or recordkeeping burdens are justified and kept to a minimum, consistent with statutory objectives;

(6) The name, address and telephone number of an agency official who may

be contacted by members of the public has been included;

(7) A plan for monitoring and evaluating the regulation after issuance has been developed; and

(8) A regulatory analysis has been prepared, if required, and that a brief summary is included in the notice of proposed rulemaking. A statement of how the public may obtain a copy of the initial regulatory analysis will also be included. A final regulatory analysis will be made available when the final regulations are published. The analysis may be incorporated in the preamble to the final regulations.

Prior to publication of significant regulations, a draft of the proposed regulations should be sent to the Secretary and Under Secretary together with a statement by the signing official (as described above) providing personal assurance that the above criteria have been met. The Secretary will, prior to publication, approve going forward with all regulations for which a regulatory analysis is required. The Secretary may also deem it appropriate to require Secretarial approval before going forward with other regulations. Where regulations are not deemed significant, a written statement to that effect should be submitted to the Secretary along with the draft regulations and should be included in the published regulations. Where regulations are to be signed by the Secretary or Under Secretary, the written statements should be submitted by the appropriate agency heads.

Each notice of proposed rulemaking published in connection with a significant regulation by a Department of Labor agency should, if possible, provide at least 60 days for public comment and participation. If a shorter period is necessitated, the published notice shall explain why a full 60 day comment period is impractical.

REVIEW OF EXISTING REGULATIONS

Each agency shall periodically select for review significant regulations within its areas of responsibility. Agencies shall submit to the Regulatory Review Panel at such times as the panel deems appropriate a list of significant regulations proposed for review and inclusion in the semiannual agenda. The panel will transmit the proposed lists to the Secretary for approval, together with any comments it may wish to make.

Each agency shall provide the name and address, and telephone number of the regulation project managers which shall also be included in the published agenda.

Agencies shall also provide to the Panel information on regulations previously selected for review. A report on the status of these regulations will be published together with the semiannual agenda.

The following criteria shall be considered in selecting regulations for review:

- (1) Whether the regulation continues to be necessary to achieve statutory or policy goals;
- (2) Whether the regulation has been the subject of significant public controversy, complaints, or suggestions;
- (3) Whether the regulation is particularly burdensome for some segment of the public;
- (4) Whether the regulation is confusing, difficult to interpret, or unnecessarily complex;
- (5) Whether the regulation is duplicative or inconsistent with other Department of Labor or other agency regulations treating the same or similar subjects;
- (6) Whether the regulation is consistent with the most recent technological advances;
- (7) Whether a revision of the regulation needs to be considered in light of changed economic or other conditions affecting its appropriateness;
- (8) Whether the regulation has been or probably will be subject to change as a result of legislative action;
- (9) Whether court decisions have altered the meaning or effectiveness of the regulation;
- (10) Whether agency operating personnel consider the regulation inefficient, burdensome, or a proper subject for revision;
- (11) The length of time since the regulation has been evaluated; and
- (12) Whether the regulation is discriminatory in effect or formulation.

Although this review process is directed principally at significant regulations, agencies should attempt to identify those groups of minor regulations which may be outdated or which may no longer serve useful purposes. These regulations should also be included on the Department's semi-annual agenda.

Once a regulation has been selected for review, project managers and appropriate agency heads will be responsible for reviewing these regulations as promptly and carefully as practicable. Changes will be made in accordance with the procedures required for the development of new regulations.

IV. CURRENT REGULATIONS INITIALLY SELECTED BY THE DEPARTMENT OF LABOR FOR REVIEW

EMPLOYMENT STANDARDS ADMINISTRATION

1. 20 CFR Part 722—Criteria for determining whether State Workmen's Compensation Laws provide adequate coverage for pneumoconiosis and listing of approved State laws.
2. 20 CFR Part 726—Black Lung Benefits: Requirements for coal mine operator's insurance.
3. 29 CFR Part 531—Wage Payments Under the FLSA.

4. 29 CFR Part 516 A and B—Records To Be Kept by Employers.

5. 29 CFR Part 780—Exemptions Applicable to Agriculture Processing of Agricultural Commodities, and Related Subjects.

6. 29 CFR Part 41—Interpretations of Farm Labor Contractor Registration Act.

7. 29 CFR Part 525—Employment of Handicapped Clients in Sheltered Workshops.

8. 29 CFR Part 529—Employment of Patient Workers in Hospitals and Institutions at Subminimum Wages.

9. 29 CFR Part 4—Labor Standards for Federal Service Contracts.

10. 29 CFR Part 5—Labor Standards Provisions DBRA/CWSHA.

11. 29 CFR Part 570.61—Hazardous Occupation Order No. 10, Occupations involving slaughtering, meat packing or processing or rendering.

12. 29 CFR Part 570, Subpart C—Employment of Minors Between 14 and 16 Years of Age (Child Labor Reg. 3).

13. 29 CFR Part 800—Equal Pay Act Interpretations.

14. 29 CFR Part 850—Records To Be Made or Kept Relating to Age; Notices To Be Posted; Administrative Exemptions.

15. 29 CFR Part 860—Interpretations Age Discrimination in Employment.

16. 41 CFR Part 60-1—Obligations of contractors and subcontractors.

17. 41 CFR Part 60-2—Affirmative action programs.

18. 41 CFR Part 60-4—Construction contractors affirmative action requirements.

19. 41 CFR Part 60-20—Sex discrimination guidelines.

20. 41 CFR Part 60-30—Rules of practice for administrative proceedings to enforce equal opportunity under Executive Order 11246.

21. 41 CFR Part 60-40—Examination and copying of OFCC documents.

22. 41 CFR Part 60-50—Guidelines on discrimination because of religion or national origin.

23. 41 CFR Part 60-60—Contractor evaluation procedures for contractors for supplies and services.

24. 41 CFR Part 60-250—Affirmative action obligations of contractors and subcontractors for disabled veterans and veterans of the Vietnam era.

25. 41 CFR Part 60-741—Affirmative action obligations of contractors and subcontractors for handicapped workers.

EMPLOYMENT AND TRAINING ADMINISTRATION

1. 20 CFR Part 609—Unemployment compensation for Federal civilian employees.

2. 20 CFR Part 614—Unemployment compensation for ex-servicemen.

3. 20 CFR Part 656—Labor certification process for permanent employment of aliens in the United States.

4. 29 CFR Part 26—Exemplary rehabilitation certificates for ex-servicemen.

5. 29 CFR Part 95—Programs under Title I (Comprehensive Manpower Services) of the Comprehensive Employment and Training Act.

6. 29 CFR Part 96—Programs under Title II (Public Employment Programs) of the Comprehensive Employment and Training Act.

7. 29 CFR Part 97 (excluding Subpart A)—Special Federal Programs and Responsibilities Under the Comprehensive Employment and Training Act.

8. 29 CFR Part 98—Administrative provisions for programs under the Comprehensive Employment and Training Act.

9. 29 CFR Part 99—Programs under Title VI (Emergency Job Programs) of the Comprehensive Employment and Training Act.

LABOR-MANAGEMENT SERVICES ADMINISTRATION

29 CFR Part 452 Subpart J—Special Enforcement Provisions of the election provisions of the Labor-Management Reporting and Disclosure Act of 1959.

MINE SAFETY AND HEALTH ADMINISTRATION

1. 30 CFR Parts 55, 56, and 57—Metal/Nonmetal health and safety advisory standards.

2. 30 CFR Parts 55, 56, and 57 (Consolidation of Parts).

3. 30 CFR Part 70—Respirable dust standard for underground coal mines.

4. 30 CFR Part 71—Respirable dust standard for surface coal mines.

5. 30 CFR Part 75—Underground coal mines safety standards (nonstatutory).

6. 30 CFR Part 75.1714—Self-rescuers in underground coal mines.

7. 30 CFR Part 77—Surface coal mine safety standards.

8. 30 CFR Part 90—Transfer of miners.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

1. 29 CFR Part 1910—General Industry Standards—Deletion Project.

2. 29 CFR Part 1910—Subpart D, Walking-Working Surfaces.

3. 29 CFR Part 1910—Subpart O, Machinery and Machine Guarding.

4. 29 CFR Parts 1915, 1916, and 1917—Safety and Health Regulations for Ship Repairing, Shipbuilding, and Shipbreaking (consolidation of shipyard standards).

V. COMMENT PROCEDURE

The Department of Labor invites written comments on its proposals to implement Executive Order 12044. The Department of Labor invites the

public to participate in the development of the procedures which will implement the Executive order by submitting comments to Seth Zinman, Associate Solicitor for Legislation and Legal Counsel, Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210. Identify the comments on the outside envelope and on the documents that are submitted. The Department of Labor will consider all comments received by July 28, 1978, before taking further action on these matters.

Any information or data submitted pursuant to the above procedures and considered to be confidential must be so identified and submitted in one copy only. The Department of Labor reserves the right to determine the confidential status of the information or data and to treat it accordingly.

Information on comment procedures may also be obtained from:

Sofia P. Petters, Counsel for Administrative Legal Services, Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210.
Mark Solomons, Counsel for Special Legislative Projects, Room N2428, 200 Constitution Avenue NW., Washington, D.C. 20210.

Issued in Washington, D.C., May 19, 1978.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 78-14591 Filed: 5-22-78 12:21 am]

[4410-01]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 789-78]

DRAFT REPORT ON IMPLEMENTATION OF EXECUTIVE ORDER NO. 12044, "IMPROVING GOVERNMENT REGULATIONS"

AGENCY: Department of Justice.

ACTION: Request for public comment.

SUMMARY: The Department of Justice is issuing this draft report to obtain comments on its proposals to implement Executive Order No. 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978), which requires each agency to establish criteria and procedures to improve the development of its regulations.

DATE: Comments by July 25, 1978.

ADDRESS: Send comments to Kevin D. Rooney, Assistant Attorney General for Administration, Department of Justice, Room 1111, 10th and Constitution Avenue NW., Washington, D.C. 20530, 202-739-3101.

FOR FURTHER INFORMATION CONTACT:

Anthony C. Moscato, Special Assistant to the Assistant Attorney General for Administration, Room 1103, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530, 202-739-5252.

1. DESCRIPTION OF PROCESS FOR DEVELOPING REGULATIONS

The Department of Justice is not an agency whose primary mission is the conduct of regulatory activity. Most regulations issued by the Attorney General relate to internal agency organization, management or personnel and are exempt from Executive Order No. 12044. Following is a brief description of the regulations that are subject to the provisions of the Executive order, issued or initiated by various organizational units of the Department.

(a) BUREAU OF PRISONS

In carrying out its responsibility for the care and custody of offenders committed to the care of the Attorney General, the bureau of Prisons has promulgated regulations which cover the gamut of inmate care standards and issues. Until recently, these regulations were contained in a series of approximately 200 "Policy Statements" which were available upon request, but neither formally published nor publicized. In February, 1977, pursuant to court order in the case of *Ramer v. Lewis*, the Bureau was ordered to publish its regulations. In aid of that process, the Bureau of prisons has been reviewing and purging its

Policy Statements, reducing their number to approximately 110. Since February, 1977, the Bureau of Prisons has published the first 40 of those policies for comment in the FEDERAL REGISTER on May 23, 1977, August 18, 1977, and December 4, 1977. None of these have been published in final.

(b) CIVIL RIGHTS DIVISION

The Civil Rights Division is responsible for regulations in the following areas: procedures to obtain preclearance to change voting practices or procedures in certain states and political subdivisions (28 CFR Part 51); procedures for registration and balloting in areas of "language minority" (28 CFR Part 55); discrimination in hiring on the basis of race, sex, religion or ethnic background (28 CFR 50.3 and 41 FR 51734); and regulations pertaining to the implementation of nondiscrimination in federally assisted programs. In the first two areas, the regulations were developed by the staff of the Division charged with litigation responsibility in the same area, with help and review from other Division staff, forwarded to the Assistant Attorney General of the Division for approval and signature, and then sent to the FEDERAL REGISTER for publication and comment. The regulations relating to "language minorities" were reviewed by the Department's Office of Legal Counsel. Copies of the proposed regulations were also sent to interest groups, States, and political subdivisions for comment. The employment discrimination regulations were developed in concert with the other agencies responsible for this program area, the Department of Labor and the Civil Service Commission, prior to being sent to the Federal Register for publication and comment. They were circulated in accord with OMB Circular A-85 prior to final publication.

(c) DRUG ENFORCEMENT ADMINISTRATION

The Drug Enforcement Administration is responsible for five related areas of regulations, including: maintenance of the five schedules of controlled substances established by the Controlled Substances Act; maintenance of a system of annual registration of manufacturers, distributors, importers, exporters and dispensers of controlled substances; monitoring (through direct controls, inspection techniques and otherwise) of the manufacture, distribution, import, export and dispensing of controlled substances; conduct of administrative hearings; and administering the procedures for granting exceptions to Drug Enforcement Administration regulations. The DEA regulations are published in 21 CFR Parts 1301 through 1316. The Drug Enforcement Administration has complied with the rule-making procedures of the Administra-

tive Procedure Act in adopting its regulatory scheme. In some instances, DEA has used an advance notice and comment procedure or hearing procedures to augment the rulemaking process, allowing for greater participation by businesses, individuals or the entities potentially affected by proposed regulations.

(d) IMMIGRATION AND NATURALIZATION SERVICE

The Immigration and Naturalization Service issues both substantive and procedural regulations relating to aliens, including: the inspection and admission of aliens into the United States; the adjudication of applications for benefits under immigration and naturalization laws; the apprehension and deportation of aliens; the maintenance of records regarding aliens; and the naturalization of aliens and U.S. citizens. Regulatory proposals are initiated by operating divisions, or at the behest of the Commissioner or his Deputy. They are then referred to the Service Instruction Officers for review and formal drafting, and then to the Associate Commissioners, Deputy Commissioner and the Commissioner for approval and forwarding to the Federal Register for publication and comment. If a benefit is conferred or a restriction relaxed, the regulation is published immediately. Examples of this procedure include: removal of the restriction on alien nonimmigrant visitors from applying for extensions of their stays; and finalization of Immigration and Naturalization Service procedures to implement a Congressional mandate to provide refugees from Indochina with legal alien status.

(e) LAW ENFORCEMENT ASSISTANCE ADMINISTRATION

The Law Enforcement Assistance Administration issues regulations and guidelines governing the grant programs it administers. These regulations and guidelines cover both eligibility requirements for financial assistance and conditions for the receipt of financial assistance. Following is a list of the current Law Enforcement Assistance Administration regulations and guidelines: LEAA Administrative Review Procedure (28 CFR Part 18); Regulations relating to the LEAA Implementation of the National Environmental Policy Act (28 CFR Part 19); Criminal Justice Information Systems (28 CFR Part 20); Confidentiality of Identifiable Research and Statistical Information (28 CFR Part 22); Final regulation relating to the LEAA Implementation of the OMB Circular A-95 Revised (28 CFR Part 30); Public Safety Officers' Death Benefits (28 CFR Part 32); Nondiscrimination in Federally Assisted Programs—Implementation of Section 518(c) of the Crime Control Act of 1976 and Section

262(b) of the Juvenile Justice and Delinquency Prevention Act of 1974 (28 CFR Part 42, Subpart D); Equal Employment Opportunity Guidelines (28 CFR Part 42, Subpart E); Financial Management for Planning and Action Grants (M 7100.1A, April 30, 1973); Guide for Discretionary Grant Programs (M 4500.1F, December 21, 1977); and, State Planning Agency Grants (M 4100.1F, January 18, 1977).

In drafting its regulations, the Law Enforcement Assistance Administration seeks input from a broad range of interest groups including, among others, the National Governor's Conference, the Council of State Governments, and the National League of Cities. Public meetings and hearings are scheduled, announced and held, or can be requested by interest groups. Sixty days after publication in the FEDERAL REGISTER are allowed for public comment.

In the case of regulations not published in the FEDERAL REGISTER an alternate procedure is used to elicit response from state planning agencies, public interest groups and other Federal agencies. Consideration is always given to the impact of proposed regulations on state and local agencies.

(f) NATIONAL INSTITUTE OF CORRECTIONS

The National Institute of Corrections is an independent agency within the Bureau of Prisons which administers a grant program for corrections improvements. The Institute uses a number of Federal Management Circulars, including 73-7, 73-8, 74-4, and 74-7, which it does not publish itself. The Institute does publish (though not in the FEDERAL REGISTER) its yearly program, which identifies general categories of available funds. The Institute holds four hearings across the Country to seek input for its program plan.

(g) U.S. PAROLE COMMISSION

The U.S. Parole Commission has paroling authority over Federal prisoners and supervisory responsibilities for parolees. It promulgates rules to implement these responsibilities (28 CFR 2.1-2.89). The Commission has also published regulations to implement its responsibilities under the Labor Management Reporting and Disclosure Act, the Employee Retirement Income Security Act, and the Sunshine Act, 28 CFR 4.1-4.17, 4a.1-4a.17, 16.200-16.208.

The Commission meets approximately six times per year to review, modify or add regulations. The regulations are published in the FEDERAL REGISTER for a public comment period of 60 to 90 days. They are also sent to the Bureau of Prisons, the U.S. Probation Officer and, sometimes, to members of Congress.

(h) OTHER ORGANIZATIONAL UNITS

Although other organizational units of the Department do, from time to

time, initiate regulations, they do not have significant regulatory missions. All regulations submitted for the Attorney General's approval are first reviewed by the Department's Office of Legal Counsel (28 CFR 0.25). Those which do not relate solely to internal Department organization are published for public comment.

2. CRITERIA FOR SIGNIFICANT REGULATIONS

Regulations will be considered to be significant if they:

- Affect the general public;
- Implement a substantive policy or program responsibility of the Department;
- Affect a substantial portion (30 percent) of the industries, businesses, or organizations or individuals at which they are directed;
- Impose additional regulatory requirements;
- Increase the burden of reporting or compliance by the industries, businesses, organizations or individuals to which they apply;
- Create, increase, restrict or withdraw a benefit from the industries, businesses, organizations or individuals to which they apply;
- Affect the substantive or procedural due process rights of the individuals to which they apply;
- Modify the Department of Justice's relationships with other Federal agencies or departments;
- Modify the relationships between the Federal and state governments, Federal and local governments, or state and local governments;
- Affect the eligibility of industries, businesses, organizations or individuals for financial assistance from the Federal government;
- Affect the laws, regulations, procedures, fiscal status or record-keeping requirements of state or local governments; or

(l) Affect, directly or indirectly, the quality of competition between industries, businesses, organizations or individuals in general or in specifically targeted industries, geographical areas or regions.

3. CRITERIA FOR REGULATORY ANALYSIS

Regulations will be considered to have major economic consequences and therefore require a regulatory analysis in their support if they:

- Cause an annual effect on the economy of \$50 million or more;
- Cause a major increase in costs or prices for individual industries, levels of government or geographic regions;
- Impose a substantial economic burden in compliance for the industries, businesses, organizations, levels of government, or individuals toward which they are directed;
- Impose an economic burden upon industries, businesses, organizations,

levels of government or individuals toward which they are not directed; or

(e) If the Attorney General or the head of the organizational unit issuing the regulation determines that a regulatory analysis is necessary.

4. CRITERIA FOR REVIEW OF EXISTING REGULATIONS

All regulations shall be reviewed at least once every four years, in accordance with the following criteria:

- The need to simplify or clarify language;
- The need for further interpretation or clarification of the regulations in light of later administrative or judicial determinations;
- The need to reassess or reevaluate agency activity within a given regulatory area;
- The continued need for the regulations at all;
- The type and number of complaints or suggestions received;
- The burdens imposed on those directly or indirectly affected by the regulations;
- The degree to which technology, inflation or other economic conditions, or other factors in general, have changed the area affected by regulations; and
- The need to eliminate overlapping or duplicative regulations.

5. LIST OF REGULATIONS SCHEDULED FOR INITIAL REVIEW

(a) BOARD OF IMMIGRATION APPEALS

Section 292.2(d) of Title 8, Code of Federal Regulations, relating to representation and appearances before the Board, is scheduled for initial review because of recent judicial decisions sanctioning certain types of advertising for attorneys which are not now reflected in the regulations.

(b) BUREAU OF PRISONS

The Bureau of Prisons has recently published for comment, pursuant to court order, 40 of its existing 110 regulations. These have not been published in final and are therefore scheduled for initial review.

(c) CIVIL RIGHTS DIVISION

Part 51 of Title 28, Code of Federal Regulations, published pursuant to Section 5 of the Voting Rights Act of 1965, relate to the requirement that certain states and political subdivisions obtain pre-clearance for any changes in voting practices or procedures. These regulations require review primarily because they have been in existence without comprehensive review for over five years.

(d) DRUG ENFORCEMENT ADMINISTRATION

Regulations relating to specific procedures governing hearings pursuant

to orders to show cause directed to DEA registrants or applicants for registration (21 CFR 1301.51-1301.57 and 21 CFR 1311.51-1311.53); 21 CFR Part 1303, relating to DEA's quota setting authority; 21 CFR 1304.31-1304.41, relating to reporting requirements levied upon certain registrants engaged in specific activities; 21 CFR 1308.22, 1308.24, 1308.32, and 1308.41-1308.51, relating to certain excluded substances, exempted chemical preparations and excepted compounds, as well as relating to administrative hearings concerning the scheduling of substances; 21 CFR 1312.41-1312.47, relating to hearings regarding the denial of an application for an import, export or transshipment permit; and 21 CFR 1316.41-1316.67, relating generally to administrative hearing procedures. The regulations relating to hearings are scheduled because of the need to clarify DEA's hearing procedures and to eliminate some redundancy within the regulatory structure. The remaining regulations have been scheduled both because they are in need of comprehensive review and because of their potential economic impact.

(E) IMMIGRATION AND NATURALIZATION
SERVICE

Regulations relating to document

notations (8 CFR 235.4); 8 CFR 235.5, relating to preinspection of aliens in foreign countries; 8 CFR 235.8, relating to temporary exclusion of subversives; 8 CFR 235.10, relating to issuance of U.S. citizen ID cards; 8 CFR Part 287, relating to the authority of INS officers; 8 CFR Part 287, relating to the jurisdiction of Immigration Judges in deportation after final orders; and 8 CFR Part 244, relating to the voluntary departure of aliens. These regulations are scheduled for initial review because they are already being reviewed internally by INS.

(F) LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION

Guide for Discretionary Grant Programs, M 4500.1F, December 21, 1977; State Planning Agency Grants, M 4100.1F, January 18, 1977; Financial Management Guide for Planning and Action Grants, M 7100.1A, April 30, 1973; LEAA Administrative Review Procedure, 28 CFR Part 18; and Equal Employment Opportunity Guidelines, 28 CFR Part 42, Subpart E. The first two regulations are reviewed annually. The third and fourth are scheduled because they have not been reviewed for several years and the fifth is

scheduled to consider modification in light of recent changes in the area.

(G) U.S. PAROLE COMMISSION

Regulations relating to the Commission's responsibilities for granting certificates of exemption to convicted felons seeking employment in labor unions and employee benefit plans within five years of their convictions (28 CFR 4.1-4.17 and 28 CFR 4a.1-4a.17). The Commission is already in the process of reviewing them internally.

6. COMPLIANCE WITH EXECUTIVE ORDER
NO. 12044

In order to insure that the provisions of Executive Order No. 12044 are complied with, the Assistant Attorney General in charge of the Office of Legal Counsel shall provide department-level oversight for the Attorney General and shall review and make recommendations to the Attorney General on all matters requiring his decision or approval under the Executive Order.

Dated: May 23, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-14758 Filed 5-23-78; 12:25 pm]

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Advance Orders are now being Accepted
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(Revised as of October 1, 1977)

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[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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The following agencies have agreed to publish all documents on two assigned days of the week (Monday/Thursday or Tuesday/Friday). This is a voluntary program. (See OFR notice 41 FR 32914, August 6, 1976.)

Monday	Tuesday	Wednesday	Thursday	Friday
DOT/COAST GUARD	USDA/ASCS		DOT/COAST GUARD	USDA/ASCS
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	HEW/HSA			HEW/HSA
	HEW/NIH			HEW/NIH
	HEW/PHS			HEW/PHS

Documents normally scheduled for publication on a day that will be a Federal holiday will be published the next work day following the holiday.

Comments on this program are still invited. Comments should be submitted to the Day-of-the-Week Program Coordinator, Office of the Federal Register, National Archives and Records Service, General Services Administration, Washington, D.C. 20408.

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[3410-34]

Title 9—Animals and Animal Products

CHAPTER I—ANIMAL AND PLANT HEALTH INSPECTION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 75—COMMUNICABLE DISEASES IN HORSES, ASSES, MULES, AND ZEBRAS

Contagious Equine Metritis (CEM)

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Final rule.

SUMMARY: This document revises and strengthens the regulations which relate to contagious equine metritis (CEM). This action is needed to prevent the dissemination of CEM by horses and other equidae. The intended effect of this action is to provide flexibility needed in the regulations to permit the interstate movement of horses and other equidae when such movements can be made without undue risk to spread CEM.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Dr. Ralph C. Knowles, USDA, APHIS, VS, Federal Building, Room 738, Hyattsville, Md. 20782, 301-436-8433.

SUPPLEMENTARY INFORMATION: On April 4, 1978, a regulation was published in the FEDERAL REGISTER (43 FR 14022) which quarantined the State of Kentucky because of the existence of CEM. The regulation also imposed restrictions on the interstate movement of horses of the thoroughbred breed from or through the State of Kentucky. The present regulations provide that such horses which are geldings, and weanlings or yearlings which are not known to be affected with or exposed to CEM or exposed to any horse affected with CEM, may move interstate without restriction. Further, horses of the thoroughbred breed may move interstate into or from the State of Kentucky for racing or exhibition purposes without restriction. However,

such horses may be moved interstate into or from the State of Kentucky for breeding purposes only is such breeding is performed by artificial insemination in the presence of and certified by an authorized State or Federal animal health official.

The present regulations were placed into effect on an emergency basis in order to control the movement of horses into, from and through the quarantined area and to prevent the spread of CEM. However, for many reasons the present provisions are not adequate to prevent the spread of CEM by the interstate movement of certain horses. The present regulations do not provide a method of tracing the interstate movement of horses from or through the quarantined State to insure that the animals move in compliance with the regulations. The regulations do not restrict the interstate movement of animals which are affected with or exposed to CEM, when the movement is other than from or through the quarantined State. Also, the present regulations fail to establish requirements regarding the cleaning and disinfection of means of conveyance used to transport affected or exposed animals interstate. Such provisions are necessary because CEM may be transmitted by such means of conveyance.

Further, the present regulations lack the flexibility needed to control the movement of diseased animals and permit nondiseased animals which are not a threat to the livestock of the United States to move safely interstate with a minimum of restrictions.

This document will change the regulations in an attempt to cure the aforementioned deficiencies. In order to trace the interstate movement from or through the quarantined State of certain thoroughbred horses, such horses will be required to be accompanied by a certificate issued by a State of Veterinary Services inspector or by an accredited veterinarian containing the following information: (1) The description of each animal covered by the certificate including its name, breed, color, sex, and distinctive markings, such as brands, tattoos, scars, or blemishes, if any; (2) the age of each animal covered by the certificate, with the age of each weanling or yearling recorded in days; (3) the number of animals covered by the certificate; (4) the purpose for which the animals are

to be moved; (5) the points of origin and destination of the movement; (6) the names of the consignor and the consignee; and (7) a certification by the person issuing the certificate that the animal or animals identified on the certificate are not affected or exposed animals. The information required will also establish that the horse being moved is the horse listed on the certificate, thereby insuring that the particular horse is eligible to move under the regulations. Therefore, thoroughbred weanlings and yearlings will be required to be accompanied by a certificate when moved interstate from or through a quarantined State. The certificate will provide a means to insure that the particular animal is a weanling or yearling.

Such a certificate would also be required to accompany Thoroughbred mares or stallions which are not affected or exposed animals and which have not been bred naturally in the quarantined area after August 30, 1977, and which move interstate from a quarantined area for other than breeding purposes. If the horse has not had an opportunity to come in contact with CEM, it does not pose an undue threat to spread the disease. Also, if the purpose of such movement is for other than breeding purposes, the threat that such horse poses to disseminate CEM is further reduced because CEM is primarily transmitted through natural breeding. It should be noted that the provision that such horses have not been bred naturally in the quarantined area since August 30, 1977, has been included because the existence of CEM in the United States became known to the Department on that day, and therefore horses bred naturally after that date in a quarantined area present a disease threat since they would have had a possibility of having come in contact with CEM.

Such a certificate is also required for the interstate movement from or through a quarantined area of Thoroughbred mares or stallions which are not affected or exposed animals and have not been bred in the quarantined area except by artificial insemination since August 30, 1977, and which are so moved for breeding purposes if such breeding will be performed by artificial insemination in the presence of and certified to by a State or Federal animal health official. As noted above,

CEM is a disease primarily transmitted by natural breeding. If such breeding is done through artificial insemination, such horses would not pose an undue risk to spread CEM. However, in order to insure that such breeding is done through artificial insemination the certification of the Federal or State official observing the breeding is required.

Such a certificate is also required for the interstate movement through the quarantined area of a Thoroughbred horse which is not an affected or exposed animal, if moved through such area without contact with other horses while in such area. Again, as stated previously, because CEM is primarily a breeding disease, if a horse does not come in contact with other horses while in the quarantined area, it would not pose an undue risk to disseminate CEM.

Such a certificate is also required for the interstate movement from the quarantined area for breeding purposes of a mare or stallion which is not an affected or exposed animal, and which has not been on a premises since August 30, 1977, where an affected or exposed animal has been and which has not been naturally bred in the quarantine area after August 30, 1977, or which has been bred only by artificial insemination after August 30, 1977, if accompanied by a certificate.

As noted previously, CEM is primarily transmitted by natural breeding. A horse which is not an affected or exposed animal and which has not been naturally bred in the quarantined area or which has been bred in the quarantined area only by artificial insemination after August 30, 1977, should not present an undue risk to spread the disease. However, because such a horse will be moved for natural breeding, an additional safeguard, namely that the horse has not been on a premises since August 30, 1977, where an affected or exposed animal has been, is required. This further reduces the chance that the horse has come in contact with CEM. Therefore, under this provision of the regulations, such a horse may move interstate from the quarantined area for natural breeding purposes.

The regulations have also been amended to require that affected or exposed horses and other equidae shall not be moved interstate except for immediate slaughter directly to a federally inspected slaughtering establishment operated under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter and if accompanied by a permit. This requirement has been established because such animals obviously pose a threat to disseminate CEM and therefore must only be permitted to move

interstate for immediate slaughter. The reason the types of slaughtering establishments are specified is that such establishments have Federal or State officials present who will insure that the horses are received and slaughtered. A permit is required because it will provide a means of identifying and tracing the particular animal. The regulations define a permit to be a completed VS Form 1-27 issued by a State or Veterinary Services inspector or by an accredited veterinarian for the interstate movement of affected or exposed animals for slaughter which, in addition to the information required to be stated on the form, shall state a description of each animal to be moved, including the name, age, color and distinctive markings, such as brands, tattoos, scars, or blemishes, if any. VS Form 1-27 is a standard form utilized in regulating the interstate movement of animals affected with or exposed to diseases other than CEM which are moving for purposes of slaughter and is equally suitable for horses and other equidae affected with or exposed to CEM moving to slaughter. However, for purposes of further insuring that the particular animal being moved is the animal listed on the certificate, the additional information is required.

The regulations are also amended by requiring that nonaffected and nonexposed horses and other equidae may move interstate for immediate slaughter only if they comply with the provisions for affected or exposed horses and other equidae moved for slaughter.

This requirement is necessary in order to provide a means of identifying the origin of such animals and to trace the movement of such animals which may be established at the time of slaughter to be affected with CEM.

Additionally, the regulations are amended by establishing cleaning and disinfection requirements for means of conveyance used to transport affected or exposed horses and other equidae interstate to slaughter. Such requirements are necessary to prevent the spread of CEM because CEM may be transmitted by the horse or other equidae to the means of conveyance or articles in the means of conveyance. Therefore, in order to prevent any other animals which the means of conveyance may subsequently transport from coming in contact with CEM, the means of conveyance must be cleaned and disinfected.

The regulations also define affected and exposed animals for purposes of this section. An affected animal is an animal from which bacteria causing CEM has been identified in a State or Federal animal disease diagnostic laboratory in accordance with Standard bacteriological methods. Such an animal is infected with CEM and poses

a threat to the livestock of the United States. An exposed animal is defined as an animal which has had sexual or other physical contact with an affected animal, or which has been in physical contact with objects or persons that at the time of such contact were contaminated by previous contact with an affected animal. Due to the fact that CEM can be transmitted through direct physical contact with an affected animal or by indirect contact through vectors which have been in contact with an affected animal, animals which have such contact must be considered to be exposed to CEM.

The regulations also have included a definition of animal to include all types of equidae because CEM can affect all types of equidae. Further, the regulations include definitions of an accredited veterinarian, CEM, State Inspector, Veterinary Services Inspector, and weanling or yearling, for purposes of these regulations. Certain changes in the wording of the regulations have been made in order to conform to the statutory authority. Certain other minor editorial changes have been made in the regulations.

Accordingly, Part 75, Title 9, Code of Federal Regulations, is amended in the following respects:

1. Section 75.5 is amended to read as follows:

§ 75.5 Definitions.

For purposes of this section, the following terms shall mean:

(a) *Accredited Veterinarian.* An accredited veterinarian as defined in Part 160 of this chapter.

(b) *Affected Animal.* An animal from which bacteria causing CEM has been identified in a State or Federal animal disease diagnostic laboratory by standard bacteriological methods.

(c) *Animal.* Any horse, ass, mule, zebra or other equidae.

(d) *Certificate.* An official document issued by a State or Veterinary Services inspector or by an accredited veterinarian at the point of origin of a shipment of animals to be moved under this section which states:

(1) The description of each animal covered by the certificate including the name, breed, color, sex, and distinctive markings, such as brands, tattoos, scars, or blemishes, if any;

(2) The age of each animal covered by the certificate, with the age of each weanling or yearling recorded in days;

(3) The number of animals covered by the certificate;

(4) The purpose for which the animals are to be moved;

*The person issuing the certificate shall promptly forward copies of each certificate issued to the Chief Animal Health official of the State of origin and the Chief Animal Health official of the State of destination, respectively.

(5) The points of origin and destination of the movement;

(6) The names of the consignor and the consignee; and,

(7) Certification by the person issuing the certificate that the animal or animals identified on the certificate are not affected or exposed animals.

(e) *CEM.* Contagious Equine Metritis.

(f) *Exposed Animal.* An animal which has had sexual or other physical contact with an affected animal, or which has been in physical contact with objects or persons that at the time of such contact were contaminated by previous contact with an affected animal.

(g) *Permit.* A completed VS Form 1-27 issued by a State or Veterinary Services inspector or by an accredited veterinarian for the interstate movement of affected or exposed animals for slaughter which in addition to the information required to be stated on the form shall state a description of each animal to be moved including the name, age, color, and distinctive markings, such as brands, tattoos, scars, or blemishes, if any.

(h) *State Inspector.* A veterinarian or livestock inspector regularly employed in animal health activities by a State or a political subdivision thereof, authorized by such State or political subdivision to perform the function involved under a cooperative agreement with the United States Department of Agriculture.

(i) *Veterinary Services Inspector.* A veterinarian or livestock inspector employed by Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, in animal health activities, who is authorized to perform the function involved.

(j) *Weanling or Yearling.* Any horse not more than 731 days old on the date of interstate movement.

2. New §§ 75.6, 75.7, and 75.8 are added to read:

§ 75.6 General restrictions.

(a) Notice is hereby given that CEM, a communicable disease of horses, asses, mules, zebras, and other equidae exists in each area specified in § 75.7 of this part.

(b) Affected or exposed animals shall not be moved interstate except in accordance with the regulations in this part.

§ 75.7 Areas quarantined.

(a) Notice is hereby given that because of the existence of CEM in the breed of Thoroughbred horses in cer-

*The person issuing each permit shall promptly forward copies of each permit issued to Animal Health officials indicated on the original and each copy of VS Form 1-27.

tain areas, and because of the nature and extent of such disease, the following areas are hereby quarantined:

(1) *Kentucky.*—The entire Commonwealth.

§ 75.8 Restrictions on interstate movement.

(a) Except as provided in paragraph (b) of this section, no horse of the Thoroughbred breed shall be moved interstate from or through any quarantined area specified in § 75.7(a) of this part except in accordance with the following conditions:

(1) A gelding may be moved interstate without restriction;

(2) A weanling or yearling which is not an affected or exposed animal may move interstate if accompanied by a certificate;

(3) A mare or stallion which is not an affected or exposed animal and which has not been bred naturally in the quarantined area after August 30, 1977, may move interstate from the quarantined area for other than breeding purposes if accompanied by a certificate;

(4) A mare or stallion which is not an affected or exposed animal and which has not been bred in the quarantined area except by artificial insemination after August 30, 1977, may move interstate from the quarantined area for breeding purposes if such breeding will be performed only by artificial insemination in the presence of and certified to by a State or Veterinary Services Inspector, and if such horses are accompanied by a certificate; and

(5) A mare or stallion which is not an affected or exposed animal, which has not been on a premises since August 30, 1977, where any affected or exposed animal has been, and which has not been naturally bred in the quarantine area after August 30, 1977, or which has been bred only by artificial insemination in the quarantined area after August 30, 1977, may move interstate from the quarantine area for breeding purposes if accompanied by a certificate;

(6) A horse which is not an affected or exposed animal may move interstate through the quarantined area if accompanied by a certificate and if moved through such area without contact with other animals while in such area.

(b) *Movement of animals for immediate slaughter.* (1) No affected or exposed animal shall be moved interstate except for immediate slaughter directly to a federally inspected slaughtering establishment operated under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) or to a State-inspected slaughtering establishment which has inspection by a State inspector at the time of slaughter and only if accompanied by a permit.

(2) Animals other than affected or exposed animals may be moved interstate for immediate slaughter only if they comply with all of the provisions for movement of affected or exposed animals for slaughter in subparagraph (b)(1) of this section.

(c) *Cleaning and disinfection.* Any means of conveyance used to transport affected or exposed animals interstate shall be thoroughly cleaned and disinfected after such movement in accordance with the provisions of §§ 71.6, 71.7, 71.10, 71.11, and 71.12 of the regulations in this subchapter.

(Sections 4-7, 23 Stat. 32, as amended, sections 1 and 2, 32 Stat. 791-792, as amended, sections 1-4, 33 Stat. 1264, 1265, as amended (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126), 37 FR 28464, 28477; 38 FR 19141.)

In view of the nature of the disease and circumstances under which it is disseminated and in order to prevent the interstate spread of the disease, it is necessary that this amended regulation be placed in effect immediately. Therefore, the amendment must be made effective immediately to accomplish its purpose in the public interest.

Accordingly, under the administrative procedure provision in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 25th day of May 1978.

NOTE.—The Animal and Plant Health Inspection Service has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107.

M. T. Goff,
Acting Deputy Administrator,
Veterinary Services.

[FR Doc. 78-15110 Filed 5-26-78; 8:45 am]

[6210-01]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Z; Docket No. R-0156]

PART 226—TRUTH IN LENDING

Preservation of Evidence of Compliance

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule.

SUMMARY: The Federal Reserve Board amends the record retention requirements as to those creditors and lessors under the jurisdiction of the Comptroller of the Currency, the Federal Deposit Insurance Corporation, the Federal Home Loan Bank Board, the Federal Reserve Board and the National Credit Union Administration. These agencies proposed uniform guidelines for enforcement of the truth in lending provisions in October, 1977. Creditors and lessors affected by the amendment must retain all evidence of compliance in their possession, dating from July 1, 1969, until the agencies adopt final guidelines and complete at least one examination thereunder, subject to a minimum 2-year retention period. The amendment will preserve records of transactions which might be subject to corrective action once the guidelines are adopted and which might otherwise have been destroyed. The amendment is in response to a petition for rulemaking. The Board believes it is necessary to preserve enforcement options.

DATES: Effective date: May 30, 1978. Comments due on or before July 14, 1978.

ADDRESS: Send comments to Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FOR FURTHER INFORMATION CONTACT:

Anne Geary, Chief Staff Attorney, Division of Consumer Affairs, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2761.

SUPPLEMENTARY INFORMATION:

(1) Prior to this action, § 226.6(i) permitted all creditors to dispose of records evidencing compliance with Regulation Z when more than 2 years had elapsed from the date disclosures were required to be made. Under the uniform statement of enforcement policy proposed by the Federal financial regulatory agencies (42 FR 55786), corrective action might be required for violations of Regulation Z occurring more than 2 years prior to the date of discovery of the violation by the enforcing agency. If the guidelines as finally adopted specify a correction period greater than 2 years, the record retention requirement for transactions prior to that time would have expired. Thus, evidence of violations which might otherwise be subject to corrective action once the guidelines are adopted may have been destroyed before the guidelines are placed in effect.

(2) Pursuant to 5 U.S.C. § 553(e), Consumers Union has asked the Board to revise § 226.6(i) to require creditors to retain records until the enforcing

agency has published final guidelines, has conducted one examination for compliance with the regulation and has assured that any required corrective action has been taken. In a Petition for Emergency Rulemaking submitted on April 24, 1978, Consumers Union alleged that destruction of records pending adoption and application of the guidelines would cause irreparable injury to consumers whose transactions might otherwise have been subject to corrective action in the form of reimbursement.

(3) The Board has determined that a revision of § 226.6(i) is necessary to preserve enforcement options. In making this determination, the Board takes no position on whether the guidelines as finally adopted will require reimbursement as a form of corrective action or whether violations occurring more than 2 years prior to discovery will be subject to corrective action. Depending on the course of action chosen by the agencies, the amendment may later be revised. However, the Board believes that the potential benefit to consumers outweighs the added responsibility which this rule places upon creditors and lessors.

(4) The revised rule retains the minimum 2-year retention period for all creditors and lessors. Under the revision, however, creditors and lessors subject to paragraph (2) must retain all records currently in their possession, even those as to which the 2-year period has elapsed, until all 3 of the conditions set forth in that paragraph have been satisfied.

(5) The Board has determined that compliance with the provisions of 5 U.S.C. § 553 relating to notice, public participation and deferred effective date would be contrary to the public interest. Pending completion of the general procedures required by that section, a large number of additional records could be irretrievably lost, substantially reducing the utility of this amendment. In making this determination, the Board recognizes that this action could have been taken at an earlier time, which might have permitted compliance with normal procedural requirements. However, at the time the guidelines were first proposed, the participating agencies believed that final action would be taken shortly thereafter. In the Board's judgment, the record retention problem has become more acute as the deliberation process on the guidelines continues, increasing the need for the amendment. In view of the potential harm to consumers resulting from continuing to permit disposal of records, the Board believes that further delay for compliance with normal procedural requirements would not serve the public interest. Therefore, pursuant to 5 U.S.C. § 553(b)(3) and 5 U.S.C. § 553(d)(3) the Board is publishing this

rule without notice and prior opportunity for comment, to become effective on publication.

(6) Although immediate adoption of this rule is considered essential for the reasons stated above, the Board will consider further revision of the rule. Interested persons are invited to review the rule and to submit relevant data, views, or comments in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should be received not later than July 14, 1978, and should include the docket number R-0156. Copies of any comments received will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR Part 261.6(a)). Consideration will be given to any comments received and the Board will amend the rule as determined necessary or desirable.

(7) Pursuant to the authority granted in 15 U.S.C. § 1604 (1968), the Board hereby revises 12 CFR Part 226 as follows, effective May 30, 1978.

§ 226.6 General disclosure requirements

(i) *Preservation and inspection of evidence of compliance.* (1) Evidence of compliance with the requirements imposed under this Part, other than advertising requirements under § 226.10, shall be preserved by the creditor or lessor for a period of not less than 2 years after the date such disclosure is required to be made.

(2) With respect to a creditor or lessor subject to the administrative enforcement jurisdiction of the Comptroller of the Currency, Board of Directors of the Federal Deposit Insurance Corporation, Federal Home Loan Bank Board (acting directly or through the Federal Savings and Loan Insurance Corporation), Administrator of the National Credit Union Administration or Board of Governors of the Federal Reserve System, all evidence of compliance with the requirements imposed under this Part, dating from July 1, 1969, other than advertising requirements under § 226.10, shall be retained until:

(i) The administrative authority for that creditor or lessor completes one examination for compliance with the requirements imposed under this Part subsequent to adoption of a statement of enforcement policy,* and

(ii) A period of not less than 2 years has elapsed from the date that disclosure was required to be made.

*"Statement of enforcement policy" refers to a final statement based on the Joint Notice of Proposed Statement of Enforcement Policy published at 42 FR 55786 (1977).

(3) Each creditor or lessor shall, when directed by the appropriate administrative enforcement authority designated in section 108 of the Act, permit that authority or its duly authorized representative to inspect its relevant records and evidence of compliance with this Part.

2. Footnote 6a to § 226.7(a)(4) is redesignated footnote 6b.

By order of the Board of Governors, May 19, 1978.

THEODORE E. ALLISON,
Secretary of the Board.

[FR Doc. 78-14889 Filed 5-26-78; 8:45 am]

[6720-01]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD**SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM**

[No. 78-311]

PART 545—OPERATIONS**Electronic Fund Transfers Through Remote Service Units**

MAY 24, 1978.

AGENCY: Federal Home Loan Bank Board.

ACTION: Final rule.

SUMMARY: The Bank Board, by this amendment, adopts a permanent remote service unit (RSU) regulation. A permanent regulation is needed to replace the Board's temporary RSU regulation, which expires on June 30, 1978. The new, permanent regulation includes consumer protection provisions, removes deadlines for RSU application and operating periods, and revises, shortens, and simplifies existing requirements.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION, CONTACT:

Harry W. Quillian, Associate General Counsel, Federal Home Loan Bank Board, telephone 202-377-6440.

SUPPLEMENTARY INFORMATION:

The Bank Board, by Resolution No. 78-98, dated February 15, 1978 (43 FR 7327-9; February 22, 1978), proposed to amend § 545.4-2 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.4-2) to replace its temporary RSU regulation with a permanent one. The comment period closed on March 27, with 58 public comments received. Two banking trade associations opposed the regulation, contending that it would violate 12 U.S.C. 1464(b)(1) by authoriz-

ing demand withdrawal of funds from savings accounts. Fifty-six respondents (including 35 federally-chartered associations, 3 State-chartered associations, and 1 national bank) generally favored the regulation, but requested clarification or minor changes of sections of the regulation. In response to these requests, the Bank Board is revising the proposal by (1) combining and/or rearranging several sections in a more logical sequence; (2) expanding the consumer protection sections; and (3) clarifying application procedures.

Subparagraph (a) *Definition* has been rearranged alphabetically; the definition of a Supervisory Agent has been removed as redundant; a definition of "generic" data has been added; and the definitions of "Remote Service Unit" and "User" have been clarified. In response to questions about third party payment via telephone, the Bank Board reiterates that a telephone is not an RSU unless it is activated by a machine readable instrument. Therefore, most automatic telephone bill-paying systems do not fall within 12 CFR 545.4-2.

Seventeen respondents expressed confusion about the sharing limitations of the regulation. Subject to Bank Board approval, sharing is permitted with any financial institution. If anticompetitive implications so warrant, the Bank Board also may require sharing with any financial institution. Several respondents proposed amending the regulation to allow sharing with non-financial institutions, but the Bank Board has determined that such a step is premature. The Bank Board also wishes to clarify that, subject to its approval, a Federal association may share an automated teller machine located on its own premises or on the premises of another financial institution.

The Bank Board is still studying the interstate establishment and use of RSU's beyond what is currently permitted, but will presently continue the limitation in subparagraph (b).

Five respondents sought amplification of subparagraph (c) *RSU financial services*. This section lists traditional services which associations may offer through RSU's. Before seeking Bank Board approval, however, an association must obtain authorization from its board of directors to offer such services. Therefore, none are automatically "pre-authorized". The Bank Board believes that subparagraph (c)(4), encompasses all other related financial services an association may wish to offer.

The American Bankers Association opposed subparagraph (c)(4) on the ground that it "gives" the Bank Board authority to approve "unauthorized" services without giving the public an opportunity to comment. The Bank Board believes that to accommodate

unforeseen circumstances and advances in electronic funds transfer technology it is important to retain in this provision authority to approve upon application financial services related to those specifically permitted.

VISA requested clarification of possible dual use of a credit card as a debit card to access an RSU account. The Bank Board is continuing to study the use of credit cards by Federal associations and will clarify their use in connection with RSUs at a later date.

Subparagraph (d) *Account agreements* is expanded to specify that agreements must be in writing and include information about rights and obligations in case of loss, theft, or error and as to the privacy of account information. To reinforce this requirement, parts (1) and (2) under subparagraph (f) have been transferred to this section and expanded to require written confirmation of notice of loss or theft.

Four respondents were concerned that the language of subparagraph (e) *Service charges* would preclude RSU systems which are already operational from imposing service charges if they do not currently do so. Five respondents questioned the notice requirement for changes in service charges. The section has been revised so that (1) service charges can be initiated on existing accounts; (2) notice must be given 30 days before charges are initiated or increased, not if they are decreased; and (3) notice and prior disclosure must be in writing.

The Bank Board carefully considered complaints of associations already operating experimental systems in regard to the precise words required to be imprinted on activators in (f) *RSU activator*. This section is revised so that the words "Not Transferable" or their equivalents must appear on each RSU activator.

Twenty-four respondents questioned the Bank Board's requirement of statements in 30 or 90-day cycles, depending on the activity of RSU accounts as described in subparagraph (g). The Bank Board believes that account statements are essential for consumer protection even if transactions are posted in passbooks. However, the Bank Board has decided to modify the section to require statements on a monthly or quarterly basis, as defined in the regulation.

Twenty-five respondents sought clarification of the provisions dealing with error resolution and RSU account losses. They urged modification of these sections, based on comparison to the recommendations of the National Committee on Electronic Fund Transfers. No clear model exists for debit card liability, but the Bank Board believes that the duty of notice by the consumer to the association, the time limits for notice and resolution of alleged error, and strict liability

ty on an association in the absence of consumer negligence comprise the fairest allocation of loss in an electronic system. The association is liable for errors caused by any aspect of the system over which the account holder has no control and may be liable for all loss to the account holder resulting from such errors. An association will not be liable for losses resulting from improper order by an authorized user (e.g., an order to pay \$50 when the account contains only \$10.).

Several comments suggested that associations recredit the account holders' account pending resolution of an error, especially one involving a third party. The Bank Board is still studying this suggestion and may amend the regulation to require such recrediting at a later time. The subparagraphs dealing with error resolution and RSU account losses have been modified so that account holders must give written notice of alleged errors and associations have ten business days after receiving notification to resolve the matter by correction or by delivering or mailing to the account holder written confirmation of the transactions with copies of any documents relied on by the association.

Eleven respondents requested change and/or clarification of (j) *Privacy of account data*. A representative of an organization of credit bureaus suggested that the regulation would prohibit release of credit history information, and many respondents requested a clear definition of "generic" data. Release of credit information with written consent of the account holder is clearly authorized in the regulation and should cause no delays to those authorized to seek credit information. "Generic" data as defined in new subparagraph (a)(2) is statistical information which does not identify any individual account holder. To protect account holders, the Bank Board has added a provision to the regulation ensuring that third parties and sharing financial institutions will treat account data of the Federal association with the same degree of confidentiality as Federal associations. The Bank Board, in fulfillment of its supervisory responsibility, must necessarily have access to account information; however, it will strictly adhere to prohibitions against unwarranted invasion of privacy contained in the Privacy Act, 5 U.S.C. 552(a).

In response to 20 comments concerning RSU access techniques and RSU receipts, the Bank Board has modified these sections to require (1) use of a PSI to access an RSU and (2) a receipt containing minimum information, signed by the account holder and RSU operator if it is manually written in any part.

Subparagraphs (d), (e), (f), (g), (j), (k), and (l) are redesignated in the final regulation as (f), (g), (d), (j), (l), (e), and (k), respectively, in a more logical sequence.

In response to questions about availability of insurance (subparagraph (m) *Bonding*) and proper security measures, the Bank Board emphasizes that an association must take all reasonable measures to secure adequate bonding and security. For example, an association may condition placement of terminals at merchant establishments on compliance with strict security arrangements. In addition, the regulation now specifically requires appropriate security to protect against the unauthorized use, alteration, and disclosure of electronic data.

Subsection (c) has been expanded to prohibit a Federal association from requiring any person to become an RSU user as a condition of obtaining a loan or any other service offered by the association.

Subsection (p) *Applications* has been revised to allow 1 year, instead of 6 months, for approved systems to become operational. However, procedures for filing remain unchanged. The Bank Board believes that supervisory clearance prior to filing of an application actually saves time for both the Bank Board and the applicant. Other questions about the application, including those concerning the definition of "RSU activity" and the procedures for systems alteration, are answered within the revised application form itself.

A limitation has been added to subsection (q) that a Federal association may share an RSU controlled by an institution not subject to examination by a Federal regulatory agency only if such institution has agreed in writing that the RSU is subject to such examination by the Board as it deems necessary.

A new subparagraph (s) of the regulation allows existing operational projects a period of 6 months following the effective date of this regulation to conform to subparagraphs (d) through (l).

Accordingly, the Bank Board amends 12 CFR 545.4-2 to read as follows, effective July 1, 1978:

§ 545.4-2 Remote Service Units (RSUs).

(a) *Definitions*. As used in this section—

(1) "Activator" means a machine-readable instrument used to activate an RSU; a passbook may not be so used.

(2) "Generic data" means statistical information which does not identify any individual account holder.

(3) "Personal security identifier" (PSI) means any word, number, or other security identifier essential for user access of an account through an RSU.

(4) "Remote service unit" (RSU) means an information processing

device, including associated equipment, structures, and systems, by which information relating to financial services rendered to the public is stored and transmitted, instantaneously or otherwise, to a financial institution. Any such device not on the premises of any facility of a Federal association which, for activation and account access, requires use of an activator and PSI in the possession and control of the user, is an RSU.

The term includes, without limitation, both "on-line" computer terminals and "off-line" cash dispensing machines. It excludes automated teller machines on the premises of a Federal association, unless shared with other financial institutions. An RSU is not a branch, satellite, or other type of office, facility, or agency of a Federal association under §§ 545.14, 545.14-1, 545.14-2, 545.14-3, 545.14-4, 545.14-5, or 545.15.

(5) "RSU account" means a savings account (including a savings deposit) or loan account which may be accessed through an RSU.

(6) "User" means an RSU account holder of a Federal association authorized to access an RSU.

(b) *General*. A Federal association may establish or use RSUs in the State of its home office or in the primary service area, as determined by the Board, of any of its out-of-State branches, and may participate in RSU operations with other financial institutions as the Board may approve.

(c) *RSU financial services*. A Federal association's board of directors may, by resolution, authorize it to offer any of these financial services to the public through RSUs:

(1) Crediting existing savings accounts;

(2) Debiting such accounts up to the available balance therein, provided that no negotiable or transferable order or authorization is used unless permitted by Federal law;

(3) Crediting payments on loans in which the association has an investment or which it is servicing; and

(4) Related financial services as the Board may approve upon application.

(d) *RSU activator*. Each RSU activator shall bear the words "Not Transferable" or their equivalent.

(e) *RSU access techniques*. A Federal association shall provide a PSI to each user and require its use when accessing an RSU; it may not employ RSU access techniques which require the user to disclose a PSI to another person.

(f) *Account agreements*. A Federal association shall clearly disclose in writing to each user before an RSU account is opened, all terms and conditions of the RSU agreement, including rights and obligations in case of loss, theft, or error and the privacy of account information. The association shall also inform each user that:

(1) Loss or theft of the activator should be promptly reported to a person or phone number specified by the association; and

(2) The PSI is for security purposes and should not be disclosed to third parties.

(g) *Service charges*. A Federal association may impose charges for RSU financial services.

(1) *New accounts*. A schedule of charges shall be disclosed in writing to a prospective user before an RSU account is opened.

(2) *Existing accounts*. Users shall be notified in writing 30 days before service charges are initiated or increased by the association.

(h) *Error resolution*. A Federal association shall establish error resolution procedures for RSU accounts, and inform users that:

(1) Written notification of error should be made within 60 days of receipt of the statement;

(2) Resolution of alleged error by correction or written confirmation of the transaction (including copies of any documents relied on by the association) shall be made by the association within 10 business days after receiving such notification.

(i) *Liability for loss*. A Federal association shall be liable to a user for RSU account losses resulting from the association's:

(1) Failure to carry out the user's transaction order correctly including such failure resulting from prior uncorrected error of the association;

(2) Failure to correct an account error within 10 business days after receiving written notification from the user; or

(3) Processing a transaction order from an unauthorized person, unless the association proves that such action resulted from the user's negligence.

(j) *Account statements*. A Federal association shall issue each user a statement of RSU account transactions monthly if the account has been used in that time, quarterly if not; such statement shall include at least the date, type, amount, and location of each RSU transaction;

(k) *RSU receipts*. Each RSU must provide to users at the time of an RSU transaction a receipt containing at least the following: Date, type, amount, and location of transaction, and information sufficient to identify the user. A receipt which is manually written must be signed by the user and the RSU operator.

(l) *Privacy of account data*. A Federal association shall allow users to obtain any information concerning their RSU accounts. Except for generic data or data necessary to identify a transaction, no Federal association may disclose account data to third parties, other than the Board or its representatives, unless express written con-

sent of the user is given, or applicable law requires. Information disclosed to the Bank Board will be kept in a manner to ensure compliance with the Privacy Act, 5 U.S.C. 552(a). A Federal association may operate an RSU according to an agreement with a third party or share computer systems, communications facilities, or services of another financial institution only if such third party or institution agrees to abide by this section as to information concerning RSU accounts in the Federal association.

(m) *Bonding*. A Federal association shall take all steps necessary to protect its interest in financial services processed at each RSU, including obtaining available fidelity, forgery, and other appropriate insurance.

(n) *Security*. A Federal association shall protect electronic data against fraudulent alterations or disclosure. All RSUs shall meet the minimum security devices requirements of Part 563a of the Insurance Regulations as though such units were offices, as defined in § 563a.1 of said part, except to the extent that an applicant satisfies the Board that those requirements are inappropriate. Alternate measures satisfactory to the Board must be taken for installation, maintenance, and operation of security devices and procedures, reasonable in cost, to discourage robberies, burglaries, larcenies, and computer theft and to assist in identification and apprehension of persons who commit such acts.

(o) *Competitive implications*. The Board will consider competitive implications of applications made under this section and may, in an appropriate case, (1) request the views of the Antitrust Division of the Department of Justice, (2) request an applicant to obtain a business review letter from such Division under 28 CFR 50.6, and/or (3) require a Federal association to share RSU activities with another financial institution under reasonable terms and conditions. A Federal association may not enter into any agreement for exclusive right to engage in RSU activities at any location(s). A Federal association may not require any person to become an RSU user as a condition of obtaining a loan or any other service offered by the association.

(p) *Applications*.—(1) *General*. A Federal association shall obtain the Board's written approval before entering into any RSU activity or materially altering a previously approved one. Before applying for such approval, a Federal association shall obtain from the Supervisory Agent written advice that there is no present supervisory objection to such application.

(2) *Start-up date*. A Federal association shall have its approved RSU activity operational no later than 12 months after Board approval, unless the Board grants an extension.

(3) *Filing*. Two copies of any RSU activity application shall be filed with the Supervisory Agent. The original and two copies shall be sent to the Director, Office of Industry Development, Federal Home Loan Bank Board, Washington, D.C. 20552. Additional material may be requested by the Director or the Supervisory Agent. Applicants may file information to supplement or amend applications.

(q) *Board supervision*. Each Federal association which engages in any RSU activity shall be subject to rules and regulations which the Board may hereafter prescribe or any resolution which the Board may adopt, including requirements to terminate or modify such activity, whether engaged in separately or with others. A Federal association may share an RSU controlled by an institution not subject to examination by a Federal regulatory agency only if such institution has agreed in writing that the RSU is subject to such examination by the Board as it deems necessary.

(r) *Reporting*. A Federal association which engages in RSU activities shall submit to the Board, at the association's expense, such reports as the Board may require regarding such activities.

(s) *Exception for previously approved RSU projects*. Paragraphs (d) through (l) and (q) of this section shall apply beginning January 1, 1979, to Federal associations engaging in RSU activities approved prior to July 1, 1978.

(Sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464); sec. 2, Pub. L. 93-100, 87 Stat. 342; Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR 1943-48 Comp. 1071.)

By the Federal Home Loan Bank Board.

J. J. FINN,
Secretary.

[FR Doc. 78-14948 Filed 5-26-78; 8:45 am]

[4910-13]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 78-NE-1; Amdt. 39-3224]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Model JT3D Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD)

which requires a one-time blue etch anodize inspection of all first stage fan blades on Pratt & Whitney JT3D turbofan engines. The AD is required to detect forging laps which could result in noncontained blade fractures.

DATES: Effective August 10, 1978. Compliance required not later than March 1, 1980.

ADDRESSES: The applicable service bulletin and special instruction may be obtained from: Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. A copy of the service bulletin and special instruction is contained in the Rules Docket, Federal Aviation Administration, Office of the Regional Counsel, New England Region, 12 New England Executive Park, Burlington, Mass. 01803.

FOR FURTHER INFORMATION CONTACT:

Daniel P. Salvano, Aerospace Engineer, Propulsion Section, Engineering and Manufacturing Branch, FAA, New England Region, 12 New England Executive Park, Burlington, Mass. 01803; telephone 617-273-7347.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring a one-time blue etch anodize inspection of first stage fan blades on all JT3D model engines was published in the **FEDERAL REGISTER** at 43 FR 1801. The inspection would detect the presence of forging laps in the fan blades.

The FAA requested that comments on the proposed AD be submitted on or before February 16, 1978. Representatives from FAA attended an Air Transport Association (ATA) meeting on January 28, 1978, at which industry discussed the impact of the NPRM and stated they would petition for an extension of the comment period. On January 31, 1978, the ATA petitioned the agency to extend the comment period to March 27, 1978, so that airlines operating JT3D engines could collect data and respond to the proposal. The agency granted the petition, and the comment period was extended to March 27, 1978.

Interested persons have been afforded an opportunity to participate in the making of the amendment. Comments were received from ATA on behalf of the airlines operating JT3D engines and the manufacturer, P&WA. The industry position was that AD action is not required in view of the low probability of fan blade failure and the likelihood that such a failure, if it did occur, would not endanger the aircraft or its passengers. It was also suggested that the proposed October 1, 1979, compliance date would present severe service and economic problems for the airlines.

The FAA has given careful consideration to these comments but does not agree that AD action is unwarranted. A review of the history of the failures reveals that of the 18 reported cases of fan blade failure due to forging laps, 9 (56 percent) have been uncontained. The FAA considers these uncontained failures to be an unsafe condition which must be prevented.

The FAA does agree that the compliance date could be extended. The proposed October 1, 1979, compliance date originally proposed was selected after a review of safety considerations and preliminary data on availability of replacement fan blades, shop capability of industry to perform the inspection, and the economic impact on the community, both the industry and the public. More complete data, now available, indicates this date to be unduly restrictive, and the compliance date is being extended to March 1, 1980.

DRAFTING INFORMATION

The principal authors of this document are Daniel P. Salvano, Propulsion Section, Engineering and Manufacturing Branch, and George L. Thompson, Office of the Regional Counsel, New England Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of Part 39 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new airworthiness directive:

PRATT & WHITNEY AIRCRAFT. Applies to all Pratt & Whitney Aircraft JT3D turbofan engine models.

Compliance required not later than March 1, 1980, unless already accomplished.

To preclude failures of first stage fan blades due to forging laps, which could result in aircraft damage, perform a one-time blue etch anodize inspection of the blades in accordance with the procedures given in Pratt & Whitney Alert Service Bulletin 4733, dated May 5, 1977, or later FAA approved revision, and Special Instruction 2F77, dated January 28, 1977, or later FAA approved revision.

Fan blades that exhibit blue etch linear indications in the inspection areas shown in Figure 1 of ASB 4733 must be reworked or scrapped in accordance with the forging lap repair limits established in Figure 2 of ASB 4733, dated May 5, 1977, or later FAA approved revision.

NOTE.—The AD does not change the present fan blade blend limits given in the JT3D engine manual.

The manufacturer's specifications and procedures identified and described in this directive are incorporated herein and made a part thereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Pratt & Whitney Aircraft, Division of United Technologies Corp., 400 Main Street, East Hartford, Conn. 06108. These documents may also be

examined at Federal Aviation Administration, New England Region, 12 New England Executive Park, Burlington, Mass. 01803, and at FAA Headquarters, 800 Independence Avenue SW., Washington, D.C.

A historical file on this AD which includes the incorporated material in full is maintained by the FAA at its Headquarters in Washington, D.C., and at the New England Region.

(Secs. 313(a), 801, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1423); secs. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.85.)

Issued in Burlington, Mass., on May 18, 1978.

NOTE.—The incorporation by reference provisions of this document was approved by the Director of the Federal Register on June 19, 1967.

ROBERT E. WHITTINGTON,
Director, New England Region.
(FR Doc. 78-14890 Filed 5-26-78; 8:45 am)

[4910-13]

[Docket No. 78-CE-7-AD; Amdt. 39-3220]

PART 39—AIRWORTHINESS DIRECTIVES

Beech 50, 65, and 70 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This Amendment adopts a new Airworthiness Directive (AD), applicable to all Beech 50, 65, and 70 series airplanes, which is a three-step action to reduce the probability of fatal accidents resulting from engine nacelle fires in these airplanes. These actions will increase the probability that fuel leaks in the engine nacelle will be detected, will improve the ability of the powerplant installation to contain a fire and will incorporate a reliable fire detector system to give the pilot early notification of a powerplant fire.

DATES: Effective June 1, 1978. Compliance schedule as prescribed in the body of the AD.

ADDRESSES: Any Beechcraft Service Instructions noted in this AD may be obtained from local Beechcraft Aviation Centers (Dealers) or Beech Aircraft Corp., Commercial Service Department, 9709 East Central, P.O. Box 85, Wichita, Kans. 67201. Copies of the above service instructions are contained in Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C., and at the Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106.

FOR FURTHER INFORMATION CONTACT:

Donald L. Page, Aerospace Engineer, Engineering and Manufacturing

Branch, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106; telephone 816-374-3446.

SUPPLEMENTARY INFORMATION: The FAA has issued several previous ADs applicable to Beech Model 50, 65 and 70 series airplanes which were intended to reduce the possibility of fatal accidents resulting from inflight powerplant fires. Through June, 1976, the following ADs were issued:

(1) AD 72-18-7 (37 FR 18030) required installation of a flight manual supplement and an instructional placard on the instrument panel of the affected airplanes to advise the pilots of an emergency shutdown procedure to minimize fire hazards related to engine failure or nacelle or engine compartment fires;

(2) AD 72-18-8, as amended (37 FR 18030, 18031, 43 FR 9593, 9594), required replacement of certain hoses in the engine compartment and repetitive inspections of the engine compartment and nacelles for conditions likely to cause a powerplant fire and correction of these conditions where found;

(3) AD 73-23-4, as amended (38 FR 30867, 39 FR 2469, 39 FR 13072, 13073), required installation of fire-resistant shielding in the nacelle behind the firewall to reduce the probability of inflight engine compartment fires penetrating critical areas of the aircraft wing and nacelle;

(4) AD 76-13-03 (41 FR 25997) required inspection of certain serial numbers of one model to determine that the fire-resistant shielding required by AD 73-23-4 was in fact properly installed on these airplanes.

Within a 4-month period, May through August 1977, three fatal accidents related to or caused by inflight engine nacelle fires occurred involving a Beech Model 50 (Military U8D), Beech Model 65-80 and Model 65-88. Facts concerning these accidents available to the FAA indicated that standard maintenance and pilot unawareness of the fire or incorrect operational decisions after its discovery contributed to the initiation of the fire and precluded its successful control. As a result, the FAA issued AD 77-25-01 (42 FR 61993-61995) on November 5, 1977, which required detailed inspection of the airplane to verify compliance with previous ADs, detection of conditions which might cause an engine nacelle fire, correction of these conditions if found and reporting thereof to the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

At the time AD 77-25-01 was issued, the FAA recognized that additional action might be indicated by the information contained in the field reports or subsequent engine nacelle fire incidents. After the issuance of this AD, a fatal accident, an inflight fire and a

ground fire have occurred on three different 65-80 model airplanes on which compliance with this AD was recorded. On the basis of these occurrences and reported unsafe conditions found when complying with AD 77-25-01, the FAA concludes that during operation of these airplanes flammable fluid leakage will occur in the engine nacelle, this leakage will be ignited and, if the pilot does not take timely corrective action, a fatal accident will result. In view of this, the FAA has decided to take regulatory action, supplementing AD 77-25-01, which will require additional fire protection for these airplanes. These measures will reduce the probability of an engine nacelle fire and increase the probability that the pilot will detect any engine nacelle fire that does occur before the fire causes catastrophic damage. Actions considered were the installation of improved fire-resistant lines meeting current standards in the engine compartments and wheel wells, installation of a continuous type fire detector system in the engine compartments and the wheel wells, installation of shielding to preclude fire impingement on the wing main spar, safetying of all flammable fluid line fittings in the engine compartments and wheel wells, further development of the engine to improve engine reliability, redesign of the powerplant installation to remove the augmenters, and tightening of powerplant and wheel well inspection requirements. Of these possibilities, the FAA selected installation of improved fire-resistant lines meeting current standards in the engine compartments, installation of a continuous type fire detector system in the engine compartments and wheel wells, and modification of the daily preflight instructions to improve the detection of flammable fluid leaks. The FAA believes these actions will provide the desired level of safety at the least cost and inconvenience to the owner and compromise to the aircraft's utility.

With respect to presently installed "spot" type fire detector systems, the FAA has determined that in at least one fire incident flame impinged directly on one detector and the system failed to indicate the fire. In another instance, accident findings established that fire had been in the proximity of a "spot" detector element. However, the available evidence indicates that the pilot was unaware of the fire. The continuous type fire detector system has fail-safe design and is widely used in airplanes operated by scheduled airlines where it has demonstrated a high degree of reliability. The FAA believes that the high level of reliability required in this installation justifies the increased costs of the continuous type fire detector system.

Since the conditions described herein are likely to exist in other airplanes of the same type design, the FAA is issuing a new AD applicable to these airplanes making the above three selected actions mandatory. The FAA has determined that there is an immediate need for a regulation to assure safe operation of the affected airplanes. Therefore, notice and public procedure under 5 U.S.C. 553(b) is impracticable and contrary to the public interest, and good cause exists for making the amendment effective in less than thirty (30) days after the date of publication in the **FEDERAL REGISTER**.

DRAFTING INFORMATION

The principal authors of this document are: Donald L. Page, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr., Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly and pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new AD:

BEECH: Applies to the following models and serial number airplanes certified in all categories except those modified in accordance with STCs SA76SW, SA444SW, or SA587SW:

APPLICABILITY STATEMENT

Model	Serial Nos.
50	H-1 through H-11.
B50	CH-12 through CH-110.
C50	CH-111 through CH-360.
D50	DH-1 through DH-154.
D50A	DH-155 through DH-198.
D50B	DH-199 through DH-236.
D50C	DH-237 through DH-300.
D50E	DH-301 through DH-347.
E50	EH-1 through EH-70.
F50	FH-71 through FH-96 except FH-94.
G50	GH-94, GH-97 through GH-119.
H50	HH-120 through HH-149.
J50	JH-150 through JH-176.
65	L-1, L-2, L-6, LF-7 and after, and LC-1 through LC-239.
A65 and A65-8200.	LC-240 through LC-335.
65-80	LD-1 through LD-150 except LD-34 and LD-46.
65-A80 and 65-A80-8800.	LD-34, LD-46, LD-151 through LD-269.
65-B80	LD-270 through LD-512.
65-88	LP-1 through LP-47 except LP-27 and LP-29.
70	LB-1 through LB-35.

Compliance: Required as indicated unless already accomplished. To reduce the possibility of powerplant fire occurrence and improve powerplant fire containment and detection capabilities, accomplish the following:

(A) Within the next 25 hours time-in-service after the effective date of this AD, install in the existing Airplane Flight Manual, the temporary airplane Flight Manual Supplement included in this AD as Figure 1, or,

If available, the applicable Beech Aircraft Company Airplane Flight Manual or Pilot/Owner Handbook revision containing the same information.

(B) Within the next 100 hours time-in-service after the effective date of this AD:

(1) Replace existing fuel, oil, hydraulic, and oil vapor carrying hoses except drain lines in the engine compartment with equivalent length and diameter hoses meeting FAA Technical Standard Order C53A, Type C or D. Hose assemblies fabricated of Stratoflex Type 130 or Type 111 hose covered by fire-resistant sleeve, Stratoflex Type 2650 or 2607 or Aeroquip hose Type 303 covered with fire-resistant sleeve Type AE102 or 624 or an FAA-approved equivalent are acceptable except as noted below. (Steel fittings are required on three-eighths and smaller size hoses. Pressure and pull test the hoses in accordance with industry practice.)

Replace the main oil supply hose running from the firewall to the engine with a Stratoflex Part No. 156F001-16D0200 hose assembly or Aeroquip 620100-16-0200 hose assembly or an FAA-approved equivalent.

On the Model 88 series airplanes, fabricate the hose from the engine hydraulic pump "oil out" to the firewall using high pressure type hose. Stratoflex Type 112 or Aeroquip Type 309 or FAA-approved equivalent is acceptable. Subject these hoses to a proof pressure test of 7000 PSI and install applicable hose manufacturer's fire sleeves of types noted above.

Stratoflex Type 130 or 111 hose or Aeroquip Type 303 hose with appropriate manufacturer's fire sleeve as noted above or an FAA-approved equivalent are acceptable for all other pressurization system hoses. Engine induction system hoses are not included in the requirements of this AD.

Use old hoses as a pattern when fabricating new hoses. Caution should be exercised to assure end fittings on new hoses are equivalent to old hose and fittings. Install hoses observing manufacturer's torque limits. The Queen Air Series Shop Manual contains acceptable limits. Apply paint or torque putty to fittings after tightening.

(2) On airplanes having supercharged engines, after changing all engine and installation fuel systems hoses but prior to connecting the hose between modulator and fuel injector nozzle located at the top of the induction housing, cap this hose at the nozzle end, select main tanks, turn main boost pumps ON, place mixture controls in rich position, and check all fuel carrying lines and fittings for leakage. Correct any leaks detected and recheck prior to installing hose on nozzle fittings.

(3) On airplanes having non-supercharged engines, after changing all installation fuel system hoses with mixture control in "cut off", select main tanks, turn main boost pumps ON, and check all fuel carrying lines and fittings for leakage. Correct any leaks detected and recheck.

(4) After determining that no fuel is trapped in the induction system, conduct the runup specified in Figure 1 and inspect all hoses and fittings for signs of fuel or oil leakage.

(C) On or before January 31, 1979 install continuous type fire detector systems in the engine compartment and wheel wells in accordance with Beech Service Kit 80-9010.

NOTE.—The compliance date for this paragraph was established on the basis of the most accelerated schedule the vendors of the detector components can meet and the estimated number of active airplanes of the

affected models. The FAA recommends that every owner place an order for the necessary modification kit as early as possible.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

TEMPORARY AIRPLANE FLIGHT MANUAL SUPPLEMENT FOR BEECH MODEL 50 SERIES, 65 SERIES, A65 SERIES AND 70 AIRPLANES WITH RECIPROCATING ENGINES

(AD 78-11-01 requires this supplement to remain in the below designated airplane flight manual until replaced by an equivalent Beech Aircraft Co. Flight Manual or Owner Handbook revision.)

Model _____
N _____
S/N _____

In addition to the presently specified pre-flight procedures, prior to the first flight of each day accomplish the following:

1. Start both engines and operate at 1500 RPM. After the oil pressures stabilize, cycle the propellers to allow oil to flow to propeller hubs and shut down the engines using the mixture control.

2. Open the cowl doors on both sides of the engines and check all engine compartment fluid hoses and fittings for indications of fluid (fuel or oil) leakage. Check the wheel wells for these same conditions using a flashlight or supplemental light as necessary to provide adequate illumination of the area.

3. Correct any leak detected and secure cowl doors.

This amendment becomes effective on June 1, 1978.

(Secs. 313(a), 601 and 603 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89 of the Federal Aviation Regulations (14 CFR 11.89).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 15, 1978.

C. R. MELUGIN, Jr.,
Director, Central Region.

[FR Doc. 78-14891 Filed 5-26-78; 8:45 am]

[4910-13]

[Docket No. 78-CE-8-AD; Amdt. 39-3225]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 210M, T210M, P210, 310R, T310R, 340A, 402B, 404, 414, 414A and 421C Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT

ACTION: Final rule.

SUMMARY: This amendment adds a new Airworthiness Directive (AD) ap-

plicable to Cessna Models 210M, T210M, P210, 310R, T310R, 340A, 402B, 404, 414, 414A and 421C airplanes. It requires, prior to further flight, that the Aircraft Radio and Control (ARC) Model 400B autopilot on these airplanes be made imperative and placarded to that effect, unless the autopilot was modified in accordance with Cessna Service Letter No. AV78-6, dated March 31, 1978. Immediate adoption and effectiveness of this AD is necessary because a failure of the servo actuator, ARC Model PA-495A-2, which is part of the ARC Model 400B autopilot, may prevent that servo from disengaging when the autopilot is disconnected. If this failure occurs, the "A/P OFF" annunciator will illuminate when the autopilot is disconnected and the pilot will not be aware of the servo's continued engagement until he attempts to change the airplane's flight attitude. At that time, the forces of the engaged servo will add to the flight load forces and can adversely affect safety of flight.

EFFECTIVE DATE: June 5, 1978, to all persons except those to whom it has already been made effective by air mail letter from the FAA dated May 11, 1978.

COMPLIANCE: As required in the body of the AD, unless already accomplished.

ADDRESSES: Cessna Service Letter AV78-6, dated March 31, 1978, applicable to this AD, may be obtained from Cessna Aircraft Co., Marketing Division, Attention: Customer Service Department, Wichita, Kans. 67201; Telephone 316-685-9111. A copy of the service letter cited above is contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Mo. 64106 and at Room 916, 800 Independence Avenue SW., Washington, D.C. 20591.

FOR FURTHER INFORMATION CONTACT:

E. L. Tankesley, Aerospace Engineer, Engineering and Manufacturing Branch, Federal Aviation Administration, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3146.

SUPPLEMENTARY INFORMATION: The FAA has determined that the problem described in the Summary is an unsafe condition which is likely to exist or develop in other airplanes of the same type design. Since the agency also determined that an emergency situation existed and that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest. Accordingly, all known registered owners/operators of the affected airplanes were notified of the AD by air mail letter from the FAA dated May 11, 1978. The AD became

effective as to those individuals upon receipt of the notification letter. Since the unsafe condition described in the Summary may still exist on other Cessna Models 210M, T210M, P210, 310R, T310R, 340A, 402B, 404, 414, 414A and 421 airplanes, the AD is being published in the FEDERAL REGISTER as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective as to all persons who did not receive the letter of notification.

DRAFTING INFORMATION

The principal authors of this document are: E. L. Tankesley, Flight Standards Division, Central Region, and John L. Fitzgerald, Jr. Office of the Regional Counsel, Central Region.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, § 39.13 of the Federal Aviation Regulations (14 CFR 39.13) is amended by adding the following new Airworthiness Directive.

CESNA: Applies to Model 210M, T210M, and P210 (Serial Numbers 21061574 through 21062583, and P2100001 through P2100010); Model 310R and T310R (Serial Numbers 310R0501 through 310R1302, 310R1304 through 310R315, 310R1317, and 310R1318); Model 340A (Serial Numbers 340A0001 through 340A0458, 340A0460 through 340A0466, 340A0468, and 340A0470 through 340A0483); Model 402B (Serial Numbers 402B1001 through 402B1331 and 402B1333 through 402B1338); Model 404 (Serial Numbers 404-0001 through 404-0218, and 404-0220 through 404-0222); Model 414 and 414A (Serial Numbers 414-0801 through 414-0965, 414A0001 through 414A0032, 414A0034 through 414A0038, and 414A0040 through 414A0047); and Model 421C (Serial Numbers 421C0001 through 421C0479 and 421C0481 through 421C0488) airplanes incorporating ARC Model 400B autopilot installations.

To preclude increased flight control forces caused by an autopilot actuator that has failed to disengage when the autopilot is disconnected, unless already accomplished:

(A) On airplanes not modified in accordance with Cessna Service Letter No. AV78-6, dated March 31, 1978, or later revision, before next flight, disable the Model 400B autopilot:

1. On affected 300 and 400 series airplanes by pulling and banding autopilot computer (COMP.) and actuator (ACT.) circuit breakers;

2. On affected 210 series airplanes by disconnecting the connector at the roll and pitch actuators and securing these connectors to prevent them from interfering with the flight controls;

and install a locally fabricated placard in plain view of the pilot indicating "Autopilot Inoperative."

NOTE.—The autopilot disabling and installation of a locally fabricated placard required by Paragraph A on affected 300 and 400 series airplanes constitutes preventative maintenance and may be performed by persons authorized to perform preventative maintenance under FAR 43.

(B) Upon accomplishment of the electrical autopilot actuator modification set forth in Cessna Service Letter No. AV78-6, dated March 31, 1978, or later revision, the autopilot may be returned to service and the "Autopilot Inoperative" placard removed.

(C) Airplanes may be flown to a base where Paragraph A of this AD may be accomplished if the autopilot is not used.

(D) Any equivalent method of compliance with this AD must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective June 5, 1978, to all persons except those to whom it has already been made effective by air mail letter from the FAA dated May 11, 1978.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)); § 11.89, Federal Aviation Regulations (14 CFR 11.89).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 19, 1978.

CHARLES A. WHITFIELD,
Acting Director, Central Region.

[FR Doc. 78-14895 Filed 5-26-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-WE-101]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Temporary Control Zone, San Luis Obispo, Calif.

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a temporary control zone for the San Luis Obispo County Airport, San Luis Obispo, Calif. This action will provide controlled airspace for aircraft making instrument approaches to the San Luis Obispo County Airport during the annual California Air Guard summer encampment.

EFFECTIVE DATE: June 18, 1978.

ADDRESSES: Federal Aviation Administration, Air Traffic Division, Chief, Airspace and Procedures Branch, AWE-530, 15000 Aviation Boulevard, Lawndale, Calif. 90261.

FOR FURTHER INFORMATION CONTACT:

Thomas W. Binczak, Airspace and Procedures Branch, Air Traffic Divi-

sion, Federal Aviation Administration, 15000 Aviation Boulevard, Lawndale, Calif. 90261, telephone 213-536-6182.

SUPPLEMENTARY INFORMATION: The purpose of this amendment to Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is to designate a temporary control zone for the San Luis Obispo County Airport, San Luis Obispo, Calif., during the June 18, 1978 through June 30, 1978 time period.

A temporary control tower will be furnished by the California Air Guard with air traffic control services provided by the 234th Combat Communications Squadron air traffic controller personnel.

Under the circumstances presented, the FAA concludes that the rule is temporary in nature and does not significantly impose any additional burden on any person but adds to air safety. Therefore, I find notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

DRAFTING INFORMATION

The principal authors of this document are Thomas W. Binczak, Air Traffic Division and DeWitte T. Lawson, Jr., Office of the Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart F of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t. June 18, 1978 through June 30, 1978, as follows:

1. Amend § 71.171 of Part 71, Federal Aviation Regulations to read:

SAN LUIS OBISPO, CALIF.

Within a 5-mile radius of the San Luis Obispo County Airport (latitude 35°14'11" North; longitude 120°38'26" West).

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) and Sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c); and 14 CFR 11.69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Los Angeles, Calif., on May 17, 1978.

LEON C. DAUGHERTY,
Deputy Director,
Western Region.

[FR Doc. 78-14931 Filed 5-26-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-WE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS**PART 73—SPECIAL USE AIRSPACE****Designation of Temporary Restricted Area**

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: These amendments designate a temporary restricted area identified as R-2309 in the vicinity of Bill Williams River Valley, Ariz., to contain high explosive detonations. These amendments provide for the safe and efficient use of the navigable airspace by prohibiting unauthorized flight operations of nonparticipating aircraft within the designated areas during the designated period.

EFFECTIVE DATE: July 13, 1978. Period of designation is August 27, 1978, through September 2, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591; telephone: 202-426-3715.

SUPPLEMENTARY INFORMATION:**HISTORY**

On April 20, 1978, the FAA proposed to amend Parts 71 and 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) to designate a temporary restricted area identified as R-2309 in the vicinity of Bill Williams River Valley, Ariz., to contain high explosive detonations and to include this restricted area in the continental control area for the duration of its time of designation (43 FR 16741). Interested persons were invited to participate in the rule making proceeding by submitting written comments on the proposal to the FAA. We received two responses to the NPRM in which the commenters posed no objections to the proposal. Sections 71.151 and 73.23 were republished in the *FEDERAL REGISTER* on January 3, 1978, (43 FR 344 and 664).

THE RULE

These amendments to Parts 71 and 73 of the Federal Aviation Regulations designate a temporary restricted area in the vicinity of Bill Williams River Valley, Ariz., to protect nonparticipat-

ing aircraft from a large scale airblast associated with a high explosive field test program called Misers Bluff which involves the detonation of high explosives. In addition, the airspace at and above 14,500 feet MSL during the designated period (continuously from 0001 August 27, 1978, through 2400 hours, local time September 2, 1978) is included in the continental control area. These amendments adopt the airspace actions proposed in the NPRM (43 FR 16741). In accordance with established FAA policies, the using agency has provided the FAA with a statement that the requirements of the National Environmental Policy Act have been met.

DRAFTING INFORMATION

The principal authors of this document are Mr. Richard Huff, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Subpart D of Part 71 and Subpart B of Part 73 of the Federal Aviation Regulations (14 CFR Parts 71 and 73) as republished (43 FR 344 and 664) are amended, effective 0901 G.m.t., July 13, 1978, as follows:

In § 71.151, the following temporary restricted area is added for the duration of its time of designation from 001 hours, August 27, 1978, through 2400 hours, local time, September 2, 1978:

R-2309 MISERS BLUFF, ARIZ.

In § 73.23, the following temporary restricted area is added:

R-2309 MISERS BLUFF, ARIZ.

Boundaries. A circular area with a 10-nautical mile radius centered at lat. 34°15.5' N., long. 113°52.5' W.

Designated altitudes. Within a 3,000-foot radius centered at lat. 34°15.5' N., long. 113°52.5' W., surface to FL 320; within the circular area that lies between the 3,000-foot radius and the 10-nautical mile radius centered at lat. 34°15.5' N., long. 113°52.5' W., 100 feet above the surface to FL 320.

Time of designation. Continuous, 0001 August 27 through 2400 hours, local time, September 2, 1978.

Controlling agency. Federal Aviation Administration, Albuquerque ARTCC.

Using agency. Defense Nuclear Agency Field Command, Kirtland Air Force Base, N. Mex.

(Secs. 307(a), 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on May 23, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 78-14896 Filed 5-26-78; 8:45 am]

[6355-01]

Title 16—Commercial Practices**CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION****SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS****PART 1500—HAZARDOUS SUBSTANCES AND ARTICLES; ADMINISTRATION AND ENFORCEMENT REGULATIONS****Self-Pressurized Household Substances Containing Vinyl Chloride Monomer; Classification as Banned Hazardous Substance**

AGENCY: Consumer Product Safety Commission.

ACTION: Confirmation of final order.

SUMMARY: The Commission announces that no objections have been filed within the statutory period to its final order of March 24, 1978 classifying any household substance in a self-pressurized container containing vinyl chloride monomer, manufactured or imported on or after October 7, 1974, as a "banned hazardous substance." In this document the Commission, therefore, confirms the final order.

DATES: The effective date of the rule declaring any household substance in a self-pressurized container containing vinyl chloride monomer to be a banned hazardous substance is June 22, 1978. The rule is applicable to products which have been manufactured or imported on or after October 7, 1974.

FOR FURTHER INFORMATION CONTACT:

Charles Jacobson, Consumer Product Safety Commission, Directorate for Compliance and Enforcement, Division of Regulatory Management, Washington, D.C. 20207, 301-492-8400.

SUPPLEMENTARY INFORMATION: On March 24, 1978 the Commission published in the *FEDERAL REGISTER*, 43 FR 12308, a final regulation pursuant to section 2(q)(1)(B) of the Federal Hazardous Substances Act (FHSA), 15 U.S.C. 1261(q)(1)(B), declaring any

¹Editorial note: The final regulation revised 16 CFR 1500.17(a)(10).

self-pressurized products intended or suitable for household use, manufactured or imported on or after October 7, 1974, that contain vinyl chloride monomer (VCM) as an ingredient or in the propellant to be "banned hazardous substances." The final regulation was a reissuance of an earlier fully retroactive ban (39 FR 30112) that had been set aside for failure to hold a hearing on objections to the retroactive effect of the regulation. (For a complete background discussion on the original ban, see the preamble to the March 24, 1978 notice.)

In the March 24, 1978 document the Commission affirmed its determination made in the original ban that self-pressurized household products containing vinyl chloride monomer are toxic hazardous substances within the meaning of the FHSA because of vinyl chloride monomer, which, when inhaled, has the capacity to produce substantial illness, specifically cancer. Because no safe level of human exposure to vinyl chloride monomer has been established, the Commission further affirmed its earlier finding that adequate cautionary labeling could not be written under the FHSA for self-pressurized household products containing VCM and concluded that the degree and nature of the hazard presented by the use of these products is such that the public health and safety can be adequately served only by keeping the products out of interstate commerce. In taking the banning action, the Commission noted that ample scientific evidence in the form of long-term animal bioassays and human epidemiological studies is available to demonstrate the carcinogenicity of vinyl chloride monomer by inhalation and to demonstrate that human exposure to the substance can result in angiosarcoma of the liver, a rare form of liver cancer.

The March 24, 1978 banning regulation also provided, as is required for the issuance of regulations pursuant to section 2(q)(1)(B) of the FHSA, that the procedures for rulemaking under section 701(e) of the Federal Food, Drug and Cosmetic Act would govern and that adversely affected persons could file objections and requests for a public hearing within 30 days of the publication of the Commission's final order.

The last day for the filing of objections with the Commission was April 24, 1978. Since no objections have been filed within the statutory period, the Commission in this document confirms its final order of March 24, 1978, declaring as banned hazardous substances any self-pressurized household products containing vinyl chloride monomer as an ingredient or in the propellant, manufactured or imported on or after October 7, 1974.

(Secs. 2(f)(1), (A), (B), (g), (q)(1)(B), 3(a), 74 Stat. 372, 374, as amended 80 Stat. 1304-05,

83 Stat. 187-189, 90 Stat. 503 (15 U.S.C. 1261, 1262); sec. 701 (e), (f), (g), 52 Stat. 1055-56, as amended 70 Stat. 919, 72 Stat. 948 (21 U.S.C. 371 (e), (f), (g)); sec. 30(a), 86 Stat. 1231 (15 U.S.C. 2079(a)).

Dated: May 23, 1978.

SADYE F. DUNN,
Acting Secretary, Consumer
Product Safety Commission.

[FR Doc. 78-14883 Filed 5-26-78; 8:45 am]

[4810-22]

Title 19—Customs Duties**CHAPTER 1—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY**

[T.D. 78-150]

PART 153—ANTIDUMPING**Carbon Steel Plate From Japan**

AGENCY: U.S. Treasury Department.

ACTION: Finding of dumping; final rule.

SUMMARY: This notice is to inform the public that separate investigations conducted under the Antidumping Act, 1921, as amended, by the U.S. Treasury Department and the International Trade Commission, respectively, have resulted in determinations that carbon steel plate from Japan is being sold at less than fair value and that those sales are injuring an industry in the United States. On this basis, a finding of dumping is being issued and, generally, all unappraised entries of this merchandise will be liable for the possible assessment of special dumping duties.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Stephen Nyschot, U.S. Customs Service, Office of Operations, Duty Assessment Division, Technical Branch, 1301 Constitution Avenue NW., Washington, D.C. 20229 202-566-5492.

SUPPLEMENTARY INFORMATION: Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determining whether imported merchandise is being sold at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that carbon steel plate from Japan is being sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the *FEDERAL REGISTER* of January 13, 1978 (43 FR 2032).) An "Amended Determination of Sales at Less Than Fair Value" was published in the *FEDERAL REGISTER* of March 27, 1978 (43 FR 12780).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States International Trade Commission responsibility for determining whether by reason of such sales at less than fair value a domestic industry is being or is likely to be injured. The United States International Trade Commission has determined, and on April 18, 1978, it notified the Secretary of the Treasury that a domestic industry is being injured by reason of less than fair value imports of carbon steel plate from Japan. (Published in the *FEDERAL REGISTER* of April 24, 1978 (43 FR 17410)).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to carbon steel plate from Japan.

For purposes of this notice, the term "carbon steel plate" means hot-rolled carbon steel plate, 0.1875 (3/16) inches or more in thickness, over 8 inches in width, not in coils, not pickled, not coated or plated with metal, not clad, and not cut, pressed, or stamped to non-rectangular shape.

Section 153.46 of the Customs Regulations (19 CFR 153.46) is amended by adding the following to the list of findings of dumping currently in effect:

§ 153.46 List of current findings.

• • • • •
Merchandise, country and T.D.

Carbon steel plate, Japan, 78-150.

(Secs. 201, 407, 42 Stat. 11, as amended, 18 (19 U.S.C. 160, 173).)

ROBERT H. MUNDHEIM,
General Counsel

MAY 23, 1978.

[FR Doc. 78-15014 Filed 5-26-78; 8:45 am]

[4110-03]

Title 21—Food and Drugs**CHAPTER 1—FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE****SUBCHAPTER B—FOOD FOR HUMAN CONSUMPTION**

[Docket No. 77N-0177]

SODIUM THIOSULFATE; AFFIRMATION OF GRAS STATUS AS A DIRECT AND AN INDIRECT HUMAN FOOD INGREDIENT

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: This rule affirms that sodium thiosulfate is generally recog-

nized as safe (GRAS) as a direct and indirect human food ingredient. This action is taken because the safety of this ingredient has been evaluated under the comprehensive safety review being conducted by the agency.

EFFECTIVE DATE: June 29, 1978.

ADDRESS: Written objections to the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Corbin I. Miles, Bureau of Foods (HFF-335), Food and Drug Administration, Department of Health, Education, and Welfare, 200 C Street SW., Washington, D.C. 20204, 202-472-4750.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of September 20, 1977 (42 FR 47216), a proposal was published to affirm that sodium thiosulfate is generally recognized as safe for use as a direct and an indirect human food ingredient. The proposal was based on safety information developed by the Select Committee on GRAS substances. The proposal was published in accord with the announced FDA review of the safety of GRAS and prior-sanctioned food ingredients.

In accordance with § 170.35 (21 CFR 170.35), relating to the affirmation of GRAS food ingredients, copies of the scientific literature review on sodium thiosulfate, an evaluation of mutagenic tests, two reports on the teratology screening tests, and the report of the Select Committee on GRAS substances have been made available for public review in the office of the Hearing Clerk (HFC-20), Food and Drug Administration, Room 4-65, 5600 Fishers Lane, Rockville, Md. 20857. Copies of these documents have also been made available for public purchase from the National Technical Information Service, as announced in the proposal.

In addition to proposing to affirm the GRAS status of sodium thiosulfate, the Commissioner of Food and Drugs gave public notice that he was unaware of any prior-sanctioned food ingredient use for this ingredient other than for the proposed conditions of use. Persons asserting additional or extended uses, in accordance with approval granted by the U.S. Department of Agriculture or the Food and Drug Administration prior to September 6, 1958, were given notice to submit proof of such a sanction so that the safety of prior-sanctioned uses could be determined at this time. That notice was also an opportunity to have prior-sanctioned uses of sodium thiosulfate approved by issuance of an appropriate regulation under Part

181—Prior-Sanctioned Food Ingredients (21 CFR Part 181), provided prior-sanctioned use could be affirmed as safe on the basis of data now available to the Commissioner. Notice was also given that failure to submit proof of an applicable prior sanction in response to the proposal would constitute a waiver of the right to assert sanction at any future time.

No reports of a prior-sanctioned use for sodium thiosulfate were submitted in response to the proposal. Therefore, in accordance with that proposal, any right to assert a prior sanction for use of sodium thiosulfate under conditions different from those set forth in this regulation has been waived.

One comment was received in response to the proposal. The comment mentioned that sodium thiosulfate is used to neutralize the antimicrobial activity of certain sanitizers in water treatment processing. The comment asked if such information had been considered during the safety review of this substance.

The Commissioner recognizes that sodium thiosulfate is being investigated for use in drinking water to neutralize the antimicrobial activity of substances such as chlorine and antimicrobial preparations containing silver ion. However, the Commissioner is not aware of any evidence to suggest that antimicrobial agents that are commonly added to foods are inactivated by sodium thiosulfate. Further, this regulation is not intended to permit such use for sodium thiosulfate. It is expected that very little, if any, additional stimulation of microbial growth would occur in foods as a consequence of the uses of sodium thiosulfate permitted by this regulation.

The Commissioner therefore concludes that no change in the proposal to affirm the GRAS status of sodium thiosulfate is warranted. Accordingly, it is being promulgated without change.

Therefore, under the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a))) and under authority delegated to the Commissioner (21 CFR 5.1), Parts 182, 184, and 186 are amended as follows:

PART 182—SUBSTANCES GENERALLY RECOGNIZED AS SAFE

§ 182.90 [Amended]

1. By amending § 182.90 Substances migrating to food from paper and paperboard products, by deleting the entry of "Sodium thiosulfate (additive in salt)."

§ 182.6807 [Deleted]

2. By deleting § 182.6807 Sodium thiosulfate.

PART 184—DIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

3. By adding new § 184.1807 to read as follows:

§ 184.1807 Sodium thiosulfate.

(a) Sodium thiosulfate ($\text{Na}_2\text{S}_2\text{O}_5 \cdot 5\text{H}_2\text{O}$, CAS Reg. No. 010102-17-7) is also known as sodium hyposulfite. It is prepared synthetically by the reaction of sulfides and sulfur dioxide (SO_2), the reaction of sulfur and sulfite, or the oxidation of metal sulfides and hydrosulfides.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972), as amended by the first (1974) supplement.¹

(c) The ingredient is used as a formulation aid as defined in § 170.3(o)(14) of this chapter and reducing agent as defined in § 170.3(o)(22) of this chapter.

(d) The ingredient is used in alcoholic beverages and table salt in accordance with § 184.1(b)(1) at levels not to exceed good manufacturing practice. Current good manufacturing practice results in a maximum level, as served, of 0.00005 percent for alcoholic beverages as defined in § 170.3(n)(2) of this chapter and 0.1 percent for table salt as defined in § 170.3(n)(26) of this chapter.

(e) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

PART 186—INDIRECT FOOD SUBSTANCES AFFIRMED AS GENERALLY RECOGNIZED AS SAFE

4. By adding new § 186.1807 to read as follows:

§ 186.1807 Sodium thiosulfate.

(a) Sodium thiosulfate ($\text{Na}_2\text{S}_2\text{O}_5 \cdot 5\text{H}_2\text{O}$, CAS Reg. No. 010102-17-7) is also known as sodium hyposulfite. It is prepared synthetically by the reaction of sulfides and sulfur dioxide (SO_2), the reaction of sulfur and sulfite, or the oxidation of metal sulfides and hydrosulfides.

(b) The ingredient meets the specifications of the Food Chemicals Codex, 2d Ed. (1972), as amended by the first (1974) supplement.¹

(c) The ingredient is used or is intended for use as a constituent of paper and paperboard food packaging materials.

(d) The ingredient used at levels not to exceed good manufacturing practices.

¹Copies may be obtained from: National Academy of Sciences, 2101 Constitution Ave. NW., Washington, D.C. 20037.

(e) Prior sanctions for this ingredient different from the uses established in this section do not exist or have been waived.

Effective date. This regulation is effective June 29, 1978.

(Secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1788 as amended (21 U.S.C. 321(s), 348, 371(a)).)

Dated: May 23, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

NOTE.—Incorporation by reference approved by the Director of the office of the Federal Register on July 10, 1973 and June 27, 1977. Copies of referenced material are on file in the Federal Register library.

[FR Doc. 78-14859 Filed 5-26-78; 8:45 am]

[4210-01]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-1058]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Boonton, Morris County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the township of Boonton, Morris County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the township of Boonton, Morris County, N.J.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the township of Boonton, Morris County, N.J., are available for review at the Municipal Building, Powerville Road, Boonton, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the township of Boonton, Morris County, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Rockaway River	Southeast corporate limits.	485
	Powerville Rd.....	497
	Southwest corporate limits.	499
Beaver Brook.....	Valley Rd.....	498
	Rockaway Valley Rd.....	505
	Meadowbrook Rd. (upstream).	513
	Northeast corporate limits.	550
Unnamed creek	Rockaway Valley Rd.....	509
	Dixon's Pond.....	559
Stony Brook.....	Luff Rd. (extended).....	507
	Powerville Rd.....	512

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14034 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-2828]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Ellisburg, Jefferson County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Ellisburg, Jefferson County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the town of Ellisburg, Jefferson County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Ellisburg, Jefferson County, N.Y., are available for review at the Town Hall, Ellisburg, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Ellisburg, Jefferson County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sandy Creek	State Route 193	301
	State Route 289	442
	Mathers Mills Rd.	485
Bear Creek	Milk Plant Rd.	564
	ConRail	591
	Church Rd.	616
	Wardwell Settlement Rd.	617
	Route 11 (upstream side).	621
	Queens Farm Reservoir dam.	665
	Upstream corporate limits.	700
Skinner Creek	South corporate limits	349
Lake Ontario	Northwest corporate limits.	251
	Jefferson Park Rd.	251
	Montario Rd.	251
	Renshaw Bay Rd.	249

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14038 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3007]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Manitowoc County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Manitowoc County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Manitowoc County, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Manitowoc County, are available for review at Manitowoc County Courthouse, 110 South Eighth, Manitowoc, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Manitowoc County, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Molash Creek	State Trunk Highway 177.	589
East Twin River	County Trunk Highway BB.	639
	County Trunk Highway B, upstream of Zander Rd.	638
	Zander Rd.	634
	State Highway 163	632
	Holmes Rd.	627
	Tapawingo Rd.	622
	Hillview Rd.	619
	Rockledge Rd.	614
	State Trunk Highway 147.	608
	County Trunk Highway B at Mishicot.	604
	Steiners Rd.	598
	Sturm Rd.	595
	East Hillcrest Rd.	593
	Maplewood Rd.	590
	County Trunk Highway VV.	585
Neshota River	County Trunk Highway BB.	688
Devils River	County Trunk Highway T.	784
	Chicago & Northwestern Ry.	772
	Maribel Rd.	745
	Pleasant Rd.	727

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Interstate 43	714
	U.S. Highway 141	672
Little Manitowoc River.	Farm Rd.	647
	Goodwin Rd.	643
	Old County Highway Q.	631
	County Highway Q.	612
	County Trunk Highway Q, upstream crossing.	607
	County Trunk Highway Q, downstream crossing.	600
	County Trunk Highway B.	594
Tributary to Branch River at Rieffs Mills.	Rieffs Mills Rd.	764
Branch River	Town Rd at Rieffs Mill	751
	County Highway H	740
	Town Rd at Rieffs Mill	739
	Danmar Rd.	726
	Game Farm Rd.	707
	County Highway D	704
	U.S. Highway 10	702
	Branch River Rd.	700
	North Union Rd.	689
Manitowoc River	County Trunk Highway JJ.	810
	West Rd.	804
	State Trunk Highway 148.	793
	County Highway S.	752
	County Trunk Highway H.	734
	Union Rd.	705
	Interstate 43	651
	County Trunk Highway JJ.	608
	State Trunk Highway 119.	590
	U.S. Highway 141	590
	U.S. Highway 151	737
Silver Creek	Soo Line RR., upstream crossing.	738
	Soo Line RR., downstream crossing.	733
	West Carter St.	731
	West Carter St. (Old)	730
	Alverno Rd.	728
	U.S. Highway 151	722
	Victoria Lane	718
	State Highway 42	708
	Hecker Rd.	686
	Interstate 43	672
	U.S. Highway 141	668
	Chicago & Northwestern, RR.	641
	26th St.	640
	19th St.	635
	Silver Creek Rd.	630
	Silver Creek Rd.	623
Calvin Creek	U.S. Highway 141	656
	Chicago & Northwestern Ry.	655
	Northern Rd.	652
	St. Peters Rd.	641
	St. Peters Rd.	636
	County Trunk Highway LS.	600
	County Trunk Highway LS.	593
Pine Creek	Gass Lake Rd.	637
	County Trunk Highway U.	598
	County Trunk Highway LS.	594
Point Creek	U.S. Highway 141	640
	Chicago & Northwestern Ry.	633
	Centerville Rd.	631
	Ucker Point Creek Rd.	617
	County Trunk Highway LS.	592
Fischer Creek	U.S. Highway 141	612
	Chicago & Northwestern Ry.	610
	Centerville Rd.	601
	County Trunk Highway LS.	585

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Centerville Creek	South Cleveland Rd.	707
	Interstate 43	693
	West Washington Rd.	691
	State Trunk Highway 149.	680
	County Trunk Highway XX.	665
	Chicago & Northwestern Ry.	635
	Center Rd.	623
	North Ave.	608
Meeme River	County Trunk Highway X.	804
	County Trunk Highway X.	802
	Wilmas Rd.	784
	Farm bridge	775
	County Trunk Highway MM.	757
	County Trunk Highway MM.	755
	East Spring Valley Rd.	751
	State Trunk Highway 42	751
	State Trunk Highway 149.	735
	West Washington Rd.	730
	West Washington Rd.	728
	South Cleveland Rd.	726
Sheboygan River	State Highways 67 and 32.	889
	County Trunk Highway AA, downstream of State Highways 67 and 32.	887
	Mud Lake Rd.	886
	County Trunk Highway AA, downstream of Mud Lake Rd.	863
	County Trunk Highway AA, downstream of Mud Lake Rd.	861
	State Trunk Highway 32 and 57.	859
	State Trunk Highway 32 and 57.	857
	State Trunk Highway 32 and 57.	857
West Twin River	Zonder Rd.	685
	Natchway Rd.	681
	State Trunk Highway 147.	630
	Melnik Rd.	628
	County Trunk Highway Y.	624
	Fisherville Rd.	620
	County Trunk Highway Q.	611
	County Trunk Highway VV.	604
	County Trunk Highway B.	591

*Downstream side.

**Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14007 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3252]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Jefferson County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Jefferson County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Jefferson County, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Jefferson County, are available for review at Jefferson County Courthouse, 320 South Main Street, Jefferson, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Jefferson County, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock River	County Trunk Highway CW bridge.	847
	State Highway 135 bridge.	842
	County Trunk Highway P bridge.	837
	Chicago, Milwaukee, St. Paul & Pacific Ry. bridge.	826
	Chicago & Northwestern Ry. bridge.	793
	State Highway 106 bridge.	789
Koshkonong Creek.	County Trunk Highway O bridge.	843
	Chicago & Northwestern Ry. bridge.	838
	U.S. Highway 18 bridge.	831
	Rockdale Road Bridge.	796
Whitewater Creek	Town Road Bridge	798
	Fremont Rd. at Cold Spring.	788
Oconomowoc River.	Morgan Rd. (county line).	849
	Elm Drive Bridge.	847
	River Road Bridge (upstream side).	843
Bark River	County Trunk Highway D bridge.	789
Crawfish River	County Trunk Highway A bridge.	792
	U.S. Highway 18 bridge.	790

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14005 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3344]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Loudon County, Tenn.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Loudon County, Tenn. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Loudon County, Tenn.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Loudon County, Tenn., are available for review at the bulletin board in the lobby of the County Courthouse, Loudon County, Tenn.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Loudon County, Tenn.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Tennessee River	County boundary (downstream).....	748
	Interstate 75.....	751
	Southern Railway bridge.....	754
	U.S. Highway 11 (Lee Highway).....	754
	Mouth of Little Tennessee River.....	760
Sweetwater Creek	Fort Loudon Dam.....	761
	River Rd. (State Route 72).....	751
	Queener Rd.....	769
	Roberson Spring Rd.....	773
	Private Rd. (river mile 6.9).....	824
	Confluence of Pleasant Run Branch.....	845
	County road (river mile 9.7).....	851
	Confluence of Bacon Creek.....	852
	Sweetwater Pike.....	853

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Steekee Creek	Southern Railway Bridge.....	860
	County boundary.....	866
	County road (river mile 1.85).....	772
	Corinth Rd. (river mile 1.99).....	775
	Corinth Rd. (river mile 2.85).....	805
	Corinth Rd. (river mile 3.30).....	836
	Private road (river mile 3.90).....	870
	Field Rd.....	882
	Private road (river mile 4.40).....	907
Little Tennessee River	Steekee Creek Rd.....	926
	Tellico Dam (downstream).....	760
	Tellico Dam (upstream).....	815
	County boundary.....	815
Baker Creek	Confluence with Little Tennessee River.....	815
	Private road (river mile 6.0).....	831
	Louisville & Nashville RR. bridge.....	836
	State Route 95.....	837
	County boundary.....	846
Clinch River	do.....	751
	State Route 95.....	752
	Melton Hill Dam (downstream).....	753
	Melton Hill Dam (upstream).....	796
	County boundary.....	796
Bacon Creek	Corporate limits.....	857
	Ford Rd.....	874
Town Creek	Simpson Rd.....	793
	Town Creek Rd.....	820
	Private road (river mile 2.75).....	834
	Private road (river mile 3.5).....	851
	State Route 95.....	861
	Shaw Ferry Rd.....	861
	Field Rd.....	868
	Ford Rd.....	893
	Clifford Smith Rd.....	906
	Kingston Pike (U.S. Highway 70).....	913
Muddy Creek	Southern Railway spur..	761
	Fort Loudon Dam access road.....	761
	State Route 95.....	761
	Lakeview Rd.....	768
	Private road (river mile 2.8).....	774
	Southern Railway.....	798
	Martel Rd.....	798
	County road (river mile 3.95).....	800

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administration, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14016 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3345]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Rowlett, Dallas, and Rockwall Counties, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Rowlett, Dallas and Rockwall Counties, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Rowlett, Dallas and Rockwall Counties, Tex.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Rowlett, Dallas and Rockwall Counties, Tex., are available for review at City Hall, Rowlett, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Rowlett, Dallas and Rockwall Counties, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rowlett Creek	Just downstream of Miller Rd.....	442
	Just upstream of (new) State Highway 66.....	452
Stream 2A3	Just downstream of Liberty Grove Rd.....	472
Stream 2A4	Eastern corporate limits.....	454
Stream 2A5	Just upstream of Dalrock Rd. (southern crossing).....	468
Muddy Creek	Just downstream of Liberty Grove Rd.....	442
Stream 2E10	Just downstream of Chlesa Rd.....	444
Stream 2E9	Approximately 70 ft upstream of Edgewater Dr.....	451
	Approximately 70 ft downstream of Liberty Grove Rd. Loop 372.....	469
Stream 2E2	Approximately 100 ft downstream of Liberty Grove Rd.....	451
Long Branch	Just upstream of Kirby Rd.....	444
	Just upstream of Miller Rd.....	469
	Just upstream of Missouri-Kansas-Texas RR.....	489
Stream 2E1	Kyle Rd. (extended).....	472

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14020 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3356]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the County of Fluvanna, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the County of Fluvanna, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the

community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the county of Fluvanna, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Fluvanna, Va., are available for review at the Clerk's Office Building in the Clerk's Office, Palmyra, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the county of Fluvanna, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	State Route 690 (downstream).....	213
	State Route 690 (upstream).....	217
	U.S. 15 (downstream).....	232
	U.S. 15 (upstream).....	234
	Upstream county boundary.....	285
Rivanna River	Cheslie System.....	217
	State Route 6.....	223
	State Route 615.....	246
	Cheslie System.....	248
	U.S. 15.....	256

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	State Route 600.....	275
	Upstream county boundary.....	287

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14029 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3361]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Lander, Fremont County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Lander, Fremont County, Wyo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Lander, Wyo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Lander, are available for review at City Hall, 183 South Fourth, Lander, Wyo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the city of Lander, Wyo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Popo Agie River	Second Street Bridge	5,377
Baldwin Creek	Highway 287 Bridge	5,340
Squaw Creek	Second Street Rd	5,296
	Baldwin Creek Rd	5,381
	U.S. Highway 287	5,346

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14010 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3364]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Sheridan, Sheridan County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Sheridan, Sheridan County, Wyo. These base (100-year) flood elevations are

the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Sheridan, Wyo.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Sheridan, are available for review at City Hall, 55 Grinnell, Sheridan, Wyo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Sheridan, Wyo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Goose Creek ...	Corporate limits near Highway 338	3,700
	Upstream of Fort Road Bridge	3,712
	Upstream of 8th Street Bridge	3,722
	Upstream of 5th Street Bridge	3,725
	Upstream of Dow Street Bridge	3,735
	Upstream of Louck's Street Bridge	3,749
	Upstream corporate limits	3,769

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Goose Creek	Main Street Bridge	3,728
	Upstream of Sheridan Avenue Bridge	3,738
	Upstream of Park Street Bridge	3,745
	Upstream of Coffeen Street Bridge	3,761
	Corporate limits (near U.S. 14)	3,783

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14011 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3366]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Worland, Washakie County, Wyo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Worland, Washakie County, Wyo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Worland, Wyo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Worland, Wyo., are available for review at City Hall, Bighorn and 9th, Worland, Wyo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Worland, Wyo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Horn River	Culberson Ave. Bridge	4,049
	State Highway No. 20 Bridge	4,047
Sage Creek	Driveway Bridge (1.29 miles above confluence with Big Horn River)	4,075
	Driveway Bridge (1.21 miles above confluence with Big Horn River)	4,072
	Railroad Bridge (0.46 miles above confluence with Big Horn River)	4,057
	Railroad Bridge (0.44 miles above confluence with Big Horn River)	4,057

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14012 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3423]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Lorain, Lorain County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Lorain, Lorain County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Lorain, Lorain County, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Lorain, Lorain County, Ohio, are available for review at the bulletin board outside the Clerk of the Council's Office, City Hall, 200 West Erie Avenue, Lorain, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Lorain, Lorain County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	Henderson Dr	577
	Confluence of French Creek	587
	31st St	591
Martins Run	Sherwood Dr	585
	Leavitt Rd	601
	Oberlin Ave	632
	Cooper Foster Rd	669
	Broadway St	688
Beaver Creek	U.S. Route 6	578
	Longbrook Rd	590
36th St. Ditch	Palm Ave	634
	Clinton Ave	638
	Pearl Ave	639
Clinton Ave. Ditch	Homewood Dr (upstream)	639
	42nd St. (upstream)	647
	North Ridge Rd	676

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14046 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3448]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for St. Charles County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in St. Charles County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for St. Charles County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for St. Charles County, are available for review at County Administration Building, 118 North 2nd Street, St. Charles, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for St. Charles County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mississippi River ...	Burlington Northern RR.	437
Missouri River	U.S. Highway 40 and 87	467
	Burlington Northern RR.	437
Belleau Creek	Plackmeier Dr.	532
	U.S. Highway 40	470
	Missouri Highway 79 (new)	448
Dardene Creek	Hennings Rd.	490
	State Route N	474
	Cottleville Rd.	465
	State Route C	447

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14031 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3468]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Hubbard, Trumbull County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Hubbard, Trumbull County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Hubbard, Trumbull County, Ohio.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Hubbard, Trumbull County, Ohio, are available for review at the Building Inspector's Office, Hubbard, City Building, 33 West Liberty Street, Hubbard, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Hubbard, Trumbull County, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determina-

tion to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mud Run	Confluence with Little Yankee Run.	928
	ConRail	930
	Myron St.	936
	North Main St.	938
	East Water St.	944
	East Liberty St.	953
	Confluence with tributary No. 3.	991
	South Main St.	1,017
	Upstream corporate limits.	1,026
Little Yankee Run	Dam	923
	ConRail	927
	Confluence with Mud Run.	928

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14045 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3508]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Narrows, Giles County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Narrows, Giles County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Narrows, Giles County, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Narrows, Giles County, Va. are available for review at the lobby of the Narrows Municipal Building, 131 Center Street, Narrows, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Narrows, Giles County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Mill Creek	Monroe St.	1,552
	Center St.	1,559
	Memorial Blvd.	1,593
	Wolf St.	1,609
	View St.	1,623
	College St.	1,642
New River	Corporate limit (4,000 ft) downstream of U.S. 61.	1,548
	State Route 61	1,552
	Corporate limits (5,300 ft) upstream of U.S. 61.	1,557
Wolf Creek	State Route 649	1,552
	Diversion dam	1,552
	State Route 61	1,552
	Upstream corporate limit.	1,559

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33

FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13997 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3509]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Clifton Forge, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Clifton Forge, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Clifton Forge, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Clifton Forge, Va. are available for review at the bulletin board in the City Hall, Main Street, Clifton Forge, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Clifton Forge, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C.

4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Jackson River	Downstream side U.S. Highway 220.	1,049
	Downstream side Chessie System RR.	1,057
	Interstate 64	1,070
Smith Creek	Confluence with Dry Creek.	1,056
	Main St.	1,078
	Upstream side Lowell St.	1,110
	Eastbound lane I-64	1,148
	Downstream side commercial avenue.	1,161

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14027 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3554]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the County of Goochland, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the county of Goochland, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the county of Goochland, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the county of Goochland, Va., are available for review at the County Courthouse, Route 6, Goochland, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the county of Goochland, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Downstream county limits.	145
	Confluence of Genito Creek.	155
	Confluence of Beaverdam Creek at State Farm Bridge.	163
	U.S. Route 522	171
	Confluence of Big Lickinghole Creek.	176
	Westview Rd. (extended).	192
	State Route 45 (Cartersville Rd.).	207
	Elk Island Bridge	208
	Confluence of Byrd Creek.	208
	State Route 603	210
	Upstream county limits.	219

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development

Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14030 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3555]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Pawlet, Rutland County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Pawlet, Rutland County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Pawlet, Rutland County, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Pawlet are available for review at the Town Clerk's Office, Town Hall, Pawlet, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Pawlet, Rutland County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the

Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mettawee River	450 ft. downstream of Confluence with Bullfrog Hollow Brook.	405
	2,000 ft. upstream of confluence with Bullfrog Hollow Brook.	410
	3,000 ft. downstream from intersection of Routes 30 and Waite Hill Rd.	565
	1,450 ft. upstream from intersection of Routes 30 and Waite Hill Rd.	589
	1,450 ft. downstream of confluence with Flower Brook.	628
	1,100 ft. upstream from School Street Bridge.	641
	At the mouth of Mettawee River.	633
	Just downstream of Stonework Dam.	649
	Just upstream of Stonework Dam.	659
	10 ft. downstream of Timber Dam.	670
Flower Brook	Just upstream of Timber Dam.	684
	1,050 ft. downstream of Route 133 Bridge (westbound crossing).	687
	Just downstream of Route 133 Bridge (westbound crossing).	698
	Just upstream of Route 133 Bridge (westbound crossing).	702
	Just downstream of Route 133 Bridge (eastbound crossing).	713
	Just upstream of Route 133 Bridge (eastbound crossing).	717
	420 ft. downstream of Railroad Bridge (northern crossing).	511
	Just downstream of Railroad Bridge (northern crossing).	524
	Timber Dam, upstream of Railroad Bridge (northern crossing).	527
	Just downstream of Railroad Bridge (southern crossing).	531
Indian River	Just upstream of Railroad Bridge (southern crossing).	534
	540 ft. upstream of Railroad Bridge (southern crossing).	535

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14026 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3591]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Wappinger Falls, Dutchess County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Wappinger Falls, Dutchess County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the village of Wappinger Falls, Dutchess County, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Wappinger Falls, Dutchess County, N.Y., are available for review at the Village Hall, Seven Spring Street, Wappinger Falls, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Wappinger Falls, Dutchess County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Dis-

aster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wappinger Creek	Corporate limits (downstream).	12
	Bleachery Bridge	18
	East Main St	72
	Corporate limits (upstream).	95
Branch 1, Wappinger Creek	Entire reach within corporate limits.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14040 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3632]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Lafayette County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Lafayette County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in

effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Lafayette County, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Lafayette County, are available for review at Lafayette County Courthouse, Darlington, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Lafayette County, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pecatonica River	County Trunk Highway N.	787
	Sargent Rd.	792
	Lane Rd.	794
	State Trunk Highway 178.	801
	Riverside Rd.	804
	Walnut Rd.	809
	Roller Coaster Rd.	818
	Ferndale Rd.	837
	County Trunk Highway O.	840
	Oak Park Rd.	848
	U.S. Highway 151	863
	Cimerville Rd.	796
	East branch Pecatonica River.	788
	State Trunk Highway 78.	817

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blue Mounds Branch	County Trunk Highway H.	821
Vinegar Branch	County Trunk Highway F.	832
Wood Branch	County Trunk Highway Z.	832
	County Trunk Highway O.	867
Bonner Branch	County Trunk Highway C.	834
	County Trunk Highway O*.	851
	Brunton Lane*.	879
	Landon Rd.*.	906
	County Trunk Highway G (upstream location near Belmont corporate limits).	1,005
Mineral Point Branch.	County Trunk Highway O*.	845
	East Oak Park Rd.*.	860
Galena River	County Trunk Highway H.	861
New Diggings tributary.	Ollie Bell Rd.*.	787

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-14006 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3659]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Borough of Lawnside, Camden County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Borough of Lawnside, Camden County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Borough of Lawnside, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Borough of Lawnside, are available for review at Lawnside Borough Hall, Warwick Road, Lawnside, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Borough of Lawnside, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cooper River	Evesham Road	41
	Melrose Avenue	39
Tributary No. 1	Evesham Road	55

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-14036 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3661]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for Jackson County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Jackson County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Jackson County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Jackson County, Tex., are available for review at the County Courthouse, 115 West Main, Edna, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Jackson County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lavaca River	At FM 616	16
	At confluence of Dry Creek	17
	County road (downstream).	25
	County road (upstream).	31
	U.S. Highway 59	41
	Lost Bridge Rd.	53
	Robinson Branch Rd.	73
	At county boundary	97
Navidad River	Confluence with Lavaca River.	17
	County road (downstream).	18
	State Highway 111	29
	At confluence with Mustang Creek.	36
	U.S. Highway 59	45
	At confluence with Sandy Creek.	46
	At FM 530	58
	Upper Cordele Rd.	72
	County road (upstream).	97
	At county boundary	102
Dry Creek	Confluence with Lavaca River.	17
	At FM 1822	27
	Confluence with Post Oak Branch.	52
	Asbeck Lane	58
	Edna City limits (downstream).	60
	Edna City limits (upstream).	64
	At FM 822	88
	State Highway 111	73
Mustang Creek	Confluence with Navidad River.	36
	County road	39
	Confluence with Devers Creek.	49
	State Highway 172	49
	Confluence with Mustang Creek, tributary No. 9.	50
	Olovaki Rd.	51
	At FM 1157	53
	U.S. Highway 59	60
	At county boundary	66
Sandy Creek	Confluence with Navidad River.	46
	Confluence with Brushy Creek.	56
	Cordele Rd.	60
	Jackson-Wharton County line.	81
Brushy Creek	Confluence with Sandy Creek.	56
	Cordele Rd. (downstream).	81
	Bagby Rd.	92
	Cordele Rd. (upstream).	100
	At FM-530 (downstream of county line).	104
	FM-530 (upstream of county line).	135
	At county boundary	141
Post Oak Branch	Confluence with Dry Creek.	52
	State Highway 111	53
	County road (downstream).	56
	State Highway 59	66
	County road (upstream).	70
Devers Creek	Confluence with Mustang Creek.	49
	South Pacific RR.	51
	U.S. Highway 59	59
	Cordele Rd.	62
	Matus Rd.	72
Mustang Creek, tributary No. 9.	Confluence with Mustang Creek.	50
	At FM 1157	62

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Venado Creek	U.S. Highway 59	63
	At Venado Lake	16
	Confluence with Venado, tributary No. 11.	28
	County road (downstream).	41
	County road (upstream).	52
Venado Creek, tributary No. 11.	Confluence with Venado Creek.	26
	County road	34
Lavaca River, tributary No. 12.	Confluence with the Lavaca River.	17
	Confluence with the Lavaca River, tributary No. 13.	31
Lavaca River, tributary No. 13.	Confluence with Lavaca River, tributary No. 12.	31
	FM 616	36
Lavaca River, tributary No. 14.	Confluence with Dutch III-B.	31
Cox's Creek	At county boundary	19
	County road (downstream).	37
	FM 616	41
	County road (upstream).	44
	FM 3131	47
Lavaca River, tributary No. 16.	Confluence with Lavaca River.	38
	At Point Comfort and Northern RR.	38
	Walnut St.	38
	Stegal St.	39
	Robertson St.	39
Keller's Creek	At county boundary	17
	FM 616	41
West Caranchua Creek, tributary No. 18.	Confluence with West Caranchua Creek.	35
West Caranchua Creek, tributary No. 19.	Private road.	17
West Caranchua Creek.	Confluence with West Caranchua Creek.	41
	State Highway 172	17
	Confluence with East Caranchua Creek.	17
	FM 616	17
	FM 3131	31
	FM 1623	39
	State Highway 111	49
	Confluence with West Caranchua Creek, tributary No. 25.	50
	FM 1683	57
	FM 1157	59
	At county boundary	67
East Caranchua Creek.	Confluence of West Caranchua Creek.	17
	Confluence with East Caranchua Creek, tributary No. 22.	19
	At county boundary (downstream).	21
	At county boundary (upstream).	52
East Caranchua Creek, tributary No. 22.	Confluence with East Caranchua Creek.	19
	FM 616	34
	Missouri Pacific RR.	34
	County road	36
Navidad River, tributary No. 23.	Confluence with Navidad River.	27
	FM 1593	40
	Confluence with Navidad River, tributary No. 24.	43
	Private road.	52
	State Highway 111	54
Navidad River	Tributary No. 24	43
	Confluence with Navidad River, tributary No. 23.	43
	State Highway 111	54
	County road	55
West Caranchua Creek, tributary No. 25	Confluence with West Caranchua Creek.	50
	County road (downstream).	53
	State Highway 172	59
	County road (upstream).	59

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.
[FR Doc. 78-14017 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3664]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Pembroke, Giles County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Pembroke, Giles County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Pembroke, Giles County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Pembroke, Giles County, Va., are available for review at the Town Office, Snidow Street, Pembroke, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Pembroke, Giles County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Doe Creek	Norfolk & Western RR..	1,824
	Castle Ave.	1,680
	U.S. Route 460 (downstream).	1,706
	Route 1410	1,719
	U.S. Route 460 (upstream).	1,728
	Route 701	1,743
	Corporate limit (upstream).	1,756
Little Stony Creek	Norfolk & Western RR..	1,630
	Main St.	1,640
	U.S. Route 460	1,653
	Unnamed road	1,718
	Johnson Ave.	1,764
	Corporate limit (upstream).	1,797
Mays Hollow	U.S. Route 460	1,695
	Corporate limits (upstream).	1,762
New River	Corporate limit (downstream).	1,829
	State Route 623	1,830
	Corporate limit (upstream).	1,830

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128) and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13999 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3666]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Medford, Taylor County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Medford, Taylor County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Medford, Wisc.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Medford, are available for review at City Hall, 133 West State Street, Medford, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Medford, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	County Trunk Highway O.	1,395
	Perkins St. (upstream side).	1,403
	State Highway 64 bridge	1,407
	Allman Street bridge	1,414

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14008 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3667]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Menomonee Falls, Waukesha County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Menomonee Falls, Waukesha County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Menomonee Falls, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Menomonee Falls, are available for review at Village Office, Menomonee, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Menomonee Falls, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Menomonee River	West Silver Spring Dr	723
	C. & N. W. Ry	725
	W. Mill Rd.	
	Downstream side	731
	Upstream side	732
	Lilly Rd	750
	Pilgrim Rd.	
	Downstream side	762
	Upstream side	763
	Arthur Ave	772
	Main St.	816
	Roosevelt Dr	835
	C. M. Street P. P. Ry.	
	Downstream side	839
	Upstream side	840
	County line road	841
Lilly Creek	Appleton Ave.	757
	Good Hope Rd.	
	Downstream side	760
	Upstream side	767
	Brentwood Dr.	
	Downstream side	767
	Upstream side	768
	Lilly Rd.	
	Downstream side	773
	Upstream side	774
	Mill Rd.	
	Downstream side	774
	Upstream side	776
	Kaul Ave	776
	Bobolink Ave	776
	C. & N. W. Ry	778
	Silver Spring Rd.	
	Downstream side	778
	Upstream side	780
	Fond DuLac Ave.	
	Downstream side	753
	Upstream side	754
	Stanley Dr.	
	Downstream side	755
	Upstream side	756
	Main St.	756
Nor-X-Way Channel		

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Fountain Blvd.	
	Downstream side	756
	Upstream side	756
	Warren St.	
	Downstream side	758
	Upstream side	760
	C. M. Street P. P. Ry	762
	State Highway 145	767
	County line road	768
Butler Ditch	Private bridge (1,425 ft upstream side of confluence of Menomonee River).	731
	Private bridge (845 ft downstream side of Hampton Rd.).	748
	Champton Rd. (downstream).	749
Fox River	River Rd.	
	Downstream side	831
	Upstream side	832
	Lannon Rd.	835
	Mill Rd.	838
	Good Hope Rd.	
	Downstream side	844
	Upstream side	846
	Menomonee Ave.	
	Downstream side	860
	Upstream side	861
	C. M. Street P. P. Ry	861
	Main St.	861
Tributary 1 to Fox River	Lannon Rd.	835
	Maclynn Dr.	
	Downstream side	851
	Upstream side	852
	Silver Meadows Dr	852
	C & N. W. Ry	855
	Mill Road Bridge	855
	Town line road	865
Tributary 2 to Fox River	Mill Road	838

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14008 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3698]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Avon, Livingston County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Avon, Livingston County, N.Y. These base (100-year) flood elevations are the

basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Avon, Livingston County, N.Y., are available for review at the Avon Town Hall, 70 Genesee Street, Avon, N.Y.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Avon, Livingston County, N.Y., are available for review at the Avon Town Hall, 70 Genesee Street, Avon, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Avon, Livingston County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation, in feet, national geodetic vertical datum
Genesee River	Upstream corporate limits.	551
	Confluence with Browns Creek.	549
	Fowlerville Rd.	545
	Confluence with Christie Creek.	540
	Confluence with Conesus Creek.	540
	Village of Avon corporate limits.	538
	Confluence with White Creek.	537

Source of Flooding	Location	Elevation, in feet, national geodetic vertical datum
Conesus Creek	Downstream corporate limits.	537
	Avon-Genesee Rd. (N.Y.S. 39).	560
	Abandoned RR.	559
	Confluence with Little Conesus Creek.	542
Little Conesus Creek.	Confluence with Genesee River.	540
	N.Y.S. 39.	555
	66Mill Rd.	17552
	Confluence with Conesus Creek.	542

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14037 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-37111]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of De Forest, Dane County, Wis.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of De Forest, Dane County, Wis. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of De Forest, Wis.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of De Forest, are available for review at Village Hall, 112 South Stevenson Street, De Forest, Wis.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of De Forest, Wis.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Yahara River	Chicago, Milwaukee, St. Paul & Pacific RR.	934
	North St.	934
	Chicago, Milwaukee, St. Paul & Pacific RR (725 ft upstream of Main St. Crossing).	932
	Main St.	932
	South Rd. (upstream)	931
	South Rd. (downstream)	926

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14004 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3739]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Granite Quarry, Rowan County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Granite Quarry, Rowan County, N.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Granite Quarry, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Granite Quarry, are available for review at Town Hall, Granite Quarry, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Granite Quarry, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Legion Park Branch.	Peeler St.	766
	West Bank St.	782
	Lyerly St.	794
Klutitz Branch	Peeler St.	765
	Brookwood Dr.	722
Trexler Creek	East Bank St.	767
	Railroad St.	811
	Southern Ry.	825

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14042 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3741]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of South Lebanon, Warren County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of South Lebanon, Warren County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of South Lebanon, Ohio.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of South

Lebanon, are available for review at Village Hall, 99 High Street, South Lebanon, Ohio.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of South Lebanon, Ohio.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Miami River	Main Street bridge	827
	Dry Run	827
Dry Run	Main Street bridge	827
	Pike Street bridge	827

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14047 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3747]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Johnston, Providence County, R.I.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Johnston, Providence County, R.I. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the town of Johnston, Providence County, R.I.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Johnston are available for review at the Building Inspector's Office, Town Hall, 1385 Hartford Avenue, Johnston, R.I.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Johnston, Providence County, R.I.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Woonasquatucket River.	250 ft upstream of Dyerville Dam.	59
	Upstream side of Manton Ave.	69
	450 ft downstream of Ronci Industrial Park Dam.	75
	Ronci Industrial Park Dam.	82
	275 ft downstream of Allendale Ave.	83
	200 ft upstream of Allendale Dam.	97
	150 ft upstream of Route 44.	106
	Upstream side of Greystone Dam.	116
Assapumpset Brook.	Confluence with Woonasquatucket River.	82
	Upstream side of abandoned railroad.	85
	80 ft upstream from Cadorna St.	94
	150 ft upstream from Diaz St.	103
	Upstream side of George Waterman Rd.	131
	Upstream side of Sweet Hill Rd.	160
Assapumpset Brook (south branch).	Confluence with Assapumpset Brook.	98
	30 ft upstream of Diaz St.	112
	Downstream side of George Waterman Rd.	126
	Downstream side of private drive (200 ft upstream of George Waterman Rd).	136
	Upstream side of Greenville Ave.	184
Pocasset River.....	At eastern corporate limit.	76
	70 ft downstream of Plainfield Pike.	81
	Upstream side of Plainfield Pike.	86
	2700 ft upstream of Plainfield Pike.	88
	Upstream side of Morgan Ave.	103
	Upstream side of Wilder Rd.	112
	200 ft upstream of Route 195.	125
	Downstream side of Pocasset Pond Dam.	152
Simmons Brook.....	Upstream side of Atwood Ave.	97
	Upstream side of Mill St.	133
	1830 ft upstream of Mill St.	165
	Downstream side of Simmons Village Ave.	238
Dry Brook.....	Confluence with Pocasset Brook.	103
	Upstream side of Atwood Ave.	126
	700 ft upstream of Atwood Ave.	144

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14013 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3750]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Farmville, Prince Edward and Cumberland Counties, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Farmville, Prince Edward and Cumberland Counties, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Farmville, Prince Edward and Cumberland Counties, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Farmville, Prince Edward and Cumberland Counties, Va., are available for review at 116 North Main Street, Farmville, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Farmville, Prince Edward and Cumberland Counties, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C.

4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet above mean sea level
Appomattox River	Downstream corporate limit.	310
	Gross Creek.....	312
	Norfolk & Western RR..	312
	U.S. Route 45	313
	Upstream corporate limit.	314
Gross Creek	Second St.....	312
	East 3d St.....	312
	Fire house.....	312
	Buffalo St.....	312
	Four St.....	312
	Putney St.....	316
	Church St. (extended)....	317
	Landon St. (extended)....	323
Buffalo Creek.....	U.S. 15 and 460.....	315
	Little Buffalo Creek.....	315
Little Buffalo Creek.	State 643.....	315
	Sanford St. (extended)....	315
	South corporate limit.....	318

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14028 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3774]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Webster Groves, St. Louis County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Webster Groves, St. Louis County, Mo. These base (100-year) flood elevations are

the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the city of Webster Groves, St. Louis County, Mo.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Webster Groves, St. Louis County, Mo., are available for review at the Office of the Director of Public Works, Engineering Department, No. 4 East Lockwood Avenue, Webster Groves, Mo.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Webster Groves, St. Louis County, Mo.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Deer Creek.....	Approximately 300 ft upstream of Laclede Station Rd.	446
	Just upstream of Brentwood Blvd.	455
	Cornell (extended north of Allison).	456
Shady Grove Creek.	Thornton Ave.....	459
	Kirkham Ave.....	464

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Shady Grove Creek.	Just upstream of Elm Ave.	480
	Just downstream of Rock Hill Rd.	505
	Approximately 75 ft upstream of South Iola Ave.	527

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14032 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3779]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Wheatland, Monroe County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Town of Wheatland, Monroe County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Town of Wheatland, Monroe County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Town of Wheatland, Monroe County, N.Y., are available for review at the Town Hall, 22 Main Street, Scottsville, N.Y. 14546.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street

SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Town of Wheatland, Monroe County, N.Y. This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Genesee River	Just downstream of Scottsville Henrietta Rd.	530
	Just downstream of Quaker Rd.	532
Oatka Creek.....	Just downstream of Wheatland Center Rd.	591
	Just upstream of Route 36 and Route 363.	607
Spring Creek Branch 1.	Just downstream of the confluence of Spring Creek branches 3 and 4.	611
Spring Creek Branch 2.	Just upstream of George Street Dam.	627
	Downstream of Dakin St.	630
Spring Creek Branch 3.	Just upstream of George St.	630
Spring Creek Branch 4.	Just upstream of George St.	630
Spring Creek Branch 5.	Just upstream of George St.	630
Spring Creek Branch 6.	Just downstream of southern corporate limits.	635

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14041 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3782]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Cheraw, Chesterfield County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Cheraw, Chesterfield County, S.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Cheraw, Chesterfield County, S.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Cheraw, Chesterfield County, S.C., are available for review at Town Hall, Cheraw, S.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Cheraw, Chesterfield County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

RULES AND REGULATIONS

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pee Dee River.....	Church St. (extended).....	106
Huckleberry branch.....	Northwestern corporate limits.....	112
Wilson branch.....	Just downstream of Lakeway Dr. Approximately 100 ft upstream of West Green St.	113 132

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-14014 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3785]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Kerrville, Kerr County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Kerrville, Kerr County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Kerrville, Kerr County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Kerrville, Kerr County, Tex., are available for

review of the City Manager's Office, 832 Main Street, Kerrville, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Kerrville, Kerr County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Guadalupe River....	Approximately 100 ft upstream of county road low water crossing.	1,585
	Approximately 200 ft downstream of Sydney Baker St. (U.S. Highway 16).	1,615
Town Creek.....	Just upstream of State Highway 27.	1,624
	Bluebonnet St. (extended).	1,635
Quinlon Creek.....	Just upstream of Main St. bridge.	1,623
	Just upstream of Cypress Creek Rd. (farm road 1341).	1,652

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-14018 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3786]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Rollingwood, Travis County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Rollingwood, Travis County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Rollingwood, Travis County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Rollingwood, Travis County, Tex., are available for review at City Hall, 403 Nixon Drive, Austin, Tex. 78746.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Rollingwood, Travis County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

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flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dry Creek.....	Eastern corporate limits Just upstream of Edge Grove Terrace.	500 562

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-14019 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3789]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Boones Mill, Franklin County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Boones Mill, Franklin County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Boones Mill, Franklin County, Va.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Boones Mill, Franklin County, Va., are available for review at the Boones Mill Town Hall, Boones Mill, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Boones Mill, Franklin County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Maggoodee.....	Virginia Route 684.....	1,096
	Virginia Route 874.....	1,101
	Virginia Route 871.....	1,125
	Town limits of Boones Mill.	1,144

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS, Secretary.

[FR Doc. 78-14026 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3790]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Grottoes, Rockingham County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Grottoes, Rockingham County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Grottoes, Rockingham County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Grottoes, Rockingham County, Va., are available for review at the Grottoes Town Hall, 17 Sixth Street, Grottoes, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Grottoes, Rockingham County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed

criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South River	Downstream limit of study.	1,090
	Route 256	1,094
	Upstream limit of study.	1,102

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13995 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3791]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Powhatan County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Powhatan County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Powhatan County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Powhatan County, Va., are available for review at the Richardson Insurance Building, Powhatan, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Powhatan County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Confluence with Bernards Creek.	145
	Upstream of Route 522	171
	Confluence with Muddy Creek.	198
Fighting Creek	Downstream limit of detailed study.	202
	Upstream of State Route 623.	204
	12,000 ft above confluence with Appomattox River.	221
	Upstream of State Route 718 (extended).	241

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14000 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3850]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Village of Cedar Creek, Cass County, Nebr.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the village of Cedar Creek, Cass County, Nebr. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the village of Cedar Creek, Nebr.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the village of Cedar Creek, are available for review at Village Hall, Cedar Creek, Nebr.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the village of Cedar Creek, Nebr.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cedar Creek	Burlington Northern RR.	1,012
Tributary to Turkey Creek	do.	1,012
	B St.	1,019
	Main St.	1,022
Turkey Creek	Burlington Northern RR.	1,010
	County road	1,020
Platte River	Corporate limits (downstream).	1,006
	Corporate limits (upstream).	1,014

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14033 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3853]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the town of Perinton, Monroe County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Perinton, Monroe County, N.Y.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Perinton, Monroe County, N.Y.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final

elevations for the town of Perinton, Monroe County, N.Y., are available for review at Perinton Town Hall, Building Inspector's Department, 31 South Main Street, Fairport, N.Y.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Perinton, Monroe County, N.Y.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Irondequoit Creek	Just downstream of Pittsford Palmyra Rd. (NY 31).	393
	Just downstream of Fairport Rd. (NY 31P).	381
	Just upstream of Linden Ave.	361
Thomas Creek	Just upstream of Turk Hill Rd.	462
	Approximately 100 ft downstream of O'Conner Rd.	424
	Just upstream of Baird Rd.	402

(National Flood Insurance Act of 1968 (title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14039 Filed 5-26-78; 8:45 am]

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[4210-01]

[Docket No. FI-3855]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Reidsville, Rockingham County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Reidsville, Rockingham County, N.C.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Reidsville, N.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Reidsville, N.C., are available for review at City Hall, Reidsville, N.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Reidsville, N.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

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flood-prone areas in accordance with 24 CFR part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Little Troublesome Creek	South Scales Street*	724
Tributary A to Little Troublesome Creek	South Park Dr*	735
Tributary B to Little Troublesome Creek	Richardson Dr*	742
Tributary C to Little Troublesome Creek	Turner Rd*	744
North fork of Jones Creek	East Richardson Dr*	753
Tributary to north fork of Jones Creek	Jaycees Park Rd*	726
Wolf Island Creek	Cypress Creek*	734
Tributary A to Wolf Island Creek	Coach Rd	746
	Morgan St*	752
	Courtland Ave*	754
	U.S. Route 29 Bypass*	665
	At the confluence with north fork of Jones Creek	673
	N.C. Route 14	634
	Wentworth Rd*	668
	Wentworth Rd*	666
	U.S. Route 129 alternate	692

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14043 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3856]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the City of Burlington, Ward County, N. Dak.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the City of Burlington, Ward County, N. Dak. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the City of Burlington, N. Dak.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the City of Burlington, are available for review at the Auditor's Office, Burlington, N. Dak.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the City of Burlington, N. Dak.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)).

An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Souris River	County Rd. (downstream side).	1574
	County Rd. (upstream side).	1575
Des Lacs River	Along bank near end of Davis St.	1578

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14044 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3860]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Town of Simpsonville, Greenville County, S.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Simpsonville, Greenville County, S.C. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations for the town of Simpsonville, Greenville County, S.C.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Simpsonville, Greenville County, S.C., are available for review at the City Hall, Simpsonville, S.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Simpsonville, Greenville County, S.C.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for

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a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Rock Creek	Approximately 300 ft upstream of Alder Dr.	747
	Just upstream of Capewood Rd.	764
Rock Creek Tributary	Approximately 160 ft downstream of U.S. Highway 276.	774
Horsepen Creek	Just upstream of Jonesville Rd.	781
	Just upstream of Forrest Park Dr.	802
Horsepen Creek Tributary	Approximately 140 ft downstream of Stokes Rd.	820
Big Durbin Creek	Just upstream of Hillpine Dr.	795
Big Durbin Creek Tributary No. 1	Powderhorn Rd. (extended).	800

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14015 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3862]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Brookfield, Orange County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Brookfield, Orange County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified

for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Brookfield, Orange County, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Brookfield, Orange County, Vt., are available for review at the Office of the Town Clerk, Brookfield, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Brookfield, Orange County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Second Branch White River	Just downstream of town Highway 32.	683
	Just downstream of Town Highway 33.	693
	Approximately 150 ft downstream of Town Highway 15.	722
Sunset Brook	Just upstream of Brookfield State Highway.	1,253
Sunset Lake	Just upstream of Dam	1,279
Ayer's Brook	South corporate limits	754
	Confluence of No Name Brook.	800
No Name Brook	Just upstream of Route 12.	814
	Just upstream of State Aid Highway 4.	1,010
Open Meadow Brook	Just downstream of town Highway 19.	1,023

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Second Branch White River Bypass.	Approximately 1,300 ft upstream of the corporate limits along Route 14.	673

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14022 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3863]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for The Village of Ludlow, Windsor County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Village of Ludlow, Windsor County, Vt. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Village of Ludlow, Windsor County, Vt.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Village of Ludlow, are available for review at Town Hall, Depot Street, Ludlow, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of his final determinations of flood elevations for the village of Ludlow, Windsor County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	At village of Ludlow, eastern corporate limits.	976
	100 ft downstream of Mill St.	967
	100 ft upstream of Mill St.	969
	100 ft upstream of Route 103 (Main St.)	997
	100 ft upstream of Depot St.	1001
	At village of Ludlow, northern corporate limits.	1009

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14023 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3864]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Ludlow, Windsor County, Vt.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Ludlow, Windsor County, Vt.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Ludlow, Windsor County, Vt.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Ludlow are available for review at Town Hall, Depot Street, Ludlow, Vt.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Ludlow, Windsor County, Vt.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Black River	Eastern corporate limits	964
	300 ft downstream of East Hill Rd.	956
	300 ft upstream of East Hill Rd.	961

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	280 ft downstream of Pleasant St.	972
	100 ft upstream of Pleasant St.	975
	At village of Ludlow, eastern corporate limits.	976
	At village of Ludlow, northern corporate limits.	1,009
	100 ft upstream of Fox Run Rd.	1,015
	At confluence with Branch Brook.	1,015
	2,200 ft downstream of Lake Pauline Rd.	1,021
	100 ft downstream of Lake Pauline Rd.	1,040
	100 ft upstream of Lake Pauline Rd.	1,046
	100 ft downstream of Lake Rescue Dam.	1,048
	Just upstream of Lake Rescue.	1,050
Branch Brook	At the confluence with Black River.	1,015
	50 ft upstream of Route 100.	1,031
	100 ft downstream of private Rd.	1,039
	100 ft upstream of private Rd.	1,047
	50 ft downstream of Rod and Gun Club Rd.	1,095
	50 ft upstream of Rod and Gun Club Rd.	1,103

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14024 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3865]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Independent City of Lynchburg, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Independent City of Lynchburg, Va.

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in

effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Independent City of Lynchburg, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Independent City of Lynchburg, Va., are available for review at the Lynchburg City Hall, Lynchburg, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Independent City of Lynchburg, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
James River	Downstream corporate limits.	506
	Norfolk & Western R.R.	522
	U.S. Route 29	526
	Norfolk & Western R.R.	527
	U.S. Route 29 (alternate).	528
	Lynchburg Dam	532
	Southern R.R.	536
	Reusens Dam	542
	(downstream).	
	Reusens Dam	567
	(upstream).	
	Upstream corporate limits.	567
Blackwater Creek .	Old Forest Rd	610

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
	250 ft downstream Lakeside Dr.	615
	Lakeside Dr	642
	Westchester Dr.	642
	(extended).	
	Fercliff Dr. (extended)...	644
	Fleetwood Dr.	647
	(extended).	
	Burton Creek Pl.	656
	(extended).	
	Chickasaw Rd.	657
	(extended).	
	Confluence with Burton Creek and Tomahawk Creek.	660
Burton Creek	Confluence with Blackwater Creek.	660
	Confluence with Dreaming Creek.	670
	2,000 ft upstream confluence with Dreaming Creek.	681
	3,000 ft upstream confluence with Dreaming Creek.	690
	Farm Rd. (downstream).	704
	Norfolk & Western R.R.	712
	Va. Route 126 (Fort Ave.).	720
	U.S. Highway 460 (downstream).	722
	U.S. Highway 460 (upstream).	739
	Va. Route 766 (downstream).	740
	Va. Route 766 (upstream).	748
Dreaming Creek	Confluence with Burton Creek.	670
	Va. Route 126 (downstream).	685
	Va. Route 126 (upstream).	690
	Va. Route 291 (downstream).	691
	Va. Route 291 (upstream).	701
	Norfolk & Western R.R. (downstream).	719
	Norfolk & Western R.R. (upstream).	726
	2,000 ft downstream U.S. Route 460.	738
	U.S. Highway 460 (downstream).	754
	U.S. Highway 460 (upstream).	763
	Va. Route 1413 (Windsor Hill Dr.) (downstream).	778
	Va. Route 1413 (Windsor Hill Dr.) (upstream).	783
	Va. Route 1447 (Buckingham Rd.) (downstream).	786
	Va. Route 1447 (Buckingham Rd.) (upstream).	802
	Va. Route 739 (downstream).	826
	Va. Route 739 (upstream).	832
Rock Castle Creek	Confluence with Burton Creek.	722
	2,000 ft upstream confluence with Burton Creek.	731
	W.B.L. U.S. Highway 460 (downstream).	744
	W.B.L. U.S. Highway 460 (upstream).	749
	E.B.L. U.S. Highway 460 (upstream).	750
	U.S. Highway 29 (bypass) (upstream).	757
	U.S. Highway 29 (bypass).	758

[4210-01]

[Docket No. FI-3867]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Occoquan, Prince William County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Occoquan, Prince William County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Occoquan, Prince William County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Occoquan, Prince William County, Va., are available for review at the Occoquan Town Hall, 400 Mill Street, Occoquan, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Occoquan, Prince William County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Occoquan River.....	Downstream corporate limits.	11
	Upstream corporate limits.	12

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13998 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3868]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for Prince Edward County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in Prince Edward County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for Prince Edward County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for Prince Edward County, Va., are available for review at the Prince Edward County Courthouse, 124 North Main, Farmville, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance,

Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for Prince Edward County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Appomattox River	Farmville corporate limits.	314
	Cumberland County	333
	U.S. 15	339

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14001 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3869]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the Town of Stuart, Patrick County, Va.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the town of Stuart, Patrick County, Va. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the town of Stuart, Patrick County, Va.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the town of Stuart, Patrick County, Va., are available for review at the Stuart Town Office, Blue Ridge Street, Stuart, Va.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the town of Stuart, Patrick County, Va.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
South Mayo River	Campbell Branch confluence.	1,180
	J. P. Stevens plant entrance.	1,189
	Va. Route 8	1,195
	Town limits 162,800 ft (above mouth).	1,196

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
North Fork.....	Va. Route 681.....	1,225
	Town limits 5,300 ft (above mouth).	1,246

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14002 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3871]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Westport, Grays Harbor County, Wash.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Westport, Grays Harbor County, Wash. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Westport, Grays Harbor County, Wash.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Westport, Grays Harbor County, Wash., are available for review at the City Clerk's Office, Westport, Wash.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-13996 Filed 5-26-78; 8:45 am]

gives notice of his final determinations of flood elevations for the city of Westport, Grays Harbor County, Wash.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Pacific Ocean	Intersection of Newell Ave. and Surf St.	20
	Harbor St. at Westhaven State Park entrance.	20
	Intersection of Coast St. and 2nd Ave.	19
	Intersection of First St. and Patterson St.	19
Grays Harbor	Intersection of Tacoma Ave. and Fourth St.	13
	East end of Park Ave.	13
Tidal Slough, Backwater from Pacific Ocean.	Intersection of Montezano St. and Sprague Ave.	11
	Intersection of Ocean Ave. and Broadway St.	11
	Approximately 400 ft east of the intersection of Highway 105 and Newell Ave.	11

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2690, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14003 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-3898]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATION AND JUDICIAL REVIEW

Final Flood Elevation Determination for the City of Wichita Falls, Wichita County, Tex.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the city of Wichita Falls, Wichita County, Tex. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the city of Wichita Falls, Wichita County, Tex.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the city of Wichita Falls, Wichita County, Tex., are available for review at the Planning Department, Wichita Falls, Tex.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the city of Wichita Falls, Wichita County, Tex.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided. No appeals of the proposed base flood elevations were received from the community or from individuals within the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Wichita River	Just downstream of Loop II.	950
	Approximately 1,000 ft upstream of Central Freeway.	948
	Just downstream of Eastside Dr.	945
Holliday Creek	Just upstream of downstream bridge.	967
	Just upstream of Southwest Parkway.	958
	Just upstream of Holliday Rd.	950
Holliday Creek tributary A.	Just upstream of south access road to Central Freeway.	984
	Just upstream of Lucas Ave.	959
	Just upstream of Perigo St.	946
Holliday Creek tributary B.	Just downstream of Hutton Rd.	961
	Just upstream of east access road to South Freeway.	955
	Just upstream of California St.	947
Brenda Hursh Channel.	Approximately 100 ft upstream of Norman St.	968
	Approximately 100 ft downstream of Weeks St.	955
McGrath Creek	Just upstream of McNeil Ave.	979
	Just upstream of Kemp Blvd. (northbound).	970
	Just upstream of Weeks Park Lane.	951
McGrath Creek tributary.	Just upstream of Kell Blvd.	996
	Just downstream of Maplewood Ave.	972
Holliday Creek Old Channel.	Approximately 200 ft upstream of Old Lake Rd.	963
Lake Wichita tributary.	Just upstream of Trinidad Dr.	999
East Plum Creek	Approximately 200 ft downstream of Fisher St.	947
Plum Creek	Just downstream of Nunn St.	965
	Just upstream of Wrangler Dr.	975

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2690, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14021 Filed 5-26-78; 8:45 am]

[4210-01]

[Docket No. FI-4143]

PART 1917—APPEALS FROM FLOOD ELEVATION DETERMINATIONS AND JUDICIAL REVIEW

Final Flood Elevation Determinations for the Township of Cherry Hill, Camden County, N.J.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Final rule.

SUMMARY: Final base (100-year) flood elevations are listed below for selected locations in the Township of Cherry Hill, Camden County, N.J. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATE: The date of issuance of the Flood Insurance Rate Map (FIRM), showing base (100-year) flood elevations, for the Township of Cherry Hill, N.J.

ADDRESS: Maps and other information showing the detailed outlines of the flood-prone areas and the final elevations for the Township of Cherry Hill, are available for review at Township Hall, 820 Mercer Street, Cherry Hill, N.J.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of his final determinations of flood elevations for the Township of Cherry Hill, N.J.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448), 42 U.S.C. 4001-4128, and 24 CFR Part 1917.4(a)). An opportunity for the community or individuals to appeal this determination to or through the community for a period of ninety (90) days has been provided, and the Administrator has resolved the appeals presented by the community.

The Administrator has developed criteria for flood plain management in

flood-prone areas in accordance with 24 CFR Part 1910.

The final base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Cooper River	Cuthbert Blvd.	13
	Kings Highway	20
	Patco RR.	37
	Interstate 295	38
	Evesham Rd.	41
North Branch Cooper River.	Park Blvd.	17
	Kings Highway	21
	Brace Rd.	23
	Covered Bridge Rd.	25
	Interstate 295	32
	New Jersey Turnpike	33
	Evans Lane	45
	Cropwell Rd.	54
	Evesham Rd.	70
Tindale Run	Haddonfield-Berlin Rd.	35
	Mansfield Blvd.	44
Tributary No. 1	Patco RR.	42
	Burnt Mill Rd.	44
	Haddonfield-Berlin Rd.	52
Tributary No. 2	Patco RR.	41
	Burnt Mill Rd.	44
	Dumas Rd.	49
	Evesham Rd.	60
South Branch Pennsauken Creek.	Moorestown Pike	13
	Coopertown Rd.	17
	New Jersey Route 38	24
	New Jersey Route 41	30
	Church Rd.	33
	Interstate 295	49
	New Jersey Turnpike	44
	Green Tree Rd.	58
	New Jersey Route 70	79

*Upstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14035 Filed 5-26-78; 8:45 am]

[4410-01]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 787-78]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart X—Authorizations With Respect to Personnel and Certain Administrative Matters

AGENCY: Department of Justice.

ACTION: Final rule.

SUMMARY: This order makes technical changes in the regulations concern-

ing payment of per diem and travel allowances for Department employees. It excludes from the delegations to subordinate Department officials the authority to approve use of first-class air accommodations. Recent changes in GSA Federal Travel Regulations, 43 FR 10442, require that the power to authorize and approve the use of first-class accommodations shall be retained by the agency head or his deputy.

EFFECTIVE DATE: May 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert L. Karas, Office of Management and Finance, Department of Justice, Washington, D.C. 20430, 202-739-2082.

By virtue of the authority vested in me by 28 U.S.C. 509, 510 and 5 U.S.C. 301, § 0.142 of Subpart X of Part 0 of Chapter I of Title 28, Code of Federal Regulations, is amended as follows:

§ 0.142 [Amended]

1. By substituting "Administrator of General Services" for "Bureau of the Budget" each place where it appears.

2. By deleting in the first paragraph the phrase "are authorized to exercise the power and authority vested in the Attorney General by law to take final action in the following described matters;" and substituting therefore the phrase "are authorized to exercise the authority of the Attorney General to take final action in the following matters, except for the authority to approve use of first-class air accommodations;"

Dated: May 19, 1978.

GRIFFIN B. BELL,
Attorney General

[FR Doc. 78-14847 Filed 5-26-78; 8:45 am]

[3910-01]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

Deletion of Parts

AGENCY: Department of the Air Force, Department of Defense.

ACTION: Final rule.

SUMMARY: The Department of the Air Force is withdrawing certain of its rules from the Code of Federal Regulations because of their limited applicability to the general public. Intended effect is to ensure that only rules which substantially affect the public are maintained in the Air Force portion of the Code of Federal Regulations.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Ms Frankie S. Estep, Air Force Federal Register Liaison Officer, Directorate of Administration, Pentagon, Washington, D.C. 20330, Phone, 202-697-1861.

SUPPLEMENTARY INFORMATION: The Air Force is currently involved in an effort to delete certain of its rules from the Code of Federal Regulations which do not affect a significant portion of the general public. The following rules are directed at individuals in their capacity as employees of the Air Force, not the general public and are therefore deleted from Chapter VII, Title 32 CFR:

(a) Under Subchapter A—Administration: (1) Part 804, Mortuary Affairs; (2) Part 809, Issue and Control of Identification Cards; (3) Part 809b, Dependents' Education; and (4) Part 809c, Elementary and Secondary Education of Dependents in Oversea Areas.

(b) Under Subchapter B—Sales and Services: (1) Part 816, Recreation Activities and Service Program.

(c) Under Subchapter H—Air Force Reserve Officer's Training Corps: (1) Part 872, Air Force Junior Reserve Officers' Training Corps; (2) Part 873, Air Force ROTC Flight Instruction Program (FIP); and (3) Part 874, Air Force ROTC Subsistence Allowance and Rates of Commutation in Lieu of Uniforms.

(d) Under Subchapter I—Military Personnel: (1) Part 881, Appointment in Commissioned Grades: Reserve of the Air Force and United States Air Force (temporary); (2) Part 882, Decorations and Awards; (3) Part 886, Equal Opportunity and Treatment of Military Personnel; and (4) Part 888c, Active Duty Service Commitments.

(e) Under Subchapter K—Military Training and Schools: (1) Part 905, Medical Service Officer Procurement Program for In-Service Training; (2) Part 906, Medical Service Early Commissioning Program; and (3) Part 908, Medical, Dental, and Veterinary Education Program for Air Force Officers.

(f) Under Subchapter O—Special Investigation: (1) Part 955, Conduct of Polygraph Examinations within the Department of the Air Force.

The part numbers affected are designated as Reserved.

FRANKIE S. ESTEP,
Air Force Federal Register Liaison,
Directorate of Administration.

[FR Doc. 78-14848 Filed 5-26-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD,
DEPARTMENT OF TRANSPORTATION

[CGD 78-042]

PART 117—DRAWBRIDGE
OPERATION REGULATIONS

Lake Worth, Fla.

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revokes the regulations for the Singer Island (State Road A-1-A; Blue Heron Boulevard) drawbridge across the Atlantic Intracoastal Waterway at Riviera Beach, Fla., because the drawbridge has been replaced by a high-level fixed bridge. Notice and public procedure have been omitted from this action due to the removal of the bridge concerned.

EFFECTIVE DATE: This amendment is effective on June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

DRAFTING INFORMATION: The principal persons involved in drafting this revocation of regulations are Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

§ 117.439b [Revoked]

In consideration of the above facts, Part 117 of Title 33 of the Code of Federal Regulations is amended by revoking § 117.439b.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

Dated: May 19, 1978.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc. 78-14950 Filed 5-26-78; 8:45 am]

[3710-92]

CHAPTER II—CORPS OF ENGINEERS,
DEPARTMENT OF THE ARMY

[ER 1145-2-305]

PART 209—ADMINISTRATIVE
PROCEDURERemoval of Wrecks and Other
Obstructions

AGENCY: United States Army Corps of Engineers, DOD.

ACTION: Final rule.

SUMMARY: The purpose of this action is to update the present regulation on the removal of wrecks and other obstructions to make it compatible with current organization and policy.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Milton Millard or Donald Letzkus, Telephone 202-693-6995 or write: Office, Chief of Engineers, Forrestal Building, Attention: DAEN-CWO-M, 1000 Independence Avenue NW., Washington, D.C. 20314.

SUPPLEMENTARY INFORMATION: The regulation promulgated in 33 CFR 209.190 governs the removal of wrecks and other obstructions. We are updating this regulation by eliminating the stilted language and redundancies, and by updating references to documents and organizations.

In addition to the minor revisions referred to above, we are making the following significant changes:

(a) Revised paragraph (h) to allow for action to be taken for removal of obstructions under section 19 of the River and Harbor Act of 1899 without prior approval of the Chief of Engineers provided:

(1) The cost of removal will not exceed \$100,000 for each incident.

(2) The wreck is a sunken vessel, boat, watercraft, raft or other similar obstruction.

(3) The wreck is an obstruction to general navigation, not merely an obstruction to a private wharf or canal or merely aesthetically displeasing.

(4) All reasonable efforts have first been exhausted to require the owner to remove the wreck himself within a reasonable period. If this effort is not successful, then removal may be undertaken at Federal expense. The District Engineer should, in cases, institute steps to recover from the owners the costs incurred (Wyandotte Transportation v. United States, 389 U.S. 205 88 S. Ct. 379 [1967]). Further, the owner must be advised that the wreck

will be removed by the United States with the reservation of all rights of the United States to recover from the owner all expenses of removal.

(b) Add paragraph (1) which describes how the costs incurred in the removal of a wreck are to be funded.

(c) Add paragraph (m) calling for the submittal of an annual report by the District Engineers to OCE.

We have determined that notice of proposed rulemaking and public procedures thereto are unnecessary and impracticable as this action is only a clarification without significant change to an existing regulation.

NOTE:—The Department of the Army has determined that this document does not contain a major proposal requiring preparation of an Inflation Impact Statement under Executive Order 11821 and OMB Circular A-107. 33 U.S.C. 409, 414, 415.

Dated: May 8, 1978.

THOMAS J. WOODALL,
Lieutenant Colonel, Corps of Engineers,
Acting Executive Director, Engineer Staff.

Section 209.190 of Chapter II of
Title 33 is amended to read as follows:

§ 209.190 Removal of wrecks and other obstructions.

(a) *Laws relative to removal of wrecks and obstructions.*

(1) The laws relating to removal of wrecks are contained in Sections 15, 19 and 20 of the River and Harbor Act approved 3 March 1899 and Section 86 of Title 14, United States Code.

(2) As removal by the United States without formal abandonment involves the taking of private property for public purposes, the provisions of the section of law applicable to the particular case must be followed strictly. Removal by the United States is not usually undertaken if the obstruction simply affects the approaches to private wharves or canals and is not obstructing or endangering navigation.

(b) *Reports on accidents or obstructions affecting navigation.* An accident such as a vessel collision, sinking or grounding, or a bridge failure which occurs in navigable waters of the United States and poses a threat to navigation, shall be reported by the District Engineer to HQDA (DAEN-CWO-M), Washington, D.C. 20314 by teletype within 24 hours. Included in the teletype should be a report on the extent of the danger to navigation and an estimate of the duration of the obstruction. When such an accident results in an obstruction to navigation, it shall be immediately reported by telephone to HQDA, Chief, Operations Branch, DAEN-CWO-M. (Exempt under paragraph 7-20, AR 335-15.)

(c) *General procedure concerning wrecks and other obstructions.*

(1) The District Engineer should ascertain, at once, whether navigation is

obstructed or endangered, and if the obstruction must be removed, he should inform the owner promptly of the provisions of the law.

(2) Vessel owners, masters and others having any knowledge of wrecks or other obstructions should be encouraged to report their location promptly to the District Engineer.

(3) If the owner commences removal, the District Engineer should supervise the operations sufficiently to insure against unreasonable interference with navigation and see that the removal proceeds diligently. If removal by the United States is necessary, the District Engineer must act promptly. If the owner has not marked the obstruction, the District Engineer should request the local Coast Guard District Commander to do so.

(4) The District Engineer should determine if the United States has a mortgage or other interest in the vessel. If such an interest does exist, he should check with the Maritime Administration or other appropriate agency before offering the vessel for public sale.

(d) *Marking of wrecks by owners.* Whenever a vessel, raft, or other craft is wrecked or sunk in a navigable waterway, accidentally or otherwise, it is the responsibility of the owner to mark it immediately. A buoy or beacon should be used during the day. A lighted lantern is required at night. These marks must be maintained until the sunken craft is removed or abandoned.

(e) *Abandonment of wrecks by owners or underwriters.*

(1) Every precaution should be taken in cases involving wrecked or sunken vessels to insure that the rights of the United States are not prejudiced by acceptance of abandonment when tendered by owners or underwriters of vessels under 33 U.S.C. 409. Under no circumstances will acceptance of abandonment be indicated. If a letter of abandonment is received, receipt of the letter should be merely acknowledged and a statement included in the reply as follows: "This acknowledgment should in no way be construed as acceptance by the United States of an abandonment of such vessel, nor as waiver of any right to enforce liability for any damage caused by its sinking or cost of removal." When a notice of abandonment has not been received from the owners or underwriters, or ownership cannot be established, the District Engineer may, after the obstruction has existed for over thirty days, establish abandonment by inserting, in a newspaper nearest the locality of the obstruction, a legal advertisement addressed "To Whom It May Concern" requiring the removal of the obstruction (33 U.S.C. 414).

(2) Should an incident occur involving the interrelated rights and liabilities of persons responsible for a

sunken or wrecked vessel, a report should be furnished to HQDA (DAEN-CWO-M), Washington, D.C. 20314 for use in coordinating with the Department of Justice.

(3) In the case of the *United States v. Cargo Salvage Corporation*, the United States brought action to obtain legal precedent as to ownership of cargo aboard a wrecked vessel to be removed under 33 U.S.C. 414. The Court held that the interests in cargo are separate and that its abandonment must be independently shown from the abandonment of the hull. In all future cases where the ownership of cargo aboard a wreck to be removed is in doubt, and cannot be otherwise established, the abandonment of the cargo should be established by the insertion of a small advertisement in the county weekly nearest the wreck. Notice of not less than 30 days should be given in addressing the article "To Whom It May Concern."

(f) *Marking of wrecks by Coast Guard.*

(1) Under 14 U.S.C. 86 the cost of continuing the marking of sunken vessel or other obstruction to navigation, after abandonment is established, shall be borne by the Department of Transportation.

(2) The District Engineer will advise the Coast Guard as soon as practicable if he desires an obstruction marked and will also notify the Coast Guard when removal operations have been completed. For regulations of the Coast Guard marking of wrecks, see 33 CFR Part 64.

(g) *Information for Coast Guard.* Whenever the condition of any wreck which has been marked by the Coast Guard changes, due to removal, destruction, changed location caused by storms or shifting channels, or any other reason so that markings are no longer needed, the District Engineer having jurisdiction will notify the District Commander of the Coast Guard at once.

(h) *Removal of obstruction under the provisions of Section 19 of the River and Harbor Act of 1899.* (33 U.S.C. 414.) Action under this section may be undertaken without prior approval of the Chief of Engineers only when the navigation of navigable waters of the United States is obstructed or endangered, and if the obstruction has been in existence over 30 days, or its abandonment by the owner can be legally established in a shorter period. The obstruction can be removed by any method deemed most advantageous provided:

(1) The cost of removal will not exceed \$100,000 for each incident.

(2) The wreck is a sunken vessel, boat, watercraft, raft or other similar obstruction.

(3) The wreck is an obstruction to general navigation, not merely an ob-

struction to a private wharf or canal or merely aesthetically displeasing.

(4) All reasonable efforts have first been exhausted to require the owner to remove the wreck himself within a reasonable period. If this effort is not successful, then removal may be undertaken at Federal expense. The District Engineer should institute steps to recover from the owners the costs incurred. (*Wyandotte Transportation v. United States*, 389 U.S. 205 88 S.Ct. 379 [1967]). Further, the owner must be advised that the wreck will be removed by the United States with the reservation of all rights of the United States to recover from the owner all expenses of removal.

(i) *Removal of obstructions under provisions of Section 20 of the River and Harbor Act of 1899 (33 U.S.C. 415).*

(1) This section provides that action thereunder may be taken by any Agent of the United States to whom the Secretary of the Army "may delegate proper authority." A delegation of such authority was made by the following order issued by the Secretary of War 20 January 1905.

Whenever any vessel, boat, watercraft, or raft sinks, grounds, or is unnecessarily delayed in any canal, lock, or other improvement controlled or owned by the United States, or in any navigable waters of the United States, under circumstances of emergency, the officer in charge of such lock, canal, improvement or district will take charge of such vessel, boat, watercraft, raft, or other obstruction with a view to its immediate removal or destruction, using his best judgment in all cases to prevent any unnecessary injury. Any action taken under the above instructions will be reported forthwith to the Chief of Engineers for the information or action of the Secretary of War.

(2) The above order was amended on 2 November 1917 as follows:

The foregoing order is hereby amended by substituting the word "district engineer" for "officer", with the understanding that the term "district engineer" includes both officers and civilians assigned by competent orders to the charge of a district of the Engineer Department at Large.

(3) The above quoted authority eliminates the necessity for establishing abandonment in emergency cases, but information required by paragraph (k)(2) will be furnished HQDA (DAEN-CWO-M) Washington, D.C. 20314.

(4) Action under this section may be undertaken without prior approval of the Chief of Engineers, subject to the same provisos contained in paragraph (h) above.

(j) *Removal of sunken logs.*

(1) The United States acquires no property rights in sunken logs through the mere fact that they lie in navigable waters. It is permissible for the original owner to trace and reclaim them, but he should do so within a reasonable time, especially if

they obstruct navigation. If the owner fails to exercise his rights to reclaim and remove the obstructing logs, they may be removed by the Government as provided in Sections 19 and 20 of the Act approved 3 March 1899. Logs thus removed by the Government may be sold or otherwise disposed of without liability to the original owner.

(2) When persons known to have no ownership therein or legal title thereto apply for permission to remove sunken logs, it may be assumed that the privilege is desired as a matter of gainful speculation. Ordinarily, they should be advised that the Department of the Army can grant them no property rights to the logs, but will not object to their removing them provided removal operations are so conducted as not to injure or interfere with navigation. In cases, however, where the logs form serious obstruction to navigation and the conditions are such that the Department of the Army would be justified in applying the provisions of the aforesaid Federal laws, there would be no legal objection to permitting private applicants to remove them under an agreement providing that they shall become the property of the applicant. Such cases will be presented to the HQDA (DAEN-CWO-M) Washington D.C. 20314 before action is taken thereon.

(k) *Authority.*

(1) For cases meeting the provisos contained in paragraph (h), Division Engineers are authorized to approve the expenditure of funds not to exceed the amount of \$100,000 per incident and to redelegate this authority to District Engineers.

(2) For cases that require approval of the Chief of Engineers, requests for authority for removal of wrecks and other obstructions will:

(i) Report the case in sufficient detail to establish the propriety allotting public funds to the work.

(ii) Indicate whether removal is proposed under Section 19 or 20 of the River and Harbor Act approved 3 March 1899.

(iii) Include a map, size 8 by 10½ inches, showing the location of the wreck or obstruction in relation to the principal channels in the vicinity and any Federal improvement that may be affected by it.

(iv) Inclose photographs, if necessary, to show exact condition or important details of the wreck or obstruction.

(v) Indicate proposed method of removal; whether by contract or by Government plant and hired labor.

(vi) State the estimated cost of the removal of the wreck or obstruction, including the Government costs if the work is proposed to be done by contract, and the estimated date that allotment of funds will be required. Request allotment for preliminary ex-

penses to cover cost of preparation of specifications and other preliminary details.

(vii) Inclose copy of letter of abandonment when wreck has been formally abandoned, or provide a copy of the public notice, published 30 days prior to the proposed date of removal.

(3) Requests for approval will be submitted to HQDA (DAEN-CWO-M) Washington D.C. 20314.

(l) *Funds.*

(1) cost for removal of wreck approved by the Division Engineer should be charged to the Revolving Fund and a request for reimbursement funds from O&M General should be submitted immediately to HQDA (DAEN-CWO-M) Washington D.C. 20314. Reimbursement will be dependent upon availability of funds in this office.

(2) Upon completion of the removal of a wreck or other obstruction for which funds have been allotted, any balance remaining will be reported promptly for revocation, citing the date of the allotment.

(m) *Reports (RCS-CONG 1006).* District Engineers will prepare and submit to HQDA (DAEN-CWO-M) Washington, D.C. 20314, through the appropriate Division Engineer the following data by 15 January of each year.

(1) Names of wrecked vessels investigated and removed.

(2) Cost of investigations.

(3) Cost of wreck removals.

The requirement for the tabular report, ENG Form 202e (ER 335-2-5) is hereby rescinded.

[FR Doc. 78-14871 Filed 5-26-78; 8:45 am]

[8320-01]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 2—DELEGATIONS OF AUTHORITY

Department of Memorial Affairs (National Cemetery System)

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: The Administrator of Veterans' Affairs delegates authority to the Chief Memorial Affairs Director to act on matters not requiring the personal attention of the Administrator. The reason is to make specific delegations pertaining to the routine functions required in the day-to-day operations of the Department of Memorial Affairs and the National Cemetery System.

EFFECTIVE DATE: May 18, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Earl W. Zieg, Veterans Administration, Department of Memorial Affairs (40D), 810 Vermont Avenue NW., Washington, D.C. 20420, 202-389-5235.

SUPPLEMENTARY INFORMATION: On page 1631 of the FEDERAL REGISTER of January 11, 1978, there was published a notice of proposed regulatory development to amend § 2.6 relating to delegations of authority. No comments were received. However, since this regulation was published for comment, the Director, National Cemetery System has also been designated as the Chief Memorial Affairs Director due to a reorganization of the Veterans Administration.

The proposed regulation is adopted with change in organizational title and is set forth below.

Approved: May 18, 1978.

By direction of the Administrator.

RUFUS H. WILSON,
Deputy Administrator.

In § 2.6, paragraph (f) is added to read as follows:

§ 2.6 Administrator's delegations of authority to certain officials (38 U.S.C. 212(a)).

(f) *Department of Memorial Affairs.* The Chief Memorial Affairs Director is delegated authority:

(1) To act on all matters assigned to the Department of Memorial Affairs and the National Cemetery System by statute (38 U.S.C. Chapter 24) and by regulation except where specifically requiring the personal attention or action of the Administrator and to authorize supervisory personnel within the jurisdiction of the Chief Memorial Affairs Director to perform such functions as may be assigned.

(2) To designate, as he deems necessary, Superintendents of National Cemeteries as special investigators under 38 U.S.C. 218(a)(3), however, such law enforcement authority is limited to enforcement of rules and regulations governing conduct on property under the charge and control of the Veterans Administration, as those rules and regulations apply to the cemetery over which the individual Superintendent exercises control and jurisdiction. Such designation will not authorize the carrying of firearms by any Superintendent.

(3) To accept donations of a minor nature, such as, individual trees for planting in burial areas and privately purchased grave markers.

(4) To name features in national cemeteries, such as, roads, walks, and special structures.

(5) To establish policies and specifications for inscriptions on Government headstones, markers, and private monuments.

[FR Doc. 78-14947 Filed 5-26-78; 8:45 am]

[6560-01]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

[FRL 902-3; PP 6E1747/R150]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

5-Ethoxy-3-trichloromethyl-1,2,4-thiadiazole

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole. The amendment to the regulations was requested by the California State Department of Food and Agriculture. This rule establishes a maximum permissible level for residues of the fungicide on avocados.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 N Street SW., Washington, D.C. 202-755-2516.

SUPPLEMENTARY INFORMATION: On March 6, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 9165) in response to a pesticide petition (PP 6E1747) submitted to the Agency by the California State Department of Food and Agriculture, Agricultural Chemicals and Feed, 1220 N Street, Sacramento, Calif. 95814. This petition proposed that 40 CFR 180 be amended by the establishment of a tolerance for combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the raw agricultural commodity avocados at 0.15 part per million (ppm). No comments or requests for referral to an advisory committee were received in response to this notice of proposed rulemaking.

It has been concluded, therefore, that the proposed amendment to 40

CFR 180 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before June 29, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 30, 1978, Part 180, Subpart C, section 180 is amended by establishing a tolerance for residues of the subject fungicide on avocados at 0.15 ppm as set forth below.

(Section 408(d)(2) of the Federal Food, Drug, and Cosmetic Act [21 U.S.C. 346a(d)(2)]).

Dated: May 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Part 180, Subpart C, is amended by adding the new § 180.370 to read as follows:

§ 180.370 5-Ethoxy-3-trichloromethyl-1,2,4-thia- diazole; tolerances for residues.

Tolerances are established for combined residues of the fungicide 5-ethoxy-3-trichloromethyl-1,2,4-thiadiazole and its monoacid metabolite 3-carboxy-5-ethoxy-1,2,4-thiadiazole in or on the following raw agricultural commodities:

Commodity:	Parts per million
Avocados	0.15

[FR Doc. 78-14853 Filed 5-26-78; 8:45 am]

[6560-01]

[FRL 902-2, PP 7E2001/R149]

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Malathion

AGENCY: Office of Pesticide Programs, Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This rule establishes a tolerance for residues of the insecticide malathion on birdsfoot trefoil. The amendment to the regulations was requested by the Interregional Research Project No. 4. This rule estab-

lishes a maximum permissible level for residues of malathion on birdsfoot trefoil.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Mrs. Patricia Critchlow, Registration Division (WH-567), Office of Pesticide Programs, EPA, 401 M Street SW., Washington, D.C., 202-755-2516.

SUPPLEMENTARY INFORMATION: On March 6, 1978, the EPA published a notice of proposed rulemaking in the FEDERAL REGISTER (43 FR 9163) in response to a pesticide petition (PP 7E2001) submitted to the Agency by Dr. C. C. Compton, Interregional Research Project No. 4, New Jersey State Agricultural Experiment Station, P.O. Box 231, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee and the Agricultural Experiment Station of New York. This petition proposed that 40 CFR 180.111 be amended by the establishment of a tolerance for residues of the insecticide malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on the following raw agricultural commodities:

It has been concluded, therefore, that the proposed amendment to 40 CFR 180.111 should be adopted without change, and it has been determined that this regulation will protect the public health.

Any person adversely affected by this regulation may, on or before June 29, 1978, file written objections with the Hearing Clerk, EPA, Room M-3708, 401 M Street SW., Washington, D.C. 20460. Such objections should be submitted in triplicate and specify the provisions of the regulation deemed to be objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by the grounds legally sufficient to justify the relief sought.

Effective on May 30, 1978, Part 180, Subpart C, section 180.111 is revised in its entirety by editorially reformatting the section into an alphabetized columnar listing and alphabetically inserting the tolerance of 135 ppm on birdsfoot trefoil as set forth below.

(Section 408(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348a(e)).)

Dated: May 22, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.

Part 180, Subpart C, section 180.111 is revised in its entirety by editorially

reformatting the section into an alphabetized columnar listing and alphabetically inserting the new tolerance of 135 ppm on birdsfoot trefoil, as follows:

§ 180.111 Malathion; tolerances for residues.

Tolerances are established for residues of the insecticide malathion (O,O-dimethyl dithiophosphate of diethyl mercaptosuccinate) in or on the following raw agricultural commodities:

Commodity	Parts per million
Alfalfa (PRE-H).....	135
Almond hulls (PRE-H).....	50
Almonds (PRE- and POST-H).....	8
Apples (PRE-H).....	8
Apricots (PRE-H).....	8
Asparagus (PRE-H).....	8
Avocados (PRE-H).....	8
Barley, grain (PRE- and POST-H).....	8
Beans (PRE-H).....	8
Beets (including tops) (PRE-H).....	8
Beets, sugar, roots (PRE-H).....	1
Beets, sugar, tops (PRE-H).....	8
Birdsfoot trefoil, forage (PRE-H).....	135
Birdsfoot trefoil, hay (PRE-H).....	135
Blackberries (PRE-H).....	8
Blueberries (PRE-H).....	8
Boysenberries (PRE-H).....	8
Broccoli (PRE-H).....	8
Brussels sprouts (PRE-H).....	8
Cabbage (PRE-H).....	8
Carrots (PRE-H).....	8
Cattle, fat (PRE-S).....	4
Cattle, mby ¹ (PRE-S).....	4
Cattle, meat ¹ (PRE-S).....	4
Cauliflower (PRE-H).....	8
Celery (PRE-H).....	8
Cherries (PRE-H).....	8
Chestnuts (PRE-H).....	1
Clover (PRE-H).....	135
Collards (PRE-H).....	8
Corn, forage (PRE-H).....	8
Corn, fresh (including sweet K + CWHR) (PRE-H).....	2
Corn, grain (POST-H).....	8
Cottonseed (PRE-H).....	2
Cowpea, forage (PRE-H).....	135
Cowpea, hay (PRE-H).....	135
Cranberries (PRE-H).....	8
Cucumbers (PRE-H).....	8
Currents (PRE-H).....	8
Dandelions (PRE-H).....	8
Dates (PRE-H).....	8
Dewberries (PRE-H).....	8
Eggplants (PRE-H).....	8
Eggs (from application to poultry).....	0.1
Endive (escarole) (PRE-H).....	8
Figs (PRE-H).....	8
Filberts (PRE-H).....	1
Garlic (PRE-H).....	8
Goats, fat (PRE-S).....	4
Goats, mby ¹ (PRE-S).....	4
Goats, meat ¹ (PRE-S).....	4
Gooseberries (PRE-H).....	8
Grapefruit (PRE-H).....	8
Grapes (PRE-H).....	8
Grass, (PRE-H).....	135
Grass, hay (PRE-H).....	135
Guavas (PRE-H).....	8
Hogs, fat (PRE-S).....	4
Hogs, mby ¹ (PRE-S).....	4
Hogs, meat ¹ (PRE-S).....	4
Hops (PRE-H).....	1
Horse radish (PRE-H).....	8
Horses, fat (PRE-S).....	4
Horses, mby ¹ (PRE-S).....	4
Horses, meat ¹ (PRE-S).....	4
Kale (PRE-H).....	8
Kohlrabi (PRE-H).....	8
Kumquats (PRE-H).....	8
Leeks (PRE-H).....	8
Lemons (PRE-H).....	8
Lentils (PRE-H).....	8

Commodity	Parts per million
Lespedeza, hay (PRE-H).....	135
Lespedeza, seed (PRE-H).....	8
Lespedeza, straw (PRE-H).....	135
Lettuce (PRE-H).....	8
Limes (PRE-H).....	8
Loganberries (PRE-H).....	8
Lupine, hay (PRE-H).....	135
Lupine, seed (PRE-H).....	8
Lupine, straw (PRE-H).....	135
Macadamia nuts (PRE-H).....	1
Mangos (PRE-H).....	8
Melons (PRE-H).....	8
Milk, fat (from application to dairy cows).....	0.5
Mushrooms (PRE-H).....	8
Mustard greens (PRE-H).....	8
Nectarines (PRE-H).....	8
Oats, grain (PRE- and POST-H).....	8
Okra (PRE-H).....	8
Onions (including green onions) (PRE-H).....	8
Oranges (PRE-H).....	8
Papayas (PRE-H).....	1
Paraleys (PRE-H).....	8
Parasols (PRE-H).....	8
Passion fruit (PRE-H).....	8
Peaches (PRE-H).....	8
Peanut, forage (PRE-H).....	135
Peanut, hay (PRE-H).....	135
Peanuts (PRE- and POST-H).....	8
Pears (PRE-H).....	8
Peas (PRE-H).....	8
Peavine, hay (PRE-H).....	8
Peavines (PRE-H).....	8
Pecans (PRE-H).....	8
Peppermint (PRE-H).....	8
Peppers (PRE-H).....	8
Pineapples (PRE-H).....	8
Plums (PRE-H).....	8
Potatoes (PRE-H).....	8
Poultry, fat (PRE-S).....	4
Poultry, mby ¹ (PRE-S).....	4
Poultry, meat ¹ (PRE-S).....	4
Prunes (PRE-H).....	8
Pumpkins (PRE-H).....	8
Quinces (PRE-H).....	8
Radishes (PRE-H).....	8
Raspberries (PRE-H).....	8
Rice, grain (PRE- and POST-H).....	8
Rutabagas (PRE-H).....	8
Rye, grain (PRE- and POST-H).....	8
Safflower, seed (PRE-H).....	0.2
Salsify (including tops) (PRE-H).....	8
Shallots (PRE-H).....	8
Sheep, fat (PRE-S).....	4
Sheep, mby ¹ (PRE-S).....	4
Sheep, meat ¹ (PRE-S).....	4
Sorghum, forage (PRE-H).....	8
Sorghum, grain (PRE- and POST-H).....	8
Soybeans (dry and succulent) (PRE-H).....	8
Soybeans, forage (PRE-H).....	135
Soybeans, hay (PRE-H).....	135
Spearmint (PRE-H).....	8
Spinach (PRE-H).....	8
Squash, summer and winter (PRE-H).....	8
Strawberries (PRE-H).....	8
Sweet potatoes (PRE-H).....	1
Swiss chard (PRE-H).....	8
Tangerines (PRE-H).....	8
Tomatoes (PRE-H).....	8
Turnips (including tops) (PRE-H).....	8
Vetch, hay (PRE-H).....	135
Vetch, seed (PRE-H).....	8
Vetch, straw (PRE-H).....	135
Walnuts (PRE-H).....	8
Watercress (PRE-H).....	8
Wheat, grain (PRE- and POST-H).....	8

¹The tolerance level shall not be exceeded in any cut of meat or in any meat byproduct from cattle, goats, hogs, horses, poultry, or sheep.

[FR Doc. 78-14850 Filed 5-26-78; 8:45 am]

[4510-27]

Title 41—Public Contracts and Property Management

CHAPTER 50—PUBLIC CONTRACTS, DEPARTMENT OF LABOR

PART 50-201—GENERAL REGULATIONS

PART 50-206—THE WALSH-HEALEY PUBLIC CONTRACTS ACT INTERPRETATIONS

Amendments to Regulations

AGENCY: Department of Labor.

ACTION: Final rule.

SUMMARY: These amendments to our regulations codify our interpretations issued under the Walsh-Healey Public Contracts Act, especially our interpretations of "manufacturer," "assembler" and "regular dealer." Experience has demonstrated a need for these clarifying and interpretative amendments.

EFFECTIVE DATE: June 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Alvin Bramow, Deputy Associate Solicitor, Division of General Legal Services, Office of the Solicitor, Room N2464, New Department of Labor Building, 200 Constitution Avenue NW., Washington, D.C. 20210, phone 202-523-8293.

SUPPLEMENTARY INFORMATION: On May 20, 1977, the Department published in the FEDERAL REGISTER (42 FR 26022) proposed amendments to the regulations and the codification of interpretations issued under the Walsh-Healey Public Contracts Act relative to the manufacturer and regular dealer requirements of section 1(a) of the Act.

Persons interested in the proposal were afforded the opportunity to submit comments to the Administrator of the Wage and Hour Division.

Statements were received from three members of Congress, the Office of Federal Procurement Policy (OFPP), the Tennessee Valley Authority (TVA), the Law Enforcement Assistance Administration, the Hand Tools Institute, and two private firms.

The comments were carefully reviewed and analyzed in light of statutory intent and precedential decisions in this area. A number of the comments received were of an extremely constructive nature. After careful analysis, it has been decided that their adoption would make the regulations more effective. Those adopted are summarized below.

Several comments which were received questioned the desirability of

the proposed requirement that a contract be voided *ab initio* where it is discovered after award that a bidder did not act in good faith in representing that it met the requirements of a manufacturer or regular dealer. Upon reconsideration, proposed sections 50-201.101(a)(3)(i)(B) and 50.206.51(d) are being revised to require only that such contracts be subject to termination rather than to be void *ab initio*.

The concerns expressed to the effect that the proposed regulations relating to the criteria for pre-award investigations were too broad and would result in burdensome and unnecessary surveys were deemed valid. Accordingly, § 50-201.101(b)(5) is revised to provide limitations in those instances when a contracting officer must conduct pre-award investigations of a bidder's Walsh-Healey qualifications.

Sections 50-201.101(b)(5) and 50-206.50(b) are clarified to show that eligibility investigations relate only to a bidder or bidders in line for contract award.

Section 50-201.101(b)(6)(i)(C) and 50-201.101(b)(6)(ii)(A) are revised to reflect the role of the Small Business Administration in eligibility findings involving small businesses pursuant to the enactment of Pub. L. 95-89 (91 Stat. 561) in August 1977 and to clarify that contracting officers' initial determinations of eligibility need be referred to the Department of Labor for a final determination only where an adversely affected bidder protests such initial findings.

Since there were apparent misunderstandings of the language in proposed § 50-201.301, which was misconstrued as requiring all contracting agencies to issue regulations implementing the Public Contract Act, this section has been revised to clarify its application only to situations where an agency itself prescribes regulations for the administration of the Act.

Accordingly Chapter 50 of Title 41 is amended as follows:

1. Section 50-201.101 of Part 50-201 is revised as follows:

§ 50-201.101 Manufacturer or regular dealer.

(a) *Definitions.* A bidder or contractor shall be deemed to be a "manufacturer" or "regular dealer" within the meaning of the stipulation required by section 1(a) of the act and § 50-201.1(a) if he falls within one of the following categories:

(1) A manufacturer is a person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications.

(2) A regular dealer is a person who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business.

(i) A regular dealer in lumber and timber products, if a wholesale lumber dealer, may be a person who owns, operates, or maintains a place of business in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business: *Provided*, That at least more than 50 percent of his business is such purchase and sale of such materials, supplies, articles, or equipment; *And provided further*, That upon all orders to manufacturers for direct shipment to the United States he agrees to insert a notice to the manufacturer to the effect that the supplies are purchased for the United States and that the manufacturer is within the terms of § 50-201.104 requiring compliance with the provisions of the Public Contracts Act.

(ii) A machine tool dealer may be a person possessing, through contract or agreement with a manufacturer, the responsibility for selling that manufacturer's products, with respect to a specific territory and who is authorized by such manufacturer to offer its products and to negotiate and conclude contracts for the furnishing thereof. *Provided*, That upon all orders to manufacturers for direct shipment to the United States he agrees to insert a notice to the manufacturer to the effect that the supplies are purchased for the United States and that the manufacturer is within the terms of § 50-201.104 requiring compliance with the provisions of the Public Contracts Act.

(iii) A regular dealer in hay, grain, feed, or straw may be a person, who owns, operates, or maintains a store, warehouse, or other place of business in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles, or equipment.

(iv) A regular dealer in raw cotton may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of

such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles or equipment.

(v) A regular dealer in green coffee may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles or equipment.

(vi) A regular dealer in petroleum may be a person who owns, operates, or maintains petroleum distribution equipment and a store, warehouse, or other place of business in which petroleum products of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such petroleum products.

(vii) A regular dealer in agricultural liming materials may be a person who owns or controls the necessary equipment customarily required for delivering agricultural liming materials to farms or for spreading such materials on fields, who has made arrangements to purchase liming materials of the general character described by the specifications and required under the contract from a manufacturer, and who offers such material for sale to the public in the usual course of business.

(viii) A regular dealer in tea may be an importer who owns, operates, or maintains a store, warehouse, or other place of business in which materials, supplies, articles or equipment of the general character described by the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business.

(ix) A regular dealer in raw or unmanufactured cotton linters may be a person who owns, operates or maintains a store, warehouse, or other place of business in which materials, supplies, articles, or equipment of the general character described in the specifications and required under the contract are bought for the account of such person and sold to the public in the usual course of business, and whose principal business is such purchase and sale of such materials, supplies, articles, or equipment.

(x) A regular dealer in used automatic data processing equipment may be a person who owns or controls previously owned or used items, materials, supplies, articles, or equipment of the

general character described in the specifications and required under the contract and who offers such items for sale to the public in the usual course of business and whose principal business is the purchase and sale of such items, materials, supplies, articles, or equipment.

(3)(i)(A) Except as hereinafter provided, every bid received from any bidder who does not fall within one of the foregoing categories shall be rejected by the contracting officer.

(B) If it is discovered after an award that the bidder did not act in good faith in representing that it was a manufacturer or regular dealer within the meaning of the stipulations as interpreted in this Chapter 50, the contracting officer, immediately upon such discovery, may exercise his/her right to terminate the contract and to make open market purchases or to enter into other contracts for the completion of the original contract, charging any additional cost to the original contractor. Lack of good faith should be judged on the basis of all facts in the case.

(ii) Whenever justice and the public interest will be served, bids for a contract or class of contracts will be exempted from the foregoing requirement by the Secretary of Labor upon the request of the head of the contracting agency or department when accompanied by his finding of fact that it will be so difficult to obtain satisfactory bids for the contract or class of contracts under the stipulated restrictions, that the conduct of the Government business will be seriously impaired.

(b) *Determination of eligibility.* (1) The responsibility for applying the stated eligibility requirements in order to determine whether or not a bidder is qualified as a manufacturer or regular dealer before award rests in the first instance with the contracting agency pursuant to authority delegated by the Secretary of Labor in accordance with section 4 of the Act. (Circular Letter 8-61.) Contracting agencies shall obtain and consider all available factual evidence essential to eligibility determinations for all bidders in line for award of contracts subject to the Act.

(2) Any decision of the contracting agency is subject to review by the Department of Labor according to the procedures outlined below. The decision of the Department of Labor shall be final with respect to the procurement or procurements at issue.

(3) The Department of Labor shall give great weight to the technical knowledge and expertise of the contracting agencies and the Department of Labor shall uphold the contracting agencies' initial determinations unless the determinations are found to be arbitrary, capricious or otherwise not in

accordance with the evidence presented or with the law.

(4) The Department of Labor may determine the qualifications of a bidder in the first instance in the absence of any decision by the contracting agency.

(5) The contracting agency shall investigate and determine the Walsh-Healey eligibility status of a bidder in at least the following circumstances and shall not merely rely on the representation or affirmation of a bidder:

(i) In all cases where the bidder (or bidders) in line for contract award has not previously been awarded a contract subject to the Act by the individual procuring office and/or where a pre-award investigation or survey of such bidder's operations is otherwise made to determine the technical and production capability, plant facilities and equipment, subcontracting and labor resources of such bidder (or bidders).

(ii) In all cases where there is a protest of a bidder's eligibility; and

(iii) In all cases where a contracting officer may have reason to question a bidder's eligibility, such as where the proposed place of contract performance and shipment is other than the location of the bidder's place of business.

(6) The following procedures shall be utilized by the contracting officer in processing an eligibility case:

(i) When the contracting officer has determined that an apparently successful bidder or offeror is ineligible, the contracting officer shall promptly notify the bidder or offeror in writing that:

(A) It does not meet the eligibility requirements, and the specific reason therefor;

(B) If it wishes to protest such determination, it may submit any evidence concerning its eligibility to the contracting officer within a reasonable time as set by the contracting officer; and

(C) (1) If, after review of the evidence submitted by the bidder or offeror, the contracting officer does not reverse the decision, the bidder or offeror shall be notified of the contracting officer's determination and the reasons therefor. If the bidder or offeror still disagrees with the finding, the bidder's or offeror's protest, together with all pertinent evidence, will be forwarded to the Administrator of the Wage and Hour Division of the Department of Labor for a final determination, and the bidder or offeror will be so notified.

(2) In the case of a small business concern, the protest and all pertinent evidence will be forwarded to the Administrator of the Small Business Administration and the bidder or offeror so notified. The Administrator of the Small Business Administration shall

review the finding of the contracting officer and shall either dismiss it and certify the small business concern to be eligible for the contract award in question, or if it concurs in the finding, forward the matter to the Administrator of the Wage and Hour Division for a final determination, in which case the Small Business Administration may certify the small business concern only if the Wage and Hour Division finds the small business concern to be eligible. The Small Business Administration is bound by the regulations and interpretations of the Department of Labor in making its determinations of eligibility under the Public Contract Act.

(ii) (A) When another bidder or offeror challenges the eligibility of the apparently successful bidder or offeror prior to award, the contracting officer shall promptly notify the protestor and the apparently successful bidder or offer in writing:

(1) That they may submit evidence concerning the matter to the contracting officer within a reasonable time as set by the contracting officer; and

(2) That after review of such evidence the contracting officer will direct a preaward survey, if necessary, and reach a decision on all the evidence and notify the protestor and successful bidder of his/her finding. If either party disagrees with the finding, the contracting officer shall then forward the decision and entire record to the Administrator of the Wage and Hour Division for a final determination. However, in the case of a small business concern, the protest and all pertinent evidence will be forwarded to the Administrator of the Small Business Administration, and the procedures set forth in § 50-201.101(b)(6)(i)(C)(2) shall be followed.

(iii) (A) If the contracting officer forwards the case to the Department of Labor for review of eligibility under the Act, award will be held in abeyance until the contracting officer receives a final determination from the Department of Labor, unless the contracting officer finds that award should be made immediately because:

(1) The items to be procured are urgently required; or

(2) Delay of delivery or performance by failure to make the award promptly will result in substantial hardship to the Government.

(B) If the contracting officer decides to proceed with the award, the contracting officer shall give written notice of the decision to proceed to the protestor, the Department of Labor and to other concerned parties.

(iv) If an award is made under paragraph (b)(6)(iii) of this section, the contracting officer shall submit to the Department of Labor documentation explaining the need for making an award prior to the receipt of a final

determination from the Administrator of the Wage and Hour Division.

(v) A protest received after award, but before final completion of the contract, shall be investigated and processed under the provisions outlined in paragraph (b)(6)(ii) of this section and forwarded to the Department of Labor, and the protestor shall be so notified.

(vi) If the contract has been completed before receipt of the protest, the protestor shall be notified that no action will be taken on the protest.

2. There is hereby added to Part 50-201 a new § 50-201.301 reading as follows:

50-201.301 Agency regulations.

Each agency which prescribe additional regulations for the Administration of the Walsh-Healey Public Contracts Act and for the implementation of the regulations in this part, shall submit such regulations, directives, and orders to the Administrator of the Wage and Hour Division prior to issuance. Any such regulations may not be enforced prior to approval by the Administrator or prior to 60 days after submission if not disapproved by the Administrator. Currently existing regulations are not affected by this section, except where such regulations are not in conformity with the Walsh-Healey Public Contracts Act and the Department of Labor regulations. In such cases, agency regulations shall be appropriately revised.

3. A new Part 50-206 is added to Chapter 50, Title 41, as follows:

Subpart A—General

- Sec.
50-206.1 The Walsh-Healey Public Contracts Act.
50-206.2 Administration of the Act.
50-206.3 Purpose and scope of this part.

Subpart B—[Reserved]

Subpart C—Contractors

QUALIFICATION OF CONTRACTOR

- 50-206.50 To whom covered contracts may be awarded—eligibility.
50-206.51 Manufacturer.
50-206.52 Assembler.
50-206.53 Regular dealer.
50-206.54 Regular dealer in particular products.
50-206.55 Agents.
50-206.56 Administrative exemptions.

AUTHORITY: Sec. 4, 49 Stat. 2038, 41 U.S.C. 38, Secretary of Labor's Order No. 18-75, 40 FR 55913, and Employment Standards Order 2-76, 41 FR 9016.

Subpart A—General

§ 50-206.1 The Walsh-Healey Public Contracts Act.

The Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35-45), hereinafter referred to as the Act, was enacted "to provide conditions for the purchase of supplies and the making of contracts by the United States." It is not an act of general applicability to industry. The Supreme Court has described it as an instruction by the Government to its agents who were selected and granted final authority to fix the terms and conditions under which the Government will permit goods to be sold to it. Its purpose, according to the Supreme Court "was to impose obligations upon those favored with Government business and to obviate the possibility that any part of our tremendous national expenditures would go to forces tending to depress wages and purchasing power and offending fair social standards of employment." ("Perkins v. Lukens Steel Co.," 310 U.S. 113, 128 (1940); "Endicott Johnson Corp. v. Perkins," 317 U.S. 501 (1943).) To this end, the Act requires those who enter into contracts to perform Government work subject to its terms to adhere to specifically prescribed representations and stipulations as set forth in 41 CFR 50-201.1 pertaining to qualifications of contractors, minimum wages, overtime pay, safe and sanitary working conditions of workers employed on the contract, the use of child labor or convict labor on the contract work, and the enforcement of such provisions. Except as otherwise specifically provided, these representations and stipulations are required to be included in every contract "for the manufacture or furnishing of materials, supplies, articles, and equipment in any amount exceeding \$10,000" which is made and entered into by an agency of the United States or other entity as designated in section 1 of the Act, hereinafter referred to as "contracting agency." Contractors performing work subject to the Act thus "enter into competition to obtain Government business on terms of which they are fairly forewarned by inclusion in the contract." ("Endicott Johnson Corp. v. Perkins, supra," 317 U.S. at 507.) The Act also provides for enforcement of the required representations and stipulations by various methods. Certain exemptions from the application of the Act are provided in section 9 of the statute. Other exemptions, variations, and tolerances may be provided under section 6 of the statute by the Secretary of Labor or the President.

§ 50-206.2 Administration of the Act.

(a) The Secretary of Labor is authorized and directed to administer the provisions of the Act, to make investi-

gations, findings, and decisions thereunder, and to make, amend, and rescind rules and regulations with respect to its application (see sections 4 and 5). The Supreme Court has recognized that the Secretary may issue rulings defining the coverage of the Act. ("Endicott Johnson Corp. v. Perkins, supra".) According to the Court (ibid.), in the statute as originally enacted "Congress submitted the administration of the Act to the judgment of the Secretary of Labor, not to the judgment of the courts." An amendment to the Act in 1952 added specific provisions for judicial review (see section 10). The Secretary has promulgated regulations to carry out provisions of the Act, which are set forth elsewhere in this chapter (Part 50-201 (general regulations); Part 50-202 (minimum wage determinations); Part 50-203 (rules of practice); and Part 50-204 (Safety and Health Standards)). The Secretary of Labor has delegated to the Administrator of the Wage and Hour Division through the Assistant Secretary for Employment Standards the authority to promulgate regulations and to issue official rulings and interpretations. So long as such regulations, rulings, and interpretations are not modified, amended, rescinded, or determined by judicial authority to be incorrect, they may be relied upon as provided in section 10 of the Portal-to-Portal Act of 1947 (61 Stat. 84, 29 U.S.C. 251, et seq., discussed in 29 CFR Part 790). Furthermore, these interpretations are intended to indicate the construction of the law which the Department of Labor believes to be correct and which will be followed in the administration of the Act unless and until directed otherwise by Act of Congress or by authoritative rulings of the courts. ("Skidmore v. Swift & Co.", 323 U.S. 134 (1944), "Roland Co. v. Walling", 326 U.S. 657 (1946); "Endicott Johnson Corp. v. Perkins, supra", and "Perkins v. Lukens Steel Co., supra".)

(b) The courts have held that the "interpretations of the Walsh-Healey Act and the regulations adopted thereunder, as made by the Secretary of Labor acting through his Administrator, are both correct and reasonable." ("Jno. McCall Coal Company v. United States," 374 F. 2d 689, 692 (C.A. 4, 1967); see also "United States v. Davison Fuel and Dock Company," 371 F. 2d 705, 711-714 (C.A. 4, 1967).) These policies are designed to protect not only employees but also the competitive interest of all firms qualified to compete for covered contracts.

§ 50-206.3 Purpose and scope of this part.

It is the purpose of this Part 50-206 to make available, in codified form for the guidance of agencies of the United States or other entities designed in section 1 of the Act and persons or

firms contracting therewith, official rulings and interpretations with respect to the Walsh-Healey Public Contracts Act. This part constitutes the official statement of the position of the Department of Labor in matters relating to this Act. The interpretative rules herein stated supersede, to the extent of any inconsistency, Rulings and Interpretations No. 3 and all other rulings, interpretations, and enforcement policies not set forth in this chapter. This Part 50-206 illustrates the principles stated herein by showing their application to situations which frequently arise. Since it cannot include every possible situation, no inference should be drawn from the fact that a subject or illustration is omitted. If doubt arises, inquiries should be directed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D.C. 20210, or to any Regional Office of the Wage and Hour Division.

Subpart B—[Reserved]

Subpart C—Contractors

QUALIFICATIONS OF CONTRACTORS

§ 50-206.50 To whom covered contracts may be awarded—eligibility.

(a)(1) Section 1(a) of the Act requires that every contract subject to the Act shall contain a representation and stipulation by the contractor that it is either "the manufacturer of or a regular dealer in" the commodities to be manufactured or used in the performance of the contract. As noted in the following sections, these terms are defined by regulation. The legislative history makes it clear that this statutory requirement is intended, among other things, to eliminate the award of contracts to "bid brokers," and to provide labor standards protection for employees who actually engage in the manufacture or furnishing of the goods to the Government, by requiring, among other things, that the Government award contracts only to bona fide manufacturers or regular dealers. A breach of this required stipulation is a violation of the Act; however, a contractor who has been awarded a contract in spite of its failure to qualify as a manufacturer or regular dealer is not relieved of its obligation to comply with the other requirements of the Act and regulations, which are also contract stipulations.

(2) In implementing Section 1(a) of the Act, the Secretary of Labor has defined in 41 CFR 50-201.101 the terms "manufacturer" and "regular dealer" by stating the affirmative requirements that must be met by potential contractors before they may receive Government contracts subject to the Act. Every bid from any bidder who is not a manufacturer or regular dealer, as defined therein and in ac-

cordance with this subpart, must be rejected by the contracting officer. See 41 CFR 50-201.101(a)(3)(i).

(3) The provisions of 41 CFR 50-201.1 require that the representations and stipulations prescribed in section 1 of the Act must be included in invitations to bid and in contracts subject to the Act, either in full or by incorporation by reference. Since no qualifications may be placed on the required representations and stipulations, any bid which seeks to avoid full compliance with the Act by any qualification or reservation must be rejected. (See 16 Comp. Gen. 593.)

(b) The responsibility for applying the stated eligibility requirements in order to determine whether or not a bidder is qualified as a manufacturer or regular dealer before award rests in the first instance with the contracting agency pursuant to authority delegated by the Secretary of Labor in accordance with section 4 of the Act (Circular Letter 8-61), as detailed in § 50-201.101(b) of Part 50-201 of this chapter. It is the obligation of the contracting agencies to obtain and consider all factual evidence essential to eligibility determinations for all bidders in line for award of contracts subject to the Act.

§ 50-206.51 Manufacturer.

(a)(1) Section 50-201.101(a)(1) of Regulations 41 CFR Part 50-201, defines a manufacturer as a "person who owns, operates, or maintains a factory or establishment that produces on the premises the materials, supplies, articles, or equipment required under the contract and of the general character described by the specifications."

(2) Generally, there should be no question as to a bidder's eligibility. The bidder either has, or has not, the requisite plant, equipment and personnel to produce on its own premises the goods called for under the Government contract.

(b) A bidder who desires to qualify for an award as a manufacturer must show before the award that it is (1) an established manufacturer of the particular good or goods of the general character sought by the Government (i.e., that the bidder has a plant, equipment and personnel to manufacture on its own premises the goods called for under the contract) or (2) if the bidder is "newly entering" into such manufacturing activity that the bidder has made all necessary prior arrangements and definite commitments for (i) manufacturing space, (ii) equipment, and (iii) personnel to perform on its own premises the manufacturing operations required for the fulfillment of the contract. A new firm which, prior to the award of a contract, has made such definite prior arrangements and commitments in order to enter a manufacturing business

which will qualify it should not be barred from receiving the award because it has not yet done any manufacturing, even if such arrangement and commitments are contingent upon the award of a Government contract. However, in order to meet the "definite commitment" test for "newly entering" firms, the bidder must have entered into written, legally binding arrangements and commitments prior to, even though contingent upon, award, under which the bidder would acquire for itself plant, equipment and personnel if awarded the Government contract. This would be evidence of a bona fide intent to establish a continuing manufacturing entity and, as such, to become an eligible manufacturer. This requirement is intended to exclude from eligibility bidders who make unsubstantiated assertions that they are eligible and then totally subcontract or broker the contract after award.

(c)(1) In general, such "newly entering" firm must show that the manufacturing activity in question is not one which has been set up solely to produce on a Government contract and whose operations will be terminated upon completion of that contract. In effect, the firm must have established arrangements on a continuing basis for production of the goods desired by the Government.

(2) The documentation required to evidence prior arrangements and definite commitments will vary depending upon the facts and circumstances of the particular case. The contents and bona fides of all documentation and arrangements must be examined to determine if the spirit and intent of the Act and the regulations have been met. The following are examples of what the Department of Labor considers as sufficient evidence of all necessary prior arrangements and definite commitments:

(i) Manufacturing space can be either owned or leased by and in the name of the bidder. A recorded deed to the bidder's property in which the manufacturing is to take place, or a copy of a properly executed bona fide lease agreement clearly identifying the manufacturing space and setting forth the terms and conditions of the lease, would generally be considered evidence of prior arrangements and definite commitments for space. In addition, as noted above, any such lease agreement must be legally binding on the part of both parties to the agreement, the space must be for the exclusive and unrestricted use of the lessee, and the term of the lease must be of sufficient duration so that the bidder will be able to clearly fulfill the contract before the lease expires.

(ii)(A) The bidder must own or have made written, legally binding definite commitments to purchase or lease suf-

ficient equipment to manufacture the goods, materials, or articles required for contract fulfillment. A bidder must have full, complete and unrestricted control of the necessary equipment. A bill of sale or a purchase order may evidence definite commitments for equipment. The general requirements with respect to a bill of sale or purchase order are that it be dated and signed by the bidder, specifically identifying and describing the equipment and the terms of payment for the equipment purchased or to be purchased, and containing the date by which the vendor delivered or is required to deliver the equipment.

(B) The vendor must provide written evidence of acceptance, such as a bill or invoice, acknowledging receipt of the purchase order, as written, and setting forth the terms of payment in accordance with prevailing business practice. Such documentation is normally associated with the consummation of a sale in the usual conduct of business transactions.

(C) Letters of intent for space and equipment or vendor quotations or offers to sell or lease space or equipment, or affidavit that a sale or conveyance has occurred, do not constitute legally binding contractual agreements or definite commitments.

(iii) The best evidence of available personnel is the presence on the payroll of the manufacturing employees necessary to fulfill the contract. However, affirmative evidence which the bidder submits showing what prior arrangements and definite commitments it has made to hire its own manufacturing personnel will be considered.

(d) A bidder's mere representation or affirmation that he is a qualified manufacturer or has fulfilled the above applicable conditions is insufficient. Evidence must be presented to the contracting agency which shows that these conditions are, in fact, met prior to any award of a contract subject to the Act. If it is discovered after an award that the bidder did not act in good faith by actually fulfilling these acquisition requirements, such contract award shall, in accordance with § 50-201.101(a)(3)(i)(A) immediately upon such discovery, be subject to termination by the contracting officer.

(e) The plain language of the Act and regulations makes it clear that covered contracts are to be awarded only to contractors who are currently capable of manufacturing on their premises the goods called for under the contract or who, if newly entering into manufacturing, have made binding commitments before award to enable them to produce such goods as discussed above. Thus, a bidder's arrangements to use, rent, or share the equipment, personnel, or space of another legal entity on a time and material or "as needed" basis do not consti-

tute the making of all necessary prior arrangements or definite commitments. (See "In re Metalcraft Mfg. Sale Corp.", 15 WH Cases 557, 566 (1962).) The Department has consistently held that the availability of the manufacturing and producing establishments of others does not qualify the contractor as a manufacturer as the term is defined herein. See, for example, "In re Electric Ventilating Corp.", 13 WH Cases 220, "In re Dimensional Displays", 12 WH Cases 847, and "In re Paramount Industries, Inc.", 11 WH Cases 721.

(f) Every bidder must qualify in its own right as a manufacturer under the Act. Therefore, all evidence documenting a bidder's eligibility must be in the name of the bidder. Arrangements or proposals for subcontracting, or a bidder's affiliation or relation with another firm, even one having the same officers or ownership, are not definite commitments nor are they evidence of the bidder's own eligibility as a manufacturer, even though such affiliate or subcontractor might be a qualified manufacturer. The fact that one legal entity may qualify as a manufacturer does not confer such status upon another legal entity. (See Decision of the Hearing Examiner, "In re Alden Industries, Inc.," PC-551, March 16, 1954; "In re Alisco Commercial Furniture Co., Inc.," PC-469, July 16, 1952.)

(g) A bidder's eligibility status on a previous Walsh-Healey contract or its performance as a subcontractor on Walsh-Healey contracts are not determinative evidence of the bidder's present eligibility as a manufacturer.

(h) Activities such as engineering, planning, design, inspection, quality control, testing, marking, packaging, and repackaging and shipping may be incidental, ancillary or necessary to manufacturing. Nevertheless, such operations are not, standing alone, or in combination, considered "manufacturing," i.e. fabrication or production. The proposed performance solely of such activities does not qualify a firm as a manufacturer.

§ 50-206.52 Assembler.

(a) As a result of changing technology in the area of manufacturing, the Department has concluded that it is now necessary to provide a fuller discussion of the standards that an assembler must meet to qualify as a manufacturer.

(b)(1) "Assembly" means piecing or bringing together various interdependent or interrelated parts or components so as to make an operable whole or unit. (Decision of the Comptroller General, B-164770, September 3, 1968 (not officially published).) A firm which produces final items on its premises by assembling component parts, all or some of which have been

purchased from others, will generally be considered to be a "manufacturer" where it performs a series of assembly operations utilizing machines, tools and workers which constitute substantial and significant fabrication or production of the desired product. The qualifications of a bidder as a manufacturer who proposes to "assemble" must be decided on the basis of all the facts and circumstances surrounding a particular procurement.

(2) Thus, the determination of whether a bidder proposing to assemble a final product from component parts is an eligible manufacturer must rest on whether the bidder has demonstrated an independent ability, with its plant, equipment and personnel, to perform a significant or substantial portion of the manufacturing operations and efforts required in producing the final product for which the government contracted.

(3) In the alternative, a bidder may also qualify as a manufacturer if it has the facilities to produce on its premises a significant portion of the required component parts needed for the final product even if the bidder will only perform assembly operations under a particular procurement.

(c) Firms which only perform minimal operations upon the item being procured cannot qualify as manufacturers. To allow any such bidder to do so would obviously frustrate the purposes of the Act. As stated in the Decision of the Hearing Examiner "In re Brentwood Radios, Inc.," 12 WH Cases 158, 162 (1954):

Confident that the Act and Regulations defining a manufacturer contemplate something more than the occasional and isolated performance of such a simple assembly operation on but two Government contract items of a sundry nature, as disclosed by the record in this case, I have concluded that the corporation cannot justifiably be regarded as bona fide manufacturer, even of such items, qualified to do business with the Government. Except for the negligible amount of time expended by the two officers of the corporation on such assembly operation over seven years of corporate existence, the corporation has at no time engaged in any other assembly or manufacturing operations for the Government and in no civilian production at all.

(See also "Tyco, Inc. v. Hodgson," 67 CCH Labor Cases ¶ 32,652 (E.D. Va., 1971 (not officially published)); and "In re John F. Noble Company," Decision of the Trial Examiner, PC-184, March 29, 1945.) As the court stated in "George v. Mitchell," 282 F.2d 486, 493 (C.A. D.C., 1960), while Congress in enacting the Walsh-Healey Public Contracts Act "may have been concerned for the small businessman capable of sustaining the administrative burdens of bidding for and processing Government contracts, we do not think it intended to protect producers who could not independently perform those minimal contracting functions."

(d) Packaging by itself does not constitute "assembly." For example, a bidder who proposes to supply bottles of aspirin in units of 100 and whose only operations would be the purchase in bulk of the aspirin and the bottles, the transferring of the aspirin from the bulk container to the bottles, and the labeling, wrapping, and shipping of the bottled aspirin, would not qualify as a manufacturer. Furthermore, a bidder proposing to purchase a hose and a clamp and place the clamp on the hose to make a "hose assembly," and then package and ship the item, is not a manufacturer within the intent of the Act. (See also Decision of the Comptroller General, B-164770, September 3, 1968 (not officially published).)

§ 50-206.53 Regular dealer.

(a) A bidder may qualify as a regular dealer under 41 CFR 50-201.101(b) if it owns, operates, or maintains a store, warehouse, or other establishment in which the commodities or goods of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business. The storage of goods in a public warehouse will not in itself satisfy the place of business requirements of this definition unless there is a continuing right (i.e. bona fide written lease agreement) to a specified, identified amount of space in the warehouse. A bidder who desires to qualify for award as a regular dealer must show to the satisfaction of the contracting agency prior to any award that it is engaged in an established, regular business meeting all the criteria of 41 CFR 50-201.101(a)(2). It is not enough in the case of a regular dealer to show only that arrangements have been made to set up such a business; before an award can be made, it is essential that it shows an already established business regularly dealing in the particular goods or goods of the general character offered to the Government.

(b) A bidder must be able to show before award:

(1) That the bidder has an establishment or leased or assigned space in which it regularly maintains a stock of goods in which it claims to be a dealer; if the space is in a public warehouse, it must be maintained on a continuing, and not on a demand, basis;

(2) That the stock maintained is a true inventory from which sales are made; the requirement is not satisfied by a stock of sample or display goods, or by a stock consisting of surplus goods remaining from prior orders, or by stock unrelated to the supplies which are the subject of the bid, or by a stock maintained primarily for the purpose of token compliance with the Act from which few, if any, sales are made;

(3) That the goods stocked are of the same general character as the goods to be supplied under the contract; to be of the same general character, the items to be supplied must be either identical with those in stock or goods for which dealers in the same line of business would be an obvious source;

(4) That sales are made regularly from stock on a recurring basis; they cannot be only occasional and constitute an exception to the usual operations of the business; the proportion of sales from stock that will satisfy the requirements will depend upon the character of the business;

(5) That sales are made regularly in the usual course of business to the public, i.e., to purchasers other than Federal, State, or local Government agencies; this requirement is not satisfied if the contractor merely seeks to sell to the public but has not yet made such sales; if Government agencies are the sole purchasers, the bidder will not qualify as a regular dealer; the number and amount of sales which must be made to the public will necessarily vary with the amount of total sales and the nature of the business; and

(6) That the business is an established and going concern; it is not sufficient to show that arrangements have been made to set up such a business.

(c) With regard to the test in paragraphs (b) (5) and (6) of this section, as stated in the Decision of the Administrator, "In re Herbert Co." (9 WH Cases 561, 562 (1950)): "It is plain that the Act and Regulations intended to bar from receipt of Government contracts those persons whose regular method of operation is to secure contracts and thereafter buy elsewhere the goods necessary to fill the contract. While it was not contemplated by the regulations that every Government contract awarded to a dealer be filled from stock on hand, it was the intention to require that Government contracts should be awarded only to those dealers who maintain a stock of goods of the general character required under the Government contract in question, and who, as a regular course of business dealings, make sales from such stocks. It is not sufficient for a dealer to show that some sales are made from stock, or that sales from stock are not unusual in his business; rather he must show that in the usual course of his business a very substantial amount of his sales are made from stocks on hand" (emphasis added).

(d) Coal dealers are exempted from the regular dealer requirements of the Act on certain express terms and conditions which are set forth in 41 CFR 50-201.604(a). The exemption will be applicable only if these conditions are complied with. If they are not, the

general definition of regular dealers contained in 41 CFR 50-201.101(a)(2) of the regulations would be applicable.

§ 50-206.54 Regular dealer in particular products.

In addition to the exemptions from the requirements of section 1(a) of the Act which have been granted for certain types of contracts as set forth in 41 CFR 50-201.604, special alternate qualifications have been prescribed for hay, grain, feed, or straw; raw cotton; lumber and timber products; machine tools; green coffee, petroleum; agricultural liming materials; tea; raw or unmanufactured cotton linters; certain uranium products and used automated data processing (ADP) equipment in recognition of existing industrial and commercial practices in those industries. These special qualifications may be found in 41 CFR 50-201.101(a)(2) and 41 CFR 50-201.604. Characteristic of these alternative qualifications is the absence of a requirement that the dealer physically maintain a stock.

§ 50-206.55 Agents.

A "manufacturer" or "regular dealer" within the meaning of the Act and regulations may bid, negotiate, and contract through an authorized agent if the agency is disclosed and the agent bids and contracts in the name of the principal. Brokers from whom foreign-made goods consigned directly to the Government are purchased need not qualify as regular dealers under 41 CFR 50-201.101(a)(2) since the contract itself is not subject to the Act.

§ 50-206.56 Administrative exemptions.

Sections 50-201.101(a)(3)(ii) and 50-201.601 of Regulations 41 CFR Part 50-201, provide for the granting of exceptions and exemptions from the application of section 1(a) of the Act upon request by the head of the contracting agency to the Administrator, Wage and Hour Division. Such request should contain all pertinent information enabling the Administrator to determine if such exemption is necessary to avoid the serious impairment of the conduct of Government business. Any such request will be published in the FEDERAL REGISTER as a proposal with time for public comment.

Signed at Washington, D.C., on this 19th day of May 1978.

XAVIER M. VELA,
Administrator,
Wage and Hour Division.

(FR Doc. 78-14841 Filed 5-26-78; 8:45 am)

[3510-03]

Title 46—Shipping

CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

PART 222—STATEMENTS, REPORTS, AND AGREEMENTS REQUIRED TO BE FILED

Rescission of Vessel Utilization and Performance, Report Filing Requirement

AGENCY: Maritime Administration, Department of Commerce.

ACTION: Final rule.

SUMMARY: The Maritime Administration is developing an automated procedure which will utilize and refine cargo movement and vessel movement data received from the Census Bureau and will eliminate the need to require operators to file Forms MA-721 and 722, Vessel Utilization and Performance Reports. Accordingly, this regulation is being amended to rescind these reporting requirements, effective May 1, 1978. The agency estimates that this will result in a savings to the maritime industry of approximately 70,000 man-hours annually. The requirement for reporting on Form MA-578A, with respect to cargo containers, has been retained, but with simplified and less stringent requirements, and the caption has been amended to reflect that this is the subject of the section. The amendment of this regulation removes an economic burden now imposed on operators of vessels in waterborne foreign commerce of the United States.

EFFECTIVE DATE: May 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Leslie H. Stokes, Chief, Division of Statistics, Maritime Administration, Washington, D.C. 20230, telephone number 202-377-2201.

Accordingly, 46 CFR 222.2 is amended to read as follows:

§ 222.2 Container/Trailer Report-Foreign Trade.

The operator of a vessel carrying 25 or more 8×8×20 foot containers or trailers or the equivalent thereof in twenty-foot equivalent units (TEU's) in waterborne foreign commerce of the United States shall file Form MA-578A in duplicate with the appropriate District Director of Customs for transmittal to the Maritime Administration before midnight of the 30th calendar day after entry into the first U.S. port, and before midnight of the 30th calendar day after clearing the last U.S. port.

AUTHORITY.—Secs. 204(b) and 212(A), Merchant Marine Act, 1936 amended (46 U.S.C. 1114(b) and 1122(a), Reorganization Plans No. 21 of 1950 (64 Stat. 1273), and No. 7 of 1967 (75 Stat. 840), amended by Pub. L. 91-469 (84 Stat. 1036) and Department of Commerce Organization Order 10-8 (36 FR 19707, July 23, 1973).

NOTE.—The Maritime Administration has determined that this is not a significant regulation that requires publication in proposed form, with an opportunity for public comment, in accordance with Executive Order 12044 (43 FR 12661, March 24, 1978).

Dated: May 23, 1978.

BY ORDER of the Assistant Secretary for Maritime Affairs, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

(FR Doc. 78-14944 Filed 5-26-78; 8:45 am)

[6730-01]

CHAPTER IV—FEDERAL MARITIME COMMISSION

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

(General Order 29, Amdt. 3)

PART 549—REGULATIONS GOVERNING LEVEL OF MILITARY RATES

Change in Reporting Period

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission (the Commission) is revising its regulations governing level of military rates under the Military Sealift Command (MSC) bid procurement system for obtaining space for ocean transportation on liner vessels. The change permits bidders to utilize cost and statistical data for 12-month periods ending up to nine months prior to the effective date of supplying the transportation service. This change is necessary because MSC changed its bidding periods to conform with the change in the Federal government fiscal year. The intent of this amendment is to permit bidders to utilize data in the same way they are currently using data.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

Francis C. Hurney, Secretary, Federal Maritime Commission, 1100 L Street NW., Washington, D.C. 20573, 202-523-5725.

SUPPLEMENTARY INFORMATION: Pursuant to the authority of section

18(b)(5) of the Shipping Act, 1916 (46 U.S.C. 817); the Federal Maritime Commission, hereinafter referred to as the Commission, is directed to disapprove any such rate or charge which it finds to be so unreasonably high or low as to be detrimental to the commerce of the United States. Part 549 (General Order 29) of the Commission's regulations establishes rules and regulations governing the accounting and allocation procedures which are to be utilized by U.S. flag carriers in arriving at military cargo rate quotations. Any carrier receiving an award from the Military Sealift Command (MSC) pursuant to a Request For Proposal (RFP) must certify that the rate meets the minimum rate criterion established by the Order.

General Order 29 requires the historical cost period supporting these bids to be the 12-month period ending with the close of the previous RFP cycle.

The U.S. Government changed its fiscal year from June 30 to September 30 during 1977. In accordance, MSC changed its bid cycles to coincide with the government's new fiscal year close, i.e., September 30 and March 31. The effect of the MSC change is to require carriers to collect data in support of their bids as of March 31 and September 30 in lieu of June 30 and December 31. Currently, all carriers reporting under General Order 29 operate on a calendar year, i.e., December 31. To collect the data required by General Order 29 on a basis other than a calendar year would at the very minimum force a carrier to compile special data for each cycle instead of only for the June 30 accounting period. To eliminate the burden of a carrier maintaining its accounting and statistical system data on a quarterly basis and to reduce the possibility of error involved in piecing together information from two fiscal periods, the Commission is revising its regulations to allow for the continued use by affected carriers of a cost experience period which is compatible with their actual year-end closing.

Therefore, pursuant to sections 18(b)(5) and 43 of the Shipping Act, 1916 (46 U.S.C. 817 and 841a) and 5 U.S.C. 553, § 549.5(a)(1) of Title 46 CFR is amended to read as follows:

§ 549.5 General principles.

(a) *Cost experience period.* (1) For the purposes of this Part, the actual cost experience utilized shall be for a 12-month period ending not more than nine (9) months from the close of the previous RFP Cycle (e.g., for RFP 1400, Second Cycle, Rates, the relevant cost experience would be July 1, 1978 to June 30, 1979).

Notice and opportunity for comments is not necessary due to the fact no additional requirements are being

RULES AND REGULATIONS

placed on reporting carriers. Therefore, this amendment shall become effective May 30, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14876 Filed 5-26-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-19 (Sub-No. 33)]

PART 1056—TRANSPORTATION OF HOUSEHOLD GOODS IN INTER- STATE OR FOREIGN COMMERCE

Practices of Motor Common Carriers of Household Goods (Reweighing of Shipments)

AGENCY: Interstate Commerce Commission.

ACTION: Final rule.

SUMMARY: The Interstate Commerce Commission has modified its regulations governing the transportation of household goods to provide that a shipper may demand that a shipment of household goods be reweighed at any time prior to delivery of that shipment. This modification is made to further protect the interests of the shipping public.

DATES: Effective May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Michael Erenberg 202-275-7292.

SUPPLEMENTARY INFORMATION: The Commission has modified its regulations governing the reweighing of household goods shipments (49 CFR 1056.6(d)) to provide that a carrier, upon request of the shipper, or its representative, made prior to delivery of the shipment, will reweigh the shipment. This modification will make clear that the shipper has a right to demand a reweigh at any time prior to delivery of the shipment and will ensure that the shipper is given ample opportunity to protect itself against inaccurate weighing and improperly assessed interstate transportation charges.

These rules are issued under the authority of part II of the Interstate Commerce Act and 5 U.S.C. §§ 552, 553, and 559 (the Administrative Procedure Act).

Issued in Washington, D.C., May 16, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

RULE CHANGE: This action modifies the provisions of 49 CFR 1056.6(d) by deleting the first sentence of that section and by substituting for that sentence the following: "The carrier, upon request of the shipper or its representative, made prior to delivery of the shipment, will reweigh the shipment."

INTERSTATE COMMERCE COMMISSION,
DECISION

[Ex Parte No. MC-19 (Sub-No. 33)]

PRACTICES OF MOTOR COMMON CARRIERS OF
HOUSEHOLD GOODS (REWEIGHING OF SHIP-
MENTS)

The Commission's regulations governing the reweighing of household goods shipments (49 CFR 1056.6(d)) now provide that a carrier, upon request of the shipper or his representative made prior to the delivery date, must reweigh such shipments. In this proceeding, the Commission proposes to amend the regulations to provide that a request for reweighing may be made at any time before delivery of the shipment. The reweighing regulations under consideration were adopted in Ex Parte No. MC-19 (Sub-No. 8), Practices of Motor Common Carriers of Household Goods, 111 MCC 427 (1970).

ARGUMENT

Three shippers support the proposed modifications. Reynolds Metals Co. and James R. Winston express strong support for the proposal. They believe that it is entirely reasonable to permit reweighing of household goods shipments at any time prior to actual delivery of those shipments. The representative of Air Products and Chemicals, Inc., states that during the 16 years he worked in the household goods industry, he witnessed many errors and omissions by carriers during and after weighing and, as a result, he feels that the Commission should adopt the proposed amendment.

Security Van Lines, Inc., a motor common carrier of household goods, agrees that if the consignee at destination advises the driver delivering the shipment that he or she wants the shipment reweighed, the shipment should and must be reweighed. If the current wording of section 1056.6(d) seems to allow the carrier the opportunity to refuse a reweigh, the language of that section should be corrected. However, Security argues that the proposed revision could create a problem for carriers when the reweigh is requested by the shipper at origin on the day the shipment is to be delivered at destination. It asserts that most drivers call their carriers once a day and it suggests that the carrier might have no way to contact the driver prior to delivery to tell him to reweigh the shipment if the driver has already called in for the day. Security avers that there is no need to amend the reweighing regulations if they have not been abused in their present form.

Aero Mayflower Transit Co., Inc., opposes the proposed modification. It understands that the proposed change would allow the shipper to request a reweigh at the time the driver arrives with the vehicle at the shipper's residence. Mayflower argues that this proposed change is not consistent with the

intent of the Commission in Ex Parte No. MC-19 (Sub-No. 8), supra, since it was not intended to permit a shipper to request a reweigh at the time of delivery. This carrier insists that the proposed amendment would place a financial burden on its owner-operators, because in some cases it would require these owner-operators to travel a substantial distance from the shipper's residence to a scale when a reweigh is requested. This carrier argues that most scales are closed during evening hours and on weekends, notwithstanding the fact that delivery to a shipper may be made at such times. Under the present provisions of Mayflower's tariff, the additional costs cannot be compensated, and if the owner-operator is required to spend the evening or weekend waiting for the scale to open to obtain a reweigh, the cost of doing so must be borne by the owner-operator. Mayflower claims that these operations would affect its ability to recruit and retain owner-operators and that requiring vehicles to be diverted at the last moment prior to delivery in order to perform a reweigh would interfere with the dispatch of those vehicles. It insists that the reweigh charge applicable under certain circumstances would fail to compensate the owner-operator either for additional miles traveled to a scale for a reweigh or for any down time or living costs incurred while waiting for the scale to open to obtain a reweigh.

Movers Round Table, an association of household goods carriers, argues that the language in Ex Parte No. MC 19 (Sub-No. 8) does not support the proposed amendment; that the Commission in that proceeding recognized a need not to interfere unduly with carrier operations and the ability of the carrier to serve other shippers with reasonable dispatch; that no problem has been shown to exist which would warrant the proposed change; that the Commission has not demonstrated that shippers do not have an adequate opportunity to demand reweighing of shipments; and that notice of the proposed amendment does not conform to the Administrative Procedure Act, because that act requires the Commission to show the basis for a proposed change and a "rational connection to evidence showing a need for such change". Movers Round Table insists that if the goal of the proposed amendment is to protect the individual consumer, then shipments for national accounts and for governmental interests should not be covered by the proposed amendment. This organization is also concerned that the carrier might not be able to communicate to the driver that a reweigh has been requested prior to the time that the shipment is delivered. Movers Round Table insists that the reasons for adoption of the proposed amendment should be clearly stated so that shippers who may be inconvenienced by delays resulting from unexpected reweigh demands will know that such action was taken at the behest of the government to protect consumer interests.

¹Under the provisions of § 1056.6(d), the carrier may publish in its tariff a reasonable charge for reweighing shipments, which shall not be applicable when (1) the reweigh net weight is more than 120 pounds below the billed net weight or (2) the billed net weight exceeds by 25 percent or more the estimated weight shown on the Estimate of Charges for Transportation provided pursuant to section 1056.8 of the household goods transportation regulations.

RULES AND REGULATIONS

The American Movers Conference, another association of household goods carriers, believes that the proposed amendment would foster discrimination against those consumers who timely request a reweigh. It argues that substantial labor costs might be incurred if a shipper is permitted to request a reweigh at the time of delivery, because the carrier or its owner-operator may be paying for helpers needed to unload the shipment during the time that the shipment is being reweighed. The conference argues that the proposed amendment may result in reduced productivity, inefficient dispatch of vehicles, and complaints to the Commission as a result of delays to shipments. It points out that Commission regulations now provide a means for the shipper to request a reweigh early in the transportation process. It argues that only in the event that the consumer requests notification of the weight and the carrier does not provide that information should the consumer be provided an opportunity to request a reweigh any time prior to delivery of the shipment. AMC believes that the Commission should strengthen the language of its consumer publications to stress the importance of requesting a reweigh at the earliest possible time, and it argues that a decision in this proceeding would be precipitous in light of the fact that other proceedings are pending which might be affected by this decision.

DISCUSSION AND CONCLUSIONS

We propose to modify § 1056.6(d) of the household goods transportation regulations to permit shippers to demand a reweigh at any time prior to delivery of the shipment. Present § 1056.6(d) appears to permit what we consider to be an unreasonable practice. It would seem to permit carriers to require a shipper to request a reweigh at least one day in advance of delivery or forego the reweighing of that shipment. In order to prevent shippers from being deprived of their right to a reweigh and in order to harmonize the language of the regulation with the intention of the Commission as expressed in Ex Parte No. MC 19 (Sub-No. 8), supra, and Ex Parte No. MC 19 (Sub-No. 14), Practices of Motor Common Carriers of Household Goods (Reweighing of Shipments), 114 MCC 279 (1971), we will adopt the proposed modification.

Questions have been raised regarding the intention of the Commission in adopting the reweighing regulations in Ex Parte No. MC 19 (Sub-No. 8). Our review of the relevant portion of that proceeding, 111 MCC at 474-476, convinces us that the Commission did in fact intend to permit the shipper to request a reweigh at any time prior to delivery. The modification proposed in that proceeding (as described at 111 MCC 474) would have required the carrier to provide a reweigh upon request of the shipper "made prior to delivery of a shipment." In discussing the adoption of proposed § 1056.6(d), the Commission noted that the proposed section would delete the qualifying phrase "and when practicable to do so" from the then applicable regulations, a strong suggestion that the Commission intended to require a reweigh at any time prior to delivery, regardless of the circumstances surrounding that delivery. On the other hand, no specific rationale is given for inclusion of the requirement that a request for reweigh must be made "prior to the delivery date," and we must conclude that use of that particular phrase was inadvertent and erroneous.

The Commission's statement at 111 MCC 475 that "reweighing, with or without the presence of the shipper, must not be allowed to interfere unduly with carrier operations and the ability of the carrier to serve other shippers with reasonable dispatch," does not suggest that the right to a reweigh could be abrogated if such a reweigh were merely somewhat inconvenient for the carrier. The modification proposed in this proceeding is consistent with the Commission's statements in Ex Parte No. MC 19 (Sub-No. 8), supra.

The purpose of this proceeding and of the reweighing regulations is to give the household goods shipper the fullest opportunity to demand and receive a reweigh. This principle applies whether that shipper is an individual household, a national account shipper (such as Reynolds or Air Products), or a shipper whose goods are moving under a government bill of lading. Each of these shippers is entitled to the protection which reweighing offers, and no purpose would be served by limiting the application of the existing regulations or the proposed modification solely to individual householders.

We recognize that in some instances additional costs might be incurred by the carrier or its employees, agents, or owner-operators when the shipper demands a reweigh. The allocation of these costs between the principal carrier and its agents and employees is a contractual matter to be resolved between the affected parties. The possibility that some of the costs of reweighing might ultimately be borne by carriers or their owner-operators does not convince us that we should diminish the protection which the modified rule would provide for the shipper. The present record lacks sufficient concrete evidence concerning the possible cost increases which might be incurred as a result of the modification of the reweighing regulations. In the absence of such evidence, we cannot say either that existing charges for reweighing services are inadequate or that the financial burdens to be assumed by carriers as a result of the modification outweigh the need for protection of the shipper's right to a reweigh.

Nor do we find persuasive the carriers' arguments that their operating practices might not permit a reweigh to be accomplished prior to delivery. By adopting the proposed modification, we are placing full responsibility for arranging a reweigh directly upon the carriers and their operating personnel. We insist that the shipper be given the right to a reweigh at any time prior to delivery. Given the multitude of differing carrier operating practices, we could not presume to specify in each instance how a reweigh is to be accomplished. We believe that the manner in which shipments are to be reweighed prior to delivery is for the carriers and their agents and employees to determine. If carrier operating practices need revision to permit reweighing upon demand prior to delivery, we expect those practices to be revised. If carriers wish to emphasize to the shipper the right to a reweigh and the most efficient means to accomplish a reweigh prior to delivery, they may do so under the regulations.

This does not appear to be the type of provision of which household goods shippers will take undue or unfair advantage. Given the psychological impact of safe delivery of the shipper's household goods and the possibility that a charge might be imposed for a reweigh, it is unlikely that many shippers would avail themselves of the

reweigh provisions of § 1056.6(d) unless they have had good cause for doing so.

We see no purpose in delaying the adoption of this modification until completion of other pending Commission proceedings. The issue raised in this proceeding is easily separable from the issue raised in Ex Parte No. MC 19 (Sub-No. 23), Practices of Motor Common Carriers of Household Goods (Investigation into Estimating Practices), interim report served April 26, 1968, (not printed, embracing that portion of Ex Parte No. MC 19 (Sub-No. 20) insofar as it relates to uniform household goods transportation documents). Adoption of the proposed modification will not prejudice the rights of parties in Ex Parte No. MC 19 (Sub-No. 23) nor will it conflict with the regulations proposed in that proceeding. Form BOP 103, Summary of Information for Shippers of Household Goods, will be revised to reflect the changes made in this proceeding when general revisions are made to that pamphlet after completion of certain other rulemakings now in progress.

We find: Part 1056 of Chapter X of Title 49 of the Code of Federal Regulations should be amended by modifying section 1056.6(d) as described in the attached notice. This amendment is lawful, and is reasonable and necessary to the effective enforcement of the provisions of part II of the Interstate Commerce Act as amended. This decision is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It is ordered: Part 1056 of Chapter X of Title 49 of the Code of Federal Regulations is modified in the manner described in the attached notice. This order shall become effective May 31, 1978.

Notice of the adoption of the rules set forth in the attached notice shall be given to the general public by depositing a copy of this report in the Office of the Secretary of the Interstate Commerce Commission at Washington, D.C., and by filing a copy of the notice with the Director, Office of the Federal Register. This action is taken under the provisions of part II of the Interstate Commerce Act, as amended, and under the provisions of 5 U.S.C. 552, 553, and 559 (the Administrative Procedure Act).

Decided May 16, 1978.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14953 Filed 5-26-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[3410-15]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed Revision of REA Specification PE-41 for Improved 500 Type Telephone Sets

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to revise REA Bulletin 345-74 to announce the revision of REA Specification PE-41 for Improved 500 Type Telephone Sets. This specification was revised to include changes in transmission requirements and to upgrade the requirements covering the physical characteristics of telephone sets. The effect of this action will be to reflect present manufacturing state-of-the-art and to improve the physical performance of telephone sets. On issuance of REA Bulletin 345-74, appendix A to part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than June 29, 1978.

ADDRESS: Persons interested in the revised specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Claude F. Buster, Jr., Chief, Station Equipment and Protection Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1347, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3173.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 345-74. A copy of the proposed revision of

REA Bulletin 345-74 and the proposed revision of REA Specification PE-41 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

Dated: May 23, 1978.

C. R. BALLARD,
Assistant Administrator,
Telephone.

[FR Doc. 78-14945 Filed 5-26-78; 8:45 am]

[3410-15]

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

Proposed New REA Specification PE-75 for Flat Oval Telephone Cords

AGENCY: Rural Electrification Administration.

ACTION: Proposed rule.

SUMMARY: REA proposes to issue REA Bulletin 345-80 to announce the issuance of a new REA Specification PE-75 for Flat Oval Telephone Cords. This specification was developed to cover the electrical and physical requirements for telephone line and handset cords for use with the standard telephone sets as described in REA Specification PE-41. The effect of this action will be to standardize telephone line and handset cords and provide for uniform performance characteristics. On issuance of REA Bulletin 345-80, appendix A to part 1701 will be modified accordingly.

DATE: Public comments must be received by REA no later than June 29, 1978.

ADDRESS: Persons interested in the new specification may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Warner T. Smith, Chief, Outside Plant Branch, Telephone Operations and Standards Division, Rural Electrification Administration, Room

1340, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202-447-3827.

SUPPLEMENTARY INFORMATION: Notice is hereby given that pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 345-80. A copy of the proposed new REA Bulletin 345-80 and the proposed new REA Specification PE-75 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

Dated: May 23, 1978.

C. R. BALLARD,
Assistant Administrator, Telephone.
[FR Doc. 78-14946 Filed 5-26-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 78-CE-13]

TRANSITION AREA, CONCORDIA, KANS.

Proposed Designation

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to designate a 700-foot transition area at Concordia, Kans., to provide controlled airspace for aircraft executing a new instrument approach procedure to the Blosser Municipal Airport, Concordia, Kans., which is based on a non-directional radio beacon (NDB) navigational aid installed on the airport.

DATES: Comments must be received on or before August 5, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 5, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures, and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) by designating a 700-foot transition area at Concordia, Kans. To enhance airport usage by providing instrument approach capability to the Blosser Municipal Airport, the City of Concordia, Kans., has installed an NDB on the airport. This radio facility provides new navigational guidance for aircraft utilizing the airport. The establishment of a new instrument approach procedure based on this navigational aid entails designation of a transition area at Concordia, Kans., at and above 700-feet Above Ground Level (AGL) within which aircraft are provided air traffic control service. The intended effect of this action is to ensure segregation of aircraft using the approach procedure under Instrument Flight Rules (IFR) and other aircraft operating under Visual Flight Rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by adding the following new transition area:

CONCORDIA, KANS.

That airspace extending upward from 700 feet above the surface within a 5 mile radius of Blosser Municipal Airport (latitude 39°32'55" N, longitude 97°39'05" W); and within 3 miles each side of the 346° bearing from Concordia NDB (latitude 39°33'12" N, longitude 97°39'03" W) extending from the 5 mile radius area to 8 mile radius area to 8 miles northwest of the NDB.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); §11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 16, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-14892 Filed 5-26-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-8]

TRANSITION AREA, GREAT BEND, KANS.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Great Bend, Kans., to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Great Bend Municipal Airport which is based on a nondirectional radio beacon (NDB) navigational aid, and a localizer installed on the airport.

DATES: Comments must be received on or before August 5, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas

City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-538, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 5, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures, and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Great Bend, Kan. To enhance airport usage, an additional instrument approach procedure to the Great Bend Municipal Airport has been established utilizing an NDB and a localizer installed on the airport. The establishment of a new instrument approach procedure based on these facilities entails alteration of the transition area at and above 700-feet Above Ground Level (AGL) within which aircraft will be provided additional controlled airspace protection.

Accordingly, the Federal Aviation Administration proposes to amend

Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by altering the following transition area:

GREAT BEND, KANS.

That airspace extending upward from 700 feet above the surface within a 7 mile radius of the Great Bend Municipal Airport (latitude 38°20'40" N, longitude 98°51'43" W); and within 4.5 miles each side of the 303° bearing from the Great Bend Municipal Airport, extending from the 7 mile radius to 18 miles northwest of the airport.

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); Sec. 11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 16, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-14893 Filed 5-26-78; 8:45 am]

[4910-13]

[14 CFR Part 71]

[Airspace Docket No. 78-CE-6]

TRANSITION AREA, WICHITA, KANS.

Proposed Alteration

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This Notice proposes to alter the 700-foot transition area at Wichita, Kans., to provide additional controlled airspace for aircraft executing a new instrument approach procedure to the Cessna Aircraft Field, Wichita, Kans., utilizing the Wichita, Kans. VORTAC.

DATES: Comments must be received on or before August 5, 1978.

ADDRESSES: Send comments on the proposal to: Federal Aviation Administration, Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE-530, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408. The official docket may be examined at the Office of the Regional Counsel, Central Region, Federal Aviation Administration, Room 1558, 601 East 12th Street, Kansas City, Mo. An informal docket may be examined at the Office of the Chief, Operations, Procedures, and Airspace Branch, Air Traffic Division.

FOR FURTHER INFORMATION CONTACT:

Gary W. Tucker, Airspace Specialist, Operations, Procedures, and Airspace Branch, Air Traffic Division, ACE538, FAA, Central Region, 601 East 12th Street, Kansas City, Mo. 64106, telephone 816-374-3408.

SUPPLEMENTARY INFORMATION:

COMMENTS INVITED

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they desire. Communications should identify the airspace docket number, and be submitted in duplicate to the Operations, Procedures, and Airspace Branch, Air Traffic Division, Federal Aviation Administration, 601 East 12th Street, Kansas City, Mo. 64106. All communications received on or before August 5, 1978, will be considered before action is taken on the proposed amendment. The proposal contained in this Notice may be changed in light of the comments received. All comments received will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons.

AVAILABILITY OF NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Operations, Procedures and Airspace Branch, 601 East 12th Street, Kansas City, Mo. 64106 or by calling 816-374-3408. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for further NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

THE PROPOSAL

The FAA is considering an amendment to Subpart G, §71.181 of the Federal Aviation Regulations (14 CFR 71.181) by altering the 700-foot transition area at Wichita, Kans. To enhance airport usage, a new instrument approach procedure to the Cessna Aircraft Field, Wichita, Kans., is being established utilizing the Wichita, Kans. VORTAC, a navigational aid. The establishment of an instrument approach procedure based on this navigational aid entails alteration of the transition area at Wichita, Kans., at and above 700-feet Above Ground Level (AGL) within which aircraft will be provided additional controlled airspace protection. The intended effect of this action is to ensure segregation of aircraft using the new approach procedure under instrument flight rules (IFR) and other aircraft operating under visual flight rules (VFR).

Accordingly, the Federal Aviation Administration proposes to amend Subpart G, §71.181 of the Federal Avi-

ation Regulations (14 CFR 71.181) as republished on January 3, 1978 (43 FR 440), by altering the following transition area:

WICHITA, KANS.

That airspace extending upward from 700 feet above the surface within an 8.5 mile radius of the Wichita, Kansas Mid-Continent Airport (latitude 37°39'09" N, longitude 97°25'47" W) and from 9.5 miles west of the LOC (BC) to Runway 1L extending from 8.5 miles to 15 miles south of the airport to 4.5 miles east of the LOC (FC) to runway 1R to 6.5 miles east of the 176 radial of the Wichita, Kans. VORTAC facility, extending from the 8.5 mile radius to 15 miles south of the airport; within an 8.5 mile radius of the McConnell AFB (latitude 37°37'26" N, longitude 97°15'51" W); and 2 miles each side of the McConnell AFB ILS localizer south course, extending from the 8.5 mile radius to 13 miles south of the AFB within a 5-mile radius of the Comotara Airpark (latitude 37°44'45" N, longitude 97°13'20" W); and within 2 miles each side of the 344° bearing from the Comotara Airpark extending from the 5 mile radius to 6 miles north; within a 5-mile radius of the Augusta, Kans. Airport (latitude 37°40'21" N, longitude 97°04'38" W); and 3 miles each side of the 116° radial of the Wichita, Kans. VORTAC extending from the 8.5 mile radius of the AFB to 14 miles east of the Cessna Aircraft Field Airport (latitude 37°38'55" N, longitude 97°15'01" W).

(Sec. 307(a), Federal Aviation Act of 1958 as amended (49 U.S.C. 1348); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); §11.61 of the Federal Aviation Regulations (14 CFR 11.61).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Kansas City, Mo., on May 16, 1978.

JOHN E. SHAW,
Acting Director,
Central Region.

[FR Doc. 78-14894 Filed 5-26-78; 8:45 am]

[1505-01]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[PDR-54B; Docket No. 32466; Dated: May 15, 1978]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

EXPEDITED PROCEDURES FOR LICENSING AND RATE CASES

Supplemental Notice of Proposed Rulemaking

Correction

In FEDERAL REGISTER Doc. 78-13720 appearing on page 21690, in the issue of Friday, May 19, 1978, the PDR number and the date were inadvertently omitted from the heading. The

3rd and 4th lines of the heading in small type should read as they appear above.

[6750-01]

FEDERAL TRADE COMMISSION

[16 CFR Part 13]

[Docket No. 9043]

UNITED BUILDERS, INC., ET AL.

Consent Agreement with Analysis to Aid
Public Comment

AGENCY: Federal Trade Commission.
ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a Charleston, W. Va. home improvement firm to cease misrepresenting or failing to make relevant disclosures regarding prices, interest rates, savings, discounts and financing arrangements. Further, the firm, in connection with the extension of credit, must cease failing to provide consumers with the materials and disclosures required by Federal Reserve System regulations. The company would additionally be required to establish a \$35,000 escrow account for making restitution to entitled customers, and to effectuate such restitution in a manner prescribed in the agreement.

DATE: Comments must be received on or before July 24, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

FOR FURTHER INFORMATION CONTACT:

Paul R. Peterson, Director, Cleveland Regional Office, Federal Trade Commission, Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 44114, 216-522-4207.

SUPPLEMENTARY INFORMATION: Pursuant to Section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25 of the Commission's Rules of Practice (16 CFR 3.25), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such

comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with Section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

UNITED STATES OF AMERICA BEFORE FEDERAL
TRADE COMMISSIONDOCKET NO. 9043—AGREEMENT CONTAINING
CONSENT ORDER TO CEASE AND DESIST

In the Matter of United Builders, Inc., a corporation, and Marvin Bloom, and Paul Denillo, individually and as officers of said corporation.

The Agreement herein by and between United Builders, Inc., a corporation, by its duly authorized officers, and Marvin Bloom and Paul Denillo, individually and as officers of said corporation, respondents in a proceeding initiated by the Federal Trade Commission and their attorneys, and Counsel Supporting the Complaint, is entered into in accordance with Sections 2.32 and 3.25 of the Commission's Rules of Practice and Procedure.

1. Respondent United Builders, Inc. is a corporation organized, existing, and doing business under and by virtue of the Laws of the State of West Virginia, with its former office and principal place of business located at 418 West Washington Street, in the city of Charleston, State of West Virginia.

Respondents Marvin Bloom and Paul Denillo are officers of said corporation. They formulate, direct, and control the policies, acts, and practices, of said corporation, and their addresses are the same as that of said corporation.

2. Respondents have been served with a copy of the Commission's Complaint in the above-captioned matter charging them with violation of the Federal Trade Commission Act, and the Truth in Lending Act, and the implementing regulations promulgated thereunder, together with a form of order that the Commission would have issued if the facts were found as alleged in the complaint.

3. Respondents admit all the jurisdictional facts set forth in the said copy of the complaint.

4. Respondents waive:

(a) Any further procedural steps;
(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; provided, however, that respondents, without admitting the findings of fact and conclusions of law contained in this Agreement waive any right to contest in administrative proceedings the findings and conclusions contained in this Agreement should the Commission make said findings and conclusions and include them in its decision; provided further, that in the event the Commission makes such findings and conclusions, then the decision shall also expressly provide that, in any action which may be brought under Section 19(a)(2) of the Federal Trade Commission Act, as amended, the said findings and conclusions shall not be deemed conclusive within the meaning of Section 19(c)(1)(B)(i) of the Federal Trade Commission Act, as amended.

(c) All rights to seek judicial review or otherwise to settle or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim that the signing of this agreement and the Commission's decision and order pursuant thereto bar any action

under Section 19 of the Federal Trade Commission Act, as amended, or that the Commission's decision containing the findings and conclusions set out in this Agreement constitute an inadequate basis for an action under Section 19 of the Federal Trade Commission Act, as amended.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the complaint, will be placed upon the public record for a period of sixty (60) days and information in respect thereto publicly released. Thereafter, the Commission may withdraw its acceptance of the agreement and so notify the other party, in which event it will return the matter to adjudication for further proceedings or take such other action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding. The Commission may, at any time before final acceptance of this order, require hearings on the relief requirements provided by this order.

6. This agreement is for settlement purposes only and does not constitute an admission by respondents that the law has been violated as alleged in the said copy of the complaint the Commission has issued. The stipulated facts and conclusions of law contained herein are made solely for the purposes of settlement and compromise of this matter, and shall not be admissible in any other administrative or judicial proceeding or proceedings arising out of compliance with this order.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34(b) of the Commission's Rules, the Commission may, without further notice to respondents, (1) enter the following findings of fact and conclusions of law, and its decision containing the following order to cease and desist in disposition of the proceedings, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect, and may be altered, modified or set aside in the same manner and within the same time as provided by statute for other orders. The order shall become final upon service. The complaint, findings of fact, and conclusions of law may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement or in the complaint, findings of fact and conclusions of law may be used to vary or contradict the terms of the order.

8. Respondents have read this agreement, stipulations of fact, conclusions of law, and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

STIPULATIONS OF FACT

1. United Builders, Inc. (hereinafter, United) by its agents or employees, entered into transactions with various customers for the purchase of home improvements.

2. Stipulations 3 through 29 relate to purchases of respondents' home improvements

financed by the Kanawha Valley Bank of Charleston, W. Va., for the period October 1, 1972 to August 31, 1974, inclusive.

3. In those instances in which the transaction was financed by the Kanawha Valley Bank, during the negotiations between the customer and United for the purchase of home improvements it was agreed by the customer and United that United would attempt to secure financing for the transaction through the Kanawha Valley Bank.

4. Financial information was obtained in many cases by a salesman of United from the customer at the time the customer signed a contract with United Builders, Inc. This financial information included information regarding outstanding debts, employment, income, and ownership of the real property to be improved.

5. Prior to the time the customer signed the contract with United, the salesman in many cases informed the customer of one or more specific finance terms, including the period of repayment, the amount financed, the amount of monthly payment, and the interest rate.

6. At the conclusion of the above negotiations between the customer and the salesman of United, a contract for the purchase of home improvements was executed by and between the customer and United.

7. This contract did not contain any disclosure of consumer credit information, including the period of repayment, the amount of monthly payment, the annual percentage rate, or the finance charge, nor was a "Notice to the Customer" as set forth in section 228.9(b) of Regulation Z (hereinafter, "Notice to the Customer"), provided to or left with the customer.

8. In some instances, after execution of the contract, United obtained and paid for building permits and descriptions of property.

9. Respondent's usual practice was to have their salesmen transmit the customer's financial information to United's office personnel, who, in turn, forwarded this financial information, including the amount financed and the number of payments, to an employee of the Installment Loan Department of the Kanawha Valley Bank.

10. In each such transaction, the amount of the finance charge, amount of each monthly payment, deferred payment price, and annual percentage rate were determined by the salesman for United in accordance with instructions and charts provided by the Kanawha Valley Bank.

11. Kanawha Valley Bank approved or disapproved the financing of the transaction, and so notified United's office personnel.

12. After execution of the contract by and between the customer and United, and after approval of financing of the transaction by Kanawha Valley Bank, United contracted for the performance of its obligations with various sub-contractors.

13. These sub-contractors, in fact, performed the obligations of United under the contract, and they were paid therefor by United.

14. After the sub-contractor commenced performance under the contract, United, in some instances, advised the Kanawha Valley Bank to transmit to the customer such other documents as were necessary to complete the financing arrangement, if the Kanawha Valley Bank had not yet done so.

15. Kanawha Valley Bank personnel then mailed to the customer a document entitled Installment Note and Disclosure, together with a form letter instructing the customer

to sign the original document, to return it to Kanawha Valley Bank, and to retain the duplicate copy.

16. Upon completion of United's obligations under the contract, the customer executed a "Property Improvement Completion Certificate," (hereinafter, "Completion Certificate") which he gave to United, or its sub-contractor or other agent or employee.

17. The Installment Note and Disclosure contained the consumer credit cost disclosures pertaining to the financing of the transaction.

18. The Kanawha Valley Bank did not transmit to the customer the "Notice to the Customer" in conjunction with the furnishing of disclosures.

19. United transmitted the executed "Completion Certificate" to Kanawha Valley Bank.

20. Upon receipt of an executed Installment Note and Disclosure from the customer and receipt of an executed "Completion Certificate" from United, Kanawha Valley Bank deposited the amount financed directly to the account of United.

21. In certain instances, the customer and the salesman from United agreed to consolidate certain existing debts of the customer as part of the transaction.

22. When the customer agreed to a debt consolidation, United caused disbursement of funds to the customer to discharge the customer's obligations which were consolidated with the cost of the home improvement.

23. In some instances, Kanawha Valley Bank required a deed of trust to secure the financing for the home improvement.

24. In such instances, Kanawha Valley Bank personnel notified United of this requirement.

25. In such instances, the Kanawha Valley Bank supplied United with a completed deed of trust, a completed real estate disclosure, a completed installment note, and a "Notice to the Customer."

26. United, its agent or employee, in turn, presented the deed of trust, installment note, real estate disclosure, and "Notice to the Customer" and obtained the customer's signature on each document.

27. Upon the execution of the deed of trust by the customer, his signature was acknowledged by a notary public, who in many instances was an agent or employee of United.

28. Executed deeds of trust, real estate disclosures, installment notes, and signed copies of the "Notice to the Customer" were delivered to Kanawha Valley Bank by United.

29. In such instances, upon receipt of the executed "Completion Certificate," deed of trust, real estate disclosure, installment note, and signed copy of the "Notice to the Customer," the Kanawha Valley Bank deposited the amount financed directly to the account of United.

30. At all times material hereto, United and the Kanawha Valley Bank were engaged in a regular course of dealing as herein set forth with regard to the financing of home improvement transactions.

31. The Kanawha Valley Bank instructed United with regard to the handling of financing of home improvement transactions, and United followed this instruction.

32. Stipulations 32 through 40 relate to transactions financed by the Kanawha Valley Bank for the period September 1, 1974, to October 1, 1975, inclusive.

33. On or about September 1, 1974, as a result of a change in West Virginia consum-

er protection laws, United entered into a written agreement with the Kanawha Valley Bank for the financing of home improvement transactions.

34. Pursuant to the written agreement between United and the Kanawha Valley Bank, United included consumer credit disclosure information in its contract.

35. United's salesman or agent or employee left copies of the Contract and Disclosure Statement and "Notice to the Customer" with the customer.

36. United negotiated the note to Kanawha Valley Bank and delivered to Kanawha Valley Bank the Contract and Disclosure Statement, the "Notice to the Customer," and the executed "Completion Certificate."

37. In some instances, Kanawha Valley Bank required a deed of trust to secure financing for the home improvement.

38. In such instances, United obtained a deed of trust from the customer and assigned the deed of trust to the Kanawha Valley Bank.

39. Except for the changes enumerated in Stipulations 32 through 38, the procedure used to finance United home improvements transactions with Kanawha Valley Bank was identical to the facts enumerated in Stipulations 3 through 30.

40. In some instances, United may not have followed this procedure.

41. In certain instances, after United attempted financing sales of home improvements through the Kanawha Valley Bank, but was not able to obtain this financing, United then sought to obtain financing through Charleston National Bank or advised the customer to seek financing elsewhere.

42. Stipulations 43 through 63 relate only to purchases of United's home improvements, financed by the Charleston National Bank of Charleston, W. Va., as described in Stipulation 41, from July 1, 1973, to October 1, 1975, inclusive.

43. In many instances, financial information was obtained by a salesman of United from the customer at time the customer signed a contract with United. This financial information included information regarding outstanding debts, employment, income, and ownership of the real property to be improved.

44. Prior to the time the customer signed the contract with United, the salesman informed the customer of one or more specific finance terms, including the period of repayment, the amount financed, the amount of monthly payment, and the interest rate.

45. A contract for the purchase of home improvements was executed by and between the customer and United.

46. In certain instances, this contract did not contain any disclosure of consumer credit information, including the period of repayment, the amount of monthly payment, the annual percentage rate, or the finance charge, nor was a "Notice to the Customer" as set forth in § 26.9(b) of Regulation Z (hereinafter "Notice to the Customer") provided to or left with the customer.

47. In some instances, after execution of the contract, United obtained and paid for building permits.

48. United's usual practice was to have its salesmen transmit the customer's financial information to United's office personnel, who, in turn, forwarded this financial information, as well as the amount financed and the number of payments to an employee of the Installment Loan Department of the Charleston National Bank.

49. In each transaction, the amount of finance charge, amount of each monthly payment, deferred payment price and annual percentage rate were determined by an employee of United from instructions and charts provided by the Charleston National Bank.

50. Charleston National Bank approved or disapproved the financing of the transaction, and so notified United's office personnel.

51. After approval of financing of the transaction by Charleston National Bank, and after execution of the contract by and between the customer and United, United contracted for the performance of its obligations with various sub-contractors.

52. These sub-contractors, in fact, performed the obligations of United under the contract, and were paid therefor by United.

53. Charleston National Bank's financing procedures required United to furnish the bank with a note payable to United, a Contract and Disclosure Statement, and a "Notice to the Customer," each signed by the customer.

54. Charleston National Bank's procedures also required that the aforementioned documents be completed on forms provided or approved by Charleston National Bank.

55. United's agent or employee, who in most instances was not the original salesman, returned to the customer's home to complete and obtain the customer's signature on the above required documents.

56. In some instances work on the property had already commenced at the time of this second visit.

57. At this second visit, United's agent or employee obtained the customers' signatures on the note, Contract and Disclosure Statement, and the "Notice to the Customer." In some instances, United's agent or employee dated these documents with the date that the customer executed the contract with the salesman for the purpose of home improvements, even though this second visit occurred at a later date.

58. United's agent or employee left copies of these documents with the customer.

59. Upon completion of United's obligation under the contract, the customer executed a "Property-Improvement Completion Certificate" (hereinafter "Completion Certificate") which he gave to United, its sub-contractor, agent or employee.

60. Respondents negotiated the note to Charleston National Bank and delivered to Charleston National Bank the Contract and Disclosure Statement, the "Notice to the Customer," and the "Completion Certificate."

61. After the Charleston National Bank received these documents, it deposited the amount financed directly to the account of United.

62. At all times material hereto, Charleston National Bank did not require a deed of trust as security for any aforementioned extension of credit, nor did it take nor file any such deed of trust.

63. At all times material hereto, United and the Charleston National Bank were engaged in a regular course of dealing with regard to the financing of home improvement transactions, as herein set forth.

CONCLUSIONS OF LAW

1. United Builders, Inc. arranged for the extension of credit within the meaning of § 226.2(h) of Regulation Z, the implementing regulation promulgated under the Truth In Lending Act.

2. The credit extended by Charleston National Bank and the Kanawha Valley Bank in each transaction described in the above Stipulations of Fact is consumer credit as defined by § 226.2(P) of Regulation Z.

3. Each transaction described in the above Stipulations of Fact constituted a single consumer credit transaction from the bank to the customer through the instrumentality of United Builders, Inc.

4. Each of the consumer credit transactions described in the above Stipulations of Fact is a transaction which gave rise to a right of rescission as set forth in § 226.9 of Regulation Z.

ORDER

I

It is Ordered, That respondents United Builders, Inc., a corporation, its successors and assigns, and its officers, and Marvin Bloom and Paul Denillo, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, distribution, or installation of aluminum siding, storm windows, storm doors, or any other products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, orally or in writing, or by any other means, that any price for respondents' products and/or services is a special or reduced price, unless such price constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such products and/or services were sold or offered for sale to the public on a regular basis by respondents in the recent, regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

(2) Representing, directly or by implication, orally or in writing, or by any other means, that the home of any of respondents' customers or prospective customers has been specially selected as a model home to be used, or will be used, as a model home, or otherwise, for advertising, demonstration, or sales purposes, or that such customers will thereby be granted any allowance, discount, or commission; provided, however, that nothing in this order shall prohibit respondents from representing, after a contract has been executed between respondents and a purchaser of respondents' products or services, that purchasers or prospective purchasers can earn future compensation by providing the names of prospective purchasers to respondents' personnel connected with the sale of respondents' products or services.

(3) Representing, directly or by implication, orally or in writing, or by any other means, that the purchaser will pay any interest rate other than that which the purchaser will actually pay; provided, however, that nothing in this order shall prohibit respondents from stating the lending institution's prevailing rate of finance charge expressed as an annual percentage rate, as "annual percentage rate" is defined in § 226.2(g) of Regulation Z.

(4) Failing to disclose, clearly and conspicuously, that purchasers will have liens placed against their property, when such is the case.

(5) Representing, directly or by implication, orally or in writing, or by any other

means, that respondents own, or have any ownership in, any bank, finance company, or any other lending institution.

(6) Using any liquidated damages clause in their contract form.

(7) Failing, for a period of ten years after the effective date of this order, to maintain adequate records:

(a) For a continuing period of three (3) years from the date of transaction which disclose the factual basis for any representations or statements as to special or reduced prices, as to usual and customary retail prices, as to savings afforded to purchasers, and as to similar representations of the type described in Paragraphs Five (1) and (2) of the complaint.

(b) For a continuing period of three (3) years from the date of transaction with regard to each and every contract hereafter entered into between respondents and their customers, which disclose the amount each customer was charged, exclusive of interest or finance charges, for material and labor; and for those contracts involving siding or the installation of siding, or both, the total amount of siding materials and other materials installed or delivered to the customer, the type and grade of said siding and other materials, a description of the installation performed, and the total amount of money paid to salesmen, agents, or representatives for the solicitation of said contracts.

The information prescribed in sub-paragraph (7) need not be aggregated onto separate documents. Respondents' retention of records of the type prescribed in sub-paragraph (7) shall be deemed prima facie evidence of compliance with sub-paragraph (7).

(8) Failing to maintain for a continuing period of three (3) years from the date of transaction, all invoices, notices for payment, and all similar documents which respondents receive in the regular course of their business from suppliers, subcontractors, and other persons, and, for a continuing period of three (3) years from the date of transaction, copies of all contracts entered into between respondents and their customers. This provision notwithstanding, respondents shall continue to preserve evidence of compliance with the requirements of Truth In Lending, as required by § 226.6(i) of Regulation Z.

II.

It is further ordered, That respondents United Builders, Inc., a corporation, its successors and assigns, and its officers, and Marvin Bloom and Paul Denillo, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with any advertisement or consumer credit sale of home improvement products or services, or any other products or services, as "credit sale" is defined in § 226.2(b) of Regulation Z (12 CFR 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

(1) Failing to make the consumer credit cost disclosures prescribed by § 226.8 of Regulation Z prior to consummation of the transaction as required by § 226.8(a) of Regulation Z.

(2) Failing to give notice to the customer of his right to rescind the credit transaction by furnishing him with two copies of the "notice to customers required by federal law," set forth in § 226.9(b) of Regulation Z, as required by § 226.9(b) of Regulation Z.

(3) Failing to delay the making of any physical changes in the property of the customer until after the rescission period has expired, as required by § 226.9(c)(2) of Regulation Z.

(4) Failing to delay performance of any work or service for the customer until after the rescission period has expired, as required by § 226.9(c)(3) of Regulation Z.

(5) Failing to delay the making of deliveries to the residence of the customer until after the rescission period has expired, if the creditor has retained or will acquire a security interest other than one arising by operation of law, as required by § 226.9(c)(4) of Regulation Z.

(6) Failing to provide the customer with two copies of the "effect of rescission" set forth in § 226.9(d) of Regulation Z, in the manner and form required by § 226.9(b) of Regulation Z.

(7) Representing, directly or by implication, that customers will or may be liable for damages, penalties, or any other charges in the event they cancel a contract that is rescindable pursuant to § 226.9 of Regulation Z.

(8) Supplying customers with any additional information, explanations, contract clause, or other statements pertaining to a transaction which mislead or confuse the customers or contradict, obscure, or detract from the disclosures required by Regulation Z, in violation of § 226.6(c) of Regulation Z.

(9) Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form, and amount required §§ 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

III

It is further ordered, That respondents shall, within ninety (90) days after service of this order, pay a pro-rata share of the escrow account established in sub-paragraph (2) below to all of respondents' customers who are entitled to receive a share, as "entitled customer" is defined in sub-paragraph (1) below, subject to the monetary limitation in sub-paragraph (2) below. Respondents shall effectuate such restitution in the following manner:

(1) For purposes of this order, an "entitled customer" is a person who purchased a home improvement from respondents on credit, as "credit" is defined in Section 226.2(q) of Regulation Z, during the period July 1, 1973 to October 1, 1975, and who has not, at the time of the signing of this Agreement, instituted any private legal action against respondents alleging violations of Regulation Z. "Entitled customers" shall not include persons who received disclosure statements used and prepared by creditors other than respondents and mailed by the creditor directly to the customer.

(2) On or before the third day after the date this order becomes final, respondents shall deposit the sum of seventeen thousand five hundred dollars (\$17,500) into an escrow account in a lending institution with which respondents have had no prior dealings. The escrow account shall be utilized for the payment of amounts due to such of respondents' customer entitled to restitution. Respondents' liability for restitution pursuant to the terms of this order shall not exceed seventeen thousand five hundred dollars (\$17,500). Printing costs, postage costs, reasonable and ordinary secretarial fees (as incurred up to but not to exceed

(3) On or before the thirty-fifth (35th) day after the date this order becomes final, respondents, their agent or the escrow agent shall seek to obtain, for each customer whose letter is returned to respondents undelivered, a current mailing address by the following methods: (1) contacting the holder of the entitled customer's indebtedness; and (2) contacting telephone and utility companies. Respondents, their agent or the escrow agent shall use the address so obtained to comply with sub-paragraph (3) above, on or before the forth-fifty (45th) day after the date this order becomes final, but not less than ten (10) days after the date each letter is returned to respondents undelivered.

\$200), and escrow agent fees may be charged against the escrow account, but no other expenses shall be so charged.

(3) On or before the tenth (10th) day after the date this order becomes final, respondents shall compile a list containing the name and last known address of each entitled customer, as defined herein, and shall send or cause the escrow agent to send to that customer a copy of the letter set forth in sub-paragraph (4), infra, together with an envelope addressed to the escrow agent with postage prepaid.

(4) The letter to be sent to each entitled customer shall be as follows:

DEAR CUSTOMER:

The Federal Trade Commission has ordered United Builders, Inc. to give back approximately \$17,500, to be divided among each of its customers who bought a home improvement from United between July 1, 1973, and October 1, 1975. Each customer gets an equal share.

The amount of the equal shares will be determined by the number of such customers who sign and send this notice to the independent escrow agent.

To get your share, you must sign and return the bottom part of this letter. It must be postmarked before (month, day, year—fourteen days after mailing). The escrow agent will send you a check. The money will be yours to keep. You must, however, continue your scheduled payments for your home improvement.

Your acceptance of this refund does not affect any rights or obligations you may have under the Truth In Lending Act, nor does it extend any statute of limitations. United has made no admission of wrongdoing in this matter.

If you wish to receive this payment, please sign below and return the bottom part of the notice in the enclosed pre-addressed, pre-stamped envelope.

UNITED BUILDERS, INC.

(Tear off and return)

The money which the escrow agent will send me should be sent to this address:

.....
Sign here.

.....
Print your name.

.....
Print your address.

(5) On or before the thirty-fifth (35th) day after the date this order becomes final, respondents, their agent or the escrow agent shall seek to obtain, for each customer whose letter is returned to respondents undelivered, a current mailing address by the following methods: (1) contacting the holder of the entitled customer's indebtedness; and (2) contacting telephone and utility companies. Respondents, their agent or the escrow agent shall use the address so obtained to comply with sub-paragraph (3) above, on or before the forth-fifty (45th) day after the date this order becomes final, but not less than ten (10) days after the date each letter is returned to respondents undelivered.

(6) Respondent shall instruct the escrow agent as follows:

(a) The escrow agent shall receive and keep each signed and returned letter set forth in sub-paragraph (4) sent to it by each entitled customer.

(b) On the seventieth (70th) day after the date this order becomes final, or on the first

business day thereafter if said seventieth (70th) day is not a business day, the escrow agent shall compute the amount to be paid to each entitled customer who has signed and returned the letter set forth in sub-paragraph (4) to the escrow agent by dividing the sum remaining in the escrow account after payment of the escrow agent's fees and expenses equally among those entitled customers; provided, however, that no pro rata share may exceed \$1,250.

(c) By the second business day after computation as provided in sub-paragraph (6)(b), the escrow agent shall mail a cashier's check for the amount computed in sub-paragraph (6)(b) to each entitled customer who has signed and returned the letter set forth in sub-paragraph (4) to the escrow agent with his current address. Said mailing shall be by first-class mail. Enclosed with each check shall be the following letter:

DEAR CUSTOMER OF UNITED BUILDERS:

Here is a check for \$——, which is your share of the \$17,500 being returned, as we told you in our previous letter. This check does not affect your schedule of payments.

.....
(Escrow Agent for United Builders)

(d) Any checks which are returned uncashed shall be redeposited in the escrow account.

(e) Upon the ninetieth (90th) day after the date this order becomes final, the escrow agent shall terminate the escrow account, and disburse any monies left therein to respondents.

Respondents' obligation under Paragraph III shall terminate upon the performance of the escrow agent's obligations as set forth in this sub-paragraph.

IV

It is further ordered, That respondents deliver a copy of this order to all present and future sales personnel whose services are engaged by respondents, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

V

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, voluntary bankruptcy, assignment, the creation or dissolution of subsidiaries, or any other change in the corporation.

VI

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment. In addition, for a period of ten (10) years from the effective date of this order, the respondents shall promptly notify the Commission of each affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged, as well as a description of their duties and responsibilities. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

VII

It is further ordered, That respondents shall, within sixty (60) days after the effective date of this order, and within thirty

(30) days after the termination of the escrow account, file with the Commission a report in writing setting forth the manner in which they have complied with the provisions of this order, and any future compliance reports in the form and manner which the Commission may order.

**IN THE MATTER OF UNITED BUILDERS, INC.
DOCKET No. 9043**

**ANALYSIS OF PROPOSED CONSENT ORDER TO AID
PUBLIC COMMENT**

The Federal Trade Commission has accepted an agreement to a proposed consent order from United Builders, Inc., and Marvin Bloom and Paul Denillo, individually and as officers of United.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again decide whether it should withdraw from the agreement or make final the agreement's proposed consent order.

The complaint alleges that respondents violated section 5 of the Federal Trade Commission Act and the Truth in Lending Act. The complaint alleges that respondents made or authorized false and deceptive sales representations, including false pricing claims and claims that customers' homes would be used as "models," in the sale of their home improvements. The complaint also charges respondents with failure to follow several provisions of the Truth in Lending Act, including the failure to provide disclosure statements and rescission notices properly.

The proposed consent order requires respondents to discontinue these violations and to comply in the future with the requirements of each Act. The consent order also requires respondents to provide \$17,500 in an escrow account which will be available to a specified class of customers for restitution. Respondents must also provide a notice to these customers that they are entitled to a pro rata portion of this sum.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and proposed order, or to modify in any way their terms.

**JAMES A. TOBIN,
Acting Secretary.**

[FR Doc. 78-14860 Filed 5-26-78; 8:45 am]

[6750-01]

[16 CFR Part 13]

[Docket No. 9041]

CAPITAL BUILDERS, INC., ET AL

**Consent Agreement With Analysis To Aid
Public Comment**

AGENCY: Federal Trade Commission.
ACTION: Provisional consent agreement.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this provisionally accepted consent agreement, among other things, would require a

Charleston, W. Va., home improvement firm to cease misrepresenting or failing to make relevant disclosures regarding prices, interest rates, savings, discounts and financing arrangements. Further, the firm, in connection with the extension of credit, must cease failing to provide consumers with the materials and disclosures required by Federal Reserve System regulations. The company would additionally be required to establish a \$35,000 escrow account for making restitution to entitled customers, and to effectuate such restitution in a manner prescribed in the agreement.

DATE: Comments must be received on or before July 24, 1978.

ADDRESS: Comments should be directed to: Office of the Secretary, Federal Trade Commission, 6th Street and Pennsylvania Avenue NW., Washington, D.C. 20580.

**FOR FURTHER INFORMATION
CONTACT:**

Paul R. Peterson, Director, Cleveland Regional Office, Federal Trade Commission, Suite 500, Mall Building, 118 Saint Clair Avenue, Cleveland, Ohio 4114, 216-522-4207.

SUPPLEMENTARY INFORMATION: Pursuant to section 6(f) of the Federal Trade Commission Act, 38 Stat. 721, 15 U.S.C. 46 and § 3.25 of the Commission's Rules of Practice (16 CFR 3.25), notice is hereby given that the following consent agreement containing a consent order to cease and desist and an explanation thereof, having been filed with and provisionally accepted by the Commission, has been placed on the public record, together with material submitted to the Commission that is not exempt from public disclosure under the Freedom of Information Act, for a period of sixty (60) days. Public comment is invited. Such comments or views will be considered by the Commission and will be available for inspection and copying at its principal office in accordance with section 4.9(b)(14) of the Commission's Rules of Practice (16 CFR 4.9(b)(14)).

**UNITED STATES OF AMERICA, BEFORE FEDERAL
TRADE COMMISSION**

**DOCKET NO. 9041—AGREEMENT CONTAINING
CONSENT ORDER TO CEASE AND DESIST**

In the matter of Capital Builders, Inc., a corporation, and Jerome Finn, and Richard Landman, individually and as officers of said corporation.

The Agreement herein by and between Capital Builders, Inc., a corporation, by its duly authorized officers, and Jerome Finn and Richard Landman, individually and as officers of said corporation, respondents in a proceeding initiated by the Federal Trade Commission and their attorneys, and Counsel Supporting the Complaint, is entered into in accordance with Sections 2.32 and 3.25 of the Commission's Rules of Practice and Procedure.

1. Respondent Capital Builders, Inc., is a corporation organized, existing, and doing business under and by virtue of the Laws of the State of Virginia, with its former office and principal place of business located at 1105 Main Street, in the City of Charleston, State of West Virginia 25302.

Respondents Jerome Finn and Richard Landman are the principal officers of said corporation. They formulate, direct, and control the policies, acts, and practices of said corporation, and their addresses are the same as that of said corporation.

2. Respondents have been served with a copy of the Commission's Complaint in the above-captioned matter charging them with violation of the Federal Trade Commission Act, and the Truth in Lending Act, and the implementing regulations promulgated thereunder, together with a form of order that the Commission would have issued if the facts were found as alleged in the complaint.

3. Respondents admit all the jurisdictional facts set forth in the said copy of the complaint.

4. Respondents waive:

(a) Any further procedural steps;
(b) The requirement that the Commission's decision contain a statement of findings of fact and conclusions of law; provided, however, that respondents, without admitting the findings of fact and conclusions of law contained in this Agreement waive any right to contest in administrative proceedings the findings and conclusions contained in this Agreement should the Commission make said findings and conclusions and include them in its decision; provided further, that in the event the Commission makes such findings and conclusions, then the decision shall also expressly provide that, in any action which may be brought under Section 19(a)(2) of the Federal Trade Commission Act, as amended, the said findings and conclusions shall not be deemed conclusive within the meaning of Section 19(c)(1)(B)(i) of the Federal Trade Commission Act, as amended.

(c) All rights to seek judicial review or otherwise to settle or contest the validity of the order entered pursuant to this agreement; and

(d) Any claim that the signing of this agreement and the Commission's decision and order pursuant thereto bar any action under Section 19 of the Federal Trade Commission Act, as amended, or that the Commission's decision containing the findings and conclusions set out in this Agreement constitute an inadequate basis for an action under Section 19 of the Federal Trade Commission Act, as amended.

5. This agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. If this agreement is accepted by the Commission, it, together with the complaint, will be placed upon the public record for a period of sixty (60) days and information in respect thereto publicly released. Thereafter, the Commission may withdraw its acceptance of the agreement and so notify the other party, in which event it will return the matter to adjudication for further proceedings or take such other action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding. The Commission may, at any time before final acceptance of this order, require hearings on the relief requirements provided by this order.

6. This agreement is for settlement purposes only and does not constitute an admis-

sion by respondents that the law has been violated as alleged in the said copy of the complaint the Commission has issued. The stipulated facts and conclusions of law contained herein are made solely for the purposes of settlement and compromise of this matter, and shall not be admissible in any other administrative or judicial proceeding other than proceedings arising out of compliance with this order.

7. This agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Section 2.34(b) of the Commission's Rules, the Commission may, without further notice to respondents, (1) enter the following findings of fact and conclusions of law, and its decision containing the following order to cease and desist in disposition of the proceedings, and (2) make information public in respect thereto. When so entered, the order to cease and desist shall have the same force and effect, and may be altered, modified or set aside in the same manner and within the same time as provided by statute for other orders. The order shall become final upon service. The complaint, findings of fact, and conclusions of law may be used in construing the terms of the order, and no agreement, understanding, representation, or interpretation not contained in the order or the agreement or in the complaint, findings of fact and conclusions of law may be used to vary or contradict the terms of the order.

8. Respondents have read this agreement, stipulations of fact, conclusions of law, and order contemplated hereby, and they understand that once the order has been issued, they will be required to file one or more compliance reports showing that they have fully complied with the order, and that they may be liable for a civil penalty in the amount provided by law for each violation of the order after it becomes final.

STIPULATIONS OF FACT

1. Jerome Finn is President of Capital Builders, Inc. (hereinafter "Capital").

2. Richard Landman is Vice-President and Treasurer of Capital. Jerome Finn and Richard Landman are the sole officers of Capital.

3. As the officers and directors of Capital, Jerome Finn and Richard Landman formulate, direct, and control the acts and practices of Capital and its employees, and formulate and direct the acts and practices of its agents.

4. Capital Builders, Inc., by its agents or employees, entered into transactions with various customers for the purchase of home improvements.

5. Purchases of respondents' home improvements were financed by at least eight lending institutions, including Kanawha Banking and Trust, Charleston National Bank, Kanawha Valley Bank, North American Acceptance Corporation, F.B.S. Financial, Inc., and General Electric Credit Corporation.

6. Stipulations 7 through 27 relate to purchases of respondents' home improvements financed by Kanawha Banking and Trust, Charleston National Bank, and Kanawha Valley Bank, all located in Charleston, West Virginia, for the period July 1, 1973 to October 1, 1975, inclusive (hereinafter referred to as "financing bank").

7. In many instances, customers of Capital were solicited by telephone and subsequently by a salesman representing Capital, and

where the customer agreed to purchase home improvements from Capital, a "short form" contract for the purchase was executed by and between the customer and Capital.

8. In many instances the salesman obtained financial information at the time the customer signed a "short form" contract with Capital. This financial information including information regarding outstanding debts, employment, income, and ownership of the real property to be improved.

9. In many instances prior to the time the customer signed the "short form" contract with Capital, the salesman informed the customer of one or more specific finance terms, including the amount financed, the period of repayment, the amount of monthly payment, and the interest rate.

10. In many instances it was understood by both the customer and the salesman for Capital that the "short form" contract was to be financed and that Capital would arrange the financing.

11. This "short form" contract did not contain any disclosure of consumer credit information, including the period of repayment, the amount of monthly payment, the annual percentage rate, or the finance charge, nor was a "Notice to the Customer" as set forth in Section 226.9(b) of Regulation Z (hereinafter "Notice to the Customer"), provided to or left with the customer.

12. In some instances, after execution of the "short form" contract, Capital obtained and paid for building permits and/or property descriptions.

13. Capital's usual practice was to have its salesmen transmit the customer's financial information to Capital's office personnel, who, in turn, forwarded this financial information, as well as the amount financed and the number of payments, to an employee of the installment loan department of the financing bank.

14. In each transaction, the amount of finance charge, amount of each monthly payment, deferred payment price and annual percentage rate were determined by an employee or agent of Capital from instructions and charts provided by the financing bank.

15. The financing bank approved or disapproved the financing of the transaction, and so notified Capital's office personnel.

16. After approval of financing of the transaction by the financing bank, and after execution of the "short form" contract by and between the customer and Capital, Capital contracted for the performance of its obligations with various subcontractors.

17. These subcontractors in fact performed the obligations of Capital under the contract, and were paid therefor by Capital.

18. The financing bank's procedures required Capital to furnish the bank with a note payable to Capital, a Contract and Disclosure Statement ("long form" contract), and a "Notice to the Customer," each signed by the customer. However, in most instances, the Kanawha Valley Bank required the customer to furnish Kanawha Valley Bank with a notice and disclosure form on forms provided by Kanawha Valley Bank, and utilized these forms in lieu of the long form contract and note provided by Capital. In these latter instances, the note and disclosure was mailed by Kanawha Valley Bank directly to the customer, and returned directly to Kanawha Valley Bank. In some instances, the financing bank required the customer to execute a deed of trust to secure the transaction.

19. The financing bank's procedures also required that the aforementioned documents be completed by Capital on forms provided or approved by the financing bank.

20. Capital's agent or employee, who in some instances was not the original salesman, returned to the customer's home to complete and obtain the customer's signature on the above-required documents, except in those instances when Kanawha Valley Bank provided the customer with its forms directly.

21. In many instances, work on the property had already commenced and had been completed at the time of this second visit, or when the note and second contract were provided to the customer.

22. At this second visit, Capital's agent or employee obtained the customer's signature on the note, Contract and Disclosure Statement ("long form" contract), and the "Notice to the Customer." In most instances, Capital's agent or employee dated these documents with the date that the customer executed the contract with the salesman for the purchase of home improvements, even though this second visit occurred at a later date.

23. Capital's agent or employee left copies of the notice, "long form" contract, and "Notice to the Customer" with the customer at this second visit.

24. Upon completion of Capital's obligation under the contract, the customer executed a "Property Improvement Completion Certificate" (hereinafter "Completion Certificate") which he gave to Capital, its subcontractor, agent or employee.

25. Except when the customer returned the note directly to Kanawha Valley Bank, respondents negotiated the note to the financing bank and delivered to the financing bank the Contract and Disclosure Statement ("long form" contract), the "Notice to the Customer," and the "Completion Certificate."

26. After the financing bank received these documents, it disbursed the amount financed directly to Capital, either by check or by direct deposit to an account of Capital.

27. At all times material hereto, Capital and the financing banks were engaged in a regular course of dealing with regard to the financing of home improvement transactions, as herein set forth.

28. Stipulations 29 through 34 relate to purchases of respondents' home improvements financed by North American Acceptance Corp. of Atlanta, Ga., F.B.S. Financial, Inc. of Cincinnati, Ohio, L & F Title & Mortgage Co. of Charleston, W. Va., and General Electric Credit Corp. of Pikesville, Md. (hereinafter "finance companies"). L & F Title & Mortgage Co. is a division of Capital.

29. In some instances, Capital, its agents or employees, followed the procedures outlined in Stipulations 7 through 14, but the financing bank disapproved the loan.

30. Capital then sought to obtain financing through one of the finance companies enumerated in Stipulation 28.

31. Capital, its agents or employees, followed the procedures enumerated in Stipulations 15 through 22, except the financing institutions were finance companies, and not financing banks.

32. In some instances, Capital's agent or employee did not inform the customer that financing had been obtained through an out-of-State finance company rather than through a local bank.

33. Capital, its agents or employees, followed the procedures enumerated in Stipulations 15 through 22, except the financing institutions were finance companies, and not financing banks.

34. In some instances, Capital's agent or employee did not inform the customer that financing had been obtained through an out-of-State finance company rather than through a local bank.

35. Capital, its agents or employees, followed the procedures enumerated in Stipulations 15 through 22, except the financing institutions were finance companies, and not financing banks.

36. In some instances, Capital's agent or employee did not inform the customer that financing had been obtained through an out-of-State finance company rather than through a local bank.

37. Capital, its agents or employees, followed the procedures enumerated in Stipulations 15 through 22, except the financing institutions were finance companies, and not financing banks.

lations 23 through 26, except the financing institutions were finance companies and not financing banks, and in all cases payment was made to Capital by check issued by the finance company.

34. At all times material hereto, Capital and each finance company were engaged in a regular course of business with regard to the financing of home improvement transactions as herein set forth.

CONCLUSIONS OF LAW

1. Capital Builders, Inc., arranged for the extension of credit within the meaning of section 226.2(h) of regulation Z, the implementing regulation promulgated under the Truth In Lending Act.

2. The credit extended by Kanawha Valley Banking and Trust, Charleston National Bank, Kanawha Valley Bank, the Guaranty Bank, Union Federal Savings and Loan, North American Acceptance Corp., F.B.S. Financial, Inc., General Electric Credit Corp., and L & F Title & Mortgage Co. in each transaction described in the foregoing Stipulations of Fact is "consumer credit" as defined by section 226.2(p) of regulation Z.

3. Each transaction described in the foregoing Stipulations of Fact constituted a single consumer credit transaction from the bank or finance company to the customer through the instrumentality of Capital Builders, Inc.

4. Each of the consumer credit transactions described in the foregoing Stipulations of Fact is a transaction which gave rise to a right of rescission as set forth in section 226.9 of regulation Z.

ORDER

I

It is ordered, That respondents Capital Builders, Inc., a corporation, its successors and assigns, and its officers, and Jerome Finn and Richard Landman, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the advertising, offering for sale, sale, distribution, or installation of aluminum siding, storm windows, storm doors, or any other products, in or affecting commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, orally or in writing, or by any other means, that any price for respondents' products and/or services is a special or reduced price, unless such price constitutes a reduction, in an amount not so insignificant as to be meaningless, from the actual bona fide price at which such products and/or services were sold or offered for sale to the public on a regular basis by respondents in the recent, regular course of their business; or misrepresenting, in any manner, the savings available to purchasers.

(2) Representing, directly or by implication, orally or in writing, or by any other means, that the home of any of respondents' customers or prospective customers has been specially selected as a model home to be used, or will be used, as a model home, or otherwise, for advertising, demonstration, or sales purposes, or that such customers will thereby be granted any allowance, discount, or commission; provided, however, that nothing in this order shall prohibit respondents from representing, after a con-

tract has been executed between respondents and a purchaser of respondents' products or services, that purchasers or prospective purchasers can earn future compensation by providing the names of prospective purchasers to respondents' personnel connected with the sale of respondents' products or services.

(3) Representing, directly or by implication, orally or in writing, or by any other means, that the purchaser will pay any interest rate other than that which the purchaser will actually pay; provided, however, that nothing in this order shall prohibit respondents from stating the lending institution's prevailing rate of finance charge expressed as an annual percentage rate, as "annual percentage rate" is defined in section 226.2(g) of regulation Z.

(4) Failing to disclose, clearly and conspicuously, that purchasers will have liens placed against their property, when such is the case.

(5) Failing to disclose, clearly and conspicuously, that financing of credit transactions will not be through local financing institutions, when such is the case. For purposes of this order, local financing institutions shall be deemed to be institutions which have a main office or a branch office within the county or any county adjacent to which the purchaser or prospective purchaser resides.

(6) Using any liquidated damages clause in their contract form.

(7) Failing, for a period of 10 years after the effective date of this order, to maintain adequate records:

(a) For a continuing period of three (3) years from the date of transaction which disclose the factual basis for any representations or statements as to special or reduced prices, as to usual and customary retail prices, as to savings afforded to purchasers, and as to similar representations of the type described in paragraphs five (1) and (2) of the complaint.

(b) For a continuing period of three (3) years from the date of transaction with regard to each and every contract hereafter entered into between respondents and their customers, which disclose the amount each customer was charged, exclusive of interest or finance charges, for material and labor; and for those contracts involving siding or the installation of siding, or both, the total amount of siding materials and other materials the type and grade of said siding and other materials, a description of the installation performed, and the total amount of money paid to salesmen, agents, or representatives for the solicitation of said contracts.

The information prescribed in subparagraph (7) need not be aggregated onto separate documents. Respondents' retention of records of the type prescribed in subparagraph (7) shall be deemed prima facie evidence of compliance with subparagraph (7).

(8) Failing to maintain for a continuing period of three (3) years from the date of transaction, all invoices, notices for payment, and all similar documents which respondents receive in the regular course of their business from suppliers, subcontractors, and other persons, and, for a continuing period of three (3) years from the date of transaction, copies of all contracts entered into between respondents and their customers. This provision notwithstanding, respondents shall continue to preserve evidence of compliance with the requirements of Truth in Lending, as required by section 226.6(i) of regulation Z.

II

It is further ordered, That respondents Capital Builders, Inc., a corporation, its successors and assigns, and its officers, and Jerome Finn and Richard Landman, individually and as officers of said corporation, and respondents' agents, representatives, and employees, directly or through any corporation, subsidiary, division, or other device, in connection with the extension of consumer credit or advertisements to aid, promote, or assist, directly or indirectly, in the extension of consumer credit, as "consumer credit," "credit sale," and "advertisement" are defined in regulation Z (12 CFR 226) of the Truth in Lending Act (15 U.S.C. section 1601, et seq.), do forthwith cease and desist from:

(1) Failing to make the consumer credit cost disclosures prescribed by section 226.8 of regulation Z prior to consummation of the transaction as required by section 226.8(a) of regulation Z.

(2) Failing to give notice to the customer of his right to rescind the credit transaction by furnishing him with two copies of the "notice to customers required by Federal law," set forth in section 226.9(b) of regulation Z, as required by section 226.9(b) of regulation Z.

(3) Failing to delay the making of any physical changes in the property of the customer until after the rescission period has expired, as required by section 226.9(c)(2) of regulation Z.

(4) Failing to delay performance of any work or service for the customer until after the rescission period has expired, as required by Section 226.9(c)(3) of Regulation Z.

(5) Failing to delay the making of deliveries to the residence of the customer until after the rescission period has expired, if the creditor has retained or will acquire a security interest other than one arising by operation of law, as required by Section 226.9(c)(4) of Regulation Z.

(6) Failing to provide the customer with two copies of the "effect of rescission" set forth in Section 226.9(d) of Regulation Z, in the manner and form required by Section 226.9(b) of Regulation Z.

(7) Representing, directly or by implication, that customers will or may be liable for damages, penalties, or any other charges in the event they cancel a contract that is rescindable pursuant to Section 226.9 of Regulation Z.

(8) Supplying customers with any additional information, explanations, contract clause, or other statements pertaining to a transaction which mislead or confuse the customers or contradict, obscure, or detract from the disclosures required by Regulation Z, in violation of Section 226.6(c) of Regulation Z.

(9) Failing, in any consumer credit transaction or advertisement, to make all disclosures determined in accordance with Section 226.4 and Section 226.5 of Regulation Z, at the time and in the manner, form, and amount required by Sections 226.6, 226.8, 226.9, and 226.10 of Regulation Z.

III

It is further ordered, That respondents shall, within ninety (90) days after service of this order, pay a pro-rata share of the escrow account established in subparagraph (2) below to all of respondents' customers who are entitled to receive a share, as "entitled customer" is defined in subparagraph (1) below, subject to the monetary

limitation in sub-paragraph (2) below. Respondents shall effectuate such restitution in the following manner:

(1) For purposes of this order, an "entitled customer" is a person who purchased a home improvement from respondents on credit, as "credit" is defined in Section 226.2(q) of Regulation Z, during the period July 1, 1973 to October 1, 1975, and who has not, at the time of the signing of this Agreement, instituted any private legal action against respondents alleging violations of Regulation Z. "Entitled customers" shall not include persons who received disclosure statements used and prepared by creditors other than respondents and mailed by the creditor directly to the customer.

(2) On or before the third day after the date this order becomes final, respondents shall deposit the sum of thirty-five thousand dollars (\$35,000) into an escrow account in a lending institution with which respondents have had no prior dealings. The escrow account shall be utilized for the payment of amounts due to such of respondents' customers entitled to restitution. Respondents' liability for restitution pursuant to the terms of this order shall not exceed thirty-five thousand dollars (\$35,000). Printing costs, postage costs, reasonable and ordinary secretarial fees (not to exceed \$200), and escrow agent fees may be charged against the escrow account, but no other expenses shall be so charged.

(3) On or before the tenth (10th) day after the date this order becomes final, respondents shall compile a list containing the name and last known address of each entitled customer, as defined herein, and shall send or cause the escrow agent to send to that customer a copy of the letter set forth in sub-paragraph (4), infra, together with an envelope addressed to the escrow agent with postage prepaid.

(4) The letter to be sent to each entitled customer shall be as follows:

DEAR CUSTOMER:

The Federal Trade Commission has ordered Capital Builders, Inc. to give back approximately \$35,000, to be divided among each of its customers who bought a home improvement from Capital between July 1, 1973, and October 1, 1975. Each customer gets an equal share.

The amount of the equal shares will be determined by the number of such customers who sign and send this notice to the independent escrow agent.

To get your share, you must sign and return the bottom part of this letter. It must be postmarked before (month, day, year—fourteen days after mailing). The escrow agent will send you a check. The money will be yours to keep. You must, however, continue your scheduled payments for your home improvement.

Your acceptance of this refund does not affect any rights or obligations you may have under the Truth in Lending Act, nor does it extend any statute of limitations. Capital has made no admission of wrongdoing in this matter.

If you wish to receive this payment, please sign below and return the bottom part of the notice in the enclosed pre-addressed, pre-stamped envelope.

CAPITAL BUILDERS, INC.

(Tear off and return)

The money which the escrow agent will send me should be sent to this address:

Sign here.

Print your name.

Print your address.

(5) On or before the thirty-fifth (35th) day after the date this order becomes final, respondents, their agent or the escrow agent shall seek to obtain, for each customer whose letter is returned to respondents undelivered, a current mailing address by the following methods: (1) contacting the holder of the entitled customer's indebtedness; and (2) contacting telephone and utility companies. Respondents, their agent or the escrow agent shall use the address so obtained to comply with sub-paragraph (3) above, on or before the forty-fifth (45th) day after the date this order becomes final, but not less than ten (10) days after the date each letter is returned to respondents undelivered.

(6) Respondent shall instruct the escrow agent as follows:

(a) The escrow agent shall receive and keep each signed and returned letter set forth in sub-paragraph (4) sent to it by each entitled customer.

(b) On the seventieth (70th) day after the date this order becomes final, or on the first business day thereafter if said seventieth (70th) day is not a business day, the escrow agent shall compute the amount to be paid to each entitled customer who has signed and returned the letter set forth in sub-paragraph (4) to the escrow agent by dividing the sum remaining in the escrow account after payment of the escrow agent's fees and expenses equally among those entitled customers.

(c) By the second business day after computation as provided in sub-paragraph (6)(b), the escrow agent shall mail a cashier's check for the amount computed in sub-paragraph (6)(b) to each entitled customer who has signed and returned the letter set forth in sub-paragraph (4) to the escrow agent of his current address. Said mailing shall be by first-class mail. Enclosed with each check shall be the following letter:

DEAR CUSTOMER OF CAPITAL BUILDERS:

Here is a check for \$ ———, which is your share of the \$35,000 being returned, as we told you in our previous letter. This check does not affect your schedule of payments.

Escrow Agent for Capital Builders.

(d) Any checks which are returned uncashed shall be redeposited in the escrow account.

(e) Upon the ninetieth (90th) day after the date this order becomes final, the escrow agent shall terminate the escrow account, and disburse any monies left therein to respondents.

Respondents' obligation under Paragraph III shall terminate upon the performance of the escrow agent's obligations as set forth in this sub-paragraph.

IV

It is further ordered, That respondents deliver a copy of this order to all present and future sales personnel whose services are engaged by respondents, and that respondents secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the

corporate respondent such as dissolution of, voluntary bankruptcy, assignment, the creation or dissolution of subsidiaries, or any other change in the corporation.

VI

It is further ordered, That the individual respondents named herein promptly notify the Commission of the discontinuance of their present business or employment. In addition, for a period of ten (10) years from the effective date of this order, the respondents shall promptly notify the Commission of each affiliation with a new business or employment. Such notice shall include respondents' current business or employment in which they are engaged, as well as a description of their duties and responsibilities. The expiration of the notice provision of this paragraph shall not affect any other obligation arising under this order.

VII

It is further ordered, That respondents shall, within sixty (60) days after the effective date of this order, and within thirty (30) days after the termination of the escrow account, file with the Commission a report in writing setting forth the manner in which they have complied with the provisions of this order, and any future compliance reports in the form and manner which the Commission may order.

IN THE MATTER OF CAPITAL BUILDERS, INC.,
DOCKET NO. 9041

ANALYSIS OF PROPOSED CONSENT ORDER TO AID PUBLIC COMMENT

The Federal Trade Commission has accepted an agreement to a proposed consent order from Capital Builders, Inc., and Jerome Finn and Richard Landman, individually and as officers of Capital.

The proposed consent order has been placed on the public record for sixty (60) days for reception of comments by interested persons. Comments received during this period will become part of the public record. After sixty (60) days, the Commission will again decide whether it should withdraw from the agreement or make final the agreement's proposed consent order.

The complaint alleges that respondents violated Section 5 of the Federal Trade Commission Act and the Truth in Lending Act. The complaint alleges that respondents made or authorized false and deceptive sales representations, including false pricing claims and claims that customers' homes would be used as "models," in the sale of their home improvements. The complaint also charges respondents with failure to follow several provisions of the Truth in Lending Act, including the failure to provide disclosure statements and rescission notices properly.

The proposed consent order requires respondents to discontinue these violations and to comply in the future with the requirements of each Act. The consent order also requires respondents to provide \$35,000 in an escrow account which will be available to a specified class of customers for restitution. Respondents must also provide a notice to these customers that they are entitled to a pro rata portion of this sum.

The purpose of this analysis is to facilitate public comment on the proposed order, and it is not intended to constitute an official interpretation of the agreement and pro-

posed order, or to modify in any way their terms.

JAMES A. TOBIN,
Acting Secretary.

[FR Doc. 78-14861 Filed 5-26-78; 8:45 am]

[4510-30]

DEPARTMENT OF LABOR

Employment and Training Administration

[20 CFR Part 655]

LABOR CERTIFICATION PROCESS FOR THE TEMPORARY EMPLOYMENT OF ALIENS IN AGRICULTURE: ADVERSE EFFECT WAGE RATE FOR TEXAS

Proposed Rulemaking

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed regulation.

SUMMARY: The Department of Labor proposes to publish annually an adverse effect wage rate for the state of Texas, that is, the minimum wage rate which the Department has determined must be offered and paid by the employers of nonimmigrant alien agricultural workers in the State of Texas. The adverse effect wage rate for Texas will be established and set to prevent the employment of these aliens from having an adverse effect on the wages of U.S. workers who are similarly employed.

COMMENTS: Interested persons are invited to submit written comments on this proposed regulation on or before June 26, 1978.

ADDRESS: Send Comments To: Mr. William B. Lewis, Administrator, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Room 8000, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213.

FOR FURTHER INFORMATION CONTACT:

Mr. Aaron Bodin, Chief, Division of Labor Certification, Office of Technical Services, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Room 8410, Patrick Henry Building, 601 D Street NW., Washington, D.C. 20213, telephone: 202-376-6295.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA) of the Department of Labor (DOL) is proposing to amend its regulations at 20 CFR 655.207(b)(2) to add the State of Texas to the list of States for which the Administrator, U.S. Employment Service, must publish annually an adverse effect wage rate for the temporary employment of

PROPOSED RULES

nonimmigrant aliens in agricultural occupations. The Department's regulations for certification of temporary employment of aliens in the United States are issued pursuant to section 214.2(h)(3)(i) of the Immigration and Naturalization Service (INS) regulations (8 CFR 214.2(h)(3)(i)), set forth below:

Either a certification from the Secretary of Labor or his designated representatives stating that qualified persons in the United States are not available and that the employment of the beneficiary will not adversely affect the wages and working conditions of workers in the United States similarly employed, or a notice that such a certification cannot be made shall be attached to every nonimmigrant visa petition to accord an alien a classification under Section 101(a)(15)(X)(H)(i) of the Act.

Separate adverse effect wage rates are currently published annually by the Administrator, U.S. Employment Service, for agricultural employment in the six New England States, New York, Maryland, Virginia, West Virginia, and for employment in the sugar cane industry in Florida. 20 CFR 655.207(b)(1), 43 FR 10317 (March 10, 1978). The rates in all States are either the prevailing wage rate or a somewhat higher wage rate. The adverse effect rates are the wages which must be paid in order to insure that the wage rates of similarly employed U.S. workers are not adversely affected by the temporary employment of aliens. The Department has found that the temporary employment of nonimmigrant aliens in the State of Texas would have an adverse effect on the wages of similarly employed U.S. workers, unless the employers are required to pay the temporary aliens an adverse effect wage rate.

For example, the Department of Labor's Wage and Hour Office in Dallas, Tex., conducted a number of compliance reviews in Presidio Valley in the past calendar year and determined that a number of agricultural employers covered by the Fair Labor Standards Act had failed to pay certain employees the Federal minimum wage. About \$40,000 has been collected on behalf of workers for these violations, but this is less than half the amount estimated to be outstanding for the 1977 wage and hour violations in the valley. Additionally, witnesses at the Public Hearing on the Proposed Department of Labor Regulation on Temporary Employment of Aliens in Agriculture, Labor Certification Process, 20 CFR Part 655, held in San Antonio, Tex., on May 27, 1977, indicated that some agricultural employers in south Texas are utilizing undocumented alien workers at or below the minimum wage.

The employment of nonimmigrant Mexican and other foreign nationals in Texas has had an adverse effect on the wages and employment of U.S.

workers in that State. The Department of Labor has determined that without an adverse effect wage rate for agricultural employment in Texas, the wages and employment of U.S. workers in that State will continue to be adversely affected.

It is anticipated that the rate for 1978 would be \$2.97 per hour. The methodology for computing this wage is the same as that used for determining past years' adverse effect wage rates for the 10 States now listed in 20 CFR 655.207(b)(2). The Department has determined that the methodology can be used to construct adverse effect wage rates in a way that is reasonable, cost effective, and geared as much as possible to the reality of agricultural crops, areas, and existing wage factors.

The Department has computed an adverse effect wage rate for Texas for a number of years, based on U.S. Department of Agriculture (USDA) statewide annual average wage rates for agricultural workers, and on the methodology published at 43 FR 10310 (March 10, 1978). The adverse effect wage rates for agricultural employment in Texas, projected for the current year and computed for the preceding 4 years is shown in the table below:

Annual adverse effect wage rates: Texas

Year	Rates	Percentage Increase
1978	\$2.97	+4.9
1977	2.83	+9.3
1976	2.59	+2.5
1975	2.53	+11.9
1974	2.26	.....

Adverse effect wage rates for Texas were computed for 1968, 1969, and 1970 also, based on USDA data and the above-cited methodology: 1970: \$1.69; 1969: \$1.59; and 1968: \$1.45.

DEVELOPMENT OF REGULATIONS

This proposed rulemaking document was prepared under the direction and control of: William B. Lewis, Administrator, U.S. Employment Service, Employment and Training Administration, U.S. Department of Labor, Washington, D.C.

Accordingly, it is proposed to revise paragraph (b)(2) of § 655.207 of 20 CFR Chapter V, Part 655, to read as follows:

§ 655.207 Adverse effect rates.

.....

(b) * * *

(2) *List of States.* Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, Texas, Virginia, and West Virginia. Other States may be added as appropriate.

Signed at Washington, D.C., this 23d day of May 1978.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

[FR Doc. 78-14840 Filed 5-26-78; 8:45 am]

[4310-02]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 42]

ENROLLMENT APPEALS

Filing and Processing Appeals

AGENCY: Bureau of Indian Affairs.

ACTION: Proposed rule.

SUMMARY: The Bureau proposes to amend the regulations governing tribal enrollment appeals to more adequately describe situations when the regulations shall apply. It is not our intent to assume the tribes' authority in handling appeals under procedures specified in tribal documents. However, we have found situations existing where it is unclear whether tribal procedures or the regulations should govern. This proposal is designed to eliminate confusion which has arisen as to when the regulations in 25 CFR part 42 govern in processing enrollment appeals.

DATE: Comments must be received on or before June 29, 1978.

ADDRESS: Written comments should be directed to: Chief, Division of Tribal Government Services, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245.

FOR FURTHER INFORMATION CONTACT:

Ms. Janet L. Parks, Chief, Branch of Tribal Enrollment Services, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, D.C. 20245, telephone 202-343-2985; principal author, Ms. Janet L. Parks.

SUPPLEMENTARY INFORMATION: The Secretary is charged with the responsibility of determining who shall be eligible to share in the distribution of trust assets. His responsibility for determining eligibility for membership for tribal purposes is limited to instances where a specific Act of Congress or a tribal document authorizes him to finally determine eligibility for membership purposes.

Appeal procedures set out in tribal ordinances sometimes do not provide for final determination of eligibility by the Secretary or they contemplate only certain types of enrollment actions and not others. It is for such situations that the clarifying revision of 25 CFR 42.2 is proposed.

This amendment is made pursuant to authority vested in the Secretary of

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the Interior by 5 U.S.C. 301, sections 463 and 465 of the Revised Statutes (25 U.S.C. 2 and 9) and 230 DM 1 and 2.

With the proposed revision, § 42.2, part 42, chapter I of title 25 of the Code of Federal Regulations will read as follows:

§ 42.2 Purpose.

(a) The regulations in this part establish the procedures for filing and processing appeals in conjunction with the rejection of any person for enrollment on a roll of an Indian tribe by a tribal committee, Superintendent, or Director, when final approval of the roll rests with the Secretary either because of provisions in tribal constitutions or ordinances or specific Acts of Congress, particularly when the roll is to be used for the distribution of judgment funds or other trust assets.

(b) These regulations will not apply if procedures for filing appeals by applicants rejected for tribal membership are prescribed in tribal documents, if the tribal procedures adequately cover all types of rejection and provide for final decision of an appeal by the Secretary when trust assets are to be distributed.

No further changes are made in the text of part 42.

Dated: May 12, 1978.

FORREST J. GERARD,
Assistant Secretary,
Indian Affairs.

[FR Doc. 78-14879 Filed 5-26-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-136-76]

CONTRIBUTIONS IN AID OF CONSTRUCTION

Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to contributions in aid of construction. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with that Act and would affect all regulated public utilities which provide water or sewerage disposal services.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 31, 1978. The amendments are proposed to be effective

tive for contributions in aid of construction made after January 31, 1976.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention CC:LR:T [LR-136-76], Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Jack A. Levine of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention CC:LR:T, 202-566-3474, not a toll-free call.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 118 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 2120 of the Tax Reform Act of 1976 (90 Stat. 1912) and are to be issued under the authority contained in sections 118(b) and 7805 of the Internal Revenue Code of 1954 (90 Stat. 1912 and 68A Stat. 917; 26 U.S.C. 118(b) and 7805).

Section 118(a) provides that contributions to the capital of a corporation, whether or not contributed by a shareholder, are not includible in the gross income of the corporation.

The new section 118(b) specifies that amounts received as contributions in aid of construction by a water or sewerage disposal utility (described in section 7701(a)(33)(A)(i)) which are used for qualified expenditures and which are not included in the rate base for ratemaking purposes are to be treated as nontaxable contributions to the capital of the utility. The new Code provision distinguishes contributions in aid of construction received by such utilities from fees paid to them for services rendered or to be rendered. Section 1.118-2(a) of the proposed regulation defines the term "contribution in aid of construction" and provides examples of the term.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was Mr. Jack A. Levine of the legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.118 [Deleted]

PARAGRAPH 1. Section 1.118 is deleted.

PAR. 2. Section 1.118-2 is added to read as follows:

§ 1.118-2 Contributions in aid of construction.

(a) *Contribution in aid of construction*—(1) *Definition.* For purposes of section 118(b), the term "contribution in aid of construction" means an item or amount contributed to a regulated public utility which provides water or sewerage disposal services to the extent that the purpose of the contribution is to provide for the expansion, improvement, or replacement of the utility's water or sewerage disposal facilities.

(2) *Examples.* The application of paragraph (a)(1) of this section may be illustrated by the following examples:

Example (1). B, a developer, constructs main water lines and support facilities, including a water filtration plant and a water tower, and turns the facilities over to corporation R, a regulated public utility which provides water services. The transfer by B to R is a contribution in aid of construction.

Example (2). The facts are the same as in example (1), except that B furnishes the necessary funds to R, which uses those funds to build the facilities. The payments to R are contributions in aid of construction.

Example (3). S, a municipality, tears up a road and the water lines under it in order to build a new road. S makes payments to corporation Y, the water utility that owned the old water lines, so that it can put in new lines. The payments are contributions in aid of construction.

(3) *Customer connection fees.* Customer connection fees are not contributions in aid of construction and are includible in income. The term "customer connection fee" includes any payment made to the utility for the cost of installing a connection from the utility's main water or sewer lines (including the cost of meters and piping) and any amount paid as a service charge for stopping or starting service.

(4) *Classification by ratemaking authority.* The fact that the applicable

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ratemaking authority classifies an amount received by a utility as a contribution in aid of construction is not conclusive of its proper classification.

(b) *Expenditure rule*—(1) *In general.* An amount satisfies the time requirement of section 118(b)(2)(B) if the expenditure referred to in section 118(b)(2)(A) occurs before the end of the second taxable year after the taxable year in which the amount was received.

(2) *Examples.* The application of section 118(b)(2)(B) may be illustrated by the following examples:

Example (1). Corporation M, a regulated public utility which provides water services, spent \$100,000 in 1976 for the construction of a water facility. It received contributions in aid of construction of \$25,000 per year for the years 1977 through 1980. The purpose of the contributions was to reimburse M for its expenditure for the water facility. The requirement under section 118(b)(2)(B) is satisfied for all of the contributions because the expenditure occurred before the end of the second taxable year after the taxable year in which each contribution was received.

Example (2). In July of 1976, M received \$100,000 of contributions in aid of construction for the purpose of constructing a water facility. M is a fiscal year taxpayer with its taxable year ending on June 30. In April of 1979, M constructed the water facility at a cost of \$100,000. The requirement under section 118(b)(2)(B) is satisfied because the expenditure occurred before the end of the second taxable year after the taxable year in which the contributions were received.

Example (3). M, a calendar year taxpayer, received \$100,000 of contributions in aid of construction in 1977 for the purpose of constructing a water facility. To the extent that the \$100,000 exceeded the actual cost of the facility, the contributions were subject to being returned. In 1978, M built the facility at a cost of \$70,000 and returned \$20,000 to the contributors. As of the end of 1979, M had not returned the remaining \$10,000. The requirement under section 118(b)(2)(B) is satisfied for \$70,000 of the contribution. Since \$20,000 of the contribution was returned within the time period during which qualifying expenditures could be made, such amount is not income. However, the remaining \$10,000 was income to M for the 1977 taxable year (the taxable year in which such amounts were received) since it was neither spent nor repaid during the prescribed time period.

Example (4). M, a calendar-year taxpayer, received \$50,000 of contributions in aid of construction in 1977 for the purpose of constructing a water facility. M built the facility in 1979 at a cost of \$50,000, but none of the costs of construction were paid by M until the following year. The requirement under section 118(b)(2)(B) is not satisfied because the expenditure did not occur before the end of the second taxable year after the taxable year in which the contributions were received.

(3) *Accurate records.* (i) The taxpayer shall maintain accurate records from which it can establish the amounts contributed and expended for a particular project and the dates upon which these contributions were received and expenditures were made.

(ii) If the taxpayer fails to maintain accurate records from which it can establish the facts required by paragraph (b)(3)(i) of this section, then the contributions will be includible in income in the year received.

(c) *Depreciation and investment credit; adjusted basis*—(1) *Disallowance of deductions and investment credit.* Except as provided in paragraph (e) of this section, no deductions for depreciation shall be taken and no investment credit shall be allowed for a water or sewerage disposal facility acquired by a regulated public utility which provides water or sewerage disposal services, to the extent that—

(i) The facility is acquired as a nontaxable contribution in aid of construction,

(ii) The facility is purchased with amounts received as nontaxable contributions in aid of construction, or

(iii) The facility is constructed with amounts received as nontaxable contributions in aid of construction.

(2) *Adjusted basis.* Except as provided in paragraph (e) of this section, to the extent that the water or sewerage disposal facility described in subparagraph (1) of this paragraph is acquired as a nontaxable contribution in aid of construction or is purchased or constructed with amounts received as nontaxable contributions in aid of construction, its adjusted basis shall be zero.

(d) *Reimbursements for facilities that have been placed in service*—(1) *Purpose requirement.* If a water or sewerage disposal facility is placed in service before an amount is received as reimbursement for the cost of the facility, the purpose requirement of paragraph (a)(1) of this section (relating to the definition of the term "contribution in aid of construction") is not satisfied unless, at the time the facility is placed in service, there is an agreement, binding under local law between the prospective contributor and the utility, that the utility is to receive the amount as reimbursement for the cost of the facility.

(2) *Exclusion from basis.* If a contribution in aid of construction is received as reimbursement for the cost of a water or sewerage disposal facility that has been placed in service, then in order for it to be nontaxable, the utility must have excluded (at the time the facility was placed in service) an amount equal to the contribution from—

(i) The adjusted basis of the facility for the purpose of determining deductions for depreciation, and

(ii) The basis or cost of the facility for the purpose of determining investment credit.

(3) *Placed in service.* For purposes of this paragraph, a facility shall be considered placed in service in the earlier of the following taxable years:

(i) The taxable year in which, under the utility's depreciation practice, the period for depreciation with respect to such facility begins (or would begin except for the application of section 118(b) and this section), or

(ii) The taxable year in which the facility is placed in a condition or state of readiness and availability for a specifically assigned function.

(e) *Repayments of nontaxable contributions in aid of construction*—(1) *In general.* If a nontaxable contribution in aid of construction is repaid to the contributor either wholly or in part, then—

(i) To the extent the amount of the contribution exceeds the cost of the water or sewerage disposal facilities constructed or purchased with the contributed funds, the repayment is not a capital expenditure.

(ii) To the extent that the repayment exceeds the amount determined under subdivision (i) of this subparagraph, it is a capital expenditure in the year in which it is made.

(2) *Capital expenditure.* The amounts treated as capital expenditures under paragraph (e)(1) of this section are to be allocated proportionately to the basis of each of the facilities constructed or purchased with the contributed funds. Where such facilities are depreciable, the allocated amounts may be depreciated over the remaining useful life of that facility. For purposes of the investment credit allowed by section 38, to the extent that the amounts treated as capital expenditures are allocated to a facility in a taxable year of the utility, the facility is considered to have been placed in service in that year.

(3) *Illustration.* The following example illustrates the application of this paragraph:

Example. Corporation M, a regulated public utility which provides water services, receives a \$100,000 contribution in aid of construction in 1977 from B, a developer, for the purpose of constructing a water facility. To the extent that the \$100,000 exceeds the actual cost of the facility, the contribution is subject to being returned. In addition, M agrees to pay to B a percentage of the receipts from the facility over a fixed period. In 1978, M builds the facility at a cost of \$70,000 and returns \$30,000 to B. In 1979, M pays \$50,000 to B out of the receipts from the facility. M is a calendar year taxpayer. The \$30,000 payment to B is not treated as a capital expenditure by M. The \$50,000 payment to B is treated as a capital expenditure by M in 1979. The adjusted basis of the water facility is increased from zero to \$50,000. If the facility is depreciable, the \$50,000 basis may be depreciated over its remaining useful life. For purposes of the investment credit allowed by section 38, to the extent of the \$50,000 capital expenditure, the facility is considered to have been placed in service in 1979.

(f) *Definitions*—(1) *Expenditure.* For purposes of section 118(b) and this section, the word "expenditure" means

actual payment rather than accrual of an obligation to pay.

(2) *Water or sewerage disposal facility.* For purposes of section 118(b) and this section, the term "water or sewerage disposal facility" means tangible property described in section 1231(b) (without regard to the holding period requirements) which is used predominantly in the trade or business of furnishing water or sewerage disposal services.

(g) *Effective date.* The regulations prescribed in this section apply to contributions made after January 31, 1976.

JEROME KURTZ,
Commissioner of
Internal Revenue.

[FR Doc. 78-14964 Filed 5-26-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Office of the Attorney General

[28 CFR Part 16]

[Order No. 788-78]

PRIVACY ACT OF 1974

Exemption of Records System

AGENCY: Department of Justice.

ACTION: Proposed regulation.

SUMMARY: This regulation proposes to exempt the Antitrust Division Freedom of Information/Privacy Requester-Subject Index File (JUSTICE/ATR-008) from the provisions of subsections (c)(3) and (d) of the Privacy Act, 5 U.S.C. 552a. The purposes of the exemption are to maintain the confidentiality and security of information compiled for purposes of criminal investigation or civil or regulatory law enforcement or of reports compiled at any stage of the law enforcement process and to maintain the confidentiality and security of information that is specifically authorized to be kept secret in the interests of national defense or foreign policy. Some records contained in this system of records may not be subject to exemptions. A determination will be made as to the exemption of a specific record at the time a request for notification or access is made. A notice of this exemption was previously published as part of the system notice on September 30, 1977, in the FEDERAL REGISTER, Volume 42, Page 53396. However, publication of a proposed rule to effect the necessary amendment to Subpart E of Part 16, 28 CFR, was inadvertently omitted. This proposed rule will correct that omission.

DATES: All comments must be received on or before June 29, 1978.

ADDRESS: All comments should be addressed to the Administrative Coun-

sel, Office of Management and Finance, Department of Justice, 10th and Constitution Avenue NW., Washington, D.C. 20530.

FOR FURTHER INFORMATION CONTACT:

Bronson E. Clayton, 202-739-4165.

The authority for this proposed rule is 5 U.S.C. 552a.

Accordingly it is proposed that 28 CFR 16.88 be amended by adding paragraphs (e) and (f) as follows:

§ 16.88 Exemption of Antitrust Division Systems.

(e) The following system of records is exempt from 5 U.S.C. 552a(c)(3) and (d):

(1) Freedom of Information/Privacy Requester/Subject Index File (JUSTICE/ATR-008). These exemptions apply only to the extent that information in this system is subject to exemption pursuant to 5 U.S.C. 552a(k)(2).

(f) Exemptions from the particular subsections are justified for the following reasons:

(1) From subsection (c)(3) because that portion of the Freedom of Information/Privacy Requester/Subject Index File that consists of investigatory materials compiled for law enforcement purposes is being exempted from access and contest provisions of subsection (d); therefore, the provision for disclosure of accounting in subsection (c)(3) is not applicable.

(2) From subsection (d) because of the need to safeguard the identity of confidential informants and to avoid interference with ongoing investigations or law enforcement activities by preventing premature disclosure of information relating to those efforts.

Dated: May 18, 1978.

GRIFFIN B. BELL,
Attorney General.

[FR Doc. 78-14862 Filed 5-26-78; 8:45 am]

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1910]

[Docket No. H-1131]

CUTANEOUS AND EYE HAZARD

Request for information

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Request for information on cutaneous and eye hazards.

SUMMARY: This notice requests information on cutaneous and eye hazards found within the industrial envi-

ronment. Accounting for approximately 46 percent of the occupational illnesses reported in 1975, skin disorders continued to be the most prevalent of occupational diseases. For this reason, OSHA has established a Standards Advisory Committee on Cutaneous Hazards to evaluate information on cutaneous hazards and their control, and to recommend means to alleviate the problem. Because the eyes are usually associated with skin disorders, eye hazards have been included as a part of the Committee's responsibilities. To assist the committee, OSHA is seeking information in the following areas: types of cutaneous and eye hazards; toxicological and epidemiologic studies of these hazards; circumstances of employee exposure, including levels which produced specific conditions and the number of workers involved; feasible means of controlling employee exposures; protective clothing requirements; and existing standards and guidelines pertaining to cutaneous and eye hazards.

DATE: The information requested in this notice must be submitted on or before June 30, 1978.

ADDRESS: Information should be submitted to the OSHA Docket Office, Docket H-113, Room S6212, U.S. Department of Labor, Washington, D.C. 20210.

FOR FURTHER INFORMATION CONTACT:

Mr. John Martin Couric, OSHA Office of Consumer Affairs, Room N3635, Washington, D.C. 20210, 202-523-8024.

SUPPLEMENTARY INFORMATION:

CUTANEOUS HAZARDS: RECENT INFORMATION RECEIVED BY OSHA

Information from the Bureau of Labor Statistics for 1975 indicates that occupational skin disease continued to be the most prevalent of occupational illnesses in the private sector, with 74,400 reported cases. Skin diseases accounted for 45.6 percent of the occupational illnesses reported, corresponding to a rate of one case per one thousand employees per year. The number of lost workdays attributed to skin diseases was 205,700, or 23.1 percent of the total recorded for all occupational illnesses in 1975.

The National Safety Council reported that approximately 130,000 eye injuries and disorders occurred in industry in 1975. This was approximately 6 percent of all cases reported in 1975.

BACKGROUND

The skin is an important interface between man and the environment; it is an important portal of entry for hazardous agents and a vulnerable target tissue. The eye may also serve

as a portal of entry for hazardous agents. A vast array of physical, chemical, and biological agents cause occupational skin and eye reactions. Adverse effects on the skin range from uncomplicated itching to metastatic neoplasia. Effects on the eye range from irritation, tearing, and conjunctivitis to blindness.

All occupational skin and eye disorders are preventable or controllable by decreasing or eliminating exposure to the causal agent. Thus, a precise etiologic diagnosis, which in many cases means the identification of single or multiple causal agents leading to a skin or eye disorder, is vital to effective management of such problems.

In recognition of the prevalence and importance of occupational skin diseases, the Occupational Safety and Health Administration has established the Standards Advisory Committee on Cutaneous Hazards. The Committee has been given responsibility for identifying and evaluating information on cutaneous and eye hazards, and for determining the state-of-the-art of current cutaneous and eye hazard controls. The final product of the Committee's deliberations will be recommendations which can be used in formulating standards for cutaneous and eye hazards.

The following objectives have been set for the Committee.

1. Identify the major problem areas in industry which are hazardous to the skin and eye and/or in which the skin or eye is an important portal of entry.
2. Characterize cutaneous and eye hazards by: a) chemical group or family, b) by patterns of adverse cutaneous, ocular, and systemic reactions. Recommend a system for classifying or rating cutaneous and eye hazards on the basis of severity and types of adverse effects, both local and systemic.
3. Recommend general and specific control methods for types of hazardous materials and/or processes which can be applied to work practices and utilized in prevention of adverse effects.
4. Identify gaps in knowledge and information which need to be addressed. Provide OSHA with a set of priorities for such issues based on urgency, and delineate short-term and long-term goals for research. These goals will provide essential guidelines for future efforts in cutaneous and eye hazard control.
5. Provide a set of guidelines for the systematic setting of standards concerning cutaneous and eye hazards.

INFORMATION REQUESTED ON CUTANEOUS HAZARDS

To assist the Committee in the gathering of information, OSHA is requesting interested parties to provide data pertaining to cutaneous and eye haz-

ards and their control, including but not limited to:

1. Epidemiologic studies of cutaneous and eye hazards in industry.
2. Cutaneous and eye hazards found in industry, with supportive data.
3. Employee exposure (actual or potential) to these hazards, including levels which produced specific conditions and the number of employees involved.
4. Technological and economic feasibility of reducing employee exposure.
5. Appropriate protective clothing, hygiene practices, and facilities.
6. Foreign standards and recommended guidelines for working with cutaneous and eye hazards.

SUBMITTAL OF INFORMATION REQUESTED IN THIS NOTICE

Interested persons are invited to submit written data, views, and comments with respect to the foregoing issues. All communications should be submitted in quadruplicate by June 30, 1978, to the OSHA Docket Office, Docket H-113, Room S6212, U.S. Department of Labor, Washington, D.C. 20210. Timely written submissions will be considered in any action taken by this agency.

REFERENCES

The following documents, referred to in this notice, are available for inspection and copying at the OSHA Docket Office Center, Room S6212, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C., telephone 202-523-7894.

- (1) *Occupational Injuries and Illnesses in the United States by Industry, 1975*; bulletin 1981, U.S. Department of Labor, Bureau of Labor Statistics, 1978.
- (2) Suskind, R.R., "Environment and the Skin," *Environmental Health Perspectives*, Vol. 20, pp. 27-37, October 1977.
- (3) Emmett, E.A. and Suskind, R.R., "Occupational Dermatoses," Department of Environmental Health, University of Cincinnati.
- (4) *Accident Facts*; 1976 Edition, National Safety Council.

This document was prepared under the direction of Eula Bingham, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Third Street and Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of May, 1978.

EULA BINGHAM,
Assistant Secretary of Labor.

[FR Doc. 78-15132 Filed 5-26-78; 8:45 am]

[3810-70]

DEPARTMENT OF DEFENSE

Office of the Secretary

[32 CFR Part 43a]

[DoD Directive 1344.9]

INDEBTEDNESS OF MILITARY PERSONNEL

Extension of Comment Period

AGENCY: Office of the Secretary of Defense.

ACTION: Extension of comment period.

SUMMARY: Due to the impact of the proposed rule published in the *FEDERAL REGISTER* on April 26, 1978 (43 FR 17838), the Office of the Secretary of Defense is allowing an extension of the comment period to give interested persons additional time to respond to the proposed rule.

DATE: Comments must be received on or before June 9, 1978.

ADDRESS: Office of the Deputy Assistant Secretary of Defense (Military Personnel Policy), Room 3C980, the Pentagon, Washington, D.C. 20301.

FOR FURTHER INFORMATION CONTACT:

Ms. Barbara E. Schoenberger, 202-697-9525 or 202-697-4054.

Dated: May 24, 1978.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Headquarters Services, Department
of Defense.

[FR Doc. 78-14870 Filed 5-26-78; 8:45 am]

[4910-14]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 77-230]

DRAWBRIDGE OPERATION REGULATIONS

Victoria Channel, Tex.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of Central Technology on behalf of the Missouri Pacific Railroad Co. the Coast Guard is considering amending the regulations for the railroad drawbridge across Victoria Channel, mile 29.4, near Bloomington, Tex., to permit automated operation of this draw. This drawbridge is presently manned and opens on signal at any time. With an average of 4.4 daily openings, draw tenders appear to be unnecessary. The automation of this bridge, as proposed, appears to meet the reasonable needs of navigation.

DATE: Comments must be received on or before July 5, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (obr), Eighth Coast Guard District, Hale Boggs Federal Building, 500 Camp Street, New Orleans, La. 70130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300 Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Each person submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Eighth Coast Guard District, will forward any comments received, with his recommendations, to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Edward J. Gill, Jr., Project Attorney, Office of the Chief Counsel.

In consideration of the foregoing, it is proposed that part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.554 immediately after § 117.553 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.554 Victoria Channel, mile 29.4, near Bloomington, Tex.

(a) The bridge need not be manned by a regular attendant.

(b) The lift span is normally in the down position, providing a vertical clearance of 22 feet above mean high water.

(c) Three long blasts of a horn or whistle from an approaching vessel activates navigational approach detectors, located one-half mile upstream and downstream from the bridge.

(d) Interruption of the approach detector beams by a vessel will cause (1) the draw to open to the fully raised position of 50 feet above mean high water for 10 minutes, (2) a navigation

warning siren to sound, (3) the navigation light to change from red to green.

(e) Breaking of the entry/exit detector beam located at the end of the bridge fender system will keep the span open for a second 10-minute interval or until the vessel clears the exit/entry detector located at the opposite end of the fender system, whichever occurs earlier.

(f) If a vessel is unable to reach the bridge before the span closes, an additional signal of three long blasts of a horn or whistle will cause the span to reopen.

(g) If the draw is in the open position for the passage of a vessel, and a train enters an approach circuit to the bridge, the opening will be extended for 5 minutes if the exit/entry detector is broken by a vessel passage, otherwise the span will close at the end of the original 10-minute opening period. After the train passes, the span will open for any waiting vessels.

(h) If a train is approaching the bridge so closely that the train may not be safely stopped, the bridge will not open until the train has passed.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5)).

NOTE:—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: May 22, 1978.

E. L. PERRY,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc. 78-14952 Filed 5-26-78; 8:45 am]

[4910-14]

[33 CFR Part 117]

[CGD 78-63]

DRAWBRIDGE OPERATION REGULATIONS

Frederica River, Ga.

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: At the request of the Brunswick-Glynn County Joint Planning Commission, the Coast Guard is considering revising the regulations governing the operation of the Torras Causeway drawbridge across the Frederica River (Atlantic Intracoastal Waterway, mile 675.5) between St. Simons Island and Brunswick, Ga. This change would allow limited openings during peak vehicular traffic during morning and evening rush hours, Monday through Friday. This would provide a more even flow of vehicular traffic during these periods.

DATE: Comments must be received on or before July 5, 1978.

ADDRESS: Comments should be submitted to and are available for examination at the office of the Commander (oan), Seventh Coast Guard District, 51 Southwest First Avenue, Miami, Fla. 33130.

FOR FURTHER INFORMATION CONTACT:

Frank L. Teuton, Jr., Chief, Drawbridge Regulations Branch (G-WBR/73), Room 7300, Nassif Building, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-0942.

SUPPLEMENTARY INFORMATION: Interested persons are invited to participate in this proposed rulemaking by submitting written views, comments, data, or arguments. Persons submitting comments should include their name and address, identify the bridge, and give reasons for concurrence with or any recommended change in the proposal.

The Commander, Seventh Coast Guard District, will forward any comments received with his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, Washington, D.C., who will evaluate all communications received and recommend a course of final action to the Commandant on this proposal. The proposed regulations may be changed in the light of comments received.

DRAFTING INFORMATION: The principal persons involved in drafting this proposal are: Frank L. Teuton, Jr., Project Manager, Office of Marine Environment and Systems, and Stephen H. Barber, Project Attorney, Office of the Chief Counsel.

DISCUSSION OF THE PROPOSED REGULATIONS

The proposed regulations requested by the Brunswick-Glynn County Joint Planning Commission recommended the hours for restricted periods from 7:30 a.m. to 9:30 a.m., and 4:30 p.m. to 6:30 p.m., with openings on the hour and half-hour, Monday through Friday, except holidays; and from 7:30 a.m. to 6:30 p.m., Saturday, Sunday, and holidays. An examination of the data submitted showed that the week-day hours would provide for the heavy vehicular traffic during the periods proposed. However, the Coast Guard feels that the relatively light traffic counts on weekends were not sufficient to justify inclusion of this period and this portion is therefore deleted from the proposal at this time. If new data is submitted by the applicant and demonstrates a need for restrictive hours on weekends, this change may be made at that time.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations be amended by adding a new § 117.409 im-

mediately after § 117.408 to read as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

§ 117.409 Frederica River, Atlantic Intracoastal Waterway, mile 675.5, Torras Causeway, Glynn County drawbridge, St. Simons Island to Brunswick, Ga.

(a) From 7:30 a.m. to 9:30 a.m. and 4:30 p.m. to 6:30 p.m., Monday through Friday, except holidays, the draw need only open on the hour and half-hour to pass all accumulated vessels. At all other times, the draw shall open on signal.

(b) The draw shall open at any time for the passage of public vessels of the United States, tugs with tows, and vessels in distress.

(c) The owner of or agency controlling this bridge shall post, on both sides of the bridge, signs that state the conditions of this regulation. These signs shall be of such size that they may be easily read from an approaching vessel at any time.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937 (33 U.S.C. 499, 49 U.S.C. 1655(g)(2)); 49 CFR 1.46(c)(5).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821, as amended, and OMB Circular A-107.

Dated: May 22, 1978.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

[FR Doc. 78-14951 Filed 5-26-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 65]

[Docket No. DCO-78-4; FRL 902-61]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Disapproval of an Administrative Order Issued by the Commonwealth of Kentucky, Department for Natural Resources and Environmental Protection, to Airco, Inc.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to disapprove an Administrative Order issued by the Commonwealth of Kentucky to Airco, Inc. The Order requires Airco, Inc., to bring air emissions from its electrometallurgical facility at Calvert City, Ky., into compliance with certain regulations contained in the federally approved Kentucky State Implemen-

tation Plan (SIP) by July 1, 1979. Because the Order has been issued to a major source and permits a delay in compliance with the provisions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act, 42 U.S.C. 7401 et seq. (the Act). If approved by EPA, the Order would become effective as a delayed compliance order under section 113(d) of the Act and would constitute an addition to the Kentucky Implementation Plan. While a delayed compliance order places a noncomplying source on a remedial compliance schedule, it does not alter the underlying State Implementation Plan compliance date. Under section 113(d)(10) of the act, EPA approval of the Order would also insulate the source from Federal enforcement action under section 113 of the Act and from citizen enforcement action under section 304 of the Act for violations of the regulations covered by the Order during the period the Order is in effect and the source is complying with its terms. The purpose of this notice is to invite public comment on EPA's proposed disapproval of the Order under section 113(d)(2) of the Act.

DATE: Written comments must be received on or before June 29, 1978.

ADDRESSES: Comments should be submitted to Paul J. Traina, Director, Enforcement Division, EPA, Region IV, 345 Courtland Street, Atlanta, Ga. 30308. The State order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Richard S. DuBose, Air Enforcement Branch, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street NE., Atlanta, Ga. 30308, telephone No. 404-881-4298.

SUPPLEMENTARY INFORMATION: Airco, Inc., operates a metallurgical facility at Calvert City, Ky. The Order under consideration limits the emission of particulate matter from a number of emission points at the facility. The substance of the Order, which has been consented to by Airco, Inc., is as follows:

COMMONWEALTH OF KENTUCKY, DEPARTMENT FOR NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION, FILE NO. 02-76-85

AGREED ORDER

Department for Natural Resources and Environmental Protection, Plaintiff, v. Airco, Inc., ID No. 072-2600-0002, Defendant

Come the parties hereto and for Final Settlement of the Administra-

tive Complaint filed by the Plaintiff herein on or about February 10, 1976, do hereby agree as follows; to wit:

1. That the Defendant agrees to pay as penalties for violations alleged by the Department in its Administrative Complaint (but without any admission by the Defendant of having committed such violations) the sum of Twenty Thousand Dollars (\$20,000); such sum to be remitted, payable to the Treasurer of the Commonwealth of Kentucky, within fifteen (15) days of the execution of this Agreed Order by the Secretary of the Department for Natural Resources and Environmental Protection;

2. That the Defendant and the Plaintiff further agree that final compliance as hereinafter specified will be achieved on or before November 1, 1977, subject to the following conditions:

a. That construction of all capture and collection equipment was completed for Furnace No. 6 before July 1, 1977, and shall be completed for Furnace No. 4 on or before August 15, 1977.

b. That all shutdown procedures were completed for Furnace No. 6 for separate operation on or before August 15, 1977, and will be completed for Furnace No. 4 for separate operation sixty (60) days after start up of Furnace No. 4. The Defendant shall immediately notify the Plaintiff of the start up of Furnace No. 4 in writing.

c. That Furnaces No. 4 and No. 6 in separate operation shall be in full compliance at start up using testing and monitoring methods as specified in subparagraphs h and i of this Order.

d. That installation of all control equipment was completed on Furnaces No. 9, 12, 13, 15, and 16 on or before April 15, 1977.

e. That all shutdown procedures were completed on Furnaces No. 12, 13, 15, and 16 on or before August 15, 1977, and shall be completed on Furnace No. 9 within sixty (60) days from the date of start-up. The Plaintiff shall be immediately notified in writing of the start-up of Furnace No. 9.

f. That Furnaces No. 15 and 16 in joint or separate operation shall be in full compliance using testing and monitoring methods as specified in subparagraphs h and i of this Agreed Order on or before August 1, 1977.

g. That Furnaces No. 12 and 13 in joint or separate operation shall be in full compliance using testing and monitoring methods as specified in subparagraphs h and i of this Agreed Order on or before August 1, 1977.

h. The parties agree that, at this time, there is no standardized technique for source testing the effluence from the baghouse. Therefore, compliance with this Agreed Order shall be achieved when the baghouse effluent

does not exceed a 3 percent opacity limit (using Environmental Protection Agency Method 9).

In addition, visible emissions from the Electric Arc Furnaces, excepting Furnace No. 13, as measured from the roof monitors or other building openings shall not be allowed except for 40 percent of a furnace tapping period. The tapping period is defined as the time duration from initiation of the process of opening the tap hole until plugging of the tap hole is completed.

Visible emissions from Furnace No. 13 and point 13a (Reaction Ladle) as measured from the roof monitors or other building openings shall not be allowed except during the metallurgical treatment process at which time visible emissions shall not exceed 15 percent opacity (using the U.S. EPA Method 9).

Further, Airco Alloys shall provide a reasonable method acceptable to the Department for monitoring air flow rate through capture ducts, such as measuring appropriate fan power consumption and pressure drop across the fan.

i. That final compliance under this Order will not be achieved until the appropriate representatives of the Plaintiff have witnessed the satisfactory operation of the control equipment pursuant to a request by the Defendant.

j. Upon the start-up of Furnaces No. 4 and No. 6 in joint operation, the Defendant shall immediately notify the Plaintiff in writing of such start-up. The defendant shall prove final compliance using testing and monitoring methods as specified in subparagraphs h and i of this Agreed Order on or before sixty (60) days from the date of such start-up.

k. The Defendant shall immediately notify the Department in writing of the start-up of Furnace No. 9 singly or in any combination with Furnaces No. 15 and No. 16. Final compliance using testing and monitoring methods as specified in subparagraphs h and i of this Agreed Order shall be proved by the Defendant on or before sixty (60) days from the date of such start-up.

3. That the Defendant shall submit a control plan for control of fugitive dust at all fugitive dust emission points, including, but not necessarily limited to, all portable and stationary crushing and screening operations, collected material handling at baghouses, cast bed areas, and haul roads, by November 1, 1977. Proof of final compliance for those points which shall be controlled by wet suppression shall be submitted by October 1, 1978. Interim measures shall be utilized to reduce the emission of fugitive dust from the facility until final compliance is achieved. The Defendant shall prove compliance for those points for which capture and collection equipment is to

be utilized on or before July 1, 1979. Compliance shall be proven in accordance with the requirements of 401 KAR 3:060 section 14, or any subsequent regulation that supersedes 401 KAR 3:060 section 14 and is deemed to be less stringent than the existing regulation. In the event a superseding regulation is promulgated which is deemed to be more stringent, the defendant shall have a reasonable period of time in which to comply therewith.

4. That the Defendant shall submit a control plan for the control of emissions from the metallurgical treatment ladle, point 13(a), on or before November 1, 1977, and shall prove compliance using testing and monitoring methods as specified in subparagraphs h and i of this Agreed Order on or before October 1, 1978.

Upon a showing by the Defendant, on or before August 1, 1978, to the satisfaction of the Plaintiff, that the Defendant has exhausted all feasible avenues of technological experimentation to achieve final compliance for point 13(a), such showing to include the costs of such experimentation or technology, and that the Defendant has complied with all the provisions of the approved control plan for point 13(a), the parties hereto shall meet and negotiate an extension of time for proof of final compliance. In no event shall the date for final compliance be extended past July 1, 1979.

The Defendant shall control point 13(a) to the best of its ability while utilizing experimental methods to determine a method to attain final compliance. Such experimental methods may include but are not limited to steel shields. These experimental methods shall constitute the Defendant's program for interim control so long as the Defendant continues diligently towards compliance.

5. That the inability of the Defendant to comply with the compliance requirements of this Agreed Order may be grounds for extension of some or all of the aforesaid dates only upon written approval of the Plaintiff and only if such inability is the result of an Act of God or public enemy, accidental fire or explosion, flood, war, riot, sabotage, accident not caused by the Defendant's negligence, governmental order, strike, labor slow down or work stoppage, or lockout not by the Defendant, failure to supply of materials, parts, or equipment, or failure, delay, refusal of any designer, fabricator, or supplier to design, fabricate, deliver or install as agreed any equipment necessary to the performance of the obligations undertaken herein, provided that the Defendant shall notify the Director of the Division of Air Pollution Control and the Division's Paducah Regional Office immediately by the most expedient method, and in writing within seven

(7) days of its first knowledge of such occurrence or of the likelihood of such occurrences, fully describing said delay to the satisfaction of the Director. However, the inability of the Defendant to satisfy the compliance requirements of this Agreed Order due to the cost of acquisition or installation of control equipment shall not be grounds for extension of any of the aforesaid dates.

6. That the Plaintiff agrees to forego its statutory, administrative and common law remedies for past violations so long as the Defendant performs the obligations and duties heretofore described, but upon the failure of the Defendant to perform according to the provisions of this Agreed Order, the Plaintiff will be free to immediately proceed to enforce this Agreed Order, all applicable statutes, administrative regulations and common laws and to seek all appropriate remedies.

Because this Order had been issued to a major source of particulate emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under section 113(d) of the Act. EPA may approve the Order only if it satisfies the appropriate requirements of this subsection. Based upon a thorough review, EPA has objections to the Order, including the following:

1. The Order does not ensure that electric arc furnace Nos. 4, 6, and 9, operating singly or in combination with other furnaces, will achieve final compliance by July 1, 1979.

2. The Order does not notify the source that, unless exempted under section 120(a)(2) (B) or (C) of the Clean Air Act, it will receive a notice of noncompliance and noncompliance penalties will be assessed and collected under section 120 in the event the source fails to achieve final compliance by July 1, 1979.

3. The Order does not contain a schedule and timetable for compliance for the fugitive dust emission points or for the metallurgical treatment ladle, in that no increments of progress are included for these points.

4. With respect to the interim control of fugitive dust emission points and the metallurgical treatment ladle, the Order does not (a) include specific interim controls which represent the best practicable system of interim emission reduction, or, in the alternative, a finding that no system of interim emission reduction is practicable, and (b) include a requirement that the source remains subject to the enforcement of applicable State and Federal emergency provisions designed to prevent an imminent and substantial endangerment to human health.

5. The Order does not include emission monitoring and reporting requirements.

6. The Order includes a "force majeure" clause which would permit non-compliance beyond July 1, 1979.

In view of these objections, EPA proposes to disapprove the Order. If the Order were approved by EPA, compliance with its terms would preclude federal enforcement action under section 113 of the Act against the source for violation of the regulations covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (section 304) would be similarly precluded. If the Order is disapproved, EPA will take appropriate enforcement action.

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of an order under section 113(d) of the Act. In addition, Part 65 will contain sections listing or including orders issued, approved or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975) will be withdrawn, and replaced by a notice promulgating these new regulations.

Dated: May 11, 1978.

JOHN C. WHITE,
Regional Administrator,
Region IV.

[FR Doc. 78-14868 Filed 5-26-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 902-5]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for WSC Corp., Chicago, Ill.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an administrative order to the WSC Corp. The Order requires the company to bring air emissions from its basic

oxygen process shop and coke battery in Chicago, Ill. into compliance with certain regulations contained in the federally-approved Illinois State Implementation Plan (SIP). Because the company is unable to comply with these regulations at this time, the proposed order would establish an expeditious schedule requiring final compliance by November 1, 1978, for the basic oxygen process shop and July 1, 1979, for the coke battery. Source compliance with the Order would preclude suits under the federal enforcement and citizen suit provision of the Clean Air Act for violation of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on EPA's proposed issuance of the order.

DATE: Written comments and requests for a public hearing must be received on or before June 29, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days prior notice of the time and place of the hearing has been given in this publication.

ADDRESSES: Comments should be submitted to Director, Enforcement Division, EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604. The proposed Order, supporting materials, and public comments received in response to this notice may be inspected and copies made (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Robert B. Hurwitz at enforcement Division, EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, telephone: 312-353-2082.

SUPPLEMENTARY INFORMATION: WSC Corp. (formerly Wisconsin Steel Division of International Harvester Co.) operates a steel mill at Chicago, Ill. The proposed Order addresses emissions from its coke oven and basic oxygen process shop at this facility, which are subject to Illinois Air Rules 202(b) and 203(d). The regulations govern the emissions of particulate matter, and are part of the federally-approved State Implementation Plan. The Order requires final compliance with regulation by July 1, 1979, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, compliance with its terms would preclude further EPA enforcement action under Section 113 of the Act against the source for violations of

the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedure for EPA's issuance, approval, and disapproval of an Order under Section 113(d) of the Act. In addition, Part 65 will contain sections summarizing orders issued, approved, and disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

Comments received by the date specified above will be considered in determining whether EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. Final action on the Order will be published in the FEDERAL REGISTER.

(AUTHORITY: Section 113(d) of Clean Air Act, 42 U.S.C. § 7413(d).)

Dated: May 1, 1978.

GEORGE ALEXANDER,
Regional Administrator,
Region V.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

1. By revising Section 65.180 to read as follows:

§ 65.180 Federal delayed compliance orders issued under Section 113(d) (1), (3), and (4) of the Act.

The following Order is issued this date pursuant to section 113(d) of the Clean Air Act, as amended, 42 U.S.C. section 7413(d) (hereinafter referred to as the "Act"). Public notice and opportunity for public hearing have been provided. The Order contains a schedule and timetable for interim requirements and requires emission monitoring and reporting. Final compliance is required as expeditiously as practicable, but not later than July 1, 1979. The source is hereby notified that it will be required to pay a noncompliance penalty in the event it fails to achieve final compliance by such date. The State of Illinois has been given thirty (30) days notice of this Order.

On January 9, 1978, February 4, 1978, April 12, 13, 19, 20, 1977, May 12, 1977, and June 2, 1977, United States Environmental Protection Agency (hereinafter referred to as "U.S. EPA") certified smokereaders observed emissions from WSC Corporation's (hereinafter referred to as the Company) coke battery and basic oxygen furnace shop located at its Chicago, Ill., facility. Based on these observations, U.S. EPA has found that the aforementioned coke battery is in violation of the State of Illinois Air Pollution Control Regulations 203(d)(6) (B)(1)(bb) and 203(d)(6)(B)(1)(v)(aa), and that the aforementioned basic oxygen process shop is in violation of the State of Illinois Air Pollution Control Regulation 202(b), parts of the applicable Illinois Implementation Plan, as defined in section 110(d) of the Act.

Therefore, it is hereby ordered: I. That the Company will comply with the Illinois particulate control regulations in accordance with the following schedule on or before the dates listed therein.

A. Basic Oxygen Process Shop

1. August 1, 1977—Undertake a program to develop an oxygen lance hole cover or closure to minimize leakage from fume collection hood.

2. January 1, 1978—Submit description and working drawings of lance hole cover or closure to be installed.

3. July 1, 1978—Rehabilitate main fume collection systems by replacing severely warped or damaged panels and sealing openings, and by replacing and realigning hood panel supports.

4. October 1, 1978—Install lance hole cover or closure on each furnace system and achieve compliance with Rule 202(b).

5. November 1, 1978—Submit results of particulate emission test of electrostatic precipitator stacks and certify compliance.

B. Coke Ovens—Charging

1. November 1, 1977—Install new jumper pipe on the No. 3 larry car hopper.

2. After November 30, 1977, the U.S. EPA shall evaluate the charging operation to determine compliance with Illinois Regulation 203(d)(6)(B)(1)(bb). If a determination is made that emissions continue to violate such regulation, the Company shall install a new jumper pipe on the No. 2 larry car hopper by April 15, 1978.

3. April 15, 1978—Achieve and certify compliance with the applicable Illinois Implementation Plan.

C. Coke Ovens—Doors

1. Immediately—Operate in compliance with the maintenance program attached as Appendix A hereto.

2. Immediately—Undertake a program to evaluate the effectiveness of alternate types of door sealing methods and the availability of door hoods with associated gas cleaning equipment.

3. After May 1, 1978, the U.S. EPA shall evaluate the door emissions to determine compliance with Illinois Regulation 203(d)(6)(B)(1)(v). If a determination is made that emissions continue to violate such regulation, the Company shall submit a program by July 1, 1978 designed to achieve compliance with such regulation.

4. July 1, 1979—Achieve and certify compliance with the applicable Illinois Implementation Plan.

II. Pursuant to Section 113(d)(7) of the Act, during the period of this Order, until completion of the program set out in Paragraph I herein, the Company shall use the best practicable systems of emission reduction so as to minimize particulate emissions and shall further comply with the requirements of the applicable implementation plan insofar as it is able to.

III. Nothing herein shall be construed to be a waiver by the Administrator of any rights or remedies under the Clean Air Act, including, but not limited to, Section 303 of that Act, 42 U.S.C. Section 7603.

IV. All submissions and notifications to U.S. EPA pursuant to this Order, shall be made to the Air Compliance Section, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, 312-353-2090.

V. Nothing herein shall affect the responsibility of the Company to comply with State or local regulations.

VI. The Company shall submit quarterly reports on its abatement efforts commencing

three months after date of program approval and ending upon full implementation of the abatement program contained in Paragraphs I.

VII. The Company shall comply with all emission monitoring requirements of the State of Illinois Implementation Plan.

Dated: October 27, 1977.

GEORGE ALEXANDER,
U.S. Environmental
Protection Agency.

The Company has reviewed this Order, stipulates as to the correctness of all facts represented therein, and consents to the terms and conditions of this Order.

Dated: October 5, 1977.

By: MICHAEL T. LYON,
Vice President,
General Counsel, WSC Corp.

Dated: _____

Administrator, U.S. Environmental
Protection Agency.

APPENDIX A—OPERATION AND MAINTENANCE PROCEDURES

COKE OVEN DOOR LEAKAGE

A. Push Side Doors. 1. Prior to charging each oven, push side coke oven doors shall be cleaned with the automatic door cleaner, inspected and if needed, adjusted, repaired or replaced. If the automatic door cleaner is not operable or completely effective, cleaning shall be done or completed by hand. This work shall meet the following minimum standards:

a. The door will be cleaned to permit a thorough inspection of the sealing surfaces.

b. Tar, pitch and other extraneous material shall be cleaned from the sealing surfaces. Particular attention will be paid to cleaning the bottom of the door where an accumulation of tar and pitch is most often found, and the portions of the door above the top latch.

c. Any minor knife edge repairs necessary will be made.

d. Any adjustments to the sealing edge springs indicated by the inspection will be made.

e. The condition of the door plug refractory will be inspected, and any minor repairs indicated will be made.

f. If, in the judgment of the foreman, the door requires extensive repair and maintenance beyond that which can be made on the bench, the door will be replaced with a spare door before the oven is next charged.

2. Any oven which emits a visible emission from the door or chuck door seal at the end of the coking cycle will be noted in a written record. If any oven emits a visible emission from the door seal at the end of two or more consecutive coking cycles, the foreman shall replace that door or jamb or both according to his judgment, except that if the leak is due solely to damage caused to the door since or during its last replacement on the oven, he may elect to make repairs that are sufficient to alleviate the leak without replacing the door. When any repair or replacement is done pursuant to this Paragraph 2, it shall be noted in the written record and identified by the door number.

B. Push Side Door Jams. 1. Push side door jams shall be cleaned with the automatic jamb cleaner, inspected and, if necessary, repaired after each push. If the automatic jamb cleaner is not operable or com-

pletely effective, cleaning shall be done (or completed) by hand. This work shall meet the following minimum requirements:

a. The jamb will be cleaned to permit a thorough inspection of the sealing surfaces.
b. Tar, pitch and other extraneous material shall be cleaned from the sealing surfaces. Particular attention will be paid to cleaning the bottom of the jamb where an accumulation of tar and pitch is most often found, and the portion of the jamb above the top latch.

c. The jamb will also be inspected for warpage which would prohibit door sealing.

d. Refractory against the jamb will be repaired as indicated by the inspection.

e. If, in the judgment of the foreman, the jamb requires replacement, the oven will not be charged until a new jamb has been installed.

C. When procedures required by Parts A and B call for replacement of a door jamb, the replacement shall be a new or rebuilt door or jamb.

[FR Doc. 78-14878 Filed 5-26-78; 8:45 am]

[3510-49]

DEPARTMENT OF COMMERCE

National Fire Prevention and Control Administration

[45 CFR Part 2012]

PROMULGATION AND REVIEW OF NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION REGULATIONS

CROSS REFERENCE: For the text of a notice of proposed rulemaking document published by the National Fire Prevention and Control Administration (NFPICA), Department of Commerce on the promulgation and review of NFPICA regulations see FR Doc. 78-14811 appearing in Part II of this issue. Refer to the table of contents under Department of Commerce for the correct page number.

[4110-03]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 312, 314, 431, 514, 601, 807, 814]

[Docket No. 77N-0248]

PUBLIC INFORMATION

Disclosure of Existence; Extension of Comment Period

AGENCY: Food and Drug Administration.

ACTION: Proposed rule; extension of comment period.

SUMMARY: The comment period for the subject proposal is extended, based on a request for an extension, to provide additional time to submit comments.

DATE: Comments by June 30, 1978.

ADDRESS: Written comments to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857.

FOR FURTHER INFORMATION CONTACT:

Stuart M. Pape, Office of the General Counsel, Food and Drug Administration, Department of Health, Education, and Welfare, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4350.

SUPPLEMENTARY INFORMATION: In the FEDERAL REGISTER of March 28, 1978 (43 FR 12869), with a correction published in the FEDERAL REGISTER of March 31, 1978 (43 FR 13587), the Commissioner of Food and Drugs issued a proposal to amend existing regulations and promulgate new regulations to permit public disclosure of the existence and status of applications for approval of new drugs, new animal drugs, and medical devices pending before the Food and Drug Ad-

ministration (FDA), and permit public acknowledgement of the existence of notices of intent to market medical devices. The proposal would further amend the agency's public information and related regulations to permit the agency to respond truthfully and accurately to inquiries about the existence of applications for investigational notices for new drugs, new animal drugs, and medical devices when those notices have been approved by FDA or allowed to become effective. Comments were to be submitted on or before May 30, 1978.

The Commissioner has received a letter from the German American Chamber of Commerce, Inc. (on file with the Hearing Clerk, address given above), requesting an extension of the comment period. The request asserts that additional time is necessary for the Chamber to obtain and evaluate comments from medical device manufacturers in Germany whom they represent and transmit the comments to FDA.

The Commissioner finds this request reasonable and extends the comment period to June 30, 1978.

Interested persons may, on or before June 30, 1978, submit to the Hearing Clerk (HFC-20), Food and Drug Administration, Rm. 4-65, 5600 Fishers Lane, Rockville, Md. 20857, written comments regarding this proposal. Four copies of all comments shall be submitted, except that individuals may submit single copies of comments, and shall be identified with the Hearing Clerk docket number found in brackets in the heading of this document. Received comments may be seen in the above-named office between 9 a.m. and 4 p.m., Monday through Friday.

Dated: May 24, 1978.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Regulatory Affairs.

[FR Doc. 78-15191 Filed 5-28-78; 11:57 am]

notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

NATIONAL FOREST MANAGEMENT ACT COMMITTEE OF SCIENTISTS

Meeting

The Committee of Scientists will meet at 9 a.m., on June 19-21, 1978, at the Hilton Inn, 921 SW. 6th Avenue, Portland, Ore.

The purpose of this meeting will be to continue review of draft regulations for section 8 of the National Forest Management Act of 1978, to discuss silvicultural practices and public involvement of the regulations.

The meeting will be open to the public. Person who wish to attend and/or furnish written statements should notify Charles R. Hartgraves, Forest Service, Director, Land Management Planning, P.O. Box 2417, Washington, D.C. 20013, area code 202-447-5933.

Dated: May 22, 1978.

LENNART E. LUNDBERG,
Acting for Administration.
[FR Doc. 78-14875 Filed 5-26-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 32324]

AIR JAMAICA LTD., RESPONDENT, ENFORCEMENT PROCEEDING

Hearing

The hearing herein is set for June 26, 1978 at 10 a.m. in Room 1003, Hearing Room C, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C. 20428, before the undersigned administrative law judge.

In view of respondent's denial of complainant's charges as to passengers Nos. 1 through 9, 13 through 20, 23 through 29, 32 through 35, and 40 through 45 complainant's counsel shall advise the presiding administrative law judge and respondent's counsel no later than June 18, 1978 of the number of witnesses and their number in the appendix to the complaint whom complainant expects to call and the time which their direct examination is expected to require. No later than June 21, 1978 respondent's coun-

sel shall furnish corresponding information to the presiding administrative law judge and complainant's counsel.

Dated at Washington, D.C., on 23 May 1978.

RUDOLF SOBERNHEIM,
Administrative Law Judge.
[FR Doc. 78-14942 Filed 5-26-78; 8:45 am]

[6320-01]

[Docket 32115; Order 78-5-144]

BOISE-DENVER NONSTOP PROCEEDING

Order on Motions for Consolidation

Issued under delegated authority May 23, 1978.

By Order 78-5-111, served May 22, 1978, the Board authorized this Judge to consolidate in this proceeding any applications which conform to the scope of the proceeding and to dismiss nonconforming applications.

Accordingly, it is ordered, That:

1. The Motions of the following named carriers are granted; and their applications filed in the indicated dockets are consolidated in the proceeding in Docket 32115 to the extent the applications conform to the scope of the proceeding in the Boise-Denver Nonstop Proceeding:

a. Texas International Airlines, Inc., application filed in Docket 32196;
b. Western Air Lines, Inc., application filed in Docket 32201;
c. Continental Air Lines, Inc., application filed in Docket 32205.

2. The Motion of Hughes Airwest for consolidation of its application in Docket 29560, which does not conform with the scope of this proceeding, is dismissed. (This order does not affect the application of Hughes Airwest in Docket 30955 which was previously consolidated herein by the Board.)

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within ten days after the service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless before that date a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

PHYLLIS T. KAYLOR,
Secretary.

[FR Doc. 78-14938 Filed 5-26-78; 8:45 am]

[6320-01]

[Docket 32115]

BOISE-DENVER NONSTOP PROCEEDING

Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held commencing July 11, 1978, at 9:30 a.m. (local time) in the Governor's Suite, Room 704, of the Rodeway Inn of Boise, 29th and Chinden Boulevard, Boise, Idaho, before the undersigned Administrative Law Judge.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report, served on March 15, 1978, transcript of said prehearing conference and other documents which are in the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 23, 1978.

FRANK M. WHITING,
Administrative Law Judge.
[FR Doc. 78-14940 Filed 5-26-78; 8:45 am]

[1505-01]

[Order No. 78-5-75; Docket No. 32186]

BRITISH CALEDONIAN AIRWAYS, LTD.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Correction

In FR Doc. 78-13432 appearing at page 21342 in the issue for Wednesday, May 17, 1978, insert the following text in the third column of page 21343 under the "Specimen Permit". It should go before the paragraph beginning "The exercise of the privileges . . ."

The initial tariff filed by the holder shall not set forth rates, fares and charges lower than those that may be in effect for any U.S. air carrier in the same foreign air

transportation; However, this limitation shall not apply to a tariff filed after the initial tariff regardless of whether this subsequent tariff is effective before or after the introduction of the authorized service.

The holder shall conform to the airworthiness and airman competency requirements prescribed by the Government of the United Kingdom of Great Britain and Northern Ireland for international air service.

This permit shall be subject to all applicable provisions of any treaty, convention, or agreement affecting international air transportation now in effect, or that may become effective during the period this permit remains in effect, to which the United States and the United Kingdom of Great Britain and Northern Ireland shall be parties.

By accepting this permit, the holder waives any right it may possess to assert any defense of sovereign immunity from suit in any action or proceeding instituted against the holder in any court or other tribunal in the United States (or its territories or possessions) based upon any claim arising out of operations by the holder under this permit.

The holder shall keep on deposit with the Board a signed counterpart of CAB Agreement 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board Order E-23680, May 13, 1968, and a signed counterpart of any amendment or amendments to such agreement which may be approved by the Board and to which the holder becomes a party.

The holder (1) shall not provide foreign air transportation under this permit unless there is in effect third-party liability insurance in the amount of \$1,000,000 or more to meet potential liability claims which may arise in connection with its operations under this permit, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the third-party liability insurance provided, and (2) shall not provide foreign air transportation of persons unless there is in effect liability insurance sufficient to cover the obligations assumed in CAB Agreement 18900, and unless there is on file with the Docket Section of the Board a statement showing the name and address of the insurance carrier and the amounts and liability limits of the passenger liability insurance provided. Upon request, the Board may authorize the holder to supply the name and address of an insurance syndicate in lieu of the names and addresses of the member insurers.

[6320-01]

[Docket 31821]

**DELTA AIR LINES, INC., SUBPART N
PROCEEDING**

Hearing

The hearing in the above-entitled proceeding will be held on June 28, 1978, at 10 a.m. in Room 1003, Hearing Room C, Universal Building North, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., May 24, 1978.

**RUDOLF SOBERNHEIM,
Administrative Law Judge.**

[FR Doc. 78-14941 Filed 5-26-78; 8:45 am]

[6320-01]

[Order 78-5-145; Docket 30332; Agreement
C.A.B. 27282; R-1 through R-15]

**INTERNATIONAL AIR TRANSPORT
ASSOCIATION**

Order

Issued under delegated authority
May 24, 1978.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's Economic Regulations between various U.S. and foreign member air carriers of the International Air Transport Association (IATA).

The agreement proposes a new structure of North Atlantic cargo rates for the period September 1, 1978 through September 30, 1979. Minimum charges would be increased from \$31 to \$33; general cargo rates would be increased by 10 cents per kg.; and container rates and specific commodity rates would be increased by 12 cents per kg. The agreement would adopt the open-rate filings made by IATA member carriers since the expiry of the last IATA North Atlantic agreement, with increases of 10-12 cents per kg.

The purpose of this order is to establish dates for the submission of carrier justification in support of the agreement and of comments from interested persons. The carriers' justifications should set out, in the tabular format suggested in Order 75-7-88 (July 17, 1975), historical data as reported to the Board in Form 41 reports by functional account for total transatlantic services during the year ended March 31, 1978. This data should be adjusted to exclude market areas not covered by the agreement (e.g., the Mid Atlantic, Africa and internal German services) and all scheduled passenger and charter services in the North Atlantic market, so as to accurately present the economic status of scheduled cargo services in the North Atlantic. The carriers should also provide a forecast for the year ended September 30, 1979, assuming both present and proposed rates, which annualizes the proposed cost and revenue increases and adequately documents changes in costs

The open-rate filings include British Airways' U.K.-U.S. contract rates, TWA's flat charge container rates, various high weight-break specific commodity and freight-all-kinds (FAK) rates, and low specific commodity rates from the United Kingdom, Belgium and the Netherlands.

and revenue impact. Finally, costs should be allocated between the passenger and cargo compartments of scheduled combination aircraft by the "space method" stipulated by the Board in the Nonpriority Mail Rates decision, Orders 70-4-9 and 70-4-10. Each carrier should provide complete explanatory notes and supporting detail, including statistical data, to describe the methods used in making the allocations.

Seaboard World Airlines, Inc., a non-IATA carrier, will be required to submit data similar to that required of the IATA carriers, since a full economic picture of U.S. carrier operations in the North Atlantic is necessary for the Board to make a proper evaluation of the agreement.

Accordingly, it is ordered, That:

1. All United States air carrier members of the International Air Transportation Association operating North Atlantic services shall file within 15 calendar days after the date of service of this order, full documentation and economic justification for the rates embodied in the subject agreement;

2. Seaboard World Airlines, Inc., shall file within 15 calendar days after the date of service of this order, data similar to that required of the IATA carriers;

3. Comments and objections from interested persons and parties shall be submitted within 21 calendar days after the date of service of this order;

4. Replies to submissions received in response to ordering paragraphs 1, 2 and 3 above shall be submitted within 30 calendar days after the date of service of this order; and

5. Insofar as air transportation as defined by the Act is concerned, tariffs implementing the subject agreement should not be filed in advance of Board action on the subject agreement.

This order will be published in the FEDERAL REGISTER.

**PHYLLIS T. KAYLOR,
Secretary.**

[FR Doc. 78-14939 Filed 5-26-78; 8:45 am]

[3510-13]

DEPARTMENT OF COMMERCE

National Bureau of Standards

**BUILDING TECHNOLOGY ADVISORY
COMMITTEE**

Notice of Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, 5 U.S.C. App., notice is hereby given that a meeting of the Building Rehabilitation Subcommittee of the Building Technology Advisory Committee will be held on June 21, 1978, at the Department of General Services, City

of New York, Municipal Building, 18th floor conference room, Center Street, New York, N.Y. The meeting will convene on June 21, 1978, at 9:30 a.m.

The purpose of this meeting is to review issues relating to building rehabilitation and formulate for submission to the Building Technology Advisory Committee recommendations for the Bureau's building technology programs.

The public is invited to attend, and the Chairman will entertain comments or questions at an appropriate time during the meeting.

Further information concerning this meeting may be obtained by contacting Samuel Kramer, National Engineering Laboratory, National Bureau of Standards, Building 225, Room A151, Washington, D.C. 20234, 301-921-3231.

Dated: May 19, 1978.

**ERNEST AMBLER,
Director.**

[FR Doc. 78-14824 Filed 5-26-78; 8:45 am]

[3510-13]

**VOLUNTARY PRODUCT STANDARD ACTION
ON PROPOSED WITHDRAWAL**

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10), notice is hereby given of the withdrawal of Voluntary Product Standard PS 5-66, "Porcelain Enameled Formed Steel Plumbing Fixtures."

It has been determined that this standard is technically inadequate and that revision would serve no useful purpose because the subject matter of PS 5-66 is adequately covered by the American National Standard Institute's standard ANSI A112.19.4-77, "Porcelain Enameled Formed Steel Plumbing Fixtures." This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of March 31, 1978 (43 FR 13600), to withdraw this standard.

The effective date for the withdrawal of this standard will be July 31, 1978. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: May 24, 1978.

**ERNEST AMBLER,
Director.**

[FR Doc. 78-14882 Filed 5-26-78; 8:45 am]

[3510-25]

**COMMITTEE FOR THE
IMPLEMENTATION OF TEXTILE
AGREEMENTS**

**CLARIFYING THE STATUS OF COTTON, WOOL
AND MAN-MADE FIBER APPAREL PRODUCTS
EXPORTED FROM HONG KONG BEFORE
JANUARY 1, 1978**

MAY 25, 1978.

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Permitting through May 31, 1978 entry for consumption into the United States of certain cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States before January 1, 1978.

(2) Permitting through June 30, 1978 withdrawal from warehouse for consumption of certain cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States before January 1, 1978.

SUMMARY: On January 5, 1978 a letter dated December 30, 1977 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs was published in the FEDERAL REGISTER (43 FR 993) which established an export visa requirement for cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States after December 31, 1977, under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, as amended, between the Governments of the United States and Hong Kong. The letter of December 30, 1977 did not make clear the types of entry that were to be denied by the U.S. Customs Service, effective on June 1, 1978, for apparel products exported before January 1, 1978. Accordingly, there is published below a letter of May 25, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs clarifying the dates and types of entry which are to be permitted.

**FOR FURTHER INFORMATION
CONTACT:**

Leonard A. Mobley, Director, Trade Analysis Division, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

**ROBERT E. SHEPHERD,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Domestic
Business Development.**

U.S. DEPARTMENT OF COMMERCE,
Washington, D.C., May 25, 1978.
COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of December 30, 1977 from the Chairman of the Committee for the Implementation of Textile Agreements, which established an export visa requirement for certain cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States after December 31, 1977.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977; pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of August 8, 1977, as amended, between the Governments of the United States and Hong Kong; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 6, 1977, the final sentence of paragraph 2 of the directive of December 30, 1977 is hereby amended to read as follows:

Cotton, wool and man-made fiber apparel products, produced or manufactured in Hong Kong and exported to the United States before January 1, 1978 shall be permitted entry for consumption into the United States through May 31, 1978. Withdrawals from warehouse for consumption of such goods shall be permitted through June 30, 1978.

The actions taken with respect to the Government of Hong Kong and respect to imports of cotton, wool and man-made fiber apparel products from Hong Kong have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

**ROBERT E. SHEPHERD,
Chairman, Committee for the Imple-
mentation of Textile Agreements,
and Deputy Assistant Secretary for
Domestic Business Development.**

[FR Doc. 78-15107 Filed 5-26-78; 8:45 am]

[3510-25]

**CLARIFYING THE STATUS OF CERTAIN
COTTON, WOOL AND MAN-MADE FIBER
TEXTILE PRODUCTS EXPORTED FROM THE
REPUBLIC OF CHINA BEFORE JANUARY 1,
1978**

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Permitting through May 31, 1978 entry for consumption into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of China and exported to the United States before January 1, 1978. (2) Permitting through June 30, 1978

withdrawals from warehouse for consumption of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of China and exported to the United States before January 1, 1978.

SUMMARY: On December 28, 1977, a letter dated December 22, 1977 was published in the *FEDERAL REGISTER* (42 FR 64728) announcing that under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 18, 1977, between the Governments of the United States and the Republic of China, as amended and extended, cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of China and exported to the United States before January 1, 1978, that have been visaed under the former textile category system would not be denied entry until June 1, 1978. The letter of December 22, 1977 did not make clear the types of entry that were to be denied by the U.S. Customs Service, effective on June 1, 1978, for cotton, wool and man-made fiber textile products exported from the Republic of China before January 1, 1978. Accordingly, there is published below a letter of May 25, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs clarifying the dates and types of entry which are to be permitted.

FOR FURTHER INFORMATION CONTACT:

Donald R. Foote, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230 (202-377-5423).

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development,
U.S. DEPARTMENT OF COMMERCE,

Washington, D.C., May 25, 1978.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
DEPARTMENT OF THE TREASURY,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of December 22, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements, that directed you, among other things, to permit entry until June 1, 1978, of cotton, wool and man-made fiber textile products, exported from the Republic of China before January 1, 1978 and visaed under the former textile category system.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977, pursuant to the Bilateral Cotton, Wool and Man-Made

Fiber Textile Agreement of December 18, 1977, as amended and extended, between the Governments of the United States and the Republic of China; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 8, 1977, the final sentence of paragraph 2 of the directive of December 22, 1977 is hereby amended to read as follows:

Cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of China and exported to the United States before January 1, 1978, shall be permitted entry for consumption into the United States through May 31, 1978. Withdrawals from warehouse for consumption of such goods shall be permitted through June 30, 1978.

The actions taken with respect to the Government of the Republic of China and with respect to imports of cotton, wool and man-made fiber textile products from the Republic of China have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the *FEDERAL REGISTER*.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development,

[FR Doc. 78-15108 Filed 5-26-78; 8:45 am]

[3510-25]

CLARIFYING THE STATUS OF CERTAIN COTTON, WOOL AND MAN-MADE FIBER TEXTILE PRODUCTS EXPORTED FROM THE REPUBLIC OF KOREA BEFORE JANUARY 1, 1978

AGENCY: Committee for the Implementation of Textile Agreements.

ACTION: (1) Permitting through May 31, 1978 entry for consumption into the United States of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States before January 1, 1978.

(2) Permitting through June 30, 1978 withdrawals from warehouse for consumption of certain cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States before January 1, 1978.

SUMMARY: On December 29, 1977, a letter dated December 23, 1977 was published in the *FEDERAL REGISTER* (42 FR 64919) announcing that under the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, between the Governments of the United States and the Republic of Korea, cotton, wool and man-made fiber textile products, produced or manufactured in the

Republic of Korea and exported to the United States before January 1, 1978, that have been visaed under the former textile category system would not be denied entry until June 1, 1978. The letter of December 23, 1977 did not make clear the types of entry that were to be denied by the U.S. Customs Service, effective on June 1, 1978, for cotton, wool and man-made fiber textile products exported before January 1, 1978. Accordingly, there is published below a letter of May 25, 1978 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs clarifying the dates and types of entry which are to be permitted.

FOR FURTHER INFORMATION CONTACT:

Robert C. Woods, International Trade Specialist, Office of Textiles, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-5423.

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development,

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: This directive amends, but does not cancel, the directive of December 23, 1977, from the Chairman of the Committee for the Implementation of Textile Agreements, that directed you, among other things, to permit entry until June 1, 1978, of cotton, wool, and man-made fiber textile products, exported from the Republic of Korea before January 1, 1978, and visaed under the former textile category system.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, as extended on December 14, 1977, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of December 23, 1977, between the Governments of the United States and the Republic of Korea; and in accordance with the provisions of Executive Order 11651 of March 3, 1972, as amended by Executive Order 11951 of January 8, 1977, the final sentence of paragraph 2 of the directive of December 23, 1977 is hereby amended to read as follows:

Cotton, wool and man-made fiber textile products, produced or manufactured in the Republic of Korea and exported to the United States before January 1, 1978, shall be permitted entry for consumption into the United States through May 31, 1978. Withdrawals from Warehouse for consumption of such goods shall be permitted through June 30, 1978.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton, wool and man-made fiber textile products from Korea have been determined by the Committee for the Implementation of Textile Agreements

to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the *FEDERAL REGISTER*.

Sincerely,

ROBERT E. SHEPHERD,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Domestic Business Development,

[FR Doc. 78-15109 Filed 5-26-78; 8:45 am]

[6355-01]

CONSUMER PRODUCT SAFETY COMMISSION

PRODUCT SAFETY ADVISORY COUNCIL

Open Meeting

AGENCY: Consumer Product Safety Commission (CPSC).

ACTION: Notice of meeting: Product Safety Advisory Council.

SUMMARY: This notice announces a meeting of the Product Safety Advisory Council (PSAC) on Monday, June 12, 1978, from 9:30 a.m. to 5 p.m., and Tuesday, June 14, 1978, from 9:30 a.m. to 4 p.m., in the Third Floor Hearing Room, 1111 18th Street NW., Washington, D.C.

SUPPLEMENTARY INFORMATION: The Advisory Council was established by Section 28 of the Consumer Product Safety Act (CPSA), which provides that the Commission may consult with the Council before prescribing a consumer product safety rule or taking other action under the act.

CONTACT PERSON FOR ADDITIONAL INFORMATION:

Dee Wilson, Committee Management Officer, Office of the Secretary, Suite 300, 1111 18th Street NW., Washington, D.C. 20207, 202-634-7700.

AGENDA: The agenda includes the following items: recall effectiveness; options for CPSC action relative to comparative safety; pending regulatory matters, i.e., carcinogen policy; proposed ban on unvented space heaters; proposed regulation to ban benzene and the proposed safety standard for miniature Christmas tree lights.

The meeting is open to the public; however, space is limited. Persons who wish to make oral or written presentations to the Advisory Council should notify the Office of the Secretary (see Page 1) by June 5, 1978. The notification should list the name of the individual who will make the presentation, the person, company, group or industry on whose behalf the presentation will be made, the subject matter and the amount of time requested.

Dated: May 23, 1978.

SADYE DUNN,
Acting Secretary.

[FR Doc. 78-14869 Filed 5-26-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP74-318]

MICHIGAN WISCONSIN PIPE LINE CO.

Petition to Amend

MAY 16, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent Commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

Take notice that on May 4, 1978, Michigan Wisconsin Pipe Line Co. (Petitioner), One Woodward Avenue, Detroit, Mich. 48226, filed in Docket No. CP74-318 a petition to amend the FPC order issued July 7, 1977, in the instant docket, pursuant to section 7(c) of the Natural Gas Act so as to authorize the acquisition and development for underground natural gas storage of the South Chester 15 field located in Otsego County, Mich., including the construction and operation of facilities incident thereto, in lieu of developing the Leonard field located in Oakland County, Mich., which Petitioner is presently authorized to develop, all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner states that by the order issued July 7, 1977, it was authorized to acquire and develop for underground storage three depleted natural gas fields, the Muttonville, Capac, and Leonard, for the purpose of meeting the requirements of its distribution customers for winter service and providing long-term storage services for Natural Gas Pipeline Co. of America, Northern Natural Gas Co., and The Peoples Gas Light & Coke Co. When fully developed the three fields were projected to have an annual working storage capacity of approximately 46,000,000 Mcf and a peak day withdrawal capability at the end of the winter period (March 31) of 500,000 Mcf, of which 11,200,000 Mcf and

40,000 Mcf per day, respectively, were attributable to the ultimate storage operation of the Leonard field, it is indicated.

Petitioner indicates that the Muttonville field has been acquired, developed, and is now fully operational, and the Capac field has been acquired and is being developed. However, the acquisition of the Leonard field has been delayed, it is said. An agreement between Petitioner and Michigan Consolidated Gas Co. (Consolidated) dated May 30, 1974, provided that Consolidated would sell and assign its interest in the Leonard field to Petitioner when the field was depleted to 540,000 Mcf of remaining reserves, then estimated to occur by October 1, 1975; however, due to the production of larger than expected volumes of liquid hydrocarbon and related regulatory and operating problems, gas production has been intermittent and there still remains some 3,000,000 Mcf of reserves in the field, and it is estimated that the 540,000 Mcf level of reserves will not be achieved until the summer of 1981, with the earliest injection in the summer period of 1982, which is considerably beyond the time when Petitioner would require additional storage, it is stated.

Petitioner indicated that the South Chester field is presently available for development as a natural gas storage field and would provide 16,800,000 Mcf of working storage and a peak daily delivery rate of 200,000 Mcf. It is stated that it would be necessary to drill and complete seven new wells, rehabilitate the existing well, construct a gathering system, and install 6,000 horsepower of compression in order to develop the South Chester field. Furthermore, Petitioner proposes to construct and operate approximately 16 miles of 24-inch O.D. pipeline connecting the South Chester field with the existing pipeline system of Great Lakes Gas Transmission Co. (Great Lakes) so that Great Lakes, whose pipeline system is located in close proximity to the South Chester storage field, can transport the gas which Petitioner would inject into and withdraw from the South Chester field. Great Lakes has filed an application with the Commission requesting authorization to provide this transportation and exchange service, it is indicated.

Petitioner estimated that the total cost of acquisition and development of the South Chester field would be \$25,371,830 (approximately \$3,000,000 less than the costs attributable to the development of the Leonard field), which costs would be financed with treasury funds, retained earnings, and other funds generated internally, together with borrowings from banks under short-term lines of credit as may be required. Petitioner anticipates

pates that any bank borrowings will subsequently be permanently financed as market conditions permit.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14843 Filed 5-26-78; 8:45 am]

[6740-02]

[Docket No. ER78-370]

NORTHERN STATES POWER CO.

Interconnection and Interchange Agreement

MAY 19, 1978.

Take notice that Northern States Power Co. (Northern States), on May 12, 1978, tendered for filing an Interconnection and Interchange Agreement dated May 5, 1978, with Dairyland Power Cooperative.

Northern States indicates that the Agreement provides for interconnection between the parties at the Altura and NSP-DPC Adams Interconnection as designated on Exhibit A.

An effective date of June 15, 1978 is requested.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on May 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14844 Filed 5-26-78; 8:45 am]

[6740-02]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Proposed Changes in FERC Gas Tariff

MAY 19, 1978.

Take notice that North Penn Gas Co. (North Penn) on May 15, 1978, tendered for filing proposed changes in its FERC Gas Tariff, First Revised Volume No. 1, pursuant to its PGA Clause for rates to be effective May 1, 1978.

North Penn states that the change in rates reflected in Substitute Fifty-Third Revised Sheet No. PGA-1 reflects a decrease of 0.896 cent per Mcf to the rates as submitted for Commission approval on March 6, 1978, in Fifty-Second Revised Sheet No. PGA-1.

The substitute tariff sheet is being filed in lieu of the rates filed on April 26, 1978, for effectiveness May 1, 1978, and reflects the change in rates as filed by Consolidated Gas Supply Corp. on May 5, 1978, for effectiveness May 1, 1978.

North Penn requests waiver of any of the Commission's Rules and Regulations in order to permit the proposed rates to go into effect on May 1, 1978.

Copies of this filing were served upon North Penn's jurisdictional customers, as well as interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 31, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14845 Filed 5-26-78; 8:45 am]

[6740-02]

[Docket No. ER78-345]

TUCSON GAS & ELECTRIC CO.

Filing SCE-TGE 1978 Energy Agreement

MAY 9, 1978.

Take notice that Tucson Gas & Electric Co. ("TGE") on May 1, 1978, tendered for filing SCE-TGE 1978 Energy Agreement between TGE and South-

ern California Edison Co. ("SCE"). TGE states that the primary purpose of the Agreement is to provide terms and conditions relating to the sale of energy to SCE for resale during the period from May 15, 1978, through December 31, 1978. TGE states that copies of the filing were served upon SCE.

Any person desiring to be heard or to make any application with reference to said Agreement should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this Agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14846 Filed 5-26-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 902-4]

SCIENCE ADVISORY BOARD, ECOLOGY COMMITTEE

Meeting

Under Pub. L. 92-463, notice is hereby given that a meeting of the Ecology Committee of the Science Advisory Board will be held on June 15 and 16, 1978, beginning at 9 a.m., in the Administrator's Conference Room (Room 1101), Waterside Mall West Tower, 401 M Street SW., Washington, D.C.

This is the seventeenth meeting of the Ecology Committee. The agenda includes a report on Science Advisory Board activities; a briefing on the feasibility study of the possible containment or removal of Kepone contaminants in the James River; updates on the Shagawa Lake Project, Lake Eutrophication Survey, and Lake Restoration; presentation on the Agency's acid precipitation program and wetlands research program; discussion on the Total Watershed Ecosystem Study Plan; briefing on Municipal Waste Treatment Systems; member items of interest; and future Committee activities.

The meeting is open to the public. Any member of the public wishing to

attend, participate, or obtain information should contact Dr. J. Frances Allen, Executive Secretary, Ecology Committee, 703-557-7720.

Dated: May 23, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

[FR Doc. 78-14851 Filed 5-26-78; 8:45 am]

[6560-01]

[FRL 901-8]

SCIENCE ADVISORY BOARD EXECUTIVE COMMITTEE, SUBCOMMITTEE ON TOXIC SUBSTANCES

Open Meeting

Under Pub. L. 92-463, notice is

hereby given that a 1-day meeting of the Subcommittee on Toxic Substances of the Science Advisory Board will be held on June 22, 1978 in Room 2117, Environmental Protection Agency, Waterside Mall, 401 M Street SW., Washington, D.C. 20460. The meeting will start at 10 a.m. on June 22, 1978.

The Subcommittee will be meeting for the third time, the purpose being to review elements of the health effects test standards proposed by the Office of Toxic Substances.

The meeting will be open to the

public. Any member of the public wishing to attend or submit a paper should contact the Secretariat, Science Advisory Board (A-101), U.S. Environmental Protection Agency, Washington, D.C. 20460, by close of business, June 19, 1978. Please ask for Mrs. Shirley Smith. The telephone number is 202-755-0263.

Dated: May 19, 1978.

RICHARD M. DOWD,
Staff Director,
Science Advisory Board.

[FR Doc. 78-14852 Filed 5-26-78; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

APRIL 21, 1978.

CANADIAN LIST No. 373

Call letters	Location	Power kilowatts	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							No. of radials	Length (feet)	
CFQC ¹	Saskatoon, Saskatchewan, N. 52°06'43", W. 106°46'25".	600 kHz	10 DA-2.....		U	III			E.I.O. Apr. 21, 1979.
VOWR ²	St. John's Newfoundland, N. 47°34'19", W. 52°45'14".	800 kHz 5D/2.5N ND-180.....			U	II	200	120 492 ave	E.I.O. Apr. 21, 1979.
(New) ³	Spaniard's Bay/Harbour Grace, Newfoundland, N. 47°39'21", W. 53°15'30".	850 kHz	10 DA-ND-D-576.		U	II			E.I.O. Apr. 21, 1979.

¹Change in nighttime directional radiation pattern, PO 5 kW, DA-N, NDD-D-175.

²PO 1 kW, ND-190.

³Either this proposal or the proposal in list 362 for a new station on 650 kHz at St. John's, Newfoundland, or both will subsequently be deleted.

WALLACE E. JOHNSON,
Chief, Broadcast Bureau,
Federal Communications Commission.

[FR Doc. 78-14778 Filed 5-26-78; 8:45 am]

[6730-01]

FEDERAL MARITIME COMMISSION

[Docket No. 78-19]

A/S D/S SVENDBORG AND D/S of 1912 A/S v. MARYLAND PORT ADMINISTRATION

Filing of Complaint

Notice is hereby given that a complaint filed by A/S D/S Svendborg and D/S of 1912 A/S against Maryland Port Administration was served May 23, 1978. The complaint alleges that certain provisions of respondent's

Terminal Services Tariff No. 3 are unlawful and in violation of sections 16 and 17 of the Shipping Act, 1916.

Hearing in this matter, if any is held, shall commence on or before November 23, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc 78-14935 Filed 5-26-78; 8:45 am]

[6730-01]

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before June 19, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. T-3652.

Filing Party: Mr. David A. Schaller, Manager, Administration, Port Everglades Authority, P.O. Box 13136, Port Everglades, Fla. 33316.

Summary: Agreement No. T-3652, between Port Everglades Authority

(Port) and Sea-Land Service, Inc. (Sea-Land), provides for the one-year lease of 5.85 acres of land in Hollywood, Florida, to be used in connection with the handling of containers. As compensation, Sea-Land will pay \$3,858.85 per month (based on land rental and a percentage of improvements on the land) plus applicable taxes. Thirty days after Port has received combined revenues of \$71,658.41 (which include land rent, vessel dockage and cargo wharfage) and for each succeeding month, Port will refund that month's land rent. Sea-Land has an option to expand operations to include an additional two acres of land. Agreement No. T-3652 will supersede Agreement No. T-3457 between the same parties.

Agreement No. 8080-15.

Filing Party: Mr. Wade S. Hooker, Jr., Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement No. 8080-15, entered into among the member lines of the Atlantic and Gulf-Indonesia Conference, modifies the basic agreement by the addition of Article 25 which reads as follows:

25. The Conference may share office space, equipment, personnel, administrative and related facilities with any other conference(s) and/or rate agreement(s).

Agreement No. 8240-12.

Filing Party: Mr. Wade S. Hooker, Jr., Burlingham Underwood & Lord, One Battery Park Plaza, New York, New York 10004.

Summary: Agreement 8240-12, entered into among the member lines of the Atlantic and Gulf-Singapore, Malaya and Thailand Conference modifies the preamble to the basic agreement to update the names of the countries within the scope of the agreement and by the addition of Article 25 which reads as follows:

25. The Conference may share office space, equipment, personnel, administrative and related facilities with any other conference(s) and/or rate agreement(s).

Agreement No. 10333.

Filing Party: Mr. William L. Hamm, 25 Broadway, New York, New York 10004.

Summary: Agreement 10333 is a revenue pooling arrangement entered into by Farrell Lines, Inc., Cunard-Brocklebank Ltd., The Scindia Steam Navigation Co., Ltd., The Shipping Corporation of India Ltd., Waterman Isthmian Line, and Hellenic Lines Ltd., (all of whom are members of the Calcutta, East Coast of India and Bangladesh/U.S.A. Conference, Agreement No. 8650), applicable generally to the transportation of cargoes by them from Calcutta and ports of Bangladesh to U.S. Atlantic and Gulf ports.

By order of the Federal Maritime Commission.

Dated: May 24, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14932 Filed 5-26-78; 8:45 am]

[6730-01]

AGREEMENTS FILED

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, La., San Francisco, Calif., and San Juan, P.R. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by June 9, 1978. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated herein-after) and the statement should indicate that this has been done.

Agreements Nos. 10334, 10335, 10336, 10337, 10338, 10339, 10340.

Filing party: F. A. Wendt, Senior Vice President, Traffic and Sales, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

Summary: Agreement No. 10334 is an agency agreement whereby Delta Steamship Lines, Inc. (Delta) appoints Peabody & Lane, Inc. to act as its husbanding agent at the ports of Boston, Mass. and Searsport and Portland, Maine; Agreement No. 10335 is an agency agreement whereby Delta appoints Goff & Page, Co. to act as its husbanding agent at the ports of Providence, R.I., Fall River and New Bedford, Mass., and New Haven and New London, Conn.; Agreement No. 10336 is an agency agreement whereby Delta appoints Cilco Terminal Co. to act as its husbanding agent at the ports of Bridgeport and Byram, Conn.; Agreement No. 10337 is an agency

agreement whereby Delta appoints Eller & Co., Inc. to act as its husbanding agent at all ports of Florida except Miami, Pensacola, Port St. Joe and Panama City; Agreement No. 10338 is an agency agreement whereby Delta appoints Freedman & Slater, Inc. to act as its husbanding agent at the port of Albany, N.Y.; Agreement No. 10339 is an agency agreement whereby Delta appoints Southeastern Maritime Co. to act as its husbanding agent at the ports of Charleston, Georgetown and Port Royal, S.C., Wilmington, Sunny Point and Moorehead City, N.C., and Brunswick and Savannah, Ga.; and Agreement No. 10340 is an agency agreement whereby Delta appoints Ramsey, Scarlett & Co., Inc. to act as its husbanding agent at the ports of Baton Rouge, Burnside and Allen, La., Baltimore, Md., and Norfolk and Newport News, Va. The above-named agents are appointed to act under the terms and conditions and to the extent set forth in the respective agreements.

By Order of the Federal Maritime Commission.

Dated: May 24, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14933 Filed 5-26-78; 8:45 am]

[6730-01]

AGREEMENTS FILED

The Federal Maritime Commission hereby gives notice that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of each of the agreements and the justifications offered therefor at the Washington Office of the Federal Maritime Commission, 1100 L Street NW., Room 10218; or may inspect the agreements at the Field Offices located at New York, N.Y.; New Orleans, La.; San Francisco, Calif.; Chicago, Ill.; and San Juan, P.R. Interested parties may submit comments on each agreement, including requests for hearing, to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by June 9, 1978. Comments should include facts and arguments concerning the approval, modification, or disapproval of the proposed agreement. Comments shall discuss with particularity allegations that the agreement is unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operates to the detriment of the commerce of the United States, or is contrary to the public interest, or is in violation of the Act.

A copy of any comments should also be forwarded to the party filing the agreements and the statement should indicate that this has been done.

Agreement No. 10039-6.

Filing Party: Mr. Fred A. Wendt, Senior Vice President, Delta Steamship Lines, Inc., 1700 International Trade Mart, New Orleans, La. 70150.

Summary: Agreement No. 10039-6, between Delta Steamship Lines, Inc. and Empress Lineas Maritimas Argentinas S.A., modifies the basic cargo revenue pooling, sailing and equal access agreement in the United States Gulf/Argentina trades by incorporating therein provisions for the admission of additional U.S. flag or Argentine flag carriers, and extending the basic agreement, so modified, through August 31, 1978.

By Order of the Federal Maritime Commission.

Dated: May 24, 1978.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14934 Filed 5-26-78; 8:45 am]

[6730-01]

[Docket No. 78-18]

I.T.O. CORP. OF BALTIMORE v. MARYLAND PORT ADMINISTRATION

Filing of Complaint

Notice is hereby given that a complaint filed by I.T.O. Corp. of Baltimore against Maryland Port Administration was served May 22, 1978. The complaint alleges that certain provisions of respondent's Tariff No. 3 which purport to exculpate respondent from the consequences of its own fault or negligence are invalid and unlawful and in violation of the Shipping Act, 1916, Title 46 U.S.C. 814-817.

Hearing in this matter, if any is held, shall commence on or before November 22, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14937 Filed 5-26-78; 8:45 am]

[6730-01]

[Docket No. 78-17]

JOHN T. CLARK & SON OF MARYLAND, INC. v. MARYLAND PORT ADMINISTRATION

Filing of Complaint

Notice is hereby given that a complaint filed by John T. Clark & Son of Maryland, Inc. against Maryland Port Administration was served May 22, 1978. The complaint alleges that certain provisions of respondent's Tariff No. 3 which purport to exculpate respondent from the consequences of its own fault or negligence are unlawful and invalid as violative of the Shipping Act, 1916, Title 46 U.S.C. 814-817.

Hearing in this matter, if any is held, shall commence on or before November 22, 1978. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon a proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statement, affidavits, depositions, or other documents or that the nature of the matters in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 78-14936 Filed 5-26-78; 8:45 am]

[1505-01]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institute of Education

INFORMATION AND DATA ACQUISITION ACTIVITY

Collection: Opportunity for Comments

Correction

In FR Doc. 78-14224 appearing on page 21738 in the issue of Friday, May 19, 1978, in the middle column, the 4th paragraph, the 2nd sentence should have read, "Comments should refer to the form number and must be received on or before June 19, 1978."

[4110-08]

REPORT ON BIOASSAY OF B-TGdR FOR POSSIBLE CARCINOGENICITY

Availability

Beta-2'-deoxy-6-thioguanosine monohydrate (B-TGdR) (CAS 789-61-7) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program, Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of beta-2'-deoxy-6-thioguanosine monohydrate

(B-TGdR) for possible carcinogenicity was conducted by administering the test chemical by intraperitoneal injection to Sprague-Dawley rats and B6C3F1 mice.

Groups of 35 rats of each sex were administered B-TGdR in a buffered saline and polysorbate 80 vehicle at one of two doses, either 3.5 or 7 mg/kg body weight, three times per week for 52 weeks, then observed for an additional 26 weeks. Controls consisted of groups of 10 rats of each sex, which were either administered the vehicle alone (matched vehicle controls) or were untreated (matched untreated controls). Pooled controls consisted of the matched vehicle controls of each sex from the current bioassay, combined with 20 corresponding vehicle controls of each sex from similar bioassays of two other test chemicals. All surviving rats were killed at 78 or 79 weeks.

Groups of 35 mice of each sex were administered the chemical in a buffered saline and polysorbate 80 vehicle at one of two doses, either 2 or 4 mg/kg, three times per week for 52 weeks, then observed for periods of up to 27 weeks, depending on length of survival. Because of severe toxicity at the high dose, resulting in loss of all mice by week 12 (males) or week 25 (females), additional groups of 35 mice of each sex were administered 1 mg/kg on the same schedule. Controls consisted of groups of 15 mice of each sex, which were either administered the vehicle or were untreated. Pooled controls consisted of groups of 15 vehicle-control animals of each sex from studies using the doses of 2 or 4 mg/kg, combined with corresponding groups of 15 vehicle-control animals of each sex from the study using the dose of 1 mg/kg.

B-TGdR was toxic to rats at the doses used in this study. Mean body weights of the high- and low-dose rats of both sexes were lower than those of the corresponding vehicle controls throughout the study. There was also severe early mortality in the high-dose groups of both sexes and positive dose-related trends in mortality over the period of the bioassay. However, 66 percent of the low-dose males and 77 percent of the low-dose females survived until termination of the study.

In mice, B-TGdR was toxic at the doses originally selected. Mean body weights were not consistently affected; however, at the high dose only three males and seven females lived past week 7, and all were dead by week 25. In the mid-dose group, only 14 percent of the males and 6 percent of the females survived until termination of the study at week 79; in the low-dose group, the survival rate was 31 percent for the males and 29 percent for the females.

Because of the high mortality, time-adjusted statistical analyses were performed for both rats and mice.

It is concluded that under the conditions of this bioassay, the low survival of the dosed and vehicle-control groups of mice, as well as a possible procedural problem that may have affected the incidences of tumors in these groups, does not allow a determination to be made of the carcinogenic potential of B-TGdR in this species. B-TGdR in the vehicle of 0.05 percent polysorbate 80 was, however, carcinogenic in rats, producing carcinomas of the ear canal in the females and possibly also in the males.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: May 22, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.
[FR Doc. 78-14748 Filed 5-26-78; 8:45 am]

[4110-08]

REPORT ON BIOASSAY OF N,N'-DICYCLOHEXYLTHIOUREA FOR POSSIBLE CARCINOGENICITY

Availability

N,N'-Dicyclohexylthiourea (CAS 1212-29-9) has been tested for cancer-causing activity with rats and mice in the Carcinogenesis Program Division of Cancer Cause and Prevention, National Cancer Institute. A report is available to the public.

Summary: A bioassay of N,N'-dicyclohexylthiourea for possible carcinogenicity was conducted by administering the test chemical in feed to Fischer 344 rats and B6C3F1 mice.

Groups of 50 rats and 50 mice of each sex were administered N,N'-Dicyclohexylthiourea at one of two doses, either 25,000 or 50,000 ppm, for 109 weeks for rats or 104 weeks for mice. Matched controls consisted of 50 untreated rats or 50 untreated mice of each sex.

Mean body weights of male rats and male mice were unaffected by the compound, whereas mean body weights of the females of each species showed mild dose-related retardation over the bioassay period, when compared with the matched controls. Survival was sufficient to termination of the study in all groups of both rats and mice for the development of late-appearing tumors.

An increase in proliferative lesions of the follicular cells of the thyroid was associated with the administration of N,N'-dicyclohexylthiourea in both Fischer 344 rats and B6C3F1 mice.

However, because statistical significance was not achieved and because thyroid tumors are not rare spontaneous lesions in these strains of animals and occur with a variable incidence, it is concluded that under the conditions of this bioassay N,N'-dicyclohexylthiourea was not demonstrated to be carcinogenic in either species.

Single copies of the report are available from the Office of Cancer Communications, National Cancer Institute, Building 31, Room 10A21, National Institutes of Health, Bethesda, Md. 20014.

(Catalogue of Federal Domestic Assistance Program Number 13.393, Cancer Cause and Prevention Research.)

Dated: May 22, 1978.

DONALD S. FREDRICKSON,
Director,
National Institutes of Health.
[FR Doc. 78-14745 Filed 5-26-78; 8:45 am]

[4110-02]

Office of Education

NATIONAL ADVISORY COUNCIL ON ADULT EDUCATION

Meeting

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Advisory Council on Adult Education. This notice also describes the functions of the Council. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92-463, Section 10(a)(2)).

DATE: June 15, 1978, 9 a.m. to 10 p.m.; June 16, 1978, 8 a.m. to 5 p.m.; June 17, 1978, 8:30 a.m. to 3 p.m.

ADDRESS: Sixth Avenue Motor Hotel, 2000 6th Avenue, Seattle, Wash., on June 15 and June 17; North Seattle Community College, Highway 99, Seattle, Wash. on June 16.

FOR FURTHER INFORMATION CONTACT:

Dr. Gary A. Eyre, Executive Director, National Advisory Council on Adult Education, 425 13th Street NW., Washington, D.C. 20004, 202-376-8892.

SUPPLEMENTARY INFORMATION: The National Advisory Council on Adult Education is established under Section 311 of the Adult Education Act (80 Stat. 1216.20 U.S.C. 1201). The Council is directed to:

Advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration of this title, including policies and procedures governing the approval of State plans under section 306 and policies to eliminate duplication, and to effectuate the coordination of programs under this title and other programs offering adult education activities and services.

The Council shall review the administration and effectiveness of programs under this title, make recommendations with respect thereto, and make annual reports to the President of its findings and recommendations (including recommendations for changes in this title and other Federal laws relating to adult education activities and services). The President shall transmit each such report to the Congress together with his comments and recommendations.

The meeting of the council shall be open to the public. The proposed agenda includes:

Urban policy and adult education.
Executive committee meeting.
The community/junior college system for delivery of adult education program services.
Election of officers.
Annual report.
USOE report.
Standing committee reports.

Records shall be kept of all council proceedings, and shall be available for public inspection at the Office of the National Advisory Council on Adult Education, Room 323, Pennsylvania Building, 425 13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C. on May 24, 1978.

GARY A. EYRE,
Executive Director, National Advisory Council on Adult Education.

[FR Doc. 78-14865 Filed 5-26-78; 8:45 am]

[4110-12]

Office of the Secretary

OFFICE OF GRANT AND CONTRACT FINANCIAL MANAGEMENT

Statement of Organization, Functions and Delegations of Authority

This notice amends Part A of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Office of the Secretary, by revising Chapter AMG, Office of Grants and Procurement 39 FR 3708, 1-29-74, 39 FR 29610, 8-14-74, and 42 FR 36312, 7-14-77. This notice adds to Section AMG.00 Mission a new function (7); it revises Section AMG.10 to show the title of the new organization; it revises Section AMG.20A to add a new paragraph 15; and it revises AMG.20 subparagraph I in its entirety.

The Chapter changes read as follows:

Section AMG.00 Mission.
Add: (7) Resolves audit findings concerning grantee/contractor systems and record keeping deficiencies which affect awards made by more than one Principal Operating Component (POC), health agency, or education agency (hereafter referred to as agency). Formulates policies and procedures governing the resolution of audit findings by POCs.

Section AMG.10 Organization.
Delete: Division of Financial Management Standards and Procedures (AMG.7).

Substitute: Office of Grant and Contract Financial Management (AMG.7).
Section AMG.20.

Add to AMG.20A a new paragraph 15:

15. Resolves audit findings concerning grantee/contractor systems and record keeping deficiencies which affect awards made by more than one agency. Formulates policies and procedures governing the resolution of audit findings by POCs.

Delete present Section AMG.20 subparagraph I and insert in its place:
Office of Grant and Contract Financial Management

1. Formulates Department-wide, and recommends Government-wide, policies and procedures for determining and reimbursing the costs of grantee/contractor institutions. Formulates policies and procedures on the review and negotiation of indirect costs and similar cost allocations; performs such functions for other Federal agencies as delegated by the Office of Management and Budget.

2. Resolves audit findings concerning deficiencies in grantee/contractor management and record keeping systems which affect awards made by more than one agency. Recommends to the Secretary, or a special Secretarial Board, or other designee, appropriate actions against an institution when necessary to protect the interests of the Department. Provides or arranges for technical assistance to grantees and contractors in overcoming serious financial management problems.

3. Formulates policies and procedures, and provides guidance, to POCs governing the resolution of audit findings on the administration of grants and contracts. With the Office of the Inspector General, exercises oversight of POC resolution of such audit findings.

4. Exercises functional management responsibilities over indirect cost and cost allocation negotiations performed by the Divisions of Cost Allocation in the several Regional Administrative Support Centers.

5. Serves as the Departmental liaison with, and provides recommendations to, the Office of Management and Budget, the General Services Administration, the Cost Accounting Standards Board, and other Federal agencies on the development of Government-wide financial management policies related to the administration of grant/contract programs. Represents the Department in the development of these policies.

6. Conducts and participates in studies of the financial management practices of grantees/contractors and the

Department in selected sensitive or troublesome areas to identify the needs for new policies, policy changes, guidelines, etc. to overcome problems in these areas.

7. Formulates policies and procedures aimed at assuring that grantees/contractors have the financial management capability necessary to administer HEW awards. Develops guides and manuals aimed at helping grantees/contractors strengthen their financial management capabilities.

8. Evaluates and approves or disapproves policies developed by POCs to implement Department cost and audit resolution policies.

9. Provides training and assistance to POCs and regional offices in implementing Department-wide and Government-wide financial management policies.

Dated: May 20, 1978.

LEONARD D. SCHAEFFER,
Assistant Secretary for Management and Budget.

[FR Doc. 78-14866 Filed 5-26-78; 8:45 am]

[4110-12]

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority

Part S (formerly part 4) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare contains the Statement of Organization, Functions and Delegations of Authority for the Social Security Administration (SSA). That portion of the SSA Statement pertaining to the Mission, Organization, Order of Succession and Functions of the Bureau of Hearings and Appeals (BHA), as previously described in sections SG.00, SG.10 and SG.20 (formerly included in sections 4-06-00 through 4-06-20 of 40 FR 36612-13 dated August 21, 1975, and 42 FR 25535 dated May 18, 1977) is hereby revised to reflect organizational and functional changes, including: the establishment of a separate Office of the Chief Administrative Law Judge as an entity distinct from the Office of the Bureau Director; the abolishment of the Office of the Assistant Bureau Director, Administration; the establishment of an Office of the Associate Bureau Director for Management Operations; the establishment of four divisions within the Office of the Associate Bureau Director for Management Operations; the inclusion of the Executive Secretariat and the Congressional and Public Inquiry Staff in the Office of the Bureau Director; the consolidation of the Medical Advisory Staff and Appeals Council and the transfer of the Medical Advisory Staff's medical con-

tracting function to the Office of the Associate Bureau Director for Management Operations; the transfer of the BHA appraisal function to the Office of the Associate Bureau Director for Management Operations; the transfer of the Vocational Consultant Program functions from the Division of Appeals Operations to the Office of the Associate Bureau Director for Management Operations; and the addition of management and administrative responsibilities for field operations to the Office of the Associate Bureau Director for Management Operations.

The revised material reads as follows:

Section SG.00—Bureau of Hearings and Appeals—(Mission) The Bureau of Hearings and Appeals (BHA), directs and administers the hearings and appeals process for SSA. It directs a nationwide field hearings organization staffed with Administrative Law Judges who conduct impartial hearings and make decisions on appealed determinations involving retirement, survivors, disability and health insurance benefits; black lung benefits; and supplemental security income. BHA also performs central reviews of decisions by Administrative Law Judges which are appealed by a claimant or reopened on the motion of the Appeals Council and renders the Secretary's final decision on such cases.

Section SG.10—Bureau of Hearings and Appeals—(Organization) The Bureau of Hearings and Appeals, under the leadership of the Director of the Bureau of Hearings and Appeals consists of the:

- A. Director of the Bureau of Hearings and Appeals
- B. Immediate Office of the Bureau Director, which includes the:
 - 1. Deputy Bureau Director
 - 2. Executive Secretariat
 - 3. Congressional and Public Inquiry Staff
 - C. Appeals Council
 - D. Office of the Chief Administrative Law Judge
 - E. Office of the Associate Bureau Director for Management Operations
 - 1. Immediate Office of the Associate Bureau Director
 - 2. Division of Administrative Coordination
 - 3. Division of Appraisal
 - 4. Division of Management Coordination
 - 5. Division of Field Management
 - 6. Division of Appeals Operations
 - G. Division of Policy and Procedure
 - H. Office of the Regional Chief Administrative Law Judge (located in each of SSA's ten geographical regions nationwide).

Section SG.20—Bureau of Hearings and Appeals—(Functions)

A. The Director of the Bureau of Hearings and Appeals:

1. The Director of the Bureau of Hearings and Appeals is directly responsible to the Commissioner of Social Security for the performance of BHA's mission and provides general supervision to the principal components of BHA.

2. During the absence or disability of the Director of the Bureau of Hearings and Appeals, or in the event of a vacancy in this position, the Deputy Bureau Director shall act as Bureau Director.

3. In the event of the absence or disability of both the Bureau director and the Deputy Bureau Director, a BHA executive, designated by the Bureau Director, shall serve as acting Bureau Director.

4. Shall both the positions of Bureau Director and Deputy Bureau Director become vacant, an SSA official designated by the Commissioner of Social Security shall serve as acting Bureau Director.

B. The Immediate Office of the Bureau Director assists the Bureau director with the full range of his responsibilities and handles such other assignments as he may prescribe.

1. **The Deputy Bureau Director** assists the Bureau Director in carrying out his responsibilities and performs such other duties as may be prescribed.

2. **The Executive Secretariat:**

a. Maintains liaison and coordination between the Office of the Bureau Director and major Bureau components.

b. Coordinates, clears, and reviews completed staff work on action memoranda directed to the Bureau Director.

c. Controls the Bureau Director's correspondence, assigning action on incoming correspondence, and developing information on action requests to the Bureau Director.

d. Coordinates and/or prepares briefing materials for meetings attended by the Bureau Director.

3. **Congressional and Public Inquiry Staff:**

a. Prepares and/or reviews Bureau responses to congressional and public inquiries and correspondence.

b. Evaluates Bureau central office correspondence for conformance with Bureau standards, policies and procedures.

c. Provides Bureau level guidance and liaison on correspondence management.

d. Determines when inquiries represent implied requests for hearings or reviews and assures that such requests are directed to the appropriate Bureau component.

C. The Appeals Council:

1. Reviews decisions of Administrative Law Judges involving retirement, survivors, disability and health insurance benefits, and supplemental security income, under the provisions of titles II, XVI, and XVIII of the Social

Security Act, as amended; and disability and survivors benefits under Part B of title IV and related provisions of the Federal Coal Mine Health and Safety Act of 1969, as amended (the "Black Lung" Act) on the motion of appellants or on its own motion.

2. Examines case records, obtains additional evidence and renders written decisions or orders which are the Secretary's final decisions/orders; or remands cases to Administrative Law Judges.

3. Determines and recommends action concerning decisions appealed to the courts.

4. Obtains additional evidence and prepares supplemental decisions on remanded cases, and recommends whether appeals should be taken to higher courts on judicial reversals of the Secretary's decisions.

5. Directs the medical advisory services program for BHA components in the evaluation of disability, health insurance and supplemental security income cases under the provisions of titles II, XVI, and XVIII of the Social Security Act as amended, and disability and survivors cases under the "Black Lung" Act.

6. Provides guidance in the effective utilization of medical advisors throughout BHA and participates in the formulation of medical policies used in the evaluation of disability, health insurance, supplemental security income, and black lung benefits.

7. Maintains liaison with medical groups to promote program understanding and to keep abreast of disability evaluation developments and changes in health insurance regulations.

D. The Office of the Chief Administrative Law Judge:

1. Provides professional leadership to the nationwide corps of Administrative Law Judges and Regional Chief Administrative Law Judges.

2. Serves as the focal point of communications between the Office of the Bureau Director and the Administrative Law Judges.

3. Directs a professional staff engaged in maintaining close contact with the field hearings organization to obtain and assess the views of Administrative Law Judges on hearings operations.

E. The Office of the Associate Bureau Director for Management Operations:

1. **The Immediate Office of the Associate Bureau Director:**

a. Serves as the principal official within the Bureau of Hearings and Appeals for all matters concerning the management and administration of Bureau program operations, for the Bureau's Central Office components, and field network of ten regional offices and 130 hearing offices in locations throughout the United States.

b. Is accountable for the planning, development, coordination, implemen-

tation, and efficient operations of a total program of administrative management for the Bureau of Hearings and Appeals including appeals operations; contracting for vocational and medical consultants; financial management (the operating budget is in excess of \$100,000,000); personnel management (the workforce is in excess of 4,000); management analysis; management information systems; program quality review and appraisal; field management support; and all matters associated with facilities and facilities management services.

c. Appraises overall accomplishment of the Bureau's assigned mission and functions in terms of efficient, effective and economical planning, operations, procedures and achievements.

d. Provides executive leadership, guidance, direction, coordination, and control over management programs to effect and assure balanced, total, and effective administrative support of Bureau programs and functions.

e. Participates in considering broad aspects of questions, issues, policies, plans, and program emphasis affecting administration of the hearings and appeals program and related SSA programs. Shares in overall program formulation and planning and evaluation of Bureau operations, and in making recommendations for changes in legislation, regulations, and policies.

f. Plans, develops, implements, and administers a positive meaningful equal employment opportunity program within the Bureau.

g. Exercises authority, at the direction of the Bureau Director, through formally established reporting relationships, not only for analysis, study, and evaluation of program operations, but as well, for direct intervention into all operating Bureau components, both field and Central Office, for the purpose of increased productivity, improved management data, and rationalized work assignments.

h. Provides BHA leadership and guidance on matters pertaining to psychological, vocational, educational, and related factors having a bearing on work capacity.

2. **The Division of Administrative Coordination:**

a. Plans, develops, and administers BHA's personnel management program, including: recruitment and placement; position classification; incentive awards; employee services; labor-management relations; employee development and training programs.

b. Plans and directs BHA administrative support activities, including: space; forms and records; property management; procurement and supply; security; equipment control and maintenance; preparation of visual aids; and mail/messenger services.

c. Receives records and indexes; and maintains claims and hearings materials.

d. Plans and executes a program establishing requirements for and complying with established occupational health and safety concepts, regulations, standards and procedures.

3. **The Division of Appraisal:**

a. Performs a continuing appraisal of the progress being achieved throughout BHA in meeting basic objectives.

b. Conducts a Bureauwide program of appraisals and studies necessary for maintaining an ongoing assessment of overall BHA performance.

c. Recommends action for implementation or further study by other BHA components.

d. Plans, develops, and implements a Bureauwide quality assurance program.

4. **The Division of Management Coordination:**

a. Plans and directs BHA's management analysis program, which includes the design, development, implementation, and appraisal of management policies and programs; and researches management techniques and technological developments having possible utility for BHA.

b. Directs BHA's operational and management information systems planning programs; assures effective coordination of the BHA management information system with the SSA system; and maintains a case control and statistical reporting system on the adjudication process.

c. Plans, develops and coordinates BHA's financial management program, and provides financial guidance and control in the areas of: budget formulation and execution; work measurement and workload forecasting; pay and travel; position control; contract services; and fiscal operation.

5. **The Division of Field Management:**

a. Coordinates the management of resources supporting field activities.

b. Conducts management reviews of regional and hearing offices, maintaining liaison with Regional Chief Administrative Law Judges and their representatives on management and administrative matters.

c. Represents the interests of field management in Central Office deliberations and in liaison with other SSA and HEW components.

d. Establishes procedures and directs activities to improve and enlarge the system of consultation and communication between the field and Central Office, BHA.

F. The Division of Appeals Operations:

1. Provides advice and assistance to the Appeals Council on the adjudication of cases.

2. Reviews the decisions of Administrative Law Judges to assist the Appeals Council in deciding whether to assume jurisdiction.

3. Analyzes cases and recommends action to the Appeals Council on appealed claims and litigated cases, and prepares documents required to implement the action decided upon by the Appeals Council.

4. Identifies and analyzes problem areas and recommends improvements in the appeals process.

5. Reviews and analyzes fee petitions from attorneys and representatives of claimants for the provision of services at the hearing level, and authorizes payments of appropriate fees in those cases where fees recommended by Administrative Law Judges exceed their delegated authority, and in all cases at the Appeals Council level.

G. The Division of Policy and Procedure:

1. Plans, analyzes, and develops BHA-wide policy and procedural guidelines pertaining to the hearings process as performed in hearings offices.

2. Plans, analyzes, and develops policy and procedural guidelines pertaining to the Appeals Council's review processes, civil actions processes, and support staff.

3. Provides an effective system for communicating hearings and appeals policies and procedures, through the issuance of manuals and directives that assure consistent and efficient operations in the best interests of service to the public; and develops and maintains substantive publications, informational material, references, and forms relative to the hearings and appeals process.

4. Reviews current and developing trends in administrative law; analyzes policy recommendations; and develops long-range and short-range hearings and appeals policy plans.

5. Provides advice and guidance throughout BHA on matters involving program policies and procedures.

6. Coordinates policy and procedural matters within BHA and with other SSA components; the Office of the General Counsel; other HEW components; other Federal agencies; and, where appropriate, with private organizations.

H. The Office of the Regional Chief Administrative Law Judge:

1. Represents the Bureau Director at the regional level with respect to all matters pertaining to the hearings process.

2. Plans, organizes, and administers a regional program for scheduling and conducting independent and impartial hearings on appealed determinations involving claims for retirement, survivors, disability and health insurance benefits, and supplemental security income, under the provisions of titles II, XVI, and XVIII of the Social Security Act, and disability and survivors benefits under the Black Lung Act.

3. Provides substantive guidance and administrative direction and leader-

ship to Administrative Law Judges and their staffs.

4. Coordinates operations and administrative activities with the HEW Principal Regional Officials' Offices; other SSA components; State agencies; and other parties, as required.

Dated: May 19, 1978.

LEONARD D. SCHAEFFER,
Assistant Secretary for
Management and Budget.

[FR Doc. 78-14887 Filed 5-26-78; 8:45 am]

[4310-03]

DEPARTMENT OF THE INTERIOR

Heritage Conservation and Recreation Service

NATIONAL REGISTER OF HISTORIC PLACES

Notification of Pending Nominations

Nominations for the following properties being considered for listing in the National Register were received by the Heritage Conservation and Recreation Service before May 19, 1978. Pursuant to section 60.13(a) of 36 CFR Part 60, published in final form on January 9, 1976, written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the Keeper of the National Register, Office of Archeology and Historic Preservation, U.S. Department of the Interior, Washington, D.C. 20240. Written comments or a request for additional time to prepare comments should be submitted by June 9, 1978.

WILLIAM J. MURTAGH,
Keeper of the National Register.

CALIFORNIA

Fresno County

Cedar Grove vicinity, *Knapp Cabin*, W of Cedar Grove in Kings Canyon National Park.

CONNECTICUT

Litchfield County

Litchfield, *Litchfield Historic District*, CT 25 and CT 63.

Tolland County

Rockville, *Florence Mill*, 121 W. Main St.

GUAM

Guam Naval Station, *Japanese Submarine*, off Marine Dr.
Guam Naval Station, *Orote Historical Complex*, Orote Point.

Inarajan vicinity, *Malolos Site*, N of Inarajan.

Santa Rita vicinity, *Bona Site*, SE of Santa Rita off Lower Harmon Rd.

Santa Rita vicinity, *Mount Tenjo Fortifications*, NE of Santa Rita off GU 1.

Talofoto vicinity, *Yokoi's Cave*, SW of Talofoto.

NOTICES

HAWAII

Kauai County

Kilauea vicinity, *Kilauea Point Lighthouse*, N of Kilauea.

IDAHO

Idaho County

Lowell vicinity, *Boulder Creek Archeological Complex*, 30 mi. (48 km) E of Lowell in Clearwater National Forest.

Lowell vicinity, *O'Hara Bar Site*, S of Lowell in Nez Perce National Forest.

KENTUCKY

Henry County

New Castle vicinity, *Ricketts, Robert, House*, N of New Castle off U.S. 421.

Jefferson County

Louisville, *Clover Hill*, 2618 Dixie Hwy.

Logan County

Russellville, *Long-Briggs House*, Cornelius Ave.

Mason County

Maysville, *Phillips' Folly*, 227 Sutton St.

Warren County

Bowling Green, *Underwood-Jones House*, 506 State St.

MAINE

Washington County

Columbia Falls, *Bucknam, Samuel, House*, U.S. 1.

MISSISSIPPI

Jefferson County

Church Hill vicinity, *Woodland Plantation*, S of Church Hill on MS 533.

Lowndes County

Columbus, *Snowdown*, 906 3rd Ave. N.

MONTANA

Fergus County

Lewistown, *St. Joseph's Hospital*, U.S. 87.

NEBRASKA

Adams County

Hastings, *Chautauqua Pavilion*, Chautauqua Park.

NEW JERSEY

Bergen County

Leonia, *Civil War Drill Hall and Armory*, 130 Grand Ave.

Essex County

Newark, *Second Reformed Dutch Church*, 178-184 Edison Pl.

Newark, *Symington House*, 2 Park Pl.

Hudson County

Hoboken, *Seamen's Mission*, 60-64 Hudson St.

Hunterdon County

Lambertville, *Lambertville House*, 32 Bridge St.

Morris County

Morristown vicinity, *Fordville*, E of Fordville at 30 Ford Hill Rd.

Parsippany vicinity, *Howell, Benjamin, Homestead*, 709 S. Beverwyck Rd.

Somerset County

Plainfield vicinity, *Smalley-Wormser House*, W of Plainfield at 84 Mountain Ave.

Union County

Elizabeth, *Belcher-Ogden House*, 1046 E. Jersey St.

NEW MEXICO

Dona Ana County

Rincon vicinity, *Rincon Petroglyphs Site*, N of Rincon.

NEW YORK

Albany County

Albany, *Young Men's Christian Association Building*, 60-64 N. Pearl St.

New York County

New York, *South Street Seaport Historic District*, roughly bounded by East River, Brooklyn Bridge, Fletcher Alley, Pearl and South Sts. (boundary increase)

Ontario County

Phelps, *St. John's Episcopal Church*, Church St.

Otsego County

Gilbertsville, *Tianderah*, off NY 51.

NORTH DAKOTA

Benson County

Minnewaukan, *Benson County Courthouse*, B Ave.

Williams County

Ray, *Ray Opera House*, 111 Main St.

OKLAHOMA

Cleveland County

Norman, *Norman Historic District*, 105 W. Main and 100-232 E. Main St.

TENNESSEE

Blount County

Maryville, *Thompson-Brown House*, 1005 Tuckaleechee Pike.

Davidson County

Nashville, *Mechanical Engineering Hall*, Vanderbilt University, Grand and 21st Aves.

Nashville, *Robincroft*, 746 Benton Ave.

Knox County

Knoxville, *Fire Station No. 5*, 419 Arthur St., NW.

Maury County

Columbia, *Church House*, 312 W. 7th St.
Columbia, *State Bank of Tennessee*, 201 W. 7th St.

TEXAS

Calhoun County

Port O'Connor vicinity, *Matagorda Lighthouse*, W side of Cavallo Pass.

NOTICES

Dallas County

Lancaster, *Strain, W. A., House*, 400 E. Pecan St.

WEST VIRGINIA

Brooke County

Wellsburg, *Brooke County Courthouse*, Main and 7th Sts.

Hardy County

Mathias, *Mathias, John, House*, WV 259.

Jefferson County

Charles Town, *New Opera House*, 200-204 N. George St.

Kanawha County

Belle, *Shrewsbury, Samuel Sr., House*, 310 Stubb Dr.
Charleston, *Kanawha County Courthouse*, Virginia and Court Sts.

Ohio County

Wheeling, *Mount de Chantal Visitation Academy*, Washington Ave.

Randolph County

Helvetia, *Helvetia*, SR 45 and 46.

WISCONSIN

Columbia County

Merrimac vicinity, *Durward's Glen*, NE of Merrimac off WI 78.

Iowa County

Linden, *Linden Methodist Church*, Main and Church Sts.

Walworth County

Lake Geneva, *Lake Geneva Depot*, Broad St.
[FR Doc. 78-14570 Filed 5-26-78; 8:45 a.m.]

[4310-03]

Office of the Secretary

[INT DES 78-17]

PROPOSED ADDITION OF A SEGMENT OF THE OWYHEE RIVER IN IDAHO AND OREGON TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

Notice of Availability of Draft Environmental Statement

Pursuant to Section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed new addition to the National Wild and Scenic Rivers System and invites written comment within forty-five (45) days of this notice.

The draft environmental statement considers a 192-mile segment of the Owyhee River, from the boundary of the Duck Valley Indian Reservation in Idaho, downstream to slack water of the Owyhee Reservoir in Oregon, which has been recommended for inclusion in the National Wild and Scenic Rivers System. The Bureau of Land Management would administer two sections totaling 178 miles and the

State of Oregon one section of 14 miles.

Copies are available for inspection at the following locations:

Oregon State Clearinghouse, 308 State Library Building, Salem, Ore. 97310.

Idaho State Clearinghouse, Room 122, Statehouse, Boise, Idaho 83720.

Heritage Conservation and Recreation Service, Room 242, South Building, Department of the Interior, Washington, D.C. 20240.

Regional Director, Heritage Conservation and Recreation Service, 915 Second Avenue, Room 990, Seattle, Wash. 98174.

A limited number of copies are available and may be obtained by writing to the Regional Director at the above address.

Dated: May 9, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant,
Secretary of the Interior.

[FR Doc. 78-14825 Filed 5-26-78; 8:45 am]

[4310-02]

[INT FES 78-10]

VEKOL HILLS PROJECT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the Vekol Hills Project, a proposed open pit copper and molybdenum mine on the Papago Indian Reservation, Pinal County, Ariz. Mining and related activities will be conducted under the terms of mineral and surface leases granted by the Papago Tribe if approved by the Secretary of the Interior.

The environmental statement examines the proposed mining project in terms of its effects on the physical, biological, cultural, economic, and other aspects of the human environment. The project will include 1,600 acres of desert and foothill terrain, some of which have already been affected by past mining activities. Written and oral comments received have been incorporated in the statement.

Copies of the statement are available for inspection at the following locations:

Branch of Environmental Quality Services, Bureau of Indian Affairs, Room 4554, Interior Building, Washington, D.C. 20245, telephone 202-343-8248.

Phoenix Area Office, Bureau of Indian Affairs, 3030 North Central Avenue, Suite 502, Phoenix, Ariz. 85011, telephone 602-261-4195.

Papago Agency, Bureau of Indian Affairs, Sells, Ariz. 85634, telephone 602-383-5338.

Single copies of the final environmental statement may be obtained from the Phoenix Area Office, Bureau

of Indian Affairs, 3030 North Central Avenue, Suite 502, Phoenix, Ariz. 85011.

Dated: May 24, 1978.

LARRY E. MEIEROTTO,
Deputy Assistant Secretary
of the Interior.

[FR Doc. 78-14839 Filed 5-26-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES

Revised 1978 Aggregate Production Quota for Amphetamine

Section 306 of the Controlled Substances Act (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in Schedules I and II. This responsibility has been delegated to the Administrator of the Drug Enforcement Administration by § 0.100 of Title 28 of the Code of Federal Regulation.

On March 21, 1978, a notice of the proposed revised aggregate production quotas for Schedules I and II controlled substances for 1978 was published in the FEDERAL REGISTER (43 FR 11765-6). All interested parties were invited to comment or object to the proposed aggregate production quotas on or before April 21, 1978. This announcement proposed that the aggregate production quota for amphetamine for 1978 be established at 3,020,000 grams (expressed as anhydrous base).

Joseph Barrows, Ph.G., Consultant, of Valley Stream, N.Y., on behalf of his client, Rexar Pharmacal Corp. of Valley Stream, N.Y., submitted comments and a request for hearing relative to the proposed aggregate production quota for amphetamine. In addition, the National Association of Pharmaceutical Manufacturers (NAPM) of New York, N.Y., the Delco Chemical Co. of Mount Vernon, N.Y. and the Obesity and Nutrition Council of New York, N.Y., also submitted comments.

To provide for the on-going manufacture and needs of the United States while consideration was being given to this matter, DEA established an interim 1977 aggregate production quota for this substance of 3,020,000 grams.

DEA has conducted a review of the comments submitted in support of the contention that the proposed aggregate production quota for amphetamine was insufficient to meet the legitimate medical needs for amphetamine.

In his comments and objections, Mr. Barrows contended the following:

1. The quota system has created a monopoly of the amphetamine market for Smith Kline and French.

2. DEA had attempted to reduce the legitimate medical need for this substance.

3. DEA has not taken into account the impact of dispensing physicians.

4. The demand for amphetamine is greater than the supply available with the proposed quota and is increasing among dispensing physicians.

On the basis of these comments, Mr. Barrows requested a hearing on behalf of his client, Rexar Pharmacal Corporation. In addition to these comments, the other parties commenting also contended that:

5. DEA is required by regulation to provide an inventory allowance to manufacturers.

6. Sales and inventory statistics of amphetamine quota-holding companies have not been made available. With regard to these comments, the following points are made:

1. The quota system has not created a monopoly for Smith Kline and French. The general market share pattern for these companies which exists now was established before the control of amphetamine in Schedules II took place.

2. DEA has attempted and will continue to attempt to reduce not the legitimate medical use of amphetamine but the illicit diversion and abuse of legitimately manufactured dosage forms of amphetamine.

3 and 4. Any sale of amphetamine products to dispensing physicians will ultimately be included in sales figures supplied by dosage from manufacturers to DEA, as will sales to pharmacies and hospitals. The significant inventories of amphetamine available at year-end 1977 indicate that sufficient amounts of amphetamine have been made available to meet the legitimate needs for this substance in 1977 and that there will be sufficient material available in 1978. If there existed a true shortage of this substance, the large inventory would have, either through direct dispensing or prescription writing, surely been depleted.

5. DEA has, in 1978, provided an inventory allowance to the two bulk manufacturers of amphetamine, as required by regulation.

6. DEA considers the sale and inventory statistics provided by all quota-holding firms as proprietary information and will not divulge this information in the FEDERAL REGISTER, nor in any other public document without the prior consent of the companies involved.

Within the rulemaking procedures generally applicable to the determination of aggregate production quotas, no hearing is required. Notice and comment procedures, as established consistent with 5 U.S.C. § 553, are the only procedures mandated. Those procedures have been applied in this instance, and there does not appear to

be any unresolved issue of specific fact requiring additional consideration within the process of a hearing. See 21 CFR §§ 1303.11(c), 1303.13(c), and 1303.31(a); 5 U.S.C. § 553; 21 U.S.C. §§ 826 and 875; and Davis, "Administrative Law of the Seventies" (1976), Section 6.06.

Additionally, Mr. Barrows' request for a hearing is procedurally deficient, failing to satisfy the requirements of 21 CFR §§ 1303.34 and 1316.47. Specifically, Mr. Barrows has not stated with sufficient particularity his interest within the requested proceeding.

Therefore, based on the considerations stated above, the request for hearing submitted by Mr. Joseph Barrows on behalf of his client, Rexar Pharmacal Corp., is hereby denied. In addition, the aggregate production quota for amphetamine, as proposed on March 21, 1978 (43 FR 11765-6), is hereby established as follows:

Basic class and 1978 aggregate production quota

Amphetamine, 3,020,000 grams.

This order is effective May 30, 1978.

Dated: May 23, 1978.

PETER B. BENSINGER,
Administrator, Drug
Enforcement Administration.
[FR Doc. 78-14874 Filed 5-26-78; 8:45 am]

[4410-02]

Federal Bureau of Investigation

NATIONAL CRIME INFORMATION CENTER (NCIC) CRIMINALISTICS LABORATORY INFORMATION SYSTEM (CLIS)

Establishing Criminalistics Laboratory
Information System

Law enforcement has long recognized the need for a national computerized index on scientific reference information. In response to this need, the FBI is developing the Criminalistics Laboratory Information System. The FBI laboratory will host the data base, and NCIC telecommunications lines will be used to access it. This laboratory teleprocessing operation is designed to improve the efficiency and effectiveness of crime laboratory functions by providing immediate access to scientific reference information in a centralized data base.

The computer-based information system will eventually address priority operational needs of all forensic crime laboratories throughout the country. It becomes functional on a testing basis with the establishment of the General Rifling Characteristics File. This file will provide the firearms examiner with the capability of identifying a fired specimen with a weapon or likely weapon that could have fired the specimen. The participating crime

laboratories will all use standardized codes and procedures in order to access the stored computerized information.

The search parameters used by the crime laboratories will consist of codes indicating impressions on a fired bullet or impressions on a fired cartridge case. These parameters control the extent of the search that is made of the data base in the file. The parameters for a bullet search are: cartridge type, number of lands and grooves, direction of twist, land width dimensions and tolerance, and groove width dimensions and tolerance. Cartridge case search parameters, which may also be included in a bullet search, include: cartridge type, firing pin impressions, and breech or bolt impression.

The General Rifling Characteristics File is to become operational for testing purposes June 1, 1978, and this will be followed by development of the Infrared Spectrophotometry File. These files will serve as the basis for the prototype system which will consist of a limited number of local, State, and Federal laboratories. After a suitable testing period, estimated at this time approximately one year, the full CLIS will be implemented.

The establishment of the Criminalistics Laboratory Information System has been approved by the Attorney General, U.S. Department of Justice.

Further information may be obtained from Mr. Frank B. Buell, Chief, National Crime Information Center, Federal Bureau of Investigation, Washington, D.C.

WILLIAM H. WEBSTER,
Director.

[FR Doc. 78-14877 Filed 5-26-78; 8:45 am]

[4510-26]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e)(1) of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333) and section 7(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656) will meet on Tuesday, June 13 and Wednesday, June 14, 1978, in Room N-5437, Department of Labor Building, Third Street and Constitution Avenue NW., Washington, D.C. 20210. The meeting is open to the public and will begin at 9:00 a.m.

The purpose of the meeting is to review and discuss proposals developed pursuant to the Committee's recommendation to begin efforts to verticalize Part 1926 Construction Standards.

Written data, views, or arguments may be submitted, preferably with 20 copies, to the Division of Consumer Affairs. Any such submissions received prior to the meeting will be provided to the members of the committee and will be included in the record of the meeting.

Anyone wishing to make an oral presentation should notify the Division of Consumer Affairs before the meeting. The request should state the amount of time desired, the capacity in which the person will appear, and a brief outline of the content of the presentation.

Oral presentations will be scheduled at the discretion of the Chairman, depending on the extent to which time permits. Communications may be mailed to: Ken Hunt, Office of Information and Consumer Affairs, Occupational Safety and Health Administration, Third Street and Constitution Avenue NW., Washington, D.C. 20210, Phone: 202-523-8024.

Materials provided to members of the Committee are available for inspection and copying at the above address.

Signed at Washington, D.C. this 25th day of May 1978.

EULA BINGHAM,
Assistant Secretary,
Occupational Safety and Health.
[FR Doc. 78-15087 Filed 5-26-78 8:45 am]

[4510-26]

Occupational Safety & Health Administration

CALIFORNIA STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations, prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health, (hereinafter called Regional Administrator—OSHA) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary) (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On May 1, 1973, notice was published in the FEDERAL REGISTER (38 FR 10717) of the approval of the California plan and the adoption of Subpart K to Part 1952 containing the decision.

The California plan provides for the adoption of state standards which are at least as effective as comparable Federal standards promulgated under section 6 of the Act. State standards have been revised in accordance with

Part 1953 to meet the requirement of adopting Federal standard revisions and State initiated changes. Accordingly, California has revised these standards and promulgated them in accordance with applicable State procedures. By letter dated February 21, 1978, from Steven A. Jablonsky, Program Manager, California Occupational Safety and Health Administration, to Gabriel J. Gillotti, Regional Administrator, OSHA, and incorporated as part of the plan, the State submitted proof documents concerning standards equivalent to Federal amendments and State initiated standards to walking and working surfaces standards of 29 CFR 1910.23(e)(2), 1910.24(b), and 1910.24(i); means of egress standards, 29 CFR 1910.37(b) and 1910.37(f)(6); hazard material standards of 29 CFR 1910.107(a)(3) and 1910.109(k); personal protective equipment standards, 29 CFR 1910.134(a) and 1910.134(b)(11); machinery and machine guarding standards of 29 CFR 1910.212(a)(1), 1910.212(a)(2), 1910.212(a)(3), 1910.219(a)(1), and 1910.219(e)(3); toxic and hazardous substances, 29 CFR 1910.1029; coke oven emissions, 1910.1044; emergency temporary standard 1,2-dibromo-3-chloropropane, tools, hand and power, 29 CFR 1926.302(e); electrical, 29 CFR 1926.400; ground fault protection and agriculture standard, 29 CFR 1928.57. These standards, which are contained in Title 8, Chapter 4 of the California Administrative Code were promulgated by the State after public hearings between the dates of January 1, 1977, and September 30, 1977.

2. *Decision.* Having reviewed the state submission in comparison with the federal standards, it has been determined that the State standards are at least as effective as the comparable Federal standards. The detailed standards comparison is available at the locations specified below.

3. *Locations of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator—OSHA, 450 Golden Gate Avenue, Room 9470, San Francisco, Calif. 94102 and California Occupational Safety and Health Administration, Room 3052, 455 Golden Gate Avenue, San Francisco, Calif. 94102; and the Technical Data Center, Room N2439R, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c), the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds that good cause exists for not publishing the supple-

ment to the California plan as a proposed change and making the OSHA Regional Administrator's approval effective upon publication for the following reason.

The standards were adopted in accordance with the procedural requirements of state law which included public comment and further public participation would be repetitious.

This decision is effective May 30, 1978.

(Sec. 18, Pub. L. 91-958, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at San Francisco, Calif., this 27th day of March 1978.

GABRIEL J. GILLOTTI,
Regional Administrator.
[FR Doc. 78-14901 Filed 5-26-78; 8:45 am]

[4510-26]

NORTH CAROLINA STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act of 1970 (hereinafter called the Act) by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On February 1, 1973, notice was published in the FEDERAL REGISTER (28 FR 3041) of the approval of the North Carolina plan and the adoption of Subpart I to Part 1952 containing the decision.

The North Carolina plan provides for the adoption of Federal standards as State standards by reference. Section 1953.20 of 29 CFR provides that "where an alteration in the Federal program could have an adverse impact on the 'at least as effective as' status of the State program, a program change supplement to a State plan shall be required." In response to Federal standards changes, the State has submitted by letter, dated September 29, 1977, from John C. Brooks, Commissioner, North Carolina Department of Labor, to Robert A. Wendell, Acting Regional Administrator, and incorporated as a part of the State plan, State standards comparable to the following Federal standards: §§ 1910.20, 1910.1000, 1910.1028 Emergency Temporary Standard for Occupational Exposure to Benzene, dated May 3, 1977; § 1910.1028, correction to Emergency Temporary Standard for Occupational

Exposure to Benzene, dated May 10, 1977; § 1910.1028, amended and added a paragraph to the Emergency Temporary Standard for Occupational Exposure to Benzene, dated May 24, 1977; a new Subpart T to Part 1910, Commercial Diving, dated July 22, 1977; § 1926.605 Marine Operations and Equipment amended to include Commercial Diving, dated July 22, 1977; § 1928.21 Safety and Health Standards for Agriculture, amended to exclude Commercial Diving, dated July 22, 1977; § 1928.21 Safety and Health Standards for Agriculture, amended to exclude air contaminant standards in Subparts B through T and Subpart Z from agricultural operations, dated July 29, 1977; § 1910.1044 Emergency Temporary Standard for Occupational Exposure to 1,2-dibromo-3-chloropropane, dated September 9, 1977; § 1910.1044 Emergency Temporary Standard for Occupational Exposure to 1,2-dibromo-3-chloropropane corrections, dated September 16, 1977.

These standards were promulgated by filing with the North Carolina Attorney General on May 16, 1977; June 2, 1977; July 29, 1977; August 18, 1977; September 29, 1977, respectively, pursuant to the North Carolina Occupational Safety and Health Act of 1973 (Chapter 295, General Statutes).

2. *Decision.* Having reviewed the State submission in comparison with Federal standards, it has been determined that the State standards are identical to the Federal standards and are hereby approved.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Commissioner of Labor, North Carolina Department of Labor, 11 West Edenton, Raleigh, N.C. 27611; Office of the Regional Administrator, Suite 587, 1375 Peachtree Street NE., Atlanta, Ga. 30309; and Office of the Director of Federal Compliance and State Programs, Room N3112, 200 Constitution Avenue NW., Washington, D.C. 20210.

4. *Public participation.* Under 29 CFR 1953.2(c) the Assistant Secretary may prescribe alternative procedures to expedite the review process or for other good cause which may be consistent with applicable laws. The Assistant Secretary finds good cause exists for not publishing the supplement to the North Carolina State Plan as a proposed change and making the Regional Administrator's approval effective upon publication for the following reasons:

1. The standards are identical to the Federal standards and are therefore deemed to be at least as effective.

2. The standards were adopted in accordance with procedural require-

ments of State law and further public participation and comment would be unnecessary.

This decision is effective May 30, 1978.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed at Atlanta, Ga., this 19th day of December 1977.

COIS M. BROWN,
Acting Regional Administrator.
[FR Doc. 78-14901 Filed 5-26-78; 8:45 am]

[4510-26]

WASHINGTON STATE STANDARDS

Notice of Approval

1. *Background.* Part 1953 of Title 29, Code of Federal Regulations prescribes procedures under section 18 of the Occupational Safety and Health Act by which the Regional Administrator for Occupational Safety and Health (hereinafter called the Regional Administrator) under a delegation of authority from the Assistant Secretary of Labor for Occupational Safety and Health (hereinafter called the Assistant Secretary), (29 CFR 1953.4) will review and approve standards promulgated pursuant to a State plan which has been approved in accordance with section 18(c) of the Act and 29 CFR Part 1902. On January 26, 1973, notice was published in the FEDERAL REGISTER (38 FR 2421) of the approval of the Washington plan and the adoption of Subpart F to Part 1952 containing the decision.

The Washington plan provides for the adoption of Federal standards as State standards after public hearing. Section 1953.20 provides that "where any alteration in the Federal program could have an adverse impact on the at least as effective as" status of the State program, a program change supplement to a State plan shall be required. In response to Federal standards changes, the State has submitted by letter, dated October 20, 1977, from James P. Sullivan, Assistant Director, to James Lake, Regional Administrator, and incorporated as part of the plan, a State standard comparable to 29 CFR 1910.309(c), Ground Fault Circuit Interrupters, as published in the FEDERAL REGISTER (41 FR 55696), dated December 21, 1976. This State standard, which is contained in WAC 296-24-955(c) General Safety and Health Standards, was promulgated after public hearing held on June 23, 1977, pursuant to Chapter 34.04 RCW and of the Open Public Meetings Act of 1971, Chapter 42.30 RCW.

2. *Decision.* Having reviewed the State submission in comparison with the Federal standard, it has been determined that the State standard is identical to the Federal standard.

3. *Location of supplement for inspection and copying.* A copy of the standards supplement, along with the approved plan, may be inspected and copied during normal business hours at the following locations: Office of the Regional Administrator, Occupational Safety and Health Administration, Room 6003, Federal Office Building, 909 First Avenue, Seattle, Wash. 98174; Department of Labor and Industries, General Administration Building, Olympia, Wash. 98504; and the Technical Data Center, Room N2439, 200 Constitution Avenue, Washington, D.C. 20210.

4. *Public participation.* Section 1953.2(c) of this chapter provides that when a State standard is identical to or "at least as effective" as comparable Federal standard and has been promulgated in accordance with State law, approval may be effective upon publication without an opportunity for further public participation. As the standard under consideration is identical to the Federal standard and has been promulgated in accordance with State law, it is approved without public comment.

This decision is effective May 30, 1978.

(Sec. 18, Pub. L. 91-596, 84 Stat. 1608 (29 U.S.C. 667).)

Signed in Seattle, Wash., this 11th day of January 1978.

JAMES W. LAKE,
Regional Administrator, Occupational Safety and Health Administration.
[FR Doc. 78-14902 Filed 5-26-78; 8:45 am]

[4510-29]

Pension and Welfare Benefit Programs

[Prohibited Transaction Exemption 78-5]

CLASS EXEMPTION FOR TRANSACTIONS INVOLVING COLLECTIVELY BARGAINED MULTIPLE EMPLOYER APPRENTICESHIP AND TRAINING PLANS.

Prohibited Transaction Exemption

AGENCY: Department of Labor.

ACTION: Grant of class exemption.

SUMMARY: This class exemption exempts from sections 406(a)(1) (A), (C), and (D) of the Employee Retirement Income Security Act of 1974 (the Act) certain transactions between collectively bargained multiple employer apprenticeship plans and employers making contributions to these plans or employee organizations any of whose members are covered by the plans if certain conditions are met. It appears to the Department that without the relief provided by this exemption, such apprenticeship plans would have difficulty operating in accordance with the purposes for which they were es-

tablished. The exemption affects employers making contributions to such plans, sponsoring employee organizations, and persons who are participants in such plans.

DATE: The exemption is effective January 1, 1975.

FOR FURTHER INFORMATION CONTACT:

Mr. Rudolph Nuissl, Department of Labor, Washington, D.C., 202-523-8974 (this is not a toll-free number).

SUPPLEMENTAL INFORMATION: On July 29, 1977, notice was published in the FEDERAL REGISTER (42 FR 38794), that the Department of Labor (the Department) had under consideration a proposed class exemption from the restrictions of sections 406(a)(1) (A), (C), and (D) of the Act for transactions involving: (1) the purchase of personal property by a collectively bargained multiple employer-employee welfare benefit plan maintained for the purpose of providing apprenticeship or other training programs (hereinafter referred to as an apprenticeship plan) from an employer who contributes to such plan (hereinafter referred to as a contributing employer) or a wholly owned subsidiary of such an employer; and (2) the leasing of real property (excluding office space) or personal property by an apprenticeship plan from a contributing employer or a wholly owned subsidiary of such an employer. The exemption was requested in applications filed by the International Union of Operating Engineers, on behalf of 45 local affiliated apprenticeship and/or training plans and the Laborers' Training and Retraining Trust fund for Northern California. The applicants represented that apprenticeship and other training plans are an essential element in providing trained workers for the industries in which they operate. The proper functioning of these plans requires that, from time to time, they purchase goods and lease equipment or other property for use in the programs which they maintain. It has been customary for these plans, which are jointly sponsored by unions and employers, to obtain such goods and rentals from employers who are contributors to the plans. All such employers are signatories to collective bargaining agreements with the sponsoring unions.

The exemption was proposed in accordance with the procedure set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975) and all interested persons were invited to submit comments on the proposed exemption. The public comments received in response to this request generally supported the proposed exemption, although some commentators urged that it be expanded to provide exemptive relief for transactions between ap-

prenticeship plans and parties in interest other than contributing employers (and their wholly owned subsidiaries) and for transactions prohibited by section 406(b)(2) of the Act. These and other comments are discussed below.

OTHER PARTIES IN INTEREST

The exemption, as proposed, would have provided relief for certain transactions between apprenticeship plans and contributing employers. Several comments urge the Department to expand the parties in interest from which, pursuant to the exemption, an apprenticeship plan could purchase goods or lease equipment or other property. Specifically, it was suggested that an apprenticeship plan be permitted to obtain goods and rentals from an association of which a contributing employer is a member (hereinafter referred to as a related employer association), from an employee organization any of whose members' work results in contributions being made to the apprenticeship plan (hereinafter referred to as a sponsoring employee organization) and from a multiple employer plan which is a party in interest with respect to the apprenticeship plan or related to the apprenticeship plan by reason of the existence of trustees common to both the apprenticeship plan and the multiple employer plan (hereinafter referred to as a related multiple employer plan).

After consideration of these comments, the Department has decided to expand the proposed exemption to permit apprenticeship plans to lease real property other than office space,¹ and to lease personal property incidental to the lease of such real property, from sponsoring employee organizations. It has been represented that there is a widespread need among apprenticeship plans for facilities to train apprentices. Many apprenticeship plans typically have insufficient capital to build such training centers, and, thus, their only realistic alternative is to enter into leasing arrangements. Traditionally, apprenticeship plans have leased such training facilities from, among others, the employee organizations which sponsor such plans. Sponsoring employee organizations have an interest in ensuring the continued existence and financial stability of the apprenticeship plans which they sponsor. Whereas persons unrelated to apprenticeship plans may be unwilling or uninterested in leasing property to such plans, sponsoring employee organizations often are willing to devote the necessary time and expense to provide apprenticeship plans

with the needed training centers and facilities.² Accordingly, the Department believes that permitting apprenticeship plans to lease real property, including the lease of personal property incidental to the lease of such real property, from sponsoring employee organizations under all the conditions of the exemption is appropriate.

At this time, the Department has decided not to extend exemptive relief to transactions for the purchase or lease of personal property (other than incidental to the lease of real property) by apprenticeship plans from sponsoring employee organizations or for the lease of real property (other than office space) or purchase or lease of personal property by an apprenticeship plan from a related employer association. The comment letters did not supply enough information to demonstrate to the Department that such transactions are sufficiently common to justify class-wide relief.

With respect to transactions for the lease of real property (other than office space) or purchase or lease of personal property by an apprenticeship plan from a related multiple employer plan, the Department notes that section C of Prohibited Transaction Exemption 76-1 (PTE 76-1) (41 FR 12740, March 26, 1976) already provides exemptive relief for transactions for the leasing of office space and sale or leasing of goods by a multiple employer plan to another multiple employer plan which is a party in interest with respect to such plan,³ provided certain conditions are met. Subject to the conditions of PTE 76-1, then, a multiple employer apprenticeship plan is not prohibited by the prohibitions of section 406(a) from the lease of office space or the purchase or lease of goods from a related multiple employer plan. The only transaction not already exempt from the prohibitions of section 406(a) under section C of PTE 76-1 is the lease of real property other than office space between related multiple employer plans. The comments, however, did not make a showing that relief beyond that provided by PTE 76-1 is justified or necessary and, accordingly, the Department has determined not to expand the ap-

¹One commentator indicated that few unrelated parties would be willing to enter into long term leases with an apprenticeship plan because of their concern that the plan might not receive additional necessary funding after the conclusion of the collective bargaining agreement.

²It should be noted, however, that not all related multiple employer plans are parties in interest with respect to each other. For example, if plan A merely has the same contributing employer(s), the same sponsoring employee organization(s), the same participants and the same trustees as plan B, and plan A and plan B have no other relationships, plan A and plan B are not parties in interest with respect to each other.

³Section 408(b)(2) of the Act and regulations issued thereunder, § 2550.408b-2 (42 FR 32389, June 24, 1977), already permit a plan to lease office space from a party in interest if certain conditions are met.

prenticeship exemption at this time to permit multiple employer apprenticeship plans to lease real property other than office space from related multiple employer plans.

TRUSTEES AND SECTION 406(b)(2)

Several comments urge the Department to delete from the proposed exemption the condition contained in section II(a)(1) thereof which provided that:

Neither the contributing employer, the wholly owned subsidiary of the employer nor any affiliate of such employer or subsidiary is a fiduciary with respect to the apprenticeship plan on the date of the transaction or has been a fiduciary respecting the apprenticeship plan at any time during the 2 years preceding the date of the transaction.

The comments represent that the structure of certain industries is such that the trustees of multiemployer apprenticeship plans representing contributing employers are drawn from the larger employers in the industry and these employers generally have available the largest pool of property for sale and lease to apprenticeship plans. Thus, it is asserted that adoption of proposed section II(a)(1) would exclude these employers from engaging in sale and lease transactions with apprenticeship plans to the detriment of such plans.

After considering these comments, the Department has decided not to adopt proposed section II(a)(1). The Department is taking this action because the imposition of the restriction contained in that section would diminish substantially the usefulness of the exemption to apprenticeship plans and the other conditions of the exemption provide sufficient protection for apprenticeship plans engaging in the same and lease transactions described herein.

While deletion of proposed section II(a)(1) will permit transactions between apprenticeship plans and contributing employers and sponsoring unions under circumstances where affiliates of such employers or members of such unions serve on the board of trustees administering the plan, the Department emphasizes that the exemption, as adopted, does not contain relief from section 406(b) of the Act. In this regard, the Department has received comments which urge that the proposed exemption be expanded to include relief from the prohibition of section 406(b)(2) of the Act. Section 406(b)(2) prohibits a fiduciary with respect to a plan from acting, in his individual or in any other capacity, in any transaction involving the plan on behalf of a party (or representing a party) whose interests are adverse to the interests of the plan or the interests of its participants or beneficiaries. Exemption from section 406(b) is not necessary for many of the transactions

in which apprenticeship plans purchase or lease property from parties in interest because such transactions are with parties who are not fiduciaries and do not involve the approving fiduciary in transactions which would be prohibited by section 406(b). Moreover, section 408(a) of the Act states that the Department may not grant an exemption from section 406(b) of the Act without affording an opportunity for a hearing. Such a hearing with respect to this exemption would further delay its adoption in final form. Consequently, for these reasons, the Department has determined to adopt the exemption without providing relief from section 406(b) of the Act. Interested persons may wish to bring to the attention of the Department, by application in accordance with the procedure established in ERISA Proc. 75-1 (40 FR 18471, April 28, 1975), as amended (42 FR 57183, November 1, 1977), their views as to whether the exemption, as adopted, should be amended to include relief from any of the prohibitions of section 406(b) of the Act, and, if so, the reasons therefor.

With respect to the absence of relief from section 406(b) of the Act, the Department notes the following. Section 406(b)(1) of the Act prohibits a fiduciary of a plan from dealing with the assets of a plan in his own interest or for his own account. It would constitute a prohibited transaction under section 406(b)(1) of the Act for a trustee of an apprenticeship plan who was, for example, an employee, officer, director or other affiliate of a contributing employer to participate in a decision of the plan to purchase or lease property from such contributing employer. Similarly, a trustee of a plan who was a member or officer of the union sponsoring the plan would engage in an act described in section 406(b)(1) of the Act by participating in a decision of the plan to lease property from such union. However, by removing himself from all consideration by the plan whether or not to engage in the transaction and by not otherwise exercising any of the authority, control or responsibility which makes him a fiduciary to cause the plan to engage in the transaction, the trustee (who is associated with the contributing employer or sponsoring employee organization selling or leasing the property to the plan) could avoid engaging in a section 406(b)(1) prohibited transaction.

GENERAL INFORMATION

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption granted under section 408(a) of the Act does not relieve a fiduciary or party in interest with respect to a plan to which the ex-

emption is applicable from certain other provisions of the Act including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act which require, among other things, that a fiduciary discharge his duties respecting the plan solely in the interests of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act;

(2) This exemption does not extend to transactions prohibited under sections 408(a)(1)(B) and (E), 406(a)(2) or 406(b) of the Act; and

(3) This exemption is supplemental to, and not in derogation of, any other provisions of the Act, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption or transitional rule is not dispositive of whether the transaction is in fact a prohibited transaction.

EXEMPTION

In accordance with section 408(a) of the Act and the procedures set forth in ERISA Proc. 75-1 (40 FR 18471, April 28, 1975), and based upon the entire record, the Department makes the following determinations: (a) the exemption is administratively feasible; (b) the exemption is in the interests of the plans affected and their participants and beneficiaries; and (c) the exemption is protective of the rights of participants and beneficiaries of the affected plans. Accordingly, the following exemption is granted, effective January 1, 1975, under the authority of section 408(a) of the Act and in accordance with the procedures set forth in ERISA Proc. 75-1.

Section I.—Transactions Covered by this Exemption. (a) The purchase of personal property by a multiple employer welfare benefit plan maintained for the purpose of providing apprenticeship or other training programs (hereinafter referred to as an apprenticeship plan) from an employer who makes contributions to such plan (hereinafter referred to as a contributing employer) or from a wholly owned subsidiary of such an employer.

(b) The leasing of personal property by an apprenticeship plan from a contributing employer or from a wholly owned subsidiary of such an employer.

(c) The leasing of real property (other than office space within the contemplation of section 408(b)(2) of the Act) by an apprenticeship plan from a contributing employer, a wholly owned subsidiary of such an employer, or from an employee organization any of whose members' work results in contributions being made to the apprenticeship plan (hereinafter referred to as a sponsoring employee organization).

(d) The leasing of personal property incidental to the leasing of real property by an apprenticeship plan from a sponsoring employee organization.

Section II.—Conditions. The transactions described in section I above are exempt only if:

(a) The transaction is on terms at least as favorable to the plan as an arm's-length transaction with an unrelated party would be;

(b) The transaction is appropriate and helpful in carrying out the purposes for which the plan is established or maintained;

(c) The apprenticeship plan which enters into any of the transactions described in section I above maintains or causes to be maintained for a period of 6 years from the termination of any such transaction such records as are necessary to enable the persons described in paragraph (d) of this section to determine whether the conditions of this exemption have been met, except that:

(1) This paragraph (c) and paragraph (d) below will not apply to transactions effected prior to July 24, 1978, and

(2) A prohibited transaction will not be deemed to have occurred, if due to circumstances beyond the control of the fiduciaries of such apprenticeship plan, such records are lost or destroyed prior to the end of the 6-year period; and

(d) Notwithstanding any provisions of subsections (a)(2) and (b) of section 504 of the act, the records referred to in paragraph (b) of this section are unconditionally available at their customary location for examination during normal business hours by (1) the Department of Labor, (2) any contributing employer, (3) any employee of a contributing employer, (4) any sponsoring employee organization, (5) any person receiving benefits under the apprenticeship plan, and (6) any duly authorized employee or representative of a person described in (1) through (5) of this paragraph.

Section III.—Definitions. For purposes of this exemption the term "multiple employer welfare benefit plan" means a welfare plan which is a multiemployer plan within the meaning of section 3(37) of the Act, or a welfare plan which meets the requirements of at least subsection 3(37)(A) (i), (ii) and (v) of the Act.

Signed at Washington, D.C., this 24th day of May 1978.

IAN D. LANOFF,
Administrator, Pension Welfare
Benefit Programs, Labor-Man-
agement Services Administra-
tion, Department of Labor.

[FR Doc. 78-14897 Filed 5-24-78; 3:44 pm]

[4510-28]

[TA-W-2575]

ANDERSON DEVELOPMENT CORP., MIAMI, ARIZ.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2575: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 9, 1977, in response to a worker petition received on November 2, 1977, which was filed on behalf of workers and former workers of the Anderson Development Corp., who are engaged in the mining, heating and leaching of copper at the Bluebird Mine, Miami, Ariz. The Department's investigation revealed that Anderson workers were engaged only in the mining of copper ore at the Bluebird Mine owned by Ranchers Exploration and Development Corp. During the course of the investigation, it was determined that Ranchers Exploration and Development Corp. is the workers' firm.

The Notice of Investigation was published in the FEDERAL REGISTER on November 18, 1977 (42 FR 59565). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ranchers Exploration and Development Corp., Anderson Development Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the criteria have been met.

U.S. imports of refined copper increased from 192 thousand short tons in 1972 to 203 thousand short tons and 314 thousand short tons, respectively, in 1973 and 1974. U.S. imports of refined copper declined to 147 thousand short tons in 1975 before increasing to 384 thousand short tons in 1976 and 391 thousand short tons in 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1972 to 9.0 percent and 15.2 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production declined to 8.6 percent in 1975 before increasing to 21.0 percent in 1976. The ratio of imports to domestic production increased further, to 22.2 percent in 1977.

While imports of refined copper had increased by 161 percent in 1976 com-

pared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1978 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Ranchers and other domestic producers of refined copper lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the domestic producers price for copper and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5 to 8 cents per pound below the domestic producers price, the demand for imported copper increases. During May and June 1977 the LME price was almost 11 cents per pound below the domestic producers price and in July and August 1977 the LME price was almost 12 cents per pound below the domestic producers price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased compared to 1976.

In October, 1977 Ranchers curtailed mining operations at the Bluebird Mine. Since then no new copper ore has been mined. This decision was based mainly on an attempt to avoid losses which Ranchers would incur were it to continue normal production levels at the current market prices for copper. Ranchers plans to resume normal operations at the Bluebird Mine should market conditions improve.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with copper produced at the Bluebird Mine, Miami, Ariz., of Ranchers Exploration and Development Corp. contributed importantly to the decline in sales and production at the mine and to the total or partial separations of workers of Anderson Development Corporation at the Bluebird Mine. In accordance with the provisions of the Act, I make the following certification:

All workers of Anderson Development Corp., at the Bluebird Mine, Miami, Ariz. who became totally or partially separated from employment on or after September 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 22nd day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14903 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-3144]

BIRD & SON, INC.; EAST WALPOLE, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3144: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 16, 1978, in response to a worker petition received on February 6, 1978, which was filed by the International Brotherhood of Teamsters on behalf of workers and former workers producing shoeboxes at the East Walpole, Mass. (FX 2) plant of Bird & Son, Inc.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8862). No public hearing was requested and none was held.

The information upon which the determination was made was obtained from Bird & Son, Inc., the U.S. Department of Treasury, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the criteria have been met the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The East Walpole, Mass. (FX 2) plant of Bird & Son, Inc. produces shoeboxes.

Imports of rigid boxes are not separately identifiable in the official trade statistics. Folding boxes and paperboard are classified under TSUS item 256.5400, "Boxes, Paper, Paperboard and Paper Mache, NES." A survey of industry sources and U.S. Customs Officials and a review of U.S. Customs invoices indicated that there are no imports of shoeboxes into the United States.

Workers filing this petition allege that increased imports of shoes in

boxes have contributed importantly to the separation of workers at the East Walpole, Mass. plant of Bird & Son, Inc. Although an unknown quantity of imported shoes are shipped in boxes, those packaged shoes are not like or directly competitive with the boxes produced by Bird & Son.

CONCLUSION

After careful review I conclude that all workers at the East Walpole, Mass. (FX 2) plant of Bird & Son, Inc. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-14904 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-3164]

CANAMEX COMMODITY CORP., WIRE PRODUCTS DIVISION, SAN FRANCISCO, CALIF.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3164: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978, in response to a worker petition received on February 7, 1978, which was filed on behalf of workers and former workers producing wire products at the San Francisco, Calif., facility of the Wire Products Division of Canamex Commodity Corp. The Department's investigation revealed that Canamex is involved only in the buying and selling of wire and other products.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Canamex Commodity Corp., and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. The Department has determined that services are not "articles" within the meaning of section 222(3) of the Act.

Canamex Commodity Corp. was founded on July 31, 1972. Canamex is engaged in the buying and selling of

coal, steel, wire products and sulfur. The firm's facilities include a rented office with equipment such as typewriters, telex machines, etc.

The Wire Product Division of Canamex Commodity Corp. purchases wire rod from several steel mills, and sells the rod to a wire manufacturer. The Division also purchases some finished wire products from a wire manufacturer and sells them to the wholesale trade. Workers at Canamex do not perform any production operations.

None of Canamex's customers or suppliers have any ownership or financial control in Canamex Commodity Corp. Canamex has no investment in its suppliers or customers.

The Wire Products Division of Canamex Commodity Corp. provides the service of buying and selling wire and wire rod. Canamex Commodity Corp. is not involved in the production of an article within the meaning of section 222(3) of the Act.

CONCLUSION

After careful review, I conclude that workers of the Wire Products Division of Canamex Commodity Corporation are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 18th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-14905 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2669]

EASTERN SPORTSWEAR MANUFACTURING CO., INC., NEW BEDFORD, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2669: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on November 29, 1977 in response to a worker petition received on November 17, 1977, which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing girls' slacks, skirts, vests and jeans at Eastern Sportswear Manufacturing Co., Inc., New Bedford, Mass.

The notice of investigation was published in the FEDERAL REGISTER on December 16, 1977 (42 FR 63486). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Eastern Sportswear Co., Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, the National Cotton Council of America, industry analysts and Department files. In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

Imports of women's, misses', and girls' skirts increased from 517 thousand dozen in 1975 to 791 thousand dozen in 1976, a gain of 53.0 percent. Imports decreased from 690 thousand dozen in the first three quarters of 1976 to 442 thousand dozen in the first three quarters of 1977, a decline of 35.9 percent. The ratio of imports to domestic production increased from 10.8 percent in 1975 to 11.2 percent in 1976.

Imports of women's, misses', and girls' slacks and shorts increased from 10,067 thousand dozen in 1975 to 11,040 thousand dozen in 1976, a gain of 9.7 percent. Imports increased from 8,549 thousand dozen in the first three quarters of 1976 to 9,080 thousand dozen in the same period of 1977, a gain of 6.2 percent. The ratio of imports to domestic production increased from 35.2 percent in 1975 to 36.4 percent in 1976.

Evidence developed during the Department's investigation revealed that a customer accounting for a major proportion of Eastern Sportswear Manufacturing Co.'s sales decreased purchases from the subject firm and increased purchases of imported girls' sportswear in 1976 compared to 1975 and in 1977 compared to 1976.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with girls' sportswear produced at Eastern Sportswear Manufacturing Co., Inc., New Bedford, Mass. contributed importantly to the decline in sales and to the total or partial separation of the workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Eastern Sportswear Manufacturing Co., Inc., New Bedford, Mass. who became totally or partially separated from employment on or after November 14, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14906 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2792]

EUREKA SUGAR MILL OF THE SUGAR CORPORATION OF PUERTO RICO HORMIGUEROS, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2792: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 21, 1977, in response to a worker petition received on December 6, 1977, which was filed on behalf of workers and former workers producing raw sugar at the Eureka, Hormigueros, P.R. sugar mill of the Sugar Corp. of Puerto Rico.

The notice of investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Sugar Corp. of Puerto Rico, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of cane and beet sugar in 1975 totaled 3.9 million short tons and increased in 1976 to 4.7 million short tons and to 6.1 million short tons in 1977. The ratio of imports to domestic production increased from 59 percent in 1975, to 66 percent in 1976 and to 96 percent in 1977.

Prior to 1974, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices, subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

Sugar prices have dropped from 1974, when prices were 57.3 cents per pound, to the January 1976 price of 11.5 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound. Domestic sugar growers have been selling their products at prices below the cost of production. Although price supports were instituted in 1977 raising the price paid to domestic producers, that price is still

below the Sugar Corp. of Puerto Rico's cost of production. This disparity in cost of production and price of sugar has caused the company to permanently shut down its Eureka Sugar Mill.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with raw sugar produced at the Eureka, Hormigueros, P.R. Sugar Mill of the Sugar Corp. of Puerto Rico contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Eureka, Hormigueros, Puerto Rico Sugar Mill of the Sugar Corporation of Puerto Rico, who became totally or partially separated from employment on or after April 29, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 19th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-14907 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2534]

F/V JENNIFER AND AARON PROVINCETOWN, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2534: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 31, 1977 in response to a worker petition received on October 25, 1977 which was filed on behalf of fishermen and former fishermen catching fish for the F/V Jennifer and Aaron, Provincetown, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the F/V Jennifer and Aaron, his customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment as-

assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets was 654,706,000 pounds. Imports in 1977 were 696,261,000 pounds. Imports as a percentage of production increased from 173.4 percent in 1975 to 197.8 percent in 1976 and declined to 187.8 percent in 1977.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962,000 pounds in 1975 to 331,044,000 pounds in 1977. Imports as a percentage of production increased from 379.4 percent in 1975 to 446.5 percent in 1976 and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206,000 pounds in 1975 to 474,015,000 pounds in 1976 to 478,470,000 pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian ground and flatfish either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and frozen Canadian fish by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian ground and flatfish as leverage in bidding down the ex-vessel prices paid to domestic fishermen for the same species of ground and flatfish.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with groundfish and flatfish caught by the F/V Jennifer and Aaron, Provincetown, Mass. contributed importantly to the decline in sales and employment related to the catching of fish aboard that vessel. In accordance with the provisions of the Act, I make the following certification:

All workers of the F/V Jennifer and Aaron, Provincetown, Mass. who became totally or partially separated from employment on or after October 20, 1976, are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14911 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2430]

"F/V JOHNNY O.", PROVINCETOWN, MASS.
Certification Regarding Eligibility To Apply for
Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2430: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on October 6, 1977 in response to a worker petition received on September 30, 1977 which was filed on behalf of fishermen and former fishermen catching fish for the F/V Johnny O., Provincetown, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on October 25, 1977 (42 FR 56375). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the F/V Johnny O., his customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets was 654,706,000 pounds. Imports in 1977 were 696,261,000 pounds. Imports as a percentage of production increased from 173.4 percent in 1975 to 197.8 percent in 1976 and declined to 187.8 percent in 1977.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962,000 pounds in 1975 to 331,044,000 pounds in 1977. Imports as a percentage of production increased from 379.4 percent in 1975 to 446.5 percent in 1976 and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206,000 pounds in 1975 to 474,015,000 pounds in 1976 to 478,470,000 pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian ground and flatfish either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and

frozen Canadian fish by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian ground and flatfish as leverage in bidding down the ex-vessel prices paid to domestic fishermen for the same species of ground and flatfish.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with groundfish and flatfish caught by the F/V Johnny O., Provincetown, Mass. contributed importantly to the decline in sales and employment related to the catching of fish aboard that vessel. In accordance with the provisions of the Act, I make the following certification:

All workers of the F/V Johnny O., Provincetown, Mass. who became totally or partially separated from employment on or after September 20, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14910 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2536]

F/V MICHAEL ANN, PROVINCETOWN, MASS.
Certification Regarding Eligibility To Apply for
Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2536: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 31, 1977 in response to a worker petition received on October 25, 1977 which was filed on behalf of fishermen and former fishermen catching fish for the F/V Michael Ann, Provincetown, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on November 15, 1977 (42 FR 59131). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the owner of the F/V Michael Ann, his customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment as-

sistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

During the 1973 to 1976 period the average annual level of imports of fresh and frozen groundfish and flatfish: whole; blocks and slabs; and fillets was 654,706 thousand pounds. Imports in 1977 were 696,261 thousand pounds. Imports as a percentage of production increased from 173.4 percent in 1975 to 197.8 percent in 1976 and declined to 187.8 percent in 1977.

Cod represented the largest percentage of total Provincetown landings in 1977. Imports of fresh and frozen cod increased from 256,962 thousand pounds in 1975 to 331,044 thousand pounds in 1977. Imports as a percentage of production increased from 379.4 percent in 1975 to 446.5 percent in 1976 and increased to 463.9 percent in 1977.

Imports of edible fish products from Canada increased from 438,206 thousand pounds in 1975 to 474,015 thousand pounds in 1976 to 478,470 thousand pounds in 1977.

A survey of fish wholesalers served by the Provincetown area indicated that many had decreased purchases of fish from Provincetown. A number of these wholesalers purchased imported Canadian ground and flatfish either directly or indirectly in 1977.

The wholesalers also indicated that decreasing purchases from Provincetown were in large measure due to the increased purchases of fresh and frozen Canadian fish by their customers—fishmarkets, supermarkets, and restaurants. The Department's investigation revealed that many fish distributors and wholesalers use the imports of Canadian ground and flatfish as leverage in bidding down the ex-vessel prices paid to domestic fishermen for the same species of ground and flatfish.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with groundfish and flatfish caught by the F/V Michael Ann, Provincetown, Mass. contributed importantly to the decline in sales and employment related to the catching of fish aboard that vessel. In accordance with the provisions of the Act, I make the following certification:

All workers of the F/V Michael Ann, Provincetown, Mass. who became totally or partially separated from employment on or after October 19, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 23rd day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-14909 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-3166]

FAJARDO SUGAR MILL OF THE SUGAR CORP.
OF PUERTO RICO FAJARDO, PUERTO RICO

Certification Regarding Eligibility To Apply for
Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3166: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978 in response to a worker petition received on February 7, 1978, which was filed on behalf of workers and former workers producing raw sugar at the Fajardo, Fajardo, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico.

The notice of investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Sugar Corp. of Puerto Rico, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of cane and beet sugar in 1975 totaled 3.9 million short tons and increased in 1976 to 4.7 million short tons and 6.1 million tons in 1977. The ratio of imports to domestic production increased from 59 percent in 1975, to 66 percent in 1976 and the 96 percent in 1977.

Prior to 1974, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices, subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

Sugar prices have dropped from 1974, when prices were 57.3 cents per pound, to the January 1976 price of

11.5 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound. Domestic sugar growers have been selling their products at prices below the cost of production. Although price supports were instituted in 1977 raising the price paid to domestic producers, that price is still below the Sugar Corp. of Puerto Rico's cost of production. This disparity in cost of production and price of sugar has caused the company to permanently shut down its Fajardo Sugar Mill.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with raw sugar produced at the Fajardo, Fajardo, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Fajardo, Fajardo, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico, who became totally or partially separated from employment on or after July 1, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14908 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-3179]

HILTON MANUFACTURING CO., LINDEN, N.J.

Negative Determination Regarding Eligibility
To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3179: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978 in response to a worker petition received on February 6, 1978 which was filed by the Amalgamated Clothing and Textile Workers' Union on behalf of workers and former workers producing men's and boys' tailored clothing at Hilton Manufacturing Co., Linden, N.J.

The Notice of Investigation was published in the FEDERAL REGISTER on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained

principally from officials of Hilton Manufacturing Co., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Trade Act of 1974 must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met: that sales or production, or both, of such firm or subdivision have decreased absolutely.

Hilton Manufacturing produces men's suits, sport coats and slacks. Production data represent the number of suit coats and sport coats manufactured; these data are equivalent to the number of suits and sport coats produced (since a suit consists of two garments—pants and a coat—but is counted as a single unit). Suits and sport coats account for about 90 percent of production. Production of suit coats and sport coats increased in 1977 compared to 1976 and in the first two months of 1978 compared to the like period in 1977. Production increased in each quarter of 1977 compared to the like quarter of 1976. Sales are equivalent to production as Hilton Manufacturing produces primarily for customer orders.

CONCLUSION

After careful review I conclude that all workers at Hilton Manufacturing Co., Linden, N.J. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14912 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2793]

IGUALDAD SUGAR MILL OF THE SUGAR CORP. OF PUERTO RICO, MAYAGUEZ, PUERTO RICO

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2793: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on December 21, 1977 in response to a worker petition received on December 6, 1977, which was filed on behalf of

workers and former workers producing raw and refined sugar at the Igualdad, Mayaguez, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico.

The notice of investigation was published in the FEDERAL REGISTER on January 10, 1978 (43 FR 1556). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Sugar Corp. of Puerto Rico, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of cane and beet sugar in 1975 totaled 3.9 million short tons and increased in 1976 to 4.7 million short tons and to 6.1 million short tons in 1977. The ratio of imports to domestic production increased from 59 percent in 1975, to 66 percent in 1976 and to 96 percent in 1977.

Prior to 1974, imports of sugar were regulated by statute. Since the expiration of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices, subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

Sugar prices have dropped from 1974, when prices were 57.3 cents per pound, to the January 1976 price of 11.5 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound. Domestic sugar growers have been selling their products at prices below the cost of production. Although price supports were instituted in 1977 raising the price paid to domestic producers, that price is still below the Sugar Corp. of Puerto Rico's cost of production. This disparity in cost of production and price of sugar has caused the company to permanently shut down its Igualdad Sugar Mill.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with raw and refined sugar produced at the Igualdad, Mayaguez, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the Igualdad, Mayaguez, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico, who became totally or partially separated from employment on or after May 6, 1977 are eligible to apply for adjustment assistance under Title II, chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14913 Filed 5-28-78; 8:45 am]

[4510-28]

[TA-W-2845]

J. & T. SPORTSWEAR, INC., QUINCY, MASS.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2845: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 4, 1978 in response to a worker petition received on December 15, 1977, which was filed on behalf of workers and former workers producing women's sportswear at J. & T. Sportswear, Inc., Quincy, Mass. During the course of the investigation it was revealed that the firm produces women's slacks, shorts, and skirts.

The notice of investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3777). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of J. & T. Sportswear, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. Without regard to whether any of the other criteria have been met, the following criterion has not been met.

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that the sole manufacturer for which J. & T. Sportswear performs contract work increased their domestic contract work and increased their total sales both in 1976 compared to

1975 and in 1977 compared to 1976. This manufacturer neither imports finished garments nor contracts for any work offshore.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that all workers of J. & T. Sportswear, Incorporated, Quincy, Mass. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 10th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-14914 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2903]

JULIUS & SONS, INC., BOSTON, MASS.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2903: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on January 11, 1978 in response to a worker petition received on December 27, 1977 which was filed on behalf of workers and former workers producing leather coats, jackets and outerwear for men at Julius & Sons, Inc., Boston, Mass.

The Notice of Investigation was published in the FEDERAL REGISTER on January 27, 1978 (43 FR 3776). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Julius & Sons Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. It is concluded that all of the requirements have been met.

The value of imported leather coats and jackets increased from 154.3 million dollars in 1975 to 236.6 million dollars in 1976. Imports for January-October 1977 were 203.7 million dollars compared to 195.5 million dollars during January-October 1976. The ratio of imports to domestic production increased from 67.1 percent in 1975 to 81.8 percent in 1976.

Customers surveyed who decreased purchases from Julius & Sons, Inc., in

1976 and 1977, increased purchases of imported leather coats and jackets during the same period.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with leather coats, jackets, and outerwear for men produced at Julius & Sons Inc., Boston, Mass. contributed importantly to the decline in sales and production and to the separations of workers at that firm. In accordance with the provisions of the Act, I make the following certification:

All workers of Julius & Sons, Inc., Boston, Mass. who became totally or partially separated from employment on or after December 20, 1976 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 18th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-14915 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2729]

LACLEDE STEEL CO., ALTON, ILL.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2729: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on December 6, 1977 in response to a worker petition received on November 23, 1977, which was filed by the United Steelworkers of America on behalf of workers and former workers producing steel wire, pipe, sheet and strip, and other hot rolled products at the Alton, Ill. plant of the Laclede Steel Co.

The notice of investigation was published in the FEDERAL REGISTER on December 30, 1977 (42 FR 65307). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of the Laclede Steel Co., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have

been met, the following criterion has not been met:

that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated, or are threatened to become totally or partially separated.

The Department's investigation revealed that the average number of production workers employed at the Alton, Ill. plant of the Laclede Steel Co. increased 0.8 percent from 1975 to 1976 and 5.0 percent from 1976 to 1977. Employment increased in the last three quarters of 1976 and in each quarter of 1977 compared to the same quarters of the preceding year. Average weekly hours per worker did not change significantly from 1976 to 1977.

CONCLUSION

After careful review I conclude that all workers at the Alton, Ill. plant of the Laclede Steel Co. be denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22d day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14916 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2493 and TA-W-2695]

MIDWEST STEEL AND ALLOY CORP. AND RAIL- WAY SCRAP CORP., HUBBARD, OHIO, AND CLEVELAND, OHIO

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2493 and TA-W-2695: Investigations regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on October 20, 1977, in response to a worker petition received on October 13, 1977, which was filed on behalf of workers and former workers producing iron and steel scrap at the Hubbard, Ohio, scrap yard of Midwest Steel & Alloy Corp. and the Cleveland, Ohio, office of the same firm (TA-W-2493) and at the Hubbard, Ohio, facility of Railway Scrap Corp., a wholly-owned subsidiary of Midwest Steel & Alloy Corp. (TA-W-2695).

The notice of investigation for TA-W-2493 was published in the FEDERAL REGISTER on November 1, 1977 (42 FR 57175). No public hearing was requested and none was held.

The notice of investigation of case TA-W-2695 was published in the *FEDERAL REGISTER* on December 16, 1977 (42 FR 63485). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Midwest Steel and Alloy Corp., its customers, the U.S. International Trade Commission, the U.S. Department of Commerce, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. With respect to workers at the Hubbard, Ohio, facility, without regard as to whether any of the other criteria have been met, the following criterion has not been met:

That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and absolute decline in sales or production.

A survey of customers of the Hubbard, Ohio, scrap yard revealed that steel plants which are customers of Midwest do not purchase imported iron and steel scrap metal. Respondents reported that they reduced purchases from Midwest because declining steel reduction had reduced the need for scrap metal. The petition alleged that imports of finished steel products contributed to the workers' separations. However, finished steel products can not be considered like or directly competitive with iron and steel scrap.

With respect to workers at the Cleveland, Ohio, facility, the Department has determined that services are not "articles" within the meaning of section 222(3) of the Act.

The Cleveland, Ohio office of Midwest Steel & Alloy Corp. houses the firm's scrap metal brokerage operations. Midwest finds buyers for owners of scrap metal who wish to sell and finds sellers for those who wish to buy scrap metal. Midwest performs this operation for all types of scrap metal, both ferrous and nonferrous. None of the buyers or sellers have any ownership interest in Midwest Steel & Alloy. The Cleveland, Ohio, facility cannot be considered part of the integrated production process of Midwest Steel & Alloy Corp.

The Cleveland, Ohio, office provides the service of buying and selling scrap metal. The Cleveland, Ohio, office of Midwest Steel & Alloy Corp. is not involved in the production of an article within the meaning of section 222(3) of the Act.

CONCLUSION

After careful review, I conclude that all workers at the Hubbard, Ohio, fa-

cility of Midwest Steel & Alloy Corp. and its subsidiary, Railroad Scrap Corp. and at the Cleveland, Ohio, office of Midwest Steel & Alloy Corp. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C., this 23rd day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.

[FR Doc. 78-14917 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2891]

RANCHERS EXPLORATION AND DEVELOPMENT CORP., MIAMI, ARIZ.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, the Department of Labor herein presents the results of TA-W-2891: investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on January 9, 1978, in response to a worker petition received on December 19, 1977, which was filed on behalf of workers and former workers of Ranchers Exploration & Development Corp., who are engaged in the mining of copper and the production of copper cathodes at the Bluebird Mine, Miami, Ariz.

The Department's investigation revealed that the workers are engaged in the production of copper cathodes (refined copper).

The Notice of Investigation was published in the *FEDERAL REGISTER* on January 27, 1978 (43 FR 3778). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from officials of Ranchers Exploration and Development Corp., the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts, and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of refined copper increased from 192 thousand short tons in 1972 to 203 thousand short tons and 314 thousand short tons, respectively, in 1973 and 1974. U.S. imports of refined copper declined to 147 thousand short tons in 1975 before increasing to 384 thousand short tons in 1976. U.S.

imports increased from 384 thousand short tons in 1976 to 391 thousand short tons in 1977.

The ratio of imported refined copper to domestic production increased from 8.6 percent in 1972 to 9.0 percent and 15.3 percent, respectively, in 1973 and 1974. The ratio of imports to domestic production declined to 8.6 percent in 1975 before increasing to 21.0 percent in 1976. The ratio of imports to domestic production increased further, to 22.2 percent in 1977.

While imports of refined copper had increased by 161 percent in 1976 compared to 1975, domestic demand increased at only a fraction of that rate. Inventory levels of domestic and imported copper on consignment at domestic refineries in December 1976 were 31.4 percent above December 1975 levels and were 143.2 percent above December 1974 levels. Ranchers and other domestic producers of refined copper lost sales in 1977 because of the excessive inventories of domestic and imported refined copper.

Imports of copper are affected by the differential between the price of copper established by domestic producers and the price established by the LME (London Metals Exchange). When the LME price drops more than the estimated transportation costs of 5-8 cents per pound below the domestic producers' price, the demand for imported copper increases. During May and June 1977 the LME price, was almost 11 cents per pound below the domestic producers' price and in July and August 1977 the LME price was almost 12 cents per pound below the domestic producers' price. At the same time, the abundant supply of copper stocks in the foreseeable future provides no reason for domestic consumers of copper to maintain ties with domestic producers for purposes of a guarantee against copper shortages. Consequently, in 1977, when many domestic copper producers curtailed production because of the depressed market price for copper, imports of refined copper increased compared to 1976.

The decision to curtail mining operations at the Bluebird Mine (which in turn results in declining production of refined copper) was based mainly on an attempt to avoid losses which the company would incur were it to continue normal production levels at the current market prices for copper. Ranchers plans to resume normal operations at the Bluebird Mine should market conditions improve.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports of articles like or directly competitive with refined copper produced at the Bluebird Mine, Miami, Ariz. of Ranchers Explo-

ration and Development Corp. contributed importantly to the total or partial separation of the workers of that facility. In accordance with the provisions of the Act, I make the following certification:

All workers at the Bluebird Mine, Miami, Ariz., of Ranchers Exploration and Development Corp. who became totally or partially separated from employment on or after September 1, 1977, are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Trade Act of 1974.

Signed at Washington, D.C., this 22d day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.

[FR Doc. 78-14918 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-3167]

SAN FRANCISCO SUGAR MILL OF THE SUGAR CORP. OF PUERTO RICO, GUAYANILLA, P.R.

Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-3167: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in section 222 of the Act.

The investigation was initiated on February 21, 1978 in response to a worker petition received on February 7, 1978, which was filed on behalf of workers and former workers producing raw sugar at the San Francisco, Guayanilla, P.R. Sugar Mill of the Sugar Corp. of Puerto Rico.

The notice of investigation was published in the *FEDERAL REGISTER* on March 3, 1978 (43 FR 8864). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from the Sugar Corp. of Puerto Rico, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of section 222 of the Act must be met. It is concluded that all of the requirements have been met.

U.S. imports of cane and beet sugar in 1975 totaled 3.9 million short tons and increased in 1976 to 4.7 million short tons and to 6.1 million short tons in 1977. The ratio of imports to domestic production increased from 59 percent in 1975, to 66 percent in 1976 and to 96 percent in 1977.

Prior to 1974, imports of sugar were regulated by statute. Since the expira-

tion of the Sugar Act on December 31, 1974, imported sugar has entered the United States in the absence of price restrictions and quota levels. As a result, domestic prices of sugar have been merged with world sugar prices, subjecting domestic prices to the competitive forces of an increased supply of sugar in a previously regulated market.

Sugar prices have dropped from 1974, when prices were 57.3 cents per pound, to the January 1976 price of 11.5 cents per pound. Presently the price of raw sugar is under 11.0 cents per pound. Domestic sugar growers have been selling their products at prices below the cost of production. Although price supports were instituted in 1977 raising the price paid to domestic producers, that price is still below the Sugar Corp. of Puerto Rico's cost of production. This disparity in cost of production and price of sugar has caused the company to permanently shut down its San Francisco Sugar Mill.

CONCLUSION

After careful review of the facts obtained in the investigation, I conclude that increases of imports like or directly competitive with raw sugar and turbinated sugar produced at the San Francisco, Guayanilla, Puerto Rico Sugar Mill of the Sugar Corp. of Puerto Rico contributed importantly to the decline in sales and production and to the total or partial separation of the workers of that plant. In accordance with the provisions of the Act, I make the following certification:

All workers of the San Francisco, Guayanilla, P.R. Sugar Mill of the Sugar Corp. of Puerto Rico, who became totally or partially separated from employment on or after June 10, 1977 are eligible to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 19th day of May 1978.

HARRY J. GILMAN,
Acting Director, Office of
Foreign Economic Research.
[FR Doc. 78-14919 Filed 5-26-78; 8:45 am]

[4510-28]

[TA-W-2562]

THOMAS KNITTING, INC., NEW YORK, N.Y.

Negative Determination Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with Section 223 of the Trade Act of 1974 the Department of Labor herein presents the results of TA-W-2562: Investigation regarding certification of eligibility to apply for worker adjustment assistance as prescribed in Section 222 of the Act.

The investigation was initiated on November 3, 1977, in response to a

worker petition received on October 27, 1977, which was filed on behalf of workers producing double knit fabric and sweater strips at Thomas Knitting, Inc., New York, N.Y.

The Notice of Investigation was published in the *FEDERAL REGISTER* on November 18, 1977 (42 FR 59583). No public hearing was requested and none was held.

The information upon which the determination was made was obtained principally from Thomas Knitting, Inc., its customers, the U.S. Department of Commerce, the U.S. International Trade Commission, industry analysts and Department files.

In order to make an affirmative determination and issue a certification of eligibility to apply for adjustment assistance, each of the group eligibility requirements of Section 222 of the Act must be met. Without regard to whether any of the other criteria have been met the following criterion has not been met:

that increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threats thereof, and to the absolute decline in sales or production.

The Department's investigation revealed that imports of circular knit fabric increased from 3,022 thousand pounds in 1974 to 4,840 thousand pounds in 1975 and decreased to 3,790 thousand pounds in 1976. In the first nine months of 1976, 2,485 thousand pounds of circular knit fabric were imported compared to 1,391 thousand pounds of circular knit fabric imported in the first nine months of 1977. Imports of double knit fabric decreased from 83 million square yards in 1975 to 67 million square yards in 1976 to 61.8 million square yards in 1977.

Imports as a percentage of domestic production have been less than one percent in each year since 1973 and have been declining since 1975. The import to production ratio was 0.34 in 1975 and 0.28 in 1976. The ratio was 0.14 in the first nine months of 1977 compared to 0.24 in the same period of 1976. Imports of double knit fabric as a percentage of domestic production decreased from 0.7 in 1975 to 0.6 in 1976. Domestic production information was not available for 1977.

CONCLUSION

After careful review of the facts obtained in the investigation, I determine that workers of Thomas Knitting, Inc., New York, N.Y. are denied eligibility to apply for adjustment assistance under Title II, Chapter 2 of the Trade Act of 1974.

Signed at Washington, D.C. this 22nd day of May 1978.

JAMES F. TAYLOR,
Director, Office of Management,
Administration, and Planning.
[FR Doc. 78-14920 Filed 5-26-78; 8:45 am]

[4510-23]

Office of the Secretary
[Order No. 5-78]

ASSISTANT SECRETARY FOR LABOR- MANAGEMENT RELATIONS

Delegation of Authority To Request
Information From the Internal Revenue Service

MAY 10, 1978.

1. *Purpose.* To delegate authority to the Assistant Secretary for Labor-Management Relations for the purpose of administering and enforcing the Employee Retirement Income Security Act of 1974.

2. *Background.* The Employee Retirement Income Security Act of 1974, section 3004, entitled "Coordination Between the Department of the Treasury and the Department of Labor" provides, in general, that to avoid unnecessary expense and duplication of functions, both departments may make agreements for cooperation or mutual assistance in the performance of their functions under the Act.

The implementation of this provision of the Act requires access to tax information in the possession of the Internal Revenue Service. All information furnished by the Internal Revenue Service is made available pursuant to the provisions of section 6103(d)(2) of the Internal Revenue Code. This information will be used strictly in accordance with, and subject to the limitations of the disclosure provisions of the Internal Revenue Code pertaining to confidentiality and taxpayer rights of privacy.

3. *Delegation of Authority.* The Assistant Secretary for Labor-Management Relations is delegated authority—including authority to redelegate—to request information in the possession of the Internal Revenue Service to be used in connection with the administration of Title I of the Employee Retirement Income Security Act of 1974.

4. *Effective date.* This order is effective immediately.

RAY MARSHALL,
Secretary of Labor.

[FR Doc. 78-14898 Filed 5-26-78; 8:45 am]

[4510-28]

INVESTIGATIONS REGARDING CERTIFICA- TIONS OF ELIGIBILITY TO APPLY FOR WORKER ADJUSTMENT ASSISTANCE

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, has instituted investigations pursuant to section 221(a) of the Act and 29 CFR 90.12.

The purpose of each of the investigations is to determine whether absolute or relative increases of imports of articles like or directly competitive with articles produced by the workers' firm or an appropriate subdivision thereof have contributed importantly to an absolute decline in sales or production, or both, of such firm or subdivi-

sion and to the actual or threatened total or partial separation of a significant number or proportion of the workers of such firm or subdivision.

Petitioners meeting these eligibility requirements will be certified as eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act in accordance with the provisions of Subpart B of 29 CFR Part 90. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

Pursuant to 29 CFR 90.13, the petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than June 9, 1978.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Bureau of International Labor Affairs, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, D.C., this 11th day of May 1978.

MARVIN M. FOOKS,
Director, Office of
Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers or former workers of—	Location	Date received	Date of petition	Petition No.	Articles produced
Bethlehem Steel Corp., Marine Division (workers).....	Sparrows Point, Md.....	Apr. 25, 1978	Apr. 21, 1978	TA-W-3,693	Ocean transportation for raw materials for Bethlehem Steel Corp.
Delaware Alloy Forge Co. (I.A.M.)	Philadelphia, Pa.....	May 2, 1978	Apr. 19, 1978	TA-W-3,694	Steel forgings both alloy and unalloyed.
Wm. P. Goldman & Bros. (workers).....	Brooklyn, N.Y.....	May 2, 1978	Apr. 27, 1978	TA-W-3,695	Men's apparel.
International Mill Service (workers).....	Newport, Ark.....	May 1, 1978	Apr. 25, 1978	TA-W-3,696	Removal of impurities from steel and from these impurities, metals (scrap) are recovered for the steel companies.
ITT-Cable Hydrospace, National City Marine Terminal (workers).....	National City, Calif.....	Apr. 27, 1978	Apr. 24, 1978	TA-W-3,697	Undersea telecommunications cables.
Revlon, Inc. (USWA).....	Irvington, N.J.....	May 2, 1978	Apr. 20, 1978	TA-W-3,698	Tweezers, emory files, cuticle clippers, toenail clippers, etc.
Riddell, Inc.....	Chicago, Ill.....	May 1, 1978	Apr. 27, 1978	TA-W-3,699	Men's leather athletic and athleisure shoes.
Sawyer Research Product (workers).....	Eastlake, Ohio.....	May 2, 1978	Apr. 27, 1978	TA-W-3,700	Grow cultured crystal quartz.
U.S. Steel Corp., Pittsburgh Service Center (workers).....	Pittsburgh, Pa. (Muriel St.)	Apr. 19, 1978	Apr. 19, 1978	TA-W-3,701	Data processing and direct mail service.
U.S. Steel Corp., Pittsburgh Service Center (workers).....	Pittsburgh, Pa. (Grant St.)	Apr. 19, 1978	Apr. 18, 1978	TA-W-3,702	Data processing and direct mail service.

[FR Doc. 78-14899 Filed 5-26-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFETY- GUARDS, SUBCOMMITTEE ON THE DIABLO CANYON NUCLEAR POWER STATION

Meeting

The ACRS Subcommittee on the Diablo Canyon Nuclear Power Station will hold a meeting on June 14-15, 1978 in room 1046, 1717 H Street NW., Washington, D.C. 20555 to continue its review of the Pacific Gas and Electric Co.'s applications for operating licenses for Units 1 and 2 of this Station.

In accordance with the procedures outlined in the FEDERAL REGISTER on October 31, 1977, page 56972, oral or written statements may be presented by members of the public, recordings will be permitted only during those portions of the meeting when a transcript is being kept, and questions may be asked only by members of the Subcommittee, its consultants, and Staff. Persons desiring to make oral statements should notify the Designated Federal Employee as far in advance as practicable so that appropriate arrangements can be made to allow the necessary time during the meeting for such statements.

The agenda for subject meeting shall be as follows: Wednesday, June 14 and Thursday, June 15, 1978, 8 a.m. until the conclusion of business each day.

The Subcommittee may meet in Executive Session, with any of its consultants who may be present, to explore and exchange their preliminary opinions regarding matters which should be considered during the meeting and to formulate a report and recommendations to the full Committee.

At the conclusion of the Executive Session, the Subcommittee will hear presentations by and hold discussions with representatives of the Pacific Gas and Electric Co., the NRC Staff, and their consultants, pertinent to this review.

The Subcommittee may then caucus to determine whether the matters identified in the initial session have been adequately covered and whether the project is ready for review by the full Committee.

In addition, it may be necessary for the Subcommittee to hold one or more closed sessions for the purpose of exploring matters involving proprietary information. I have determined, in ac-

cordance with subsection 10(d) of Pub. L. 92-463, that, should such sessions be required, it is necessary to close these sessions to protect proprietary information (5 U.S.C. 552b(c)(4)).

Further information regarding topics to be discussed, whether the meeting has been cancelled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by a prepaid telephone call to the Designated Federal Employee for this meeting, Mr. John C. McKinley, telephone, 202-634-1371, between 8:15 a.m. and 5 p.m., EDT.

Background information concerning items to be considered at this meeting can be found in documents on file and available for public inspection at the NRC Public Document room, 1717 H Street NW., Washington, D.C. 20555 and at the San Luis Obispo Free Library, San Luis Obispo, CA 93406.

Dated: May 24, 1978.

JOHN C. HOYLE,
Advisory Committee
Management Officer.

[FR Doc. 78-15035 Filed 5-26-78; 8:45 am]

[7590-01]

NUCLEAR REGULATORY COMMISSION

[Docket No. 50-289]

METROPOLITAN EDISON CO.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 40 to Facility Operating License No. DPR-50, issued to Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. (the licensees), which revised the license and its appended Technical Specification for operation of the Three Mile Island Nuclear Station, Unit No. 1 (the facility) located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

This amendment reduces the allowable measured neutron flux tilt, the allowable axial power imbalance and the allowable position limits for the Axial Power Shaping Rods.

This amendment also adds a license condition which requires comparison of measured and predicted power distributions after about 25 effective full

power days of operation in this operating cycle.

The applications for the amendment comply with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the applications for amendment dated May 10 and 16, 1978, (2) Amendment No. 40 to License No. DPR-50, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, Pa. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 19th day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT W. REID,
Chief, Operating Reactors
Branch No. 4, Division of Operating Reactors.

[FR Doc. 78-14817 Filed 5-26-78; 8:45 am]

[7590-01]

[Byproduct Material License No. 29-13613-02]

RADIATION TECHNOLOGY, INC.

Order Confirming Resumption of Evidentiary Hearing on May 31, 1978

In the matter of Radiation Technology, Inc., Lake Denmark Road, Rockaway, N.J. 07866.

At the conclusion of an evidentiary hearing session held on May 12, 1978, an order was orally entered into the transcript of the proceeding providing that the evidentiary hearing was then recessed to reconvene in the Freeholders' Meeting Room, Morris County Courthouse at 9 a.m. on Wednesday, May 31, 1978.

This Order is issued to provide a basis for public notice that may not be readily available from the transcript due to the lack of a local Public Depository in Morristown for records in this proceeding.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the Rules of Practice of the Nuclear Regulatory Commission, that the evidentiary hearing in this proceeding shall resume and reconvene at 9 a.m. on Wednesday, May 31, 1978, in the Freeholders' Meeting Room in the Morris County Courthouse, Morristown, N.J.

Issued May 22, 1978, Bethesda, Md.

For the Nuclear Regulatory Commission.

SAMUEL W. JENSCH,
Administrative Law Judge.

[FR Doc. 78-14818 Filed 5-26-78; 8:45 am]

[7555-02]

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

NUCLEAR WASTE MANAGEMENT TECHNICAL ADVISORY GROUP

Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the Office of Science and Technology Policy announces the following meeting:

Name: Nuclear Waste Management Technical Advisory Group.

Date: June 15, 1978.

Time: 8:30 a.m. to 5 p.m.

Place: Room 3104, New Executive Office Building, Washington, D.C. 20500.

Type of meeting: Open.

Contact person: Mr. William Montgomery, Executive Office of the President, Office of Science and Technology Policy, Washington, D.C. 20500, telephone 202-395-4692.

Summary minutes: May be obtained from the Office of Science and Technology Policy, Washington, D.C. 20500.

Purpose of advisory group: The Office of Science and Technology Policy, in accordance with the statutory mandate to analyze and interpret significant developments and trends with respect to long-term management of nuclear wastes, will identify and delineate viable alternative technology strategies or planning approaches to the problem of disposal and isolation of all nuclear waste other than that categorized as low level.

Agenda: 8:30 to 5 p.m.—a discussion of draft materials prepared as part of the policy review process for the President.

WILLIAM J. MONTGOMERY,
Executive Officer.

[FR Doc. 78-14872 Filed 5-26-78; 8:45 am]

[3190-01]

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS

TRADE POLICY STAFF COMMITTEE

Possible Reallocation of Specialty Steel Quotas

AGENCY: Office of the Special Representative for Trade Negotiations.

SUPPLEMENTARY INFORMATION. By Proclamation 4445 of June 11, 1978 (41 FR 24101), as modified, the President proclaimed import relief for the domestic specialty steel industry for a period of 3 years in the form of an Orderly Marketing Agreement with Japan and quotas on imports from other foreign suppliers. Headnote 2 of subpart A, part 2 of the appendix to the Tariff Schedules of the United States (TSUS) gives the Special Representative for Trade Negotiations the authority to reallocate shortfalls during the last 3 months of each quota year. This notice identifies likely shortfalls in relation to revised quota quantities for the current restraint period (June 14, 1977 to June 13, 1978) as listed below:

[In short tons]				
TSUS Item	Supplier	Revised quota quantity for the 2d restraint period	Estimated charges by June 13, 1978	Potential shortfalls
923.20 (stainless steel sheet and strip).....	Col. 2.*	3	0	3
923.22 (stainless steel bar)	Canada	1,600	1,300	300
	Col. 2.*	2	0	2
923.23 (stainless steel rod)	Sweden	3,658	3,246	412
923.26 (alloy tool steel).....	Canada	2,000	1,867	133
	Col. 2.*	6	0	6
	Sweden	8,600	7,804	796

* Countries entitled to the rate of duty in rates of duty column numbered 2 of the tariff schedules of the United States.

ACTION: Notice of possible reallocation of specialty steel quota shortfalls.

SUMMARY: Written comments are solicited from interested parties on the possible reallocation, within certain quota categories, from suppliers who are not likely to export the quantity of steel which would fill the current quotas assigned to them, to other suppliers who are able to supply additional steel.

DATE: Comments should be received by or before June 2, 1978.

ADDRESS: Comments should be sent to the Secretary, Trade Policy Staff Committee, Room 728, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C. 20506.

FOR FURTHER INFORMATION CONTACT:

Karen Alleman, Room 728, Office of the Special Representative for Trade Negotiations, 1800 G Street NW., Washington, D.C. 20506, 202-395-7203.

Estimated charges by June 13, 1978, are extrapolated from actual charges against each quota quantity through May 5, 1978. While shortfalls are possible in the stainless steel plate category, there are no suppliers who have filled their revised quotas at expected rates.

TSUS Item	Supplier
923.20 (stainless steel sheet and strip).	European economic community, Sweden, and other col. 1 countries.
923.22 (stainless steel bar).	European economic community and other col. 1 countries.
923.23 (stainless steel rod).	European economic community.
923.26 (alloy tool steel).	Austria, European economic community, and other col. 1 countries.

WILLIAM B. KELLY, Jr.
Chairman, Trade Policy
Staff Committee.

[FR Doc. 78-14883 Filed 5-26-78; 8:45 am]

[7710-12]

POSTAL SERVICE

CERTAIN PERMANENT POSTAL RATES AND FEES

Effective Date

1. On July 13, 1977, the Postal Service requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of domestic postage and fees for domestic postal services pursuant to Chapter 38 of Title 39, United States Code (Postal Rate Commission Docket No. R77-1). Notice of this action was published in the **FEDERAL REGISTER** by the Postal Rate Commission on July 20, 1977, 42 FR 37330, as amended at 42 FR 63240 and 42 FR 63830.

On May 12, 1978, as amended on May 18, 1978, the Postal Rate Commission transmitted to the Governors of the Postal Service its recommended decision in which it recommended changes in permanent rates of domestic postage and fees for domestic postal services. On May 19, 1978, the Governors approved the permanent rates and fees recommended by the Postal Rate Commission and the Board of Governors determined the effective date thereof. (The Governors' decision, the record of the Com-

mission's hearings, and the Commission's recommended decision may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The Governors' decision and the Commission's recommended decision are available for inspection in the Library at Headquarters, United States Postal Service, 475 L'Enfant Plaza West SW., Washington, D.C. 20260.)

In accordance with action by the Governors and the Board of Governors, the Postal Service hereby gives notice that the rates and fees listed below become effective as of 12:01 a.m., May 29, 1978.

2. The schedules A-1 through G-19 set forth below shall be applicable from and after the time and date specified, until further notice, except that the phased rates set forth in schedules 1-7, which are applicable to the classes of mail and kinds of mailers identified in paragraphs (a) (1) and (2) of § 3626 of Title 39, shall instead be in effect, and the rates becoming effective shall be those set forth in the "year 6" column under the heading "Phased rates."

(39 U.S.C. 101(d), 401, 403, 404, 407, 3621, 3625, 3626, 3627.)

ROGER P. CRAIG,
Deputy General Counsel.

[FR Doc. 78-14804 Filed 5-24-78; 10:05 am]

NOTICES

SCHEDULE A-1
First-Class and Business Reply

Mail Type	Postage Rate Unit	Rate	
		Regular (Cents)	Presorted (Cents) ^{1/}
First-Class:			
Letters	1st Ounce	15 ^{2/}	13
	Each add'l ounce	13 ^{2/}	13
Cards	Piece	10	9
Business Reply ^{3/}	With advance deposit account	3.5	3.5
	Without advance deposit account	12	12

^{1/} Presorted first-class mail must be presented in a single mailing of 500 or more pieces properly prepared and presorted. The lower rate applies only to each piece of a group of ten or more pieces destined for the same five-digit ZIP Code or each piece of a group of fifty or more pieces destined for the same three-digit ZIP Code. A mailing fee of \$30 must be paid once each calendar year, at each office of mailing by or for any person who mails presorted first-class mail.

^{2/} Rate applies through 12 ounces. Heavier pieces are subject to priority mail rates.

^{3/} Rates are applied on a per-piece basis in addition to regular postage. A fee of \$30 must be paid once each calendar year for each business-reply permit. An accounting charge must be paid once each calendar year for each business-reply advance deposit account.

Priority Mail

Postage Rate Unit (Pounds)	Rate ^{1/} (dollars)					
	Zones					
Mail weighing over 12 ozs. and not exceeding	Local					
	1, 2 & 3	4	5	6	7	8
1	1.71	1.81	1.88	1.97	2.06	2.25
1.5	1.86	1.96	2.07	2.21	2.34	2.50
2	1.99	2.12	2.27	2.44	2.61	2.83
2.5	2.11	2.27	2.46	2.68	2.89	3.16
3	2.23	2.42	2.65	2.91	3.17	3.50
3.5	2.35	2.58	2.84	3.15	3.45	3.83
4	2.47	2.73	3.03	3.38	3.73	4.16
4.5	2.59	2.89	3.22	3.62	4.01	4.50
5	2.72	3.04	3.42	3.85	4.29	4.83
Per Piece	\$1.50	\$1.50	\$1.50	\$1.50	\$1.50	\$1.50
Per Pound	24.3¢	30.8¢	38.3¢	47.0¢	55.7¢	66.6¢

^{1/} Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

NOTICES

SCHEDULE A-2a

WEIGHT NOT EXCEEDING (POUNDS)	Priority Rate Schedule					
	LOCAL, 1, 2, 3	ZONE 4	ZONE 5	ZONE 6	ZONE 7	ZONE 8
1.0	1.71	1.81	1.88	1.97	2.06	2.25
1.5	1.86	1.96	2.07	2.21	2.34	2.50
2.0	1.99	2.12	2.27	2.44	2.61	2.83
2.5	2.11	2.27	2.46	2.68	2.89	3.16
3.0	2.23	2.42	2.65	2.91	3.17	3.50
3.5	2.35	2.58	2.84	3.15	3.45	3.83
4.0	2.47	2.73	3.03	3.38	3.73	4.16
4.5	2.59	2.89	3.22	3.62	4.01	4.50
5.0	2.72	3.04	3.42	3.85	4.29	4.83
6.0	2.86	3.35	3.80	4.22	4.84	5.50
7.0	3.20	3.66	4.16	4.79	5.40	6.16
8.0	3.44	3.96	4.56	5.26	5.96	6.83
9.0	3.65	4.27	4.95	5.73	6.51	7.48
10.0	3.85	4.56	5.33	6.20	7.07	8.16
11.0	4.17	4.89	5.71	6.67	7.63	8.83
12.0	4.42	5.20	6.10	7.14	8.16	9.46
13.0	4.66	5.50	6.46	7.61	8.74	10.16
14.0	4.90	5.81	6.86	8.08	9.36	10.82
15.0	5.15	6.12	7.25	8.55	9.84	11.45
16.0	5.39	6.43	7.63	9.02	10.41	12.16
17.0	5.63	6.74	8.01	9.49	10.97	12.82
18.0	5.87	7.04	8.39	9.96	11.52	13.45
19.0	6.12	7.35	8.78	10.43	12.08	14.16
20.0	6.36	7.66	9.16	10.90	12.63	14.82
21.0	6.60	7.97	9.56	11.37	13.20	15.45
22.0	6.85	8.28	9.93	11.84	13.75	16.16
23.0	7.09	8.58	10.31	12.31	14.31	16.82
24.0	7.33	8.89	10.69	12.78	14.87	17.48
25.0	7.58	9.20	11.08	13.25	15.43	18.15
26.0	7.82	9.51	11.46	13.72	15.98	18.82
27.0	8.06	9.82	11.84	14.19	16.54	19.48
28.0	8.30	10.12	12.22	14.66	17.10	20.16
29.0	8.55	10.43	12.61	15.13	17.65	20.81
30.0	8.79	10.74	12.99	15.60	18.21	21.46
31.0	9.03	11.05	13.37	16.07	18.77	22.15
32.0	9.28	11.36	13.76	16.54	19.32	22.81
33.0	9.52	11.66	14.14	17.01	19.88	23.48
34.0	9.76	11.97	14.52	17.48	20.44	24.14
35.0	10.01	12.28	14.91	17.95	21.00	24.81
36.0	10.25	12.59	15.29	18.42	21.55	25.46
37.0	10.49	12.90	15.67	18.89	22.11	26.14
38.0	10.73	13.20	16.05	19.36	22.67	26.81
39.0	10.98	13.51	16.44	19.83	23.22	27.47
40.0	11.22	13.82	16.82	20.30	23.78	28.14
41.0	11.46	14.13	17.20	20.77	24.34	28.81
42.0	11.71	14.44	17.59	21.24	24.89	29.47
43.0	11.95	14.74	17.97	21.71	25.45	30.14
44.0	12.19	15.05	18.35	22.18	26.01	30.80
45.0	12.44	15.36	18.74	22.65	26.57	31.47
46.0	12.68	15.67	19.12	23.12	27.12	32.14
47.0	12.92	15.98	19.50	23.59	27.68	32.80
48.0	13.16	16.28	19.88	24.06	28.24	33.47
49.0	13.41	16.59	20.27	24.53	28.79	34.13
50.0	13.65	16.90	20.65	25.00	29.35	34.80
51.0	13.89	17.21	21.03	25.47	29.91	35.47
52.0	14.14	17.52	21.42	25.94	30.46	36.13
53.0	14.38	17.82	21.80	26.41	31.02	36.80
54.0	14.62	18.13	22.18	26.88	31.58	37.46
55.0	14.87	18.44	22.57	27.35	32.14	38.13
56.0	15.11	18.75	22.95	27.82	32.69	38.80
57.0	15.35	19.06	23.33	28.29	33.25	39.46
58.0	15.59	19.36	23.71	28.76	33.81	40.13
59.0	15.84	19.67	24.10	29.23	34.36	40.79
60.0	16.08	19.98	24.48	29.70	34.92	41.46
61.0	16.32	20.29	24.86	30.17	35.48	42.13
62.0	16.57	20.60	25.25	30.64	36.03	42.79
63.0	16.81	20.90	25.63	31.11	36.59	43.46
64.0	17.05	21.21	26.01	31.58	37.15	44.12
65.0	17.30	21.52	26.40	32.05	37.71	44.79
66.0	17.54	21.83	26.78	32.52	38.26	45.46
67.0	17.78	22.14	27.16	32.99	38.82	46.12
68.0	18.02	22.44	27.54	33.46	39.38	46.79
69.0	18.27	22.75	27.93	33.93	39.92	47.45
70.0	18.51	23.06	28.31	34.40	40.49	48.12

NOTICES

SCHEDULE B-1

Second-Class Mail: In-County, Transient, and
Commingled Non-Subscriber Copies^{1/}

Mail Type	Full Rate (cents)
In-County	
Pound-rate matter:	
Per-pound	5.4
Per-piece	3.4
Transient	
First 2 ounces	10
Each additional ounce	6
Commingled Non-Subscriber Copies ^{1/}	
Per-pound	15.3
Per-piece	5.8

^{1/} Includes sample copies in excess of the 10 percent allowance and complimentary copies.

SCHEDULE B-2
Second-Class Mail: Publications
of Authorized Nonprofit
Organizations, Outside County

	Postage Rate Unit	Full Rate ^{1/} (cents)
Per-pound		
Non-advertising portion	Pound	11.2
Advertising portion:		
Zone: 1 & 2	Pound	15.8
3	Pound	16.5
4	Pound	17.6
5	Pound	19.7
6	Pound	22.5
7	Pound	25.1
8	Pound	27.6
Per-piece	Piece	5.6

^{1/} Charges for second-class nonprofit mail are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

^{2/} Not applicable to publications containing 10 percent or less advertising content.

SCHEDULE B-3
Second-Class Mail: Classroom Publications,
Outside County

	Postage Rate Unit	Full Rate ^{1/} (cents)
Per-pound		
Non-advertising portion	Pound	5.4
Advertising portion:		
Zone: 1 & 2	Pound	7.2
3	Pound	7.6
4	Pound	8.9
5	Pound	11.2
6	Pound	14.2
7	Pound	17.0
8	Pound	18.9
Per-piece	Piece	3.0

^{1/} Charges for classroom publications are computed by adding the per-piece charge to the sum of the non-advertising portion charge and the advertising portion charge, as applicable.

NOTICES

SCHEDULE B-4

Second-Class Mail: Regular Rate
Publications, Outside County

	Postage Rate Unit	Full Rate ^{1/} (cents)
Per-pound		
Non-advertising portion	Pound	13.1
Advertising portion:		
Zone: 1 & 2	Pound	17.5 ^{2/}
3	Pound	18.4
4	Pound	19.9
5	Pound	22.7
6	Pound	26.0
7	Pound	29.4
8	Pound	31.8
Per-piece		
5,000 or more copies per issue outside the county of publication		
Category A Outgoing/incoming distribution required: SCF, States, and mixed States	Piece	7.0
Category B Incoming distribution only required: 3-digit city and 5-digit	Piece	5.4
Category C By-pass outgoing and incoming distribution: carrier route or finer presortation	Piece	4.4
Less than 5,000 copies per issue outside the county of publication		
Presorted to 3-digit City/5 digits	Piece	4.3
Not presorted to 3-digit City/5 digits	Piece	5.9

^{1/} Charges for second-class regular rate mail are computed by adding the appropriate per-piece charge to the sum of the non-advertising portion and the advertising portion charge, as applicable.

^{2/} Per-pound advertising portion rate for science of agriculture publications mailed to zones 1 and 2 is 15.8 cents.

SCHEDULE C
Controlled Circulation Mail

	Full Rate (cents)
Per-pound	15.3
Per-piece	5.8

SCHEDULE D
Third-Class Mail

	Full Rate (cents)
Single-Piece	
First 2 ounces	20
Next 2 ounces	20
Each additional 2 ounces	13
Keys and Identification Devices	
First 2 ounces	32
Each additional 2 ounces	18
Regular Bulk ^{1/}	
Per-pound	
Ordinary matter ^{2/}	41
Books, catalogs, etc. ^{3/}	36
Minimum-per-piece	8.4
Nonprofit Bulk ^{1/}	
Per-pound	
Ordinary matter ^{2/}	34
Books, catalogs, etc. ^{3/}	29
Minimum-per-piece	6.1

^{1/} A fee of \$40.00 must be paid once each calendar year for each bulk mailing permit.

^{2/} Ordinary matter includes all regular and nonprofit bulk matter except: books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants.

^{3/} Books and catalogs of 24 bound pages or more, seeds, cuttings, bulbs, roots, scions, and plants.

NOTICES

SCHEDULE E-1

Fourth-Class Mail: Special and Library Rates

	Full Rate (cents)
Special:	
First pound	59
Not presorted	52
Presorted to 5-digits $\frac{1}{2}$	55
Presorted to 3-digits $\frac{1}{3}$	
Each additional pound through 7 pounds	22
Each additional pound over 7 pounds	13
Library:	
First pound	38
Each additional pound through 7 pounds	13
Each additional pound over 7 pounds	7
1/ A fee of \$30.00 must be paid once each calendar year for each permit	
2/ For mailings of 500 or more pieces properly prepared and presorted to five-digit destination ZIP Codes (§400.331a(1) of the Classification Schedule effective July 6, 1976).	
3/ For mailings of 2,000 or more pieces properly prepared and presorted to five-digit and three-digit destination ZIP Codes (§400.331a(2) of the Classification Schedule effective July 6, 1976).	

SCHEDULE E-2

Fourth-Class Mail: Single-Piece Bound Printed Matter^{1/}

Rates for Pieces Weighing Up to (Pounds)	Zones (Dollars)							
	Local	1&2	3	4	5	6	7	8
1.5	.69	.92	.94	.97	1.02	1.08	1.16	1.19
2	.69	.93	.95	.99	1.06	1.14	1.25	1.28
2.5	.69	.93	.96	1.01	1.10	1.20	1.33	1.38
3	.69	.94	.97	1.03	1.14	1.25	1.41	1.47
3.5	.69	.94	.98	1.05	1.17	1.31	1.50	1.56
4	.69	.95	.99	1.07	1.21	1.37	1.58	1.66
4.5	.69	.95	1.00	1.09	1.25	1.42	1.67	1.75
5	.70	.96	1.02	1.12	1.29	1.48	1.75	1.85
6	.70	.96	1.04	1.16	1.36	1.59	1.92	2.03
7	.70	.97	1.06	1.20	1.44	1.71	2.09	2.22
8	.70	.98	1.08	1.24	1.51	1.82	2.25	2.41
9	.70	.99	1.10	1.28	1.59	1.94	2.42	2.59
10	.70	1.00	1.12	1.32	1.66	2.05	2.59	2.78
Per piece (dollars)	.69	.91	.91	.91	.91	.91	.91	.91
Per Pound (cents)	.1	.9	2.1	4.1	7.5	11.4	16.8	18.7
1/ Includes both catalogs and similar bound printed matter (§400.51 of the Classification Schedule effective July 6, 1976).								

SCHEDULE E-3

Fourth-Class Mail: Bulk Bound Printed Matter^{1/}

Zones	Per Piece (cents)	Per Pound (cents)
Local	35	.1
1&2	46	.9
3	46	2.1
4	46	4.1
5	46	7.5
6	46	11.4
7	46	16.8
8	46	18.7

1/ Includes both catalogs and similar bound printed matter (§400.51 of the Classification Schedule effective July 6, 1976).

NOTICES

SCHEDULE E-4
PARCEL POST RATE SCHEDULE

WEIGHT NOT EXCEEDING (POUNDS)	Local	1&2	3	4	5	6	7	8
2	1.15	1.35	1.39	1.56	1.72	1.84	1.98	2.22
3	1.23	1.45	1.53	1.73	1.86	2.04	2.24	2.61
4	1.25	1.56	1.65	1.82	2.00	2.23	2.50	3.00
5	1.36	1.66	1.77	1.92	2.14	2.43	2.77	3.39
6	1.42	1.71	1.84	2.01	2.28	2.62	3.03	3.78
7	1.47	1.76	1.90	2.11	2.41	2.82	3.25	4.17
8	1.51	1.80	1.97	2.20	2.55	3.02	3.56	4.55
9	1.54	1.85	2.03	2.29	2.69	3.21	3.82	4.95
10	1.57	1.89	2.10	2.39	2.82	3.41	4.08	5.34
11	1.60	1.94	2.17	2.50	3.06	3.65	4.42	5.73
12	1.64	1.98	2.22	2.56	3.09	3.77	4.57	6.1
13	1.67	2.02	2.27	2.63	3.17	3.89	4.72	6.4
14	1.70	2.05	2.32	2.69	3.25	3.99	4.86	6.62
15	1.73	2.09	2.36	2.74	3.33	4.09	4.99	6.80
16	1.76	2.13	2.41	2.80	3.40	4.19	5.11	6.98
17	1.79	2.16	2.45	2.85	3.47	4.29	5.23	7.15
18	1.82	2.20	2.49	2.91	3.54	4.37	5.34	7.31
19	1.86	2.23	2.53	2.96	3.61	4.46	5.45	7.47
20	1.89	2.27	2.58	3.01	3.67	4.54	5.55	7.62
21	1.92	2.30	2.62	3.06	3.74	4.62	5.64	7.76
22	1.95	2.34	2.66	3.14	3.85	4.78	5.90	7.90
23	1.98	2.37	2.72	3.25	3.99	4.96	6.02	8.03
24	2.01	2.44	2.80	3.35	4.12	5.13	6.24	8.16
25	2.04	2.51	2.89	3.46	4.26	5.31	6.46	8.29
26	2.07	2.58	2.97	3.56	4.39	5.48	6.68	8.40
27	2.11	2.65	3.06	3.67	4.53	5.66	6.90	8.52
28	2.14	2.72	3.14	3.77	4.66	5.83	7.12	8.63
29	2.17	2.75	3.23	3.88	4.80	6.01	7.34	8.75
30	2.20	2.86	3.31	3.98	4.93	6.18	7.56	8.85
31	2.26	3.09	3.46	4.09	5.07	6.36	7.78	9.41
32	2.31	3.12	3.49	4.19	5.20	6.53	8.00	9.51
33	2.34	3.16	3.57	4.30	5.34	6.71	8.22	9.61
34	2.37	3.19	3.65	4.40	5.47	6.88	8.44	9.80
35	2.40	3.22	3.74	4.51	5.61	7.06	8.66	10.06
36	2.43	3.25	3.82	4.61	5.74	7.23	8.89	10.32
37	2.46	3.35	3.91	4.72	5.88	7.41	9.10	10.58
38	2.49	3.42	3.99	4.82	6.01	7.58	9.32	10.84
39	2.53	3.49	4.08	4.93	6.15	7.76	9.54	11.10
40	2.56	3.56	4.16	5.03	6.29	7.93	9.76	11.36
41	2.59	3.63	4.25	5.14	6.42	8.11	9.98	11.62
42	2.62	3.70	4.33	5.24	6.55	8.28	10.20	11.88
43	2.65	3.77	4.42	5.35	6.69	8.46	10.42	12.14
44	2.68	3.84	4.50	5.45	6.82	8.63	10.64	12.40
45	2.71	3.91	4.59	5.56	6.96	8.81	10.86	12.66
46	2.74	3.98	4.67	5.66	7.09	8.98	11.08	12.92
47	2.77	4.05	4.76	5.77	7.23	9.16	11.30	13.18
48	2.80	4.12	4.84	5.87	7.36	9.33	11.52	13.44
49	2.83	4.19	4.93	5.98	7.50	9.51	11.74	13.70
50	2.86	4.26	5.01	6.08	7.63	9.68	11.96	13.96
51	2.89	4.33	5.10	6.19	7.77	9.86	12.18	14.22
52	2.92	4.40	5.18	6.29	7.90	10.03	12.40	14.48
53	2.95	4.47	5.27	6.40	8.04	10.21	12.62	14.74
54	2.98	4.54	5.35	6.50	8.17	10.38	12.84	15.00
55	3.01	4.61	5.44	6.61	8.31	10.56	13.06	15.25
56	3.04	4.68	5.52	6.71	8.44	10.73	13.28	15.52
57	3.07	4.75	5.61	6.82	8.58	10.91	13.50	15.78
58	3.10	4.82	5.69	6.92	8.71	11.08	13.72	16.04
59	3.13	4.89	5.78	7.03	8.85	11.25	13.94	16.30
60	3.16	4.96	5.86	7.13	8.98	11.43	14.16	16.56
61	3.19	5.03	5.95	7.24	9.12	11.61	14.38	16.82
62	3.22	5.10	6.03	7.34	9.25	11.78	14.60	17.08
63	3.25	5.17	6.12	7.45	9.39	11.96	14.82	17.34
64	3.28	5.24	6.20	7.55	9.52	12.13	15.04	17.60
65	3.31	5.31	6.29	7.66	9.66	12.31	15.26	17.86
66	3.34	5.38	6.37	7.76	9.79	12.48	15.48	18.12
67	3.37	5.45	6.46	7.87	9.93	12.66	15.70	18.38
68	3.40	5.52	6.54	7.97	10.06	12.83	15.92	18.64
69	3.43	5.59	6.63	8.08	10.20	13.01	16.14	18.90
70	3.46	5.66	6.71	8.18	10.33	13.18	16.36	19.16

Exception: Parcels weighing less than 15 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 15-pound parcel for the zone to which addressed.

SCHEDULE F-1

Express Mail Rates: Airport to Airport

POUNDS (up to and including)	ZONES							POUNDS (up to and including)	ZONES						
	3	4	5	6	7	8	9		3	4	5	6	7	8	9
1	\$ 8.55	\$ 8.60	\$ 8.65	\$ 8.75	\$ 8.85	\$ 8.95	\$ 9.05	36	21.15	21.65	22.10	22.60	23.10	23.65	24.20
2	8.95	9.00	9.15	9.25	9.40	9.55	9.70	37	20.95	22.05	22.60	23.10	23.65	24.15	24.70
3	9.35	9.45	9.60	9.75	9.95	10.15	10.35	38	21.35	22.50	23.05	23.55	24.05	24.55	25.10
4	9.75	9.90	10.10	10.30	10.50	10.75	11.00	39	21.75	22.95	23.50	24.00	24.50	25.00	25.55
5	10.15	10.30	10.55	10.80	11.05	11.35	11.65	40	22.15	23.35	23.90	24.40	24.90	25.40	25.95
6	10.55	10.75	11.00	11.30	11.60	11.95	12.30	41	22.55	23.80	24.35	24.85	25.35	25.85	26.40
7	10.95	11.15	11.40	11.75	12.10	12.45	12.85	42	22.95	24.20	24.75	25.25	25.75	26.25	26.80
8	11.35	11.60	11.90	12.25	12.65	13.05	13.45	43	23.35	24.65	25.20	25.70	26.20	26.70	27.25
9	11.75	12.05	12.40	12.80	13.20	13.65	14.05	44	23.75	25.10	25.65	26.15	26.65	27.15	27.70
10	12.15	12.50	12.90	13.35	13.80	14.25	14.65	45	24.15	25.55	26.10	26.60	27.10	27.60	28.15
11	12.55	12.95	13.40	13.85	14.30	14.75	15.15	46	24.55	26.00	26.55	27.05	27.55	28.05	28.60
12	12.95	13.40	13.85	14.30	14.75	15.20	15.60	47	24.95	26.45	27.00	27.50	28.00	28.50	29.05
13	13.35	13.80	14.25	14.70	15.15	15.60	16.00	48	25.35	26.85	27.40	27.90	28.40	28.90	29.45
14	13.75	14.20	14.65	15.10	15.55	16.00	16.40	49	25.75	27.25	27.80	28.30	28.80	29.30	29.85
15	14.15	14.60	15.05	15.50	15.95	16.40	16.80	50	26.15	27.65	28.20	28.70	29.20	29.70	30.25
16	14.55	15.00	15.45	15.90	16.35	16.80	17.20	51	26.55	28.05	28.60	29.10	29.60	30.10	30.65
17	14.95	15.40	15.85	16.30	16.75	17.20	17.60	52	26.95	28.45	29.00	29.50	30.00	30.50	31.05
18	15.35	15.80	16.25	16.70	17.15	17.60	18.00	53	27.35	28.85	29.40	29.90	30.40	30.90	31.45
19	15.75	16.20	16.65	17.10	17.55	18.00	18.40	54	27.75	29.25	29.80	30.30	30.80	31.30	31.85
20	16.15	16.60	17.05	17.50	17.95	18.40	18.80	55	28.15	29.65	30.20	30.70	31.20	31.70	32.25
21	16.55	17.00	17.45	17.90	18.35	18.80	19.20	56	28.55	30.05	30.60	31.10	31.60	32.10	32.65
22	16.95	17.40	17.85	18.30	18.75	19.20	19.60	57	28.95	30.45	31.00	31.50	32.00	32.50	33.05
23	17.35	17.80	18.25	18.70	19.15	19.60	20.00	58	29.35	30.85	31.40	31.90	32.40	32.90	33.45
24	17.75	18.20	18.65	19.10	19.55	20.00	20.40	59	29.75	31.25	31.80	32.30	32.80	33.30	33.85
25	18.15	18.60	19.05	19.50	19.95	20.40	20.80	60	30.15	31.65	32.20	32.70	33.20	33.70	34.25
26	18.55	19.00	19.45	19.90	20.35	20.80	21.20	61	30.55	32.05	32.60	33.10	33.60	34.10	34.65
27	18.95	19.40	19.85	20.30	20.75	21.20	21.60	62	30.95	32.45	33.00	33.50	34.00	34.50	35.05
28	19.35	19.80	20.25	20.70	21.15	21.60	22.00	63	31.35	32.85	33.40	33.90	34.40	34.90	35.45
29	19.75	20.20	20.65	21.10	21.55	22.00	22.40	64	31.75	33.25	33.80	34.30	34.80	35.30	35.85
30	20.15	20.60	21.05	21.50	21.95	22.40	22.80	65	32.15	33.65	34.20	34.70	35.20	35.70	36.25
31	20.55	21.00	21.45	21.90	22.35	22.80	23.20	66	32.55	34.05	34.60	35.10	35.60	36.10	36.65
32	20.95	21.40	21.85	22.30	22.75	23.20	23.60	67	32.95	34.45	35.00	35.50	36.00	36.50	37.05
33	21.35	21.80	22.25	22.70	23.15	23.60	24.00	68	33.35	34.85	35.40	35.90	36.40	36.90	37.45
34	21.75	22.20	22.65	23.10	23.55	24.00	24.40	69	33.75	35.25	35.80	36.30	36.80	37.30	37.85
35	22.15	22.60	23.05	23.50	23.95	24.40	24.80	70	34.15	35.65	36.20	36.70	37.20	37.70	38.25

SCHEDULE F-2

Express Mail Rates: Programmed Service

POUNDS (up to and including)	ZONES							POUNDS (up to and including)	ZONES						
	3	4	5	6	7	8	9		3	4	5	6	7	8	9
1	\$12.55	\$12.60	\$12.65	\$12.75	\$12.85	\$12.95	\$13.05	36	28.55	29.05	29.55	30.05	30.55	31.05	31.55
2	12.95	13.00	13.10	13.25	13.40	13.55	13.70	37	28.95	29.45	29.95	30.45	30.95	31.45	31.95
3	13.35	13.45	13.60	13.75	13.95	14.15	14.35	38	29.35	29.85	30.35	30.85	31.35	31.85	32.35
4	13.75	13.90	14.10	14.30	14.50	14.75	15.00	39	29.75	30.25	30.75	31.25	31.75	32.25	32.75
5	14.15	14.30	14.55	14.80	15.05	15.35	15.65	40	30.15	30.65	31.15	31.65	32.15	32.65	33.15
6	14.55	14.75	15.00	15.30	15.60	15.95	16.30	41	30.55	31.05	31.55	32.05	32.55	33.05	33.55
7	14.95	15.15	15.40	15.70	16.00	16.35	16.70	42	30.95	31.45	31.95	32.45	32.95	33.45	33.95
8	15.35	15.60	15.95	16.30	16.65	17.00	17.40	43	31.35	31.85	32.35	32.85	33.35	33.85	34.35
9	15.75	16.05	16.45	16.85	17.25	17.65	18.10	44	31.75	32.25	32.75	33.25	33.75	34.25	34.75
10	16.15	16.45	16.90	17.35	17.80	18.25	18.70	45	32.15	32.65	33.15	33.65	34.15	34.65	35.15
11	16.55	16.90	17.35	17.85	18.35	18.85	19.35	46	32.55	33.05	33.55	34.05	34.55	35.05	35.55
12	16.95	17.30	17.85	18.35	18.90	19.45	19.95	47	32.95	33.45	33.95	34.45	34.95	35.45	35.95
13	17.35	17.75	18.30	18.85	19.45	20.00	20.55	48	33.35	33.85	34.35	34.85	35.35	35.85	36.35
14	17.75	18.20	18.80	19.40	20.00	20.60	21.15	49	33.75	34.25	34.75	35.25	35.75	36.25	36.75
15	18.15	18.60	19.25	19.90	20.55	21.20	21.80	50	34.15	34.65	35.15	35.65	36.15	36.65	37.15
16	18.55	19.05	19.70	20.40	21.10	21.80	22.45	51	34.55	35.05	35.55	36.05	36.55	37.05	37.55
17	18.95	19.45	20.20	20.95	21.70	22.45	23.15	52	34.95	35.45	35.95	36.45	36.95	37.45	37.95
18	19.35	19.90	20.65	21.40	22.20	23.00	23.75	53	35.35	35.85	36.35	36.85	37.35	37.85	38.35
19	19.75	20.35	21.15	21.95	22.75	23.55	24.35	54	35.75	36.25	36.75	37.25	37.75	38.25	38.75
20	20.15	20.75	21.60	22.45	23.30	24.15	24.95	55	36.15	36.65	37.15	37.65	38.15	38.65	39.15
21	20.55	21.20	22.05	22.95	23.85	24.75	25.55	56	36.55	37.05	37.55	38.05	38.55	39.05	39.55
22	20.95	21.60	22.50	23.45	24.40	25.35	26.15	57	36.95	37.45	37.95	38.45	38.95	39.45	39.95
23	21.35	22.05	23.00	23.95	24.95	25.95	26.75	58	37.35	37.85	38.35	38.85	39.35	39.85	40.35
24	21.75	22.50	23.50	24.50	25.55	26.60	27.40	59	37.75	38.25	38.75	39.25	39.75	40.25	40.75
25	22.15	22.90	23.95	25.00	26.05	27.15	27.95	60	38.15	38.65	39.15	39.65	40.15	40.65	41.15
26	22.55	23.35	24.40	25.50	26.60	27.70	28.55	61	38.55	39.05	39.55	40.05	40.55	41.05	41.55
27	22.95	23.75	24.90	26.05	27.15	28.30	29.15	62	38.95	39.45	39.95	40.45	40.95	41.45	41.95
28	23.35	24.20	25.35	26.50	27.65	28.85	29.70	63	39.35	39.85	40.35	40.85	41.35	41.85	42.35
29	23.75	24.65	25.85	27.05	28.25	29.45	30.30	64	39.75	40.25	40.75	41.25	41.75	42.25	42.75
30	24.15	25.05	26.30	27.55	28.80	30.05	30.90	65	40.15	40.65	41.15	41.65	42.15	42.65	43.15
31	24.55	25.50	26.75	28.05	29.35	30.65	31.55	66	40.55	41.05	41.55	42.05	42.55	43.05	43.55
32	24.95	25.90	27.25	28.55	29.90	31.25	32.15	67	40.95	41.45	41.95	42.45	42.95	43.45	43.95
33	25.35	26.35	27.70	29.05	30.40	31.75	32.65	68	41.35	41.85	42.35	42.85	43.35	43.85	44.35
34	25.75	26.80	28.20	29.60	31.00	32.40	33.30	69	41.75	42.25	42.75	43.25	43.75	44.25	44.75
35	26.15	27.20	28.65	30.10	31.55	33.00	33.90	70	42.15	42.65	43.15	43.65	44.15	44.65	45.15

- 1/ The rates for Programmed Service are subject to the following:
- If tendered at origin airport mail facility deduct \$3.00.
 - If tendered for claim by addressee at destination airport mail facility deduct \$3.00.
 - If tendered at origin airport mail facility for claim by addressee at destination airport mail facility deduct \$6.00.
 - Add \$3.25 for each delivery stop for item(a) tendered for delivery to addressee.
 - For each collection stop, add \$3.25 per occurrence.

SCHEDULE F-3

Express Mail Rates: Post Office to Addressee^{1/}

POUNDS (up to and including)	ZONES							
	3	4	5	6	7	8	9	
1	\$ 7.50	\$ 7.55	\$ 7.65	\$ 7.70	\$ 7.80	\$ 7.90	\$ 8.00	
2	7.90	8.00	8.10	8.25	8.35	8.50	8.65	
3	8.30	8.40	8.60	8.75	8.90	9.10	9.30	
4	8.70	8.85	9.05	9.25	9.45	9.70	9.95	
5	9.10	9.30	9.50	9.75	10.00	10.30	10.60	
6	9.50	9.70	10.00	10.25	10.55	10.90	11.25	
7	9.90	10.15	10.45	10.80	11.10	11.50	11.90	
8	10.30	10.55	10.95	11.30	11.65	12.10	12.55	
9	10.70	11.00	11.40	11.80	12.20	12.70	13.20	
10	11.10	11.45	11.85	12.30	12.75	13.30	13.85	
11	11.50	11.85	12.35	12.80	13.30	13.90	14.50	
12	11.90	12.30	12.80	13.35	13.85	14.50	15.15	
13	12.30	12.70	13.30	13.85	14.40	15.10	15.80	
14	12.70	13.15	13.75	14.35	14.95	15.70	16.45	
15	13.10	13.60	14.20	14.85	15.50	16.30	17.10	
16	13.50	14.00	14.70	15.35	16.05	16.90	17.75	
17	13.90	14.45	15.15	15.90	16.60	17.50	18.40	
18	14.30	14.85	15.65	16.40	17.15	18.10	19.05	
19	14.70	15.30	16.10	16.90	17.70	18.70	19.70	
20	15.10	15.75	16.55	17.40	18.25	19.30	20.35	
21	15.50	16.15	17.05	17.90	18.80	19.90	21.00	
22	15.90	16.60	17.50	18.45	19.35	20.50	21.65	
23	16.30	17.00	18.00	18.95	19.90	21.10	22.30	
24	16.70	17.45	18.45	19.45	20.45	21.70	22.95	
25	17.10	17.90	18.90	19.95	21.00	22.30	23.60	
26	17.50	18.30	19.40	20.45	21.55	22.90	24.25	
27	17.90	18.75	19.85	21.00	22.10	23.50	24.90	
28	18.30	19.15	20.35	21.50	22.65	24.10	25.55	
29	18.70	19.60	20.80	22.00	23.20	24.70	26.20	
30	19.10	20.05	21.25	22.50	23.75	25.30	26.85	
31	19.50	20.45	21.75	23.00	24.30	25.90	27.50	
32	19.90	20.90	22.20	23.55	24.85	26.50	28.15	
33	20.30	21.30	22.70	24.05	25.40	27.10	28.80	
34	20.70	21.75	23.15	24.55	25.95	27.70	29.45	
35	21.10	22.20	23.60	25.05	26.50	28.30	30.10	

POUNDS (up to and including)	ZONES							
	3	4	5	6	7	8	9	
36	21.50	22.60	24.10	25.55	27.05	28.90	30.75	
37	21.90	23.05	24.55	26.10	27.60	29.50	31.40	
38	22.30	23.45	25.05	26.60	28.15	30.10	32.05	
39	22.70	23.90	25.50	27.10	28.70	30.70	32.70	
40	23.10	24.35	25.95	27.60	29.25	31.30	33.35	
41	23.50	24.75	26.45	28.10	29.80	31.90	34.00	
42	23.90	25.20	26.90	28.65	30.35	32.50	34.65	
43	24.30	25.60	27.40	29.15	30.90	33.10	35.30	
44	24.70	26.05	27.85	29.65	31.45	33.70	35.95	
45	25.10	26.50	28.30	30.15	32.00	34.30	36.60	
46	25.50	26.90	28.80	30.65	32.55	34.90	37.25	
47	25.90	27.35	29.25	31.20	33.10	35.50	37.90	
48	26.30	27.75	29.75	31.70	33.65	36.10	38.55	
49	26.70	28.20	30.20	32.20	34.20	36.70	39.20	
50	27.10	28.65	30.65	32.70	34.75	37.30	39.85	
51	27.50	29.05	31.15	33.20	35.30	37.90	40.50	
52	27.90	29.50	31.60	33.75	35.85	38.50	41.15	
53	28.30	29.90	32.10	34.25	36.40	39.10	41.80	
54	28.70	30.35	32.55	34.75	36.95	39.70	42.45	
55	29.10	30.80	33.00	35.25	37.50	40.30	43.10	
56	29.50	31.20	33.50	35.75	38.05	40.90	43.75	
57	29.90	31.65	33.95	36.30	38.60	41.50	44.40	
58	30.30	32.05	34.45	36.80	39.15	42.10	45.05	
59	30.70	32.50	34.90	37.30	39.70	42.70	45.70	
60	31.10	32.85	35.35	37.80	40.25	43.30	46.35	
61	31.50	33.35	35.85	38.30	40.80	43.90	47.00	
62	31.90	33.80	36.30	38.85	41.35	44.50	47.65	
63	32.30	34.20	36.80	39.35	41.90	45.10	48.30	
64	32.70	34.65	37.25	39.85	42.45	45.70	48.95	
65	33.10	35.10	37.70	40.35	43.00	46.30	49.60	
66	33.50	35.50	38.20	40.85	43.55	46.90	50.25	
67	33.90	35.95	38.65	41.40	44.10	47.50	50.90	
68	34.30	36.35	39.15	41.90	44.65	48.10	51.55	
69	34.70	36.80	39.60	42.40	45.20	48.70	52.20	
70	35.10	37.25	40.05	42.90	45.75	49.30	52.85	

^{1/} For each collection stop, add \$5.25 per occurrence.

SCHEDULE F-4

Express Mail Rates: Post Office to Post Office

POUNDS (up to and including)	ZONES							
	3	4	5	6	7	8	9	
1	\$ 5.40	\$ 5.45	\$ 5.55	\$ 5.60	\$ 5.70	\$ 5.80	\$ 5.90	
2	5.80	5.90	6.00	6.15	6.25	6.40	6.55	
3	6.20	6.30	6.50	6.65	6.80	7.00	7.20	
4	6.60	6.75	6.95	7.15	7.35	7.60	7.85	
5	7.00	7.20	7.40	7.65	7.90	8.20	8.50	
6	7.40	7.60	7.90	8.15	8.45	8.80	9.15	
7	7.80	8.05	8.35	8.70	9.00	9.40	9.80	
8	8.20	8.45	8.85	9.20	9.55	10.00	10.45	
9	8.60	8.90	9.30	9.70	10.10	10.60	11.10	
10	9.00	9.35	9.75	10.20	10.65	11.20	11.75	
11	9.40	9.75	10.25	10.70	11.20	11.80	12.40	
12	9.80	10.20	10.70	11.25	11.75	12.40	13.05	
13	10.20	10.60	11.20	11.75	12.30	13.00	13.70	
14	10.60	11.05	11.65	12.25	12.85	13.60	14.35	
15	11.00	11.50	12.10	12.75	13.40	14.20	15.00	
16	11.40	11.90	12.60	13.25	13.95	14.80	15.65	
17	11.80	12.35	13.05	13.80	14.50	15.40	16.30	
18	12.20	12.75	13.55	14.30	15.05	16.00	16.95	
19	12.60	13.20	14.00	14.80	15.60	16.60	17.60	
20	13.00	13.65	14.45	15.30	16.15	17.20	18.25	
21	13.40	14.05	14.95	15.80	16.70	17.80	18.90	
22	13.80	14.50	15.40	16.35	17.25	18.40	19.55	
23	14.20	14.90	15.90	16.85	17.80	19.00	20.20	
24	14.60	15.35	16.35	17.35	18.35	19.60	20.85	
25	15.00	15.80	16.80	17.85	18.90	20.20	21.50	
26	15.40	16.20	17.30	18.35	19.45	20.80	22.15	
27	15.80	16.65	17.75	18.90	20.00	21.40	22.80	
28	16.20	17.10	18.35	19.40	20.55	22.00	23.45	
29	16.60	17.50	18.70	19.90	21.10	22.60	24.10	
30	17.00	17.95	19.15	20.40	21.65	23.20	24.75	
31	17.40	18.35	19.65	20.90	22.20	23.80	25.40	
32	17.80	18.80	20.10	21.45	22.75	24.40	26.05	
33	18.20	19.20	20.60	21.95	23.30	25.00	26.70	
34	18.60	19.65	21.05	22.45	23.85	25.80	27.35	
35	19.00	20.10	21.50	22.95	24.40	25.20	28.00	

POUNDS (up to and including)	ZONES							
	3	4	5	6	7	8	9	
36	19.40	20.50	22.00	23.45	24.95	26.80	28.65	
37	19.80	20.95	22.45	24.00	25.50	27.40	29.30	
38	20.20	21.40	22.95	24.50	26.05	28.00	29.95	
39	20.60	21.80	23.40	25.00	26.60	28.60	30.60	
40	21.00	22.25	23.85	25.50	27.15	29.20	31.25	
41	21.40	22.65	24.35	26.00	27.70	29.80	31.90	
42	21.80	23.10	24.80	26.55	28.25	30.40	32.55	
43	22.20	23.50	25.30	27.05	28.80	31.00	33.20	
44	22.60	23.95	25.75	27.55	29.35	31.60	33.85	
45	23.00	24.40	26.20	28.05	29.90	32.20	34.50	
46	23.40	24.80	26.70	28.55	30.45	32.80	35.15	
47	23.80	25.25	27.15	29.10	31.00	33.40	35.80	
48	24.20	25.65	27.65	29.60	31.55	34.00	36.45	
49	24.60	26.10	28.10	30.10	32.10	34.60	37.10	
50	25.00	26.55	28.55	30.60	32.65	35.20	37.75	
51	25.40	26.95	29.05	31.10	33.20	35.80	38.40	
52	25.80	27.40	29.50	31.65	33.75	36.40	39.05	
53	26.20	27.85	30.00	32.15	34.30	37.00	39.70	
54	26.60	28.25	30.45	32.65	34.85	37.60	40.35	
55	27.00	28.70	30.90	33.15	35.40	38.20	41.00	
56	27.40	29.10	31.40	33.65	35.95	38.80	41.65	
57	27.80	29.55	31.85	34.20	36.50	39.40	42.30	
58	28.20	30.00	32.35	34.70	37.05	40.00	42.95	
59	28.60	30.40	32.80	35.20	37.60	40.60	43.60	
60	29.00	30.85	33.25	35.70	38.15	41.20	44.25	
61	29.40	31.25	33.75	36.20	38.70	41.80	44.90	
62	29.80	31.70	34.20	36.75	39.25	42.40	45.55	
63	30.20	32.10	34.70	37.25	39.80	43.00	46.20	
64	30.60	32.55	35.15	37.75	40.35	43.60	46.85	
65	31.00	33.00	35.60	38.25	40.90	44.20	47.50	
66	31.40	33.40	36.10	38.75	41.45	44.80		

NOTICES

SCHEDULE G-1

Special Services: Address Corrections

Description	Fee
Per Correction	\$ 0.25

SCHEDULE G-2

Special Services: Certificates of Mailing

Description	Fees (in addition to postage)
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Individual Pieces

Original certificate of mailing for individually listed pieces of all classes of ordinary mail \$ 0.15 each

Each additional copy of original certificate of mailing or original mailing receipt for registered, insured, certified and c.o.d. mail 0.15 each

Bulk Pieces

Identical pieces of first- and third-class mail paid with ordinary stamps, pre-canceled stamps or meter stamps:

Up to 1,000 pieces (1 certificate for total number) 0.75

Each additional 1,000 pieces or fraction 0.15

Duplicate copy 0.15

SCHEDULE G-3

Special Services: Certified Mail

Description	Fees (in addition to postage)
Per-piece	\$ 0.80

NOTICES

SCHEDULE G-4

Special Services: Collect on Delivery

Amount to be Collected, or Insurance Coverage Desired	Fees (in addition to postage)
\$ 0.01 to \$ 10	\$ 1.10
10.01 to 25	1.35
25.01 to 50	1.65
50.01 to 100	1.95
100.01 to 200	2.30
200.01 to 300	2.75
300.01 to 400	3.25
Notice of nondelivery of C.O.D.	1.00
Alteration of C.O.D. charges or designation of new addressee	1.00
Registered C.O.D.	1.40

SCHEDULE G-5

Special Services: Dead Letter Return

Description	Fee
Per-piece (first-class letters and parcels only)	\$ 0.40

SCHEDULE G-6

Special Services: Insured Mail

Liability	Fees (in addition to postage)
\$ 0.01 to \$ 15	\$ 0.50
15.01 to 50	0.85
50.01 to 100	1.10
100.01 to 150	1.40
150.01 to 200	1.75
200.01 to 300	2.25
300.01 to 400	2.75

NOTICES

SCHEDULE G-7

Special Services: LockBox/Caller Service

A. RENTAL RATES FOR LOCKBOXES

Cubic inch capacity of lockboxes-----	Fee per semi-annual period				
	TO 265	266 to	500 to	1,000 to	2,000 and over
Box size-----	1	2	3	4	5
Group I:					
Subgroup A-----	\$14.	\$20	\$28	\$40	\$55
Subgroup B-----	10	14	20	30	40
Subgroup C-----	8	11	15	24	30
Group II:					
Subgroup D-----	2.50	4	5	7.50	10
Subgroup E-----	2	3	4	6	8
Subgroup F-----	1.50	1.50	1.50	1.50	1.50

B. CALLER SERVICE

Description	Fees
For Caller Service (semi-annual)	\$60
For Each Reserved Call Number (annual)	10

SCHEDULE G-8

Special Services: Meter Setting On Site

Description	Fees
Meter Company Adjustments:	\$ 5
All Other Meter Settings:	
First Meter	
By Appointment	7
Unscheduled Request	12
Additional Meters	3.50 each

SCHEDULE G-9

Special Services: Money Orders

Amount	Fee
\$ 0.01 to \$ 10	\$ 0.55
10.01 to 50	0.80
50.01 to 400	1.10
APO-FPO	
\$ 0.01 to \$400	\$ 0.20

NOTICES

SCHEDULE C-10

Special Services: Parcel Air Lift

Description	Fees (in addition to parcel postage)
Up to 2 pounds	\$ 0.25
Over 2 up to 3 pounds	0.50
Over 3 up to 4 pounds	0.75
Over 4 pounds	1.00

SCHEDULE G-11

Special Services: Permit Imprints

Description	Fee
Per permit	\$30

SCHEDULE G-12

Special Services: Registered Mail.

Value	Fees	
	For Articles Not Covered By Commercial Or Other Insurance	For Articles Also Covered By Commercial Or Other Insurance
\$ 0.00 to \$ 100.....	\$ 3.00	\$ 3.00
\$ 100.01 to \$ 200.....	3.30	3.30
\$ 200.01 to \$ 400.....	3.70	3.70
\$ 400.01 to \$ 600.....	4.10	4.10
\$ 600.01 to \$ 800.....	4.50	4.50
\$ 800.01 to \$ 1,000.....	4.90	4.90
\$ 1,000.01 to \$ 2,000.....	5.30	\$4.90 plus handling charge
\$ 2,000.01 to \$ 3,000.....	5.70	of 35 cents per \$1,000 or
\$ 3,000.01 to \$ 4,000.....	6.10	fraction over first \$1,000
\$ 4,000.01 to \$ 5,000.....	6.50	
\$ 5,000.01 to \$ 6,000.....	6.90	
\$ 6,000.01 to \$ 7,000.....	7.30	
\$ 7,000.01 to \$ 8,000.....	7.70	
\$ 8,000.01 to \$ 9,000.....	8.10	
\$ 9,000.01 to \$10,000.....	8.50	
\$10,000.01 to \$11,000.....	8.90	
\$11,000.01 to \$12,000.....	9.30	
\$12,000.01 to \$13,000.....	9.70	
\$13,000.01 to \$14,000.....	10.10	
\$14,000.01 to \$15,000.....	10.50	
\$15,000.01 to \$16,000.....	10.90	
\$16,000.01 to \$17,000.....	11.30	
\$17,000.01 to \$18,000.....	11.70	
\$18,000.01 to \$19,000.....	12.10	
\$19,000.01 to \$20,000.....	12.50	
\$20,000.01 to \$21,000.....	12.90	
\$21,000.01 to \$22,000.....	13.30	
\$22,000.01 to \$23,000.....	13.70	
\$23,000.01 to \$24,000.....	14.10	
\$24,000.01 to \$25,000.....	14.50	
\$25,000 to \$1,000,000 Proposed.....	\$14.50 plus handling charge	
	of \$0.35 cents per \$1,000	
	or fraction over first	
	\$25,000.	
\$1,000,000 to \$15,000,000.....	\$355.75 plus handling charge of 30 cents per \$1,000 or fraction over first \$1,000,000	\$354.55 plus handling charge of 30 cents per 1,000 or fraction over first \$1,000,000
Over \$15,000,000.....	Additional charges may be made based on considerations of weight, space and value.	

NOTICES

SCHEDULE G-13

Special Services: Restricted Delivery

Description	Fee (in addition to postage)
Per-piece	\$ 0. 80

SCHEDULE G-14

Special Services: Return Receipts

Description	Fees (in addition to postage)
<u>Requested at time of Mailing</u>	
Showing to whom (signature) and date delivered	\$ 0.45
Showing to whom (signature), date and address where delivered	0.55
<u>Requested after Mailing</u>	
Showing to whom and date delivered	2.10

SCHEDULE G-15

Special Services: Second-Class Applications

Type	Fees
Original Entry	\$120
News Agents	30
Re-entry	30
Additional Entry (all zones)	50

SCHEDULE G-16

Special Services: Special Delivery

Class/Weight	Fees (in addition to postage)
<u>First-Class and Priority Mail</u>	
Not more than 2 pounds	\$ 2.00
Over 2 but not over 10 pounds	2.25
Over 10 pounds	2.85
<u>All Other Classes</u>	
Not more than 2 pounds	2.25
Over 2 but not over 10 pounds	2.85
Over 10 pounds	3.25

NOTICES

SCHEDULE G-17

Special Services: Special Handling

Weight	Fees (in addition to postage)
Not more than 10 pounds	\$ 0.70
Over 10 pounds	1.25

SCHEDULE G-18

Special Services: Stamped Envelopes

Type	Price
Single Sale.....	\$0.03
<u>Bulk (500) #6-3/4 size</u>	
Regular.....	4.50
Window.....	5.00
Precanceled.....	4.50
<u>Bulk (500) #10 size</u>	
Regular.....	5.50
Window.....	6.00
Precanceled.....	5.50
<u>Printing Charge Per 500 Envelopes</u>	
Minimum Order (500 Envelopes).....	2.50
Orders for 1,000 or more Envelopes.....	2.50

SCHEDULE G-19

Special Services: Zip Coding of Mailing Lists

Description	Fee
Per thousand addresses	\$23

SCHEDULE 1

Second-Class Phased Rates: In-County

Rate Category	Phased Rates (cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
<u>Pound-Rate Matter:</u>											
Per Pound	2.1	2.5	2.8	3.1	3.4	3.8	4.1	4.4	4.7	5.1	5.4
Per piece	0.8	1.1	1.3	1.6	1.8	2.1	2.4	2.6	2.9	3.1	3.4

SCHEDULE 2

Second-Class Phased Rates: Publications of Authorized
Nonprofit Organizations, Outside County

Rate Category	Phased Rates (cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Per Pound											
Non-advertising portion	4.4	5.0	5.7	6.4	7.1	7.8	8.5	9.1	9.8	10.5	11.2
Advertising Portion											
Zones 1 & 2	6.9	7.8	8.7	9.6	10.5	11.4	12.2	13.1	14.0	14.9	15.8
3	7.6	8.5	9.4	10.3	11.2	12.1	13.0	13.8	14.7	15.6	16.5
4	9.1	9.9	10.8	11.6	12.5	13.3	14.2	15.0	15.9	16.7	17.6
5	10.8	11.6	12.5	13.4	14.3	15.2	16.1	17.0	17.9	18.8	19.7
6	12.0	13.1	14.1	15.2	16.2	17.3	18.3	19.4	20.4	21.5	22.5
7	13.0	14.2	15.4	16.6	17.8	19.0	20.2	21.5	22.7	23.9	25.1
8	13.9	15.3	16.6	18.0	19.4	20.8	22.1	23.5	24.9	26.2	27.6
Per-Piece	1.3	1.7	2.1	2.6	3.0	3.4	3.9	4.3	4.7	5.2	5.6

SCHEDULE 3

Second-Class Phased Rates: Classroom Publications,
Outside County

Rate Category	Phased Rates (cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Per-Pound											
Non-advertising portion	3.3	3.5	3.7	3.9	4.1	4.3	4.5	4.8	5.0	5.2	5.4
Advertising Portion											
Zones 1 & 2	4.3	4.6	4.9	5.2	5.4	5.7	6.0	6.3	6.6	6.9	7.2
3	5.0	5.2	5.5	5.8	6.0	6.3	6.5	6.8	7.1	7.3	7.6
4	6.2	6.4	6.7	7.0	7.3	7.5	7.8	8.1	8.4	8.6	8.9
5	8.0	8.3	8.6	9.0	9.3	9.6	9.9	10.2	10.6	10.9	11.2
6	10.0	10.4	10.8	11.3	11.7	12.1	12.5	12.9	13.4	13.8	14.2
7	11.4	11.9	12.5	13.1	13.6	14.2	14.7	15.3	15.9	16.4	17.0
8	13.1	13.7	14.3	14.9	15.4	16.0	16.6	17.2	17.7	18.3	18.9
Per-Piece	0.8	1.1	1.3	1.5	1.7	1.9	2.1	2.4	2.6	2.8	3.0

SCHEDULE 4

Second-Class Phased Rates: Regular Rate Publications,
Outside County

Rate Category	Phased Rates (Cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Per Pound											
Non-advertising portion	9.0	11.0	13.1								
Advertising Portion											
Zones 1 & 2	12.0	14.7	17.5								
3	7.0	7.9	8.7	9.6	10.5	11.4	12.3	13.2	14.0	14.9	15.8
4	12.9	15.6	18.4								
5	14.4	17.1	19.9								
6	16.6	19.7	22.7								
7	19.1	22.6	26.0								
8	21.4	25.4	29.4								
	23.7	27.8	31.8								
Per-Piece**	3.7	5.4	7.0								
Per-Piece***	3.2	4.3	5.4								
Per-Piece****	2.8	3.6	4.4								
Per-Piece*****	1.2	1.6	2.1	2.6	3.1	3.5	4.0	4.5	5.0	5.4	5.9
Per-Piece*****	1.0	1.3	1.7	2.0	2.3	2.7	3.0	3.3	3.6	4.0	4.3

*Science of Agriculture publications.

**Publications mailing 5,000 or more copies per issue outside county of publication, Category A: Outgoing/incoming distribution required (SCP, states, and mixed states).

***Publications mailing 5,000 or more copies per issue outside county of publication, Category B: Incoming distribution only required (3-digit city and 5-digit).

****Publications mailing 5,000 or more copies per issue outside county of publication, Category C: By-pass outgoing and incoming distribution (carrier route or finer).

*****Publications mailing fewer than 5,000 copies per issue outside county of publication not presorted to 3-digit city/5 digits.

*****Publications mailing fewer than 5,000 copies per issue outside county of publication presorted to 3-digit city/5 digits.

SCHEDULE 5

Controlled Circulation Phased Rates

Rate Category	Phased Rates (cents)		
	Year		
	6	7	8
Per-Pound	12.3	13.8	15.3
Per-Piece	4.1	4.9	5.8

SCHEDULE 7

Fourth-Class Phased Rates: Special and Library

Rate Category	Phased Rates (cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Special:											
First Pound, Regular Rate	36.0	48.0	59.0								
First Pound, Discount Level A	33.3	42.6	52.0								
First Pound, Discount Level B	34.4	44.7	55.0								
Each Additional Pound Thru 7 Pounds	14.0	18.0	22.0								
Each Additional Pound	10.0	11.0	13.0								
Library:											
First Pound	11.0	14.0	17.0	19.0	22.0	25.0	27.0	30.0	33.0	35.0	38.0
Each Additional Pound Thru 7 Pounds	5.0	5.0	6.0	7.0	8.0	9.0	10.0	10.0	11.0	12.0	13.0
Each Additional Pound	4.0	4.0	5.0	5.0	5.0	6.0	6.0	6.0	6.0	7.0	7.0

SCHEDULE 6

Third-Class Phased Rates: Nonprofit Bulk

Rate Category	Phased Rates (cents)										
	Year										
	6	7	8	9	10	11	12	13	14	15	16
Per-Pound											
Ordinary Matter	15.0	17.0	19.0	20.0	22.0	24.0	26.0	28.0	30.0	32.0	34.0
Books, Catalogs, Etc.	12.0	14.0	16.0	17.0	19.0	21.0	22.0	24.0	26.0	27.0	29.0
Minimum-Per-Piece											
	2.4	2.7	3.1	3.5	3.9	4.2	4.6	5.0	5.4	5.7	6.1

STOCK SHARES

Name	Common	Preferred
American Standard, Inc.....	1,350	1,870
CNA Realty Corp.....	1,350	1,870
National Gypsum Co.....	1,350	1,870
The Stanley Works.....	1,350	1,870
Whirlpool Corp.....	1,350	1,870
U.S. Plywood-Champlon Papers, Inc.....	1,350	1,870
Donaldson, Lufkin & Jenrette, Inc.....	950	None
Property Research Corp.....	950	None
Total.....	10,000	10,020

Applicant represents that by letters dated December 13, 1971, and January 21, 1974, the staff of the Commission was given notice pursuant to the above order of the following transactions:

(a) The sale of a controlling interest in Applicant to Moller Steamship Co., Inc. by seven of Applicant's corporate stockholders.

(b) The issuance by Applicant of \$1,000,000 of its 7½ percent preferred stock to Moller Industries, Inc. ("Moller") a wholly owned subsidiary of Moller Steamship Co., Inc.

(c) Transfer to Robert L. Thompson (Mr. Thompson), President and Chief Executive Officer of Applicant, of 2,587,283 shares of Applicant's common stock.

Applicant states that each of the foregoing transactions was consummated on the terms presented to the staff of the Commission subject to certain minor changes that were requested by the staff of the Commission. Applicant further states that by letters dated February 20, 1976, June 28, 1976, and July 5, 1977, the staff of the Commission was notified of two additional transactions involving (i) the repurchase by Applicant of its debentures formerly held by CNA Realty Corporation; and (ii) the repurchase by Applicant of its remaining outstanding debentures and 582,138 shares of its outstanding common stock. (The common stock was owned by one of the debenture holders and represented 13.5 percent of Applicant's total outstanding common stock.)

Applicant represents that in May, 1977, Applicant transferred substantially all of its assets to two wholly owned subsidiaries ("Subsidiaries") in consideration of the Subsidiaries' issuance of their respective common stock to Applicant and the Subsidiaries' assumption of all of the liabilities and obligations of Applicant. Applicant further represents that concurrent with such transfer, Applicant and its President, Mr. Thompson, executed an agreement with the Subsidiaries whereby Mr. Thompson and Applicant agreed to provide management services and office facilities for the Subsidiaries.

Applicant states that Citibank, N.A. and Moller, Applicant's major credi-

[6820-40]

THE PRESIDENT'S COMMISSION ON MENTAL HEALTH

Termination

In accordance with Executive Order 11973, signed by President Carter, the President's Commission on Mental Health having competed its work will terminate its operations effective May 31, 1978.

The Commission's Report to the President was officially released to the public April 27, 1978, and can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The official records of the Commission will reside at the National Archives.

Dated: May 22, 1978.

BENEDICT J. LATTERI,
Administrative Officer, Presi-
dent's Commission on Mental
Health.

[FR Doc. 78-14881 Filed 5-26-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. 10248; 812-2382]

BUILDERS RESOURCES CORP.

Filing of Application for Order Rescinding Prior Order Exempting Applicant From all the Provisions of the Act.

MAY 18, 1978.

Notice is hereby given, that Builders Resources Corp. ("Applicant"), 431 North Frederick Avenue, Suite 207, Gaithersburg, Md. 20780, a Delaware corporation, filed amendments to its application on September 29, 1977, November 2, 1977, and April 27, 1978, requesting an order of the Commission rescinding an earlier Commission order which, pursuant to section 6(c) of the Investment Company Act of 1940 ("Act"), conditionally exempted Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant was incorporated under the laws of the State of Delaware on August 11, 1967, for the purpose of providing equity financing for residential construction through the formation of limited partnerships or joint ventures with builders throughout the country. Applicant organized separate partnerships for each project with the builder, as the general partner, and Applicant, as the limited partner. In some instances Applicant used a joint venture instead of a limited partner-

ship. Applicant states that each formation by it of such a joint venture or limited partnership may have constituted the investment by Applicant in a "security" as defined in section 2(a)(35) of the Act, and that hence Applicant may have been deemed to be an investment company under the Act.

Accordingly, Applicant filed an application with the Commission on September 5, 1968, pursuant to section 6(c) of the Act, for an order of the Commission exempting Applicant from all the provisions of the Act. Based upon the information supplied by Applicant, the Commission issued an order on April 17, 1969, pursuant to section 6(c) of the Act (Investment Company Act Release No. 5654), declaring Applicant to be exempt from all the provisions of the Act, subject to two conditions which were consented to by Applicant. The two conditions are as follows:

(a) Applicant shall not issue securities, and Applicant's stockholders shall not transfer any securities of Applicant held by such stockholders, to any persons other than Applicant's present stockholders or pursuant to options granted under Applicant's Qualified Stock Option Plan to Officers of Applicant and any subsequently acquired subsidiaries of Applicant and to Area Managers of Applicant, not exceeding total of 20 persons, unless Applicant shall notify the staff of the Commission at least 30 days prior to such issuance or transfer, although such period may be reduce by the staff on request of Applicant, and if, within 25 days of receipt of such notice, the staff shall notify Applicant that a substantial question exists whether the proposed issuance or transfer affects the grounds upon which the requested Order was granted, Applicant shall not issue any security to any such person, and no stockholder of Applicant shall transfer to such person any security of Applicant held by such stockholder, unless the Commission has entered an Order permitting the proposed issuance or transfer of securities pursuant to an application under the Act filed by Applicant.

(b) Any stockholder of Applicant which has a stock that is publicly traded shall not invest more than 5% of its total assets in Applicant, provided however, that if any stockholder of Applicant does not have a publicly traded stock but is a subsidiary of a publicly held corporation, that the total assets of such publicly held corporation shall be considered for purpose of this condition.

This Commission order was issued at a time when Applicant had eight stockholders, each of which was a corporation, and six of which were publicly owned corporations. Applicant's stockholders and their respective stock interests were as follows:

tors, have agreed to the Subsidiaries' assumption of Applicant's indebtedness to such creditors and have released Applicant from all such indebtedness. Applicant further states that Moller has contributed back to the capital of Applicant all of Applicant's common and preferred stock and all rights to acquire such stock held by Moller.

Applicant represents that the following summarizes the results of the foregoing recapitalization transactions:

(a) Applicant now has only nominal assets and liabilities, and its current business activities consist solely of liquidating the assets transferred to the Subsidiaries for the benefit of creditors.

(b) Apart from liquidating the assets of the Subsidiaries, Applicant's future business activities have not yet been formulated; however, Applicant states that it definitely will not provide equity financing for residential construction through the medium of limited partnership agreements entered into between Applicant and the builder/developer.

(c) All of Applicant's outstanding common stock (2,587,283 shares) is owned by Mr. Thompson, President of Applicant. There are no other securities of Applicant currently outstanding.

Applicant now seeks an order of the Commission rescinding the earlier Commission order conditionally exempting Applicant from all the provisions of the Act. In support of its requested Commission order Applicant states that the current and future business activities of Applicant are substantially different from those existing at the time the Commission's above order was issued. Applicant represents that it is not presently, and does not intend to be in the future, engaged primarily in the business of investing, reinvesting, or trading in securities. Applicant further represents that Applicant presently has only one stockholder and does not contemplate making a public offering of securities. Applicant states that although it has fully complied with the conditions contained in the above order of the Commission, it believes that its current business activities no longer justify its continued compliance with those conditions. Applicant further states that based on the significant changes that have occurred in its business operations since the entry of the above Commission order it no longer desires to rely on the provisions of that order for exemption from all the provisions of the Act. Finally, Applicant submits that the facts set forth above demonstrate that its continued compliance with the above Commission order is not necessary in the public interest, nor consistent with the protection of investors and the purposes fairly in-

tended by the policy and provisions of the Act.

Notice is further given, That any interested person may, not later than June 12, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the application accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons, who request a hearing or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14827 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 20548]

CONSOLIDATED NATURAL GAS CO., ET AL

Proposal To Make Loans to Residential Heating Customers To Finance Home Insulation Installation and To Acquire Promissory Notes

MAY 18, 1978.

Notice is hereby given that Consolidated Natural Gas Co. ("Consolidated"), a registered holding company, the East Ohio Gas Co., the River Gas Co., and West Ohio Gas Co. (collectively referred to as "the subsidiaries"), all of which are wholly owned subsidiaries of Consolidated, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9(a) and 10 of the Act and Rule 40 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application for a complete statement of the proposed transaction.

The subsidiaries seek authorization to conduct, in accordance with a new

law of the State of Ohio, a residential insulation financing program ("program") and to acquire unsecured installment promissory notes from residential gas space heating customers pursuant to the program. Under the program, each subsidiary will lend qualified residential heating customers amounts up to \$750 for each home for installation of insulation in owner-occupied, single or double family, gas-heated residences, if a financial institution listed as an institution that will finance such installations denies a loan to any such customers.

It is stated that the term of the loans under the proposed program shall not exceed 24 months. The interest charged on such loans will not exceed a rate equal to 4 percent in excess of the discount rate on 90-day commercial paper in effect at the Federal Reserve Bank, Fourth Federal Reserve District, at the time the loan is executed. The discount rate on 90-day commercial paper in effect on May 9, 1978, at the Federal Reserve Bank, Fourth Federal Reserve District, was quoted at 6 1/2 percent to 7 percent. At the end of the first year, the subsidiary shall set the rate of interest charged so that revenues derived therefrom will equal the cost of administering the program. It is stated that if costs exceed 4 percent over the commercial paper discount rate, the excess will be assumed by the subsidiary. When cost are less than the revenues recovered from interest charges, customers who had loans outstanding during that year, will be credited in an amount in proportion to their respective loans and interest payments during the year. The credit will be applied against the customer's unpaid balance or bill the following year. Repayment within 90 days will be treated as cash and will incur no interest.

The maximum amount of loans, outstanding at any one time from all the subsidiaries during the years 1978, 1979, and 1980 shall not exceed \$175,000, \$337,500, and \$500,000, respectively. The maximum amount of loans outstanding at any one time for each individual subsidiary will be as follows:

Subsidiary	Amounts		
	1978	1979	1980
The East Ohio Gas Co.	\$150,000	\$300,000	\$450,000
The River Gas Co.	10,000	15,000	20,000
West Ohio Gas Co.	15,000	22,500	30,000
Total	175,000	337,500	500,000

The fees and expenses to be incurred in connection with the proposed transaction are estimated at \$3,100, including charges for services of Consolidated Natural Gas Service Company, Inc. estimated at \$1,000. It is stated that

no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 13, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted, as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14828 Filed 5-26-78; 8:45 am]

[8010-01]

[Rel. No. 10249]

FARM BUREAU MUTUAL FUND, INC.

Filing of Application Pursuant to Section 8(f) of the Act for an Order Declaring That Company Has Ceased To Be An Investment Company

MAY 19, 1978.

Notice is hereby given that Farm Bureau Mutual Fund, Inc. ("applicant"), registered under the Investment Company Act of 1940 ("Act") as an open-end diversified management company, has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Securities and Exchange Commission for a statement of the representations contained therein, which are summarized below.

Applicant states that on April 8, 1977, at a meeting of its stockholders, a proposal was approved to transfer substantially all of applicant's assets to Challenger Investment Fund, Inc. ("Challenger"). On April 28, 1977, applicant transferred substantially all of the assets of applicant to Challenger in consideration for 921,732.404 shares of capital stock of Challenger, each having a per share value of \$9.80 on April 27, 1977.

Applicant states that it retained \$117,147.43 to cover the expenses of liquidation and other known and contingent liabilities. Of the retained sum applicant paid \$30,806.55 for expenses in connection with the merger. Applicant further represents that it has no security holders because all former holders have either received cash for their interests or exchanged their shares for securities of Challenger, that it is not engaging and does not propose to engage in business activities other than winding up its affairs, and that it has not operated as an investment company since April 28, 1977.

Notice is further given that any interested person may, not later than June 12, 1978, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail upon applicant(s) at the address(es) stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0-5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive any notices and orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14829 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 20549]

GULF POWER CO.

Proposed Acquisition of Utility Assets by Operating Subsidiary

MAY 18, 1978.

Notice is hereby given that Gulf Power Co. ("Gulf"), a wholly owned subsidiary of the Southern Co. ("Southern"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") designating sections 9(a)(1) and 10 of the Act as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Gulf proposes to purchase from Florida Power Corp. ("Florida"), a corporation organized and existing under the laws of the State of Florida, a portion of a certain 115 kV transmission line located in Bay County, Fla. The affected portion of the transmission line, a facility for local distribution of electric power, is located beyond the point of interconnection of the Gulf and Florida systems and is approximately 2.1 miles long. It is stated that Gulf is to pay a cash purchase price of \$146,090 for such portion of the transmission line. The depreciated value of said property is stated to be \$229,614.

It is further stated that said purchase will provide Gulf with access to a substation built and owned by Gulf which is presently connected by tap line to the transmission line. Gulf expects to maintain and operate said transmission line in essentially the same manner and for essentially the same purposes as theretofore maintained and operated by Florida.

It stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed acquisition. The fees and expenses to be paid or incurred, directly or indirectly, in connection with the proposed transaction are estimated to be \$3,000.

Notice is further given that any interested person may, not later than June 13, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicant at the above-stated address, and proof of service (by affi-

davit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14830 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 20551]

MIDDLE SOUTH UTILITIES, INC.

Proposal To Enter Into a Revolving Credit Agreement With Banks

MAY 19, 1978.

Notice is hereby given that Middle South Utilities, Inc. ("Middle South"), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a) and 7 of the Act and Rule 50(a)(2) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Middle South proposes to enter into a \$174.8 million revolving credit agreement ("credit agreement") providing for the issuance and sale by Middle South of its unsecured short-term promissory notes to a group of commercial banks headed by Manufacturers Hanover Trust Co. ("MHTC").

Under the terms of the credit agreement, Middle South may borrow and reborrow until June 29, 1979, up to an aggregate principal amount of \$174.8 million outstanding at any one time, to be evidenced by its unsecured promissory notes payable on June 29, 1979 ("notes"). The notes will be issued to the participating banks to the extent of their respective participations (collectively, the "commitments") as follows:

Name of bank	Designation	Maximum principal amount to be borrowed
Manufacturers Hanover Trust Co.	B	\$49,040,000
The First National Bank of Chicago	A	28,000,000
Bank of America National Trust & Savings Association	B	20,000,000
Continental Illinois National Bank & Trust Co. of Chicago	B	16,000,000
The First National Bank of Boston	B	12,000,000
The Northern Trust Co.	A	8,880,000
Irving Trust Co.	B	8,880,000
Morgan Guaranty Trust Co. of New York	A	8,000,000
North Carolina National Bank	B	8,000,000
First Pennsylvania Bank, N.A.	A	4,000,000
The Fidelity Bank	A	4,000,000
Crocker National Bank	A	4,000,000
Hartford National Bank & Trust Co.	A	4,000,000
Total		174,800,000

Each borrowings and each payment by Middle South will be pro rata among the participating banks according to their respective original commitments, with appropriate adjustment for the interest rate differentials.

The notes issued to those banks designated as A Banks in the credit agreement will bear interest from the date thereof on their unpaid principal amount at a rate per annum equal to the commercial loan rate of MHTC from time to time in effect on borrowings having a 90-day maturity by its most responsible and substantial domestic corporate borrowers; and the notes issued to those banks designated as B Banks in the credit agreement will bear interest from the date thereof on their unpaid principal amount at a rate per annum equal to 110 percent of the MHTC rate. Interest on the notes will be payable quarterly on the last business day of each September, December, March, and June, commencing September 29, 1978, or upon payment of the unpaid principal amount thereof Middle South will agree to pay to each participating bank a commitment fee for the period from June 29, 1978, to and including June 29, 1979 (or any earlier date of termination of the commitments), computed at the rate of one-half of 1 percent per annum on the average daily unused portion of the commitments in effect during the period for which payment is made. Such commitment fee will be payable to each participating bank quarterly on the last business day of each September, December, March, and June, commencing September 29, 1978, and on the date upon which Middle South shall terminate the commitments.

Based upon an MHTC rate of 8 percent per annum, the weighted average

interest cost of the proposed borrowings to be outstanding from the A banks, assuming balances of 10 percent on the borrowings from the A banks, would be 8.89 percent per annum, and the weighted average interest cost of the proposed borrowings to be outstanding from the B banks would be 8.80 percent per annum.

Middle South presently intends to repay the notes out of the proceeds of the sale of additional shares of its common stock. The notes will be prepayable at any time on two business days' notice in whole or in part without premium. Middle South shall have the right at any time on three business days' notice to the participating banks to terminate or, from time to time, to reduce the commitments, at which time it will prepay the notes and accrued interest thereon to the extent that the aggregate principal amount thereof then exceeds the commitments.

The initial borrowing under the credit agreement will be used for the payment of short-term notes issued by Middle South to MHTC and various commercial banks under an existing credit agreement dated as of June 30, 1977, which borrowings were approved by this Commission on June 15, 1977 (HCAR No. 20074). As of February 28, 1978, such notes payable amounted to \$35 million, and it is estimated that at the time the initial borrowing is made under the credit agreement such notes payable will amount to approximately \$87 million. The proceeds of the borrowings under the existing credit agreement were, or will have been, utilized by Middle South to purchase, at various times, the common stocks of certain of its subsidiary companies.

Subsequent borrowings under the credit agreement will be used by Middle South to purchase additional common stock of its subsidiaries. The issuance and acquisition of such common stock will be the subject of separate filings with this Commission by Middle South and the appropriate subsidiary, and these filings will set forth the purpose or purposes toward which the proceeds derived from the sale of such common stock will be used.

It is stated that no special or separate fees, commissions or expenses are anticipated in connection with the proposed transactions. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 14, 1978, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the filing which he desires to controvert; or he

may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of The General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rule 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive any notices or orders issued in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14831 Filed 5-26-78; 8:45 a.m.]

[8010-01]

[Release No. 34-14788; File No. SR-MSE-78-13]

MIDWEST STOCK EXCHANGE, INC.

Self-Regulatory Organizations

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. 94-29, 16 (June 4, 1975), notice is hereby given that on May 12, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

Exchange's statement of the terms of substance of the proposed rule change: Options fees schedule charges

Fee	From	To
Annual dues (billed quarterly):		
Options-only member	\$800	\$1,000
Equity member with privilege	500	700
Options-only member equity floor access fee ...	(¹)	200
Badge fee	200	(¹)

¹New fee.
²Eliminated.

EXCHANGE'S STATEMENT OF BASIS AND PURPOSE

The basis and purpose of the foregoing proposed rule change is as follows:

The purpose of this change is to increase the annual dues for options members, eliminate the badge fee, and establish an equity floor access fee.

The proposed rule change represents an equitable allocation of reasonable dues among its members using its facilities.

The Midwest Stock Exchange, Inc. has neither solicited nor received any comments.

The Midwest Stock Exchange, Inc. believes that no burdens have been placed on competition.

The foregoing rule change has become effective, pursuant to section 19(b)(3) of the Securities Exchange Act of 1934. At any time within sixty days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Securities Exchange Act of 1934.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

Dated: May 22, 1978.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14836 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 14781]

MUNICIPAL SECURITIES RULEMAKING BOARD

Order Approving Proposed Rule Change

MAY 18, 1978.

On April 3, 1978, the Municipal Securities Rulemaking Board (the "MSRB") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change to change the date on which the MSRB

examination requirement for financial and operations principals (as defined in MSRB rule G-3) becomes effective from July 1, 1978 to January 1, 1979. The purpose of the proposed rule change is to provide persons subject to such requirement additional time to prepare for the examination.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14643 (Apr. 10, 1978)) and by publication in the FEDERAL REGISTER (43 FR 15821 (Apr. 14, 1978)). All written statements with respect to the proposed rule change which were filed with the Commission and all written communications relating to the proposed rule change between the Commission and any person were made available to the public at the Commission's Public Reference Room (File No. SR-MSRB-78-7).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the MSRB and, in particular, the requirements of Section 15B and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14832 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 14772; File Nos. SR-NSCC-78-4; SR-NSCC-78-5]

NATIONAL SECURITIES CLEARING CORP.

Summary Effectiveness of Proposed Rule Changes

MAY 18, 1978.

On April 24 and May 3, 1978, respectively, National Securities Clearing Corp. ("NSCC") filed, pursuant to section 19(b) of the Securities Exchange Act of 1934 (the "Act") and Rule 19b-4 thereunder, proposed rule changes for establishing over-the-counter ("OTC") interfaces. NSCC-78-4 would establish OTC interfaces with Midwest Clearing Corp. ("MCC") and Stock Clearing Corp. of Philadelphia ("SCCP") by authorizing the NSCC National Clearing Corp. Division to act on behalf of other clearing agencies in clearing transactions. NSCC-78-5 would permit, among other things, the NSCC Stock Clearing Corp. Division ("SCC Division") to interpose itself in those interfaces so that MCC and SCCP

would have to relate only to the SCC Division with which they already have listed interfaces. By letter of May 15, 1978, NSCC amended both filings: (1) to make the proposed rule changes temporary rules expiring 6 months after approval by the Commission, and (2) to indicate that NSCC will provide the Commission with such statistics and information as may be necessary to enable the Commission to review the operation of those interfaces.

The Commission has permitted these proposed rules to be put into effect summarily pursuant to section 19(b)(3)(B) of the Act. Section 19(b)(3)(B) permits proposed rule changes to be put into effect summarily if it appears to the Commission necessary for the protection of investors, the maintenance of fair and orderly markets, or the safeguarding of securities or funds. Section 19(b)(3)(B) of the Act requires that proposed rule changes put into effect summarily pursuant to Section 19(b)(3)(B) be filed promptly thereafter in accordance with the provisions of section 19(b)(1).

The Commission's determination to use the summary procedure reflects its belief that the prompt establishment of OTC interfaces is an essential step toward the national clearance and settlement system, which, in turn, is one of the fundamental elements of the national market system. And, section 17A of the Act provides that the "prompt and accurate clearance and settlement of securities transactions . . . [is] necessary for the protection of investors" and the Congressional directive to the Commission "to use its authority under [the Act] to facilitate the establishment of a national clearing system. . . ."

The Commission has already made findings concerning the need for the prompt development of a national clearing system, and the importance of interfaces to that system, in its order granting registration as a clearing agency to NSCC.¹ And, in the Commission's recent hearings regarding the national clearing system on March 7-10 and April 19-20, 1978, considerable public comment was elicited concerning the need for OTC interfaces and the competitive damage to regional clearing agencies resulting from delay in establishing those interfaces.

At those hearings, MCC and SCCP and their participants, who are the beneficiaries of the OTC interfaces, urged the Commission to expedite the establishment of these interfaces and have advised the Commission that the interfaces must be promptly established if they are to maintain competitive positions in the clearing industry.

Since there has already been public comment concerning OTC interfaces,

¹Securities Exchange Act Release No. 13163 (January 13, 1977).

the Commission believes that, although it is permitting the rule changes to become effective prior to obtaining public comment pursuant to section 19(b)(2), it has nonetheless already had the benefit of extensive public comment concerning the subject matter of the rule changes. Moreover, those persons submitting comments after the rule changes are published for comment will be able to structure their comments and make them more meaningful, in light of experience using the new interfaces.

For these reasons, as well as the reasons already articulated in the Commission's Order which indicates the need for the prompt establishment of OTC interfaces, the Commission has found that summary effectiveness of NSCC's rule filings is necessary in the public interest in accordance with the standards set forth in section 19(b)(3)(B) of the Act.

Publication of notice of the proposed rule changes is expected to be made in the FEDERAL REGISTER during the week of May 15, 1978, pursuant to the requirement of section 19(b)(3)(B) of the Act that proposed rule changes put into effect summarily be filed promptly thereafter in accordance with the provisions of section 19(b)(1). The Commission, of course, retains the authority to abrogate these rule changes at anytime within 60 days of their filing, pursuant to section 19(b)(3)(C), if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or to further the purposes of the Act.

Persons desiring to make written comments should file six copies thereof with the Secretary of the Commission, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. Reference should be made to File Nos. SR-NSCC-78-4 and SR-NSCC-78-5.

By the Commission:

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14826 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 34-14755; File No. SR-NYSE-78-21]

NEW YORK STOCK EXCHANGE, INC.

Self-Regulatory Organization; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on March 29, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

PROCEDURE OF SELF-REGULATORY ORGANIZATION

The Board of Directors of the New York Stock Exchange at its January 5, 1978 meeting, approved the proposed rule amendments and rescissions. The membership approved the proposed amendments to the Constitution of the Exchange by vote on January 31, 1978. No further Board action or actions by the membership of the Exchange is required.

NYSE'S STATEMENT OF THE PURPOSE OF PROPOSED RULE CHANGES AND THE TERMS AND SUBSTANCE OF THOSE CHANGES

The proposed Amendments conform the Exchange's disciplinary rules to the provisions of the Act, e.g., by incorporating the provisions of 8(d)(1) into Rule 476 (d) and (e), and 6(b)(5) into Rule 476(a) (5) and (6). Other objectives that have been accomplished: (1) where appropriate, Constitutional sections have been integrated into the Rules of the Exchange to form a uniform body of enforcement regulations; and (2) certain procedural requirements have been amended and clarified, as concerning the composition of the Hearing Panel (Rule 476(b)) and a parties' right of review in a Stipulation and Consent procedure (Rule 476(g)).

The Exchange's disciplinary rules and procedures are set forth in Article XIV of the Constitution (concerning members, member organizations, allied members and approved persons) while similar provisions are found in Rule 345 pertaining to registered and nonregistered employees of members. Existing Article XIV is being deleted and a uniform body of enforcement regulations, applicable to all types of members and persons associated with members, has been created eliminating numerous redundancies and ambiguities. Due to the consolidation, the Exchange's enforcement authority will be simplified and clearly stated.

New Article XIV was adopted to comply with section 507(c) of the New York State Not-For-Profit Law which requires that the enforcement authority be provided in the Bylaws of a corporation. The NYSE has no Bylaws so it has provided that authority in its Constitution.

Rules 476 and 477 contain the basic provisions and procedures for the disciplining of members and persons associated with members for violations of the Act and Exchange rules. The proposal resolves questions raised by the Commission, such as requiring that a record be kept of disciplinary proceedings, which has been the Exchange practice (proposed Rule 476(e)).

It would permit the Exchange—in light of subsection 8(d)(1) of the Act—to prohibit or limit a person with respect to access to services offered by

the Exchange or by a member or member organization (proposed Rule 476(d) and (e)). Further, it would establish rights of review for parties to a proceeding involving a consent to a specified penalty, again assuring due process to respondents (proposed Rule 476(g)).

The Act permits the disciplining of members and persons associated therewith only for violations of the Act, the rules thereunder and the rules of the Exchange; reference to violating an "established practice of the Exchange" has been deleted.

Briefly, the proposed changes also include:

Concerning charges relating to floor activities, at least one of the peer-persons on the Hearing Panel must be active on the floor; conversely, charges relating to non-floor activities would require an "upstairs" person on the panel (proposed Rule 476(b)).

The disciplinary nature of a proceeding against a specialist for a substantial or continued failure to engage in a course of dealings to maintain, as far as practicable, a fair and orderly market is recognized. Charges for an alleged violation will be brought in a disciplinary proceeding and the specialist would be subject to any disciplinary action set forth in the rule, including the suspension or cancellation of his registration in his speciality stock (proposed Rule 476(a) and (b)).

The maximum fine has been increased from a maximum of \$25,000 (\$100,000 for member organizations) per disciplinary action to \$25,000/\$100,000 for each charge of which the respondent has been found guilty (proposed Rule 476(a)).

The right of the Department entering into a Consent to appeal a Hearing Panel's reduction of a consented to penalty has been clarified (proposed Rule 476(g)).

Procedures for the determination of evidentiary and procedural matters have been incorporated in the rules (proposed Rule 476(c)).

Appeals to the Board of Directors have been limited to consideration of the record before the Hearing Panel except in cases wherein new evidence is alleged (proposed Rule 476(f)).

The rule adopts what has been an Exchange practice, i.e., making a record of all disciplinary proceedings (proposed Rule 476(e)).

The period of time for requesting a review has been extended from "within 20 days after notification of the determination" of 25 days from "service", to make at the time more easily determinable (proposed Rule 476(f)).

Procedures for effecting service has been defined in detail (proposed Rule 476(d)).

The Exchange could retain jurisdiction over a former member or persons

associated therewith provided the former member or associated person has been given notice, either prior to or within 90 days after the time of his employment, that he is the subject of an investigation by the exchange (proposed Rule 477).

BASIS UNDER THE ACT FOR PROPOSED RULE CHANGE

The proposed Amendments to the Constitution together with the consolidation of rule provisions into a single rule, establishes a cohesive standard and a fair disciplinary procedure for the Exchange community, enabling the Exchange to more simply and equitably enforce compliance by its members and persons associated with its members, with the Act and the rules and regulations thereunder.

The proposed amendments would act to prevent fraudulent and manipulative acts by those subject to the rules; and under the spirit and letter of the rules, the amendments would promote just and equitable principles of trade while serving to facilitate the protection of investors and the public interest.

The consolidation and simplification of the Exchange Rules, as proposed in Rules 476 and 477, established under the authority of sections 6(b) and (d) of the Act, provides for the disciplining of members and persons associated with members for violations of the Act and rules of the Exchange.

The proposed constitutional and rule changes implement section 8(d) of the Act by imposing the requirements of the said Act, as:

- (a) Specific charges are to be levied—proposed Rule 476(d);
- (b) Notice of proceeding to be given respondent—proposed Rule 476(d);
- (c) Opportunity for fair hearing afforded respondent—proposed Rule 476(d);
- (d) Record of proceeding to be kept—proposed Rule 476(e);
- (e) Any disciplinary action to be supported by an explanatory statement—proposed Rule 476 (e) and (g).

COMMENTS RECEIVED FROM MEMBERS, PARTICIPANTS OR OTHERS ON PROPOSED RULE CHANGES

Comments were not solicited on this proposal.

BURDEN ON COMPETITION

This proposal will not impose any burden on competition.

On or before June 29, 1978, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule changes, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and all written submissions will be available for inspection in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 12, 1978.

[FR Doc. 78-14837 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 14780]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

MAY 18, 1978.

On March 22, 1978, the New York Stock Exchange, Inc. (the "NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change which would limit the term of service of public representatives on the NYSE Board of Directors to three consecutive terms of two years each. The proposed limitation on service of public representatives is the same as is presently in effect for members or allied members of the NYSE who are directors on the NYSE Board of Directors.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14642 (Apr. 10, 1978)) and by publication in the FEDERAL REGISTER (43 FR 15822 (Apr. 14, 1978)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NYSE and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the

above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14833 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 14787]

NEW YORK STOCK EXCHANGE, INC.

Order Approving Proposed Rule Change

MAY 19, 1978.

On April 5, 1978, the New York Stock Exchange, Inc. (the "NYSE") filed with the Commission, pursuant to Section 19(b) of the Securities Exchange Act of 1934 (the "Act"), and Rule 19b-4 thereunder, copies of a proposed rule change, which would permit persons who are not citizens of the United States to become directors on the NYSE Board of Directors.

Notice of the proposed rule change together with the terms of substance of the proposed rule change was given by publication of a Commission Release (Securities Exchange Act Release No. 14657 (Apr. 12, 1978)) and by publication in the FEDERAL REGISTER (42 FR 16581 (Apr. 19, 1978)).

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NYSE and, in particular, the requirements of Section 6 and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and it hereby is, approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14834 Filed 5-26-78; 8:45 am]

[8010-01]

PACIFIC RESOURCES, INC.

Order Amending Effective Date of Withdrawal From Listing and Registration and Extending the Exemption of Certain Persons and Securities From the Provisions of Rule 17a-15

MAY 18, 1978.

On June 22, 1977 we approved the application of Pacific Resources, Inc. ("PRI") to withdraw its securities from listing and registration on the Pacific Stock Exchange Inc. ("PSE"). We prescribed as a term of that delist-

¹See Securities Exchange Act Rel. No. 13657 (June 22, 1977); 42 FR 33398 (June 30, 1977).

ing that it not become effective until the time our determination with respect to the PSE's application for unlisted trading privileges in PRI common stock, but in no event later than 120 days after June 22, 1977.² On October 20, 1977 we amended the effective date of the delisting by extending it to November 21, 1977.³ That date was extended again on November 21 until January 23, 1978,⁴ on January 23, 1978 until March 24, 1978,⁵ and on March 22, 1978 until May 19, 1978.⁶

We found that the initial delay in the effective date of the delisting and the extension until May 19, 1978 were necessary for two reasons. First, a temporary disruption in trading in PRI stock on the PSE would result in a lessening of potential competition among dealers and between exchange markets and markets other than exchange markets during any interim period after delisting, but before unlisted trading privileges are (if at all) granted. Second, we initially had noted that if the delisting were effective immediately, PRI stock would not be marginable for a period of several months until it was included on the Federal Reserve Board's "List of OTC Margin Stocks."

Our ultimate determination on the PSE application for unlisted trading privileges in PRI stock involves the consideration of several major policy issues including, among others, whether sufficient progress has been made toward the development of a national market system to satisfy the standards of Section 12(f)(2), whether the progress contemplated by Congress in adopting that Section is met by PSE's

²The PSE filed an application, pursuant to Section 12(f)(1)(C) of the Securities Exchange Act of 1934, for unlisted trading privileges in PRI stock on March 25, 1977 in response to PRI's application to withdraw that security from listing and registration on the PSE (filed March 23, 1977). Concurrently with our order withdrawing PRI stock from listing, we ordered a hearing on the PSE application. See, Securities Exchange Act Rel. No. 13658 (June 22, 1977); 42 FR 33402 (June 30, 1977).

³See Securities Exchange Act Rel. No. 14078 (October 20, 1977); 42 FR 56824 (October 28, 1977).

⁴See Securities Exchange Act Rel. No. 14195 (November 21, 1977); 42 FR 61100 (December 1, 1977).

⁵See Securities Exchange Act Rel. No. 14409 (January 23, 1978); 43 FR 4303 (February 1, 1978).

⁶See Securities Exchange Act Rel. No. 14589 (March 22, 1978); 43 FR 13454 (March 30, 1978).

The maintenance of credit, extended before a security ceases to be marginable, would not be affected by the delisting of that security. [Section 220.7(b) of Regulation T (12 CFR 220.7(b)). The extension of new credit, however, would be prohibited under those circumstances, until the security was included on the Federal Reserve Board's "List of OTC Margin Stocks" ("Margin List").

rescission of its off-board trading rules as they apply to transactions in PRI common stock, whether that progress and the statutory goals of eliminating unnecessary burdens on competition are satisfied by existing communications facilities and provisions for access between the PSE and over the counter ("OTC") markets, and whether last sale reporting of all PRI stock transactions would be appropriate should unlisted trading privileges be granted.

We have not yet resolved these issues insofar as they arise with respect to our consideration of the PSE application for unlisted trading privileges and, accordingly, we have been unable to complete our deliberations concerning the hearing on that application. We believe, however, that the purposes of the Act, particularly those which encourage competition among dealers acting as market makers in a security and between markets in that security,⁷ make it appropriate for us to permit the existing competition in PRI stock to continue during the interim period necessary for us to conclude our deliberations. Accordingly, for the reasons enunciated in the June 22 delisting order, and as stated above, we find it necessary to extend until August 4, 1978 the effective date of removal of PRI stock from listing and registration on the PSE.

PRI stock has been traded both on the PSE and OTC since issuance of our June 22 order.⁸ At that time we also exempted, for a period of up to 120 days, the National Association of Securities Dealers, Inc. ("NASD") and all brokers and dealers from the reporting requirements of Rule 17a-15 under the Securities Exchange Act of 1934 relating to last sale reports of OTC transactions in the common stock of PRI. The duration of that exemption was amended in our extension orders to May 19, 1978. Until we make a determination on the PSE's application for unlisted trading privileges in PRI stock, we believe that there will be uncertainty as to whether real-time reporting in PRI stock will be required as a general matter and that a continued exemption from Rule 17a-15 is appropriate.⁹ We continue to believe it is not necessary in the public interest or for the protection of investors to require members of the PSE, (who may

⁷See, e.g., Section 11A(a)(1)(C)(ii).

⁸The PSE has exempted from its off-board trading restrictions securities, such as PRI stock, which are both the subject of a delisting application and in which the PSE has applied for unlisted trading privileges. See, Securities Exchange Act Rel. No. 13658 (June 22, 1977); 42 FR 33400 (June 30, 1977).

⁹If the unlisted trading privileges application of the PSE is denied, PRI stock will be traded solely OTC and, therefore, will not be subject to current reporting under Rule 17a-15.

trade PRI stock in the OTC market) and other brokers and dealers to develop and implement reporting procedures for transactions in this single security during the time before we make a determination as to the PSE's application. Accordingly, we have determined to, and hereby exempt, until August 4, 1978, the NASD and all brokers and dealers from the requirements of Rule 17a-15 relating to last sale reports of OTC transactions in the common stock of PRI.¹⁰

Accordingly, it is hereby ordered, that our order of June 22, 1977 (as amended by our October 20, 1977; November 21, 1977; January 23, 1978; and March 22, 1978 orders) granting PRI's application to withdraw from listing and registration on the PSE be, and it hereby is, amended as set forth herein.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-14835 Filed 5-26-78; 8:45 am]

[8010-01]

[Release No. 34-14789; File No. SR-PHLX-78-6]

PHILADELPHIA STOCK EXCHANGE, INC.

Self-Regulatory Organizations; Proposed Rule Change

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, 15 U.S.C. 78s(b)(1), as amended by Pub. L. No. 94-29, 16 (June 4, 1975), notice is hereby given that on May 3, 1978, the above-mentioned self-regulatory organization filed with the Securities and Exchange Commission a proposed rule change as follows:

STATEMENT OF TERMS OF SUBSTANCE OF THE PROPOSED RULE CHANGE

The Philadelphia Stock Exchange ("PHLX") proposes to amend Rules 1047 and 1012 as follows: (brackets indicate deletions; additions are italicized).

Trading Rotations, Halts and Suspensions

Rule 1047 (a) Trading rotations for each class of option contracts that has been approved for trading on the Exchange shall be employed at the opening and at the close of each business day and at the close of trading on the last trading day with respect to expiring option contracts.

- (a) (b) (No change)
- (b) (c) (No change)

¹⁰This exemption does not prohibit those persons individually from complying voluntarily with Rule 17a-15 as long as such broker or dealer complies with the Rule in a uniform and consistent manner.

Commentary

.01 For purposes of this rule, a trading rotation is a series of very brief time periods during each of which bids, offers and transactions in only a single, specified option contract can be made. The Exchange may direct that one or more trading rotations be employed on any business day to aid in producing a fair and orderly market and shall specify, for each rotation so employed, the particular option contracts to be included and the sequence of such option contracts in the rotation. Trading rotations, which shall be conducted by the Specialist acting in such specialty options, shall be conducted in the following manner:

(a) Opening Rotations. The opening rotation in each class of options shall be held promptly following the opening of the underlying security on the principal exchange where it is traded, with the Specialist proceeding concurrently in the following manner: Taking each class of options in which he is acting in turn, the Specialist should first open the one or more series of options of a given class having the nearest expiration, then proceed to series of options having the next most distant expiration, and so forth, until all series have been opened. Except as otherwise provided by the Exchange, if both puts and calls covering the same underlying security are traded, the Specialist shall determine which type of option should open first, and may alternate the opening of put series and call series or may open all series of one type before opening any series of the other type, depending on current market conditions.

(b) Closing Rotations. The closing rotation in each class of options shall be commenced following the close of trading hours on the Exchange with the Specialist proceeding concurrently in the following manner: Taking each class of option contracts in which he is acting in turn, the Specialist should close the one or more series of each class having the nearest expiration; then proceed to those series of each class having the next most distant expiration, and so forth, until all series have been closed. Except as otherwise provided by the Exchange, if both puts and calls covering the same underlying security are traded, the Specialist may determine which type of option should close first, and may alternate the closing of put series and call series or may close all series of one type before closing any series of the other type, depending on current market conditions. [01] .02 (No change)

Series of Options Open for Trading

Rule 1012. (a) (No change)

(b) [No transaction in option contracts of a particular series of options shall be effected after 3 p.m. on the business day prior to the expiration date of that series.] On the business

day prior to the expiration date of particular series of options, a closing rotation (as defined in Commentary .01 to Rule 1047 for such series shall commence at 3 p.m.

- (c) (No change)
- (d) (No change)

The purpose of the proposed rule amendments is to (i) reflect Exchange practice of conducting daily opening trading rotations in each options class, (ii) adopt a new policy to permit the utilization of a closing rotation in each expiring options series at 3 p.m. on the last day of trading prior to expiration, and (iii) adopt new policy to permit the utilization of daily trading rotations in each options class to begin following the close of trading at 4 p.m.

A "trading rotation" consists of calling for bids and offers from a trading crowd for each series of options, one at a time, under the supervision of the specialist assigned to the option class. The purpose of such rotations is to provide, in the case of an opening rotation, for the orderly commencement of trading in options series daily, and in the case of a closing or expiration rotation, for the orderly termination of trading both on a daily basis as well as for expiring series of options on the business day before expiration. Use of trading rotations provides an effective means of executing orders in an orderly fashion at the opening and at the close of trading. The PHLX proposals are designed to promote industry uniformity among options exchanges since trading rotations are presently conducted on the Chicago Board Options Exchange, the Pacific Stock Exchange and the Midwest Stock Exchange.

The basis for the proposed rule change is found in Section 6(b)(5) of the Securities Exchange Act of 1934 (the "1934 Act") as amended, which provides in pertinent part, that the rules of the Exchange be designed to promote just and equitable principles of trade and protect investors and the public interest.

No comments have been received or solicited from members and others on the proposed rule change.

The proposed rule changes will not impose any burden on competition.

On or before July 5, 1978 or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the above-mentioned self-regulatory organization consents, the Commission will:

- (a) By order approve such proposed rule change, or
- (b) Institute proceedings to determine whether the proposed rule change should be disapproved.

Interested persons are invited to submit written data, views and argu-

ments concerning the foregoing. Persons desiring to make written submissions should file 6 copies thereof with the Secretary of the Commission, Securities and Exchange Commission, Washington, D.C. 20549. Copies of the filing with respect to the foregoing and of all written submissions will be available for inspection and copying in the Public Reference Room, 1100 L Street NW., Washington, D.C. Copies of such filing will also be available for inspection and copying at the principal office of the above-mentioned self-regulatory organization. All submissions should refer to the file number referenced in the caption above and should be submitted on or before June 20, 1978.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 22, 1978.

[FR Doc. 78-14838 Filed 5-26-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area No. 1478]

GEORGIA

Declaration of Disaster Loan Area

Clayton County and adjacent counties within the State of Georgia constitute a disaster area as a result of damage caused by high winds, rains, tornadoes, and flooding which occurred on May 8, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 21, 1978, and for economic injury until the close of business on February 19, 1979 at:

Small Business Administration, District Office, 1720 Peachtree Road NW., 6th Floor, Atlanta, Ga. 30309,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Date: May 19, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14584 Filed 5-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1479]

GEORGIA

Declaration of Disaster Loan Area

Muscogee County and adjacent counties within the State of Georgia constitute a disaster area as a result of

damage caused by high winds, rains, tornadoes, and flooding which occurred on May 1, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 20, 1978, and for economic injury until the close of business on February 19, 1979, at:

Small Business Administration, District Office, 1720 Peachtree Road, NW., 6th Floor, Atlanta, Ga. 30309,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 19, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14855 Filed 5-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1475]

ILLINOIS

Declaration of Disaster Loan Area

Cass, Christian, DeWitt, Douglas, Greene, Logan, Macon, Menard, Morgan, Pike, Sangamon, Scott, and Shelby Counties and adjacent counties within the State of Illinois constitute a disaster area as a result of physical damage caused by ice storms which occurred on March 23, through March 25, 1978. Eligible persons, firms, and organizations may file applications for physical damage until the close of business on July 17, 1978, and for economic injury until the close of business on February 19, 1979, at:

Small Business Administration, District Office, 219 South Dearborn Street, Chicago, Ill. 60604,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Programs Nos. 59002 and 59008.)

Dated: May 17, 1978.

PATRICIA M. CLOHERTY,
Acting Administrator.

[FR Doc. 78-14856 Filed 5-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1477]

KANSAS

Declaration of Disaster Loan Area

Ford County and adjacent counties within the State of Kansas constitute a disaster area as a result of damage caused by wind, hail, heavy rains, and flooding which occurred on April 30, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 21, 1978, and

for economic injury until the close of business on February 19, 1979, at:

Small Business Administration, District Office, Main Place Building, 110 East Waterman Street, Wichita, Kans. 67202,

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 20, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14857 Filed 5-26-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1474]

LOUISIANA

Declaration of Disaster Loan Area

Bossier and Caddo Parishes and adjacent Parishes within the State of Louisiana constitute a disaster area as a result of damage caused by excessive rainfall and flooding which occurred on May 7, through May 8, 1978. Eligible persons, firms, and organizations may file applications for loans for physical damage until the close of business on July 17, 1978, and for economic injury until the close of business on February 19, 1979, at:

Small Business Administration, District Office, Plaza Tower, 17th Floor, 1001 Howard Avenue, New Orleans, La. 70113.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 18, 1978.

VERNON A. WEAVER,
Administrator.

[FR Doc. 78-14858 Filed 5-26-78; 8:45 am]

[4910-13]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RADIO TECHNICAL COMMISSION FOR AERONAUTICS (RTCA) SPECIAL COMMITTEE 134—GENERAL PURPOSE ELECTRONIC TEST EQUIPMENT

Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463; 5 U.S.C. App. I) notice is hereby given of a meeting of the RTCA Special Committee 134 on General Purpose Electronic Test Equipment to be held June 22-23, 1978, Conference Room 9 A-B-C, DOT/Federal Aviation Administration Building, 800 Independence Avenue SW., Washington, D.C. commencing at 9 a.m.

The Agenda for this meeting is as follows: (1) Chairman's Introductory Remarks; (2) Approval of Minutes of

Second Meeting held April 13, 1978; (3) Discuss Outline and Format for Special Committee 134 Report; (4) Requirements, Procurement and Logistics Working Groups Meeting to Address Assigned Tasks; (5) Consideration of Status Reports from Working Groups; and (6) Assignment of Tasks.

Attendance is open to the interested public but, limited to space available. With the approval of the Chairman, members of the public may present oral statements at the meeting. Persons wishing to attend and persons wishing to present oral statements should notify, not later than the day before the meeting, and information may be obtained from, RTCA Secretariat, 1717 H Street NW., Washington, D.C. 20006; 202-296-0484. Any member of the public may present a written statement to the committee at any time.

Issued in Washington, D.C. on May 22, 1978.

KARL F. BIERACH,
Designated Officer.

[FR Doc. 78-14886 Filed 5-26-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 95 (Rev. 4)]

ASSISTANT TO THE COMMISSIONER (PUBLIC AFFAIRS) ET AL.

Delegation of Authority

AGENCY: Internal Revenue Service, Treasury.

ACTION: Delegation of authority.

SUMMARY: Authority to authorize or approve use of first-class air accommodations is limited. The text of the Delegation Order appears below.

EFFECTIVE DATE: May 25, 1978.

FOR FURTHER INFORMATION CONTACT:

Kirby L. Baker, A.F.S., 1111 Constitution Avenue NW., Room 3333, Washington, D.C. 20224, 202-566-4851 (Not toll free).

This document does not meet the criteria for significant Regulations set forth in paragraph 8 of the proposed Treasury Directive appearing in the FEDERAL REGISTER for Wednesday, May 24, 1978.

JOSEPH F. KUMP,
Fiscal Management Officer.

[Order No. 95 (Rev. 4)]

AUTHORIZATION FOR USE OF FIRST-CLASS AIR ACCOMMODATIONS, SUPERIOR RAIL AND SHIP ACCOMMODATIONS, AND TO APPROVE TRAVEL VOUCHERS

1. The authority vested in the Commissioner of Internal Revenue by Treasury De-

partment Order No. 72, revised, is hereby delegated to the officials designated below, to direct official travel and administratively approve vouchers claiming reimbursement therefor when performed under the Current Consolidated Travel Authorization by (a) themselves (except Fiscal Management Officer), and (b) personnel under their supervision and control.

Assistant to the Commissioner (Public Affairs)

Assistant Commissioners
Division Directors
Fiscal Management Officer
Director of International Operations
Director, National Computer Center
Director, Data Center
Chief Counsel
Deputy Chief Counsel
Regional Commissioners
Assistant Regional Commissioners
Regional Inspectors
Assistant Regional Inspectors
Regional Counsel
Assistant Regional Counsel
District Directors
Service Center Directors

a. The authority to direct official travel and administratively approve travel vouchers may be only redelegated by the officials specified in this order.

b. The authority to direct one's own official travel or administratively approve one's own travel voucher may not be redelegated.

2. The officers named in item 1 above may authorize or approve the use of first-class air accommodations by themselves (except Fiscal Management Officer), employees and, where applicable, their immediate families only when all regularly scheduled flights between the authorized origin and destination points (including connection points) provide only first class accommodations.

a. This authority may not be redelegated.
3. The officers named in item 1 above may authorize or approve the use of accommodations superior to the lowest first-class rate for transportation by rail or ship by themselves (except Fiscal Management Officer), employees and, where applicable, their immediate families, for reasons defined in Chapter 1 of the Federal Travel Regulations.

a. This authority may not be redelegated.
4. This Order supersedes Delegation Order No. 95 (Rev. 3) issued March 16, 1973.

JEROME KURTZ,
Commissioner.

MAY 19, 1978.

[FR Doc. 78-14954 Filed 5-26-78; 8:45 am]

[4830-01]

Internal Revenue Service

PUBLIC INSPECTION OF WRITTEN DETERMINATIONS

Intention To Disclose

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of intention to disclose.

SUMMARY: This document provides notice that the Service intends to make open to the public inspection certain written determinations. This notice also explains how any person may determine whether any of the de-

scribed written determinations pertain to that person, and explains the procedures that person may follow if there is disagreement regarding the proposed deletions.

DATES: Persons wanting to find out whether their particular written determinations are among those to be made open to public inspection pursuant to this notice are requested to contact the Service by June 14, 1978. Requests for additional deletions must be submitted by July 5, 1978. A petition in the United States Tax Court must be filed by August 14, 1978. Except for the disputed portion of any document that is the subject of an action brought in the United States Tax Court, the written determinations described in this notice will be made open to public inspection on October 2, 1978.

ADDRESS: Any questions or correspondence regarding this notice should be sent to: Internal Revenue Service, Attention: T:FP:R, Ben Franklin Station, P.O. Box 7604, Washington, D.C. 20044.

FOR FURTHER INFORMATION CONTACT:

George E. Freeland of the Rulings Disclosure Branch, Tax Forms and Publications Division, Office of the Assistant Commissioner, Technical; 202-566-4378 or 202-566-6272.

SUPPLEMENTARY INFORMATION: Section 6110(h) of the Internal Revenue Code of 1954 provides that certain written determinations (letter rulings and technical advice memoranda) issued in response to requests submitted before November 1, 1976, shall be open to public inspection. Accordingly, the Service is preparing to open to public inspection the general written determinations issued after July 4, 1967 (except those issued in response to requests submitted after October 31, 1976), that originated in the Corporation Tax Branch, Corporation Tax Division, Office of the Assistant Commissioner (Technical), or predecessor branches, and that involve issues falling within the jurisdiction of that Branch. A general written determination is one the Commissioner has not determined to have significant reference value.

Issues falling within the jurisdiction of the Corporation Tax Branch are those involving income taxes and earnings and profits of corporate taxpayers.

The Branch also has jurisdiction over issues involving both corporate and noncorporate taxpayers with respect to certain other matters, including:

- (a) The income of States, municipalities, etc.;
- (b) Amortization of pollution control devices;

(c) Allocation of income and deductions among related taxpayers;
(d) Inventories;
(e) Research and experimental expenditures;

(f) Sales of low income housing projects;

(g) Cooperatives and their patrons, including exemption of farmers' cooperatives under section 521 of the Code;

(h) Shipowners' protection and indemnity associations under section 526 of the Code;

(i) Regulated investment companies and their shareholders;

(j) Controlled foreign corporations and their U.S. shareholders;

(k) Foreign tax matters that involve determinations of sources of income;

(l) Nonresident alien individuals and partnerships or alien residents of Puerto Rico, and withholding of tax on nonresident aliens and foreign corporations;

(m) Compensation of employees of foreign governments or international organizations;

(n) Income affected by treaty, and other matters involving the interpretation or application of tax treaties, except estate and gift tax treaties;

(o) Foreign tax credit;

(p) Earned income from sources without the United States and income from possessions;

(q) Lease versus sale matters and other financing arrangements;

(r) Certain investment credit matters;

(s) Small business investment stock company matters;

(t) Mitigation of effect of renegotiation of government contracts;

(u) Prior to October 1, 1973, matters involving the interest equalization tax.

All general written determinations issued during the prescribed time periods discussed in this notice and originating in this branch or predecessor branches are intended to be within the scope of this notice.

DELETIONS

Section 6110(c) of the Code requires the Internal Revenue Service to delete certain information from the documents described in this notice. The Service intends to delete names, addresses, and taxpayer identifying numbers, and will also attempt to recognize and delete other identifying details, trade secrets, and the other information described in section 6110(c), before making the written determination open to public inspection.

Persons to whom the written determinations described in this notice pertain (or successors in interest, executors, or authorized representatives of these persons) may contact the Internal Revenue Service to find out whether their particular written determinations are among those to be made

open to public inspection pursuant to this notice. These persons may request a copy of their written determinations with proposed deletions indicated. Such requests should be submitted by June 14, 1978. Such requests must indicate the specific name of the party to which the written determination pertains, for example, a corporation acting on behalf of one or more subsidiaries must indicate the name of such subsidiary or subsidiaries. If such a person disagrees with the proposed deletions, that person may indicate any additional information that person believes should be deleted. Any request for additional deletions must be submitted by July 5, 1978, and must include a statement indicating which of the exemptions provided in section 6110(c) of the Code is applicable to each additional deletion requested. If the Service feels it cannot make any or all of the additional deletions requested, the Service will so advise the requester. The requester will then have the right to file a petition in the United States Tax Court. This petition must be filed by August 14, 1978.

ADDITIONAL DISCLOSURE

After the deleted copy of a written determination is made open to public inspection in the National Office Reading Room, any person may request the Service to make additional portions of the written determination open to public inspection. If the Service receives a request that involves disclosure of names, addresses, or taxpayer identifying numbers, the Service will deny the request. If the request involves disclosure of anything other than names, addresses, or taxpayer identifying numbers, the Service will contact the person to whom the written determinations pertain before further action is taken.

BACKGROUND FILE DOCUMENTS

After the deleted copy of a written determination is made open to public inspection, any person may request copies of related background file documents. Notice will be provided to the person to whom the written determination pertains if a request for related background file documents is received. The notice and any other notice or correspondence relating to public inspection of written determinations will be mailed to the latest address in the Service's written determination file, unless a later address is provided to the Service in connection with these matters.

The written determinations described in this notice will be made open to public inspection by being placed in the National Office Reading Room, Room 1564, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, D.C., on [the Monday preceding the 121st day

after the issuance of this notice]. However, the disputed portion of any document that is the subject of an action brought in the United States Tax Court shall not be made available until after a court determination regarding such portion is made.

JEROME KURTZ,
Commissioner of Internal Revenue.
[FR Doc. 78-14842 Filed 5-28-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

CENTRAL OFFICE EDUCATION AND TRAINING REVIEW PANEL

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Central Office Education and Training Review Panel, authorized by Section 1790(b), Title 38, United States Code, will be held in Room A53, Veterans Administration Central Office, 810 Vermont Avenue NW., Washington, D.C. on June 14, 1978, at 10 a.m. The meeting will be held for the purpose of reviewing the decision of the Director, Veterans Administration Regional Office, Nashville, Tenn., that educational assistance allowance to all veterans and eligible persons presently enrolled in the United Schools, Inc., 4428 Sutherland Avenue, P.O. Box 11028, Knoxville, Tenn. 37919 be terminated effective December 31, 1977.

The meeting will be open to the public up to the seating capacity of the conference room. Because of the limited seating capacity, it will be necessary for those wishing to attend to contact Mr. Bernard D. Duber, Chief Field Operations, Education and Rehabilitation Service, Veterans Administration Central Office, phone 202-389-2850 prior to June 7, 1978.

Dated: May 24, 1978.

MAX CLELAND,
Administrator.
[FR Doc. 78-14884 Filed 5-28-78; 8:45 am]

[8320-01]

COOPERATIVE STUDIES EVALUATION COMMITTEE

Meeting

The Veterans Administration gives notice pursuant to Pub. L. 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 U.S.C. 4101, will be held at the Burlington Hotel, Vermont Avenue, at Thomas Circle NW., Washington, D.C., on June 26, 27, and 28, 1978. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the Veterans Administration on the relevance and feasibility of

the studies, the adequacy of the protocols, the scientific validity and the technical details, including involvement of human subjects. The committee advises the Director, Medical Research Service, through the Chief of the Cooperative Studies Program, on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8 to 8:30 a.m., June 26, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, Veterans Administration Central Office, Washington, D.C., 202-389-3702, prior to May 26.

The meeting will be closed from 8:30 a.m. to 4:30 p.m., June 26, and all day on June 27 and 28 for consideration of specific proposals in accordance with provisions set forth in subsection 10(d) of Pub. L. 92-463, as amended by Pub. L. 94-409, and subsection 552b(c)(6) of Title 5, United States Code. During this portion of the meeting, discussion and decisions will deal with qualifications of personnel conducting the studies and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Dated: May 23, 1978.

MAX CLELAND,
Administrator.
[FR Doc. 78-14943 Filed 5-26-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 689]

ASSIGNMENT OF HEARINGS

MAY 24, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 2860, Sub 86, National Freight, Inc. (Show cause proceeding No. MC-2860 Sub-Nos. E-20 and E-37) and MC 2860 Sub 166, National Freight, Inc., are now assigned for hearing July 25, 1978, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB 43 Sub-No. 49, Illinois Central Gulf Railroad Co. Abandonment Between Kosciusko and Fentress, in Attala and Choctaw Counties, MS is assigned for hearing June 26, 1978, at Kosciusko, MS and will be held at court room, Attala County Courthouse.

MC 13027, Sub-No. 27, Short Way Lines, Inc., is assigned for hearing June 26, 1978 at Toledo, OH and will be held at Room 418 Federal Ofc. Bldg., 234 Summit St. MC 111302 Sub 99, Highway Transport, Inc., is now assigned for continued hearing July 6, 1978 (1 day) at Nashville, TN, at a location to be later designated.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14927 Filed 5-26-78; 8:45 am]

[7035-01]

[Finance Docket No. 28749]

CHICAGO AND NORTH WESTERN TRANSPORTATION CO.

Trackage Rights Over Chicago, Milwaukee, St. Paul and Pacific Railroad Co. in Marathon County, Wis.

Chicago and North Western Transportation Co. (C&NW), 400 West Madison Street, Chicago, Ill. 60606, hereby gives notice that on the 3rd of May, 1978, it filed with the Interstate Commerce Commission at Washington, D.C., an application for approval of an agreement for the acquisition by C&NW of trackage rights over mainline track of the Chicago, Milwaukee, St. Paul and Pacific Railroad Co. (MILW) between Schofield and Rothschild, Marathon County, Wis., a distance of approximately 1.58 miles. The proceeding has been assigned Finance Docket No. 28749. The applicant is represented by Ms. Anne E. Valle, Attorney, 400 West Madison Street, Chicago, Ill. 60606.

C&NW presently operates over the MILW trackage between Rothschild and Schofield by virtue of a temporary service order. Under the proposed plan, C&NW trains would continue to operate over the line from MILW milepost 88.03, near Schofield, to MILW milepost 86.45, near Rothschild, pursuant to a trackage rights agreement between C&NW and MILW. Access and egress from the involved line would be provided by existing connecting trackage approximately 1,237 feet in length.

In the opinion of the applicant, Commission authorization for acquisition of the trackage rights would not significantly adversely affect the quality of the human environment. The applicant states that coordination of through train movements would have a beneficial effect on the environment, and that approval would not adversely affect shippers or receivers. As a result of C&NW relocating its route over the MILW trackage the State of Wisconsin will avoid spending approximately

\$1,000,000 in constructing a highway underpass under the existing parallel C&NW line at Schofield.

Interested persons may participate formally in a proceeding by submitting written comments regarding the application. Such submissions shall indicate the proceeding designation Finance Docket No. 28749, and the original and two copies thereof shall be filed with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, not later than July 14, 1978. Such written comments shall include the following: the person's position, e.g., party protestant or party in support, regarding the proposed transaction; specific reasons why approval would or would not be in the public interest; and a request for oral hearing if one is desired. Additionally, interested persons who do not intend to participate formally in a proceeding but who desire to comment thereon, may file such statements and information as they may desire, subject to the filing and service requirements specified herein. Persons submitting written comments to the Commission shall, at the same time, serve copies of such written comments upon the applicant, the Secretary of Transportation, and the Attorney General.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14923 Filed 5-26-78; 8:45 am]

[7035-01]

[Notice No. 83]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 23, 1978.

The following are notices of filing of applications for temporary authority under Section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest

shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 2661 (Sub-No. 17TA), filed April 19, 1978. Applicant: INDIAN TRAILS, INC., 109 E. Comstock Street, Owosso, MI 48867. Applicant's representative: Charles A. Webb, 1250 Connecticut Avenue NW., Suite 600, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle in charter and special operations, in executive coach service, between points beginning and ending in MI and extending to points in the United States, for 180 days. Supporting shippers: There are approximately (6) statements of support attached to the application which may be examined at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Timothy S. Quinn, District Supervisor, Interstate Commerce Commission, 604 Federal Building, and U.S. Courthouse, 231 W. Lafayette Blvd., Detroit, MI 48226.

No. MC 41406 (Sub-No. 76TA), filed April 13, 1978. Applicant: ARTIM TRANSPORTATION SYSTEM, INC., 7105 Kennedy Avenue, P.O. Box 2176, Hammond, IN 46323. Applicant's representative: Alki E. Scopellitis, 815 Merchants Bank Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing, building and insulating materials* (except iron and steel articles and commodities in bulk), from the facilities of CertainTeed Corp. at or near Avery, OH to IL, IN, KY, Miami, NY, PA, WV, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: CertainTeed Corp., Shelter Materials Group, David H. Silvernail, Manager, Transportation Operations, P.O. Box 860, Valley Forge, PA 19482. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 51146 (Sub-No. 589TA), filed April 16, 1978. Applicant: SCHNEIDER TRANSPORT, INC., P.O. Box 2298, 2661 South Broadway, Green Bay, WI 54306. Applicant's representative: John R. Patterson, 2480 E. Commercial Boulevard, Ft. Lauderdale, FL 33308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured or dealt in by manufacturers of containers and related accessories and equipment, materials and supplies* used in the manufacture of the above described commodities, between the facilities of Brockway Glass Co., Inc., located in Washington County, PA, Muskingum County, OH and Madison County, IN and Johnson, Linn, Clinton, Scott, and Muscatine Counties in the State of IA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Brockway Glass Co., Inc., McCullough Avenue, Brockway, PA 15824, (J. W. Pennington). Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

No. MC 59264 (Sub-No. 68TA), filed April 18, 1978. Applicant: SMITH & SOLOMON TRUCKING CO., How Lane, New Brunswick, NJ 08903. Applicant's representative: Herbert Burstein, 2373, One World Trade Center, New York, NY 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers, metal cans and ends*, from plant site of Ball Corp. in or near Williamsburg, VA, to Commercial Zone of Philadelphia, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Ball Corp., 345 South High Street, Muncie, IN 47302. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark, NJ 07102.

No. MC 65941 (Sub-No. 52TA), filed April 25, 1978. Applicant: TOWER LINES, INC., Third and Warwood Avenue, Wheeling, WV, 26003. Applicant's representative: George V. Thieroff, Third and Warwood Avenue, Wheeling, WV, 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc oxide*, in bags, from the facilities of St. Joe Minerals Corp., Josephstown (Potter Township, Beaver County), PA, to Gadsden, AL, and La Vergne, TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s):

St. Joe Zinc Co., Two Oliver Plaza, Pittsburgh, PA 15222. Send protests to: J. A. Niggemyer District Supervisor, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 79887 (Sub-No. 16TA), filed April 12, 1978. Applicant: WARREN C. SAUERS CO., INC., 200 Rochester Road, Zellenople, PA 16063. Applicant's representative: Henry M. Wick, Jr., Wick, Vuono, & Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned baby food and dry cereal*, from the facilities of Beech-Nut Foods Corp., Canajoharie, NY, to points in IN, KY, OH, WV and those points in PA on and west of U.S. Hwy 15, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Beech-Nut Foods Corp., Church Street, Canajoharie, NY 13317. Send protests to: John J. England District Supervisor, 1000 Liberty Avenue, 2111 Federal Building, Pittsburgh, PA 15222.

No. MC 100666 (Sub-No. 397TA), filed April 14, 1978. Applicant: MELTON TRUCK LINES, INC., P.O. Box 7666, 1129 Grimmer Drive, Shreveport, LA 71107. Applicant's representative: Wilburn L. Williamson, 280 National Foundation Life Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, pipe fittings, valve boxes, water boxes, castings, hydrants, and accessories*, from the facilities of Central Foundry Co. located at or near Holt, AL, to points in IA, KS, MO, NE, OK, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Central Foundry Co., P.O. Box 188, Holt, AL 35401. Send protests to: Ray C. Armstrong, Jr., District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 103051 (Sub-No. 438TA), filed April 14, 1978. Applicant: FLEET TRANSPORT CO., INC., 934 44th Avenue, North, P.O. Box 90408, Nashville, TN 37209. Applicant's representative: Russell E. Stone, P.O. Box 90408, Nashville, TN 37209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard* (in bulk, in tank vehicles), from West Point, MS, to Chamblee, GA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Bryan Foods, Inc., P.O. Box 1177, West Point, MS 39773. Send protests to:

Glenda Kuss, Transportation Assistant, Bureau of Operations, Interstate Commerce Commission, Suite A-422 U.S. Court House, 801 Broadway, Nashville, TN 37203.

No. MC 103066 (Sub-No. 71TA), filed May 1, 1978. Applicant: STONE TRUCKING CO., P.O. Box 2014, 4927 South Tacoma, Tulsa, OK 74107. Applicant's representative: C. L. Phillips, 1411 North Classen, room 248, Oklahoma City, OK 73106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic items, film and/or sheeting*, from Tulsa, OK, to points in FL, for 180 days. Supporting shipper(s): Poly-Version, Inc., 10001 East 54th Street, Tulsa, OK 74145. Send protests to: Connie Stanely, Transportation Assistant, room 240 Old Post Office and Court House Building, 215 Northwest, 3d, Oklahoma City, OK 73102.

No. MC 103066 (Sub-No. 72TA), filed May 1, 1978. Applicant: STONE TRUCKING CO., INC., 4927 South Tacoma, Tulsa, OK 74107. Applicant's representative: C. L. Phillips, Room 248, Classen Terrace Building, 1411 North Classen, Oklahoma City, OK 73106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, build-up wood, building material* (with a prior movement by water), from Galveston, TX, to points and places in TX, OK, KS, MO and LA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. W. Smith & Co., Inc., 1017 U.S. National Bank Building, Galveston, TX 77550. Send protests to: Connie Stanely, Transportation Assistant, room 240 Old Post Office and Court House Building, 215 Northwest, 3d, Oklahoma City, OK 73102.

No. MC 106644 (Sub-No. 257TA), filed March 30, 1978. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road, P.O. Box 916, Atlanta, GA 30301. Applicant's representative: Wilfred Rohling, P.O. Box 916, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum articles: vis., sheet, plate, blanks, foil or lineal shapes, not*, from the facilities of Kaiser Aluminum & Chemical Corp. at or near Ravenswood, WV to AL, AR, CT, FL, GA, IL, IN, MA, MI, MS, MO, NJ, NC, PA, SC, TN, VA, and Farnhurst, DE, Louisville and Richmond, KY, New Orleans and Lafayette, LA, Westbrook, ME, Baltimore, MD, Minneapolis and St. Paul, MN, Houston, Grand Prairie, and Tyler, TX, and DC, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s):

Kaiser Aluminum & Chemical Corp., P.O. Box 98, Ravenswood, WV 26164. Send protests to: Sara K. Davis, Transportation Assistant, Interstate Commerce Commission, 1252 W. Peachtree Street NW., room 300, Atlanta, GA 30309.

No. MC 106644 (Sub-No. 259TA), filed April 27, 1978. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road, P.O. Box 916, Atlanta, GA 30301. Applicant's representative: Wilfred Rohling, 2770 Peyton Road, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum ingots*, from the plantsite and shipping facilities of Kaiser Aluminum & Chemical at or near New Orleans, LA, to the Kaiser Aluminum & Chemical Plantsite at or near Ravenswood, WV, for 180 days. Supporting shipper(s): Kaiser Aluminum & Chemical, 4948 Chef Menteau Hwy, New Orleans, LA 70126. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 106674 (Sub-No. 312TA), filed April 11, 1978. Applicant: SCHILLI MOTOR LINES, INC., U.S. Highway 24 West, P.O. Box 123, Remington, IN 47977. Applicant's representative: Jerry L. Johnson, P.O. Box 123, Remington, IN 47977. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinyl or plastic siding, extruded, clapboard siding; building materials; and accessories* and *supplies* used in connection with the previously described commodities, from the plantsite of Bird & Son, Inc., at Bardstown, KY, to points and places in the following states: AZ, CA, CO, CT, DE, ID, IL, IN, IA, KS, ME, MD, MA, MS, NV, NH, NJ, NY, OH, OR, PA, UT, VT, WA, WV, WI, and DC for 180 days. Supporting shipper(s): Bird & Son, Inc., Washington Street, East Walpole, MA 02032. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 343 West Wayne Street, Suite 113, Fort Wayne, IN 46802.

No. MC 107064 (Sub-No. 123TA), filed April 13, 1978. Applicant: STEERE TANK LINES, INC., 2808 Fairmount Street, P.O. Box 2998, Dallas, TX 75221. Applicant's representative: Hugh T. Matthews, 2340 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products* (in bulk), from Artesia, NM, to points in Rio Blanco and Garfield Counties, CO, and Grand County, UT, for 180 days. Supporting shipper(s): Petroleum Helicopters, Inc., P.O. Box 1213, Farmington, NM

87401. Send protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, room 13C12, Dallas, Tex. 75242.

No. MC 107515 (Sub-No. 1142TA), filed April 27, 1978. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Road, Forest Park, GA 30050. Applicant's representative: Alan E. Serby & Richard M. Tettalbaum, Serby & Mitchell, 5th floor, Lenox Towers South, 3390 Peachtree Road, NE., Atlanta, GA 30326. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, in vehicles equipped with mechanical refrigeration, from Chebanse, IL, to points in DeKalb County, GA, for 180 days. Supporting shipper(s): Jeno's, Inc., 515 Lake Avenue South, Duluth, MN 55801. Send protests to: E. A. Bryant, District Supervisor, Interstate Commerce Commission, room 300, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 111720 (Sub-No. 20TA), filed March 30, 1978. Applicant: WILLIAMS TRUCK SERVICE, INC., 1812 K Avenue, Sioux Falls, SD 57104. Applicant's representative: Scott E. Daniel, P.O. Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meat by-products, and articles* distributed by meat packinghouses as described in sections A and C of Appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 MCC 209 and 766 (except hides and commodities in bulk) from the plantsite and/or warehouse facilities utilized by Howard Beef Processors, Inc., located at or near Howard, SD to points in the states of IL, MN and WI, under a continuing contract, or contracts, with Howard Beef Processors, Inc., for 180 days. Supporting shipper(s): Howard Beef Processors, Inc., Box 606, Howard, SD 57349, William Grochow, President. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 455, Federal Building, Pierre, SD 57501.

No. MC 111812 (Sub-No. 566TA), filed April 19, 1978. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 1233, Sioux Falls, SD 57101. Applicant's representative: David Peterson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery*, in vehicles equipped with mechanical refrigeration from the plantsite of E. J. Brach & Sons located at Philadelphia, PA to Reno, NV, for 180 days. Supporting shipper(s): E. J.

Brach & Sons, Division American Home Products Corp., 4656 W. Kinzie Street, Chicago, IL 60604. E. M. Carey, Traffic Manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 455, Federal Building, Pierre, SD 57501.

No. MC 114533 (Sub-No. 367TA), filed April 13, 1978. Applicant: BANKER'S DISPATCH CORP., 1106 West 35th Street, Chicago, IL 60609. Applicant's representative: Melvin L. Rosenbloom (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Woburn, MA, on the one hand, and, on the other, points in Hartford, New Haven, Fairfield, and Litchfield Counties, CT for 180 days. Supporting shipper(s): Marshalls, Inc., 83 Commerce Way, Thomas J. Corcoran, Administrative Services Manager, Woburn, MA 01801. Send protests to: Transportation Assistant Patricia A. Roscoe, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 114734 (Sub-No. 27TA), filed April 7, 1978. Applicant: D AND J TRANSFER CO., Sherburn, MN 56171. Applicant's representative: Richard A. Peterson, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, dairy products and articles* distributed by meat packinghouses, as described in sections A, B, and C of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of John Morrell & Co., at or near Sioux Falls, SD and Estherville, IA to points in the States of IL, IN, OH, and WI, under a continuing contract, or contracts, with John Morrell & Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): John Morrell & Co., 208 South LaSalle Street, Chicago, IL 60604. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 119726 (Sub-No. 122TA), filed April 28, 1978. Applicant: N.A.B. TRUCKING CO., INC., 1644 West Edgewood Avenue, Indianapolis, IN 46217. Applicant's representative: James L. Beatty, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate

as a *common carrier*, by motor vehicle, over irregular routes, transporting: 1. *Plastic articles* (except in bulk). From the plantsite and warehouse facilities of Amoco Chemicals Corp. at or near Seymour, IN. To points in AL, FL, GA, MI, NC, OH, SC, TN, and WI. 2. *Materials and supplies* used in the distribution of plastic articles from the points in the above named destination States to Seymour, IN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Amoco Chemicals Corp., 200 East Randolph Drive, Chicago, IL 60601. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 119789 (Sub-No. 453TA), filed April 13, 1978. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 226188, Dallas, TX 75266. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pet foods in packages*, from Mattoon, IL to points in the U.S. on and East of U.S. Hwy No. 85, for 180 days. Supporting shipper(s): Kal Kan Foods, Inc., 3366 East 44th Street, Vernon, CA 90058. Sends protests to: Opal M. Jones, Transportation Assistant, Interstate Commerce Commission, 1100 Commerce Street, Room 13C12, Dallas, TX 75242.

No. MC 120618 (Sub-No. 8TA), filed April 7, 1978. Applicant: SCHALLER TRUCKING CORP., 5700 West Minnesota Street, Indianapolis, IN 46241. Applicant's representative: John R. Bagileo, 700 World Center Building, 918 16th Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum extrusions, ingot, pipe and tubing* being hauled on open top equipment. From the plantsite and storage facilities of the Aluminum Co. of America located at or near Lafayette, IN. To points located in CT, GA, IL, KY, MA, MI, MO, NH, NJ, NY, OH, PA, TN, TX and VA, for 180 days. Supporting shipper(s): Aluminum Co. of America, 1501 Alcoa Building, Pittsburgh, PA 15219. Send protests to: Beverly J. Williams, Transportation Assistant, Interstate Commerce Commission, Federal Building and U.S. Courthouse, 46 East Ohio Street, Room 429, Indianapolis, IN 46204.

No. MC 129063 (Sub-No. 19TA), filed April 14, 1978. Applicant: JIMMY T. WOOD, P.O. Box 294, Route 6, Ripley, TN 38063. Applicant's representative: Mr. Thomas A. Stroud, 5100 Poplar

Avenue, Suite 2008, Memphis, TN 38137. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry fertilizer*, in bulk, in dump vehicles, from the facility of Agrico Chemical Co. at or near Armorer, AR, to points in MO and TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Send protest to: Mr. Floyd A. Johnson, District Supervisor, Interstate Commerce Commission, 100 North Main Building, Suite 2006, 100 North Main Street, Memphis, TN 38103.

No. MC 129480 (Sub-No. 32TA), filed April 7, 1978. Applicant: TRI-LINE EXPRESSWAYS, LTD., 550-71 Avenue SE., P.O. Box 5245 Station A, Calgary, AB, Canada T2H 0S6. Applicant's representative: Richard S. Mandelson, Attorney at Law, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, CO 80264. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from IL, MO, IA, TN, AR to ports of entry on the International Boundary line between the U.S. and Canada, located in MN, ND, and MT; restricted to shipments moving in foreign commerce destined to points in the Provinces of AB, MB, and SK, for 180 days. Supporting shipper(s): Charles Phillips Owner & General Manager, Phillips Hardwood Sales Co., P.O. Box 1283, 10 Roselawn Dr., Natchez, MN 39120. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, 2602 First Avenue North, Billings, MT 59101.

No. MC 133966 (Sub-No. 54TA), filed April 14, 1978. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, PA 18707. Applicant's representative: Joseph F. Hoary, 121 South Main Street, Taylor, PA 18717. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Paper products, printed or not printed*, from Berwick, PA to Atlanta, GA; Melrose Park and Chicago, IL; Lexington, KY; Durham, NC; Secaucus, NJ; Johnson City, White Plains, Yorktown Heights, Kingston, and East Fishkill, NY; Essex Junction, VT; Detroit, MI; Columbus, OH; Manassas, VA; Gaithersburg, MD, and Boston, MA, for 150 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): DataCom, Inc., 2500 Maryland Avenue, Willow Grove, PA 19090. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 314 U.S. P.O. Building, Scranton, PA 18503.

No. MC 134477 (Sub-No. 235TA), April 11, 1978. Applicant: SCHANNO

TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Robert P. Sack, P.O. Box 6010, St. Paul, MN 55118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail and wholesale department stores (except foodstuffs and commodities in bulk) from North Lake, IL and its commercial zone to Brainerd, Duluth, Rochester, and Winona, MN; Sioux Falls, Watertown and Yankton, SD; and Ashland and La Crosse, WI, for 180 days. Supporting shipper(s): Montgomery Ward, P.O. Box 7337, Chicago, IL 60681. Send protests to: Delores A. Poe, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, 414 Federal Building & U.S. Post Office, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 138274 (Sub-No. 47TA), filed April 13, 1978. Applicant: PAYNE MOTOR LINES, INC., 251 West Commercial, P.O. Box 1937, Elko, NV 89801. Applicant's representative: D. Michael Jorgensen, P.O. Box 2465, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed and feed ingredients, supplements, additives, materials and supplies* used in the manufacture and promotion of animal feeds, from Ft. Lupton, CO, to NM destinations, Albuquerque, NM, Clovis, NM, Farmington, NM, Santa Fe, NM, Raton, NM and Las Vegas, NM for 180 days. Supporting shipper: Albers Milling Co., P.O. Box 126, Fort Lupton, CO 80621. Send protests to: District Supervisor, W. J. Huetig, Interstate Commerce Commission, 203 Federal Building, 705 North Plaza Street, Carson City, NV 89701.

No. MC 138469 (Sub-No. 72TA), filed April 17, 1978. Applicant: DONCO CARRIERS, INC., 2025 S. Nicholas, P.O. Box 75345, Oklahoma City, OK 73107. Applicant's representative: Dan Hands, Attorney at Law, 205 West Touhy Avenue, Suite 200, Park Ridge, IL 60068. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cosmetics and pharmaceutical, nutritional, veterinary and industrial products in soft elastic gelatin capsules, and materials, equipment and supplies* used in the manufacture thereof, in vehicles equipped with mechanical refrigeration, (except commodities in bulk, in tank vehicles). From the facilities of R. P. Scherer Corp. located at or near Monroe, NC to Detroit, MI and Somerset, NJ and points in the commercial zones in the above named cities, restricted to the transportation of shipments originating at the named origins and destined to the named des-

tinations, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): R. P. Scherer Corp., 9425 Grinnell Avenue, Detroit, MI 48213. Send protests to: Connie Stanley, Transportation Assistant, Room 240 Old Post Office & Court House Building, 215 Northwest 3rd, Oklahoma City, OK 73102.

No. MC 141122 (Sub-No. 3TA), filed, April 12, 1978. Applicant: SENTRY TRUCKING CO., INC., P.O. Box 901, Union, NJ 07083. Applicant's representative: Paul J. Keeler, P.O. Box 253, South Plainfield, NJ 07080. 180-day temporary authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting *Silver nitrate*, except in bulk in tank vehicles, from Huntsville, AL to Newark, Union and Parlin, NJ and Rochester, NY under a continuing contract or contracts with Engelhard Industries Division, Engelhard Minerals and Chemicals Corp. of Newark, NJ. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): Engelhard Industries Division, Engelhard Minerals & Chemicals Corp., Newark, NJ. Send protests to: Robert E. Johnston, District Supervisor, Interstate Commerce Commission, 9 Clinton Street, Newark NJ 07102.

No. MC 141733 (Sub-No. 1TA), filed April 11, 1978. Applicant: UNION TRANSIT CO., INC., 276 Pasco Road, Springfield, MA 01151. Applicant's representative: David M. Marshall, Marshall & Marshall, 101 State Street, Suite 304, Springfield, MA 01103. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tools, forgings, tool boxes, packing containers and materials, supplies, and equipment* used in the manufacture and distribution of such commodities (except in bulk) between the facilities of The Moore Co., Inc., located at Springfield, MA, East Windsor, CT, Springdale and Pocahontas, AR and Gastonia, NC on the one hand, and, on the other, the facilities of The Moore Co., Inc. located at Hillsboro, OH and Gastonia, NC under a continuing contract or contracts with The Moore Co., Inc. for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): The Moore Co., Inc., Thompson Road, East Windsor Industrial Park, East Windsor, CT 06088. Send protests to: David M. Miller, District Supervisor, 436 Dwight Street, Room 338, Springfield, MA 01103.

No. MC 144596TA, filed April 11, 1978. Applicant: BEN FRAZIER, INC., 120 East Junius Street, Fergus Falls, MN 56537. Applicant's representative: Charles E. Johnson, P.O. Box 1982, Bismarck, ND 58501. Authority sought

to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from the facilities of Franklin Steel Co. at or near Franklin, PA, to points in MN, ND, SD, NE, MT, WY, WI, and IA. Restriction: Restricted to a transportation service, to be performed under a continuing contract, or contracts, with M & R Sign Co., Inc., Fergus Falls, MN, and Franklin Steel Co., Franklin, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: M & R Sign Co., Inc., P.O. Box 365, Fergus Falls, MN 56537. Franklin Steel Co., P.O. Box 671 Franklin, PA 16323. Send protests to: Ronald R. Mau, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 268 Federal Building and U.S. Post Office, 657 Second Avenue North, Fargo, ND 58102.

No. MC 144645TA, filed April 13, 1978. Applicant: ROBERT C. HANSEN, d.b.a. ROBERT HANSEN TRUCKING, Route 5, Box 282, Delavan, WI 53115. Applicant's representative: Wm. C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Electrical copper wire*, from the facilities of techbestos, Inc., at or near Moonachie, NJ, to points in IL, IN, KY, MI, MN, OH, and WI, under a continuing contract, or contracts, with Techbestos, Inc., for 180 days. Supporting shipper(s): Techbestos, Inc., West Commercial Avenue, Moonachie, NJ 07074. (Thomas Arciolo) Send protests to: Gail Daugherty, Transportation Assistant, Interstate Commerce Commission, Bureau of Operations, U.S. Federal Building and Courthouse, 517 East Wisconsin Avenue, Room 619, Milwaukee, WI 53202.

PASSENGER CARRIER

No. MC 1515 (Sub-No. 247TA), filed March 23, 1978. Applicant: GREYHOUND LINES, INC., Greyhound Tower, Phoenix, AZ 85077. Applicant's representative: W. L. McCracken, Assistant General Counsel, Greyhound Tower, Phoenix, AZ 85077 602-248-5678. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers: Between the junction of Interstate Hwy 80 and CA Hwy 12 and Lodi, CA; from the junction of Interstate Hwy 80 and CA Hwy 12 at Fairfield, CA over CA Hwy 12 via Rio Vista to Lodi, CA and return over the same route, serving all intermediate points. Restriction: No passengers will be transported to or from Travis Air Force Base, CA or between Fairfield

and Sulson City, CA. Condition: This authority shall be of no further force and effect upon termination of the carrier's contract with the city of Rio Vista, CA. Greyhound Lines, Inc. is seeking the requested authority, so as to provide service to the city of Rio Vista, CA pursuant to the terms of a contract between the city of Rio Vista and Greyhound. The city of Rio Vista, CA has applied for and been granted funds to support an intercity bus service through Rio Vista. Without such support, service through Rio Vista would not be practicable because patronage would probably not be sufficient for such operations to be self-supporting.

As a result of the grant of funds, the city of Rio Vista has requested that Greyhound provide the above described intercity, supported bus service, and Greyhound will provide such service conditioned upon a continuing contract between the City of Rio Vista and Greyhound. The authority requested herein will allow Greyhound to afford those passengers and shippers residing at Rio Vista, CA or in the area of the proposed route with public, intercity, interstate transportation where such service is now non-existent. However, Greyhound Lines, Inc. will only conduct such operations as long as there is in effect a contract between the city of Rio Vista and Greyhound. For 180 days. Applicant intends to tack with Docket No. MC 1515 Sub 7. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): city of Rio Vista, CA, George E. Alphin, City Administrator, One Main Street, Rio Vista, CA 94571. Send protests to: Andrew V. Baylor, District Supervisor, Room 2020 Federal building, 230 North First Avenue, Interstate Commerce Commission, Phoenix, AZ 85025.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14924 Filed 5-26-78; 8:45 am]

[7035-01]

[Notice No. 81]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 19, 1978.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the provisions of 49 CFR 1131.3. These rules provide that an original and six (6) copies of protests to an application may be filed with the field official named in the FEDERAL REGISTER publication no later than the 15th calendar day after the date the notice of the

filing of the application is published in the FEDERAL REGISTER. One copy of the protest must be served on the applicant, or its authorized representative, if any, and the protestant must certify that such service has been made. The protest must identify the operating authority upon which it is predicated, specifying the "MC" docket and "Sub" number and quoting the particular portion of authority upon which it relies. Also, the protestant shall specify the service it can and will provide and the amount and type of equipment it will make available for use in connection with the service contemplated by the TA application. The weight accorded a protest shall be governed by the completeness and pertinence of the protestant's information.

Except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in the ICC Field Office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 8600 (Sub-No. 36TA), filed April 21, 1978. Applicant: WERNER CONTINENTAL, INC., 2500 West County Road C, Roseville, MN 55113. Applicant's representative: A. D. Weese, 2500 West County Road C, Roseville, MN 55113. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* from Aliquippa and Pittsburgh, PA and their commercial zones to points in the states of IN, OH, KY, and TN, for 180 days. Supporting shipper: Jones & Laughlin Steel Corp., 1600 West Carson Street, RM 121, Pittsburgh, PA 15263. Send protests to: Delores A. Poe, transportation assistant, ICC, Bureau of Operations, 414 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 59534 (Sub-No. 3TA), filed April 24, 1978. Applicant: A. A. STAR TRANSFER CO., P.O. Box 173, Aberdeen, WA 98520. Applicant's representative: George R. LaBissoniere, 1100 Norton Bldg., Seattle, WA 98104. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used household goods, unaccompanied baggage, personal effects, crated as defined by the Commission*, between points in Grays Harbor and Pacific Counties, WA, for 180 days. Supporting shipper: Department of Defense, Regulatory Law Office, Office of the Judge Advocate General, Department

of the Army (DAJA-RL), Washington, DC 20310. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, ICC, 858 Federal Building, Seattle, WA 98174.

No. MC 63417 (Sub-No. 147TA), filed March 29, 1978, and published in the FEDERAL REGISTER issue of May 9, 1978, and republished as corrected this issue. Applicant: BLUE RIDGE TRANSFER CO., INC., P.O. Box 13447, Roanoke, VA 24034. Applicant's representative: William E. Bain, P.O. Box 13447, Roanoke, VA 24034. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture and furniture parts*, from Sanford, NC, and Roanoke, VA, to points in AZ, CA, CO, ID, MT, NV, NM, OR, UT, WA, and WY, for 180 days. Supporting shipper(s): Singer Furniture Co., P.O. Box 5337, Roanoke, VA 24012. Send protests to: Herman R. White, Acting District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 210, Roanoke, VA 24011.

No. MC. 72243 (Sub-No. 57TA), filed February 8, 1978. Applicant: THE AETNA FREIGHT LINES, INC., P.O. Box 350, Warren, OH 44482. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, 425 13th Street NW., Washington, DC 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron or steel articles*, from points in NY (except Lackawanna and Buffalo) and points in PA (except Coatesville, Bethlehem, Wilkes-Barre, and Johnstown) to points in IN; (2) *Iron and steel articles* fabricated beyond the primary stage and requiring specialized handling or rigging because of size or weight, from points in IN (except Portage, Gary, East Chicago, Muncie, Burns, Harbor, Madison and Hammond) to points in NY, PA, WV (except Weirton) and OH; (3) *Iron and steel articles* fabricated beyond the primary stage and requiring specialized handling and rigging because of size and weight; (a) Between points in IL on and south of U.S. Hwy 36 on the one hand, and, on the other, points in NY and Greene, Fayette and Washington Counties, PA; (b) Between points in IL on and south of a line beginning at the IL-IN State line extending along U.S. Hwy 30 to junction I-Hwy 80, then along I-Hwy 80 to junction U.S. Hwy 61, then along U.S. Hwy 61 to the IA-IL State line, points in IA on and south of a line beginning at the IA-IL State line extending along U.S. Hwy 61 to junction U.S. Hwy 92, then along U.S. Hwy 92 to junction U.S. Hwy 1, then along U.S. Hwy 1 to junction U.S. Hwy 34, then along U.S. Hwy 34 to junction U.S. Hwy 2, then along U.S. Hwy 2 to

junction U.S. Hwy 5, then along U.S. Hwy 5 to IA-MO State line, on the one hand, and, on the other, points in OH, NY and PA; (c) Between points in WV, on the one hand, and, on the other, points in IL, on and south of a line beginning at the IL-IN State line extending along U.S. Hwy 30 to junction I-Hwy 80, then along I-Hwy 80 to junction U.S. Hwy 29, then along U.S. Hwy 29 to junction I-Hwy 74, then along I-Hwy 74 to junction U.S. Hwy 34, then along U.S. Hwy 34 to the IL-IA State line; (d) Between points in IA and WI within 300 miles of Chicago, IL, on the one hand, and, on the other, points in WV; (e) Between points in WI within 300 miles of Chicago, IL, on the one hand, and, on the other, points in OH, PA, and NY; (4) *Iron, steel and iron or steel articles which require special equipment by reason of size or weight and heavy machinery*, between points in CT and MA, on the one hand, and, on the other, points in NY and points in PA on, north and east of a line beginning at Lake Erie extending along U.S. Hwy 8 to junction U.S. Hwy 6, then along U.S. Hwy 6 to junction U.S. Hwy 219, then along U.S. Hwy 219 to junction I-Hwy 80, then along I-Hwy 80 to junction U.S. Hwy 144, then along U.S. Hwy 144 to junction U.S. Hwy 322, then along U.S. Hwy 322 to junction I-Hwy 83, then along I-Hwy 83 to the MD-PA State line; (5) *Iron and steel products and machinery*; between points in NJ, DE, MD, (except Cecil, Kent, Queen Annes, Talbot, Caroline, Dorchester, Wicomico, Worcester and Somerset Counties), NY, the DC, that part of PA within 150 miles of Philadelphia, PA, including Philadelphia, and Richmond, VA, on the one hand, and, on the other, points in PA, WV, and points in OH (except from Claymont and New Castle, DE to points in PA and from Middletown, Cleveland, and Youngstown, OH to points in NJ); for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (9) statements of support attached to the application which may be examined at the field office named below. Send protests to: James Johnson, District Supervisor, Interstate Commerce Commission, 731 Federal Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 103798 (Sub-No. 15TA), filed April 21, 1978. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, WI 54755. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Inedible tallow* from Whitehall, WI to Hammond, IN and East Morris, IL, for 180 days. Applicant has also

filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Whitehall Packing Co., P.O. Box 215, Whitehall, WI 54773. Send protests to: Delores A. Poe, Transportation Assistant, ICC, Bureau of Operations, 414 Federal Building, 110 South 4th Street, U.S. Courthouse, Minneapolis, MN 55401.

No. MC 105461 (Sub-No. 100TA), filed April 20, 1978. Applicant: HERR'S MOTOR EXPRESS, INC., P.O. Box 8, Quarryville, PA 17566. Applicant's representative: Robert R. Herr (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Glass containers* between the facilities of Midland Glass Co., Inc. located at Cliffwood, NJ and Socita, NY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, NJ. Send protests to: Charles F. Myers, District Supervisor, ICC, P.O. Box 869 Federal Square Station, Harrisburg, PA 17108.

No. MC 112713 (Sub-No. 212TA), filed March 24, 1978, and published in the FEDERAL REGISTER issue of April 21, 1978, and republished as corrected this issue. Applicant: YELLOW FREIGHT SYSTEM, INC., 10990 Roe Avenue, P.O. Box 7270, Shawnee Mission, KS 66207. Applicant's representative: David B. Schneider, 10990 Roe Avenue, Shawnee Mission, KS 66207. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *General commodities*, (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), serving the facilities of Hoosier Energy Division of Indiana Statewide REC, at or near Merom, IN, as an off-route point in conjunction with carrier's presently authorized operations, for 180 days. Applicant intends to tack and interline with MC 112713 and numerous points in Yellow's System. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Hoosier Energy Division of Indiana Statewide REC, Inc., P.O. Box 908, Bloomington, IN 47401. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, 600 Federal Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 112963 (Sub-No. 74TA), filed April 12, 1978, and published in the FEDERAL REGISTER issue of May 10, 1978, and republished as corrected this issue. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard E. Murphy, 764 Boston Road,

Pinehurst, MA 01866. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry talc and calcium carbonate* (in bulk, in tank vehicles), from Johnson, VT, to Woodbury, NJ, for 180 days. Supporting shipper(s): Dewey & Almy Chemical Division of W. R. Grace, 55 Hayden Avenue, Lexington, MA 02173. Send protests to: Paul A. Roberts, District Supervisor, Interstate Commerce Commission, 150 Causeway Street, Boston, MA 02114. The purpose of this republication is to correct the commodity description.

No. MC 116474 (Sub-No. 38TA), filed March 29, 1978, and published in the FEDERAL REGISTER issue of May 2, 1978, and republished as corrected this issue. Applicant: LEAVITT'S FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Treated poles and piling*, from the facilities of McCormick & Baxter Creosoting Co., at Portland, OR, to points in CA, NV, and WA, under a continuing contract or contracts, with McCormick & Baxter Creosoting Co., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: McCormick & Baxter Creosoting Co., P.O. Box 3048, Portland, OR 97208. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 114 Pioneer Courthouse, 555 Southwest Yamhill Street, Portland, OR. The purpose of this republication is to correct the spelling of the applicant's name.

No. MC 118883 (Sub-No. 5TA), filed April 27, 1978. Applicant: VAN E. HAMLETT, P.O. Box 8009, Nashville, TN 37207. Applicant's representative: Roland M. Lowell, 618 United American Bank Bldg., Nashville, TN 37219. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *dry fertilizer, and fertilizer materials, pesticides in containers when moving with fertilizer, rejected materials, machinery, equipment and supplies used in manufacture of fertilizer and pesticides* (except commodities in bulk): (1) Between the facilities utilized by W. R. Grace & Co. at or near Nashville, TN, New Albany, IN, and Woodstock, TN, (2) From the facilities utilized by W. R. Grace & Co. at or near Nashville, TN, and Woodstock, TN, on the one hand, and, on the other, points in KY on or west of Interstate Hwy 75. (3) From the facilities utilized by W. R. Grace & Co. at or near New Albany, IN, to points in KY on and

west of Interstate Hwy 75 and to points in TN, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: W. R. Grace & Co., P.O. Box 90166 54th Ave. N., Nashville, TN 37209. Send protests to Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Suite A-422, U.S. Courthouse, 801 Broadway, Nashville, TN 37203.

No. MC 121777 (Sub-No. 1TA), filed April 25, 1978. Applicant: PACKARD TRUCK LINES, INC., P.O. Drawer "H," Buras, LA 70041. Applicant's representative: Ora Foxall, Route, Box 348-A, Port Sulphur, LA 70083. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Oil field machinery, equipment, materials and supplies* between Cameron, LA, on the one hand, and, on the other, points in TX, for 180 days. Supporting shipper: Marathon Oil Co., Gulf Coast Offshore District, P.O. Box 53266, OCS, Lafayette, LA 70560. Send Protests to: Ray C. Armstrong, Jr., District Supervisor, ICC, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 133296 (Sub-No. 9TA), filed April 25, 1978. Applicant: YULE TRANSPORT, INC., P.O. Box 42, Medford, MN 55040. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Malt beverages* from Peoria, IL to Owatonna and Rochester, MN, under a continuing contract or contracts with Shea Distributing, Owatonna, MN, for 180 days. Supporting shipper: Shea Distributing, P.O. Box 403, Owatonna, MN 55060. Send protests to: Delores A. Poe, Transportation Assistant, ICC, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 139495 (Sub-No. 348TA), filed April 11, 1978. Applicant: NATIONAL CARRIERS, INC., 1501 East 8th St., P.O. Box 1358, Liberal, KS 67901. Applicant's representative: Herbert Alan Dubin, 1320 Fenwick Lane, Silver Spring, MD 20910. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *A. Valves, hydrants, pipe fittings, connectors and hangers, indicator posts and castings* (except those commodities which because of size and weight require the use of special equipment) from Elmira, NY to points in AL, MS, FL, TN, VA, WV, MD, OH, MI, PA, DE, NJ, CT, RI, MA, VT, NH, and ME. Restricted to traffic originating at the facilities of Kennedy Value Division, ITT Grinnell

Valve Co., Inc. at Elmira, NY. B. (1) *Components of fire prevention systems, sprinkley systems, and pipe fittings, pipe connectors, pipe hangers, castings, and valves* from Clito, GA, to AL, FL, DE, GA, IN, MD, NJ, NC, OH, PA, SC, TN, VA, WV, Washington, DC and points in NY, south of Hwy 7; and (2) *Materials and supplies* used in the manufacture of commodities specified in (1) above (except in bulk, in tank vehicles) from the above-named destination points to Clito, GA for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: ITT-Grinnell, 260 West Exchange, Providence, RI 02901. Send protests to: M.E. Taylor, District Supervisor, Interstate Commerce Commission, 101 Litwin Bldg., Wichita, KS 67202.

No. MC 140549 (Sub-No. 10TA), filed April 26, 1978. Applicant: FRITX TRUCKING, INC., East Highway 7, Clara City, MN 56222. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Dry, bulk fertilizer*, from Wilmar, MN, to points in ND and SD, for 180 days. Supporting shipper: Martrex, Inc., P.O. Box 159, Chanhassen, MN 55317. Send Protests to: Delores A. Poe, Transportation Assistant, ICC, Bureau of Operations, 414 Federal Building and U.S. Courthouse, 110 South 4th Street, Minneapolis, MN 55401.

No. MC 140601 (Sub-No. 6TA), filed April 27, 1978. Applicant: BILLY FRANK d.b.a. FRANK BROS., 349 Abbot Avenue, Hillsboro, TX 76645. Applicant's representative: Robert J. Birnbaum, P.O. Box 1945, Austin, TX 78767. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Asbestos cement pipe, and fitting and accessories for asbestos cement pipe* from the facilities of Certain-Teed Corp. located in St. Louis County, MO to points in AR, CO, KS, LA, MS, NE, OK, TN, and TX, under a continuing contract or contracts with Certain-Teed Corp., Pipe and Plastics Group, of Valley Forge, PA, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Certain-Teed Corp., P.O. Box 860, Valley Forge, Pa 19482. Send protests to: Robert J. Kirspel, District Supervisor, Room 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 142207 (Sub-No. 16TA), filed April 26, 1978. Applicant: GULF COAST TRUCK SERVICES, INC., P.O. Box 29487, New Orleans, LA 70189. Applicant's representative: Richard M. Tettelbaum, Fifth Floor, Lenox Towers I, 3390 Peachtree Road, Atlanta, GA 30328. Authority sought

to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Composition boards* from the facilities of the U.S. Gypsum Co. at Greenville, MS to AR, LA, OK, KS, and TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: U.S. Gypsum Co., 101 S. Wacker Drive, Chicago, IL 60606. Send protests to: Ray C. Armstrong, Jr., District Supervisor, ICC, T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 142207 (Sub-No. 17TA), filed April 27, 1978. Applicant: GULF COAST TRUCK SERVICES, INC., Chef Menetuer Highway, P.O. Box 29487, New Orleans, LA 70189. Applicant's representative: Richard M. Tettelbaum, Fifth Floor, Lenox S, 3309 Peachtree Road NE., Atlanta, GA 30326. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products* from Ola and Waldo, AR, to points in TX, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Deltic Farm & Timber Co., Inc., P.O. Box 278, Ola, AR 72853. Send protests to: Ray C. Armstrong, Jr., District Supervisor, ICC, T-9038, U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, LA 70113.

No. MC 143423 (Sub-No. 6TA), filed April 27, 1978. Applicant: WILLIAM T. AUSTIN, d.b.a., AUSTIN TRUCKING CO., 2026 Clayton Avenue SW., Decatur, AL 35601. Applicant's representative: D. H. Markstein, Jr., 512 Massey Building, Birmingham, AL 35203. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Generators or motors or generators and engines combined and internal combustion engines and parts thereof*, between the plantsite of Onan Corp. at Huntsville, AL on the one hand and, on the other, points in AZ, CO, CA, GA, KS, KY, MO, NM, NC, OH, OK, PA, SD, TN, TX, UT and WA, for 180 days. Supporting shipper: Onan Corp., 1400 73rd Ave. NE., Minneapolis, MN 55432. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, ICC, Room 1616-2121 Building, Birmingham, AL 35203.

No. MC 143550 (Sub-No. 1TA), filed April 24, 1978. Applicant: G & C FREIGHT SERVICE, 647 SW. 143rd, Seattle, WA 98166. Applicant's representative: Gary Parish (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Shakes, shingles, hip, ridge and related roofing materials*, between points in Pacific, Grays Harbor, Clal-

lam, and Jefferson Counties, WA and Marin, Sonoma, Napa, Solano, Contra Costa, Alameda, Santa Clara, San Mateo, and San Francisco, CA, for 180 days. Supporting shippers: Washington Cedar & Supply Co., 223 W. Smith St., Kent, WA 98031; Parker & Son Shakes, Box 218, Copalis Beach, WA 90535; Così Cedar Sales, P.O. Box 649, Cosmopolis, WA 98537; and California Shingle & Shake Co., Inc., 1025 Stockton Ave., San Jose, CA 95110. Send protests to: Hugh H. Chaffee, District Supervisor, Bureau of Operations, ICC, 858 Federal Bldg., Seattle, WA 98174.

No. MC 144347 (Sub-No. 1TA), filed February 15, 1978, and published in the FEDERAL REGISTER, issue of March 29, 1978, and republished as corrected this issue. Applicant: B & L TRUCK LINES, INC., 339 East 34th St., Lubbock, TX 79404. Applicant's representative: Richard Hubbert, 1607 Broadway, Lubbock, TX 79401. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Charcoal briquets*, from Dierks, AK, to points in AZ, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Weyerhaeuser Co., P.O. Box 1060, Hot Springs, AK 71901. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, TX 79101.

No. MC 144630 (Sub-No. 1TA), filed April 25, 1978. Applicant: NETTLETON ENTERPRISE CO., INC. d.b.a., NORWOOD TRANSPORT, Route 1, Box 96, Elgin, IL 60120. Applicant's representative: Robert J. Gill, 29 S. LaSalle Street, Chicago, IL 60603. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Industrial machinery, construction equipment and tools*, which because of their size or weight require the use of specialized equipment, between Chicago, IL and its commercial zone, Janesville and Madison, WI, Indianapolis, IN and Joliet, IL on the one hand, and, on the other, all points in the United States, except AK and HI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Indeck Power Equipment Co., James R. Forsythe, traffic manager, 1075 Noel Avenue, Wheeling, IL 60090. Send protests to: Transportation Assistant, Patricia A. Roscoe, ICC, Everett McKinley Dirksen Building, 219 S. Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 144639 (Sub-No. 1TA), filed April 27, 1978. Applicant: WAR EAGLE EXPRESS, INC., 2014 Steel Drive, Tucker, GA 30084. Applicant's representative: Ralph Armistead

(same address as applicant). Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (1) *Glass soft drink bottles* from Atlanta, GA to the plantsites of Royal Crown Cola in Orlando, Jacksonville and Miami, FL; (2) *Soft drinks in aluminum cans* from Orlando, FL to Waycross, Dublin, Savannah, Valdosta, Tifton, Albany, Macon, and Columbus, GA on return, under a continuing contract or contracts with Royal Crown Bottlers of Florida, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Royal Crown Bottlers of Florida, Inc., 3801 L. B. McLeod, Orlando, FL 32805. Send protests to: E. A. Bryant, District Supervisor, ICC, Room 300, 1252 W. Peachtree St. NW., Atlanta, GA 30309.

No. MC 144680 (Sub-No. 1TA), filed April 27, 1978. Applicant: AMERICAN RIVER LINES, INC., P.O. Box 853, Greenville, MS 38701. Applicant's representative: Douglas C. Wynn, P.O. Box 1295, Greenville, MS 38701. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Used agricultural implements, equipment and machinery, used in the harvest of cotton, and attachments, accessories, parts, equipment and supplies therefor* (except commodities in bulk) between points in AR and MS, on the one hand, and, on the other, points in TX, for 180 days. Supporting shipper(s): There are approximately (10) statements of support attached to the application which may be examined at the field office named below. Send protests to: Alan C. Tarrant, District Supervisor, ICC, Room 212, 145 E. Amite Bldg., Jackson, MS 39201.

No. MC 144683TA, filed April 25, 1978. Applicant: DAVE JONES WRECKER SERVICE, INC., 501 Highway 17-92, Fern Park, FL 32730. Applicant's representative: John A. Sutton, P.O. Box 367, Orlando, FL 32802. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled or repossessed motor vehicles, trailers and motor homes and replacement vehicles and parts therefor* between all points and places in States of FL, GA, NC, SC, TN, KY, AL, LA, IN, OH, MI, IL, and MS, for 180 days. Supporting shippers: There are approximately (6) statements of support attached to the application which may be examined at the field office named below. Send protests to: District Supervisor, G. H. Fauss, Jr., ICC, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 144684TA, filed April 26, 1978. Applicant: WALTER G. KITCHENS, P.O. Box 185, Seale, AL 36875.

Applicant's representative: Walter G. Kitchens (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, plywood, poles and particleboard*, between AL and GA for 180 days. Supporting shipper: Lowe's Co., Inc., P.O. Box 156, Pittsview, AL 36871. Send protests to: Mabel E. Holston, Transportation Assistant, Bureau of Operations, ICC, Room 1616-2121 Building, Birmingham, AL 34203.

No. MC 144685TA, filed April 27, 1978. Applicant: BARRY JOHN THOMPSON, d.b.a. B. J. T. ENTERPRISES, Route 2, Box, 185, 5438 Highway 26 North, Janesville, WI 53545. Applicant's representative: John L. Bruemmer, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles, including replacement vehicles therefor*, (1) between Janesville, WI, on the one hand, and, on the other hand, points in IL, IA, IN, MI, OH, MN, and MO; (2) between Dillworth, MN, on the one hand, and, on the other hand, points in IA, ND, and SD; (3) between Minneapolis, MN, on the one hand, and, on the other hand, points in IA, ND, SD, and WI; (4) between Chicago, IL, on the one hand, and, on the other hand, points in IN, IA, MI, OH, MO, and WI; and (5) between Council Bluffs, IA, on the one hand, and, on the other hand, points in MO, NE, ND and SD, under a continuing contract or contracts with Janesville Auto Transport Co., Janesville, WI, for 180 days. Supporting shipper: Janesville Auto Transport Co., P.O. Box 959, Janesville, WI 53545. Send protests to: ICC, Ronald A. Morken, District Supervisor, 139 W. Wilson Street, Room 202, Madison, WI 53703.

No. MC 144686TA, filed April 27, 1978. Applicant: LAWAYNE FARMER d.b.a., LAWAYNE FARMER TRUCKING, Route No. 3, Gainesville, GA 30501. Applicant's representative: Robert H. Smalley, Jr., 115 North Sixth Street, Griffin, GA 30224. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients* between all points in the States of AL, FL, GA, MS, NC, SC and TN, under a continuing contract or contracts with Southeastern Feed Ingredients, Inc., for 180 days. Supporting shipper: Southeastern Feed Ingredients, Inc., Route 3, Box 53, Gainesville, GA 30501. Send protests to: E. A. Bryant, District Supervisor, ICC, Room 300, 1252 West Peachtree Street, NW., Atlanta, GA 30309.

No. MC 144687TA, filed April 27, 1978. Applicant: CURTIS R. McPEAK,

d.b.a., McPEAK TRUCKING, Box 35, Dalton City, IL 61925. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain storage, handling and drying equipment*, for the account of Grain Systems, Inc., Assumption IL, from Assumption, IL, to points in AR, AL, AZ, CA, CO, DE, GA, IA, IN, KY, KS, LA, MO, MN, MI, MD, MS, NE, NJ, NV, NC, NY, OH, OK, PA, SC, TX, TN, VA and WI, under a continuing contract or contracts with Grain Systems, Inc., for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Charles Jordan, General Traffic Mgr., Grain Systems, Inc., Route 51, Assumption, IL 62510. Send protests to: Charles D. Little, District Supervisor, ICC, 414 Leland Office Building, 527 East Capitol Avenue, Springfield, IL 62701.

No. MC 144688TA, filed April 27, 1978. Applicant: READY TRUCKING, INC., 4722 Lake Mirror Place, Forest Park, GA 30050. Applicant's representative: Lavern R. Holderman, 521 South 14th Street, P.O. Box 81849, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by wholesale, retail and chain grocery and food business houses* from the facilities of the Clorox Co., at or near the Atlanta, GA Commercial Zone, to points in the State of KY, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: The Clorox Co., P.O. Box 24305, Oakland, CA 94623. Send protests to: E. A. Bryant, District Supervisor, ICC, Room 300, 1252 W. Peachtree Street NW., Atlanta, GA 30309.

No. MC 144689TA, filed April 24, 1978. Applicant: COX TRANSFER, INC., P.O. Box 168, Eureka, IL 61530. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, empty bottles, caps, cans, pallets, barrels, and commodities used in the manufacture or process of malt beverages*, between the facilities of Pabst Brewing Co., Peoria Heights, IL on the one hand, and the facilities of Pabst Brewing Co., Milwaukee, WI, on the other, for the account of Pabst Brewing Co., Milwaukee, WI, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper: Pabst Brewing Co., Richard Trampe, Corporate Traffic Director, 917 West Juneau Avenue, Milwaukee, WI 53201. Send protests

to: Transportation Assistant, Patricia A. Roscoe, ICC, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1386, Chicago, IL 60604.

No. MC 144690TA, filed April 28, 1978. Applicant: CHERRY-WINK, INC., 800 East 8th Street, Odessa, TX 79761. Applicant's representative: Harry F. Horak, Room 109, 5001 Brentwood Stair Road, Forth Worth, TX 76112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, floor covering, and materials and supplies used or useful in the installation and maintenance thereof*, from Dalton and La Grange, GA and points within 50 miles of each to points in TX, west of US Hwy 283 and on and north of US Hwy 67, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shipper(s): There are approximately (14) statements of support attached to the application which may be examined at the field office named below. Send protests to: Haskell E. Ballard, District Supervisor, ICC, Bureau of Operations, Box F-13206, Federal Building, Amarillo, TX 79101.

No. MC 144691TA, filed April 18, 1978. Applicant: PIERSON TRUCKING CO., 7344 Southeast Johnson Creek Boulevard, Portland, OR 97206. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rust preventative pipe line coating, and coal tar products* from the facilities of Koppers Co. at or near Fontana, CA to points in Clackamas and Multnomah Counties, OR, for 180 days. Applicant has also filed an underlying ETA seeking up to 90 days of operating authority. Supporting shippers: Beall Pipe & Tank Corp., 12005 North Burgard, Portland, OR 97203; Hall Process Co., 9571 Southeast Mather Road, Clackamas, OR 97015. Send protest to: R. V. Dubay, District Supervisor, Bureau of Operations, ICC, 114 Pioneer Court-house, Portland, OR 97204.

By the Commission.

H. G. HOMME, J4.,
Acting Secretary.

[FR Doc. 78-14925 Filed 5-26-78; 8:45 am]

[7035-01]

[Notice No. 53]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

The following publications include motor carrier, water carrier, broker, and freight forwarder transfer applications filed under Section 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act.

Each application (except as otherwise specifically noted) contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application.

Protests against approval of the application, which may include a request for oral hearing, must be filed with the Commission on or before June 29, 1978. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest must be served upon applicants' representative(s), or applicants (if no such representative is named), and the protestant must certify that such service has been made.

Unless otherwise specified, the signed original and six copies of the protest shall be filed with the Commission. All protests must specify with particularity the factual basis, and the section of the Act, or the applicable rule governing the proposed transfer which protestant believes would preclude approval of the application. If the protest contains a request for oral hearing, the request shall be supported by an explanation as to why the evidence sought to be presented cannot reasonably be submitted through the use of affidavits.

The operating rights set forth below are in synopsis form, but are deemed sufficient to place interested persons on notice of the proposed transfer.

MC-FC-35477 filed May 12, 1978. Lessee: CREEL TRUCKING & CONSTRUCTION CO., P.O. Box 370, Daisetta, TX 77533. Lessor: James G. Creel, P.O. Box 370, Daisetta, TX 77533. Applicants' representative: William D. Lynch, Attorney At Law, P.O. Box 912, Austin, TX 78767. Authority sought for lease by lessee of the operating rights currently held by E. A. Johnson and Sons, Inc. and sought to be acquired by lessor pursuant to No. MC-FC-77545 (published in the FEDERAL REGISTER of May 22, 1978). The authority is set forth in Certificate No. MC-19922 and, Certificate of Registration No. MC-19922 (Sub-No. 3), issued September 9, 1957 and June 1, 1964, respectively in the name of E. A. Johnson & Sons, Inc. as follows: Specified commodities between points in TX. Lessee is presently leasing this authority from E. A. Johnson & Sons, Inc. Application has not been filed for temporary authority under Section 210a(b).

No. MC-FC-77624, filed April 11, 1978. Transferee: JIM MARRS TRUCKING CO., P.O. Box 632, Drumright, OK 74030. Transferor: I. B. Gill Trucking Co., 5301 South High Street, Oklahoma City, OK 73129. Applicant's representative: for Transferee: Charles D. Watson, Jr., P.O. Box 647, Drumright, OK 74030. For Transferor: Rufus H. Lawson, 106 Bixler

Building, 2400 Northwest 23rd Street, Oklahoma City, OK 73107. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate, No. MC 55891, issued September 11, 1956, as follows: *Machinery, equipment, materials, and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts; and *machinery, equipment, materials, and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking-up thereof, between points in OK, TX, and KS. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77646, filed April 28, 1978. Transferee: ALLIED TRANSPORTATION SERVICES, INC., P.O. Box 7424, Shawnee Mission, KS 66207. Transferor: Milk Producers Marketing Co., d.b.a. ALL-STAR TRANSPORTATION, 2nd and Turnpike Road, Lawrence, KS 66044. Applicants' representative: Tom B. Kretsinger, 910 Brookfield Building, 101 West 11th Street, Kansas City, MO 64105. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate Nos. MC 134182, MC 134182 (Sub-No. 7), MC 134182 (Sub-No. 8), MC 134182 (Sub-No. 10), MC 134182 (Sub-No. 11), MC 134182 (Sub-No. 21), MC 134182 (Sub-No. 23), MC 134182 (Sub-No. 30) and MC 134182 (Sub-No. 32), issued September 17, 1974, July 5, 1972, October 7, 1976, September 24, 1974, August 29, 1974, February 19, 1975, April 26, 1976, June 16, 1976, and July 29, 1977, respectively as follows: Frozen prepared foods, and frozen poultry when transported in the same vehicle with frozen prepared foods, from Carrollton, Macon, Marshall, Milan, Moberly, St. Joseph, and Sedalia, MO, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC; Meats, meat products, and meat byproducts and articles distributed by meat packinghouses (except hides and commodities in bulk) from Emporia, KS, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, VA, WV, and DC; Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses (except hides and commodities in bulk), from the plantsite and storage facilities of Tama Meat Packing Corp., at or near Holton, KS, to points in CT, DE, PA, RI, VT, MD, MA, NH, NJ, NY, VA, WV, and DC; Meats, meat products, and meat byproducts (except commodities in bulk), from the facilities utilized by Dubuque Packing Co.,

located at Mankato, KS, to points in CT, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VT, and DC; Frozen foods, from the facilities of Banquet Foods Corp., at Wellston, OH, to points in CT, DE, IL, IN, ME, MD, MA, MI, NH, NJ, NY, PA, RI, VT, VA, WV, WI, and DC; Frozen batters, from Tulsa, OK, to points in CT, IN, MD, MA, NJ, NY, OH, PA, RI, VA, and WV; Meat, meat products, meat byproducts, and articles distributed by meat packinghouses (except hides and commodities in bulk), from the facilities of Seitz Foods, Inc., at St. Joseph, MO, to Philadelphia, PA; fruit juices, fruit punches, and flavored drinks (except frozen beverages), from the facilities of Milk Producers Marketing Co., doing business as All Star Beverage, at Lawrence, KS, to points in AR, CO, MO, MT, NE, NM, ND, OK, SD, and WV; and beverages, not frozen (except in bulk), from the plantsite of All-Star Beverage, at Lawrence, KS, to the plantsite of Hi-Port Industries, Highlands, TX. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77656, filed May 8, 1978. Transferee: Y. G. TRUCKING, INC., 742 Garden Wood, Greenville, OH 45331. Transferor: The Buckeye Storage Co., P.O. Box 1364, 320 North Mulberry Street, Mansfield, OH. Applicant's representative: Noel F. George, Attorney at Law, 100 East Broad Street, Columbus, OH 43215. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificate of Registration No. MC 99882 (Sub-No. 3), issued June 22, 1965, as follows: Specified commodities between specified points in OH. Transferee presently holds no authority from this Commission. Application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77665, filed May 9, 1978. Transferee: R. W. JOHNSON, d.b.a. R. W. JOHNSON MINING AND HAULING, P.O. Box 384, Battle Mountain, NV 89820. Transferor: A. G. Miller, Battle Mountain, NV 89820. Applicant's representative: George G. Holden, Attorney at Law, P.O. Box 448, Battle Mountain, NV 89820. Authority sought for purchase by Transferee of the operating rights of Transferor, as set forth in No. MC 95581, issued the 11th day of September, 1943, as follows: *Ore and Concentrates*. From points within 50 miles of Battle Mountain, NV except those on U.S. Hwy 40 between Carlin and Winnemucca, NV to rail heads at Battle Mountain, Valmy, Argenta, Dunphy, and Beowawe, NV and *machinery, mining equipment, materials, and supplies* ordinarily used by mining companies. From the above-specified destination points to points in the above-de-

scribed Nevada origin territory. Transferee presently holds no authority from this commission and application has not been filed for temporary authority under section 210a(b).

No. MC-FC-77666, filed May 17, 1978. Transferee: Ronald W. Kiesel, P.O. Box 275, Shelby, IA. Transferor: Laverne A. Krieger, Shelby, IA 51570. Applicant's representative: Ronald W. Kiesel, P.O. Box 275, Shelby, IA 51570. Authority sought for purchase of the operating rights set forth in Certificate No. MC 69032 issued September 21, 1955 as follows: *Beer and empty beer containers* over a specified regular route between Council Bluffs, IA and St. Joseph, MO and *feed and lumber* over irregular routes between Shelby, IA and points within 10 miles thereof, on the one hand, and on the other, Omaha, NE and *general commodities* with the usual exceptions from Omaha, NE to Shelby, IA. Transferee holds no Commission authority and does not seek section 210a(b).

No. MC-FC-77668, filed May 12, 1978. Transferee: B MOTOR FREIGHT, INC., 451 Old Airport Road, New Castle, DE 19720. Transferor: Marcus Trucking Co., Inc., P.O. Box 72, Wilmington, DE 19899. Applicant's representative: Gerald K. Burns, 3308 Englewood Road, Wilmington, DE 19810. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Permit, No. MC 139805 (Sub-2), issued March 23, 1976 in the name of Cephas Brothers Transport, Ltd. and acquired by transferor pursuant to MC-FC-76884 approved March 18, 1977, and consummated April 28, 1977, as follows: *Synthetic fibers and textile materials and products*, from the facilities of E. I. DuPont de Nemours & Co. at or near Chattanooga, TN to points in specified counties in PA. Transferee presently holds no authority from this Commission. Application has been filed for temporary authority under section 210a(b).

No. MC-FC-77669, filed May 17, 1978. Transferee: PAT AND JAKE'S, INC., 5838 Monroe Street, Sylvania, OH 43560. Transferor: Carl & Gene Towing Service, Inc., 1418 Elm Street, Toledo, OH 43608. Applicant's representative: Wolfgang Drescher and Arthur R. Cline, 403 Security Building, Toledo, OH 43604. Authority sought for purchase of the operating rights set forth in Certificate No. MC 108804 (Sub-No. 1) issued December 7, 1966 as follows: *Wrecked or disabled motor vehicles*, in truckaway service, between points in Lucas County, OH, on the one hand, and, on the other points in Steuben County, IN and in Monroe, Lenawee, and Wayne Counties, MI. Transferee holds no Commission authority; application has been filed for section 210a(b) temporary authority.

No. MC-FC-77670, filed May 12, 1978. Transferee: JAMES L. SMITH and JERRY ATKISSON, d.b.a. Smith and Attkisson Trucking Co., Route 2, Columbia, TN 38401. Transferor: Kathleen Robins, d.b.a. Robins Transfer Co., Lawrenceburg, TN 38464. Applicants' representative: James N. Clay III, Attorney at Law, 2700 Sterick Building, Memphis, TN 38103. Authority sought for purchase by transferee of the operating rights of transferor, as set forth in Certificates No. MC 128941 (Sub-No. 1) and (Sub-No. 3), issued September 13, 1968 and June 13, 1973 respectively as follows: Sand, from points in specified counties in AL, to points in specified counties in TN. Transferee is presently authorized to operate as a common carrier under Certificate No. MC 142451. Application has been filed for temporary authority under section 210a(b).

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14928 Filed 5-26-78; 8:45 am]

[7035-01]

[Finance Docket No. 28759]

OREGON-WASHINGTON RR & NAVIGATION CO. AND UNION PACIFIC RR CO.

Acquisition and Operation—Over Burlington Northern, Inc. in Shoshone County, ID

OR-WA RR & Navigation Co. and Union Pacific RR Co., 1416 Dodge Street, Omaha, NE 68179, represented by Joseph D. Anthofer, Assistant General Attorney, Union Pacific RR Co., 1416 Dodge Street, Omaha, NE 68179, hereby give notice that on the 10th day of May, 1978, they filed with the Interstate Commerce Commission at Washington, DC, a joint application under section 1(18) of the Interstate Commerce Act for an order approving and authorizing the acquisition and operation of a line of railroad owned by the Burlington Northern, Inc., a distance of approximately 9.73 miles in length from milepost 49.07 near Mullan, ID, to milepost 58.80 near Wallace in Shoshone County, ID, which application is assigned Finance Docket No. 28759.

By this application, applicants propose to acquire and operate a line of railroad presently owned and operated by Burlington Northern Inc. (BN). The line to be acquired and operated will be owned by OR-WA RR & Navigation Co. and will be operated by Union Pacific RR Co.

The line to be acquired and operated runs in a northwesterly direction from milepost 49.07 near Mullan to milepost 58.80 near Wallace in Shoshone County, ID.

BN must operate over Lookout Pass, between Mullan and Saltese, in the Bitterroot Mountain Range to serve

Mullan and Wallace. This mountain pass receives heavy snow and adverse weather conditions, making it very difficult to serve Mullan and Wallace during the long winter season. Applicants can serve Mullan and Wallace without encountering those operating difficulties. If applicants acquire and operate the line, efficiencies and savings will result without any reduction in rail services.

This application is made contingent upon the issuance of an appropriate certificate of public convenience and necessity by the Commission in Docket No. AB-6 (Sub-No. 51F) by the Burlington Northern, Inc. to abandon a portion of its line of railroad known as the "Haugan to Wallace Line" extending from milepost 19.57 near Haugan, MT, to the end of the branch line at milepost 58.61 near Wallace, ID, a distance of 39.04 miles, in Mineral County, MT, and Shoshone County, ID. This line includes the Mullan-Wallace trackage which applicants seek authority to acquire and operate.

In the opinion of the applicants, the granting of the authority sought will not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1108.8) in Ex Parte No. 55 (Sub-No. 4), Implementation—National Environmental Policy Act, 1969, 352 ICC 451 (1976), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall indicate with specific data the exact nature and degree of the anticipated impact. See Implementation—National Environmental Policy Act, 1969, supra, at p. 487.

Pursuant to the provisions of the Interstate Commerce Act, as amended, the proceeding will be handled without public hearings unless comments in support or opposition on such application are filed with the Secretary, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, DC, 20423, and the aforementioned counsel for applicant, within 30 days after date of first publication in a newspaper of general circulation. Any interested person is entitled to recommend to the Commission that it approve, disapprove, or take any other specified action with respect to such application.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14930 Filed 5-26-78; 8:45 am]

[7035-01]

[Docket No. AB-12 (Sub-No. 37)]

SOUTHERN PACIFIC TRANSPORTATION CO.

Abandonment Between Quinif and Rosebud in Falls and Milam Counties, Tex., Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision entered on December 6, 1977, and the decision of the Commission, Division 1, acting as an Appellate Division, served April 25, 1978, adopted the decision of the Commission, Review Board Number 5, which is administratively final, stating that, subject to the conditions for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Southern Pacific Transportation Co. of the line of railroad extending from railroad milepost 119.7 near Quinif, Tex., to the end of the branch at railroad milepost 133.7 near Rosebud, Tex., in Falls and Milam Counties, Tex. A certificate of abandonment will be issued to the Southern Pacific Transportation Co. based on the above-described finding of abandonment, 30 days after publication of this notice (June 29, 1978), unless within 30 days from the date of publication, the Commission further finds that: (1) A financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and (2) It is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or

the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978, at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14929 Filed 5-26-78; 8:45 am]

[7035-01]

[Docket No. AB-20 (Sub-No. 2)]

THE TEXAS & PACIFIC RAILWAY CO.

Abandonment Between Mansura and Marksville in Avoyelles Parish, La; Findings

Notice is hereby given pursuant to Section 1a(6)(a) of the Interstate Commerce Act (49 U.S.C. 1a(6)(a)) that by a decision entered on September 16, 1977, and the decision of the Commission, Division 2, served April 24, 1978, as modified, affirmed and adopted the decision of the Administrative Law Judge, which is administratively final, stating that, subject to the conditions

for the protection of railway employees prescribed by the Commission in *Oregon Short Line R. Co.—Abandonment—Goshen*, 354 ICC 76 (1977), the present and future public convenience and necessity permit the abandonment by the Missouri Pacific Railroad Co. as successor in interest to The Texas & Pacific Railway Co. of its branch line beginning at milepost 79.6 near Mansura, La., and extending to the end of the line near milepost 84.7 at Marksville, La., a distance of 5.1 miles in Avoyelles Parish, La. A certificate of abandonment will be issued to the Missouri Pacific Railroad Co. based on the above-described finding of abandonment, 30 days after publication of this notice (June 29, 1978), unless within 30 days from the date of publication, the Commission further finds that: (1) a financially responsible person (including a government entity) has offered financial assistance (in the form of a rail service continuation payment) to enable the rail service involved to be continued; and (2) it is likely that such proffered assistance would: (a) Cover the difference between the revenues which are attributable to such line of railroad and the avoidable cost of providing rail freight service on such line, together with a reasonable return on the value of such line, or (b) Cover the acquisition cost of all or any portion of such line of railroad.

If the Commission so finds, the issuance of a certificate of abandonment will be postponed for such reasonable time, not to exceed 6 months, as is necessary to enable such person or entity to enter into a binding agreement, with the carrier seeking such abandonment, to provide such assistance or to purchase such line and to provide for the continued operation of rail services over such line. Upon notification to the Commission of the execution of such an assistance or acquisition and operating agreement, the Commission shall postpone the issuance of such a certificate for such period of time as such an agreement (including any extensions or modifications) is in effect. Information and procedures regarding the financial assistance for continued rail service or the acquisition of the involved rail line are contained in the Notice of the Commission entitled "Procedures for Pending Rail Abandonment Cases" published in the FEDERAL REGISTER on March 31, 1976, at 41 FR 13691, as amended by publication of May 10, 1978 at 43 FR 20072. All interested persons are advised to follow the instructions contained therein as well as the instructions contained in the above-referenced decision.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-14928 Filed 5-26-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 91-409), 5 U.S.C. 552b(e)(3).

CONTENTS

	Items	
Commodity Credit Corporation..	1	CONTACT PERSON FOR MORE INFORMATION:
Equal Employment Opportunity Commission.....	2	Bill Cherry, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, telephone 202-447-7583.
Federal Communications Commission	3	[S-1110-78 Filed 5-25-78; 11:03 am]
Federal Deposit Insurance Corporation	4	[6570-06]
Federal Energy Regulatory Commission	5, 6	2
Federal Maritime Commission ..	7	EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.
Federal Reserve System	8	TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, May 30, 1978.
Foreign Claims Settlement Commission	9	PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.
Nuclear Regulatory Commission	10	STATUS: Parts of the meeting will be open to the public and parts will be closed.
United States Parole Commission	11	MATTERS TO BE CONSIDERED:
Securities and Exchange Commission	12	Parts open to the public:

[3410-05]

1

COMMODITY CREDIT CORPORATION.

TIME AND DATE: 10 a.m., June 6, 1978.

PLACE: Room 2-W, Administration Building, U.S. Department of Agriculture, Washington, D.C.

STATUS: Open meeting.

MATTERS TO BE CONSIDERED:

- Minutes of CCC Board meeting on March 16, 1978 and adjourned meeting on March 27, 1978.
- Report re Implementation of section 1420 of the Food and Agriculture Act of 1977 (hydrocarbons).
- Docket TCP 137a re 1978-crop barley, corn, oats, rye, sorghum, and wheat loan, purchase, payments, set-aside and land diversion programs.
- Docket TCS 313 re Purchase of wheat.
- Docket TCP 33a re 1978-crop rice loan, purchase and payment program.
- Docket TCP 105 re 1978-crop soybean loan and purchase program.
- Docket TCP 110a, 1978-crop flaxseed purchase agreement program.
- Docket TCP 72a, Amendment 1 re 1978-cotton loan and payment program (upland).
- Docket TCP 31a re 1978-crop peanut loan and purchase program.
- Docket TCP 40a re 1978-tobacco loan program.
- Docket TCO 33a re Research on the storage of rough rice.

CONTACT PERSON FOR MORE INFORMATION:

Bill Cherry, Secretary, Commodity Credit Corporation, Room 202-W, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20013, telephone 202-447-7583.

[S-1110-78 Filed 5-25-78; 11:03 am]

[6570-06]

2

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

TIME AND DATE: 9:30 a.m. (eastern time), Tuesday, May 30, 1978.

PLACE: Chairman's Conference Room, No. 5240, on the fifth floor of the Columbia Plaza Office Building, 2401 E Street NW., Washington, D.C. 20506.

STATUS: Parts of the meeting will be open to the public and parts will be closed.

MATTERS TO BE CONSIDERED:

Parts open to the public:

- Staff report on activities of the Office of Public Affairs.
- Report by Executive Director on Commission Operations.

Parts closed to the public:

- Request from a State for Exemption from EEO—Employment Survey Reporting Requirements.
- Litigation Authorization and the Commission's Participation in Certain Civil Actions: Matters closed to the public under Sec. 1612.13(a) of the commission's regulations (42 FR 13830, March 14, 1977).

NOTE.—Any matter not discussed or concluded may be carried over to a later meeting.

CONTACT PERSON FOR MORE INFORMATION:

Marie D. Wilson, Executive Officer, Executive Secretariat at 202-634-6748.

This notice issued May 23, 1978.

[S-1111-78 Filed 5-25-78; 2:35 pm]

[6712-01]

3

FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Wednesday, May 31, 1978.

PLACE: Room 856, 1919 M Street NW., Washington, D.C.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED:

Portions open to the public:

Agenda, Item No., and Subject

- General—1—Exemption of amateur receivers from marketing restrictions in section 15.59 of the rules (Docket No. 20746).
- General—2—Petitions to reconsider Commission order in Docket No. 20509.
- General—3—Administration of operator examinations in the Amateur Radio Service.
- Safety and Special Radio Service—1—Federal policy on the use of Citizens' Band Radio by motor vehicle operators.
- Safety and Special Radio Service—2—Amendment of Part 87 of the rules to authorize broadcasts by aircraft in accordance with FAA traffic advisory practices.
- Common Carrier—1—Waiver of Parts 2 and 21 of the rules to allow Mt. Shasta Radio-telephone, Inc. (DPLMRS), to operate facilities in the 928-942 MHz band.
- Common Carrier—2—Complaint of the Department of Defense against the A.T. & T. and the C. & P. telephone companies of Maryland, Virginia and D.C. File No. TS 4-76.
- Common Carrier—3—Granbury Communications' application to establish a two-way station (DPLMRS) on 454.350 MHz in Springtown, Tex.
- Common Carrier—4—Proposed AVD rate reductions filed by ITT World Communications and Western Union International.
- Cable Television—1—Termination of Tri-Boro Cablevision show-cause hearing (Docket No. 21397).
- Cable Television—2—Order to amend technical rules in the Cable Television Relay Service (CARS), CT Docket No. 78-51.
- Cable Television—3—Request for waiver filed by Cable TV of York, Pa.
- Assignment of License and Transfer of Control—1—Assignment applications filed by Communico Oceanic Corp. (KPOI) and by KHVH, Inc. (KHVH), both Honolulu, Hawaii, to trade frequencies.
- Assignment of License and Transfer of Control—2—Assignment of WAIM, WCAC-FM and WAIM-TV, (Anderson, South Carolina) from Wilton Hall to Frank Outlaw.
- Renewal—1—Renewal of WGBH-TV, Boston, Mass. (WGBH Educational Foundation) and objection filed by Morality in Media of Massachusetts, Inc.
- Television—1—Reconsideration of grant of construction permit for new educational TV station on channel 12, Broomfield, Colo.
- Television—2—Reconsideration of Commission grant to Margaret S. Downey for a new UHF translator in Springfield, Mass.

Portions closed to the public:

Agenda, Item No., and Subject

Hearing—1—Reconsideration of the Commission's decision in the Greenwood, Miss., AM and FM renewal proceeding (Docket Nos. 20025-28).

CONTACT PERSON FOR MORE INFORMATION:

Samuel M. Sharkey, FCC Public Information Office, telephone 202-632-7260.

Issued: May 24, 1978.

[S-1113-78 Filed 5-25-78; 2:35 pm]

[6714-01]

4

FEDERAL DEPOSIT INSURANCE CORPORATION.

NOTICE OF CHANGE IN SUBJECT MATTER OF AGENCY MEETING

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at its open meeting held at 3:30 p.m. on May 24, 1978, the Corporation's Board of Directors determined, on motion of Chairman George A. LeMaistre, seconded by Director John G. Helmann, with Director William M. Isaac concurring, that Corporation business required its consideration at that meeting, on less than seven days' notice to the public, of an amendment to Part 329 of the Corporation's rules and regulations, entitled "Interest on Deposits," to permit mutual savings banks in the State of Washington to issue 8 percent certificates of deposit with eight-year maturities which must be paid in six years if no action is taken by the State legislature to change the present law.

The Board further determined, by the same majority vote, that no earlier notice of the change in the subject matter of the meeting was practicable.

Dated: May 24, 1978.

FEDERAL DEPOSIT INSURANCE CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[S-1112-78 Filed 5-25-78; 2:35 pm]

[6740-02]

5

FEDERAL ENERGY REGULATORY COMMISSION.

TIME AND DATE: 10:30 a.m., May 31, 1978.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Agenda.

NOTE.—Items listed on the agenda may be deleted without further notice.

SUNSHINE ACT MEETINGS

CONTACT PERSON FOR MORE INFORMATION:

Kenneth F. Plumb, Secretary, telephone 202-275-4166.

This is a list of matters to be considered by the Commission. It does not include a listing of all papers relevant to the items on the agenda, however, all public documents may be examined in the Office of Public Information.

GAS AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

PIPELINE RATE MATTERS

A. Pipeline rates

- RP-1.—Docket No. RM77-14, Opinion No. 11.
- RP-2.—Docket No. RP78-58, South Texas Natural Gas Gathering Co.
- RP-3.—Docket No. RP78-20, Columbia Gas Transmission Corp., Docket No. RP78-19, Columbia Gulf Transmission Co.
- RP-4.—Docket No. RP78-62, Panhandle Eastern Pipe Line Co.
- RP-5.—Docket No. RP78-18, El Paso Natural Gas Co.
- RP-6.—Docket No. RP78-42, Transcontinental Gas Pipe Line Corp.
- RP-7.—Docket No. RP77-57, National Fuel Gas Supply Corp., Docket No. RP76-96, National Fuel Gas Supply Corp.

II. PRODUCER MATTERS

A. Producer rates

- CI-1.—Docket Nos. AR61-2 and AR69-1, et al., Area Rate Proceeding, et al., (Southern Louisiana Area).
- CI-2.—Reserved.
- CI-3.—Reserved.

B. Producer certificates

- CI-4(A)—Docket No. CI77-497, MESA PETROLEUM CO., Docket No. RP77-62, Tennessee Gas Pipeline Co.
- CI-4(B)—Docket Nos. CI77-497, CI77-826, CI77-830 and CI78-65, MESA Petroleum Co.
- CI-5.—Docket No. CI77-448, Amoco Production.
- CI-6.—Docket No. CI77-327, Cities Service Co.
- CI-7.—Docket No. CI77-711, Transco Exploration Co.
- CI-8.—Docket Nos. CI77-681 and CI77-682, Southern Union Supply Co., Phillips Petroleum Co.

III. PIPELINE CERTIFICATES

A. Pipeline certificates

- CP-1.—Docket Nos. CI75-372 and CP75-373, Tennessee Gas Pipe Line Co., a division of Tenneco, Inc.
- CP-2.—Docket No. CP78-171, Southern Natural Gas Co., Texas Gas Transmission Corp., and United Gas Pipe Line.
- CP-3.—Docket No. CP76-76, Southern Natural Gas Co.
- CP-4.—Docket No. CP78-55, Consolidated Gas Supply Corp.
- CP-5.—Docket No. CP72-181, Panhandle Eastern Pipe Line Co., Docket No. CP73-44, Colorado Interstate Gas Co.
- CP-6.—Docket No. CI74-158, Northwest Pipeline Corp.
- CP-7.—Reserved.
- CP-8.—Reserved.
- CP-9.—Reserved.

B. Order No. 2 Authorizations

- CP-10.—Docket No. CP78-32, Transcontinental Gas Pipe Line Corp., Docket No. CP78-85, United Gas Pipe Line Co.
- CP-11.—Docket No. CI78-238, Southern Natural Gas Co.
- CP-12.—Reserved.
- CP-13.—Reserved.
- C.—Storage.
- CP-14.—Docket No. CP78-72, Trunkline Gas Co.
- CP-15.—Reserved.
- CP-16.—Reserved.
- D.—LNG.
- CP-17.—Docket No. CP75-14, Algonquin LNG, Inc., and Algonquin Gas Transmission Co.
- CP-18.—Reserved.
- CP-19.—Reserved.
- E.—Curtailment.
- CP-20.—Docket Nos. RP71-29, et al., United Curtailment.

GAS AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

- CAG-1.—Docket No. RP78-23, Midwestern Gas Transmission Co.
- CAG-2.—Docket No. RP73-8 (PGA No. 78-6), North Penn Gas Co.
- CAG-3.—Docket No. RP77-114 Western Transmission Corp.
- CAG-4.—Docket No. RI77-124, RI77-125, RI77-126, RI77-127, RI77-130 and RI77-135, The Maurice L. Brown Co.
- CAG-5.—Docket No. CP78-142, Michigan Wisconsin Pipe Line Co.
- CAG-6.—Docket No. CP76-97, Stingray Pipeline Co.
- CAG-7.—Docket No. CP78-269, Consolidated Gas Supply Corp.
- CAG-8.—Docket Nos. CI77-320, et al., Cabot Corp.
- CAG-9.—Docket Nos. G-20548, et al., ONG Exploration, Inc. (Successor to Oklahoma Natural Gas Co.), et al.
- CAG-10(A)—Docket No. CI77-721, et al., Transcontinental Gas Pipe Line Corp.
- CAG-10(B)—Docket Nos. CP77-473 and CP77-479, Panhandle Eastern Pipe Line Co.
- CAG-10(C)—Docket No. RP72-149 (PGA77-10), Laclede Gas Co.
- CAG-10(D)—Pennzoil Co. FERC Gas Rate Schedule No. 10.

MISCELLANEOUS AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

- M-1.—Docket No. RM Revision in Section 2.56a, Section 154.94 and Section 260.6 of Title 18 of the Code of Federal Regulations to Eliminate Certain Rate Change Filing Requirements.
- M-2.—Contract Provisions under Section 154.93.
- M-3.—Inflated rate increase filings.

MISCELLANEOUS AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

- CAM-1.—Columbia Gas Transmission Corp.
- CAM-2.—Tucson Gas and Electric Co.

POWER AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

I. ELECTRIC RATE MATTERS

- ER-1.—Docket Nos. ER78-19 and ER78-81 (Phase I), Florida Power & Light Co.
- ER-2.—Docket No. EL78-19, Black Hills Power & Light Co.
- ER-3.—Docket No. ER78-360, Connecticut Yankee Atomic Power Co.
- ER-4.—Docket No. E-9408, American Electric Power Service Corp.

POWER AGENDA—122ND MEETING, MAY 31, 1978, REGULAR MEETING

CAP-1.—Docket No. ER78-358, Arizona Public Service Co.
CAP-2.—Docket No. ER78-345, Tucson Gas & Electric Co.
CAP-3.—Docket No. ER78-323, Tucson Gas & Electric Co.
CAP-4.—Docket No. ER77-522, Kansas City Power & Light Co.
CAP-5.—Docket No. ES78-30, Iowa Southern Utilities Co.
CAP-6.—Docket No. ES78-31, Iowa Power & Light Co.
CAP-7.—Docket No. DA-222—Washington, Bureau of Land Management.
CAP-8.—Docket No. DA-120—Alaska, State of Alaska.
CAP-9.—Project No. 1971, Idaho Power Co.
CAP-10(A)—Metropolitan Edison Company v. F.E.R.C., D.C. Cir. No. 78-1330 (Docket Nos. ER78-209 and ER76-492).
CAP-10(B)—Pennsylvania Electric Company v. F.E.R.C., D.C. Cir. No. 78-1329 (Docket No. ER76-607).

KENNETH F. PLUMB,
Secretary.

[S-1107-78 Filed 5-25-78; 11:03 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 21977, published May 22, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2 p.m., May 25, 1978.

CHANGE IN THE MEETING: The following item has been added:

Item No., Docket No., and Company

CI77-702.—Pennzoil Louisiana & Texas Offshore Co., Inc.
CI77-703.—Fogo Producing Co. (formerly Pennzoil Offshore Gas Operators, Inc.)
CI78-96.—Pennzoil Oil & Gas, Inc.

KENNETH F. PLUMB,
Secretary.

[S-1114-78 Filed 5-25-78; 2:35 pm]

[6730-01]

FEDERAL MARITIME COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 21562, May 18, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 25, 1978.

CHANGES IN THE MEETING: Addition of the following item to the open session:

13. Soviet liner activities in the United States foreign trade.

[S-1117-78 Filed 5-25-78; 3:15 pm]

[6210-01]

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.

TIME AND DATE: 10 a.m., Friday, May 26, 1978.

The business of the Board requires that this meeting be held with less than 1 week's notice to the public and no earlier announcement of the meeting was practicable.

PLACE: 20th Street and Constitution Avenue NW., Washington, D.C. 20551.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Requests to increase the ceiling rate to 8 per cent on Individual Retirement Account/Keogh time deposits outstanding on June 1, 1978.
2. Any agenda items carried forward from a previously announced meeting.

CONTACT PERSON FOR MORE INFORMATION:

Mr. Joseph R. Coyne, Assistant to the Board, 202-452-3202.

Dated: May 24, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. S-1108-78 Filed 5-25-78; 11:03 am]

[6770-01]

[F.C.S.C. Meeting Notice No. 21-77]

FOREIGN CLAIMS SETTLEMENT COMMISSION.

NOTICE OF MEETINGS—ANNOUNCEMENT IN REGARD TO COMMISSION MEETINGS AND HEARINGS

The Foreign Claims Settlement Commission, pursuant to its regulations (45 CFR Part 504), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice in regard to the scheduling of open meetings and oral hearings for the transaction of routine Commission business and other matters specified, as follows:

Date, Time, and Subject Matter

Wednesday, June 7, 1978, at 10:30 a.m.—Routine Business.
Wednesday, June 14, 1978, at 10:30 a.m.—Routine Business.
Wednesday, June 21, 1978, at 10:30 a.m.—Routine Business.
Wednesday, June 28, 1978, at 10:30 a.m.—Routine Business.

Subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

All meetings are held at the Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C.

Requests for information, or advance notices of intention to observe a meeting, may be directed to: Executive Director, Foreign Claims Settlement Commission, 1111 20th Street NW., Washington, D.C. 20579, telephone 202-653-6156.

Dated at Washington, D.C. on May 24, 1978.

FRANCIS T. MASTERSON,
Executive Director.

[S-1116-78 Filed 5-25-78; 2:35 pm]

[7590-01]

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of May 29, 1978.

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, MAY 31, 9:30 A.M.

1. Discussion of petitions to review ALAB-471 (Seabrook), approximately 1 hour. (Closed—Exemption 10.)
2. Discussion of personnel matter, approximately 1½ hours. (Closed—Exemption 6.)

WEDNESDAY, MAY 31, 3 P.M.

Discussion of May 2, 1978, UCS petition for reconsideration, approximately 1 hour (public meeting).

NOTE.—May be affirmed on Thursday at 11:30 a.m.

THURSDAY, JUNE 1, 9:30 A.M.

1. Discussion of international safeguards functions, approximately 1 hour (public meeting).
2. Discussion of resource allocation, approximately 1 hour (public meeting).
3. Affirmation items, approximately 10 minutes (public meeting): (a) Protection of safeguards information and (b) recommendation on proposed amendments to Part 73 to require reporting of misadministration of byproduct material.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

MAY 24, 1978.

[S-1115-78 Filed 5-25-78; 2:35 pm]

[4410-01]

UNITED STATES PAROLE COMMISSION: National Commissioners (the Commissioners presently maintaining offices at Washington, D.C. Headquarters).

TIME AND DATE: 9:30 a.m., Wednesday, June 14, 1978.

PLACE: Room 338, Federal Home Loan Bank Board Building, 320 First Street NW., D.C. 20537.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Referrals from Regional Commissioners of approximately 20 cases in which inmates of Federal Prisons have applied for parole or are contesting revocation of parole or mandatory release.

CONTACT PERSON FOR MORE INFORMATION:

Lee H. Chait, Analyst, 202-724-3094.

[S-1109-78 Filed 5-25-78; 11:03 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 43 FR 21793, May 19, 1978.

STATUS: Open meeting; closed meeting.

PLACE: Room 825, 500 North Capitol Street, Washington, D.C.

PREVIOUSLY ANNOUNCED TIME AND DATE: Thursday, May 25, 1978, 10 a.m.; closed meeting immediately following.

CHANGES IN THE MEETING: Additional items to be considered:

The following additional item will be considered by the Commission at the open meeting scheduled for Thursday, May 25, 1978, at 10 a.m.:

Consideration of a request for hearing on an application by Madison Fund, Inc., and First National Stores for an order under the Investment Company Act of 1940 to permit certain transactions in connection with the proposed merger of Pick-N-Pay Supermarkets, Inc., into First National Stores, Inc.

The following additional items will be considered by the Commission at the closed meeting scheduled immediately following:

Freedom of Information Act appeal.
Formal order of investigation.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, the items to be considered at the closed meeting may be so considered pursuant to one or more of the exemptions set forth in 5 U.S.C. 552b(c)(4)(8)(9)(A) and (10) and 17 CFR 200.402(a)(8)(9)(i) and (10).

Chairman Williams, Commissioners Loomis, Evans, and Pollack determined that Commission business required consideration of these items and that no earlier notice thereof was possible.

MAY 24, 1978.

[S-1106-78 Filed 5-25-78; 11:03 am]

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TUESDAY, MAY 30, 1978
PART II



IMPROVING GOVERNMENT REGULATIONS

Proposals for
Implementing Executive
Order 12044

Table of Contents

Commerce Department	23170
Health, Education, and Welfare Department.....	23119
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PREVIOUSLY PUBLISHED PROPOSALS

Listed below are other documents on implementation of Executive Order 12044 previously published in the FEDERAL REGISTER:

Agency	1978 Date of Issue	Vol. 43 FR, Page No.
Selective Service System	April 11	15211
Energy Department	May 1	18634
National Capital Planning Commission	May 15	20945
National Aeronautics and Space Administration ..	May 22	21981
Veterans Administration	May 22	21983
Farm Credit Administration	May 22	21984
Agriculture Department	May 22	21986
Federal Mediation and Conciliation Service	May 22	21993
Defense Department	May 22	21994
Administrative Committee of the Federal Register	May 22	21995
Office of Management and Budget	May 22	21997
Civil Service Commission	May 23	22157
Treasury Department	May 24	22319
ACTION	May 24	22325
Interior Department	May 25	22573
Postal Service	May 25	22587
State Department	May 25	22589
National Foundation on the Arts and the Human- ities	May 25	22591
Council on Environmental Quality	May 25	22593
Community Services Administration	May 25	22595
Housing and Urban Development Department	May 25	22598
American Battle Monuments Commission	May 25	22602
Railroad Retirement Board	May 25	22603
Small Business Administration	May 25	22605
Pension Benefit Guaranty Corporation	May 25	22608
Equal Employment Opportunity Commission	May 25	22610
General Services Administration	May 25	22612
Labor Department	May 26	22915
Justice Department	May 26	22922

PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Environmental Protection Agency	May 31
Transportation Department	June 1

REPORT ON OTHER AGENCIES

On June 2, the Office of Management and Budget will publish a listing of agencies that have determined their regulations are not covered by the provisions of the Executive Order.

[4110-12]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

IMPROVING HEW REGULATIONS

Response to Executive Order No. 12044,
Improving Government Regulations

AGENCY: Department of Health,
Education, and Welfare.

ACTION: Request for public com-
ment.

SUMMARY: The President's Execu-
tive order on Improving Government
Regulations, Executive Order No.
12044, requires each applicable Feder-
al department and agency to "review
its existing process for developing reg-
ulations" and to revise the process to
comply with the Executive order. This
notice contains HEW's response to the
Executive order.

DATE: Comments will be most useful
if they are submitted by July 31, 1978.

ADDRESS: Comments on this notice
should be sent to Frederick M. Bohen,
Executive Secretary to the Depart-
ment of Health, Education, and Wel-
fare, 200 Independence Avenue SW.,
Washington, D.C. 20201.

OVERVIEW

On March 23, 1978, President Carter
issued Executive Order 12044 directing
each government agency to "adopt
procedures to improve existing and
future regulations," and to publish
those procedures for public comment.

The President's desire to bring order
to the confusing and cumbersome
world of government regulation, and
advance his more general goal of
making government more comprehen-
sible and responsible, translates into
three Executive order principles:

1. Keep regulations simple and clear;
2. Minimize the economic and administrative burdens of regulations;
3. Write regulations with meaningful citizen involvement.

In September 1977, HEW initiated
Operation Common Sense—a compre-
hensive program to simplify, shorten,
and expedite the Department's regu-
lations development process. Operation
Common Sense anticipated the Presi-
dent's Executive order. It represents
two distinct management and regula-
tory initiatives:

1. A five-year effort to review and revise the more than 6,000 pages of HEW regulations already on the books; and
2. Revised procedures to facilitate faster writing of new regulations with policy guidance and oversight by the Secretary and agency heads, and with more citizen participation.

HEW's procedures for Operation
Common Sense were published for
public comment in the November 18,
1977 issue of the FEDERAL REGISTER.

When the President issued Execu-
tive Order 12044, HEW reviewed Oper-
ation Common Sense for its consis-
tency with the President's directives.

This Notice responds to the Presi-
dent's Executive order, section by sec-
tion, and:

1. Reviews those provisions of Oper-
ation Common Sense that HEW be-
lieves are fulfilling the Order's re-
quirements;
2. Indicates how the Department
will modify or augment Operation
Common Sense to comply with the Ex-
ecutive order;
3. Provides a progress report on
actual results under Operation
Common Sense;
4. Provides public notice of all regu-
lations now being written or rewritten
by the Department.

In addition, the Department is pub-
lishing a description of regulations
procedures for the Food and Drug Ad-
ministration. Because of the volume
and highly technical nature of FDA
regulations, the Commissioner of Food
and Drugs has had delegated authori-
ty to issue regulations since 1971 but
has implemented Operation Common
Sense under the overall guidance of
the Secretary.

Dated: May 19, 1978.

JOSEPH A. CALIFANO, Jr.,
Secretary.

I. REQUIREMENTS OF THE PRESIDENT'S EXECUTIVE POLICY

A. POLICY

President Carter's Executive Order
states that "regulations should be as
simple and clear as possible." The Ex-
ecutive Order further requires that
each agency establish executive man-
agement procedures to reduce regula-
tory burdens by insuring that:

1. The need for and purposes of each
regulatory initiative are scrutinized.
2. Heads of agencies provide effec-
tive oversight.
3. There be early and meaningful in-
tergovernmental and public participa-
tion.
4. Policy alternatives are carefully
considered before final decisions are
made.
5. Paperwork costs and other bur-
dens on the public are minimized.

HEW believes the Department-wide
procedures for developing regulations
under Operation Common Sense meet
or exceed most Executive Order re-
quirements. Since September 1977, the
Department has followed these proce-
dures in developing new regulations:

1. Each agency within the Depart-
ment must submit a proposal to regu-
late to the Secretary within 45 days

after a "triggering" event (enactment
of new laws, court orders, Presidential
or Secretarial policy decisions).

A regulation proposal is prepared for
every regulation initiative an agency
intends to undertake.

2. Each regulation proposal submit-
ted by the initiating office or agency
must contain the following informa-
tion:

- (a) The agency's view of the need to
regulate.
- (b) The social and policy significance
of the regulations (that is, "technical,"
"policy significant," or "major").
- (c) The schedule for drafting the
regulation, including provisions for se-
curing early Secretarial guidance
through issue papers and/or meetings.
- (d) The name of the person responsi-
ble for drafting the regulation.
- (e) A public participation plan tai-
lored specifically to the significance of
the regulations being proposed, and to
audiences potentially affected by the
regulation.
- (f) An early statement of the possi-
ble views of various segments of the
public regarding policies to be con-
tained in the regulation.
- (g) The agency's plan to coordinate
regulation drafting among various of-
fices within HEW and with other
agencies where relevant.

3. Regulation proposals are screened
by standing Department regulations
panels for each of HEW's major oper-
ating components composed of key
Secretarial appointees representing
each of his Assistant Secretaries
(Planning and Evaluation, Manage-
ment and Budget, Legislation, Public
Affairs, Office of the General Counsel,
Office for Civil Rights, and the
Deputy Under Secretary for Intergov-
ernmental Affairs). Regulations panels
review each proposal to insure that:

- (a) Regulations proceed to develop-
ment only when they are necessary.
- (b) The schedule and inter-office co-
ordination proposed by the initiating
agency is timely and adequate.
- (c) Issues needing guidance and/or
early resolution by the Secretary are
surfaced in a timely and appropriate
manner for his review before drafting
begins.
- (d) Plans for involving the public in
the development of regulation policies
are complete and appropriate.

4. The Secretary receives a summary
of every meeting of these Department-
wide regulations panels which, inci-
dentally, are chaired by top managers
of his Executive Secretariat. Through
this early and close involvement, the
Secretary selectively shapes regula-
tions drafting and policy setting on a
case-by-case basis.

5. Once approved for development,
regulations are monitored by the Ex-
ecutive Secretary to the Department
and his staff to insure that scheduling
commitments are met and that

planned coordination takes place within and outside the Department. The Assistant Secretary for Public Affairs help agencies implement their public participation plans. The General Counsel is responsible for insuring that the regulations are written in clear English, that they are legally sufficient, and that policy options at every step of the process are fully developed and analyzed.

Since September 1977, more than 300 regulatory initiatives have been reviewed under Operation Common Sense procedures. As a result of Operation Common Sense:

1. 83 planned regulations have been scrapped as unneeded.

2. 121 regulations stalled in the Department for as long as three years have been published. Clear regulations which attempt to reduce burdens have been drafted and published. For example, rural health clinic regulations under the Medicaid and Medicare programs. (43 FR 5373, February 8, 1978; 43 FR 8258, March 1, 1978; and 43 FR 13860, March 31, 1978).

3. Regulations implementing new and important laws have been developed and published on a timely basis (Medicaid/Medicare Anti-Fraud and Abuse Amendments of 1977, Rural Health Clinic Services Act of 1977, Social Security Amendments of 1977).

B. REFORM OF THE PROCESS FOR DEVELOPING SIGNIFICANT REGULATIONS

1. *Semi-Annual Agenda of Regulations.*—The Executive Order requires that each Department publish a semi-annual agenda of significant regulations being developed. HEW plans to supplement its current procedures for notifying the public of regulatory initiatives in order to fulfill more completely the intent of the semi-annual agenda by:

(a) Publishing in this Notice a complete, one time list of all new regulations currently being developed and a list of existing regulations that are being reviewed and revised.

(b) Continuing to publish Notices of Decision to Regulate for every regulatory initiative approved by the Secretary. These Notices inform the public immediately that a regulation will be developed, or an existing regulation will be reviewed and rewritten. The public is invited to contact that individual identified in these by telephone or mail to request information, provide comment or guidance, or be placed on a mailing list to receive additional materials.

(c) Publishing a quarterly compendium of all regulatory actions taken by the Department in the preceding 3 months (Notices of Decision to Regulate, Advance Notice of Proposed Rulemaking, Proposed and Final Regulations).

HEW believes these procedures will provide the public with accurate and

timely information about its regulatory activities.

2. *Agency Head Oversight.*—The President's Executive Order requires that each agency head review and approve plans for the development of significant regulations. Under Operation Common Sense, as noted earlier, the Secretary of HEW reviews plans for every regulation proposed by the agencies within the Department, except for FDA. Regulations do not proceed to development without Secretarial approval. This approval is based on review of the regulations proposal by Department-wide Regulations Panel, which focuses on the issues to be addressed by the regulation, whether further development of alternatives will be undertaken for early Secretarial guidance or resolution, the need for and methods for achieving public participation, and the schedule for regulatory writing.

3. *Opportunity for Public Participation.*—The Executive Order requires that each agency develop procedures to ensure that the public is given early and meaningful opportunity to participate in the development of regulations.

Under Operation Common Sense, the Department has achieved or exceeded Executive Order requirements for public involvement, and continues to explore new ways of strengthening its outreach efforts. Since September, every agency within the Department has been, at a minimum:

(a) Publishing in the FEDERAL REGISTER an early notice to the public that a new regulation is being developed (Notices of Decision to Develop Regulations). In the future, the Department will also indicate in these notices whether it has classified the initiative as "major", "policy significant" or "technical."

(b) Publishing an Advance Notice of Proposed Rulemaking for every regulation classified as "major" and for many classified as "policy significant."

(c) Holding public hearings and open conferences for all "major" and most "policy significant" regulatory initiatives.

(d) Using general and special mailing lists to contact and inform individuals and groups regarding regulations that are of particular interest (as a supplement to publication in the FEDERAL REGISTER).

(e) Contacting interested parties directly and inviting them to meet with policy officials.

(f) Providing for a minimum of 60 days for public comment on each "major" and many "policy significant" regulations. Even for regulations classified as "technical" and without policy significance, the Department routinely maintains a minimum of 45 days for public comment and allows shorter time periods only in extraordi-

nary circumstances (e.g., statutory mandate).

4. *Approval of Significant Regulations.*—The Executive Order requires that the heads of each agency or designated official of statutory responsibility approve significant regulations before they are published for comment in the FEDERAL REGISTER. The Secretary or the Under Secretary of this Department (or the Commissioner in the case of the Food and Drug Administration) review and approve every regulation. Approval is based on all criteria enumerated in the Executive Order. Specifically:

(a) Early Secretarial screening prevents any regulation for which a need has not been established from being developed beyond the proposal stage.

(b) The direct and indirect effects of the regulation are studied and are frequently the focus of memoranda which cover each regulation presented to the Secretary for review.

(c) Consideration of alternative approaches for all "major" regulations and many "policy significant" regulations are raised to the Secretary for decision through issue papers and/or meetings early in the regulation development process.

(d) Public comments are summarized for every regulation, and the Department's summary and response to the comments are a part of the preamble for every final regulation.

(e) The regulation is reviewed for clarity and simplicity by the Deputy General Counsel for Regulation Review.

(f) Every effort has been made to hold down reporting and recordkeeping requirements and to assure, wherever possible, that such requirements are consolidated to avoid conflicting or duplicative burdens.

(g) Every regulation approved by the Secretary and published in the FEDERAL REGISTER contains the name, address, and telephone number of a contact individual within the Department.

(h) Each of HEW's regulations now on the books (6,000 pages of the CFR) will be reviewed within the next 5 years as part of Operation Common Sense's review of existing regulations.

5. *Criteria for determining significant regulations.*—The Executive Order directs each agency to develop criteria by which regulations will be evaluated for their significance. Under Operation Common Sense, HEW has implemented a regulation classification system with three categories:

(a) "Major"—Those regulations issued by the Department that will have considerable economic or policy impact on a broad cross-section of the public, and for which the Department has considerable discretion under law to decide what policies the regulation will contain. The regulation implementing section 504 of the Rehabilita-

tion Act of 1973, prohibiting discrimination against handicapped individuals, is an excellent illustration of this type of regulation.

(b) "Policy significant"—Those regulations affect one segment of the population, an important category of institutions, such as hospitals, schools, or nursing homes. Also, the Department has latitude under law to consider alternative approaches to regulating.

(c) "Technical"—Those regulations that reflect no policy change, affect small numbers of institutions or individuals, cause no measurable economic impact, or involve narrow changes in an existing regulation. In most cases, technical regulations implement laws that are very detailed and specific, and for which the Department has no authority to consider alternative policies.

When an agency develops its regulation proposal, it makes a recommendation as to the category under which the initiative will be placed. The agency's classification proposal is reviewed by the relevant regulations panel and ultimately by the Secretary. Once agreement is reached on classification, the development process begins:

(a) Major—When a regulation is classified as "major," the Department automatically:

(1) Undertakes a comprehensive study of alternative policy approaches, including determination of the need for a formal regulatory analysis (as described in the next section of this Notice);

(2) Undertakes an aggressive "out reach" effort to ensure meaningful public participation in the decision-making process. For major regulations, public participation activities typically include, at a minimum: The publication in the FEDERAL REGISTER of an Advance Notice of Proposed Rulemaking (in addition to a Notice of Proposed Rulemaking); extended comment periods at every stage of the process (a minimum of 60 days); public hearings and open meetings; and special mailings to interested individuals, organizations, and media;

(3) Presents for review by the Secretary the results of studies and public views on alternative regulatory approaches;

(4) Designates policy-level appointee to manage the regulation drafting process and to serve as the Secretary's personal contact point with the public and other agencies.

(b) Policy Significant—When a regulation is classified as "policy significant," the Department will tailor, on a case-by-case basis, public participation activities, and study of alternative approaches. At a minimum, each agency in the Department will: Identify policy alternatives and the strengths and weaknesses of each alternative. Public

participation in this process will be sought through Notices of Proposed Rulemaking (and in some cases, an additional Advance Notice); meaningful time for public comment; convening public hearings and open meetings; and getting information to interested individuals and groups, through special mailings.

As in the case of major regulations, the Secretary will choose among policy alternatives only after careful analysis of agency and public views.

(c) Technical—When a regulation is classified as "technical," HEW procedures anticipate that it will be written within 90 days after initiation. On all technical rules, a Notice of Proposed Rulemaking is published in the FEDERAL REGISTER to ensure that the Department's initial view that no policy alternatives are available for consideration, is open to public comment and possible dissent.

C. REGULATORY ANALYSIS

The President's Executive Order requires each agency to establish criteria for analysis of the potential economic consequences of regulations with significant policy implications before they are issued. The Order also requires agencies to have effective methods for obtaining public comment on such economic consequences.

1. *Procedures.*—HEW must expand Operation Common Sense to comply with the Regulatory Analysis requirements of the President's Executive Order. Specifically:

(a) HEW procedures will be amended to require agencies proposing regulatory initiatives they believe to be "major" or "policy significant" to:

Assess the need for a Regulatory Analysis, using analytic criteria developed by the Assistant Secretary for Planning and Evaluation and approved by the Secretary. (Draft analytic criteria for Regulatory Analysis are presented for public comment in the next part of this section.);

Recommend as an explicit aspect of the agency's regulations proposal, whether or not the agency plans to conduct or not conduct an analysis;

Include criteria that served as the bases for the recommendation; and

Provide such supporting material or information demonstrating potential economic consequences that support or refute the need for a Regulatory Analysis.

(b) The Secretary (or the Commissioner of FDA) will finally decide whether a Regulatory Analysis will be conducted. Affirmative decisions, with supporting information, will be included in all Notices of Decision to Regulate for "policy significant" and "major" regulations.

(c) Regulatory Analyses will be developed by the agency writing the reg-

ulation, under the guidance of the Assistant Secretary for Planning and Evaluation.

(d) The outcome of Regulatory Analyses will be summarized in the Notice of Proposed Rulemaking. Regulatory Analyses will be available for public comment, and information on how to obtain analyses will be included also in the proposed rules.

(e) Based upon public comment, the Regulatory Analysis will be revised to accompany the Final Regulation.

2. *Criteria for Regulatory Analyses.*—The Assistant Secretary for Planning and Evaluation has developed the following draft criteria for defining "major economic consequences," and hence determining the need for conducting regulatory analyses:

(a) National Cost or Price—An analysis will be conducted if a regulation causes increase in total cost or price of goods or services to the national economy of \$100 million in any one year.

(b) Sector Cost or Price—An analysis will be conducted if a regulation causes an increase in cost or price of goods or services of 10 percent in any one year in any industry or market, level of government, or geographic region; provided that the increase in cost or price of goods or services so affected exceeds \$10 million annually.

(c) Other—The regulation has been selected by the Secretary for voluntary regulatory analysis because of the sensitivity, significance, and potential controversy of the subject.

3. *Content of Regulatory Analyses.*—Most Department Regulatory Analyses will contain:

(a) A succinct statement of the problem that necessitates Federal action;

(b) A description of the major alternative ways of dealing with the problem that is being considered by the agency. These alternatives will typically include:

(1) Alternative types of regulations such as procedural requirements versus "performance" or outcome requirements;

(2) Alternative levels of strictness in requirements, possibly tailored to type or size of service providers;

(3) Alternative timing for imposing requirements;

(4) Alternative methods of insuring compliance, including economic incentives and various enforcement procedures.

(c) An analysis of the economic consequences (direct as well as indirect) of each regulatory alternative. Whenever possible, economic consequences will be presented in comparative form to sharpen the issues and provide a clear basis for choice among alternatives. Economic consequences will typically include:

(1) Specific goals of each alternative including type and degree of economic, administrative, and reporting impact;

(2) Specific gains anticipated from each alternative;

(3) Overall economic impacts of each alternative, including effect on productivity, prices and employment.

(d) A detailed explanation of the reasons for choosing the preferred regulatory alternative over all others, with answers to such questions as:

(1) Will the selected alternative produce the intended results in the least burdensome manner possible? If not, why is this the preferred alternative?

(2) Why isn't the action more strict or less strict? What policy trade-offs does the selected alternative reflect?

D. REVIEW OF EXISTING REGULATIONS

The Executive Order requires that each agency develop procedures to review regulations already on the books and to apply the same criteria used in developing new regulations to determine whether existing regulations should be retained, revoked or modified.

As indicated above, HEW began a comprehensive review of existing Departmental regulations in September 1977. This initiative contemplates analysis, revision and elimination, wherever possible, of about 6,000 pages of Departmental rules in the Code of Federal Regulations.

The goals of reviewing and rewriting existing regulations under Operation Common Sense and the criteria for selecting regulations are:

1. To eliminate regulations that are unnecessary, outdated or ineffectual;
2. To rewrite regulations so that they are as straightforward, understandable and clear as possible;
3. To remove unproductive, burdensome requirements;
4. To revise regulations on the basis of experience since their issuance; and
5. To better organize and consolidate regulations.

To realize these goals, each major operating component of HEW has submitted a plan to review and revise all existing regulations. The plans contain:

1. An agenda and more detailed schedules for reviewing regulations, for identifying those in need of revision and assigning priorities for revision;
2. A selection of priority regulations to be revised. (This notice contains a list of regulations now being reviewed and revised by each agency.)
3. The person responsible within each agency for review and revision of existing regulations;
4. A schedule for completing interim steps in the rewriting process (for example, the Department intends to eliminate all regulations for defunct programs within one year);
5. Methods to involve the public in selecting regulations for review and revision and in the actual changing of regulations; and

6. The designation of one regulation to be a "test model" for the review and rewriting procedure.

In launching Operation Common Sense in September 1977, Secretary Califano invited the public to assist the Department in identifying existing regulation most in need of revision. Over 800 comments from the public have been received and are being followed up by the Department.

Once a decision is made that an existing regulation will be reviewed and rewritten, the responsible agency must follow Operation Common Sense procedures that apply to the development of new regulations that are outlined above and repeated here:

1. The agency must submit a regulation proposal to the Secretary describing the need for continuing to have a regulation and the goals of reviewing and rewriting the regulation (clarity, policy revision, burden reduction, consolidation, etc.).

2. The Secretary approves both the goals and schedule for review and revision of existing regulation.

3. The public is informed early of the Department's decision to review and revise existing regulations through publication in the FEDERAL REGISTER of a Notice of Decision to Regulate.

4. Through the Notice of Decision to Regulate, the public is invited to assist the Department and may contact the individual listed in the Notice to provide or receive information on the regulation undergoing review.

This Notice contains a list of existing regulations that are now being reviewed and revised by the Department.

Agency plans for the review and revision of all other regulations are available to the public on request.

After six months, the Department's review and revision of existing regulations has achieved:

1. The removal of more than 360 obsolete pages from the Code of Federal Regulations, an initial 5 percent reduction in existing rules;

2. The publication of six "model regulations" of brevity and clarity:

(a) General rules on what evidence is needed to prove a person is eligible for old-age, disability, dependents' or survivors' benefits under the Social Security Act (42 FR 64910, December 29, 1977);

(b) Sterilization regulations (42 FR 62718, December 13, 1977);

(c) Runaway Youth Grant Program regulations (42 FR 7600, February 23, 1978);

(d) Rules specifying the use of Vocational Factors (age, education, and work experience) to determine eligibility for Social Security and Supplemental Security Income Disability Payments (42 FR 9284, March 7, 1978);

(e) Rules regarding State residence requirements under the Medicaid pro-

gram (scheduled for FEDERAL REGISTER publication at the end of May 1978);

(f) Regulations for the Basic Educational Opportunity Grant Program (43 FR 20922, May 15, 1978).

II. REGULATION PROCEDURES OF THE FOOD AND DRUG ADMINISTRATION

A. POLICY

The Food and Drug Administration has developed a regulation development process with the following elements:

1. Use of clear English.
2. Consistency with current agency policy and complete and accurate presentation of that policy.
3. Evaluation of all reasonable alternative approaches.
4. Assessment of the compliance burdens being imposed by a regulation.
5. Concurrent development of closely related regulations.
6. Coordination between the FDA and other Federal agencies particularly in the Interagency Regulatory Liaison Group (the Environmental Protection Agency, the Occupational Safety and Health Administration, and the Consumer Product Safety Commission, in addition to FDA) with respect to development of policy significant regulations.

7. Full opportunity for public participation.

8. Responsiveness to public comments.

9. Development of an adequate evaluation plan for the regulation.

B. PROCEDURES

1. The Food and Drug Administration prepares an annual regulations plan which provides for each regulatory initiative, an estimate of the agency resources required and identifies the persons and organizational units responsible for developing the regulation.

2. Except where the Commissioner establishes priorities for particular regulations, each of the agency's six bureaus sets its own priorities.

3. For every regulation identified in the annual plan as "significant," (criteria for classifying regulations as significant are described in the next section), the responsible bureau prepares for the Commissioner's review a Strategy Document which contains:

- (a) A statement of the problems to which the proposed regulation is to be responsive;
- (b) A summary of possible courses of action or policy alternatives;
- (c) An assessment of foreseeable economic and societal impacts;
- (d) A plan for public participation in the rulemaking process;
- (e) The need for, and strategy to accomplish coordination within FDA, and with local, State and other Federal agencies;

(f) The schedule for developing regulations;

(g) The name, address and phone number of the person responsible for regulation development.

4. No agency resources may be expended on drafting significant regulations until the Commissioner has approved the Strategy Document authorizing the regulation.

5. Depending upon the technical knowledge available to determine policies, the agency will either:

(a) Move directly to the development and publication in the FEDERAL REGISTER of a proposed regulation for public comment; or

(b) Publish an Advance Notice of Proposed Rulemaking seeking extended citizen assistance in developing a proposed rule.

6. A minimum of 60 days for public comment are provided for all significant regulations.

C. CRITERIA FOR DETERMINING SIGNIFICANT REGULATIONS

The Food and Drug Administration classifies a regulation as significant if it:

1. Has public health implications, or has nonroutine safety efficiency considerations;
2. Has significant environmental impact;
3. Represents a new and important initiative;
4. Responses to statutory commitments;
5. Has significant potential economic impact (as defined by the Executive

Order and Departmental Regulatory Analysis criteria);

6. Is required to clarify misinterpretations of existing regulations;

7. Is controversial and likely to attract considerable public interest and reaction; and

8. Has significant promise of affecting the work requirements of FDA, local, State or other Federal agencies.

D. REGULATORY ANALYSES

The Food and Drug Administration uses the Department-wide criteria for selecting regulations requiring preparation of a Regulatory Analysis, and the procedures for conducting the Analysis. (Described in Section I, Part C).

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT

(For FDA, all regulations classified as "significant;" for other agencies all regulation initiatives)

Title of regulation	Stage of development	Contact person	Citation	Summary
OFFICE OF THE SECRETARY				
Conditions for Federal Financial Participation in the Cost of Automated Data Processing.	Final	Lee Wouter, Office of Management and Budget, Room 516D, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-245-6204.	Secs. 3, 403, 423, 455, 1003, 1403, 1603, 1903, and 2002 of the Social Security Act.	The regulation would prescribe the conditions under which HEW would approve Federal funding for the cost of automated data processing incurred under an approved State plan for titles I, IV-A, IV-B, IV-C, IV-D, X, XIV, XVI, XIX, or XX of the Social Security Act.
Departmentwide Requirements for the Administration of Grants.	do	Matthias Lasker, Office of Management and Budget, Room 513D, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-245-8901.	5 U.S.C. 301	The regulation would establish standard HEW policy for the administration of grants in such areas as application forms, financial management, and reporting by grantees, monitoring of grantee performance, property management, determining allowable costs, satisfying cost-sharing or matching requirements, use of grant-related income, and waiver of the single State agency requirements.
Public Information Regulations.	NPRM	Russell M. Roberts, Freedom of Information Officer, Office of Public Affairs, Room 116F, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-472-7453.	Freedom of Information Act (Pub. L. 93-502).	This regulation would propose department policy for administering the Freedom of Information Act.
General Governmentwide Age Discrimination Regulations.	NPRM	Juliette N. Lester, Director, Age Discrimination Regulation Task Force, Room 716E, Hubert H. Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201, 202-245-7543.	Age Discrimination Act of 1975 (Pub. L. 94-135).	These regulations would prohibit unreasonable discrimination on the basis of age in programs or activities receiving Federal financial assistance, including programs or activities receiving funds under the State and Local Fiscal Assistance Act of 1972. The age Discrimination Act of 1975 emphasizes age-based discrimination and therefore applies to all groups.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT -Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE				
Protection of the Identity of Research Subjects.	Final	Ms. Judith Galloway, Legal Assistant, Room 13C-04, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3200.	Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1974 (sec. 303(a) of the Public Health Service Act).	Sets forth procedures under which researchers engaged in research on mental health, alcohol, and other psychoactive drugs, may apply for an authorization of confidentiality to protect the identity of their research subjects from courts and others.
Grants for Drug Abuse Prevention, Treatment, and Rehabilitation.	do	Ms. Nancy Soulen, Legal Assistant, Room 10-14, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1644.	Drug Abuse Office and Treatment Act Amendments of 1976; the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act Amendments of 1976; and the Health Services Extension Act of 1977 (sec. 409 of the Drug Abuse Office and Treatment Act).	Sets forth the requirements for receipt by the States of formula grant funds for implementing, coordinating, and evaluating drug abuse prevention functions, including guidance on approvable State plans.
Grants to States for Implementation of the Uniform Alcoholism and Intoxication Treatment Act.	do	Ms. Susan Farrell, Legislative Assistant, Room 16C-10, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3887.	Sec. 302, 303, and 311 of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970, as amended in 1974 and 1976.	Sets forth requirement for formula grants to States to provide general support for alcoholism programs; and for project grants, mostly for demonstration to States and other entities to support specific programs for treating alcoholism.
Importation of Lather Brushes.	NPRM	Mr. Joseph F. Giordano, Director, Quarantine Division, Bureau of Epidemiology, Center for Disease Control, Atlanta, Ga. 30333, 404-633-3311 ext. 3674.	Sec. 361 of the Public Health Service Act.	Proposes revised requirements for testing commercial shipments of lather brushes imported to the United States for disease control purposes.
Importation of Psittacine Birds.	NPRM	do	do	Proposes revised rules governing the importation of psittacine birds (parrots, parakeets, etc.) for disease control purposes.
Grants for Lead-Based Paint Poisoning.	NPRM	Ms. Sara Owens, Regulations Officer, Center for Disease Control, Atlanta, Ga. 30333, 404-633-3311 ext. 3674.	The Disease Control Act Amendments of 1976, Pub. L. 94-317 (sec. 204(a) of the Lead-Based Paint Poisoning Prevention Act).	Proposes revised requirements for grants to support programs in prevention of lead-based paint poisoning in children.
Specifications for Medical Examinations of Underground coal Miners—Transfer Criteria.	NPRM	Mr. Harlan Amandus, Chief, Examination Processing Branch, National Institute for Occupational Safety and Health, Center for Disease Control, 944 Chestnut Ridge Rd., Morgantown, W. Va. 26505, 304-599-7301.	Sec. 203 of the Federal Coal Mine Health and Safety Act, as amended by the Federal Mine Safety and Health Act of 1977.	Proposes revising the medical conditions under which coal miners will be allowed to transfer to less dusty areas of coal mines.
Respirator Testing and Approval Program.	Final	Mr. Robert Schutz, Chief, National Institute for Occupational Safety and Health, Center for Disease Control, 944 Chestnut Ridge Rd., Morgantown, W. Va. 26505, 304-599-7331.	Secs. 202 and 204 of the Federal Coal Mine Health and Safety Act, as amended by the Federal Mine and Safety Act of 1977.	Extends the period during which use of certain self-contained breathing apparatus approved under the former Bureau of Mine approval program is allowed.
Specifications for Medical Examinations of Underground Coal Miners.	do	Mr. Harlan Amandus, Chief, National Institute for Occupational Safety and Health, Center for Disease Control, 944 Chestnut Ridge Rd., Morgantown, W. Va. 26505, 304-599-7301.	Sec. 203 of the Federal Coal Mine Health and Safety Act, as amended by the Federal Mine Safety and Health Act of 1977.	Revises the specifications for chest X-rays of underground coal miners.
Requirements for Provision of Services.	NPRM	Dr. Collin C. Rorrie, Acting Director, Bureau of Health Planning and Resources Development, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6850.	Secs. 1602(6), 1604(b)(1)(J) and 1612(c) of the Public Health Service Act as amended by the National Health Planning and Resources Development Act of 1974.	Proposes revised requirements of facilities assisted under titles VI and XVI of the Public Health Service Act to provide services to all members of the community and to provide a reasonable amount of service free or at a discount to those unable to pay.
State Medical Facilities Plan.	NPRM	do	Sec. 1603 of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974.	Proposes the numbers and types of inpatient and outpatient medical facilities and beds needed to provide adequate public health services to residents by State.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT -Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE -Continued				
Allotments of Funds for Formula Grants to States.	NPRM	do	Sec. 1610-12 of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974.	Proposes revised procedures for making formula grants to States for health planning and resources development.
Governing Body Requirements of Health Systems Agency.	NPRM	do	Sec. 1512(b)(3)(c) of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974.	Proposes revised rules governing the composition of governing bodies, executive committees, and other advisory groups of Health Systems Agencies and the method of selecting members of these groups.
Standards of Construction and Equipment for Hospital and Medical Facilities.	Final	do	Sec. 1602(2) of the Public Health Service Act as amended by the National Health Planning and Resources Development Act of 1974.	Establishes general standards for hospital construction assisted under title XVI of the Public Health Service Act.
National Guidelines for Health Planning—Second Set.	NPRM	Mr. Daniel I. Zwick, Health Resources Administration, Room 10-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7270.	Sec. 1501 of the Public Health Service Act, as amended by the National Health Planning and Resources Development Act of 1974.	Proposes goals regarding health status, health promotion, disease prevention, and quality of and access to care.
Amendments to Limitation on Federal Participation for Capital Expenditures.	Final	Dr. Collin C. Rorrie, Acting Director, Bureau of Health Planning and Resources Development, Room 6-22, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6850.	Sec. 1122 of the Social Security Act.	Establishes a procedure for withholding Federal reimbursement under titles V, XVIII, and XIX of the Social Security Act where capital expenditures have been found inconsistent with State health plans and other planning guidelines and requirements.
Grants for Residency Training, in General Internal Medicine and General Pediatrics.	Final	Dr. Daniel N. Masica, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6424.	Sec. 784 of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to schools placing emphasis on training of residents and giving financial assistance to them to plan, develop, and operate training programs and provide stipends to residents for the purpose of emphasizing primary care practice.
Programs for the Training of Expanded Function Dental Auxiliaries.	NPRM	Dr. Richard Weaver, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6510.	Sec. 783 of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to schools to assist them to plan, develop, and operate or maintain training programs for dental assistants and hygienists.
Expanded Function Dental Auxiliaries.	Final	do	Sec. 701(8) of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to schools to assist them to plan, develop, and operate or maintain training programs to promote the use of dental assistants and hygienists.
Grants for Traineeships for Advanced Training of Professional Nurses.	NPRM	Ms. Edith Rathbun, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6884.	Sec. 830 of the Public Health Service Act as amended by the Nurse Training Act of 1975.	Provides requirements for grants to public and nonprofit entities to support the training of registered nurses for teaching, administration, and clinical specialties and as nurse practitioners.
Dental Team Training Program.	NPRM	Dr. Richard Weaver, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6510.	Sec. 783(a)(3) of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to support programs to train dental students in organization and management techniques.
National Health Service Corps Scholarships.	NPRM	Mr. Gary Wold, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6450.	Sec. 751 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.	Provides for scholarships to train physicians, dentists and nurses for the National Health Service Corps.
Traineeships for Advanced Training of Allied Health Personnel.	NPRM	Dr. Merrill De Long, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6824.	Sec. 797 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to support training of allied health personnel for teaching, administrative, or supervisory positions.
Traineeships for Students in Schools of Public Health.	NPRM	Dr. Daniel Whiteside, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6810.	Sec. 748 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to schools to train students in certain public health programs.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE—Continued				
Health Professions Student Loans.	NPRM	do.....	Secs. 740 through 744 of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for loans to public and nonprofit health professions schools for loans to needy students.
Special Projects for Schools of Public Health Administration.	Final with comment period.	Dr. Merrill B. De Long, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6824.	Sec. 792 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to assist schools of public health in meeting costs to develop new or expanded programs in biostatistics, epidemiology, health administration planning, policy analysis, environmental or occupational health or dietetics and nutrition.
Grants for Graduate Programs in Health Administration.	do.....	do.....	Sec. 791 of the Public Health Service Act, as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to public and nonprofit educational entities to support graduate programs in health administration, hospital administration, and health planning.
Family Medicine.....	do.....	Dr. Daniel Masica, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6424.	Sec. 786(a) of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to hospitals and schools of medicine or osteopathy to assist in continuing education programs in family medicine.
Scholarships for First-Year Students of Exceptional Financial Need.	NPRM	Mr. John Beline, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6310.	Sec. 758 of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grants to health professional schools to offer scholarships to first year students in need of support.
Educational Assistance to Individuals from Disadvantaged Backgrounds.	NPRM	Dr. Knizo Yamamoto, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7230.	Health Professions Educational Assistance Act of 1976, Pub. L. 94-484 (secs. 787 and 796 of the Public Health Service Act).	Provides requirements for grants to professional and allied health schools to assist them in meeting costs of identifying, recruiting, selecting, and counseling disadvantaged students.
Traineeships for Students in Graduate Programs in Health Administration.	NPRM	Dr. Merrill B. De Long, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6824.	Pub. L. 94-484, Health Professions Educational Assistance Act of 1976, of the Public Health Service Act.	Provides requirements for grants to schools for traineeships for students enrolled in health administration, hospital administration, or health policy analysis and planning.
Area Health Education Centers.	NPRM	Dr. Daniel N. Masica, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6424.	Pub. L. 94-484 Health Professions Educational Assistance Act of 1976, Sec. 781 of the Public Health Service Act.	Provides requirements for contracts for improving the distribution, supply, quality, utilization, and efficiency of health personnel in health services delivery systems.
Financial Distress.....	NPRM	Mr. John Westcott, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6564.	Sec. 788(b) of the Public Health Service Act as amended by the Health Professions Educational Assistance Act of 1976.	Provides requirements for grant assistance to schools of medicine, osteopathy, dentistry, veterinary, optometry, pharmacy, podiatry, or public health which are in serious financial distress.
Nurse Capitation Grants.....	Final	Ms. Edith Rathbun, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6684.	Sec. 810 of the Public Health Service Act as amended by the Nurse Training Act of 1975.	Provides requirements for formula grants to schools of nursing for general support of educational programs.
Allied Health Special Project Grants and Contracts.	NPRM	Dr. Merrill B. De Long, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6824.	Pub. L. 94-484 title VII Health Professions Educational Assistance Act of 1976, sec. 810 of the Public Health Service Act.	Provides requirements for grants to schools, States, and other entities to assist in meeting costs of planning, developing, demonstrating, operating, and evaluating projects to train allied health personnel and nurses.
Health Professions Capitation Grants.	NPRM	Mr. John Westcott, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-6564.	Pub. L. 94-484 title VII Health Professions Educational Assistance Act of 1976, sec. 770 of the Public Health Service Act.	Sets forth requirements for grants to provide general support for education programs in schools of medicine, osteopathy, dentistry, public health, veterinary medicine, optometry, pharmacy, and podiatry.
Assignment of National Health Service.	NPRM	Dr. Fitzhugh S. M. Mullan, room 6-05, 5600 Fishers Lane, Rockville, Md. 20857, 301-433-4434.	Sec. 333 of the Public Health Service Act.	Prescribes requirements for assignment of National Health Service Corps personnel to public or nonprofit entities to provide health services in, or to, a health manpower shortage area.
Grants for Genetic Diseases	NPRM	Dr. Audrey Manley, Room 6-40, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1080.	Sec. 1101 of the Public Health Service Act.	Sets forth requirements for grants to public and nonprofit private entities for genetic diseases testing and counseling programs for a broad spectrum of genetic diseases.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE—Continued				
Definition of Indian for Indian Preference.	Final	Dr. Emory Johnson, Room 6A-55, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1083.	Sec. 12 of the Wheeler Howard Act of 1934, Pub. L. 73-383.	Defines the term Indian for purposes of Indian preference in employment in the Indian Health Service, as defined by the Department of the Interior.
Contract Health Services for Federally Recognized Indians.	Final	Mr. James Mitchell, Room 6A-27, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4700.	The Snyder Act of 1921.....	Establishes standards for determining the eligibility of Indians for receiving PHS financed medical services from facilities which have contracted with the PHS when such services are not reasonably accessible at a PHS Indian health service facility.
Grants for Health and Nutrition Demonstration Projects.	NPRM	Mr. William Beacham, Room 1A-55, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-5033.	Sec. 518 of the Public Works and Economic Development Act, as amended in 1975.	Provides requirements for grants to public and nonprofit private entities from Commerce Department funds allocated to eight independent, quasi-Federal Regional Action Planning Commissions. The purpose of the grants is to demonstrate the economic benefits of improved public health through funding of health planning facilities and services.
Standards of Conduct: National Institutes of Health Supplement.	Final	Mr. Edward Nicholas, Jr., National Institutes of Health, 900 Rockville Pike, Bethesda, Md. 20014, 301-496-3592.	45 CFR 73.735-105.....	Supplements present departmental regulations on standards of conduct, to provide guidance to NIH employees and approving officials on outside work and other activities.
Protection of Human Subjects: Research Involving Children.	NPRM	Dr. D. T. Chalkley, National Institutes of Health, 900 Rockville Pike, Bethesda, Md. 20014, 301-496-7005.	Pub. L. 93-348, The National Research Service Award Act of 1972, sec. 301 of the Public Health Service Act.	Defines the circumstances under which research can be conducted or supported, describe procedures for the review and approval of the research, and identify the requirements for assent of child subjects and parental permission in research.
Protection of Human Subjects: Research Involving Those Institution-alized as Mentally Infirm.	NPRM	do.....	Pub. L. 93-348, The National Research Service Award Act of 1972, sec. 301 of the Public Health Service Act.	Defines the circumstances under which research involving the mentally ill, mentally retarded, and other mental infirm confined to institutions can be conducted or supported, describe procedures for the review and approval of the research, and identify the requirements for informed consent to participate in research by and for such subjects.
Protection of Human Subjects: Compensation of Human Subjects Injured in DHEW Supported Biomedical and Behavioral Research.	NPRM	do.....	Sec. 301 of the Public Health Service Act.	Requires institutions applying for DHEW grants or contracts in support of research involving human subjects to provide assurances that they will provide certain compensation for individuals who suffer injury as the result of their participation as subjects in biomedical or behavioral research.
Grants for Health Services Research Projects.	Final	Dr. Donald Goldstone, Room 8-30, 3700 East-West Highway, Hyattsville, Md. 20782, 301-436-7425.	Secs. 305 and 308 of the Public Health Service Act.	Provides requirements for grants to public or nonprofit private entities to undertake and support health services research, evaluation, and demonstration projects.
Requirements for a Health Maintenance Organization.	NPRM	Mr. Howard Velt, Room 12-05, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4106.	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1301 of the Public Health Service Act.	Defines health benefits to be provided; providers of health services; methods of payment; organization and operation of HMOs; and special requirements with respect to medicare and medicaid members.
Federal Financial Assistance.	NPRM	do.....	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1303-5 of the Public Health Service Act.	Sets forth requirements for the award of grants, loans and loan guarantees to public or nonprofit private entities for feasibility surveys, planning and initial development costs, and initial operating costs of health maintenance organizations.
Grants for Feasibility Surveys.	NPRM	do.....	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1303, of the Public Health Service Act.	Sets forth requirements for conducting surveys to determine the feasibility of developing and operating or expanding the operation of HMOs.
Grants for Loan Guarantees for Planning and for Initial Development Costs.	NPRM	do.....	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1304 of the Public Health Service Act.	Sets forth requirements for planning and initial development projects or for significant expansion of the membership of, or areas served by qualified HMOs.
Loan and Loan Guarantees for Initial Operating Costs.	NPRM	do.....	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1305 of the Public Health Service Act.	Sets forth requirements for the award of loans and loan guarantees for initial operating costs of health maintenance organizations.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE—Continued				
Employees' Health Benefits Plans	Final with a comment period.	do	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1310(a-c) of the Public Health Service Act.	Sets forth requirements for certain employers and States and political subdivisions of States to include in any health benefits plan offered to their employees the option of membership in qualified health maintenance organizations.
Continued Regulation of Health Maintenance Organizations and Other Facilities	NPRM	do	Health Maintenance Organization Act as amended, Pub. L. 94-460, sec. 1312 of the Public Health Service Act.	This regulation sets forth continuing compliance requirements for qualified health maintenance organizations.
Reconsideration and Hearings	NPRM	do	do	Sets forth an appeals process for entities that have been denied an application for qualification and for entities which have failed to comply with the act, regulations, or any assurances which the entity had given the Secretary.
HEALTH CARE FINANCING ADMINISTRATION (HCFA)				
State Residency Requirements for Medicaid	NPRM	Elizabeth Barnes, Medicaid Bureau, HCFA, Room 2625, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0596.	Sec. 1102 of the Social Security Act.	This regulation proposes new criteria for determining State residency of applicants for Medicaid benefits.
Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Penalty	Final	Senora Simpson, Medicaid Bureau, HCFA, Room 4621, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0111.	Sec. 403(g) of the Social Security Act.	This regulation would specify standards States would be required to meet to insure that EPSDT services would be provided to Medicaid eligible individuals under 21. A 1 pct penalty reduction in Federal funding for the aid to families with dependent children program would be required if States do not meet these standards.
General Contract Requirements for Medicaid	NPRM	Pat McCarthy, Medicaid Bureau, HCFA, Room 4314, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0786.	Secs. 1102 and 1902(a)(4) of the Social Security Act.	This regulation proposes requirements to strengthen protections against questionable contract practices and possible program abuse, and to remedy ambiguities and omissions in existing regulations.
Hearing Aid and Eyeglass Reimbursement	NOI	Larry Rima, Medicaid Bureau, HCFA, Room 2611, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-9264.	Sec. 1102 of the Social Security Act.	This notice requests suggestions to find practical ways to lower the cost and improve the quality of eyeglasses and hearing aids provided to Medicaid recipients.
Medicaid Health Maintenance Organization (HMO) Contracts	Final	Dick Davison, Medicaid Bureau, HCFA, Room 4320, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-472-3836.	Secs. 1102, 1871, and 1876 of the Social Security Act.	Comments received in response to final regulations published Feb. 10, 1978, are being evaluated to determine whether revised final rules are required. This regulation revises qualification and related grievance requirements which organizations must meet to participate in Medicaid as an HMO.
Medicaid Utilization Control	NPRM	Phil Otto, Medicaid Bureau, HCFA, Room 3525, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-8557.	Secs. 1102 and 1903(g) of the Social Security Act.	This regulation proposes requirements for control over the utilization of inpatient institutional services in the Medicaid program. The regulations would specify requirements States must meet to avoid reduced Federal matching, the content of quarterly reports, and the methods for making reductions in Federal matching.
Timely Claims Processing	NPRM	Milton Dezube, Medicaid Bureau, HCFA, Room 2628, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-8990.	Sec. 1102 of the Social Security Act.	This regulation proposes to add new Medicaid State plan requirements for timely processing of certain health care provider's claims for payment (90 pct within 30 days of receipt, 99 pct within 90 days). The new requirements are intended to improve State program management, increase provider participation in Medicaid, and aid in preventing and detecting fraud.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Assignment of Benefits; Collection of Medical Support Payments	NPRM	Art Muller, Medicaid Bureau, HCFA, Room 2605, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0384.	do	These regulations would propose new procedures: (1) allowing States to require Medicaid recipients to assign their right to private insurance payments or other medical support to the States; (2) authorizing child support enforcement agencies to assist in collection of medical support; and (3) prohibiting Federal payment to any Medicaid recipient who is covered by a private health insurance policy having a Medicaid exclusion clause.
Medicaid Quality Control Fiscal Disallowances	NPRM	Victor Kugajevsky, Medicaid Bureau, HCFA, Room 3094, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-3846.	do	This regulation would propose a reduction in Federal financial participation for erroneous Medicaid expenditures to insure proper use of Federal and State Medicaid funds.
Medicaid Quality Control Systems; Expansion of Information Requirements	Final	Victor Kugajevsky, Medicaid Bureau, HCFA, Room 3094, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-472-3846.	Secs. 1102 and 1902(a)(4) of the Social Security Act.	Comments received in response to final regulations published Mar. 31, 1978, are being evaluated to determine whether revised final rules are required. These regulations expand the Medicaid quality control system for eligibility review to include the extent to which payments for Medicaid services: (a) took account of available medical insurance, and (b) were based on complete and accurate claims.
Rural Health Clinics—Medicaid	do	Joseph Dougherty, Medicaid Bureau, HCFA, Room 2622, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-6886.	Secs. 1102, 1822, and 1902(a)(13) of the Social Security Act.	This regulation would govern the coverage and reimbursement of rural health clinic services under State Medicaid programs.
Public Notice of Changes in the Method or Level of Reimbursement for Health Care Services	do	Milton Dezube, Medicaid Bureau, HCFA, Room 2628, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-8990.	Secs. 1102, 1903(a)(4), and 1902(a)(30) of the Social Security Act.	This regulation would require State Medicaid agencies to give 60 days public notice of any proposed change in the method or level of reimbursement for services produced under the Medicaid program before such changes can become effective. The intent is to allow the Federal Government in cooperation with the States and the public to evaluate the justification for the changes.
Intermediate Care Facilities/Skilled Nursing Facilities Reimbursement Revisions	NPRM	Milton Dezube, Medicaid Bureau, HCFA, Room 2631, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-8990.	Sec. 1102 of the Social Security Act.	This regulation proposes to clarify and expand requirements for State methods of payment for skilled nursing and intermediate care facility services under State Medicaid programs.
Redesignation of Medicaid Administrative Requirements	Final with comment period.	Peg Schnoor, Medicaid Bureau, HCFA, Room G115, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-472-5290.	do	Certain administrative requirements for the Medicaid programs is being rewritten to make them more clear and renumbered to move them to the part of the Code of Federal Regulations which contains the other Medicaid regulations.
State Medicaid Fraud Control Units	Final	Irwin Cohen, Office of Program Integrity, HCFA, Room 588, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-5415.	Secs. 1102 and 1903 of the Social Security Act.	This regulation governs qualifications, certification, and funding of State Medicaid fraud control units.
Suspension of Physicians and Other Practitioners	NPRM	do	Secs. 1102, 1862, 1866, 1871, and 1902 of the Social Security Act.	This regulation proposes criteria and procedures for suspending physicians or other practitioners from Medicare or Medicaid after they have been convicted of a crime related to either program.
Uniform Reporting Requirements	NPRM	James M. Kaple, Office of Policy, Planning, and Research, HCFA, Room 5074, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0697.	Secs. 1121, 1861, and 1902 of the Social Security Act.	These regulations propose uniform systems that medical institutions which receive payments under the Medicare and Medicaid programs must utilize for reporting such items as cost of operation, volume of services, reimbursement rates, capital assets, and discharge and bill data.
Disclosure of Information and Access to Provider Records (Companion of HDS and PHS regulations)	NPRM	Irwin Cohen, Office of Program Integrity, HCFA, Room 588, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-5415.	Secs. 1124, 1126, 1861, 1866, 1902, 1903, and 2002 of the Social Security Act.	This regulation would propose criteria and procedures for disclosure by providers of certain information about owners, employees, subcontractors, and supplies. The regulations would also propose criteria for HEW access to Medicaid provider records.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Safeguards for Patient Funds.	NPRM	Benjamin Latt, Health Standards and Quality Bureau, HCFA, Room 12A-46, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2420.	Sec. 1121(m)(1) of the Social Security Act.	This regulation proposes expanded standards for protection of personal funds of medicare and medicaid patients in skilled nursing facilities and intermediate care facilities.
Termination of Federal Financial Participation in Long-Term Care Facilities.	Final	James Conrad, Health Standards and Quality Bureau, HCFA, Room 305, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9743.	Secs. 1102 and 1903 of the Social Security Act.	This regulation would clarify the circumstances under which Federal funding will no longer be available to skilled nursing facilities or intermediate care facilities under the medicaid program. It would also cover reconsiderations and administrative hearing provisions in State medicaid plans for those providers whose certification has been terminated.
Conditions of Participation in the Medicare Program for Hospitals.	NPRM	Michael Spodnik, Health Standards and Quality Bureau, HCFA, Room 9A-45, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1450.	Sec. 1861(e)(9) of the Social Security Act.	This regulation would propose revised conditions for participation in medicare for hospitals. It would simplify the language, and update the requirements to reflect changes in legislation and advances in technology.
Utilization Review	NPRM	Jane Tebbutt, Health Standards and Quality Bureau, HCFA, Room 16A-27, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4985.	Sec. 1903(g)(1)(c) of the Social Security Act.	The regulation would propose revised requirements and procedures for utilization review in health care institutions participating in medicare and medicaid programs. These regulations would provide for review of the medical necessity of admissions and continued stays, the appropriateness and quality of patient care, and the effectiveness of utilization of facility and health professional services.
Standards for Clinical Laboratory Personnel.	NPRM	Mike Goldman, Health Standards and Quality Bureau, HCFA, Room 322, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7932.	Sec. 1861(a)(10) of the Social Security Act.	These regulations would propose uniform standards for personnel employed by hospital and independent laboratories which receive Federal funds. The intent is to increase the quality of services rendered by qualified and certified personnel in clinical laboratories.
Separate Cost Entities and distinct Parts.	NPRM	James Conrad, Health Standards and Quality Bureau, HCFA, Room 305, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7942.	Sec. 1861 (e), (f), (g), and (j) of the Social Security Act.	This regulation would propose conditions under which a component which provides typically unskilled care within a hospital may be certified as a provider distinct from the hospital.
Extension for Proficiency Exams for Clinical Laboratory Personnel.	NPRM	Martha Chestem, Health Standards and Quality Bureau, HCFA, Room 324, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7930.	Secs. 1861(s)(11) and 1871 of the Social Security Act.	This regulation proposes to reopen proficiency examinations for clinical laboratory personnel (technologist, cytotechnologist, and technician) by eliminating a restriction which prohibited examinations from being given after Dec. 31, 1977.
Professional Standards Review Organizations (PSRO's) Sanctions on Providers and Practitioners.	NPRM	Tony Thirone, Health Standards and Quality Bureau, HCFA, Room 16A-39, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3708.	Sec. 1160 of the Social Security Act.	This regulation would propose criteria for invoking sanctions against a health care practitioner or provider who claims payment for services which are medically unnecessary or inappropriate, do not meet professionally recognized standards, or are not adequately documented as to medical necessity or quality.
Statewide Standards Review Organizations (PSRO's).	Final	Stephen Crane, Office of General Counsel, Room 12-20, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2520.	Secs. 1102 and 1152 of the Social Security Act.	This regulation would authorize the Secretary to designate statewide PSRO areas in those States where no PSRO areas have been designated, if the physicians in the State favor a statewide area. The intent is to enable the PSRO program to become operational in States where it has been delayed.
Designation of Statewide Professional Standards Review Organization (PSRO) in Texas.	NPRM	Steven Suard, Health Standards and Quality Bureau, HCFA, Room 13A-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6477.	Sec. 1152(a) of the Social Security Act.	This regulation would propose designation of Texas as a statewide PSRO area.
Funding of Hospital Review by Professional Standards Review Organizations (PSRO's).	NPRM	Edward Goodman, Health Standards and Quality Bureau, HCFA, Room 13A-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-1794.	Sec. 1861(a) of the Social Security Act.	This regulation would propose procedures for reimbursing the cost of hospital reviews by PSRO's.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Professional Standards Review Organization (PSRO) Review of Intermediate Care Facilities.	NPRM	David Ward, Health Standards and Quality Bureau, HCFA, Room 16A-27, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857.	Sec. 1155(a) of the Social Security Act.	These regulations would propose conditions under which PSRO's would assume responsibility from State medicaid agencies for reviewing the quality and necessity of health care services provided in intermediate care facilities and intermediate care facilities for the mentally retarded.
Waiver of Liability	NPRM	Larry Sobel, Health Standards and Quality Bureau, HCFA, Room 16A-44, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2808.	Sec. 1158 of the Social Security Act.	This regulation would propose criteria for determining when a patient or provider would not be held liable for knowing that the services were medically unnecessary or otherwise inappropriate before the services have been disapproved by PSRO's for medicare and medicaid payment.
Procedures for Hospital Review by Professional Standards Review Organization (PSRO).	Final	Geraldine Ellis, Health Standards and Quality Bureau, HCFA, Room 16A-27, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4654.	Secs. 1155 and 1156 of the Social Security Act.	These rules would establish procedures for: (1) PSRO review of hospital services for which payment may be made under the Social Security Act; (2) PSRO delegation of review functions to hospitals; and (3) development and use of norms, criteria, and standards for hospital review.
Clarification of Professional Standards Review Organizations Designation for Los Angeles, Calif.	do	Steve Suard, Health Standards and Quality Bureau, HCFA, Room 13A-19, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6477.	Sec. 1102 of the Social Security Act.	This regulation would clarify the existing boundaries for professional standards review organizations in Los Angeles, Calif.
Designation of Alternate Professional Standards Review Organizations (PSRO's).	do	Hal Belodoff, Health Standards and Quality Bureau, HCFA, Room 16A-44, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-4086.	Sec. 1152(b)(1)(B) of the Social Security Act.	This regulation would set forth criteria and other selection factors for the designation of alternate PSRO's in areas where no physician organization is available for designation as a priority PSRO under sec. 1152(b)(1)(A) of the Social Security Act.
Grants to Professional Standards Review Organizations (PSRO's).	do	do	Secs. 1152, 1154, 1155(f) (2), and (3) of the Social Security Act.	This regulation establishes eligibility criteria and other conditions for grants to PSRO's.
Confidentiality and Disclosure of Information of Professional Standards Review Organizations (PSRO's).	NPRM	Lois Eberhard, Health Standards and Quality Bureau, HCFA, Room 16A-44, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2808.	Sec. 1166(a) of the Social Security Act.	These regulations would propose criteria to govern the acquisition, protection, and disclosure of information obtained or generated by PSRO's.
Professional Standards Review Organizations (PSRO's) Reconsiderations and Appeals.	NPRM	Larry Sobel, Health Standards and Quality Bureau, HCFA, Room 16A-44, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20857, 301-443-2808.	Sec. 1159(a) of the Social Security Act.	This regulation would propose procedures for the reconsideration of the determinations of PSRO's and the review of such reconsiderations by statewide professional standards review councils.
Conditions of Coverage for Renal Transplants.	Final with comment period.	Janet Harryman, Health Standards and Quality Bureau, HCFA, Room 301, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9712.	Secs. 226(g) and 1102 of the Social Security Act.	This regulation would exempt pediatric hospitals from certain renal transplant center certification requirements.
Fire Resistant Floor Covering Standards.	NPRM	Bernard Parr, Health Standards and Quality Bureau, HCFA, Room 320, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9739.	Sec. 1861(3)(a) of the Social Security Act.	This regulation would propose standards for fire resistant floor coverings for long-term care facilities.
Life Safety Code	NOI	Mayer Zimmerman, Health Standards and Quality Bureau, HCFA, Room 300, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9727.	Sec. 1861(j)(13) of the Social Security Act.	This notice would invite suggestions on approaches for implementing by regulation the life safety code for hospitals, skilled nursing facilities, and intermediate care facilities.
Histocompatibility Testing	NPRM	Charlotte Conaway, Health Standards and Quality Bureau, HCFA, Room 324, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7761.	Sec. 1861(a)(10) of the Social Security Act.	These regulations would propose clarification of definitions and techniques for histocompatibility testing carried out under the medicare program for individuals with end-stage renal disease to determine if a donor kidney will be compatible with recipient.
Revocation of Electrical Requirements.	NPRM	Robert Moore, Health Standards and Quality Bureau, HCFA, Room 301, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9731.	Sec. 226(g) of the Social Security Act.	This regulation proposes to revoke requirements for emergency generators and ground fault interrupters in freestanding end-stage renal disease centers because they have proved unnecessary.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Certification of Health Clinics.	Rural Final	Lorraine Kytile, Health Standards and Quality Bureau, HCFA, Room 349, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9748.	Sec. 1102 of the Social Security Act.	Comments received in response to final rules published Feb. 8, 1978, are being evaluated to determine whether revised final rules are required. These regulations establish the conditions that rural health clinics must meet in order to be certified as suppliers of services under Medicare and Medicaid.
Reimbursement of Health Clinics.	Rural NPRM	Marinos Svolos, Medicare Bureau, HCFA, Room 106, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9315.	Secs. 1802(a)(13), 1833(a)(3), and 1861(v)(1)(A).	These regulations would propose prospective methods for reimbursing rural health clinics under Medicare and Medicaid.
Medical Day Care and Ambulatory Surgical Centers.	NOI	Emily J. Nichols, Medicaid Bureau, HCFA, Room 2607, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 202-245-0384.	Sec. 1102 of the Social Security Act.	The notice would request comments on a proposal to expand regulations covering the Medicaid program to include medical day care services and ambulatory surgical centers. The notice would also request comments on a proposal to seek a legislative amendment to permit reimbursement of ambulatory surgical centers and medical day care under the Medicare program.
Abolition of Pharmaceutical Reimbursement Advisory Committee.	NPRM	Peter Rodier, Medicaid Bureau, HCFA, Room 3076, Switzer Bldg., 330 C St. SW., Washington, D.C., 202-472-3820.	do.....	This regulation would propose to amend the procedures by which the Department sets a maximum allowable cost for drugs for which reimbursement is provided under Medicare, Medicaid, and other programs administered by the Department. The regulation would propose to abolish the Pharmaceutical Reimbursement Advisory Committee and substitute public hearings and the use of consultants.
Payments to Foreign Hospitals for Inpatient Services.	NPRM	Hugh J. McConville, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9430.	Secs. 1814(f) (3) and 1861(v) of the Social Security Act.	This regulation would propose procedures and criteria for Medicare payments for covered inpatient services furnished to beneficiaries by foreign hospitals.
Medicare Payments to Indian Health Service (IHS) Hospitals.	Final	John B. Russell, Medicare Bureau, HCFA, Room 1-H-5, Low Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9280.	Sec. 1880 of the Social Security Act.	This regulation would provide for Medicare payment for services rendered in IHS hospitals and skilled nursing facilities.
Medicare Reimbursement—Shared Services.	NPRM	Henry H. Eidman, Medicare Bureau, HCFA, Room 403, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9490.	Secs. 1102 and 1861(v)(1)(A) of the Social Security Act.	These regulations would propose criteria to encourage nonprofit hospitals to pool their resources and to share services by allowing the hospital to retain a portion of the resulting savings.
Health Maintenance Organization Qualifying Conditions.	Final	Marinos T. Svolos, Medicare Bureau, HCFA, Room 106, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9315.	Sec. 1876 of the Social Security Act.	Comments received in response to final regulations published Feb. 10, 1978, are being evaluated to determine whether a revised final rule is required. These regulations revise qualification and related grievance requirements that must be met if an organization is to participate as an HMO under the Medicare program.
Health Maintenance Organization (HMO) Contracts.	do.....	do.....	Sec. 1876 (a), (l), and (j) of the Social Security Act.	This regulation would establish requirements for contracts between the Secretary and HMO's participating in the Medicare program. It governs contract application procedures, denials, terminations, renewals, effective dates, responsibilities of the HMO, rights of the Secretary to inspect and audit the HMO, and changes in ownership of the HMO.
Reimbursement-Prepaid Plans.	NPRM	Marinos T. Svolos, Medicare Bureau, HCFA, Room 106, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9314.	Secs. 1802 and 1833(a)(1)(A) of the Social Security Act.	This regulation would propose principles of reimbursement for health care prepayment plans similar to those applicable to health maintenance organizations.
Rural Health Clinic Services—Medicare.	Final	do.....	Secs. 1102, 1833, 1861(aa), and 1871 of the Social Security Act.	Comments received in response to final regulations published Mar. 1, 1978, are being evaluated to determine whether a revised final rule is required. This regulation governs the coverage and reimbursement of rural health clinic services under the Medicare program.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Elimination of the Combination Method of Apportionment for Providers.	do.....	Hugh J. McConville, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9430.	Sec. 1861(v)(1)(A) of the Social Security Act.	This regulation modifies the methodology used to determine a provider's reimbursable costs for services furnished to Medicare beneficiaries.
Transactions: Provider Capital Stock.	do.....	William J. Goeller, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9430.	Sec. 1102 of the Social Security Act.	This regulation would establish rules for the treatment of depreciation for purposes of calculating Medicare reimbursement, including cases of transfers of corporate stock, mergers, and consolidations.
Collection of Overpayments to Providers.	do.....	Raymond M. Sillup, Medicare Bureau, HCFA, Room B-2, Gwyn Oak Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9319.	Secs. 1102, 1815, 1870, and 1871 of the Social Security Act and Federal Claims Collection Act of 1966.	This regulation would authorize the Secretary or his designee to compromise claims or to suspend or terminate collection action on claims arising from Medicare overpayments.
Retractive Adjustment in Payments to Providers in Case of Erroneous Reimbursement Methods.	do.....	Lawrence J. Ageloff, Medicare Bureau, HCFA, Room 469, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9719.	Sec. 1861(v)(1)(A)(ii) of the Social Security Act.	This regulation would authorize the Secretary to adjust payment made to Medicare providers under an erroneous method for determining costs.
Allowance for Depreciation Based on Asset Costs.	do.....	Hugh J. McConville, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9595.	Secs. 1814(b), 1815, and 1861(v)(1) of the Social Security Act.	This regulation would clarify and expand existing policy for determining the useful lives of depreciable assets used in the provision of patient care. The regulation would also provide for the proper treatment of gains and losses on the disposal of assets.
Reasonable Charges—Medical Supplies.	do.....	Paul Riesel, Medicare Bureau, HCFA, Room 190, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9595.	Secs. 1833(g) and 1842(b)(3) of the Social Security Act.	This regulation would limit reimbursement under the Medicare and Medicaid programs for medical services, supplies, and equipment that do not generally vary significantly in quality from 1 supplier to another. Payments would be based on the lowest charge levels at which the services are widely and consistently available in a locality.
Payment for Injections and Negotiated Rates for Laboratory Services.	do.....	do.....	Secs. 1833(a)(1)(D) and 1833(h) of the Social Security Act.	This regulation would set a reasonable charge for injection services and for certain diagnostic laboratory tests.
Medicaid Eligibility—Various Provisions to Implement Recent Statutory Changes and to Clarify Existing Rules.	do.....	Mary Kenesson, Medicaid Bureau, HCFA, Room 3511-B, Switzer Bldg., Washington, D.C. 20201, 202-472-6551.	Section 1102 of the Social Security Act.	Comments received in response to final regulations published Mar. 3, 1978, are being evaluated to determine whether revised final rules are required. These regulations implement statutory changes including Medicaid coverage for eligible persons in public community residences housing no more than 16 persons.
Reopening Reimbursement Determinations.	NPRM	Mendel S. Kaufman, Medicare Bureau, HCFA, Room 127, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9232.	Sec. 1861(v)(1)(A)(ii) of the Social Security Act.	This regulation would propose criteria for reopening certain provider cost reimbursement determinations.
Reduction in Grace Period Days Where Payment is Made for Certain Non-reimbursable Expenses.	NPRM	do.....	Secs. 1158(d) and 1879 of the Social Security Act.	This regulation proposes to limit reimbursement to only 1 additional day of service after a Medicare beneficiary or provider receives notice that the services are excluded from Medicare coverage. Payments would be allowed for up to 2 additional days if time is needed to arrange postdischarge care.
Beneficiary Liability for Items or Services excluded from Medicare Coverage.	NPRM	do.....	Sec. 1879 of the Social Security Act.	This regulation proposes criteria under which a beneficiary would not be found liable for certain noncovered items or services if he has not been notified in writing that the items or services in question are excluded from Medicare coverage.
Prohibition Against Assignment of Claims.	NPRM	John B. Russell, Medicare Bureau, HCFA, Room 1-H-5, Low Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9595.	Secs. 1102, 1814, 1815, 1835, 1870, and 1871 of the Social Security Act.	This regulation proposes criteria and procedures to prohibit providers, physicians, and other suppliers, with certain exceptions, from assigning claims for reimbursement of services to other persons for collection. It would also impose administrative sanctions against providers, physicians, and suppliers who violate this prohibition.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
HEALTH CARE FINANCING ADMINISTRATION (HCFA)—Continued				
Durable Medical Equipment	NPRM	Paul Riesel, Medicare Bureau, HCFA, Room 190, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9595.	Sec. 1833(f) of the Social Security Act.	This regulation would propose criteria for requiring purchase (on a lease purchase or other basis) of an item of durable medical equipment when purchase would be less costly or more practical than rental. Procedures are proposed for waiving the purchase requirement and coinsurance in specific circumstances.
Amendments—Fiscal Intermediaries.	NPRM	John W. Jansak, Medicare Bureau, HCFA, Room 209, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-8431.	Secs. 1816 and 1842 of the Social Security Act.	This regulation would recodify existing regulations dealing with contracts between the Secretary and Medicare fiscal intermediaries. It also proposes standards, criteria, and procedures for determining the efficiency and effectiveness of those intermediaries and for assigning providers to intermediaries.
Reopening and Revising Claims Determinations Under the Medicare Program.	NPRM	John B. Russell, Medicare Bureau, HCFA, Room 1-H-5, Low Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-8260.	Secs. 1842(b) (3) and (4) and 1869 of the Social Security Act.	This regulation would propose to revise and expand the criteria governing the reopening and revision of Medicare benefit payment determinations.
Health Maintenance Organization (HMO) Reimbursement Appeals.	NPRM	Mendel S. Kaufman, Medicare Bureau, HCFA, Room 127, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9232.	Secs. 1102, 1861(v)(1)(A), and 1878 of the Social Security Act.	This regulation would propose criteria for appeal by HMO's of Medicare cost reimbursement decisions.
Conformance with Professional Standards Review Organization (PSRO) Regulations.	Final with comment period.	Marinos T. Svolos, Medicare Bureau, HCFA, Room 100, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9314.	Secs. 1152(e), 1154(b), 1155(a)(1), 1158, 1164, and 1165 of the Social Security Act.	These regulations would conform Medicare rules to PSRO regulations which govern responsibilities of PSRO's for determining the medical necessity, quality, and appropriateness of health services for which payment may be made under Medicare.
Definition of Radiological Services.	NPRM	Paul Riesel, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., Baltimore, Md. 21235, 301-594-9595.	Sec. 1833(a)(1)(B) of the Social Security Act.	This regulation would propose broadening the scope of the radiology services for which Medicare would reimburse at 100 pct. of reasonable charges.
Reimbursement: Internship and Residency Programs.	NPRM	William J. Goeller, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-8170.	Secs. 1102, 1861(b), 1861(v)(1) and 1903 of the Social Security Act.	This regulation would propose to eliminate the requirement that a provider's costs be reduced by the amount of certain grants and donations when calculating the reimbursement allowed under Medicare, Medicaid, or the maternal and child health program. These grants and donations are those which support approved internship and residency programs in family practice, general medicine, and general pediatrics.
Payment for Services of Physicians in Teaching Hospitals, for Physician Costs to Hospitals and Medical Schools and for Volunteer Services.	NPRM	Paul Riesel, Medicare Bureau, HCFA, Room 190, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9595.	Secs. 1842(b)(3) and 1861(b)(7)(A) of the Social Security Act.	This regulation proposes criteria under which Medicare would pay reasonable charges for physician services in teaching hospitals or would reimburse teaching hospitals for the reasonable costs of physician services. It would also specify the manner and extent to which payments would be made for certain medical school costs and for services of volunteer physicians.
Recodification of Medicare Regulations Dealing with Hospital Insurance Entitlement, Deductible and Coinsurance Requirements.	NPRM	John B. Russell, Medicare Bureau, HCFA, Room 1-H-5, Low Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-8260.	Secs. 1811, 1812, and 1813 of the Social Security Act.	This regulation would propose to clarify, simplify, and update existing regulations pertaining to: (1) entitlement to Medicare hospital insurance for certain groups, and (2) the Medicare inpatient hospital coinsurance, the posthospital extended care coinsurance, and the blood deductible.
Schedule of Limits on Hospital Inpatient General Routine Service Costs Under the Medicare Program.	Notice	William J. Goeller, Medicare Bureau, HCFA, Room 412, East High Rise Bldg., 6401 Security Blvd., Baltimore, Md. 21235, 301-594-9230.	Sec. 1861(v)(1) of the Social Security Act.	This notice contains revised limits on hospital inpatient general routine service costs under the Medicare program for cost reporting periods beginning on or after July 1, 1978.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
ASSISTANT SECRETARY OF EDUCATION/NATIONAL INSTITUTE OF EDUCATION				
Capacity building for Statistical Activities in State Educational Agencies.	Final with a comment period.	Ms. Donna Mertens, National Center for Education Statistics, 400 Maryland Ave., SW., Washington, D.C. 20202, 202-245-7813.	General Education Provisions Act, as amended, sec. 406(b)(3).	This regulation governs the award of discretionary grants to build the statistical capabilities of State education agencies. The regulation states eligibility conditions, application requirements, funding, criteria, and other rules for the administration of the program.
Museum Services Program.	Final	Ms. Peggy Loar, Institute of Museum Services, 200 Independence Ave., SW., Washington, D.C. 20202, 202-245-6753.	Museum Services Act.	This regulation governs a new program of Federal financial assistance to museums. It states eligibility conditions, application requirements, funding criteria, and other rules for the administration of the program.
Experimental Program for Opportunities in Advanced Study and Research in Education.	do	Senta Raizer, Associate Director, Dissemination and Resources, Group, National Institute of Education, 1200 19th St. NW., Washington, D.C. 20208, 202-254-5940.	General Education Provisions Act, as amended, sec. 405.	This regulation establishes rules, procedures, and criteria governing the award of experimental grants to institutions to improve opportunities for individuals to obtain high quality expertise and experience in educational research. This program emphasizes these opportunities for minority persons and women.
Educational Equity Research Grants Program.	do	Martin O. Milrod, Plans and Operation, Educational Equity Group, National Institute of Education, 1200 19th St. NW., Washington, D.C. 20208.	General Education Provisions Act, as amended, sec. 405.	This regulation will establish the requirements, procedures, and funding criteria for a grants program to improve the ability of schools to meet their responsibilities to provide equal educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged.
OFFICE OF EDUCATION				
Desegregation of Public Education.	Final	Elton Ridge, Office of Education, 400 Maryland Ave., SW., Room 2001, FOB-6, Washington, D.C. 20202, 202-245-8484.	Civil Rights Act of 1964.	These regulations govern awards issued under this program and secure eligible projects that facilities the desegregation of public elementary and secondary schools.
Handicapped Children's Early Education Program.	NPRM	Edward Sontag, Office of Education, 400 6th St. SW., Donohoe Bldg., Room 3117, Washington, D.C. 20202, 202-245-9722.	Education for the Handicapped Act, (EHA), Pub. L. 91-230, sec. 623, as amended by Pub. L. 95-49.	The proposed amendments will increase the programs emphasis on the unserved birth-to-3-year old population. In addition, they add criteria for awarding grants to experimental projects; and for funding model programs validated by the U.S. Office of Education.
Handicapped Research and Demonstration Program.	Final	Max Mueller, Office of Education, 400 6th St. SW., Donohoe Bldg., Room 3165, Washington, D.C. 20202, 202-245-2275.	Part E of the Education of the Handicapped Act, Pub. L. 91-230, as amended by Pub. L. 95-49.	These regulations will establish application procedures for research and model program grants with emphasis toward programs for career education, the economically disadvantaged, rural or urban children, multi-handicapped children, handicapped children in regular classroom, secondary-level students, and seriously emotionally disturbed and handicapped children.
Architectural Barriers.	NPRM	Dr. Frank Withrow, Office of Education, 400 6th St. SW., Donohoe Bldg., Room 4117, Washington, D.C. 20202, 202-472-1503.	Sec. 807 of Education of the Handicapped Act, added by Pub. L. 94-142.	These regulations established the scope of the program, and its relationship to the Federal regulations governing the elimination of architectural barriers, application requirements and funding criteria.
Work Study Program, Supplemental Educational Opportunity Grants and National Direct Student Loans.	Final	Mr. Hubert Shaw, Office of Education, 400 Maryland Ave. SW., Room 4004, Washington, D.C. 20202, 202-245-9717.	The Education Amendments of 1976.	The regulations govern the award of grants to assist students with financial needs to meet the cost of postsecondary education.
Commissioner's Procedures for Determining Institutional Eligibility and Recognizing National Accrediting Bodies and State Agencies.	NPRM	Dr. John Proffitt, Office of Education, 400 Maryland Ave. SW., Room 3030, ROB-3, Washington, D.C. 20202, 202-245-9873.	The Higher Education Act of 1965, as amended by The Education Amendments of 1976.	These regulations state the Commissioner's requirements and procedures for recognition of national accrediting agencies and associations.
Community Service and Continuing Education.	Final	Dr. J. Eugene Weldon, Office of Education, 400 Maryland Ave. SW., Room 3717, ROB-3, Washington, D.C. 20202, 202-245-9868.	The Education Amendments of 1976.	This regulation is designed to strengthen and expand the community service and continuing education activities of colleges and universities and to promote community wide sharing of educational resources.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
OFFICE OF EDUCATION—Continued				
Statewide Planning—Inter-state.	do.....	Charles I. Griffith, Office of Education, 400 Maryland Ave. SW., Room 4052, ROB-3, Washington, D.C. 20202, 202-245-2871.	Title XII, sec. 1203 of Higher Education Act of 1965, as amended.	This regulation governs grants to States for planning, developing, and carrying out interstate cooperative postsecondary education projects. The purpose is to increase the accessibility of postsecondary educational opportunities for the residents of the States and to assist in carrying out postsecondary education programs in a more effective and economical manner.
Academic Facilities Construction, Reconstruction, and Renovation.	do.....	Thomas F. McAnallen, Office of Education, 400 Maryland Ave. SW., Room 3716, ROB-3, Washington, D.C. 20202, 202-245-3253.	The Higher Education Act of 1965, as amended by The Education Amendments of 1976.	This regulation governs the award of grant and loan assistance to public and private institutions of higher education academic facilities.
Educational Information Centers.	do.....	Mary K. Smith, Office of Education, 400 Maryland Ave. SW., Room 3514, ROB-3, Washington, D.C. 20202, 202-245-2511.	do.....	The purpose of this regulation is to provide educational information, guidance, counseling and referral services to all individuals in a State through centers located within a reasonable distance of all residents, including those individuals residing in rural areas.
Service Learning Centers	do.....	Barbara W. Freeman, Office of Education, 400 Maryland Ave. SW., Room 3514, ROB-3, Washington, D.C. 20202, 202-245-2511.	do.....	This regulation is designed to provide remedial and other special services to students enrolled at institutions of higher education.
Training Program for Special Programs Staff and Leadership Personnel.	do.....	Mary K. Smith, Office of Education, 400 Maryland Ave. SW., Room 3514 ROB-3, Washington, D.C. 20202, 202-245-2511.	do.....	This regulation is designed to administer the training of staff and leadership personnel who specialize in programs to assist students from disadvantaged backgrounds.
Establishment and Expansion of Community Colleges.	NPRM.....	Dr. Stanley Patterson, Office of Education, 400 Maryland Ave. SW., Room 3044, ROB-3, Washington, D.C. 20202, 202-436-9756.	do.....	This regulation governs the award of funds to State commissions to develop and implement statewide plans for the expansion and improvement of postsecondary education programs in community colleges. It also governs the award of grants for the establishment of new community colleges, expansion of programs in existing community colleges, and leasing of facilities.
Law School Clinical Experience Program.	Final.....	Dr. Donald N. Bigelow, Office of Education, 400 Maryland Ave. SW., Room 3060, ROB-3, Washington, D.C. 20202, 202-245-2347.	do.....	This regulation governs the award of grants to accredited law schools to establish or expand demonstration projects providing clinical experience to law students in the practice of law.
Procedures for Determining Institutional Eligibility under the Higher Education Act of 1965.	NPRM.....	Mr. John R. Proffitt, Office of Education, 400 Maryland Ave. SW., Room 3522, ROB-3, Washington, D.C. 20202, 202-245-9873.	The Higher Education Act of 1965, as amended, The Vocational Education Act of 1963, as amended by title II of the Education Amendments of 1976.	This regulation will be used to determine whether an institution of higher education, a proprietary institution of higher education, a vocational school, and an area vocational school meet the statutory definitions of those terms.
General Provisions—Fiscal Eligibility for Institutions Standards.	NPRM.....	William Moran, Office of Education, 400 Maryland Ave. SW., Room 4923, ROB-3, Washington, D.C. 20202, 202-245-1744.	The Education Amendments of 1977.	These regulations will set minimum fiscal and administrative standards which an institution should meet in order to maintain eligibility for title IV student aid programs.
Basic Educational Opportunity Grants—Family Contribution Schedule 1979/1980 and Independent Student.	NPRM.....	do.....	do.....	These regulations will contain the formulas used in determining student eligibility on the basis of financial need for the Basic Educational Opportunity Grant program. The regulations also set forth a revised definition of an independent student which will improve the classification of students as dependent or independent for purposes of participation in the Federal Student Financial Aid program.
Career Education—State Assignment and Discretionary Programs.	NPRM.....	Dr. Sidney High, Jr., Office of Education, 7th and D Sts. SW., Room 3108-A Washington, D.C. 20202, 202-245-2331.	Career Education Incentive Act.	This regulation will govern 4 new programs of financial assistance to enable public and private nonprofit agencies to make career education a major goal by increasing emphasis on career awareness, exploration, decision-making, and planning.
Centers on Educational Media and Materials for the Handicapped.	NPRM.....	Barry Katz, Office of Education, 400 6th St. SW., Donohoe Bldg., Room 4819, Washington, D.C. 20202, 202-472-4640.	Education for the Handicapped Act, as amended by The Education of the Handicapped Amendments of 1977.	This regulation makes technical changes in the regulations which govern the Medip Services and Captioned Films program. The regulation also increases flexibility in the administration of the program and increases the number of grant recipients.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
OFFICE OF EDUCATION—Continued				
Education Hearing Board.	NPRM.....	Dr. David S. Pollen, Office of Education, 400 Maryland Ave. SW., Room 4025, Washington, D.C. 20202, 202-245-7835.	General Education Provisions Act.	These regulations establish an Education Hearing Board to provide impartial administrative procedures for educational institutions or State and local agencies to appeal adverse audit findings or orders of OE officials.
School Assistance in Federally Affected Areas—Technical Amendments and Definitions.	NPRM.....	Mr. William L. Stormer, Office of Education, 400 Maryland Ave. SW., Room 2107, ROB-6, Washington, D.C. 20202, 202-245-8427.	Financial Assistance for Local Educational Agencies Affected by Federal Activity—"Impact Aid".	These regulations amend current regulations governing the award of Federal assistance to school districts for current expenditures in areas affected by Federal activities. The proposed technical changes provide definitions for terms as employed on/work on Federal property and suitable free public education.
Educationally Deprived Children—Migrants.	Final.....	Vidal A. Rivera, Jr., Office of Education, 400 Maryland Ave. SW., Room 3642, ROB-3, Washington, D.C. 20202, 202-245-2427.	Elementary and Secondary Education Act of 1965, as amended by The Education Amendments of 1972, and The Education Amendments of 1974.	These regulations govern the awarding of grants to State education agencies for programs to meet the special educational needs of migratory children of migratory agricultural workers or of migratory fishermen.
Library Services and Construction Act.	NPRM.....	Elizabeth H. Hughey, Office of Education, 400 Maryland Ave. SW., Room 3022 ROB-3, Washington, D.C. 20202, 202-245-2813.	Library Services Act, as amended by Library Services and Construction Act Amendments of 1977.	These regulations implement the Library Services and Construction Act as amended Oct. 9, 1977. Revisions include the requirement that Federal funds expended for administrative purposes must be equally matched with State or other non-Federal funds.
HUMAN DEVELOPMENT SERVICES				
State Agency on Aging Authority to Approve Extensions of the 3-Year Limit on Projects.	Final.....	Gene Handelsman, Room 4274, HEW North Bldg., 330 Independence Ave., SW., Washington, D.C. 20201, 202-245-0011.	Title III of Older American Act of 1965, as amended (Pub. L. 94-135).	This regulation transfers authority to approve extensions of the 3-year limitation on social services projects from the Commissioner on Aging to State agencies on aging.
Title XX Anti-Fraud and Abuse: Provider disclosure provisions (Comparison of HCPR and PHS Regs.).	NPRM.....	Johnnie Brooks, Administration for Public Services, Human Development Services, 330 C St. SW., Washington, D.C. 20201, 202-245-9416.	Medicaid-Medicare Anti-Fraud and Abuse Amendments Pub. L. 95-142, secs. 3 and 8.	This regulation would replace criteria and procedures for the disclosure of ownership interests of providers of medical, remedial, and social services and the disclosure of individuals associated with the provision of services who have been convicted of fraud against any of these programs.
State Standard Setting for Small Group Homes—"Keys Amendment".	Final.....	do.....	The Unemployment Compensation Act Amendments of 1976, Pub. L. 94-506, sec. 505(c).	The Department is considering whether to publish a revised final regulation and is analyzing public comments received in response to the final. The regulation requires States to set standards for small group homes where aged and disabled recipients of benefits from the Supplementary Security Income program are likely to live.
Title I, ESEA, Evaluation Regulations.	NPRM.....	Judy Burnes, 400 Maryland Ave. SW., Room 3040, Washington, D.C. 20202, 202-245-8364.	The Education Amendments of 1974.	These regulations establish models and standards for use of local educational agencies and State educational agencies in the evaluation of all programs funded under title I, Elementary and Secondary Education Act.
Suspension, Termination, and Voiding of Assistance—Emergency School Aid Amendment.	Final.....	Jesse J. Jordan, Office of Education, 400 Maryland Ave. SW., Room 2007, ROB-6, Washington, D.C. 20202, 202-245-7865.	Emergency School Aid Act.	These regulations will apply the Department Grant Appeals process to decisions to terminate assistance under the Emergency School Aid Act.
Department Grant Appeals Process—Technical Amendments.	do.....	Thomas M. Reynolds, Department of Health, Education and Welfare, 330 Independence Ave. SW., Room 3768, North Bldg., Washington, D.C. 20201, 202-245-7342.	Reorganization Plan No. 1 of 1953.	These regulations will make the Department Grant Appeals Process apply to the resolution of disputes arising from determinations to terminate assistance under the Emergency School Aid Act.
Special Compensatory Projects, Maintenance of Effort, and Technical Changes.	do.....	Thomas W. Fagan, Office Education, 400 Maryland Ave. SW., Room 2017, ROB-6, Washington, D.C. 202-245-0931.	Emergency School Aid Act, as amended by secs. 321 and 323(a)(5) of Pub. L. 94-482.	These regulations establish standards governing awards of assistance for compensatory services to students who no longer receive assistance under title I because of changes in desegregation plans, and make technical changes to ESAA regulations.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
HUMAN DEVELOPMENT SERVICES—Continued				
Magnet Schools—Emergency School Aid.	do.....do.....	do.....	Emergency School Aid Act, as amended by Pub. L. 794-482.	These regulations govern awards for planning and operating magnet schools, cooperative programs between local educational agencies and universities or businesses, and planning neutral site schools.
SOCIAL SECURITY ADMINISTRATION				
Disclosure of Official Records and Information.	NPRM.....	Mr. Kenneth Dyer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7454.	Privacy Act of 1974, Pub. L. 93-579, secs. 1-4, 7 and 8.	Provides for disclosure of information from social security records under the Social Security Act, the Freedom of Information Act, the Privacy Act, and other related statutes.
Crediting Quarters of Coverage.	Final.....	Mr. John Modler, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7337.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 351.	Changes the way a quarter of coverage is determined to reflect the Social Security Amendments of 1977. Beginning Jan. 1, 1978, a quarter of coverage is determined on the basis of the total amount of wages and self-employment income credited to a person in a calendar year.
Totalization Agreements.	Final with comment period.....do.....	do.....	Social Security Amendments of 1977, Pub. L. 95-216, sec. 351.	Implements a provision that authorizes the President to enter into bilateral agreements with other countries to provide for coordination between the social security system of the United States and other countries. Permits each country to establish entitlement to and amount of benefits based on a combination of a person's periods of coverage under social security systems of both countries.
New Methods for Computing Monthly Benefit Amounts.	Final.....	Mr. Jack Schanberger, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6785.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 201.	Explains the decoupling provisions of the Social Security Amendments of 1977 whereby a worker's basic benefit amount is computed from his earnings as a ratio of the total earnings of all workers. Explains the amended provisions for computing minimum benefit amounts and cost-of-living increases and recomputing the basic benefit.
Increase in Old-Age Benefit Amounts for Delayed Retirement; Widows and Widowers Insurance Benefits in Cases of Delayed Retirement.	do.....	Ms. Vera J. Schlosser, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7332.	Social Security Amendments of 1977, Pub. L. 95-216, secs. 203 and 204.	Implements a provision to increase monthly payments of workers to give them greater credit for months in which they are at least 65 and do not receive benefits because of earnings. Also provides for passing along a worker's credit for delayed retirement to a surviving spouse.
Determining Amount Payable on Basis of Pre-1951 Wages; Subsequent Actuarial Reduction of Benefit Increases.	do.....	Mr. Marval Cazer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7463.	Social Security Amendments of 1977, Pub. L. 95-216, secs. 201(d) and 231.	Simplify methods for computing the benefits of a person reaching age 21 after 1936 but before 1951 and who retires, becomes disabled, or dies after December 1977. A person initially entitled to a reduced benefit who later becomes entitled to an increase will have the increased payment reduced by the same percentage that applied to the initial payment.
Requirements for Entitlement or Reentitlement to Child's Benefits.	do.....	Ms. Vera J. Schlosser, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7332.	Sec. 202 of the Social Security Act.	Distinguishes between is unmarried and has not married for purposes of determining entitlement to monthly payments.
Extension of Special Age 72 Payments and SSI Benefits to the Northern Mariana Islands.	do.....	Mr. Sander Weissman, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7341.	Covenant to establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, Pub. L. 94-241, sec. 502(a).	Provides that people residing in the Northern Mariana Islands, who are otherwise qualified, are eligible for special age 72 payments and supplemental security income in the same manner and under the same conditions as people now residing in the 50 States and the District of Columbia.
Reduction of Benefits to Maximum a Family Can Receive.	do.....	Mr. Jack Schanberger, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6785.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 202.	Provides a new formula for determining the maximum monthly benefit that a family can receive.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
SOCIAL SECURITY ADMINISTRATION—Continued				
Determining Medical Equivalence and Notice of Discharge from Hospital.	NPRM.....	Mr. William Ziegler, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7415.	Secs. 205, 223, 1102, 1614, and 1631 of the Social Security Act, as amended.	Defines evidence requirements for determining whether an individual's impairment is equivalent to a listed impairment in the appendices of regulations, pt. 404 and 416. Also eliminates the requirement under title II that the Social Security Administration be promptly notified upon a beneficiary's discharge from a hospital or other similar institution.
Reduced Benefits for Spouses Receiving Government Pensions.	Final With comment period.....	Mr. Jack Schanberger, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6785.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 334.	Explains the pension offset provision whereby a spouse's social security benefit will be offset, or reduced, by the amount of a public pension to which he or she is eligible. There is an exception—offset does not apply to spouses who are eligible for a public pension anytime before December 1982 and who meet the social security requirements that were in effect in January 1977 (i.e., an applicant for husband's or widower's benefits must have met a one-half support requirement.)
Change in Earnings Test; Elimination of the Monthly Measure.	do.....	Ms. Clara Powell, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7459.	Social Security Amendments of 1977, Pub. L. 95-216, secs. 302 and 303.	Implements a provision which permits payment of monthly benefits because of low earnings in a month only at the time of initial retirement. Thereafter, the right to payments depends on earnings in a year.
Definition of Wages; Military Service Wage Credits; Adjusting Contribution and Benefit Base.	Final.....	Mr. Kenneth Dyer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7454.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 351.	Reflects a change in granting military wage credits for compensation other than cash. Changed from a monthly amount to an annual amount to conform to new annual reporting of wages.
Recovery of Overpayments; Extension of Recovery Period.	NPRM.....	Mr. Marval Cazer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7463.	Secs. 204 and 205 of the Social Security Act.	Liberalizes the period for recovery of an overpayment by removing the present 3-year time limitation in which overpayments must be recovered.
Deemed Filing of Waiver of Tax Exemption by Religious, Charitable, and Other Organizations Described in Section 501(c)(3) of the Internal Revenue Code.	Final.....	Mr. Kenneth Dyer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7454.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 312.	Provides for a deemed filing of waivers of tax exemptions by religious, charitable, or other organizations described in the Internal Revenue Code.
Income from Self-Employment of Limited Partner.	do.....	Ms. Dorothy Algea, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-5587.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 313.	Excludes from self-employment income the distributive share of partnership income derived by a limited partner. A limited partner renders no services to the business and can lose no more than the investment.
Equitable Adoption.	NPRM.....	Ms. Vera Schlosser, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7332.	Sec. 202 of the Social Security Act.	Sets factors to be considered in determining whether a child has been equitably adopted. Equitable adoption is adoption in fact and not established under State law.
State and Local Government Wage Reporting Requirements; Annual Basis.	NPRM.....	Mr. Armand Exposito, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7455.	An act to amend the SSA Act to expedite the holding of hearings under titles II, XVI, and XVIII by establishing uniform review procedures under such titles, and for other purposes, Pub. L. 94-202, sec. 7 and 8.	These regulations change the States' obligation for filing wage reports from one each quarter to one each year. This will reduce SSA's and the States' processing times.
State and Local Coverage—Frequency with Which States Should Deposit Social Security Contributions.	Final.....do.....	do.....	Sec. 218(e) of the Social Security Act.	These regulations would require the States to pay their FICA contributions 15 days after the end of each month rather than 45 days after each quarter. This speedup in collections will add millions of dollars per year to the trust funds.
Substantial Gainful Earnings Guidelines for Persons Disabled Due to Blindness.	do.....	Mr. Harry Short, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7414.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 335.	Increases the amount persons disabled by blindness may earn and not lose disability payments under title II of the Social Security Act. An individual who is blind shall not be regarded as having demonstrated an ability to engage in substantial gainful activity on the basis of earnings unless the earnings exceed the exempt amount that applies to retired persons age 65 or over.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
SOCIAL SECURITY ADMINISTRATION—Continued				
Guidelines for Adjudicating Disability Claims in Which Vocational Factors Must Be Considered.	do.....	Mr. William Ziegler, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7415.	Secs. 205, 223, 1102, 1614, 1631 of the Social Security Act, as amended.	Expand existing regulations to include additional detailed criteria for the evaluation of claims based on disability (under titles II and XVI of the Social Security Act) in which a determination of disability cannot be made on medical severity alone or on the ability to do past work. Provides rules for evaluating age, education, and work experience in these kinds of disability claims.
Substantial Gainful Activity—Earnings Guidelines for 1977.	do.....	do.....	Secs. 205, 223, 1102, 1164, and 1631 of the Social Security Act, as amended.	Increases the monetary amounts of the substantial gainful activity guidelines to \$240 per month at the higher level and \$160 per month at the lower level for calendar years after 1976.
Revised Medical Criteria for the Determination of Disability.	NPRM.....	Mr. Harry Short, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7414.	Secs. 205(a), 1102, and 1614(a) of the Social Security Act.	Revises the medical evaluation criteria currently used in the SSI and social security disability programs which describe the level of severity deemed sufficient to prevent a person from engaging in any gainful work activity. Recognizes medical advances both in treatment and in methods used to evaluate severity of particular impairments.
Review of Deemed and Pending Claims Under the Black Lung Benefits Reform Act of 1977.	NPRM.....	Mr. Armand Esposito, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7455.	Black Lung Reform Act of 1977, Pub. L. 95-239, sec. 435.	Explains the rules under which SSA will review denied and pending claims for black lung benefits. Also modifies the standards used to determine whether a miner is or was totally disabled due to pneumoconiosis.
Filing Date of Applications Based on an Oral Inquiry (SSI).	NPRM.....	Mr. John Renner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7519.	Secs. 1102, 1611, and 1631 of the Social Security Act.	Specifies when the date of an oral inquiry is considered the filing date of an application for supplemental security income benefits.
Eligibility of Individuals Residing in Publicly Operated Community Residences Serving No More Than 16 Residents.	Final.....	Mr. Sander Weissman, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7341.	Unemployment Compensation Amendments of 1976, Pub. L. 94-566, sec. 505(a).	Provides that the term "public institution" does not include publicly operated community residences which serve no more than 16 residents. Also defines what are and what are not publicly operated community residences which serve no more than 16 residents.
Evidence of Permanent Residence in the United States Under Color of Law.	NPRM.....	do.....	Secs. 1614(a)(1)(B) of the Social Security Act.	Provides that aliens who have continuously resided in the United States since before Jan. 1, 1970, will be presumed to be permanently residing in the United States under color of law for purposes of eligibility for SSI payment.
Amount of Benefits; Cost-of-Living Increases and Computation of Certain Benefits under Title XVI (SSI).	Final.....	Mr. Marval Cazer, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7463.	Unemployment Compensation Amendments of 1976, Pub. L. 94-566, sec. 502.	Deletes tables of increased benefit amounts from existing regulations. Reference is made to basic statutes and to notices in the FEDERAL REGISTER to ascertain current benefit amounts.
Reduction of SSI Payments to Individuals in Substandard Institutions.	NPRM.....	Ms. Virginia Kohan, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6629.	Unemployment Compensation Amendments of 1976, Pub. L. 94-566, sec. 505(d).	Prescribes the method of reducing SSI benefits payable to persons residing in facilities that do not meet approved State standards.
Deeming of Income (SSI).	Final.....	Mr. Sander Weissman, Office of Policy and Regulations, 6401 Security Blvd., Baltimore Md. 21235, 301-594-7341.	Social Security Amendments of 1972, Pub. L. 92-603, Sec. 301.	Provides the method to be used in the SSI program for determining amount of income to be deemed from: (1) An ineligible spouse to an eligible individual; (2) an ineligible parent (or ineligible spouse of parent) to an eligible child; or (3) an ineligible spouse to an eligible individual and his or her eligible child.
Medical and Social Services Which Are Not Income (SSI).	NPRM.....	Mr. Henry Lerner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7336.	Sec. 1612 of the Social Security Act.	Exclude from the SSI definition of income certain medical and social services. This means those furnished in conjunction with any governmental or nongovernmental assistance program based on need.
Unearned Income, Support, and Maintenance in Certain Household and Non-medical Institutional Situations (SI).	Final.....	Mr. Sander Weissman, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7341.	Social Security Act, sec. 1612.	Establishes rules for evaluating support and maintenance provided in-kind to an eligible individual (or couple) residing in a household and not receiving full support and maintenance. Also provides rules for the valuation of in-kind support and maintenance received by an eligible individual (or couple) residing in a nonmedical institution.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
SOCIAL SECURITY ADMINISTRATION—Continued				
Unearned Income, Third Reduction for Living in Another Person's Household (SSI).	do.....	do.....	do.....	Provides that the standard payment amount for an eligible individual (or couple) who lives in another person's household and receives support and maintenance from such person will be reduced by one-third. The actual value of such support and maintenance is not established.
Exclusion From Income of Assistance Based on Need Furnished by States or Political Subdivisions (SSI).	Final.....	Mr. Harry Short, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7414.	Unemployment Compensation Amendments of 1976, Pub. L. 94-566, sec. 505(b).	Provides additional exclusion of assistance based on need in determining countable income under the SSI program. Certain State and local government payments which previously resulted in countable income are excluded if they are based on need and are funded wholly by a State or political subdivision.
Exclusion of Receipts From Land Held in Trust for Indian Tribes From Countable Income and Resources (SSI).	do.....	Mr. Sander Weissman, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7341.	Indian tribes—submarginal land held in trust, Pub. L. 94-114, sec. 6.	Excludes from consideration as income or a resource (under the SSI program) certain receipts distributed to members of Indian tribes. These receipts are derived from certain submarginal lands conveyed to Indian tribes and held in trust by the United States.
Exception to the One-Third Reduction Provision and Income and Resource Exclusion When an Individual Is Affected by a Major Disaster (SSI).	do.....	Mr. Henry Lerner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7336.	Major Disasters Presidentially declared, Pub. L. 94-331, secs. 2 and 4; Pub. L. 94-955, sec. 2125; Pub. L. 95-171, secs. 6, 7, 8, and 9.	Provides additional exclusions in determining countable income and resources for payment of SSI benefits when an individual is affected by a Presidentially declared major disaster.
Replacement of Damaged or Lost Excluded Resources (SSI).	do.....	do.....	Sec. 1613 of the Social Security Act.	Exclude from income and resources, assistance received from any source for the repair or replacement of certain damaged, lost, or stolen property.
Counting of Resources; Treatment of Title XVI Retroactive Payments (SSI).	NPRM.....	Mr. John Modler, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7337.	do.....	Provides for the treatment of the receipt or appreciation of countable resources above the statutory limit during a calendar quarter. Also provides that SSI benefits and State supplementation (if any) covering a retroactive period are not counted as resources until the second quarter following the quarter of receipt.
Exclusion From Resources of the Property Essential to Self-Support (SSI).	Final with comment period.....	do.....	Social Security Amendments of 1972, Pub. L. 92-603, sec. 301 and Internal Revenue Code of 1954—Distilled Spirits Stamps, Pub. L. 94-569, sec. 4.	Provides guidelines for determining when property essential to self-support is excluded from countable resources under the SSI program. Also provides that even if income-producing property is associated with the home, the home (including land appertaining to it and buildings on the land) is excluded as a resource regardless of its value or use.
Increasing the Reasonable Value of Household Goods and Personal Effects and the Automobile (SSI).	Final.....	Mr. Henry Lerner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7336.	Sec. 1613 of the Social Security Act.	Increases the reasonable value of household goods and personal effects from \$1,500 to \$2,000 and the value of an automobile from \$1,200 to \$2,000. Values within these amounts will not affect eligibility for SSI payments.
Evaluating Resources on Basis of Equity Value (SSI).	do.....	do.....	do.....	Provides for evaluating resources on the basis of equity in the resource rather than its current market value.
Referral of Blind and Disabled Individuals Under Age 16 for Appropriate Rehabilitation Services (SSI).	do.....	Mr. Armand Esposito, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7455.	Unemployment Compensation Amendments of 1976, Pub. L. 94-566, sec. 501.	Final rules reflecting legislation requiring the Secretary to refer certain individuals receiving supplemental security income benefits to a vocational rehabilitation agency. Changes the regulations to show that blind or disabled persons under age 16 need not accept vocational services to be eligible for SSI benefits.
Permitting Individuals Applying for or Receiving SSI To File for Food Stamps in Social Security Offices (SSI).	NPRM.....	Mr. John Renner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7519.	Food and Agriculture Act of 1977, Pub. L. 95-113, sec. 1301, 91 Stat. 973.	Describes SSA's authority (with the concurrence of the Department of Agriculture) to obtain information from individuals solely for food stamp purposes.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
SOCIAL SECURITY ADMINISTRATION—Continued				
Pass-Along Provisions of Federal Supplemental Security Income Cost-of-Living Increases to State Supplementary Recipients With Limitation on State Costs for Hold-Harmless States (SSI).	NPRM	Ms. Clara Powell, Office of Policy and Regulations, 7401 Security Blvd., Baltimore, Md. 21235, 301-594-7459.	Food Stamp Distribution to AFDC Families, Pub. L. 94-585 sec. 2.	Implement provisions of sec. 1618 of the Social Security Act by interpreting the statute to include those beneficiaries who receive only State supplementation and to provide guidelines for related State agreements.
Recovery of Overpayments From Federal SSI Benefits and State Supplementation Amounts Federally Administered.	NPRM	do.....	Secs. 1616 and 1631(b) of the Social Security Act, as amended.	Clarifies existing policy to make it clear that when the State supplement is federally administered overpayments of that supplement may be recouped from the SSI benefit. When there has been an overpayment of both payments, the State payment is to be recouped first.
Social Security Number Issuances.	Final with comment period.	Mr. John Renner, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7519.	Social Security Amendments of 1972, Pub. L. 92-603, secs. 130 and 137.	Requires that all applicants for social security numbers submit documentary evidence of identity, age, and citizenship or alien status. Also requires that all applicants for duplicate social security number cards submit sufficient evidence to establish their identity.
Quality Control System; Incentive Adjustment for Quality Control in Federal Financial Participation in the AFDC Program.	NPRM	Ms. Clara Powell, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7459.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 402.	Provides States administering AFDC programs with a fiscal incentive for reducing AFDC quality control error rates.
Standards of Personnel Administration (AFDC).	Final	do.....	Social Security Act, sec. 403.	Revise and recodify policies related to financial assistance programs provided under the Social Security Act. It is necessary to recodify those now administered by SSA, formerly administered by the now defunct SRS.
Disregard of Income Earned by Youth (AFDC).	NPRM	Mr. John Modler, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7337.	Youth Employment and Demonstration Act of 1977, Pub. L. 95-99, sec. 201.	Beginning August 6, 1977, earnings received by a youth under pt. C of the Comprehensive Employment Act of 1973, shall be disregarded in determining the family's eligibility for, and amount of, any benefit based on need and funded by Federal or federally assisted programs.
Protective, Vendor, and Two-Party Payments for Dependent Children (AFDC).	NPRM	Mr. Marval Caser, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-7463.	An act to extend certain Social Security Act provisions and for other purposes, Pub. L. 95-171, sec. 3.	Increases from 10 to 20 pct the Federal matching of funds for protective and two-party payments in State AFDC cases. Two party payment checks require endorsement by the individual and the provider of care.
Demonstration (AFDC).	Projects Final	Ms. Virginia Kohan, Office of Policy and Regulations, 6401 Security Blvd., Baltimore, Md. 21235, 301-594-6629.	Social Security Amendments of 1977, Pub. L. 95-216, sec. 404.	Provide necessary details, instructions, and policy for State implementation of experimental pilot and demonstration projects administered by SSA. The purpose is to improve methods and techniques of providing AFDC payments and to promote work incentive.

FOOD AND DRUG ADMINISTRATION

Plasma for In-Vitro and In-Vivo Use.	Notice	Mr. Albert Rothschild, Bureau of Biologics, 11400 Rockville Pike, Rockville, Md., 301-443-1307.	Federal Food, Drug, and Cosmetic Act.	The notice advises manufacturers of the requirements for labeling of unlicensed and licensed source blood, plasma, and serum intended for manufacture into injectable and noninjectable products. The document clarifies some misunderstandings of the provision of the GMP regulations in regard to how blood and blood components intended as source material in the manufacture of injectable and noninjectable products should be labeled.
Citrate Phosphate Dextrose Adenine Solution (CPDA).	Final order	do.....	do.....	This document is a proposal to provide for use of CPD supplemented with adenine as an anticoagulant for whole blood and products derived from whole blood. When CPDA is used as the anticoagulant the permitted storage period for whole blood (human) and red blood cells (human) may be extended from 21 to 35 days.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Statement of Potency	Proposal	do.....	do.....	The document proposes to clarify what constitutes a U.S. standard of potency. Labeling of biological products requires a statement expressed in terms of an official standard of potency if potency is a factor or "No U.S. Standard of Potency" if no U.S. standard of potency has been prescribed.
Expiration Date for Source Plasma (Human).	do.....	do.....	do.....	This document proposes to amend part 610 CFR, by assigning an expiration date for Source Plasma (Human).
Allergenic Extracts	do.....	do.....	do.....	This document will be primarily concerned with the maximum size of containers for Allergenic Extracts.
Extension on Comment Period for Panel Report.	Final order	do.....	do.....	This document will amend section 601.25 CFR to extend the comment period for panel reports from 60 days, to a period of 90 days. This change is being made to be consistent with the drug panel reports and to allow review of the report and submission of comments in a timely fashion.
Allergenic Source Materials.	Notice	do.....	do.....	This document is a notice to manufacturers of allergenic products of the applicability of the biologics regulations to all steps in the manufacture of such products, including those standards that affect the source material used for manufacturing the final product. Guidelines are being made available which concern applicability of the standards to the source materials used for allergenic extracts.
Blood Group Substances	Final order	do.....	do.....	The document proposes additional standards for Blood Group Substance A, Blood Group Substance B, and Blood Group Substance AB. Blood Group Substances are widely used as immunizing antigens by suppliers by hyper-immune blood, plasma or serum. Blood obtained from individuals who have been immunized with Blood Group Substance is used in the manufacture of diagnostic reagents to type ABO blood groups.
BCG Vaccine Reproposal	Proposal	do.....	do.....	BCG Vaccine contains live bacteria of the bacillus of Calmette and Guérin, an attenuated strain of Mycobacterium bovis. It is used prophylactically to prevent tuberculosis in humans. This document establishes additional standards for BCG Vaccine.
Mycobacterium Tuberculosis (avian TB in eggs).	do.....	do.....	do.....	The document proposes to add a new section 610.31 CFR to prescribe a specific test for safety to be used to determine the presence of M. Tuberculosis in viral vaccines. This amendment is being proposed because of the existing use of a wide variety of tests which are inadequately performed and poorly controlled.
Leukocyte Typing Serum	do.....	do.....	do.....	This document proposes to amend part 610 CFR by prescribing a one year dating period for liquid Leukocyte Typing Serum, and Part 660 by prescribing additional standards for the manufacture of Leukocyte Typing Serum.
Typhoid Vaccine	do.....	do.....	do.....	This document proposes to amend the additional standards for Typhoid Vaccine by setting new standards for the performance and results of the potency test for each lot of manufactured Typhoid Vaccine. Typhoid immunization is indicated when a person has come into contact with a known typhoid carrier, if there is an outbreak of typhoid fever in the community, or if a person plans to travel to an area where typhoid fever is endemic.

NOTICES

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Clarification of Sterility Testing.	Final order.....	do.....	do.....	The order is intended to clarify sections 610.12(b)(1) CFR by stating only one repeat bulk sterility test shall be conducted. The existing regulation refers to "the repeat sterility test" in the singular but manufacturers have erroneously interpreted this to mean more than one test may be performed.
Administrative Procedures on Suspension and Revocation of Licenses.	do.....	do.....	do.....	This document will amend the general regulations to update and clarify the general regulations concerning suspension and revocation of licenses.
Master File for Specifications of Containers and Equipment Related.	Proposal.....	do.....	do.....	This document proposes to amend section 606.65 CFR to require that only containers and accessory equipment about which the Bureau of Biologics has received specific toxicology and manufacturing details may be used to hold blood.
Limulus Amebocyte Lysate (LAL).	do.....	do.....	do.....	LAL, prepared from the circulating amebocytes of the horseshoe crab, is used as a reagent for in vitro testing to detect bacterial endotoxins in certain biological products and medical devices. (This document proposes additional standards for LAL, and permits the use of the LAL test as a substitute for the rabbit pyrogen test for certain products.)
Reorganize Whole Blood (Human) Sections.	do.....	do.....	do.....	This document proposes to revise and reorganize Subpart A in Part 640 CFR which prescribes additional standards for Whole Blood (Human). The regulations are being reorganized to reflect, insofar as possible, a logical sequence beginning with the collection of blood and progressing through storage, testing, labeling and issue.
Viral Vaccines and Rickettsial Vaccine—Panel Report.	do.....	do.....	Federal Food, Drug, and Cosmetic Act and Public Health Service Act.	The Panel Report and proposal will categorize Viral vaccines and Rickettsial vaccines as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.
Bacterial Vaccines and Toxoids with Standards of Potency—Panel Report.	do.....	do.....	do.....	The Panel Report and Proposal will categorize bacterial vaccines and toxoids with standards of potency.
Panel on Review of Blood and Blood Products and Review of Allergenic Extracts.	do.....	do.....	do.....	These documents will propose placing the subject products into categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.
Panel on Rubella Virus Vaccine.	do.....	do.....	Federal Food, Drug, and Cosmetic Act.	This document proposes to amend the Additional Standards for Rubella Virus Vaccine to permit the use of human diploid cell strain WI-38 as a substrate in the manufacture of this product, and define tests for safety required.
Notification of FDA Regarding Adverse Reactions.	do.....	do.....	do.....	This document would require that manufacturers notify FDA of reports of adverse reaction from use of their products.
Update Definition of "Filling".	do.....	do.....	do.....	This document will update the definition for a "filling". The present definition of a filling in section 600.3(y) CFR is no longer broad enough to be applicable to all products.
Change in Policy Concerning Issuance of Certain Licenses (Viral Panel Report Recommendation).	do.....	do.....	do.....	The document would change the form of licenses for combination products from requiring separate licenses for each component of a combination product, as well as for the combination product itself, to requiring only a single license for the combination product. This will be published as a part of the proposal resulting from the viral panel recommendations.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Immune Globulin	do.....	do.....	do.....	The document proposes to amend Part 640 CFR in Subparts J & K, by revising and updating standards for Immune Globulins.
Antihemophilic Factor (Human)	do.....	do.....	do.....	This document is a proposal to amend the biologics regulations by prescribing additional standards for the manufacture of Antihemophilic Factor (Human). When Antihemophilic Factor (Human) is given intravenously to a hemophiliac during spontaneous bleeding episodes, after injury, during surgery, or prophylactically, the defective bleeding of the hemophiliac may be completely corrected for approximately one day.
Clarification of Sterility Testing	do.....	do.....	do.....	This amendment is proposed to clarify section 610.12(e)(2)(1) CFR of the regulations which specifies that at least two strains of micro-organisms for each type of sterility test medium shall be used.
Skin Test Antigen—Panel Final order Report	do.....	do.....	Federal Food, Drug, and Cosmetic Act and the Public Health Service Act.	This document will finalize a proposal, placing Skin Test Antigens in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.
Bacterial Antigens & Bacterial Vaccines with "No U.S. Standard of Potency"—Panel Report	do.....	do.....	do.....	This document will finalize a proposal, placing the subject vaccines in categories designated as (1) safe and effective and not misbranded, (2) unsafe or ineffective and misbranded, and (3) not within category (1) or (2) above, on the basis that available data are insufficient to classify such products.
Compatibility Testing	Proposal.....	do.....	do.....	This document proposes to amend Section 606.151(c) to require that only Licensed Reagent Red Blood Cells (Human) specifically approved for antibody screening shall be used when antibody screening is done in place of the crossmatch.
Establishment Registration	do.....	do.....	do.....	The document proposes to add a subsection to section 607.75 to clarify that establishments engaged solely in the manufacture of radiopharmaceuticals from blood products licensed under section 351 of the PHS Act must register under section 207 of the FDC Act.
Antibiotic Certification; Selective Testing	Final.....	Ms. Mary McEniry, Bureau of Drugs (HFD-30), 5600 Fishers Lane, Rockville, Md. 20857, 301-443-3640..	Federal Food, Drug, and Cosmetic Act.	The intent of this regulation is to require persons requesting antibiotic certification to submit all results obtained from their own testing. Such results will better permit the Bureau to assess the quality of samples submitted for certification. The rule will allow the Bureau to vary its own testing depending on the quality of the data and the inspectional profile of the firm. More efficient utilization of the Bureau's manpower resources and more efficient certification procedures should result.
Discontinue Certifying 80-Unit Insulin	Reproposal.....	do.....	do.....	This document will be another proposal to amend the insulin regulations, by deleting the requirements for certification of 80-unit insulin. This would leave one high-potency insulin available. The document will also request comments on the continued need for the 40-unit insulin products.

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III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Revision of Antibiotic Sampling Procedure.	Final	do	do	This document will revise the intervals at which capsules, tablets, suppositories, or other such antibiotic unit dosage forms are collected during manufacturing or packaging or from the completed bulk batch for submission to FDA for testing and certification. This rule will result in the sampling requirements being more appropriate for the high-speed, large-volume production equipment currently in use.
Reorganization of Insulin Regulations.	Proposal	do	do	The insulin regulations are in need of rewriting and updating to incorporate requirements that have been applied to other drugs over the past 20 to 30 years. This document will propose to revise the insulin regulations by establishing a monograph for each insulin product. The regulations are extraordinarily cumbersome, difficult to follow, and essentially incomprehensible to anyone other than the people working in the certification program.
Proficiency Testing.	do	do	do	The USP in collaboration with FDA has agreed to establish a compendial proficiency testing standard for apparatus used in conducting an <i>in vitro</i> dissolution test to assure that results from such apparatus are accurate and representative of the actual performance of the apparatus. FDA, by regulation, will require manufacturers to submit the results of proficiency testing together with the results of any <i>in vitro</i> dissolution test conducted to meet a bioequivalence requirement, a requirement for new drug application approval, or to assure batch-to-batch uniformity.
Conduct of Clinical Investigations.	do	do	do	This document proposes to clarify existing regulations governing the conduct of persons who conduct clinical investigations on new drug products and to extend the regulations to include persons who conduct clinical investigations on other products regulated by FDA. The document will make a single set of standards applicable to all clinical investigators involved in investigational studies that either require prior FDA review or are later submitted to FDA in support of an application for a research or marketing permit.
Sponsor's Obligations for Final Monitoring Clinical Investigations.	do	do	do	This document will establish procedures to be followed by a sponsor and a monitor before initiating, and during the course of, a clinical investigation involving the use of a drug, device, food or color additive, cosmetic, or electronic product. The requirements should provide greater protection of the rights and safety of subjects in clinical investigations and help assure the quality and integrity of the data filed with FDA.
Bioresearch Monitoring Proposal Data Collection Form.	do	do	do	This proposal will require a new section in the IND Form FD-1571 which will require the submission of certain basic data on the investigational drug, sponsor of the study, facilities used in the study, and the investigators participating in the study, and in a format that permits easy transfer of the information into a computer system. The proposal will require sponsors to submit some additional information that is not currently required.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Methadone: Revision of Final Medical Standards.	do	do	do	This final rule will revise the medical standards for methadone treatment programs. It will allow the medical director of a program to exercise greater discretion in applying the required basic clinical standards (for example, on staffing patterns, criteria for admission, and frequency of urine testing). In other areas, where the regulations mandate specific levels of performance, it will describe them in greater detail (for example, what constitutes an adequate physical examination).
Methadone—Revisions Pursuant to NATA.	do	do	do	In enacting the Narcotic Addict Treatment Act of 1974, Congress amended the Controlled Substances Act. This final rule will make FDA methadone regulations consistent with the new law and with regulations of the Drug Enforcement Administration implementing the new law.
Narcotic Drugs Other than Methadone: Exemption Criteria for Use in Treatment of Addiction.	Proposal	do	do	This document will propose standards for use of narcotics, other than methadone, for treatment of narcotic addiction. It will be prepared in conjunction with NIDA. A notice of intent to propose and request for data and comments was published October 28, 1977.
Related Drugs.	NPRM	do	do	This document will propose changes in the regulations to confine Abbreviated New Drug Application (ANDA) submissions to products identical to the DESI drug unless a separate finding has been made that an ANDA is acceptable for a related product.
ANDA Content.	NPRM	do	do	This document will require the manufacturing information in ANDA's to be described in the same detail as in full NDA's.
Paragraph XIV (of a court order) Revised Policy.	do	do	do	The bureau must prepare appropriate notices to implement the revised policy to permit any firm to market a paragraph XIV drug as long as the firm has an ANDA and the required studies are undertaken by one company.
ANDA's for Post 1962 Drugs	NPRM	do	do	This document will permit the filing of ANDA's for post 1962 drugs by establishing criteria.
Adverse Drug Experience Reporting.	NPRM	do	do	The document proposes to revise the periodic reporting requirements for marketed drug products to (1) require that all reports of adverse drug experiences with approved new drugs and antibiotics be submitted to a central location within FDA (Division of Drug Experience, HFD-210), and (2) revise the reporting time period for such reports. This is part of an overall Agency effort to centralize the data collection and dissemination of adverse drug experience information and to improve the effectiveness of the Agency's post-marketing surveillance program.
CGMP Regulations, General.	Final	do	do	The "umbrella" or general current good manufacturing practice regulations (CGMP) were proposed for public comment on February 13, 1976. Their purpose is to update CGMP regulations currently in effect for human and veterinary drugs.
Prescription Drug Dispensing Containers.	do	do	do	This document requires that prescription drug labels inform the pharmacist of the proper type of container to be used for dispensing a drug in order maintain its identity, purity, and strength.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
CGMP Regulations for Large Volume Parenterals.	do.....	do.....	do.....	These regulations will establish current good manufacturing practice for the manufacture of a class of parenteral drug products that can be characterized as terminally sterilized, aqueous solutions of 100 ml or more. Because of the conditions of use of these products, high quality, particularly with regard to sterility, pyrogens, and particulates, is absolutely essential. Although only a relatively few firms (fewer than 20) manufacture these drugs, enormous amounts are produced. In addition, over the years serious production problems have been encountered with these products.
CGMP for Compressed Medical Gases.	do.....	do.....	do.....	This document would impose specific requirements on this industry in order to prevent mixups and assure potency. Mixups have, in the past, resulted in patient injuries and deaths due to administration of the wrong gas. The Agency and the Compressed Gas Association have long recognized that the "umbrella" CGMP regulations are not tailored for this industry, and problems in interpreting the requirements of the umbrella CGMP regulations for this industry have occurred, particularly during establishment inspections conducted by the field districts.
Clarification of who is the manufacturer of a drug for the purpose of stating the manufacturer's name on the drug's labeling.	do.....	do.....	do.....	The Agency has been following the so-called man-in-the-plant policy on this subject. Under that policy, whether an individual or firm is considered the manufacturer of a drug product depends upon the person's, or firm's degree of involvement in the quality control and manufacturing of the drug. A firm that contracts with another company for the manufacture of a drug is considered the manufacturer (for the purpose of being able to state on the label "manufactured by") if it has a qualified and authorized employee in the plant of the contracting company and that employee monitors all of the manufacturing operations for conformance with approved procedures and controls. The policy requires clarification and refinement and should be in the form of a regulation which is the purpose of this proposal.
CGMP for Bulk Drugs.	NPRM.....do.....	do.....	do.....	Although this industry is subject to the current good manufacturing requirements of the Act, the umbrella CGMP regulations do not apply because Part 211 CFR applies only to drug products, which are defined as finished dosage form drugs. Therefore, the Agency does not have binding regulations that apply to this industry. The field districts in their establishment inspections do attempt to use the umbrella CGMP regulations as a guide, but problems of determining just what is current good manufacturing practice for this industry occur quite frequently.
CGMP for Radiopharmaceutical Drug Products.	NPRM.....do.....	do.....	do.....	This industry makes up only a small segment of the drug industry. However, these products are therapeutically significant drugs with special problems during manufacture, such as the need to protect plant personnel from the effects of radiation and the short time during which they are effective. Although the umbrella CGMP regulations currently cover these drug products, the umbrella regulations do not contain the specific manufacturing and control requirements that should be binding for this industry.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
CGMP for Small Volume Parenteral Drug Products.	do.....	do.....	do.....	This regulation would probably apply to all injectables with a volume of less than 100 ml, with the exclusion of radiopharmaceuticals. This is a major segment of the U.S. drug industry, and it produces therapeutically significant drugs where deviation from potency or from other quality attributes such as sterility can have serious effects on the patient.
Registration of Foreign Drug Establishments.	do.....	do.....	do.....	A proposal was published in May 1972 to establish procedures whereby foreign drug manufacturers could register their drug establishments. Since then, significant changes to the Act and the regulations have occurred (implementation of Drug Listing Act of 1972, enactment of the Device Amendments of 1976, promulgation of device establishment registration and device listing regulations). Because of these changes and the time that has elapsed since the proposal was published, we intend to repropose the regulation.
Exemption from Labeling Requirements for Small Containers.	do.....	do.....	do.....	The existing regulation on exemptions from label requirements for small containers is widely misunderstood and needs clarification. It must also be revised to cover the labeling requirements for unit-dose packages.
Revocation of Certification for Pediatric Dosage Forms of Tetracycline.	do.....	do.....	do.....	This document proposed to amend the antibiotic drug regulations by revoking provisions for certification of pediatric dosage forms of tetracycline and removing them from the market.
Progestagen Labeling.	do.....	do.....	do.....	This document will require patient labeling for progestational drug products to warn patients that there is an increased risk of birth defects in children whose mothers take the drug during the first 4 months of pregnancy.
Prescription Drug Labeling.	do.....	do.....	do.....	This document will specify the content and format of physician labeling for human prescription drugs. The rule designates a required format for physician labeling and provides detailed standards on the kind of information that must be included under each of the specific section headings of the format. It will require the revision of most currently used physician labeling for human prescription drugs.
Oral Hypoglycemic Labeling.	do.....	do.....	do.....	This document requires additional statements in the labeling of oral hypoglycemics concerning increased cardiovascular deaths attributed to their use and directs the physician to discuss these risks and alternative therapy with the patient.
Ethylene Oxide.	NPRM.....do.....	do.....	do.....	The document proposes to establish interim residue limits for ethylene oxide and its two reaction products, 2-chloroethanol and ethylene glycol, in human and veterinary drug products, medical devices, and cosmetics when ethylene oxide has been used for sterilization during the manufacturing process.
Fetal Alcohol Syndrome: Required Warning for Drugs Containing Alcohol.	NPRM.....do.....	do.....	do.....	This proposal will require a warning on physician labeling for oral prescription drugs and oral OTC drugs that contain certain amounts of alcohol. The warning is based upon evidence of a causal relationship between alcohol consumption by pregnant women during pregnancy and deformities in the unborn children.
Exemption of Penicillamine from Antibiotic Certification and Labeling Requirements.	NPRM.....do.....	do.....	do.....	This document proposes to amend the regulations to permit exemption of penicillamine from antibiotic certification requirements.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
New Drug Status of Trichloroethylene.	Final	do	do	This document will declare any drug product containing trichloroethylene as an active or inactive ingredient to be a new drug and misbranded. This action is based upon studies showing trichloroethylene to be carcinogenic in animals.
Revocation of the Exemption from Full Disclosure Labeling.	do	do	do	This document will revoke the exemption in the prescription drug labeling regulations (21 CFR 201.100(c)(2)) under which certain prescription drug products may be marketed without physician labeling. It also will revoke the list of drugs in the regulations (21 CFR 201.160) for which the Commissioner has previously offered an opinion that physician labeling could be omitted.
Thyroid-Blocking Agent	Notice	do	do	A draft notice has been prepared requesting submission of ANDA's for stable dosage forms of potassium iodide. This notice has resulted from a GSA announcement in the FEDERAL REGISTER that DHEW is responsible for assisting State health and other professional organizations in developing plans for the prevention of adverse effects from exposure to radiation in the event of accidental release of radiiodine in the environment. An ad hoc committee of the National Council on Radiation Protection and Measurements studied the idea of using thyroid-blocking agents as a means of reducing radiation dose. Potassium iodide is one such suitable agent.
Revision of Drug Research and Marketing Regulations.	NPRM	do	do	The Bureau plans to completely rewrite the Investigational New Drug/New Drug Application (IND/NDA) regulations to more formally structure the IND phases and to concentrate the review and evaluation of the drug in the IND phases. This will mean if a drug reaches the NDA stage it should be essentially approvable at that time. Other "tuning" of these regulations will be included, e.g., to provide the optimum conditions for efficient review both before and after NDA approval.
Legal Status of Approved Labeling.	do	do	do	This document may be a reproposal. It will describe the legal status of the package insert, and will cover the unapproved use issue. A proposal on the legal status of approved labeling was initially published on August 15, 1972. Our reproposal will have to address the problems raised about that proposal, as well as explain our current thinking.
Prompt Reporting of Final Animal Studies and Data.	do	do	do	This document will set forth procedures for assuring that the sponsor of an IND report promptly to FDA certain information about ongoing and proposed animal studies and the data that are derived from them. The regulation is needed since FDA has become aware of incidents in which sponsors have withheld or delayed submission of information on animal studies. In some cases, the information, if reported promptly, would have led to ending clinical trials sooner, thus preventing exposure of subjects to unacceptable risks.
Public Disclosure of Specifications.	do	do	do	This document will amend the regulations governing public disclosure of data and information on new drugs for both human and animal use, including biological products. The rule will provide explicitly for the disclosure of specifications submitted to the Agency by the manufacturer unless the specifications serve no regulatory or compliance purpose, are exempt as trade secrets, and have not previously been publicly disclosed.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Requirements for Pediatric Drug Studies.	NPRM	do	do	This document will propose rules under which future new drug applications would be required to contain either the results of studies concerning the safety and effectiveness of the drug in children, or adequate information to permit FDA to waive the submission of study results. This action is necessary to assure that drugs administered to children have been shown to be safe and effective for that use.
Subject Followup Regulations.	NPRM	do	do	This document will require sponsors to maintain a list of names and addresses of subjects who participate in investigational studies to provide a means of contacting the subjects in the event followup is undertaken.
Large Volume Parenteral Drug Products in Plastic Containers.	Final	do	do	This document will require compatibility studies of each large volume parenteral (LVP) drug product in a plastic container with several other drugs that are commonly added to the LVP. Until the studies are completed and the data evaluated, a warning about the possible incompatibility of added drugs and the LVP drug products packaged in plastic will be required in the label and in all labeling of the LVP drug products. Two years are provided for completion of the studies and submission of a final report. The document represents the second time FDA has used the records and reports requirement of the new drug provisions of the statute to require preapproval-type studies of approved new drugs.
Submission of Detailed Reports on Preclinical Animal Studies.	NPRM	do	do	This document will propose to amend the IND regulations to require sponsors of investigational new drug studies to submit a detailed report, together with a summary of the findings on preclinical studies. The proposal will include a listing of specific information that must be included in the report. The existing regulation is not precise enough to assure that the data submitted are adequate to enable FDA reviewers to conclude that it is reasonably safe to initiate clinical investigations.
2-Mercaptoimidazole.	Final	do	do	The proposal resulted from FDA's recognition of a possible health hazard associated with 2-mercaptoimidazole because data have been shown that the substance may form ethylenethiourea, a known carcinogen. This document would prohibit the use of 2-mercaptoimidazole in container closures and product delivery systems for drugs and cosmetics and in components of devices.
Inactive Ingredients in OTC Drugs.	do	do	do	This document will define identifiable functions that an inactive ingredient must perform to be regarded as appropriate for use in OTC drug products and will require that if one or more inactive ingredients are voluntarily declared in the labeling then all inactive ingredients must be declared and must appear in a prescribed format.
OTC Category III "Wrapup".	Notice	do	do	This notice will announce the Agency's position on all data and petitions submitted in response to the Category III ingredients and labeling claims contained in the final monograph for OTC antacids. This document is necessary to complete the antacid review.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Misleading Brand Names.....	NPRM.....do.....	do.....	do.....	This document would specify criteria under which the brand name of a drug is misleading and, thus, misbrands the drug under section 502 of the Act. It would also define the circumstances under which the continued use of a brand name for a reformulated or re-labeled drug product would misbrand the drug. The proposal has particular applicability to drug products reformulated or re-labeled under the DESI or OTC reviews. A proposal on this subject was published on March 27, 1974. Because of the length of time since the proposal was published and the significant changes make in the approach to the regulation, the Bureau intends to withdraw the 1974 proposal and publish a revised proposal that replies to the comments received on the 1974 proposal.
OTC Labeling Standards.....	NPRM.....do.....	do.....	do.....	This document will propose to establish standards for OTC labeling. It will, among other things, set priorities for placement of required information on labels and in labeling, establish a format for the direction for use and warnings, limit space used for unrequired information, and set type-size requirements.
Advertising Regulations for Prescription Drug Products.....	NPRM.....do.....	do.....	do.....	This document proposes to revise the present regulations to provide clear requirements for modern advertising techniques and to clarify and establish additional requirements for promotional labeling.
Policy on Patient Labeling for Prescription Drugs.....	NPRM.....do.....	do.....	do.....	This document will propose the Agency's overall policy on patient labeling for prescription drugs. It will contain minimum general requirements for the content, printing specifications, and distribution of labeling and will provide for the availability of guideline labeling to meet the proposed requirements.
Umbrella Good Manufacturing Practices.....	Proposal.....	Mr. Robert Lake, Bureau of Foods (HFF-302), 200 C Street SW., Washington, D.C. 20204, 202-245-1254.	do.....	This proposal will update and expand the Umbrella GMPs.
Golana; Identity to Provide for Standardization of a Food Made in Semblance of Cheese or Cheese Products.....	do.....	do.....	do.....	This proposal establishes standards of identity for cheese substitutes.
Smoked Fish GMP.....	do.....	do.....	do.....	This proposal will be a proposal to revise the good manufacturing practices regulation for the smoked fish industry.
Emergency Permit Controls for Pickled, Fermented, and Acidified Foods; Low Acid Food GMP; Fermented Foods GMP.....	Final regulation...do.....	do.....	do.....	This final regulation will ensure safe manufacturing, processing, and packing procedures for pickled, fermented, and acidified foods. It will also establish and revise the specific current food manufacturing processes for fermented and low-acid foods respectively.
Standard of Identity of Concentrated Tomato Juice.....	do.....	do.....	do.....	This regulation will establish a standard of identity for concentrated tomato juice.
Frozen Strawberries Minimum Strawberry Content and Percentage Labeling of Sirup and Dry Sweetener Packs.....	do.....	do.....	do.....	This proposal will establish a minimum strawberry content and percentage labeling of sirup and dry sweetener packs for frozen strawberries.
Quick Frozen Shrimp or Prawns: Recommended International Standard.....	Proposal.....do.....	do.....	do.....	We plan to draft standards for quick frozen shrimp which will not provide for the use of phosphates as optional ingredients. Frozen shrimp processors presently add phosphates for the stated purpose of reducing drip loss on thawing, however, FDA has maintained that such use also serves to bind excess water.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Quick Frozen Raspberries: Recommended International Standard.....	do.....	do.....	do.....	These proposed standards of identity and quality for frozen raspberries will specify a minimum percent fruit content and will require declaration of the percent fruit present as part of the name of the food. Frozen raspberries presently in the marketplace vary considerably in the ratio of fruit to sugar used.
Frozen Peaches: Recommended International Standard.....	Final regulation...do.....	do.....	do.....	These proposed standards of identity and quality being drafted for frozen peaches will specify a minimum percent fruit content and will require declaration of the percent fruit present as part of the name of the food. Frozen peaches presently in the marketplace vary considerably in the ratio of fruit to sugar used.
Orange Juice with Preservatives Identity.....	do.....	do.....	do.....	This final regulation will amend the standard of identity for orange juice with preservatives and concentrated orange juice with preservatives.
Solid Contents Statement on Canned Fruit and Vegetable Products.....	do.....	do.....	do.....	This final regulation provides an alternative to drained weight labeling by proposing filled weight labeling requirements.
Hair Dyes Containing Animal Carcinogen 2, 4TDA.....	Proposal.....do.....	do.....	do.....	This document proposes a warning statement on the label of hair dyes containing animal carcinogen 2, 4TDA if the National Cancer Institute's report confirms that it is a carcinogen.
Bubble Bath Products Warnings.....	Final regulation...do.....	do.....	do.....	On January 28, 1977, a notice was published proposing a required caution statement on labels of cosmetic bubble bath products. The caution statement was proposed in light of many consumer complaints of rashes and genito-urinary tract infections which are believed to be primarily due to continued use after injury occurs. The term "bubble bath product" is defined for the purpose of the regulation.
Hair Dyes Containing Animal Carcinogen 4MMPD.....	do.....	do.....	do.....	This final regulation will require a warning statement on the label of hair dyes containing animal carcinogen 4MMPD.
CTFA Cosmetic Ingredient Dictionary.....	do.....	do.....	do.....	This final regulation will finalize recognition of the CTFA (Cosmetic, Toiletary and Fragrance Association, Inc.) Cosmetic Ingredient Dictionary, Second Ed., 1976, as petitioned by the CTFA, as a new source of ingredient names adopted for use in cosmetic ingredient labeling. Thirty-four names of ingredients were deleted from the originally proposed regulation for reasons of insufficient disclosure of information. On the initiative of the Commissioner, the document also lists several supplements and new editions of other currently recognized compendia which are proposed for adoption.
Preservation of Cosmetics Coming in Contact with.....	Proposal.....do.....	do.....	do.....	The Agency has received several reports of corneal ulceration resulting from microbial contamination under normal use conditions of inadequately preserved mascaras. A Notice of Intent to propose regulations requiring such preservation was published on October 11, 1977 (42 FR 54837). The public has been requested to submit information regarding microbiological testing methods and standards of performance which assure that such cosmetics do not become contaminated with microorganisms during use by consumers. Publication of the proposed regulation will depend on the availability of satisfactory testing methods and standards.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Labeling of Sodium and Potassium Content of Foods.	do.....	do.....	do.....	This proposal will be an amendment of Section 105.69 ("foods used to regulate sodium—and potassium—intake") to change the present mode of declaring sodium content and to add a description of how potassium content is also to be declared. There shall also be a new paragraph in Section 101.17 ("Food labeling warning statements") to provide for warnings regarding potassium content on labels of some salt substitutes.
Nutritional Quality Guide-line for Fruit or Vegetable Type Beverage Products Requiring Vitamin C.	Final regulation.....do.....	do.....	do.....	This final regulation will establish NOG for fruit or vegetable beverage products containing Vitamin C.
General Principles for the Addition of Nutrients to Food.	Notice.....do.....	do.....	do.....	This notice will establish a Food and Drug Administration policy concerning the nutrient fortification of food. This policy is expressed as a series of principles which manufacturers are urged to follow if they elect to add nutrients to a particular food or class of foods.
Label Statements Relating to Infant Foods.	Final regulation.....do.....	do.....	do.....	This final regulation requests percentage declaration of ingredients of infant foods. Considerable opposition is expected from industry with regard to the extent of the requirements for percentage labeling of ingredients.
U.S. Recommended Daily Allowance for Manganese.	Proposal.....do.....	do.....	do.....	This proposal shall simply be an addition to the list of U.S. RDA's in Section 101.9(c)(7)(iv) and Section 109.3(b)(1), CFR.
Revision of Nutrient Specifications for Infant Formulas.	do.....	do.....	do.....	This proposal will be an amendment of Section 105.65 CFR ("Infant Foods") to accommodate some changes recommended by the American Academy of Pediatrics in the "standards for (infant) formulas." In this proposal we shall also handle the issue of other nutrients for nutritional adjuncts (e.g., inositol) which are appropriate for addition to infant formulas (and, incidentally, medical foods).
Specifications for Acceptable Bioavailability of Iron and other nutrients.	do.....	do.....	do.....	The intention of this proposal is to discriminate between acceptable and unacceptable nutrient source compounds or naturally occurring substances on the basis of the nutrient's ability to be absorbed and biologically utilized as a nutrient. Initial action will be to describe the appropriate degree of bioavailability for iron which is to be added to food and the method to determine its bioavailability separately or from a specific food system.
Upper Limits of Safe Use for Nutritionally Essential Minerals.	do.....	do.....	do.....	It is our intention to establish through this proposal, upper levels for safe addition of nutritionally essential minerals to foods. Examples of these minerals are chromium, manganese, molybdenum, nickel, selenium, tin, vanadium, copper and zinc. Safety is partly predicated on the nature of the chemical compound which is the vehicle for the respective mineral. Each can be toxic at amounts which may be used in some foods especially dietary supplements. Unlimited addition of these substances to foods could lead to chronic toxicity.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Formulated Food Products Used Under Medical Supervision.	do.....	do.....	do.....	It is our intention through this proposal to formally classify these formulated food products as "foods for special dietary use" in Part 105, to provide mandatory as well as optional (but desirable) information in the labeling. This regulation might be designed along the lines of Section 105.65 FR ("Infant foods") although a companion regulation in Subpart C (now "reserved") may be important to describe some special features about the composition and professional literature which would be unique for this class of product. Subpart C might then be titled "Guidelines for quality and labeling."
Upper Limits Generally Recognized As Safe for Vitamins A and D.	do.....	do.....	do.....	It is our intention to establish through this proposal upper levels for safe addition of Vitamins A and D to foods. These nutrients can be toxic substances at amounts not uncommonly used in some foods, especially dietary supplements.
Use of Sodium Nitrite in Smoked Fish & Sodium Nitrate in Home Curing Pre-mixes.	do.....	do.....	do.....	Two documents are being prepared for this issue: (1) a notice of withdrawal of the November 3, 1972 proposal to eliminate certain uses of nitrates and nitrites, and (2) a new proposal to revoke the use of nitrates and nitrites in smoked fish and pet food and to interim list use of sodium nitrite in smoked fish.
Proposed Regulations for Lakes (pigments).	do.....	do.....	do.....	In 1965 a document was published which proposed to list the lakes of the colors. Because of deficiencies in this proposal, we are currently preparing documents to revoke it and request more information on lakes which are now provisionally listed.
FD&C Red 34	do.....	do.....	do.....	This document proposes to delist FD&C Red 34 from the permanent list of color additives because of possible contamination by a carcinogen.
Color Certification—Procedures for Non-conforming Batches.	do.....	do.....	do.....	This proposal will amend the regulations for the certification of color additives to prescribe procedures for the rejection of samples submitted for certification on the basis of analytical response, when the substance causing the response is unidentified.
Lead Contamination of Food.	do.....	do.....	do.....	This proposal will be an advance notice of proposed rulemaking which will set out FDA's policy regarding lead contamination of food products.
Labeling of Yellow No. 5 in Foods and Cosmetics.	Final regulation.....do.....	do.....	do.....	This final regulation will require the labeling of FD&C Yellow No. 5 on foods and ingested drugs containing the color because of several documented incidences of allergic-type reactions to FD&C Yellow No. 5.
Use of Food Preservative.....	do.....	do.....	do.....	This final regulation will establish an interim Food Additive level for BHT. Dr. Jacobson's petition to halt BHT will be treated as a comment on the interim proposal, and his petition denied. He may contest the establishment of this interim regulation for BHT.
Annatto Extract, Paprika Oleoresin, and Tumeric Oleoresin.	do.....	do.....	do.....	This notice will withdraw the proposal to revoke the use of morpholine.
Revocation of Use of Morpholine.	Notice.....do.....	do.....	do.....	This proposal will delist certain uses of chloroform in food packaging materials.
Chloroform in Contact with Food.	proposal.....do.....	do.....	do.....	This final regulation will prohibit trichloroethylene in human food because it may pose a risk of cancer.
Trichloroethylene.....	Final regulation.....do.....	do.....	do.....	Proposals to affirm the GRAS status of sucrose and corn sugars.
Safety of Certain Food Ingredients: Sucrose and Corn Sugar.	Proposal.....do.....	do.....	do.....	

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
GRAS—Whey, Whey Products and Hydrogen Peroxide Used in Whey Treatments.	do.....	do.....	do.....	This proposal will establish common or usual names and affirm the GRAS status for whey and whey products. This is the result of 10 GRAS petitions. These dried whey products have numerous potential uses in food, including sources of milk protein and use as milk solids where not exempted by food standards. Potential competition of these products with "whole milk" food products (i.e., frozen dairy desserts) may be controversial.
Use of Chlorine Gas in an Aqueous Solution.	do.....	Mr. Robert Lake, Bureau of Foods (HFF-302), 200 C St. SW., Washington, D.C. 20204, 202-245-1254.	do.....	This proposal will establish GRAS conditions of use for chlorine food sanitizers. This is the result of 12 GRAS petitions for uses of chlorine, hypochlorous acid, and chlorine dioxide as food sanitizing solutions. Potential controversy is expected because the use of chlorine dioxide is not included and will require further data. Some extreme uses of chlorine and hypochlorous acid will also be excluded for the same reason.
Procedural Regulations for Medical Device Colors.	do.....	do.....	do.....	The medical device amendments were passed in 1976. These proposed regulations for medical devices would amend the color additive regulations to provide for the issuance of regulations listing colors for use in medical devices.
Proposed Revision of Temporary Tolerances.	do.....	do.....	do.....	Sec. 81.25 prescribes temporary tolerances for the use of certain provisionally listed color additives pending a decision on their "permanent" listing. These were developed on the basis of early preliminary toxicity data. The proposed revision of this section would change the tolerances for most of the colors in § 81.25.
Saccharin—Vending Machine Warning Notice.	Ma- Final regulation...	do.....	do.....	This proposal will require that vending machines that dispense food containing saccharin bear a statement warning prospective purchasers of the risks to health which may be presented by the use of saccharin.
Filled Cheese—Common or Usual Name.	Proposal.....	do.....	do.....	This proposal will establish standards of identity for cheese substitutes.
Cholesterol-free Egg Substitute—Petition for Reconsideration.	do.....	do.....	do.....	The broad issue of cholesterol labeling needs to be discussed and a policy established. The issue is one that is undergoing considerable study in the Bureau. This proposal deals with the issue of the term cholesterol-free being used in the name of food products.
Liquid Protein Products Reproposal Warning Statement.	do.....	do.....	do.....	This final regulation will set forth tentative label warning requirements for protein supplements that may be used in weight reduction or weight maintenance programs.
Proposal for Common or Usual Name for Diluted Fruit or Vegetable Juice Beverages.	Final regulation...	do.....	do.....	This final regulation establishes a common or usual name for undiluted fruit or vegetable juice beverages.
Aflatoxin in Peanuts	do.....	do.....	do.....	This final regulation will set tolerances for aflatoxin in peanuts.
Polychlorinated Biphenyls, Proposed Reduction of Tolerance.	do.....	do.....	do.....	This final regulation will reduce tolerances for PCB's in various foods and feed. The comments submitted in the proposal are now being evaluated, and it appears that the proposed reduction of fish tolerance from 5 ppm to 2 ppm is highly controversial with the fishing industry and with some States.
Infant Food; Junior Food; Toddler Meal.	do.....	Mr. Robert Lake, Bureau of Foods, 200 C St. SW., Washington, D.C., 202-245-1254.	do.....	This final regulation requests percentage declaration of characterizing ingredients as part of the statement of identity. This issue should be resolved without opposition as a distinct but related matter to the label statements relating to infant foods.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Plant Protein—Common or Usual Names for Foods, Vegetable Protein Products which Resemble Substitute for Meats, Seafood, Poultry, Eggs, or Cheese.	do.....	do.....	do.....	This final regulation will establish common or usual names for vegetable protein products and names and definitions of nutritional equivalence for the 5 major protein foods. Some members of industry have expressed an interest in having a new proposal rather than a final regulation issue at this time. They claim that new developments dictate this as the appropriate course of action.
Filled Milk—Common or Usual Name.	Notice.....	do.....	do.....	This notice will terminate the filled milk proposal.
Interstate Conveyance on Board Food Service Operations.	Proposal.....	do.....	Public Health Service Act...	This proposal will establish sanitation requirements for interstate conveyances carrying food in interstate commerce.
Interstate Conveyance Catering Point Sanitation.	do.....	do.....	do.....	This proposal will establish sanitation requirements for caterers to interstate conveyances carrying food in interstate commerce.
Lead in Baby Food	do.....	do.....	Federal Food, Drug, and Cosmetic Act.	This proposal seeks to establish action levels for lead in canned infant formulas, canned concentrated infant formulas, and canned infant juices. Some difficulty has been encountered in establishing numerical values for these action levels.
Food Labeling: Designation of Ingredients re: Nutritive Sweeteners.	do.....	do.....	do.....	This proposal is the result of several petitions requesting some form of exemption for identification of specific sweetening ingredient. The broad issue of ingredient labeling of sweeteners in foods as it relates to health and nutrition is one designated for considerable study in the Bureau of Foods.
Common or Usual Name for Substitutes for Margarine or Butter.	Final regulation...	do.....	do.....	This final regulation will identify a name like vegetable oil spread, —pct. oil. The butter industry has called attention to the FTC Act which has requirements for labeling margarine. FDA does not define the low fat products as margarine.
Tolerance for Mercury in Fish.	do.....	do.....	do.....	This final regulation will terminate a proposed regulation and announce the availability of action levels (administrative guidelines) according to new regulations for poisonous or deleterious substances.
Nonfunctional Slack-Fill	Proposal.....	do.....	do.....	This proposal will define, limit, and specify compliance measures for packaged foods with unnecessary and misleading unfilled space in the package.
Areas of principal display panel.	Final regulation...	do.....	do.....	This final regulation would revise the definition for the area of the principal display panel which is used for determining type-size and other labeling requirements. It would base it on the surface available for labeling, rather than allowing the placement of labeling to determine it.
Fruit flavored spreads	do.....	do.....	do.....	This final regulation will establish a common or usual name regulation for fruit flavored spreads.
Premarket approval proposal.	NPRM.....	Mr. Joseph Mamana, Bureau of Medical Devices, 8757 Georgia Ave., Silver Spring, Md., 301-427-7114.	do.....	This proposed regulation will provide requirements for submission of premarket approval applications, including safety and effectiveness requirements for all class III medical devices. It will implement and amplify sec. 515 of the act. The major policy issue involved will be the confidentiality of data and appropriate procedures for publishing or making available summaries of safe and effective data.
Classification regulations of preenactment devices.	NPRM.....	do.....	do.....	These proposed regulations will classify into three regulatory control categories, all medical devices marked prior to May 26, 1976. The classifications are based on the work of 19 expert advisory panels. There will be at least 1 proposal per panel.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Classification procedures.....	Final order.....	do.....	do.....	This document will establish procedures and criteria for classifying and reclassifying into the 3 classes, all medical devices pursuant to sec. 513 of the act.
Performance standards pro- cedural regulation.	NPRM.....	do.....	do.....	This proposed regulation prescribes the procedures by which performance standards will be established, developed, and promulgated for all class II medical devices.
Umbrella good manufactur- ing practices.	Final order.....	do.....	do.....	This document establishes mandatory and optional GMP's to be observed by medical device manufacturers pursuant to 520(f) of the act.
Product listing.....	do.....	do.....	do.....	This final order will require registered medical device firms to list their products and give basic information concerning the specific products to FDA.
Banned device regulation.....	do.....	do.....	do.....	This final order will provide procedures that FDA can use in banning a medical device that presents a substantial deception or an unreasonable and/or substantial risk of illness or injury.
Investigational device ex- emptions.	do.....	do.....	do.....	This tentative final order which in effect is a reproposal, provides requirements for conducting clinical studies and investigations of medical devices used with human subjects.
Administrative restraint.....	do.....	do.....	do.....	This document establishes procedures for implementing 304(g) of the act. It provides for 20-30 d administrative detention of medical devices suspected of being adulterated or misbranded.
Recommendations Concern- ing Mammography Screening.	NOI.....	Mr. Marshall Little, Bureau of Ra- diological Health, 5600 Fishers Lane, Rockville, Md. 20857, 301- 443-3429.	Public Health Service Act...	Mammography screening of the general popu- lation of asymptomatic women has been rec- ommended by various organizations includ- ing the American Cancer Society and the American College of Radiology. Because of the potential cancer risks, NIH recently con- vened an expert committee to review these issues and to develop guidelines for the mam- mography screening projects being support- ed by NCI. A Notice of Intent will be pub- lished which will seek to obtain information and opinion concerning such questions as the population to be screened, the usefulness of a base-line mammogram, etc. Interim guide- lines will also be proposed as part of the Notice. These will be based primarily on the recommendations made by the NIH expert committee.
Diagnostic Ultrasound.....	NOI.....	do.....	do.....	Diagnostic ultrasound equipment is being used widely with little evidence of the degree to which human exposure levels may be harm- ful, especially to the developing fetus. This notice will announce the potential develop- ment of standards and/or recommendations related to the manufacture and use of these devices. The guidance, which is included in the notice, will encourage manufacturers to employ the lowest power levels practicable and will caution against unnecessary expo- sure to patients and others.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Nuclear Medicine Quality NOI.....	do.....	do.....	do.....	Quality assurance procedures, which include quality control procedures, are needed broad- ly in nuclear medicine to assure maximum benefit from nuclear medical techniques, consistent with obtaining high quality images at minimum cost and minimum radi- ation dose to the patient. Voluntary recom- mendations, to be based on BRH technical reports, will be developed in cooperation with representatives of professional, public and private groups that have an interest and knowledge in the field. These recommenda- tions, therefore, would represent a consensus of expert opinion upon which individual practitioners and allied health personnel can rely and would be implemented through edu- cational programs and cooperative activities with professional organizations and State health agencies.
Assurance of Scintillation Cameras.				
Recommendations for Diag- NOI.....	do.....	do.....	do.....	There exists a considerable range in the en- trance skin exposure and the resulting organ doses for the same X-ray procedure conduct- ed at different medical facilities and often within the same facility. Radiation exposure recommendations are being investigated that will permit radiologists, radiation protection personnel, and others to evaluate exposure values used in a given facility. Following the analysis of the comments generated by the Notice of Intent, a program decision will be made as to the course of action the Bureau will pursue.
nostic Examinations.				
Recommendation for Rou- do.....	do.....	do.....	do.....	The Bureau is evaluating the use of chest X- ray examinations as part of routine screen- ing programs in the detection of cardiopul- monary disease. Numerous studies have shown that routine chest X-ray screening of asymptomatic persons for certain types of pathology is neither efficacious nor cost ef- fective. The Bureau has prepared a prelimi- nary analysis report evaluating the impact of the Department's 1972 Policy Statement on Routine Chest X-ray Screening.
outine Chest X-ray Screen- ing for Cardiopulmonary Disease.				
National Standards for do.....	do.....	do.....	do.....	This Notice of Intent will be published to an- nounce that the Bureau of Radiological Health will be establishing recommended qualifications for medical radiation technol- ogists. The Notice will solicit professional and public input about existing practices of cre- dentialing, the need for uniform national standards, and possible approaches for ensur- ing that all medical radiation technologists demonstrate a certain level of competence in conducting medical radiation examinations.
Medical Radiation Tech- nologists.				
Phototherapy Recommen- do.....	do.....	do.....	do.....	In this Notice, FDA is announcing that radi- ation safety guidelines are to be developed and proposed for equipment used as a radi- ation source (in combination with the drug, psoralen) in the photochemotherapy of psor- iasis.
ications.				
				Psoriasis is a disfiguring, often incapacitating, disease of the skin that affects 1 to 3 pct. of the world's population. Derivatives of the drug psoralen are currently being used, along with an ultraviolet radiation source, to treat this disease.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Recommendation Advocating Use of Improved X-ray Intensifying Screens.	do.....	do.....	do.....	Recent advances in the manufacture of X-ray intensifying screens offer the opportunity for significant reductions in X-ray exposure to patients for many radiological examinations. The new generation of phosphor materials could enable the performance of many radiological examinations with exposure reductions of one-half or more over previous imaging systems without loss of image quality. It is proposed to develop an FDA radiation protection recommendation designed to encourage rapid adoption of these imaging systems. Such a recommendation, supplemented by performance data on the new intensifying screens, could provide the incentive for facilities to use these newer imaging systems sooner than otherwise would occur.
Recommendation for Utilization of Skull Radiography Following Trauma.	do.....	do.....	do.....	Literature and several clinical studies support the contention that the number of X-ray examinations of the skull for trauma could be reduced by as much as 40 pct. without adversely affecting the quality of health care. The Bureau has prepared a preliminary analysis of the use of skull radiography following trauma, and is supporting a study to survey several clinical facilities to more adequately define the problem. Data from this study will lead to the development of questions and concepts for recommendations which are expected to be published in a Notice of Intent. Following analysis of the comments generated by the Notice, the program will be reviewed and a decision made concerning its future.
Advisory Opinions and Recodification.	Final order.....do.....	do.....	do.....	These amendments will codify various interpretations and advisory opinions under which the Bureau currently operates. In addition, the section on assembly and reassembly of diagnostic X-ray systems and components will be moved from S100.16 to S1020.30(p) in order to incorporate the provisions into the body of the standard.
Recommendations for State and Local Agencies Concerning Accidental Radioactive Contamination of Human Food and Animal Feeds.	NPRM.....do.....	do.....	do.....	The proposed recommendation would consist of Protective Action Guides (PAGs), defined as the projected radiological dose equivalent or dose commitment in individuals in the general population that warrants protective action following a release of radioactive material. The Department of Health, Education, and Welfare was assigned agency responsibility for this task in the Federal Register of December 24, 1975 (40 FR 59494) by the Federal Preparedness Agency, General Services Administration. Within HEW, this function has been delegated to the Commissioner of Food and Drugs.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Regulatory Standard for Final order.....do.....	do.....	do.....	do.....	This Agency has decided to develop a regulatory product safety standard for high intensity mercury vapor discharge lamps. A potential radiation hazard associated with the use of such lamps occurs when the outer bulb of the lamp is broken while the inner arc tube of the lamp continues to operate. This results in the emission of hazardous short wavelength ultraviolet radiation. The injury reports received by this Agency further indicate an acute radiation hazard from broken mercury vapor lamps. The standard is intended to reduce the possibility of such injuries by requiring that some performance safety feature be incorporated into the lamp for general lighting purposes so that the lamp will cease operation within a short period of time following the breakage of the outer envelope. Lamps without such a safety feature shall be limited to restricted uses only. Further, adequate information for the safe use of both types of lamps is also required to be provided to the user.
Amendments to the Performance Standard for Laser Products.	Per- NPRM.....do.....	do.....	do.....	Administration of the laser standard since it became effective on August 2, 1976, indicates that some provisions of the standard may need to be clarified. These changes would reduce, in most cases, the burden on affected manufacturers without compromising the public health. Changes would be made in the measurement provisions, more flexibility would be permitted in labeling, and allowance would be made for the unlikelihood of a potentially dangerous eye exposure to low-level stationary and rapidly scanning laser radiation.
Regulatory Standard for NPRM.....do.....	do.....	do.....	do.....	The purpose of this standard is to provide general requirements for microwave diathermy products to assure that to the extent that safety and performance can be controlled, microwave diathermy products are effective for their intended use, and the risk of injury to patient and attending personnel is minimized. The proposed standard includes provisions on minimum microwave radiation output to achieve therapeutic heating, limits on microwave leakage, product interlocks and controls, product performance, labeling, warnings and user instructions, and test requirements.
Recommendation for X-ray Exposure of Women of Childbearing Age.	NPRM.....do.....	do.....	do.....	The guideline to be proposed will address and explain three particular points in an effort to reduce this risk. It will advise physicians: (a) To ascertain whether their female patients are or could be pregnant, prior to ordering abdominal radiological examinations; (b) to utilize modified or limited studies when possible for female patients who are likely to be or who are definitely pregnant, as a means of reducing fetal exposure; and (c) to use alternative procedures for radiological examinations when appropriate.
Recommendation for Quality Assurance Programs in Diagnostic Radiology Facilities.	NPRM.....do.....	do.....	do.....	The purpose of this publication is to encourage diagnostic radiology facilities to establish their own quality assurance programs with the goals of improving diagnostic image quality and reducing unnecessary patient radiation exposure. The recommendation will also suggest elements which should be included in such programs.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Amendments to the Diagnostic X-ray Equipment Standard.	do.....	do.....	do.....	Certain of these amendments will codify various interpretations and advisory opinions under which the Bureau currently operates or will clarify the Bureau's intent concerning provisions of the standard. Other amendments concerning spot-film and fluoroscopic X-ray field limitation were proposed in a June 11, 1975, FEDERAL REGISTER Notice of proposed rulemaking (40 FR 24909). As a result of comments received, these latter amendments were withdrawn for further study and are now being repropounded in a modified form.
Amendments to Diagnostic X-ray Standard Beam Limitation.	do.....	do.....	do.....	These amendments to the diagnostic X-ray standard would revise and simplify the requirements for Positive Beam Limitation (PBL) contained in § 1020.31(e)(2). In addition, provisions for overriding automatic X-ray field adjustment systems on fluoroscopic X-ray equipment will be addressed and a warning label required. The changes in the PBL requirements would allow more flexibility in the conditions under which PBL is required, and should promote more upgrading of old equipment.
Recommendations or Regulations for Radiation Therapy Equipment.	do.....	do.....	do.....	The Notice announces the possibility of future FDA actions in the form of regulatory standards and/or recommendations related to ionizing radiation therapy equipment used primarily in the treatment of cancer. Approximately half of all new cancer patients receive ionizing radiation therapy during the course of their treatment. Problems associated with accurate dose delivery, during therapy, are related to both equipment and personnel inadequacies.
Beam Quality Amendment for Dental X-ray Systems.	do.....	do.....	do.....	The beam quality amendment for dental X-ray systems is needed to reduce patient exposure resulting from the use of low kilovoltage dental X-ray systems.
Amendments to the Diagnostic X-ray Standard tomographic Systems.	do.....	do.....	do.....	Computerized tomographic (CT) x-ray systems are diagnostic x-ray systems which represent a major new technical break-through, not available when the standard was issued. Although some provisions of the standard are appropriate for CT systems, it is recognized that other requirements may not be appropriate for such complex equipment, and that additional requirements may be necessary to assure adequate public health protection.
Nuclear Medicine Evaluation of Diseases of Thyroid Gland Recommendations.	do.....	do.....	do.....	Over the past 20 yrs, increased attention has been drawn to the association between ionizing radiation and the development of nodules and cancer of the thyroid gland. The Bureau is proposing guidance on the need to formulate voluntary recommendations to encourage techniques in nuclear medicine which lower or eliminate patient radiation dose in thyroid studies, without compromising clinical information.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Suggested State Regulations.	do.....	do.....	do.....	State radiation control problems are essential to effective national radiation protection because they provide protection in areas where Federal agencies have no jurisdiction. The Suggested State Regulations for control of radiation was first prepared in 1962 and is periodically updated. A model code, offered through this notice, assists the States in developing their regulation and encourages uniform regulations among States to complement Federal regulations (e.g., in areas beyond certain Federal regulatory authority as in the user area). This is a cooperative project of the Conference of Radiation Control program. Directors (representing the State and Local agencies), FDA, and other Federal agencies with responsibilities in radiation control (including the Nuclear Regulatory Commission and the Environmental Protection Agency).
Regulatory Standard for Final order Sunlamps.	do.....	do.....	do.....	This standard, under development since 1975, is intended to allow continued use of a sunlamp product and yet to minimize the danger of injury. This purpose is achieved through the provisions of safety performance criteria in the standard including the limitation of shorter wavelength emissions, more adequate warnings, requirement of special lamp base and a timer to control the duration of the exposure.
Emergency Radiation Dose Limits to Health and Safety of Ambulance Services, Hospital and Other Health Care Personnel.	do.....	do.....	do.....	Interagency responsibilities for Radiological Incident Emergency Response Planning, Fixed Facilities and Transportation Accidents published in the FEDERAL REGISTER (FR 59191) stated that HEW is responsible for issuance of guidance on emergency radiation doses related to health and safety of ambulance services, hospital and other health care personnel, in cooperation with EPA. The guidance will establish dose limits for emergency medical personnel for planned and unplanned lifesaving actions during the transportation and treatment of persons contaminated with radioactivity. Recommendations will be based on a review of national and international standards relevant to this matter. They will be consistent with present radiation risk and effects information and based on the principle of avoiding unnecessary radiation exposure when possible and that any radiation exposure should be balanced by commensurate benefit.
Quality Assurance Recommendations in Dental Radiography.	do.....	do.....	do.....	The purpose of this project is to consider measures to correct the problem of overexposure and underdevelopment in intraoral dental radiography. This project will result in recommendations (and educational programs to implement those recommendations) which will help alleviate the problem.
Recommendations for Post-Treatment Dental Radiographs.	do.....	do.....	do.....	A practice which appears to be on the increase is the requirement for post-treatment dental radiographs by third party carriers as evidence of dental treatment. Proper justification for the application of radiation to humans requires that there be some potential benefit to the individual receiving the examination. Post-treatment radiographs, however, are not always needed for patient management. It is likely that this project will culminate in recommendations stating that post-treatment radiographs should not be taken merely as evidence of treatment.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Recommendations on Radium-luminous Timepieces.	NPRM do.....	do.....	do.....	Over the past several decades, radium has been used extensively as the luminizing activator in the paint used on the hands and dials of timepieces available to the consumer public. More recently, tritium and promethium-147 have also come into use for this purpose. Radium constitutes a source of unnecessary radiation exposure that could be significantly reduced or avoided by the use of radionuclides emitting lower energy radiations. The proposed recommendations are directed to the State's radiation control program directors and include the efficacy of the luminescence, the occupational exposure parameters, the dose commitment to the individual and population, alternatives to the use of radium, and radiation warning labeling. Because of the responsibilities of other Federal agencies in this area, involvement in the review and development of these recommendations would also include the Nuclear Regulatory Commission, Consumer Product Safety Commission, U.S. Customs, and the Department of Transportation.
Sterility of Pyrogenicity of Animal Drugs.	NPRM do.....	Mr. Robert Brigham, Bureau of Veterinary Medicine, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 301-443-6243.	Federal Food, Drug, and Cosmetic Act.	This proposal will amend the current good manufacturing practice regulations in order to establish the necessity for the sterility and nonpyrogenicity of certain animal drugs.
4-D Meat in the Feed and Food of Livestock and Pets.	NPRM do.....	do.....	do.....	This proposal will recognize the long-standing practice regarding the use of 4-D meat products (dead, dying, downed, or diseased) as ingredients of livestock and pet food. The products are considered not suitable for human consumption. Pet food labeling will be required to identify such source ingredients.
Diversion of Human Food to Animal Feed.	NPRM do.....	do.....	do.....	This proposal will establish criteria and procedures to be followed when an affected party wishes to divert to animal feed, food which is found unsuitable for human consumption.
Prohibited Substances; Deodorizer Distillate.	Final do.....	do.....	do.....	This final regulation will prohibit the use of deodorizer distillates.
Vitamin K in Animal Feeds.	do.....	do.....	do.....	This final regulation will finalize the food additive status for vitamin K in animal feeds.
Copper in Animal Feeds.	do.....	do.....	do.....	Based upon environmental considerations and residues in tissues this final regulation will limit the use of copper in animal feed.
Drug Carryover in Animal Feeds.	NPRM do.....	do.....	do.....	This proposal will set forth safe levels of animal drug cross contaminants resulting from the manufacture of medicated feeds. The document will define the term "unsafe" contamination as used in the regulations regarding current good manufacturing practices for animal feeds.
Animal Drugs in Minor Species.	NPRM do.....	do.....	do.....	This proposal will modify the safety and effectiveness requirements for minor species of animals so as to permit the approval of animal drugs in species for which there is little demand and thus little or no economic value to drug manufacturers.
Good Laboratory Practices Regulations.	Final do.....	do.....	do.....	This final regulation will establish criteria for good laboratory practices in nonclinical laboratory facilities.
Refusal to Approve an Application.	do.....	do.....	do.....	This final regulation updates two regulations, S. 514.111, regarding adequate and well controlled investigations of animal drugs.

III. NEW REGULATIONS CURRENTLY UNDER DEVELOPMENT WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
Administrative Procedures; Revision of Requirements for Appearance and Hearing, etc.	NPRM do.....	do.....	do.....	This proposal will revise the new animal drug regulations to make them consistent with human drug regulations concerning the content of notices of opportunity for a hearing and the circumstances under which a notice of opportunity for hearing will be granted or denied. It also proposes clarifications and amendments pertaining to the data necessary to demonstrate safety and effectiveness of new animal drugs.

IV. EXISTING REGULATIONS CURRENTLY UNDERGOING REVIEW AND REVISION WITHIN THE DEPARTMENT

DEPARTMENT REGULATIONS

1. State plan procedural rules for the Medicaid, Child Support Enforcement, Title XX Social Services programs, as well as social services and financial assistance under Titles I, IV-A, X, XIV, and XVI (AABD) of the Social Security Act. (45 CFR Parts 201 and 213; 45 CFR §§ 204.1, 204.2, 205.5(b)).	NPRM do.....	Ms. Jacqueline Porter, Room 3111 West High Rise, Social Security Administration, Baltimore, Md. 21235, 301-594-6639.	Titles I, IV-A, IV-D, X, XIV, XVI (AABD), XIX, and XX of the Social Security Act.	These regulations cover State plan processing requirements for providing medical assistance, social services, enforcement of child support, and financial assistance under the Social Security Act. They cover how to submit or amend a State plan; how a claim for Federal funds is allowed deferred or disallowed; what kinds of Federal reviews are conducted; and various State appeals from Federal decisions.
Sterilizations Regulations.	NPRM do.....	For the Public Health Service: Marilyn L. Martin, Room 722H, Hubert Humphrey Bldg., 200 Independence Ave. SW., Washington, D.C. 20201. For the Health Care Financing Administration: Emily J. Nichols, Room 4513, Switzer Bldg., 330 C St. SW., Washington, D.C. 20201, 245-0701.	Programs under titles I, IV-A, V, X, XIV, XVI (AABD), XIX, and XX of the Social Security Act; titles III and X of the Public Health Service Act; and sec. 205 of Pub. L. 94-63, 42 U.S.C. 300a-8.	These regulations propose new rules and revise existing rules governing Federal financial participation in sterilizations funded through various departmental programs. (Three agencies within the Department are responsible for administering programs under which sterilizations are performed—Medicaid Bureau of the Health Care Financing Administration, the Public Health Service and the Administration for Public Services of the Office of Human Development Services.)

PUBLIC HEALTH SERVICE

1. PHS Grants Regulations.	NPRM do.....	Mr. Richard Cummings, Public Health Service, Room 1725, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., 443-6397.	The Public Health Service Act.	These regulations contain provisions for the award of grants under various PHS programs. The Public Health Service is now exploring ways to consolidate all its grants regulations.
(a) Part 51—Grants to States for Comprehensive health planning and public health services, Subpart B.	NPRM do.....	do.....	do.....	Do.
(b) Part 51a—Grants for maternal and child health and crippled children services.	NPRM do.....	do.....	do.....	Do.
(c) Part 51b—Grants for Communicable Disease Control.	NPRM do.....	do.....	do.....	Do.
(d) Part 51c—Project Grants for Health Services development.	NPRM do.....	do.....	do.....	Do.
(e) Part 51d—Grants for service projects for genetic and other diseases.	NPRM do.....	do.....	do.....	Do.
(f) Part 51e—Grants for home health services.	NPRM do.....	do.....	do.....	Do.

IV. EXISTING REGULATIONS CURRENTLY UNDERGOING REVIEW AND REVISION WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
PUBLIC HEALTH SERVICE—Continued				
(g) Part 52—Grants for research projects.	NPRM do.....	do.....	Do.	
(h) Part 52a—National Heart and Lung Institute Grants for National Research and Demonstration Centers.	NPRM do.....	do.....	Do.	
(i) Part 52b—National Cancer Institute Construction Grants.	NPRM do.....	do.....	Do.	
(j) Part 52c—Minority Biomedical support program.	NPRM do.....	do.....	Do.	
(k) Part 52d—National Cancer Institute clinical cancer education program.	NPRM do.....	do.....	Do.	
(l) Part 52e—National Heart and Lung Institute.	NPRM do.....	do.....	Do.	
(m) Part 53—Grants, loans and loan grantees or construction and modernization of hospitals and medical facilities.	NPRM do.....	do.....	Do.	
(n) Part 54—Grants for community mental health centers.	NPRM do.....	do.....	Do.	
(o) Part 54a—Grants to States for drug abuse and alcoholism prevention, treatment, and rehabilitation services.	NPRM do.....	do.....	Do.	
(p) Part 54b—Grants to States for drug abuse prevention functions.	NPRM do.....	do.....	Do.	
(q) Part 55—Grants for advancement of health in coal mining.	NPRM do.....	do.....	Do.	
(r) Part 55a—Program grants for coal miners' respiratory clinics.	NPRM do.....	do.....	Do.	
(s) Part 56—Grants for emergency medical services systems.	NPRM do.....	do.....	Do.	
(t) Part 56a—Grants for emergency medical services systems.	NPRM do.....	do.....	Do.	
(u) Part 57—Grants for construction of health research facilities (including mental retardation research facilities), teaching facilities, student loans, education improvement and scholarships, Subparts A-G, I-J, K, M, O-P, R-X and BB.	NPRM do.....	do.....	Do.	
(v) Part 59—Grants for family planning services.	NPRM do.....	do.....	Do.	

IV. EXISTING REGULATIONS CURRENTLY UNDERGOING REVIEW AND REVISION WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
OFFICE OF EDUCATION—Continued				
(w) Part 59a—National Library of Medicine grants.	NPRM do.....	do.....	Do.	
HEALTH CARE FINANCING ADMINISTRATION				
Medicaid Program.	Final with a comment period.	Mr. Paul R. Willging, Acting Director, Medicaid Bureau, Room 4094, Switzer Bldg., Health Care Financing Administration, 330 C St. SW., Washington, D.C. 20201, 245-0128.	Title XIX of the Social Security Act.	These regulations implement title XIX of the Social Security Act. Title XIX provides for medical assistance to certain categories of low income people.
OFFICE OF EDUCATION				
1. Title III—Strengthening Developing Institutions.	NPRM do.....	Dr. Anita Allen, Room 3058 ROB-3, 7th and D Sts. SW., Washington, D.C. 20202, 245-9754.	Sec. 301-306 of title III of the Higher Education Act of 1965, as amended.	Under the authority of title III of Higher Education of 1965, the Commissioner assists certain institutions of higher education to strengthen their academic quality and administrative capacity. These institutions are called developing institutions.
2. General Provisions for Education Programs.	NPRM do.....	Mr. Richard G. Bull, Room 5082, ROB-3, 7th and D Sts. SW., Washington, D.C. 20202, 245-8882.	Not applicable.	These regulations contain general administrative and fiscal requirements for direct project grants, contracts, and State-administered programs. Their revision is related to the Department's general regulations for the administration of grants.
3. Pt. 147—Procedures and criteria for resolving questions involving moral character or loyalty of applicants for holders of NDEA fellowships.	NPRM do.....	Dr. Richard T. Thompson, Room 3923, ROB-3, 7th and D Sts. SW., Washington, D.C. 20202, 245-2356.	Title VI and Sec. 1001 of the National Defense Education Act of 1958, as amended.	These regulations govern procedures and criteria for resolving issues concerning the award or continuation of a fellowship to persons whose moral character or loyalty has been questioned.
4. Pt. 177—Guaranteed Student Loan Regulation.	NPRM do.....	Mrs. Patricia Hopson, Room 4642, ROB-3, 400 Maryland Ave. SW., Washington, D.C. 20202, 472-3390.	Pub. L. 95-43 (amendments).	These regulations contain requirements for both loan guarantee programs of State and nonprofit agencies and the Federal insured student loan program.
5. Basic Educational Opportunity Grant Regulations.	NPRM do.....	Mr. William Moran, Room 4923, ROB-3, 400 Maryland Ave. SW., Washington, D.C. 20202, 245-1744.	Title IV of the Higher Education Act of 1965, as amended.	These regulations contain technical amendments to define more clearly the administration of the program and to implement the requirements mandated by the Education Amendments of 1976.
6. Health Education Assistance Loan Regulations.	NPRM do.....	Mr. David C. Bayer, Room 4642, ROB-3, 400 Maryland Ave. SW., Washington, D.C. 20202, 472-2765.	Health Profession Educational Assistance Act of 1976.	These regulations govern a Federal program of insured loans to graduate students in health professions schools.
HUMAN DEVELOPMENT SERVICES				
1. Runaway Youth Regulations.	NPRM do.....	Mrs. Patricia Jefferson, 330 Independence Ave. SW., Washington, D.C. 20201, 245-2862.	Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.	This program makes grants to local, private, nonprofit agencies, and some State umbrella agencies to provide temporary shelter, counseling, after-care, and other services to runaway and other homeless youth and their families.
2. Federal Interagency Day Care Requirements Regulations.	NPRM do.....	Dr. Bruce Preston, Jr., Administrator for CYF, HEW, P.O. Box 1182, Washington, D.C. 20013, 755-7430.	Sec. 577(b) of the Community Services Act of 1974 and sec. 2002(a)(9)(B) of title XX of the Social Security Act.	These regulations establish day care standards which will apply to day care services provided under title XX, IV-B, IV-A, and IV-A/WIN programs. They also establish administrative provisions to carry out the new standards.

IV. EXISTING REGULATIONS CURRENTLY UNDERGOING REVIEW AND REVISION WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
HUMAN DEVELOPMENT SERVICES—Continued				
3. Fair Hearing Regulations. NPRM		Mrs. Johnnie Brooks, Administrator for Public Services, P.O. Box 1923, Washington, D.C. 20013, 245-9415.	42 U.S.C. 1302.	These regulations provide procedures for hearings for persons who are denied services or benefits.
SOCIAL SECURITY ADMINISTRATION				
1. Federal Old-Age, Survivors and Disability Insurance (20 CFR pt. 404).	NPRM	Mr. Mort Landes, 4212 West High Rise Bldg., Social Security Administration, Baltimore, Md. 21235, 594-5740.	Title II of the Social Security Act, as amended.	These regulations implement title II of the Social Security Act. Title II provides benefits to retired or disabled workers, their dependents, and to surviving dependents of workers who have died. The funds to pay these benefits are provided from the Social Security trust funds.
(a) Subpt. C—Basic Computation of Benefits and Lump Sums.	NPRM	do	do	Do.
(b) Subpt. D—Old-Age, Disability, Dependents' and Survivors' Insurance Benefits; Period of Disability.	NPRM	do	do	Do.
(c) Subpt. G—Filing of Applications and Other Forms.	NPRM	do	do	Do.
(d) Subpt. H—Evidence.	Final	do	do	Do.
(e) Subpt. J—Procedures, Payment of Benefits, and Representation of Parties.	NPRM	do	do	Do.
(f) Subpt. P—Rights and Benefits Based on Disability.	NPRM	do	do	Do.
2. Supplemental Security Income for the Aged, Blind, and Disabled (20 CFR pt. 416).	NPRM	do	Title XVI of the Social Security Act.	These regulations implement title XVI of the Social Security Act. Title XVI provides supplemental security income benefits to aged, blind, and disabled individuals who meet certain income and resource requirements. The funds to pay these benefits come from the general revenues of the U.S. Treasury.
(a) Subpt. I—Determination of Disability or Blindness.	NPRM	do	do	Do.
(b) Subpt. K—Income and Exclusions.	NPRM	do	do	Do.
(c) Subpt. L—Resources and Exclusions.	NPRM	do	do	Do.
(d) Subpt. N—Determinations, Reconsiderations, Hearings, Appeals, and Judicial Review.	NPRM	do	do	Do.
(e) Subpt. O—Representation of Parties.	NPRM	do	do	Do.

FOOD AND DRUG ADMINISTRATION

1. Administrative Practices and Procedures Regulations (20 CFR).	NPRM for all parts.	Mr. Ronald J. Wylie, Chairman, FDA Operation Common Sense Task Force, Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20857, 443-3480.	Persons desiring specific citations statutory authority should contact Mr. Ronald J. Wylie, Administrative Procedures Act, Public Health Service Act.	These regulations govern practices and procedures applicable to all petitions, formal and informal public hearings, and other administrative proceedings and activities.
(a) Pt. 10—Administrative Practices and Procedures.	do	do	do	Do.
(b) Pt. 12—Formal Evidentiary Public Hearing.	do	do	do	Do.
(c) Pt. 13—Public Hearing before a public board of inquiry.	do	do	do	Do.

IV. EXISTING REGULATIONS CURRENTLY UNDERGOING REVIEW AND REVISION WITHIN THE DEPARTMENT—Continued

Title of regulation	Stage of development	Contact person	Citation	Summary
FOOD AND DRUG ADMINISTRATION—Continued				
(d) Pt. 14—Public Hearing before a public Advisory Committee.	do	do	do	Do.
(e) Pt. 15—Public Hearing before the Commissioner.	do	do	do	Do.
(f) Pt. 16—Regulatory Hearing before the Food and Drug Administration.	do	do	do	Do.
(g) Pt. 19—Standards of Conduct and Conflicts of Interest.	do	do	do	Do.
(h) Pt. 20—Public Information.	do	do	do	Do.
(i) Pt. 21—Protection of Privacy.	do	do	do	Do.
2. Food Labeling Regulations (20 CFR pt. 101).	do	do	Persons desiring specific citations to statutory authority should contact Mr. Ronald J. Wylie, Fair Packaging and Labeling Act, Food and Drug Act.	These regulations contain a variety of key food labeling provisions, including those pertaining to imitation and substitute foods, safe and suitable ingredients, and percentage ingredient labeling.
(a) Subpt. A—General Provisions.	do	do	do	Do.
(b) Subpt. B—Specific Food Labeling Requirements.	do	do	do	Do.
OFFICE OF CHILD SUPPORT ENFORCEMENT				
1. Child Support Enforcement (45 CFR 232.20 and 45 CFR Chapter III, except for Part 305).	NOI	Ms. Suzanne Duval, Office of Child Support Enforcement, 330 C St. SW., Washington, D.C. 20201, 472-4510.	Title IV-D of the Social Security Act, as amended.	These regulations implement title IV-D of the Social Security Act. Title IV-D contains provisions for the enforcement of support obligations owed by absent parents to their children, locating parents, establishing paternity and obtaining child support.

[FR Doc. 78-14597 Filed 5-26-78; 8:45 am]

[3510-20]

DEPARTMENT OF COMMERCE

IMPROVING GOVERNMENT REGULATIONS

Response to Executive Order No. 12044

AGENCY: Department of Commerce.

ACTION: Request for public comment.

SUMMARY: The Department of Commerce is issuing this notice to obtain comments on its proposals for implementing Executive Order No. 12044, "Improving Government Regulations" (43 FR 12661, March 24, 1978) (the Executive Order). The proposals include procedures for developing new regulations; analyzing their potential effects; reviewing and reforming existing regulations; and increasing public participation in regulatory development.

DATE: Comments by July 31, 1978.

ADDRESS: Send comments to Robert T. Miki, Director, Office of Regulatory Economics and Policy, Room 7614, U.S. Department of Commerce, Washington, D.C. 20230, telephone, 202-377-2482.

FOR FURTHER INFORMATION: Call or write Robert T. Miki.

SUPPLEMENTARY INFORMATION: I. Background.

II. Comments Requested.

I. BACKGROUND

The Executive order outlines policy for writing regulations; sets minimum procedures for developing significant regulations, including publication by agencies of a semi-annual agenda of regulations under development or review; requires close agency head oversight; calls for early and meaningful opportunities for public participation; requires careful review of the need, quality, and effectiveness of regulations being proposed; requires careful economic analysis of regulations having a major economic effect; and requires periodic review of existing regulations.

Section 5 of the Executive order requires that by May 22, 1978, each agency shall prepare a draft report briefly describing: (1) its process for developing regulations and changes that have been made to comply with the Executive order, (2) its proposed criteria for defining significant regulations, (3) its proposed criteria for identifying which regulations require regulatory analysis; and (4) its proposed criteria for selecting existing regulations for review and a list of regulations that will be considered for initial review.

A description of the organization of the Department will aid the reader in understanding the Department's plan for implementing the Executive order. The Department of Commerce is a

cabinet level agency composed of the Office of the Secretary and 13 operating units: the Bureau of Economic Analysis and Bureau of the Census (which report to the Chief Economist); the National Bureau of Standards, National Technical Information Service, and Patent and Trademark Office (which report to the Assistant Secretary for Science and Technology); the National Fire Prevention and Control Administration; the Maritime Administration; the United States Travel Service; the Industry and Trade Administration; the Economic Development Administration; the National Oceanic and Atmospheric Administration; the Office of Minority Business Enterprise; and the National Telecommunications and Information Administration.

While the principal mission of the Department is to foster, promote and develop the foreign and domestic commerce of the United States, the activities of the components of the Department in furthering that mission are broad and varied in scope. The activities of operating units cover such diverse areas as: patents; assistance to minority business and economically depressed areas; tourism; fire prevention; weather, ocean, and atmospheric programs; standards development; promotion of domestic and international trade; the censuses; statistical and economic data and analyses; ship subsidies; and telecommunications policy.

Some of the operating units of the Department have a limited need for writing regulations which affect the public; others have had extensive regulatory experience. However, existing procedures did not provide the same degree of high level oversight, public participation, and economic analysis that are required by the Executive order.

Given these great differences in mission and experience, the Department determined that considerable decentralization is necessary to effectively implement the Executive Order by encouraging operating units to tailor procedures to their individual programs. Thus, although basic Department-wide standards and procedures are established, the focal point for implementation will be the head of each operating unit (usually an Assistant Secretary). This official will establish criteria called for by the Executive Order, approve the plans for developing significant regulations before final publication in the FEDERAL REGISTER and otherwise make sure that the provisions of the Executive Order and Department Administrative Orders are being followed.

At the same time, it was decided that some central oversight and control is desirable to ensure compliance with the Executive Order. The semi-

annual regulatory agenda process was chosen to accomplish this. The head of each operating unit will submit a semiannual agenda covering all regulations it plans to develop or review during the next six months. This submission will serve the dual purposes of: (1) Keeping the Secretary informed of operating unit activities; and (2) providing a mechanism for the Secretary to monitor agency implementation of the Executive Order and call for Secretarial approval when appropriate.

After any modifications resulting from this review process, the relevant portions of the operating unit agendas will be combined into a Department Agenda as required by section 2 of the Executive Order. The Department Agenda will be approved by the Secretary and published in the FEDERAL REGISTER.

This notice contains the following:

(1) Draft Department Administrative Order (DAO) 218-7 "Issuing Departmental Regulations." This DAO sets forth the basic Departmental Procedures and requirements that all operating units are to follow in writing regulations. It has been circulated within the Department and operating units have begun to conform existing procedures to the DAO or to establish new procedures.

(2) Draft amendment to DAO 205-11. This proposal sets forth a procedure to assure that each document published in the FEDERAL REGISTER is written in clear and simple English and is understandable to those who will be affected by it.

(3) Individual appendices for each operating unit of the Department. While the operating units are still in various stages of developing and implementing procedures for the Executive Order, they have each developed at least the draft report required by section 5. Some units, however, have developed more detailed procedures to implement the Executive Order. Rather than requiring uniform submissions meeting the minimum requirements of section 5, it was decided to publish more detailed procedures, if submitted, to give the public as complete a picture as possible of overall Departmental implementation efforts. The individual appendices attached are:

Appendix A—Assistant Secretary for Administration
Appendix B—Bureau of Census
Appendix C—Bureau of Economic Analysis
Appendix D—Economic Development Administration
Appendix E—Industry and Trade Administration
Appendix F—Maritime Administration
Appendix G—National Fire Prevention and Control Administration
Appendix H—National Oceanic and Atmospheric Administration
Appendix I—National Telecommunications and Information Administration

Appendix J—Office of Minority Business Enterprise
Appendix K—Office of Regional Economic Coordination
Appendix L—Assistant Secretary for Science and Technology (includes National Bureau of Standards, National Technical Information Service, and Patent and Trademark Office)
Appendix M—United States Travel Service

II. COMMENTS REQUESTED

A copy of this submission has been sent to the Office of Management and Budget for review and comment, and it is being published here for public comment. These comments will be evaluated and a revised report will be prepared. That report will be sent to the Office of Management and Budget for approval before final publication in the FEDERAL REGISTER. To assist the public in submitting comments, each appendix contains a name and address to which comments on that particular appendix may be addressed. Alternatively, comments on any part of the Department's draft report or the appendices may be sent to the address noted at the beginning of this preamble.

The public is invited to submit comments on any aspect of this submission. However, we particularly invite comments on the following questions:

(1) The appropriateness and workability of the Department's proposed decentralized method of implementation. Does this procedure comply with the letter and spirit of the Executive Order? Does it make sense? Will it work?

(2) Criteria. Are they too strict? Too lenient? Do they make sense in relation to the program to which they apply? Are there any other criteria we have overlooked?

(3) Regulations scheduled for review. Has an appropriate selection been made? Which Departmental regulations should be added to the list or deleted?

(4) Public participation procedures (Section 9 of DAO 218-7). Do these procedures make sense? What other procedures could be utilized? What other procedures can be adopted to encourage public participation?

(5) Plain English (proposed amendment to DAO 205-11). Is this proposal adequate to accomplish the objectives of the Executive Order? What other procedures can be adopted to improve the quality and clarity of Departmental documents published in the FEDERAL REGISTER? Should the procedures apply to other documents written by the Department? If so, how?

(6) Section 4.03 of DAO 218-7. This procedure authorizes agency heads to determine that a proposed regulation is not significant, even if it meets the criteria established for determining when a regulation is significant, when the underlying legislation is so specific

that no significant options for implementation are available to the agency. An example of this type of regulation is 13 CFR part 316 which implemented Round 1 of the Local Public Works Act (title I of Pub. L. 94-369, 42 U.S.C. 6701 et seq.). This provision of the DAO has already resulted in considerable internal debate as to its necessity, desirability, and potential effects. Is this provision consistent with the letter and spirit of the Executive Order? Is it necessary? Desirable? Will it create an undesirable loophole? Is its language too broad? How can it be tightened or improved?

Public comments should be sent to Robert T. Miki at the address noted at the beginning of this preamble. Comments on particular appendices may also be sent to the address listed in the relevant appendix. The Department will consider all comments received by July 24, 1978, before taking further action on these matters.

Issued in Washington, D.C., May 23, 1978.

JUANITA M. KREPS,
Secretary of Commerce.

ISSUING DEPARTMENTAL REGULATIONS

(Draft Department Administrative Order 218-7)

SECTION 1. PURPOSE AND POLICY

.01 This order implements Executive Order 12044, of March 23, 1978, "Improving Government Regulations".

.02 It is the policy of the Department that regulations:

a. Be as simple and clear as possible;
b. Achieve legislative goals effectively and efficiently;
c. Not impose unnecessary burdens on the economy, individuals, public or private organizations, or State and local governments.

.03 To achieve these objectives, regulations shall be developed by following procedures which ensure that:

a. The need for and purpose of the regulation are clearly established;
b. Heads of agencies and policy officials exercise effective oversight;
c. Opportunity exists for early and meaningful participation and comment by other Federal agencies, State and local governments, businesses, organizations, and individual members of the public;

d. Meaningful alternatives are considered and analyzed before the regulation is issued; and

e. Compliance costs, paperwork and other burdens on the public are minimized.

SECTION 2. SCOPE

.01 This order applies to all regulations of the Department published in the FEDERAL REGISTER, except as provided in paragraph .02 of this section.

2. This order does not apply to:

a. Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. §§ 556, 557);

b. Regulations issued with respect to a military or foreign affairs function of the United States (but see section 9.06);

c. Matters related to agency management or personnel;

d. Regulations related to Federal Government procurement; or

e. Regulations that are issued in response to an emergency or which are governed by short-term (less than 91 days) statutory or judicial deadlines (but see sections 9.05 and 9.06).

.03 Sections cited in the text refer to those in this order.

SECTION 3. DEFINITIONS

.01 *Agency head.* In this order, agency head means the head of each operating unit of the Department, Secretarial Officers, and the Deputy Under Secretary for departmental offices under their jurisdiction, or persons acting in those positions. The functions of the agency head may not be delegated.

.02 *Regulation(s).* In this order, regulation(s) means both rules and regulations issued by components of the Department including those which establish conditions for financial assistance. Closely related sets of regulations shall be treated as a single package.

SECTION 4. SIGNIFICANT REGULATIONS

.01 Agency heads shall establish criteria for identifying which regulations are significant.

.02 In establishing criteria for identifying significant regulations, agency heads shall consider, among other things:

a. The type and number of individuals, businesses, organizations, or State and local governments affected;
b. The compliance and reporting requirements likely to be involved;
c. The direct and indirect effects of the regulation, including the effect on competition;
d. The relationship of the regulation to those of other programs and agencies;
e. The relationship of the regulation to major Departmental policy issues; and
f. The degree of controversy over, or public interest in, the regulation.

.03 An agency head may conclude that a regulation is not significant, even if it meets the criteria established for identifying significant regulations, if the agency head determines, in writing, that the degree of discretion available to the agency is so limited by underlying legislation or executive

branch directives (e.g., Executive Orders, OMB Circulars, etc.) that no significant options for implementation are available to the agency. A copy of this determination shall be sent promptly to the Assistant Secretary for Policy, and an explanation of the determination shall be included in the preamble to the notice of proposed rulemaking.

.04 Before proceeding to develop significant regulations, the agency head shall review the issues to be considered; the alternative approaches to be explored; a tentative plan for obtaining public comment; where applicable, a tentative plan for consulting with State and local governments (see DAO 201-9); and target dates for completion of steps in the development of the regulation.

.05 Agency heads shall approve significant regulations before they are published in the FEDERAL REGISTER in final form. Before approving significant regulations, the agency head should be satisfied that:

- a. The regulation is needed;
- b. The direct and indirect effects of the regulation have been adequately considered;
- c. Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;
- d. Public comments (including those from State or local or other public agencies) have been considered and an adequate response has been prepared;
- e. The regulation is written clearly and as simply as possible and is understandable to those who must comply with it;
- f. An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;
- g. The name, address, and telephone number of a knowledgeable official is included in the publication; and
- h. A plan has been developed for evaluating the regulation after its issuance.

.06 Agency heads may, in their discretion, refer significant regulations which they believe to be of particular importance to the Secretary for approval.

.07 Regulations which are not significant shall be accompanied by a statement to that effect in the preamble whenever published in the FEDERAL REGISTER.

SECTION 5. REGULATORY ANALYSES

.01 A regulatory analysis shall be prepared for each significant regulation which the agency head determines to have potential major economic consequences for the general economy, for individual industries, geographic regions, levels of government, or specific elements of the population.

.02 Agency heads shall establish criteria for determining which significant regulations require regulatory analysis. Since a regulatory analysis is designed to aid decisionmakers in promulgating effective regulations, the criteria established should consider the characteristics of their specific programs. At a minimum, a regulatory analysis shall be prepared for any significant regulations which:

- a. During any 1 year can be expected to result in an effect (direct or indirect) on the economy exceeding \$50 million;
- b. During any 1 year can be expected to result in an effect (direct or indirect) on either consumers, industries, levels of government, or geographic regions exceeding \$25 million;
- c. During any 1 year can be expected to result in an increase in costs or prices of 5 percent or more for the activity, product(s) and/or service(s) affected;
- d. Can be expected to reduce labor productivity by 1 percent or more in the economic activity or sector(s) affected;
- e. Can be expected to reduce employment by 5 percent or more in the economic activity or sector(s) affected;
- f. For the particular market(s) affected, can be expected to result directly or indirectly in a 1 percent or more decline in supply of materials, products, or services, or a 1 percent or more increase in consumption of these materials, products, or services; or
- g. For the particular market(s) affected, can be expected to result in a distinct decline in competition.

.03 A regulatory analysis may also be prepared when:

- a. In the judgment of the agency head such an analysis would improve decisionmaking; or
- b. The Secretary determines, in accordance with section 7.04, that such an analysis should be performed.

.04 A regulatory analysis shall involve a careful examination of alternative approaches early in the decision-making process. Thus, each analysis shall include, at a minimum:

- a. A succinct statement of the problem;
- b. A description of the major alternative ways of dealing with the problems that were considered;
- c. A comparison of the economic and other consequences of each of these alternatives; and
- d. A detailed explanation of the reasons for choosing one alternative over the others.

.05 The analysis in section 5.04 may also include an examination of:

- a. The need for specific requirements versus the benefits of allowing varying degrees of discretion by those subject to the regulation;
- b. Alternative types of compliance incentives;

- c. Alternative enforcement mechanisms; and
- d. Alternative governmental levels for implementation (Federal, State, or local).

.06 The notice of proposed rulemaking for each regulation for which a regulatory analysis is required shall include:

- a. A succinct description of the alternatives considered;
- b. An explanation of the regulatory approach that has been selected or is favored;
- c. The major reasons for selecting, or favoring, a particular alternative(s); and
- d. A statement of how the public may obtain a copy of the draft regulatory analysis.

.07 Public comments on the draft regulatory analysis shall be considered in preparing a final regulatory analysis, which shall be made available to the public when the final regulation is published. Significant public comments on the analysis shall be summarized and responded to in the preamble to the final regulation.

.08 These internal procedures shall apply:

- a. The agency head shall inform the Chief Economist of the Department as early as possible of the nature and extent of the analysis being undertaken to assure adequate opportunity for consultation and assistance; and
- b. The agency head shall transmit the draft regulatory analysis to the Chief Economist of the Department for review and comment at least 15 days prior to submission of a notice of proposed rulemaking to the FEDERAL REGISTER.

.09 Regulatory analyses are not required in rulemaking proceedings pending as of March 23, 1978, if an Economic Impact Statement has already been prepared in accordance with Executive Orders 11821 and 11949.

.10 New or accurate information may be needed from persons and businesses, in order to make informed decisions. In those instances only essential data is to be obtained in the least burdensome way.

SECTION 6. REVIEW OF EXISTING REGULATIONS

.01 Agency heads shall establish procedures to ensure that their organization's existing regulations are reviewed periodically to determine whether they are achieving the policy goals of Executive Order 12044.

.02 Agency heads shall establish criteria for selecting existing regulations to be reviewed and the order in which the review will be conducted.

.03 In developing criteria for selecting regulations to be reviewed, agency heads shall consider:

- a. The continued need for the regulation;
- b. The type and number of complaints or suggestions received;
- c. The burdens imposed on those directly or indirectly affected by the regulation;
- d. The need to simplify or clarify language;
- e. The need to eliminate overlapping and duplicative regulations; and
- f. The length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed.

.04 The review of existing regulations shall, at a minimum, contain the following procedural steps:

- a. Inclusion of notice of the review in the semi-annual agenda as required by section 7.02, or as appropriate, supplementing the Department Agenda as called for in section 7.08, and notification to the Assistant Secretary for Policy as called for in section 7.09;
- b. A determination whether the regulation meets the criteria established for identifying significant regulations, and, if so, agency head oversight as called for in section 4.04 before proceeding with the review;
- c. A determination whether the regulation meets the criteria established for determining if a regulatory analysis must be performed, and, if so, preparing a regulatory analysis; and
- d. If the review results in a determination that a regulation should be amended or rewritten, compliance with public notice and participation requirements of this order and DAO 201-9 concerning consultation with State and local governments; and, if the regulation is determined to be significant, agency head approval before final publication, as set forth in section 4.05.

.05 Agency heads should review their organization's significant regulations not less than every four years.

SECTION 7. REGULATORY AGENDA

.01 By January 15, 1979, and every six months thereafter, each agency head shall submit its regulatory agenda to the Assistant Secretary for Policy.

.02 Each regulatory agenda shall include:

- a. A description of each regulation covered by this order which is under development or being considered for development, including, to the extent feasible:
 1. A statement whether the regulation has been determined to be a significant regulation;
 2. The need and the legal basis for the action being taken;
 3. A statement whether or not a regulatory analysis will be required;
 4. The name and telephone number of a knowledgeable official;

5. A listing of major issues likely to be considered in developing the regulation;

6. A tentative plan for obtaining public comment and, where applicable, for consulting with State and local governments;

7. Proposed dates for completing steps in the development process; and

8. Information on the status of proposed significant regulations listed in previous agendas which are not yet published as final in the FEDERAL REGISTER.

b. A list of each existing regulation scheduled to be reviewed, under section 6, including the name and telephone number of a knowledgeable official for each regulation;

c. Information on the status of existing regulations listed for review in previous agendas; and

d. A list, including the date and FEDERAL REGISTER citation, of all final regulations published in the FEDERAL REGISTER during the previous six months.

.03 If there are no plans for developing or reviewing regulations, the agency head will so report to the Assistant Secretary for Policy.

.04 The Assistant Secretary for Policy shall review all agendas and, after consultation with appropriate Department officials recommend to the Secretary:

- a. Which regulations determined not to be significant by the agency heads should be treated as significant;
- b. Which regulations being considered or developed should be approved by the Secretary prior to being published in the FEDERAL REGISTER in final form; and
- c. Which regulations, in addition to those identified by the agency heads, require a regulatory analysis.

.05 After consulting, as appropriate, with concerned Department officials, the Secretary will inform the Assistant Secretary for Policy and the relevant agency head of decisions made with regard to the recommendations submitted under paragraph .04 of this section.

.06 Using the agendas of agency heads, as may be modified by the Secretary's decisions under paragraph .04 of this section, the Assistant Secretary for Policy shall prepare an overall Department Agenda. The Department Agenda, after approval by the Secretary, shall be submitted for publication in the FEDERAL REGISTER on or about February 15, 1979, and every six months thereafter.

.07 The Department Agenda shall include the following:

- a. For proposed significant regulations being considered or developed:
 1. A description of the regulation;
 2. The need and the legal basis for the action being taken;

3. A statement as to whether or not a regulatory analysis will be required;

4. The name and telephone number of a knowledgeable official to whom comments on that planned regulation may be addressed;

5. A discussion of the issues to be considered in developing the regulation;

6. A tentative plan for obtaining public comments and, where applicable, for consulting with State and local governments; and

7. Target dates for completing steps in the development process.

b. Information on the status of all proposed significant regulations listed in previous agendas which are not yet published as final in the FEDERAL REGISTER;

c. A list of existing regulations scheduled to be reviewed including the name and telephone number of a knowledgeable official for each regulation;

d. Information on the status of existing regulations previously scheduled for review; and

e. The name and telephone number of an official to whom general comments about the Department Agenda should be addressed.

.08 Agency heads shall, in order to prevent undue delay, publish supplements to the Department Agenda whenever it becomes apparent that development or review of significant regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda or development or review of a regulation listed in the previous Department Agenda will not commence as scheduled.

.09 Agency heads shall immediately notify the Assistant Secretary for Policy whenever it becomes apparent that development or review of regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda.

.10 Comments received on items in the Department Agenda shall be considered in developing any proposed regulations and included in the public record of the relevant proposed rulemaking.

.11 The information in any agenda is only that which is reasonably expected to be known at the time.

.12 Every year, on the first Monday in October, the Assistant Secretary for Policy will publish in the FEDERAL REGISTER a schedule showing the times during the coming fiscal year when the Department Agenda will be published.

SECTION 8. SECRETARIAL APPROVAL

.01 Whenever, under sections 4.06 and 7.04, Secretarial approval of a reg-

ulation is requested or required before it is published in final form, the appropriate agency head shall, no later than 15 days before the proposed date for publication in the **FEDERAL REGISTER** in final form, submit the regulation to the Secretary for approval.

.02 The Secretary shall review the regulation in accordance with action 4.04, and shall either:

- a. Approve the regulation; or
- b. Disapprove the regulation, indicate the reasons for disapproval, and return the regulation to the appropriate agency head.

SECTION 9. PUBLIC PARTICIPATION

.01 The public, and, for regulations with significant intergovernmental impact, State and local governments, shall be given an early and meaningful opportunity to participate in the development of the regulations of the Department.

.02 Agency heads shall consider a variety of ways to provide this opportunity, including, but not limited to:

- a. Publishing an advance notice of proposed rulemaking;
- b. Holding open conferences or public hearings;
- c. Sending notices of proposed regulations to publications likely to be read by those affected;
- d. Notifying interested parties directly; and
- e. Providing for more than one cycle of public comments.

.03 The preamble of any proposed rulemaking covered by this order shall contain a brief description of plans for obtaining public, and, if applicable, State and local government participation. If none of the methods listed in paragraph .02 of this section are used in a rulemaking covered by this order, the preamble accompanying the final regulation shall briefly explain the reasons and indicate what other steps were taken to assure adequate opportunity for public and State and local government participation.

.04 The public shall be given at least 60 days to comment on proposed significant regulations. Exceptions to this requirement may be granted only by the agency head and only in those few instances where it is determined that compliance is not possible. When an exception is made, the regulation shall be accompanied by a brief statement of the reasons for the shorter time period.

.05 Regulations exempted by section 2.02e. (emergencies or short-term deadlines) shall, when published in the **FEDERAL REGISTER**, be accompanied by a statement of the reasons why it is impracticable or contrary to the public interest to follow the procedures of this order. This statement shall include the name of the policy official responsible for the determination.

.06 Regulations exempted by section 2.02b. (military or foreign affairs functions) or 2.02e. may be made effective on issuance. However, **FEDERAL REGISTER** publication of these regulations shall provide for a public comment period of at least 60 days after issuance and republication after public comments have been considered and appropriate modifications, if any, are made.

SECTION 10. EFFECT ON OTHER ORDERS

.01 This order supersedes Department Administrative Order 216-7 of January 17, 1972, "Interagency Coordination of Issuances on Environmental Quality, Consumer Protection, and Occupational and Public Health and Safety", and Department Administrative Order 218-6 of November 28, 1974, "Inflationary Impact of Legislation and Regulatory Proposals".

.02 Nothing in this order shall affect the procedures set forth in Department Administrative Order 205-11 of May 12, 1971, as amended, "Publishing Documents in the **FEDERAL REGISTER**" or 201-9 of September 7, 1971, "Consultation with State and Local Governments in Development of Federal Regulations".

Secretary of Commerce.

PUBLISHING DOCUMENTS IN THE FEDERAL REGISTER

Proposed Amendment to DAO 205-11; Insert a new section 6 as follows:

SECTION 6. PLAIN ENGLISH

.01 It is the policy of the Department that all documents published in the **FEDERAL REGISTER** be as simple and clear as possible.

.02 The head of each operating unit and the Director, Office of Organization and Management Systems (OOMS), for other components of the Department, shall designate an employee or employees who shall review each document to be published in the **FEDERAL REGISTER** to ensure that it is written clearly and simply as possible and is designed to be understandable to those affected by it.

.03 No document will be published in the **FEDERAL REGISTER** until it is reviewed by a designated employee.

.04 Exceptions to paragraph .03 of this section may be granted only by the head of the operating unit or the Assistant Secretary for Administration. Exceptions shall be in writing and explain why the exception is necessary. Copies of all exceptions will be provided to the Director, OOMS.

APPENDIX A—ASSISTANT SECRETARY FOR ADMINISTRATION

The Assistant Secretary for Administration is responsible for managing

Departmental activities in the following functional areas: administrative services and procurement, automatic data processing, audits, budget and program evaluation, civil rights, finance, investigations and security, organization and management systems, personnel, and publications.

1. *Description of the current process for developing regulations and of the changes made to comply with Executive Order 12044.*

The nature of the functions for which the Assistant Secretary is responsible is such that the Assistant Secretary has issued only a limited number of regulations. Consequently, there has been no formal regulatory development process of the type envisioned in the Executive Order. Past regulations were developed by the appropriate Administration office, cleared by the General Counsel, published in the **FEDERAL REGISTER** for comment, revised in light of any comments received, and published again in the **FEDERAL REGISTER** in final form.

In the future, the regulatory development process will incorporate the requirements of Executive Order 12044. The Assistant Secretary will incorporate these requirements by complying with the procedures in Department Administrative Orders 201-9, 205-11, and 218-7. The level of detail in these DAO's is such that, in Administration, compliance can be affected with minimal additional direction from the Assistant Secretary. Upon final approval of DAO 218-7 and the amendment to DAO 205-11, the Assistant Secretary will send a notice to all office directors in Administration. The notice will:

a. Send copies of DAO's 201-9, 205-11, and 218-7 to the office directors and require that they develop their regulations in accordance with the procedures in the DAO's.

b. State that the Assistant Secretary shall determine whether or not a regulation is significant. This determination will be based on the criteria described in part 2 of this appendix, on the review called for in section 4.04 of DAO 218-7, and on consultation with the office directors.

c. State that the Assistant Secretary shall approve all significant regulations before they are published in the **FEDERAL REGISTER** in final form.

d. State that the Assistant Secretary shall determine which regulations require regulatory analysis. This determination will be based on the criteria established in section 5.02 of DAO 218-7 and on consultation with both the Chief Economist and the office directors.

e. State that the Assistant Secretary shall select existing regulations to be reviewed. This selection will be based on the criteria described in part 4 of

this appendix and on consultation with office directors.

f. Require that for all regulations, office directors will prepare regulatory agenda material in accordance with section 7 of DAO 218-7 for inclusion in an overall Administration agenda in accordance with section 7.01. That agenda and any supplements prepared in accordance with section 7.08 will be approved by the Assistant Secretary.

g. Require the Director of the Office of Organization and Management Systems to designate an employee who will review all documents to be submitted to the **FEDERAL REGISTER** to ensure that they are written clearly and simply and are designed to be understandable to those affected.

2. *Proposed criteria for defining significant regulations.*

Regulations issued by the Office of the Assistant Secretary shall be significant if the Assistant Secretary determines that they shall be treated as such, or if:

a. The regulation applies to a large number of persons or organizations;

b. The requirements for ensuring compliance, including data collection and reporting requirements, impose more than a minimum burden on those affected;

c. The regulation causes other Federal agencies or State and local governments to incur new responsibilities or make other than minimal changes in program operations;

d. The regulation meets the criteria described in part 3 of this appendix for the preparation of a regulatory analysis; or

e. The regulation can be expected to generate considerable public interest or controversy.

Any revision or amendment which does not materially change the requirements of, or the number of persons and organizations affected by, a significant regulation shall not be considered significant.

3. *Proposed criteria for identifying which regulations require regulatory analysis.*

Any regulation meeting the criteria established in section 5.02 of DAO 218-7 will require a regulatory analysis. In addition, the Assistant Secretary may determine that any regulation issued by the Office of the Assistant Secretary requires a regulatory analysis.

4. *Proposed criteria for selecting existing regulations to be reviewed.*

All regulations issued by the Office of the Assistant Secretary shall be reviewed no less frequently than once every 3 years. In addition, an existing regulation shall be reviewed if:

a. New laws, Executive Orders, etc., require changes in an existing regulation;

b. Amendments to central or coordinating agency regulations require changes in an existing regulation; or

c. The Assistant Secretary receives suggestions or complaints which indicate a need for changes in an existing regulation.

5. *Existing regulations scheduled for review during the next six months.*

Department of Commerce regulations under Title VI of the Civil Rights Act of 1964 will be reviewed. These regulations appear at 15 CFR 8.1-8.15, and deal with the prohibition of discrimination in many programs for which Federal financial assistance is authorized under a law administered by the Department. The review will be for the purpose of ensuring consistency with the Title VI regulations issued by the Department of Justice (28 CFR 41.401-41.415), and ensuring that the regulations are understandable to those affected. Comments on this review should be sent to Arthur E. Cizek, Office of Civil Rights, Room 4065, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. The telephone number is 202-377-3940.

Comments on Appendix A should be sent to Thomas J. Cox, Jr., Office of Organization and Management Systems, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230. The telephone number is 202-377-3743.

APPENDIX B—BUREAU OF THE CENSUS

The Bureau of the Census was established as a permanent Bureau by the Act of March 6, 1902 (32 Stat. 51). Laws pertaining to the Bureau's statistical program are encompassed in title 13 of the United States Code. The mission of the Census Bureau is to collect and publish basic statistics concerning the population and the economy of the Nation in order to assist the Congress, the Executive Branch, and the general public in the development and evaluation of economic and social programs. The Bureau publishes a wide variety of statistical data and provides special tabulations of statistical information for government and private users. Major Census Bureau program areas include periodic censuses, current surveys and programs, and reimbursable work.

It should be noted that because of the nature of its work, the Census Bureau does little rulemaking. Those half dozen regulations that are in existence have no major impact on the economy. They relate to either administering a data collection program or data service programs. Consequently, there has been no need to formalize an extensive process for developing regulations; the process has been ad hoc in nature. To comply with the Executive Order, the Bureau is now proposing

procedures in addition to the requirements provided for in Department Administrative Order 218-7 for the issuance of regulations.

For further information concerning these proposed procedures contact: Theodore G. Clemence, Chief, Program and Policy Development Office, Bureau of the Census, Room 2419, FB No. 3, Washington, D.C. 20233, 301-763-2758.

Interested persons may participate in this rulemaking by submitting written data, suggestions, or arguments to: Director, Bureau of the Census, Washington, D.C. 20233.

Copies of all written comments will be available for examination in: Bureau of the Census Library, Room 2471, FB No. 3, Suitland, Md. 20233.

1. *Existing procedures and changes that have been made to comply with Executive Order 12044.*

(a) The following procedures shall be applicable to all regulations. Prior to the promulgation of a regulation, the Director shall determine:

(1) That the need for and purpose of the regulation are clearly established and specified in the **FEDERAL REGISTER** preamble;

(2) That adequate provisions are made for early public participation in the development of regulations by notification of advisory committees and announcements in relevant publications and the regulatory agenda that the regulation is being considered and comments are solicited;

(3) That the issues have been thoroughly reviewed;

(4) That the feasible alternatives have been explored;

(5) That compliance costs, paperwork and other burdens on the public are minimized; and

(6) The Director shall specify a person to insure that the regulation is written in plain English and is understandable to those who must comply with it.

(b) In addition, before approving and signing significant regulations, the Director shall determine:

(1) That the direct and indirect effects of the regulation have been adequately considered;

(2) That the least burdensome of the acceptable alternatives has been chosen;

(3) That public comments (including those from State and local governments) have been considered and an adequate response prepared;

(4) That an estimate has been made of the new reporting burden or record-keeping requirements, if any, necessary for compliance with the regulation;

(5) That the name, address, and telephone number of a knowledgeable official is included in the **FEDERAL REGISTER** preamble; and

(6) That a plan is developed for evaluating the effect of the regulation after its issuance.

(c) The Director shall submit a regulatory agenda to the Assistant Secretary for Policy by January 15, 1979, and every six months thereafter.

The regulatory agenda shall include:
(1) A description of each regulation under development or being considered which includes items specified in Section 7.02 of Department Administrative Order 218-7;

(2) A list of each existing regulation scheduled to be reviewed;

(3) Information on the status of existing regulations listed for review on previous agendas; and

(4) A list of all final regulations promulgated during the previous six months with the date and FEDERAL REGISTER citation.

The Director shall immediately notify the Assistant Secretary for Policy and publish supplements to the Department Agenda whenever it becomes apparent that development or review of significant regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda or review of a regulation listed in the previous Department Agenda will not commence as scheduled.

2. Criteria for defining significant agency regulations.

A regulation shall be considered significant if it meets any of the Departmental criteria as set forth in Department Administrative Order 218-7 or one or more of the following:

(a) Since a burden is placed on shippers by the regulations, a substantive change in the reporting requirements necessary for compliance with the Foreign Trade statistics regulations will be considered significant;

(b) The Regulation would affect over 25 percent of all States or local government units;

(c) The procedures or programs of another department or agency will be effected.

(d) Significant public controversy or interest is expected to result;

(e) The Secretary, the Chief Economist of the Department or the Director requests that a regulation be considered significant.

3. Criteria for identifying which regulations require regulatory analysis.

A regulatory analysis shall be prepared for significant regulations which meet the Departmental criteria as set forth in Department Administrative Order 218-7, or the Secretary, the Chief Economist of the Department, or the Director request that such an analysis be performed.

4. Criteria for selecting existing regulations to be reviewed.

All existing regulations shall be reviewed within 1 year of the date of the

publication of this report. Thereafter, a regulation will be reviewed whenever:

(a) The regulation has not been reviewed for 5 years;

(b) A significant regulation has not been reviewed for 2 years;

(c) It appears to the Director that there is no further need for the regulation in the light of public comments received;

(d) It appears to the Director that the burdens imposed upon the public are increased even though no change has been made to the regulation itself;

(e) It appears to the Director that there is a need to simplify or clarify the language of the regulation;

(f) It appears to the Director that there is a need to eliminate overlapping and duplicative regulations;

(g) Technology, economic conditions or other factors have changed the effect of the regulation on the public;

(h) The Secretary, the Chief Economist of the Department or the Director requests that such review should take place.

The Bureau's regulations may be found in 15 CFR Chapter 1. We plan to complete the review of Bureau regulations within 1 year of the effective date of these procedures.

These regulations are:

15 CFR 20 relating to the Bureau of the Census official seal.

15 CFR 30 establishes reporting requirements and criteria relating to exports and imports.

15 CFR 40 which provides, through the State Department, training of foreign participants in Census procedures and general statistics.

15 CFR 50 establishes fees charged for various services provided by the Bureau to individuals, State and local governments and firms.

15 CFR 60 relates to the release of information under the Freedom of Information Act.

15 CFR 70 establishes the date by which a change in a political boundary must be reported to the Bureau in order to be included in the decennial census.

15 CFR 80 establishes the procedure for obtaining data from past records of the decennial census questionnaires.

APPENDIX C—BUREAU OF ECONOMIC ANALYSIS

The Bureau of Economic Analysis (BEA) was established under Department Order No. 10, effective December 18, 1945. Department Order No. 15, as amended December 1, 1953, pursuant to authority contained in Reorganization Plan No. 5 of 1959, further designated BEA as a primary operating unit of the Department. The mission of BEA is to provide a clear picture of the state of the economy through the preparation, development and inter-

pretation of the economic accounts of the United States.

To construct the accounts, BEA uses mainly raw data collected by other agencies from individuals, businesses, and other respondents. About one-third of these primary data comes from the Census Bureau. Most of the rest come from the Treasury Department, the Labor Department, and the Office of Management and Budget. BEA also conducts its own surveys to collect data whenever there is a close link between the data and its analytical work, as for instance, in the case of its balance of payments work and its work on international investment.

Because of the nature of its work, the Bureau of Economic Analysis does little rulemaking. Proposed rules and regulations have been developed primarily to establish new statistical surveys and public reporting requirements, and it has not been necessary to formalize a process for developing regulations; the process has been ad hoc in nature. To comply with the Executive Order, the Bureau is now proposing procedures in addition to the requirements provided for in Department Administrative Order 218-7 for the issuance of regulations.

SUPPLEMENTARY INFORMATION: Interested persons may participate in this proposed rulemaking by submitting written data, suggestions or arguments to: Director, Bureau of Economic Analysis, Washington, D.C. 20230.

Copies of all written comments will be available for examination by interested persons in: Room 905, Tower Building 1401 K Street NW., Washington, D.C. 20230.

1. Existing procedures and changes that have been made to comply with Executive Order 12044.

(a) The following procedures shall be applicable to all regulations. Prior to the promulgation of a regulation, the Director shall determine:

(1) That the need for and purpose of the regulation are clearly established and specified in the FEDERAL REGISTER preamble;

(2) That adequate provisions are made for early public participation in the development of regulations by notification of advisory committees and announcements in relevant publications and the regulatory agenda that the regulation is being considered and comments are solicited;

(3) That the issues have been thoroughly reviewed;

(4) That the feasible alternatives have been explored;

(5) That compliance costs, paperwork and other burdens on the public are minimized;

(6) That the regulation is written in plain English and is understandable to those who must comply with it.

(b) Before approving and signing significant regulations, the Director shall determine:

(1) That the direct and indirect effects of the regulation have been adequately considered;

(2) That the least burdensome of the acceptable alternatives has been chosen;

(3) That all public comments (including those from state and local governments) have been considered and an adequate response prepared;

(4) That an estimate has been made of the new reporting burden or record-keeping requirements, if any, necessary for compliance with the regulation;

(5) That the name, address, and telephone number of a knowledgeable official is included in the FEDERAL REGISTER preamble;

(6) That a plan is developed for evaluating the effect of the regulation after its issuance.

(c) The Director shall submit a regulatory agenda to the Assistant Secretary for Policy by January 15, 1979, and every 6 months thereafter. The regulatory agenda shall include:

(1) A description of each regulation under development or being considered which includes items specified in Section 7.02 of Department Administrative Order 218-7;

(2) A list of each existing regulation scheduled to be reviewed;

(3) Information on the status of existing regulations listed for review on previous agenda; and

(4) A list of all final regulations promulgated during the previous 6 months with the date and FEDERAL REGISTER citation.

The Director shall immediately notify the Assistant Secretary for Policy and publish supplements to the Department Agenda whenever it becomes apparent that development or review of significant regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda or review of a regulation listed in the previous Department Agenda will not commence as scheduled.

2. Criteria for defining significant agency regulations.

A regulation shall be considered significant if it meets the Departmental criteria as set forth in Department Administrative Order 218-7, or one or more of the following:

(a) The regulation would affect over 25 percent of all State or local governments;

(b) The procedures or programs of another department or agency will be affected;

(c) Significant public controversy or interest will result;

(d) The Secretary, Chief Economist, or the Director determines that a regulation is significant.

3. Criteria for identifying which regulations require regulatory analysis.

A regulatory analysis shall be pre-

pared for significant regulations which meet the Departmental criteria as set forth in Department Administrative Order 218-7, or the Secretary, Chief Economist of the Department, or the Director determines that such an analysis should be performed.

4. Criteria for selecting existing regulations to be reviewed

All existing regulations (15 CFR Chapter VIII) shall be reviewed within 1 year of the date of the publication of this report. Thereafter, a regulation will be reviewed whenever:

(a) The regulation has not been reviewed for 5 years;

(b) A significant regulation has not been reviewed for 2 years;

(c) It appears to the Director that there is no further need for the regulation in the light of public comments received;

(d) It appears to the Director that the burdens imposed upon the public are increased even though no change has been made to the regulation itself;

(e) It appears to the Director that there is a need to simplify or clarify the language of the regulation;

(f) It appears to the Director that there is a need to eliminate overlapping and duplicative regulations;

(g) Technology, economic conditions or other factors have changed the effect of the regulation on the public;

(h) The Secretary, the Chief Economist of the Department, or the Director, requests that such review take place.

The Bureau's basic regulations may be found in 15 CFR Chapter VIII. We plan to complete the review of Bureau Regulations within 1 year of the effective date of these procedures. These regulations are: 15 CFR 802 which relates to the reporting of revenues and expenditures by carriers of imports.

15 CFR 803 which relates to the reporting of royalties and fees earned by foreign holdings of U.S. persons.

15 CFR 806 which relates to the reporting of direct investment.

15 CFR 807 which relates to the release of material under the Freedom of Information Act.

15 CFR 804 and 805 are outdated and will be deleted.

APPENDIX D—ECONOMIC DEVELOPMENT ADMINISTRATION

DRAFT REPORT ON IMPROVING THE REGULATORY PROCESS

This notice sets forth the draft report which Executive Order 12044 on Improving Government Regulations (E.O. 12044, March 23, 1978) requires each agency to publish in the FEDERAL REGISTER for public comment.

The following topics are examined in this draft report: (1) the Economic Development Administration's (EDA) current process for developing signifi-

cant regulations; (2) the changes EDA has made to that process to comply with E.O. 12044; (3) EDA's proposed criteria for determining significant regulations; (4) proposed criteria for identifying significant regulations which require regulatory analysis; (5) proposed criteria for the selection of existing regulations to be reviewed according to the provisions of E.O. 12044; (6) a list of existing regulations which EDA will consider in its initial review; and, (7) a description of EDA's regulatory agenda.

I. Current Process for Developing Regulations.

EDA develops new regulations and revises existing regulations through basically the same process. There are several stages to this development: initiation, circulation within the agency, publication in the FEDERAL REGISTER, and opportunity for public comment.

(1) EDA's regulatory process starts in its Office of Chief Counsel (OCC) on its own initiative or at the request of the program offices, depending on the nature of the regulation. Regulations required by legislation originate with OCC; regulations implementing policy are proposed in program offices.

(2) Where OCC proposes a regulation, it prepares a draft of the proposal accompanied by background information on the authority for the regulation, the purpose it is intended to accomplish, and, if necessary, any policy decisions incorporated into the regulation. When a program office suggests a regulation, it supplies the background information to OCC, which drafts the proposed regulation. These drafts are circulated through the Agency for comments.

(3) After comments, if any, have been received and appropriate revisions made, the regulation is sent to the Assistant Secretary for his approval. When the Assistant Secretary signs the regulation, it is published in the FEDERAL REGISTER as a final rule. The FEDERAL REGISTER publication includes the name of an agency official whom interested persons may contact for further information and allows the public 30 days to comment on the regulation.

Up to this date, EDA published regulations directly in final form because section 553 of the Administrative Procedure Act (5 U.S.C.) exempts agencies from the notice-and-comment procedure for regulations pertaining to grant and loan programs. Because of this exemption, EDA was not required to publish notices of proposed rulemaking. Upon occasion, EDA obtained comments prior to publication in the FEDERAL REGISTER through formal and informal consultation with State and local governments. For instance, under the \$6 billion Local Public Works Program, EDA submitted draft regulations to the Advisory Commission on

Intergovernmental Relations for their comments.

II. Revised Process for Significant Regulations.

The following reforms have been made to EDA's procedures for significant (as defined in part III) regulations to accommodate the provisions of E.O. 12044. EDA will also comply with the procedures set forth in Department Administrative Order 218-7 "Issuing Departmental Regulations" (D.A.O.). EDA's process now includes the following stages: initiation, agency head oversight, regulatory analysis (where appropriate), public participation, and approval.

A. Initiation of process. EDA will continue to initiate regulations as it did prior to E.O. 12044. Now, however, a regulation will be examined at this stage by the Office of the Chief Counsel to determine its significance. The criteria for determining significance in regulations are discussed in part III below. If a regulation is determined significant, it will be subject to the remaining four stages. A regulation found not to be significant will be developed through similar procedures consistent with section 1 of E.O. 12044, depending on the nature of the regulation involved.

B. Oversight by the Assistant Secretary. Before drafting a significant regulation, OCC will inform the Assistant Secretary about the issues to be considered in the proposal and alternative approaches to achieve the proposal's purpose which should be explored. The Assistant Secretary then will determine how the Agency will proceed with the regulation.

The Assistant Secretary also will review a tentative plan for obtaining public comment on the regulation. Where appropriate to the nature of the regulation, this plan shall include provision for consultation with State and local governments. Finally, the Assistant Secretary will establish dates for the completion of various steps in the development of the regulation.

Notice of developing a significant regulation will be given in EDA's regulatory agenda as described in part VII.

C. Regulatory analysis. EDA will prepare a regulatory analysis for all significant regulations which may have major economic consequences, as set forth in part IV. For such regulations, EDA will scrutinize alternative approaches early in the decisionmaking process. In performing the regulatory analysis, EDA will:

- (1) Provide a succinct statement of the problem;
- (2) Describe the major alternative ways of dealing with the problem;
- (3) Analyze the economic consequences of each alternative considered;
- (4) Explain in detail the reasons for choosing one alternative over the others;

- (5) Explain in the public notice of proposed rulemaking the regulatory approach selected or favored, described briefly other alternatives considered, and state how the public may obtain a copy of the draft regulatory analysis;

- (6) Prepare a final regulatory analysis which EDA will make available when final regulations are published.

D. Opportunity for public participation. EDA will give the public early and meaningful opportunity to participate in the development of significant regulations. In accordance with this goal, the Agency will publish on advance notice of proposed rulemaking after the Assistant Secretary has performed his oversight functions. EDA also will notify appropriate interested parties directly of the development of regulations.

In addition to these steps, EDA may, where appropriate and helpful, hold open conferences or public hearings on proposed rulemaking and send notice of proposed regulations to publications likely to be read by those affected by the rulemaking.

EDA will publish significant regulations as proposed rules and will allow the public sixty days to submit written comments on them. Written comments received from the public will be considered when the regulations are put into their final form.

In accordance with section 2(c) of E.O. 12044, EDA reserves the right to publish significant regulations with a shorter period for public comment or as final rules where short-term (60-90 days) statutory or judicial deadlines or other exigencies make the 60 day period impractical or contrary to the public interest. The publication of these regulations will be accompanied by a statement of the reason for the abbreviated public participation procedures and the name of the EDA official responsible for this determination.

E. Approval of significant regulations. As in EDA's former process, the Assistant Secretary will approve all significant regulations prior to publication for public comment in the FEDERAL REGISTER. The Assistant Secretary will make the following specific determinations as part of his approval:

- (1) The proposed regulations are needed;
- (2) The direct and indirect effects of the regulations have been considered;
- (3) Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;
- (4) Public comments have been considered and responded to adequately;
- (5) The regulations are written in plain English and are understandable to those who must comply with them;
- (6) An estimate has been made of the new reporting burdens or record-keeping requirements necessary for compliance with the regulations;

- (7) The name, address and telephone number of a knowledgeable agency official is included in the publication; and

- (8) A plan for evaluating the regulations after their issuance has been developed.

Where the D.A.O. directs that the Secretary of Commerce shall approve significant regulations, such regulations, including the determinations noted above, will be submitted to the Secretary at least fifteen days before the proposed publication date.

III. Criteria for Determining Significant Regulations.

The process for developing regulations described in part II applies only to regulations which EDA determines are significant. EDA will use the following criteria to determine their significance.

- (1) EDA will consider the relationship of the regulation to major Departmental or Agency policy issues. Where an EDA regulation implements a major policy of either the Department or the Agency, rather than mandatory legislative authority or executive branch directive, the regulation will be considered significant.

- (2) EDA will consider the degree of controversy over or public interest in the regulation. Where a proposal for a regulation is controversial or of great public interest, that regulation will be considered significant.

- (3) EDA will also consider the following factors in determining significance:

- (a) The type and number of individuals, businesses, organizations, State and local governments affected;
- (b) The compliance and reporting requirements likely to be involved;
- (c) The direct and indirect effects of the regulation, including the effect on competition; and
- (d) The relationship of the regulation to those of other programs and agencies.

- (4) EDA will determine that regulations are not significant where the regulation is required by statute or other exigency (e.g. judicial deadlines) to be published quickly (i.e. 60-90 days) or where the regulation is required by statute or an executive branch directive and allows EDA no substantial discretion in developing the contents of the regulation.

- (a) EDA will determine a regulation to be an emergency regulation where the statute or exigency requires publication within 91 days. In such a case, the regulation will not be significant. EDA will follow the procedures described in part II only insofar as time will allow. EDA will publish these regulations as interim regulations and allow the public to comment for at least 60 days prior to final publication.

- (b) The Assistant Secretary may conclude that a regulation is not sig-

nificant, even if it meets the criteria established for identifying significant regulations, if the Assistant Secretary determines, in writing, that the degree of discretion available to EDA is so limited by underlying legislation or executive branch directives (e.g. Executive Orders, OMB Circulars, etc.) that no significant options for implementation are available to EDA. A copy of this determination shall be promptly sent to the Assistant Secretary for Policy and an explanation of the determination shall be included in the preamble to the notice of proposed rulemaking.

IV. EDA's proposed criteria for identifying significant regulations which require regulatory analysis.

EDA will prepare a regulatory analysis of proposed regulations which the Agency has both: (a) identified as significant under the above criteria, and (b) determined may have major economic consequences.

EDA will apply the following alternative criteria to determine whether a significant regulation may have major economic consequences:

- (1) Where the potential economic consequences of the significant regulation will affect the economy as a whole, EDA will determine those consequences to be major if such regulation can be expected, during any 12-month period it is in effect, to result in an effect, direct or indirect, on the economy of \$50 million or more. If this criterion is met, EDA will perform a regulatory analysis of the proposed significant regulation.

- (2) Where the potential economic consequences of the significant regulation will affect an individual industry, EDA will determine those consequences to be major.

- (a) If, during any 12-month period in which it is in effect, such regulation can be expected to result in an increase of cost or price of 5 percent or more for the specific activity, product(s) or service(s) affected by the regulation; or

- (b) If, during any 12-month period in which it is in effect, such regulation can be expected to result in an effect, direct or indirect, exceeding \$25 million; or

- (c) If the regulation can be expected to reduce labor productivity by 1 percent or more in the item which is the unit of focus in the regulation; or

- (d) If such regulation can be expected, for the particular market(s) affected, to result in a 1 percent or more decline in a supply of materials, products, or services or a 1 percent or more increase in consumption of these materials, products, or services as a direct or indirect result of such regulation; or

- (e) If such regulation can be expected to result in a decline in competition

in the particular market(s) affected. Factors to be considered include limitation of market information, or other restrictive factors that impede the functioning of the market system.

If any of the criteria (a) through (e) is met, EDA will perform a regulatory analysis of the proposed significant regulation.

- (3) Where the potential economic consequences will affect a level of government, EDA will determine those consequences to be major if the effect, direct or indirect, is an increase in costs to that level of government which can be expected to exceed \$25 million. If this criterion is met, EDA will perform a regulatory analysis of the proposed significant regulation.

- (4) Where the potential economic consequences will affect a geographic area, EDA will determine those consequences to be major if, during any 12-month period in which it is in effect, the significant regulation can be expected to result in an effect, direct or indirect, exceeding \$25 million. If this criterion is met, EDA will perform a regulatory analysis of the proposed significant regulation.

- (5) Where the potential economic consequences of the significant regulation will result in an effect, direct or indirect, to consumers, EDA will determine those consequences to be major:
 - (a) If, during any 12-month period it is in effect, such regulation can be expected to result in an effect, direct or indirect, exceeding \$25 million; or

- (b) If, during any 12-month period it is in effect, such regulation can be expected to result in an increase in price of 5 percent or more for the specific activity, product(s) or service(s) affected by the proposed regulation; or

- (c) If such regulation can be expected to result, for the particular market(s) affected, in a 1 percent or more decline in supply of materials, products or services or a 1 percent or more increase in consumption of these materials, products or services as a direct or indirect result of the regulation; or

- (d) If, such regulation can be expected to result in a decline in competition in the particular market(s) affected. Factors to be considered include limitation of market entry, restraint of market information, or other restrictive factors that impede the functioning of the market system.

EDA will also prepare a regulatory analysis of existing regulations where the Agency has determined, pursuant to the criteria set forth in part V, that the regulations should be revised, and that the regulations as revised are both significant and will have major economic consequences under one or more of the preceding criteria.

If the Agency determines that a proposed or revised regulation is not significant or that a proposed or revised

regulation is significant but will not have major economic consequences under one of the above criteria, EDA will not perform a regulatory analysis of the regulation except where:

- (a) The Assistant Secretary for Economic Development determines that such an analysis would be beneficial; or

- (b) The Secretary of Commerce determines, in accordance with section 7.04 of the D.A.O. that such an analysis should be performed.

V. Criteria for selecting regulations for review.

In order to assure that existing regulations are achieving the policy goals of E.O. 12044, EDA will review its regulations periodically. In selecting existing regulations for review, EDA will consider the following criteria:

- (1) The length of time since the regulation has been evaluated. All regulations which meet the criteria of significance will be reviewed at least once every 4 years. EDA will review all other regulations within 6 years of publication. After selecting regulations under this criterion, EDA will review the regulations in accord with the other criteria listed below.

- (2) The continued need for the regulation. EDA shall examine all its regulations periodically to determine if there is a continuing need for the regulations. EDA will measure the need for each regulation on the basis of the underlying legislation, EDA policy, or other Federal agency requirements.

- (3) The need to simplify or clarify language. EDA will note which of its regulations have caused misunderstandings and review them as necessary to clarify them.

- (4) The need for clarifying the organization of parts or subparts due to the addition of or substantial revision of individual regulations.

- (5) The need to eliminate overlapping or duplicative regulations.

- (6) The need to eliminate unnecessary variations in requirements imposed on recipients of financial assistance by both EDA and other Federal agencies.

- (7) The burdens imposed on those directly or indirectly affected by the regulations.

- (8) The number of complaints or suggestions received.

- (9) The degree to which economic conditions or other factors have changed in the area affected by the regulation.

Based upon its review of existing regulations, EDA will revise significant regulations in accord with the procedures set forth in part II above for developing new significant regulations.

VI. List of existing regulations which EDA will consider for its initial review.

EDA will consider the following regulations for its initial review:

- (1) 13 CFR part 306—Business development program.
- (2) 13 CFR part 309—General requirements for financial assistance.
- (3) 13 CFR part 301—Establishment and organization.
- (4) 13 CFR part 303—Economic development districts.

VII Regulatory agenda.

By January 15 and July 15 of each year, EDA will prepare a regulatory agenda of forthcoming regulations under review or development. EDA will submit the agenda to the Assistant Secretary of Commerce for Policy. The portions of this agenda concerning significant regulations will be published in the FEDERAL REGISTER as part of the combined Department of Commerce regulatory agenda by February 15 and August 15 of each year. The regulatory agenda for EDA will include, to the extent feasible:

- (1) A description of regulations under development or being considered for development, including:
 - (a) A statement whether the regulation has been determined to be a significant regulation;
 - (b) The need for and the legal basis for the action being taken;
 - (c) If possible, a statement as to whether or not a regulatory analysis will be required;
 - (d) The name and telephone number of a knowledgeable official;
 - (e) A list of major issues likely to be considered in developing the regulation;
 - (f) A tentative plan for consulting with State and local governments;
 - (g) Proposed dates for the completion of steps in the development process; and
 - (h) Information on the status of all new significant regulations listed in previous agendas until such time as these regulations are published as final in the FEDERAL REGISTER.
 - (2) A list of existing regulations scheduled for review, including the name and telephone number of a knowledgeable official for each;
 - (3) Information on the status of existing regulations previously scheduled for reviews; and
 - (4) A list of all final regulations published in the FEDERAL REGISTER during the previous 6 months including the date and FEDERAL REGISTER citation.
- If EDA has no regulations which it intends to review or develop, EDA will submit a report to the Assistant Secretary for Policy to that effect. If, prior to the date of the next Departmental agenda, it becomes necessary for EDA to develop or review significant regulations which were not listed on the last Departmental agenda, EDA will publish a supplement to the Departmental agenda. In addition, EDA will immediately notify the Assistant Secretary for Policy any changes to its regula-

tion agenda. EDA may also publish a supplement to the Departmental agenda, when appropriate, if EDA will not develop or review significant regulations as scheduled on the latest Departmental agenda.

In developing proposed regulations, EDA will consider and include as part of the public record all substantive comments which it has received concerning any item listed on the Departmental agenda.

Interested persons should send comments on this draft report to:

Assistant Secretary for Economic Development, Room 7800B, U.S. Department of Commerce, Washington, D.C. 20230.

Dated: _____

Assistant Secretary
for Economic Development.

APPENDIX E—INDUSTRY AND TRADE ADMINISTRATION

POLICIES AND PROCEDURES FOR SIMPLIFICATION, ANALYSIS, AND REVIEW OF REGULATIONS; DRAFT ORDER

The Industry and Trade Administration (ITA) is responsible for developing Federal policies and programs for improving and expanding the economic and industrial strength of the U.S. ITA advises the Secretary of Commerce and other Government officials on international economic and domestic business policy matters, conducts research and analysis, and formulates domestic and international economic and commercial programs on trade, finance and investment.

ITA does not have a set of written procedures for developing regulations. For the most part ITA has followed the practice of issuing draft regulations and providing for a period of public comment, usually of 30 days.

In accordance with Department of Commerce Administrative Order 218-7 and Executive Order 12044, ITA's draft order, Issuing Regulations, which follows, establishes written procedures for the development of regulations which will insure the full participation of the public, and for the preparation of a semi-annual regulatory agenda. The draft order sets forth criteria for determining which ITA regulations are significant and, of those, which require regulatory analyses. In addition, it establishes criteria for determining when existing regulations shall be reviewed and what factors shall be considered in that review.

[Industry and trade administrative order—]

ISSUING REGULATIONS

Section 1. Purpose.

This order prescribes the procedures which shall apply in implementing Executive Order 12044 of March 23, 1978, improving Government Regulations,

and Department Administrative Order 218-7.

Section 2. Scope.

.01 Except as provided in paragraph .02 of this section, this order applies to all regulations of the Industry and Trade Administration published in the FEDERAL REGISTER.

.02 Unless specifically noted to the contrary, this order does not apply to regulations exempted by Executive Order 12044 and D.A.O. 218-7, specifically.

a. Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557);

b. Regulations issued with respect to a military or foreign affairs function of the United States;

c. Matters related to agency management or personnel;

d. Regulations related to Federal Government procurement; or

e. Regulations that are issued in response to an emergency or which are governed by short-term (less than 91 days) statutory or judicial deadlines.

.03 Even in cases where the exemptions in paragraph .02 of this section apply, regulations will be developed, to the extent practicable, in accordance with the requirements, procedures and intent of the Executive Order.

Section 3. Definitions.

.01 *Bureau head.* As used in this order, bureau head means the head of each bureau of the Industry and Trade Administration, and persons serving in those positions in an acting capacity.

.02 *Regulation(s).* As used in this order, regulation(s) means both rules and regulations issued by the Industry and Trade Administration including those which establish conditions for financial assistance. Closely related sets of regulations shall be considered together.

Section 4. Significant regulations.

.01 Bureau heads shall identify a regulation to be significant if:

a. a substantial number of individuals, businesses, organizations, State and local governments would be affected by the regulation;

b. The compliance and reporting requirements of the regulation are likely to be excessive and interfere with normal business practices or substantially increase paperwork requirements;

c. The regulation is likely to have a major affect directly or indirectly on competition within the marketplace;

d. The regulation would be likely to have a measurable inflationary effect;

e. The regulation would be likely to contribute substantially to unemployment;

f. The regulation would be likely to reduce U.S. exports by a substantial amount;

g. The availability of material and equipment in the marketplace would be increased or decreased in a substantial amount;

h. The regulation relates in an important way to other programs and agencies within and outside of the Industry and Trade Administration and the Department; or

i. The regulation bears an important relationship to major Industry and Trade Administration and Departmental policy issues.

.02 a. Before proceeding to develop significant new regulations the bureau head shall have reviewed the issues to be considered, the alternative approaches to be explored, a tentative plan for obtaining public comment where applicable, a tentative plan for consultation with State and local governments, and a target date for completion of steps in the development of the regulation.

b. The bureau head shall obtain the approval of the Assistant Secretary for Industry and Trade of any proposal to develop significant new regulations.

.03 The Assistant Secretary for Industry and Trade shall approve significant regulations before they are published in the FEDERAL REGISTER in final form. Before approving significant regulations, the Assistant Secretary for Industry and Trade will be satisfied that:

a. The regulation is needed;

b. The direct and indirect effects of the regulation have been adequately considered;

c. Alternative approaches to regulations and among various types of regulations have been considered and the least burdensome of the acceptable alternatives has been chosen;

d. Public comments (including those from State and local governments) have been considered and an adequate response has been prepared;

e. The regulation is written in simple and clear English and is understandable to those who must comply with it;

f. An estimate has been made of the new reporting burdens or recordkeeping requirements necessary to carry out the regulation;

g. The cost to the Government and to the public have been assessed;

h. The name, address and telephone number of a knowledgeable official is included in the publication; and

i. A plan for periodically evaluating the effectiveness of the regulation after its issuance has been developed.

.04 Regulations which are not significant shall be accompanied by a statement to that effect when published in the FEDERAL REGISTER.

Section 5. Regulatory analysis.

.01 A regulatory analysis shall be prepared for each significant regulation determined to have potential

major economic consequences for the general economy, for individual industries, geographic regions, levels of government, or specific elements of the population.

.02 Bureau heads shall determine which significant regulations require regulatory analysis. While these officials should be guided by the individual needs of their specific programs and may require an analysis for any proposed regulation, at a minimum a regulatory analysis shall be prepared for each regulation which:

a. During any one year of its existence, can be expected to result in increased cost(s) (direct or indirect) to consumers, businesses, Federal, and State and local governments exceeding \$50 million;

b. During any one year of its existence, can be expected to result in increased costs (direct or indirect) to either consumers, businesses, or levels of governments exceeding \$25 million;

c. During any one year of its existence, can be expected to result in an increase or decrease in costs or prices of five percent or more for the activity, product(s) and/or service(s) affected by the proposed regulation;

d. Can be expected to reduce labor productivity by one percent or more in the economic activity or sector(s) affected by the regulation;

e. Can be expected to reduce employment by five percent or more in the economic activity or sector(s) affected by the regulation;

f. Can be expected to result in a one percent or more decline or rise in supply or consumption of materials, products or services, in the activity affected;

g. Can be expected to result in a clearly identifiable decline in domestic or international competition, including such factors as limitation of market entry, restraint of market information, or other impediments to the functioning of the market system; or

h. Can be expected to redirect supplies of material, equipment, products or services from one market to another by a significant amount.

.03 A regulatory analysis shall also be prepared when:

a. The Assistant Secretary for Industry and Trade determines that such an analysis should be performed; or

b. The Secretary determines that such an analysis should be performed.

.04 A regulatory analysis must involve a careful examination of alternative approaches early in the decision-making process. Thus, each analysis must include, at the minimum:

a. A succinct statement of the problem;

b. A description of the major alternative ways of dealing with the problems that were considered; and

c. An analysis of the economic consequences of each of these alternatives

and a detailed explanation of the reasons for choosing one alternative over the others.

.05 The notice of proposed rulemaking for each regulation for which a regulatory analysis is required shall include:

a. An explanation of the regulatory approach that has been selected or is favored;

b. A short description of the other alternatives considered;

c. The major reason(s) for selecting or favoring a particular alternative; and

d. A statement of how the public may obtain a copy of the draft regulatory analysis.

.06 a. The Assistant Secretary for Industry and Trade shall transmit the draft regulatory analysis along with the proposed regulation to the Chief Economist for review and comment at least 15 days prior to submission of a notice of proposed rulemaking to the FEDERAL REGISTER; and

b. The Assistant Secretary for Industry and Trade shall inform the Chief Economist as early as possible of the nature and extent of the analysis being undertaken to assure adequate opportunity for consultation and assistance.

.07 Bureau heads shall consider public comments on their regulatory analysis and prepare a final regulatory analysis to be made available when the final regulations are published. Significant public comments on the analysis shall be summarized and responded to in the preamble to the final regulation.

.08 Regulatory analyses are not required in rulemaking proceedings pending as of March 23, 1978, if an Economic Impact Statement has already been prepared in accordance with Executive Order 11821 and 11949 or it has been determined that such a statement was not needed.

Section 6. Review of Existing Regulations.

.01 Bureau heads shall review existing regulations administered by their organization at least every four years to determine whether they are achieving the policy goals of Executive Order 12044 and report their findings to the Assistant Secretary for Industry and Trade.

.02 Bureau heads shall consider the following criteria, among other things, in reviewing existing regulations:

a. The continued need for the regulation;

b. The availability of alternative approaches to the regulation;

c. The type or number of complaints or suggestions received;

d. The burdens imposed on those directly or indirectly affected by the regulation;

e. The cost to the Government of administration of the regulation;

f. The need to simplify or clarify language;

g. The need to eliminate overlapping and duplicative regulations; and

h. The length of time since the regulation has been evaluated or the degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

.03 Procedures for review of existing regulations shall, at a minimum, contain the following procedural steps:

a. Inclusion of notice of the review in the semi-annual agenda as required by section 7.02 of this order, or as appropriate, supplementation of the Department Agenda and notification to the Assistant Secretary for Policy as called for in section 7.08 of this order;

b. A determination of whether the regulation meets the criteria established for identifying significant regulations;

c. If the regulation is determined to be significant, approval by the Assistant Secretary for Industry and Trade as called for in section 4.02b before proceeding with the review;

d. A determination of whether the regulation meets the criteria established for determining if a regulatory analysis must be performed.

e. If applicable, the preparation of a regulatory analysis in accordance with the procedures established;

f. If the review results in a determination that a regulation should be amended or rewritten, compliance with public notice and participation requirements;

g. If applicable, Assistant Secretary for Industry and Trade approval of significant regulations before final publication in the FEDERAL REGISTER as set forth in section 4.03 of this order.

Section 7. Regulatory Agenda.

.01 No later than December 1, 1978, and every six months thereafter, each bureau head shall provide the Senior Deputy Assistant Secretary for Industry and Trade with a regulatory agenda.

.02 Each regulatory agenda shall include the following:

a. A description of regulations under development or being considered for development to include to the extent feasible:

1. A statement of whether the regulation has been determined to be a significant regulation;

2. The need for and the legal basis for the action being taken;

3. A statement as to whether or not a regulatory analysis will be required;

4. The name and telephone number of a knowledgeable official to whom comments on the planned regulation may be addressed;

5. A listing of the major issues likely to be considered in developing the regulation;

6. A tentative plan for obtaining public comment and where applicable, a tentative plan for consulting with State and local governments;

7. Proposed dates for the completion of steps in the development process; and

8. Information of the status of all new, significant regulations listed in previous agendas until such time as these regulations are published as final in the FEDERAL REGISTER.

b. A list of existing regulations scheduled to be reviewed, including the name and telephone number of a knowledgeable official for each such regulation;

c. Information on the status of existing regulations previously scheduled for review; and

d. A list, including the date and FEDERAL REGISTER citation, of all final regulations published in the FEDERAL REGISTER during the previous six months.

.03 The Senior Deputy Assistant Secretary for Industry and Trade shall review all bureau head agendas and, after consultation with such Industry and Trade Administration officials as may be deemed appropriate, recommend to the Assistant Secretary for Industry and Trade:

a. Which regulations not determined to be significant by the bureau heads should be treated as significant;

b. Which of the new regulations under development or being considered for development should be brought to the attention of the Secretary prior to being published in the FEDERAL REGISTER in final form; and

c. In addition to those identified by the bureau head, which new regulations under development or being considered for development require a regulatory analysis.

.04 The Senior Deputy Assistant Secretary for Industry and Trade shall advise bureau heads of the decisions made by the Assistant Secretary for Industry and Trade with respect to these recommendations.

.05 Using the bureau head agendas, as modified by the Assistant Secretary for Industry and Trade, the senior Deputy Assistant Secretary for Industry and Trade shall prepare an overall Industry and Trade Administration agenda. This agenda, after approval by the Assistant Secretary for Industry and Trade, shall be submitted to the Assistant Secretary for Policy by January 15, 1979, and every six months thereafter.

.06 The Industry and Trade Administration agenda shall include the information required by section .02 above.

.07 Supplements to the Department Agenda may be published whenever it becomes apparent that development or review of significant regulations not listed in the previous Department

Agenda will commence before the publication of the next Department Agenda; or development or review of a regulation listed in the previous Department Agenda will not commence as scheduled.

.08 Bureau heads will notify the Assistant Secretary for Industry and Trade, who will in turn immediately notify the Assistant Secretary for Policy whenever it becomes apparent that development or review of regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda or development or review of a regulation listed in the previous Department Agenda will commence as scheduled.

Section 8. Public Participation.

.01 The public shall be given an early and meaningful opportunity to participate in the development of the regulations of the Industry and Trade Administration.

.02 Bureau heads shall consider a variety of ways to provide this opportunity, including, but not limited to:

a. Publishing an advance notice of proposed rulemaking;

b. Holding open conferences or public hearings;

c. Sending notices of proposed regulations to publications likely to be read by those affected;

d. Notifying interested parties directly; and

e. Providing for more than one cycle of public comments.

.03 If none of the methods listed in paragraph .02 of this section are used in a particular rulemaking covered by this order, the preamble accompanying the final regulation shall briefly explain the reasons and indicate what other steps were taken to assure adequate opportunity for public participation.

.04 The public shall be given at least 60 days to comment on proposed significant regulations. Exceptions to this requirement may be granted only by the Assistant Secretary for Industry and Trade and only in those few instances where it is determined that it is not possible to comply. When an exception is made the regulation shall be accompanied by a brief statement of the reasons for a shorter time period.

.05 In instances when regulations exempted by sections 2.02 (b) and (e) of this order do not comply with the procedures set forth in this order, their publication in the FEDERAL REGISTER shall be accompanied by a statement of the reasons why the procedures of this order could not be followed. This statement shall include the name of the policy official responsible for the determination.

.06 Regulations exempted by section 2.02 (b) or (e) of this order shall be

issued in interim form only. FEDERAL REGISTER publication of these regulations will provide for a public comment period of at least 60 days and republication in final form after public comments have been considered and appropriate modifications, if any, made.

ITA is considering for initial review the following regulations:

Regulation, CFR Citation, and Contact Point

Export Administration Regulations Commodity Control List and Related Matters, 15 CFR 399, Rauer Meyer, 202-377-4293.

Operation of the priorities and allocations systems between Canada and the United States (DPS Reg. 2), 32A CFR 652, Robert Francis, 202-377-4506.

Compliance and enforcement procedures (DPS Reg. 3), 32A CFR 653, Robert Francis, 202-377-4506.

Instruments and Apparatus for Educational and Scientific Institutions, 15 CFR 301, Richard Seppa, 202-377-2925.

China Trade Act Corporations, 15 CFR 363, Harry Stringer, 202-377-3647.

Joint Export Associations, 15 CFR 366, Samuel Cerrata, 202-377-4577.

Determination of Bona Fide Motor-Vehicle Manufacturers, 15 CFR 315, Edward Smith, 202-377-4338.

Foreign-Trade Zones Board (Administrative support is provided to the Foreign-Trade Zones Board staff by ITA), 15 CFR 400, John DaPonte, 202-377-2862.

Public comments received on this draft report during the next 60 days will be considered in preparing a revised report for submission to the Office of Management and Budget for approval before final publication in the FEDERAL REGISTER.

Comments should be submitted to: Industry and Trade Administration, Freedom of Information Records Inspection Facility, Room 3012, Main Building, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230.

Requests for further information should be directed to: Christy Carpenter, Office of the Assistant Secretary, Industry and Trade Administration, 202-377-5091; or Iain Baird, Bureau of Trade Regulation, Industry and Trade Administration, 202-377-5274.

APPENDIX F—MARITIME ADMINISTRATION (MARAD)

DRAFT REPORT—PROCESS FOR DEVELOPING REGULATIONS

Present Process for developing regulations.

Marad's principal programs are promotional (grants or contracts), or related to national defense, and have not been subject to the notice of proposed rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553). As a matter of practice, Marad has published a notice of proposed rulemaking in the FEDERAL REGISTER, and has usually allowed at least 30 days for the submission of written comments by all interested parties with respect to new regulations or amendments to existing regulations which we consider to be important. An exception to this practice has occurred where observance of such notice requirements would defeat principal objectives of the new or amended regulations. However, Marad has rarely engaged in final rulemaking without prior consultation with parties who will be directly affected.

Marad presently has no uniform policy for the development of regulations or the review of existing regulations. With respect to regulations which implement our principal programs, development or revision of regulations has usually resulted from recognition of operational problems by Marad Offices responsible for administering these programs or from complaints received, either from participants in the programs or from others affected by such regulations. Where important new regulations or major revisions of such regulations are to be drafted pursuant to requirements imposed by legislation, a committee has usually been selected, comprised of staff members involved in program administration and an attorney in the Office of General Counsel, which meets regularly to consider and draft the proposed regulation. With respect to most other efforts in developing regulations, draft proposals are initiated by Offices concerned with program administration and are submitted to the Office of General Counsel for review. Discretion is exercised as to soliciting the views of interested persons

before publication of the notice of final rulemaking in the FEDERAL REGISTER.

Proposed revised procedure for developing regulations.

Marad proposes to establish a uniform procedure for developing regulations and will comply with the requirements of Department of Commerce Administrative Order 218-7 (DAO-218-7). Prior to considering in depth a proposal from any source for issuing a new or revised regulation or set of regulations, the Director of the Office with a principal responsibility for administering the program to which the regulation relates shall prepare a brief memorandum to the appropriate Assistant Administrator, with copies to the Deputy Assistant Secretary for Maritime Affairs and to the General Counsel. This memorandum shall describe the background of the proposal, the objectives of the regulation, alternative approaches to accomplish these objectives, an assessment of its potential economic impact, a tentative plan for obtaining public comment and target dates for completion of steps in the development of the regulation. The Assistant Administrator, with the concurrence of the Deputy Assistant Secretary and the General Counsel, shall make a preliminary determination as to whether the regulation is "significant" (applying criteria set forth below), so as to be subject to requirements of provisions in sections 2 or 3 of Executive Order 12044.

Significant regulations shall be published in the FEDERAL REGISTER, allowing all interested persons at least 60 days (except where circumstances to be described in the notice make a shorter period necessary) to submit written comments. With respect to all significant regulations, Marad shall consider utilizing other publications to advise interested persons of proposed rulemaking, as well as for giving advance notice of such proposed rulemaking.

If these officials determine that the regulation is significant, they shall recommend that the Assistant Secretary for Maritime Affairs (Assistant Secretary) designate those Offices (including the Office of General Counsel) to be represented on a committee

which shall evaluate the proposal and shall draft proposed regulations, where such action is considered appropriate. Should a determination be made that the proposal does not involve a significant regulation, the staff of the Office Director initiating the action shall be responsible for developing such regulation with assistance from the Office of General Counsel. Consideration shall be given to soliciting public comment, through publication or other channels of communication, of regulations that have been determined not to be significant.

Every determination with respect to whether or not a regulation is significant and the basis for such determination, using criteria described herein-after, shall be included in a memorandum to, and shall be subject to the approval of the Assistant Secretary. The Assistant Secretary shall approve all significant regulations prior to their publication in the *FEDERAL REGISTER*, after determining that:

- (1) The regulation is needed;
- (2) Its direct and indirect effects have been adequately considered;
- (3) Alternative approaches, have been considered and the least burdensome acceptable alternative has been selected;
- (4) Comments have been solicited from interested persons where appropriate (including State or local government) and have been adequately considered and acknowledged responsive;
- (5) The regulation is written in manner that should be comprehensible to those subject to its requirements;
- (6) An estimate has been made of any new reporting or recordkeeping requirements imposed by the regulation;
- (7) The name, address and telephone number of a knowledgeable official, to whom inquiries and suggestions about the proposed regulation may be submitted, is included in the publication; and
- (8) A plan has been developed for evaluating the regulation after its issuance.

Regulations which are not significant shall be accompanied by a statement to that effect when published in the *FEDERAL REGISTER*.

Semiannually, in January and July, Marad will prepare and submit for Department approval a regulatory agenda which describes regulations under development or being considered, which will include the informa-

tion required in section 7.02 of DAO 218-7.

Criteria for significant regulations.

Significant, within the scope of section 2 of Executive Order 12044, means a regulation that:

(1) Is required by law to implement provisions thereof relating to the operation of any major Marad programs, including, but not limited to financial assistance for vessel construction or operations, reservation of cargo for United States vessels, vessel insurance, citizenship requirements and matters relating to the United States Merchant Marine Academy and State Maritime Academies;

(2) Is expected to have major economic consequences on the general economy or have a substantial impact on levels of production or employment, either at the national level or in any geographic area, of U.S. shipbuilders, vessel operators, port facility operators, or related industries or segments thereof;

(3) Overlaps or has a substantial effect on regulations in effect or functions of another Federal or State governmental body; or

(4) Is considered by the Assistant Secretary to involve an important matter on which there is current substantial public interest or controversy).

Criteria for regulatory analysis.

The committee responsible for developing a significant regulation or set of regulations shall submit a copy of a summary of the problems and possible courses of action to the Office of Policy and Plans for an evaluation of the probable economic impact of the regulation upon the general economy, individual industries, geographical regions or levels of Government. The Office of Policy and Plans shall issue an opinion, subject to the approval of the Assistant Secretary, as to whether the proposed regulation may have major economic consequences of any type upon the United States economy, any segment of industry or any level of Government. If a determination is made that there may be major economic consequences, a Regulatory Analysis shall be prepared. The draft Regulatory Analysis shall be made available for public inspection, and reference thereto shall be made in the notice of proposed rulemaking with respect to any regulation if:

(1) During any one year of its existence, it can be expected to result in an effect (direct or indirect) on the national economy of \$50 million or more;

(2) During any one year of its existence, it can be expected to result in an effect (direct and indirect) exceeding \$25 million in the economy of any State;

(3) It can be expected to produce at least a 5 percent reduction in the level of activity or employment in the U.S. shipbuilding industry, the U.S. ship operating industry, or the U.S. port industry;

(4) It can be expected to produce at least 5 percent reduction in the level of industrial activity or employment in any local area (e.g., city, county, port authority region);

(5) It can be expected to produce at least a 10 percent reduction in the U.S. tax revenues derived from the shipbuilding, ship operating, or port industry; or

(6) During any one year of its existence, it can be expected to result in an increase of cost of price of 5 percent or more for the specific maritime service(s) affected by its provisions.

Each draft Regulatory Analysis shall include—

- (1) A succinct statement of the reason for issuing the regulation;
- (2) Major alternatives to the regulation that have been considered;
- (3) An analysis of the respective economic consequences of the regulation and alternative approaches; and
- (4) A detailed explanation of the reasons for choosing the alternative favored or selected.

Review of existing regulations.

Each Marad Office, which has a principal function of administering programs to which existing regulations relate, shall systematically review each regulation to determine its effectiveness. A review of all existing regulations shall be completed by the end of calendar year 1979. In determining the priorities of review, the criteria proposed by the Assistant Secretary for principal consideration are:

- (1) Whether the regulation has been reviewed within the preceding five years;
 - (2) If there is a substantial question of the continuing need for regulations in any area of agency activity;
 - (3) Receipt of complaints from other agencies, State or local governments or the public;
 - (4) Recognition by program administrators of the need for simplification, clarification, consolidation with other existing regulations, or elimination of conflicts with Marad regulations or those of other governmental agencies.
- Marad presently is considering an initial review of the regulations described below:

Subject and regulations

Temporary removal of prohibition of vessels built with construction-differential subsidy (CDS) from carrying oil from Alaska in the domestic trade, 46 CFR Part 250.

Conservative Dividend Policy—Restriction on the payment of dividends by vessel operators receiving operating differential subsidy (ODS), 46 CFR Part 283.

ODS for bulk cargo vessels engaged in worldwide services—essential service and U.S. foreign service requirement, 46 CFR Part 252.21.

Regulations governing awards of ODS—Agreements and payments of ODS, 46 CFR Part 280.

Application for CDS; applications under sections 804, 805 (a) and (d) and 605(b) Merchant Marine Act, 1936 for waivers of restrictions imposed on vessel operators receiving ODS, 46 CFR Part 251.1, 251.21.

Fair and reasonable rates for the transportation of preference cargoes by vessels, 46 CFR Part 254 (new).

Guarantees of obligations issued to finance vessel construction, 46 CFR Part 298.

War Risk Insurance where insurance not available from conventional sources, 46 CFR Part 308.

ODS—carriage of grain to USSR—determination of subsidy; abatement of subsidy, 46 CFR Part 294.7, 294.9.

Regulations for U.S. Maritime Service, a voluntary organization to train U.S. citizens for service on U.S. merchant vessels, 46 CFR Part 310, Subpart B.

Any inquiries about the procedure described herein or the regulations proposed for review should be directed to Richard P. Knutsen, Assistant General Counsel for Legislation and Regulations, Maritime Administration, Washington, D.C. 20230, telephone 202-377-3159.

APPENDIX G—NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION

[45 CFR Part 2012]

PROMULGATION AND REVIEW OF NATIONAL FIRE PREVENTION AND CONTROL ADMINISTRATION REGULATIONS

AGENCY: National Fire Prevention and Control Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Administrator of the National Fire Prevention and Control Administration (NFPCA) is authorized and directed by the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278 f, 42 U.S.C. 290(a)), "the Act", to carry out certain fire preven-

tion and control programs. Section 21(b) of the Act authorizes the Administrator to "establish such rules, regulations and procedures as are necessary to carry out the provisions of [the] Act." To carry out his responsibilities under the Act, the Administrator has found it necessary, and will likely find it necessary, to issue rules and regulations. This rule sets out the procedures by which such regulations will be promulgated. It further provides for the review of existing regulations, on a continuing basis.

Subpart A of the rule contains the purpose, scope and definitions. Subpart B of the rule sets out the method and the procedure for issuing regulations. Subpart C establishes the circumstances under which a regulatory analysis shall be accomplished and the procedure for such an analysis. Subpart D establishes the procedure for the review of existing regulations and for the preparation of a regulatory agenda (to include a listing of proposed regulations, and a schedule for review of existing regulations). Subpart E contains some general administrative provisions.

FOR FURTHER INFORMATION CONTACT:

Joseph A. Moreland, Chief Counsel, National Fire Prevention and Control Administration, U.S. Department of Commerce, P.O. Box 19518, Washington, D.C. 20036, telephone 202-632-9685.

SUPPLEMENTARY INFORMATION: On March 23, 1978, the President signed Executive Order 12044, "Improving Government Regulations". The policies of that Executive Order, the Department of Commerce, and this rule are: the promulgation of only those regulations which are necessary the provision for maximum public participation in regulatory affairs, the continuous review of existing regulations, and the special analysis of significant regulations.

To comply with Section 5 of Executive Order 12044, the following information is provided:

NFPCA has not published a detailed system for the promulgation of regulations. Nonetheless, it has followed procedures consistent with the notice and comment rulemaking requirements of the Administrative Procedure Act. In one rulemaking, a Notice of Proposed

Rulemaking was published with a ninety-day comment period. Comments were received and the final publication occurred several months later.

In the second, more complex rulemaking, NFPCA followed a distinctly different process. Extensive consultations were held with and correspondence exchanged between the Office of the Chief Counsel, NFPCA, the General Counsel of the Department of Commerce, the General Counsel of the Department of Treasury, and the Office of Legal Counsel, Department of Justice. After the consultation and review, a Notice of Proposed Rulemaking was published with a sixty-day comment period. Simultaneously, the draft regulations were submitted to the State Fire Marshals, the State Attorneys General, the Mayors of some of the largest cities of each state, the heads of the legal staff of many federal agencies, and safety officers within some federal agencies. During the comment period, meetings were held with fire service officials in several states, with fire service officials employed by federal agencies, and inquiries, via telephone and the mails, were responded to. The comments were reviewed and the final regulations were published in the *FEDERAL REGISTER* and were soon thereafter published in the agency newsletter, *FIREWORD*, which is distributed free of charge to over 20,000 fire service, academic, and governmental personnel.

Subpart B, which sets forth a new process for developing and reviewing regulations, is published below for comments to be consistent with Executive Order 12044 and departmental regulations. Under the new process, 45 CFR Part 2010, "Reimbursement for Costs of Firefighting on Federal Property", and 45 CFR Part 2011, "Public Safety Awards to Public Safety Officers", are to be reviewed first.

To carry out the policies of the Executive Branch as announced in Executive Order 12044, applicable regulations of the Department of Commerce and the policies of the Administrator, NFPCA, Title 45 of the Code of Federal Regulations is amended by establishing a new Part 2012, as follows:

Subpart A—Purpose, Scope, Definitions

Sec.
2012.01 Purpose.
2012.02 Scope.

Sec. 2012.03 Definitions.

Subpart B—Issuing Regulations

- 2012.11 Advanced notice of proposed rulemaking and public participation.
- 2012.12 Agency head oversight before developing new regulations.
- 2012.13 Notice of proposed rulemaking.
- 2012.14 Agency head approval before issuing final regulations.

Subpart C—Regulatory Analysis of Regulations with Major Economic Consequences

- 2012.21 Determination of need for regulatory analysis.
- 2012.22 Contents of regulatory analysis.
- 2012.23 Procedure for regulatory analysis.

Subpart D—Agenda of Proposed Regulations and Review of Existing Regulations

- 2012.31 Agenda of proposed regulations.
- 2012.32 Review of existing regulations.

Subpart E—General Administrative Provisions

- 2012.41 Changes to this rule.
- 2012.42 Effects of other laws.

AUTHORITY: Section 21(b)(5), Pub. L. 93-498, 88 Stat. 1535 (15 U.S.C. 2218(b)(5)) and Executive Order 12044, "Improving Government Regulations" (March 23, 1978).

Subpart A—Purpose, Scope, Definitions

§ 2012.01 Purpose.

(a) On March 23, 1978, the President issued Executive Order 12044, "Improving Government Regulations" which requires that regulations shall not impose unnecessary burdens on the economy, on individuals, on public or private organizations or on State and local governments. The Executive Order requires that regulations shall be developed by a process that insures that:

- (1) The need for and purposes of the regulation are clearly established;
- (2) Heads of agencies and policy officials exercise effective oversight;
- (3) Opportunity exists for early participation and comment by other Federal agencies, State and local governments, businesses, organizations and individual members of the public;
- (4) Meaningful alternatives are considered and analyzed before the regulation is issued; and
- (5) Compliance costs, paperwork and other burdens on the public are minimized.

(b) It is the policy of the National Fire Prevention and Control Administration, as determined by the Administrator, NFPCA, that NFPCA regulations shall be imposed only where necessary and after the maximum feasible participation. It is also the purpose of these rules to establish a continuous review of existing regulations.

§ 2012.02 Scope.

This rule applies to all rulemaking pursuant to Section 1 of the Administrative Procedure Act (5 U.S.C. 553) and to regulations which establish conditions for financial assistance.

This rule does not apply to regulations issued in accordance with 5 U.S.C. 556 and 557, to matters related to agency management or personnel, and to regulations that are issued in response to an emergency or which are governed by short-term statutory or judicial deadlines. In these cases, the head of the agency shall publish in the FEDERAL REGISTER a statement of the reasons why it is impracticable or contrary to the public interest for the agency to follow the procedures of these regulations. The statement shall include the name of the policy official responsible for this determination.

§ 2012.03 Definitions.

The "Act" means the Federal Fire Prevention and Control Act of 1974 (Pub. L. 93-498, 88 Stat. 1535, 15 U.S.C. 2201 et seq., 278f, 42 U.S.C. 290(a)).

"Agency Head" means the Administrator of the National Fire Prevention and Control Administration.

"Agenda" means the semi-annual listing of proposed regulations and existing regulations to be reviewed.

"Major economic consequences" means any regulation which:

- (1) During any one year of its existence, can be expected to result in an effect (direct and indirect) on the economy of \$50 million or more;
- (2) During any one year of its existence, can be expected to result in an effect (direct or indirect) on either consumers, industries, levels of government, or geographic regions exceeding \$25 million;
- (3) During any one year of its existence, can be expected to result in an increase of costs or prices of 5 percent or more for the specific activity, product(s) and/or service(s) affected by the proposed rule or regulation;
- (4) Can be expected to reduce labor productivity by 1 percent or more in the item which is the unit of focus in the regulation;
- (5) Can be expected to reduce employment by 5 percent or more in the activity which is the unit of focus in the regulation;
- (6) For the particular market(s) affected, can be expected to result in a 1 percent or more decline in supply of materials, products or services, or a 1 percent or more increase in consumption of these materials, products or services as direct or indirect result of the regulation; or
- (7) For the particular market(s) affected, can be expected to result in a decline in competition as a result of the regulation. Factors to be considered include limitation of market entry, restraint of market information, or other restrictive factors that impede the functioning of the market system.

"Regulations" means actions of the agency which are required by the Ad-

ministrative Procedure Act (5 U.S.C. 553) to be carried out pursuant to informal rulemaking and rules and regulations which establish conditions for financial assistance. Not included in this definition are regulations issued in accordance with the formal rulemaking procedures of the Administrative Procedure Act (5 U.S.C. 556 and 557), matters related to agency management or personnel, regulations related to Federal Government procurement, regulations issued in response to an emergency or which are governed by short-term statutory or judicial deadlines. Also not included in this definition are regulations which govern the administration or management of grants (except rules which establish conditions for receipt of financial assistance), cooperative agreements, leases, and other agreements entered into between the agency and any other party.

"Significant Regulations" means regulations:

- (1) Which would substantially affect the expenditure of the funds for one program area which are not expended for personnel and administrative purposes;
- (2) Which would substantially and nationally affect fire service, State or local government fire prevention and control planning, management, or operations;
- (3) Which would substantially add to the involuntary reporting and compliance burden of NFPCA funding recipients;
- (4) Which would substantially and nationally affect competition; or
- (5) Which would have a substantial negative impact on the programs of any other Federal agency.

Subpart B—Issuing Regulations

§ 2012.11 Advanced notice of proposed rulemaking and public participation.

Prior to the decision to develop a regulation, an advanced notice of proposed rulemaking shall be published in the FEDERAL REGISTER.

(a) Advanced notices of proposed rulemaking may be issued by the agency head, by an Associate Administrator, by the Superintendent of the National Academy for Fire Prevention and Control or by the Chief Counsel of the agency.

(b) The contents of advanced notices of proposed rulemaking shall be consistent with requirements of the FEDERAL REGISTER and shall include the following:

- (1) The name of the agency, the issuing official, the official assigned to direct the project out of which the notice arises, and his address and telephone number,
- (2) A solicitation of written comments from the public, with a deadline of no less than 45 days following publication of the advanced notice,

(3) A description of the problem for which the notice is issued,

(4) A description of known solutions to the problem for which the notice is issued, including solutions which have been proposed or considered and solutions which may be proposed or considered, and

(5) Information available on additional publication, conferences or meetings, which are scheduled or to be scheduled on the subject of the notice.

(c) Other devices to encourage public participation shall be used to the fullest extent feasible, including: seminars, hearings, publication, and notification of those directly interested.

§ 2012.12 Agency head oversight before developing new regulations.

After the deadline for public comment under an advanced notice of proposed rulemaking, after any further steps to encourage public participation have been taken and before an agency proceeds to develop new regulations, the agency head shall:

(a) Determine whether a new regulation is to be developed,

(b) For all new regulations:

- (1) Review the issues to be considered.
- (2) Review the alternative approaches to be explored.
- (3) Establish a plan for obtaining additional public comment.
- (4) Establish target dates for the completion of steps in the development of the regulations.
- (5) Determine whether the regulation is a significant regulation.

(c) For new significant regulations:

- (1) Determine that the proposed regulation is needed.
- (2) Determine that the direct and indirect effects of the regulation have been adequately considered.

(3) Determine that alternative approaches have been considered and the least burdensome of the acceptable alternatives have been chosen.

(4) Determine that public comments have been considered and an adequate response has been prepared.

(5) Determine that State and local government officials have been consulted, when there is significant intergovernmental impact.

(6) Determine that the regulation is written in plain English and is understandable to those who must comply with it.

(7) Determine that an estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation.

(8) Determine that the name, address and telephone number of a knowledgeable agency official are included in the publication.

(9) Establish a plan for evaluating the regulation after its issuance has been developed.

§ 2012.13 Notice of proposed rulemaking.

(a) After approval by the agency head, new regulations shall be published in the FEDERAL REGISTER as a Notice of Proposed Rulemaking.

(b) The Notice of proposed rulemaking shall include:

(1) Information in the form required by the FEDERAL REGISTER and applicable regulations,

(2) A public comment period of no less than 60 days,

(3) A draft of the proposed regulations,

(4) For regulations that are not significant regulations, a statement that they are not significant,

(5) for regulations with major economic consequences:

(i) An expansion of the regulatory approach that has been selected or is favored,

(ii) A short description of the other alternatives considered,

(iii) A statement of how the public may obtain a copy of the draft regulatory analysis, and

(6) For significant regulations or regulations with major economic consequences which may potentially have a substantial affect on State or local governments:

- (i) A statement of how advice from the government was obtained,
- (ii) A summary of the nature of the comments, and
- (iii) A statement that consultations occurred sufficiently early in the decisionmaking process to influence the action.

(c) All feasible methods of encouraging public participation shall, in addition, be used, including conferences and public hearings, notices of proposed regulations to publications likely to be read by those affected and notification of interested parties directly.

§ 2012.14 Agency head approval of final issuance.

The agency head shall approve all final regulations before they are formally issued for publication in the FEDERAL REGISTER.

(a) The agency head shall determine whether the final regulations are significant.

(1) If they are, he shall review the determinations and actions of § 2012.12C and shall see that they are accurate.

(2) If the determination and actions of § 2012.12C were not made, he shall make them.

(b) If the regulations have major economic consequences, the final publication shall include:

(1) A notice of a final regulatory analysis, and where a copy of it may be obtained,

(2) An explanation of the regulatory method selected, and

(3) A discussion of alternative regulatory methods and why the selected method prevailed.

(c) The contents and form of the publication of final regulations shall be as required by the FEDERAL REGISTER and the code of Federal Regulations.

(d) For regulations which are not significant, a statement to that effect shall be a part of the final publication.

Subpart C—Regulatory Analysis of Regulations with Major Economic Consequences

§ 2012.21 Determination of need for regulatory analysis.

A regulatory analysis shall be conducted for all regulations with major economic consequences or for any regulation at the discretion of the agency head before the Notice of Proposed Rulemaking and before the final issuance of the regulation.

§ 2012.22 Contents of regulatory analysis.

Each regulatory analysis shall contain:

(a) A succinct statement of the problem,

(b) A description of the major alternative ways of dealing with the problem that were considered by the agency,

(c) An analysis of the economic consequences of each of these alternatives,

(d) A detailed explanation for choosing one alternative over the others, and

(e) Where there is significant intergovernmental impact, a statement of:

- (1) Efforts to consult with State and local officials,
- (2) The nature of State and local government comments, and
- (3) How the agency dealt with the comments.

§ 2012.23 Procedure for regulatory analysis.

(a) The agency head shall be responsible for applying the criteria of § 2012.21 to determine if a regulatory analysis is necessary.

(b) The agency head must approve a draft regulatory analysis before new regulations with major economic consequences are published as a notice of proposed rulemaking.

(c) The agency head must approve a final regulatory analysis for all new regulations with major economic consequences prior to issuance as a final regulation.

(d) Agency head approvals shall be based on a determination that the regulatory analysis:

- (1) Satisfies the requirements of the Executive Order, applicable Department of Commerce regulations, and these rules, particularly § 2012.22, and
- (2) Satisfied whatever additional requirements the agency head has imposed.

(e) The agency head shall submit draft regulatory analyses to the Chief

Economist, at least 15 days before publication.

Subpart D—Agenda of Proposed Regulations and Review of Existing Regulations

§ 2012.31 Agenda of proposed regulations.

(a) By January 15, 1979, and every six months thereafter, the agency head shall submit a regulatory agenda to the Assistant Secretary for Policy.

(b) The regulatory agenda shall include the following:

(1) A description of regulations under development or being considered for development, including, to the extent feasible:

(i) A statement of whether the regulation has been determined to be a significant regulation;

(ii) The need and the legal basis for the action being taken;

(iii) A statement as to whether or not a regulatory analysis will be required;

(iv) The name and telephone number of a knowledgeable official;

(v) A listing of major issues likely to be considered in developing the regulation;

(vi) A tentative plan for obtaining public comment and, where applicable, for consulting with State and local governments;

(vii) Proposed dates for completing steps in the development process; and
(viii) Information on the status of all proposed significant regulations listed in previous agendas until these regulations are published as final in the FEDERAL REGISTER.

(2) A list of existing regulations scheduled to be reviewed, including the name and telephone number of a knowledgeable official for each such regulation;

(3) Information on the status of existing regulations previously scheduled for review; and

(4) A list, including the date and FEDERAL REGISTER citation, of all final regulations published in the FEDERAL REGISTER during the previous six months.

§ 2012.32 Review of existing regulations.

(a) The agency head shall periodically (at least semiannually) review all existing regulations to determine whether they are achieving the goals of agency policy, these regulations, and the policies of the Executive Order 12044 "Improving Government Regulations" (March 23, 1978).

(b) In reviewing existing regulations, the agency head shall consider:

(1) The continued need for the regulation,

(2) The type and number of complaints or suggestions received regarding the regulation,

(3) The burdens imposed on those directly or indirectly affected by the regulations,

(4) The need to simplify or clarify language,

(5) The need to eliminate overlapping and duplicative regulations, and

(6) The length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

(c) When the review in B, above, indicated that further evaluation of a regulation is warranted, the same procedural steps outlined for the development of new regulations in §§ 2012.12, 2012.13, and 2012.14 shall be followed.

Subpart E—General Administrative Provisions

§ 2012.41 Changes to this rule.

The contents and procedures established by this rule do not apply to amendments, modifications, or additions to this rule.

§ 2012.42 Effects of other law.

This rule is not intended to create delay in the regulatory and administrative processes or provide new grounds for judicial review. Nothing in this rule shall be considered to supersede existing statutory obligations governing rulemaking.

Dated: _____

HOWARD D. TIPTON,
Administrator, National Fire
Prevention and Control Administration.

APPENDIX H—NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

I. Changes in the Existing Rulemaking Process.

The process for developing regulations within NOAA already incorporates many of the improvements suggested by Executive Order 12044 and Departmental Administrative Order 218-7, particularly with respect to soliciting and incorporating public participation and comment as early in the development process as practicable. For example, under the Coastal Zone Management Act, State and local governments and other interested parties affected by regulations are consulted by rulemakers at an early stage in the regulatory development process. All segments of NOAA freely use the local press to reach the public for comments involving local issues, and NOAA rulemakers liberally publish advance notice of proposed rulemakings when such a procedure is deemed justified and helpful. In addition, NOAA generally employs a comment period of at least sixty days for major regulations, and has, where desirable, utilized more than one round of comments.

On the other hand, the procedures established by Departmental Administrative Order 218-7 change the NOAA

regulatory development process in significant ways. Whereas previously the Administrator has delegated substantial rulemaking authority to Assistant Administrators, he is now personally brought into the rulemaking process at a much earlier stage, at least with regard to significant regulations. Furthermore, NOAA previously has had no formalized criteria for determining the significance of regulations, or for identifying which of its existing regulations needed review. The new rulemaking procedures place much greater stress on developing alternatives to ascertain that the least burdensome alternative is chosen. We anticipate that by scrutinizing alternatives to a contemplated regulation early in the decisionmaking process, certain regulations which otherwise would have been promulgated will be found to be unnecessary or undesirable. Finally, NOAA anticipates that Departmental Administrative Order 218-7, as supplemented herein, will provide a structural framework which provides consistency and clarity to our rulemaking procedures.

II. Criteria for Determining the Significance of Regulations.

A contemplated regulation shall be considered "significant" if it—

(a) Creates a major impact upon the environment or economy;

(b) Affects a large number of individuals, businesses, organizations, State or local governments;

(c) Places burdensome recordkeeping and reporting requirements on the public;

(d) Has an integral relationship either to the regulations of other programs and agencies or to major Departmental policy issues; or

(e) Is the subject of controversy or significant public interest.

III. Criteria for Identifying Which Regulations Require Regulatory Analysis.

A. Office of Fisheries.

A regulatory analysis shall be prepared for all regulations of the Office of Fisheries which:

(a) During any one year of its existence, can be expected to result in an effect (direct and indirect) on the economy of \$20 million or more;

(b) During any one year of its existence, can be expected to result in an effect (direct and indirect) on either consumers, industries, levels of government, or geographic region exceeding \$10 million;

(c) During any one year of its existence, can be expected to result in an increase of cost or price of five percent or more for the specific activity, product(s) and/or service(s) affected by the proposed rule or regulation;

(d) Can be expected to reduce labor productivity by 1 percent or more in

the item which is the unit of focus in the regulation;

(e) Can be expected to reduce employment by five percent or more in the sector of the fishing industry which is the unit of focus in the regulation;

(f) For the particular market(s) affected, can be expected to result in a ten percent or more decline in supply of materials, products or services, or a ten percent or more increase in consumption of these materials, products or services as direct or indirect result of the regulation; or

(g) For the particular market(s) affected, can be expected to result in a decline in competition as a result of the regulation. Factors to be considered include limitation of market entry, restraint of market information, or other restrictive factors that impede the functioning of the market system.

(h) During any one year of its existence, can be expected to result in a decrease in revenues or profits of ten percent or more in the sector of the fishing industry directly affected by the regulation.

A regulatory analysis shall also be prepared when:

(i) In the judgment of the Administrator, such an analysis would benefit the decisionmaking process and/or promote more informed public participation; or

(j) The Secretary determines, in accordance with Departmental Administrative Order 218-7, that such an analysis should be performed.

B. All Other NOAA Elements.

A regulatory analysis shall be prepared for all regulations other than those of the Office of Fisheries which:

(a) During any one year of its existence, can be expected to result in an

effect (direct or indirect) on the economy of \$50 million or more;

(b) During any one year of its existence, can be expected to result in an effect (direct or indirect) on either consumers, industries, levels of government, or geographic region exceeding \$25 million;

(c) During any one year of its existence, can be expected to result in an increase of cost or price of five percent or more for the specific activity, product(s) and/or service(s) affected by the proposed rule or regulation;

(d) Can be expected to reduce labor productivity by 1 percent or more in the item which is the unit of focus in the regulation;

(e) Can be expected to reduce employment by five percent or more in the activity which is the unit of focus in the regulation;

(f) For the particular market(s) affected, can be expected to result in a one percent or more decline in supply of materials, products or services, or a one percent or more increase in consumption of these materials, products or services as direct or indirect result of the regulation; or

(g) For the particular market(s) affected, can be expected to result in a decline in competition as a result of the regulation. Factors to be considered include limitation of market entry, restraint of market information, or other restrictive factors that impede the functioning of the market system.

A regulatory analysis shall also be prepared when:

(h) In the judgment of the Administrator, such an analysis would benefit the decisionmaking process and/or promote more informed public participation; or

(i) The Secretary determines, in ac-

cordance with Departmental Administrative Order 218-7, that such an analysis should be performed.

A regulatory analysis shall be prepared in conformance with Departmental Administrative Order 218-7, section 5.04. If data is lacking or there are questions about how to determine or analyze points of interest, the problem should be noted in the draft regulatory analysis so as to help elicit the necessary information during the public comment period on the notice of proposed rulemaking.

IV. Criteria for Determining the Existing Regulations to be Reviewed.

The Assistant Administrators shall be responsible for an initial selection and subsequent periodic selections of existing regulations for review and possible revocation or revision. In selecting regulations to be reviewed, and establishing priorities, the responsible Assistant Administrators shall select those regulations—

(1) For which there is no continued need;

(2) Which have been the subject of a number of complaints or suggestions;

(3) Which impose heavy burdens on those directly or indirectly affected by the regulation;

(4) Which need to be clarified or simplified;

(5) Which overlap and duplicate other regulations; or

(6) Which have not undergone evaluation for a period of four or more years.

An existing regulation selected for review shall remain in full effect until such time as it may be revised or revoked.

V. Existing Regulations Selected for Initial Review.

The following existing regulations have been selected for initial review:

Regulation	Reasons for selection	Contact person
15 CFR Pt. 931—Coastal Energy Impact Program.	(1) Has been the subject of complaints, comments, and criticisms. (2) Need to clarify and simplify. (3) Anticipated change in statutory language by Outer Continental Shelf Lands Act Amendments.	James Robey, telephone 634-4249, Office of Coastal Zone Management, 2001 Wisconsin Ave. NW., Room 372, Page Bldg., Washington, D.C.
50 CFR 620—FCMA Citations.	NOAA effort to simplify and consolidate our civil penalty procedures under the 6 statutes authorizing such penalties.	Stan Pitkin, telephone 206-399-0329, Building 25, Room 23, 7500 Sand Point Way NE., Seattle, Wash.
50 CFR 621—FCMA Civil Procedures.	do.....	Do.
50 CFR 218—Subpt. C—Marine Mammals—Civil Procedures.	do.....	Do.
50 CFR 219—Marine Mammals—Seizure and forfeiture Penalties.	do.....	Do.
50 CFR 216—Subpt. F—Taking and Importing of Marine Mammals.	do.....	Do.
50 CFR 285.6—Atlantic Tuna Fisheries—Civil Procedures.	do.....	Do.
50 CFR 246—Transportation of Wild Life—Civil Penalties Under Lacey Act.	do.....	Do.
15 CFR 922—Subpt. D—Marine Sanctuaries—Enforcement.	do.....	Do.
15 CFR 903—Public Information—Implementation of the Freedom of Information Act.	Length of time until regulation issued or evaluated	Jay Johnson, telephone 703-443-8066, Room 627, 6100 Executive Blvd., Rockville, Md. 20852.
50 CFR Pt. 210—Renegotiated INPFC	Authorizing legislation underlying international agreement has been changed or eliminated.	Carmen J. Blondin, telephone 202-634-7267, Assistant Director for International Fisheries, Room 240, Page Bldg. 2, 330 Whitehaven St. NW., Washington, D.C. 20235.

Regulation	Reasons for selection	Contact person
Pts. 240 and 241—Withdrawal From ICNAP.	do	Do.
Pt. 295—Repeal of the Bartlett Act	do	William P. Allen, telephone 202-634-7265, Special Agent Enforcement Division, Room 361, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 201—Field Organization of the National Marine Fisheries Service.	Length of time since regulation issued or evaluated	Robert K. Crowell, telephone 202-634-7405, Executive Officer, Room 426A, Page Bldg. 2, 330 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 215—Pribilof Islands Administration of Marine Mammals.	do	Donald R. Johnson, telephone 206-442-7575, Regional Director, Northwest Region, NMFS, 1700 West Ave. North, Seattle, Wash. 98109.
Pt. 216—Taking and Importing Marine Mammals (except § 216.24).	do	William P. Jensen, telephone 202-634-7461, Marine Mammal Division, Room 410B, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pts. 217 through 225—Endangered Species Act and Fish and Wildlife Act—Implementation.	do	Robert B. Gorrell, telephone 202-634-7461, Endangered Species Specialist, Room 406A, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 230—Whaling Provisions (except native subsistence)—Enforcement of Whaling Convention Act.	do	Richard B. Roe, telephone 202-634-7461, Acting Chief, Marine Mammal and Endangered Species Division, Room 410C, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 245—Offshore Shrimp Fisheries Act—Implementation.	do	William H. Stevenson, telephone 813-893-3141, Regional Director, Southeast Region, NMFS, 9450 Koger Blvd., St. Petersburg, Fla. 33702.
Pt. 246—Transportation of Wildlife	do	Morris M. Pallozzi, telephone 202-634-7265, Chief, Enforcement Division, Room 361, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pts. 245 through 259—Subch. F—Aid to Fisheries.	do	Michael L. Grable, telephone 202-634-7496, Chief, Financial Assistance Division, Room 312, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pts. 260 through 279—Subch. G—Processed Fishery Products.	do	James R. Brooker, telephone 202-634-7458, Food Technologist, Seafood Quality and Inspection Division, Room 380, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 281—Restrictions on Tuna Imports—Inter-American Tropical Tuna Convention.	do	Carmen J. Blondin, telephone 202-634-7267, Assistant Director for International Fisheries, Room 240, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 290—Fishery Marketing Cooperatives Restraint of Trade.	do	Joseph W. Slavin, telephone 202-634-7261, Assistant Director For Fisheries Development, Room 300, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 301—Pacific Halibut Fisheries and the International Pacific Halibut Commission.	do	William H. MacKenzie, telephone 202-634-7257, Foreign Affairs Officer, Room 249, Page Bldg. 2, 3300 Whitehaven St. NW., Washington, D.C. 20235.
Pt. 401—Anadromous Fisheries Conservation, Development, and Enhancement Under the Anadromous Fisheries Conservation Act.	do	Paul R. Nichols, telephone 202-634-7434, Fishery Administrator, Room 340, 3300 Whitehaven St. NW., Washington, D.C. 20235.

VI. Comments

Any comments on this report should be directed in writing to: Michael A. Levitt, Office of General Counsel, National Oceanic and Atmospheric Administration, Washington, D.C. 20230, telephone 377-4080.

APPENDIX I—THE NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

I. Introduction.

The National Telecommunications and Information Administration was established effective March 26, 1978. It absorbed the functions of the Office of Telecommunications Policy in the

Executive Office of the President (with exceptions explained in Executive Order 12046, "Relating to the Transfer of Telecommunications Functions") and the Office of Telecommunications in the Department of Commerce.

NTIA does not have, nor did its predecessor offices have, any established procedures for issuing regulations covered by Executive Order 12044 and the Department's implementing administrative order, DAO 218-7. NTIA does have regulations governing the management of Federal agency use of radio frequencies, and procedures for issuing them. Because these regulations are related to the management of Federal agencies, Ex-

ecutive Order 12044 does not apply to them (see Section 6(b)(3)). Thus, NTIA has no regulations covered by the order.

NTIA now proposes to establish, for any future regulations covered by Executive Order 12044 and DAO 218-7, the following: (1) a process for developing them; (2) criteria for deciding which of them are significant under Section 2 of the order; and (3) criteria for identifying which of them require regulatory analysis under Section 3 of the order. Criteria for selecting existing regulations to be reviewed under section 4 of the order will be established concurrently with NTIA's first issuance of regulations covered by the order.

Comments upon this draft report should be addressed to: U.S. Department of Commerce, National Telecommunications and Information Administration, Office of Chief Counsel, Washington, D.C. 20504.

II. Process for Developing Regulations.

The NTIA proposed process requires the preparation and approval of an issue paper before the development of any regulation(s) covered by Executive Order 12044. The issue paper must undergo staff review and be submitted for approval to the Assistant Secretary for Communications and Information, who is also the Administrator of NTIA (hereinafter called the Administrator). The issue paper must cover (1) the need, purpose and alternatives required by Section 1 of the Executive order; (2) whether the regulation is significant under Section 2(e) of the order and NTIA criteria (Part III of this draft report); (3) whether a regulatory analysis is required under Section 3 of the order and NTIA criteria (Part IV of this draft report); and (4) plans for compliance with all applicable requirements of the order and the Department's Administrative Orders. One of the plans must show exactly how the opportunity will be provided for early participation and comment by other Federal agencies, State and local governments, businesses, organizations, and individuals, as required by Section 1(c) of the order. In preparing this plan, consideration will be given to (1) publishing an advance notice of proposed rulemaking, (2) holding open conferences or public hearings, (3) sending notices of proposed regulations to publications likely to be read by those affected; and (4) notifying interested parties directly, and the plan will include the method(s) which are most appropriate to the regulation(s) proposed to be developed.

As NTIA begins to develop any regulation(s), the information from the approved issue paper, which is necessary to public understanding of the issues and process to be followed, will be made public by following the issue paper's plan for providing an early opportunity for participation and comment. Notice of development of a significant regulation will also be published in the Department's Semi-annual Agenda of Significant Regulations, or a supplement to the agenda.

Development will proceed in compliance with the order. After appropriate analysis and consideration of public comments, a Notice of Proposed Rulemaking will be prepared for staff review and approval of the Administrator or Secretary (or Deputy Administrator) if the regulation is not significant. After publication of the notice in the FEDERAL REGISTER and circulation to the appropriate media as set

forth in the issue paper's plan for providing an early opportunity for participation and comment, the resulting comments will be analyzed. A notice of the final regulation (which includes a plan for subsequent evaluation) will be prepared for staff review and final approval of the officer who approved the Notice of Proposed Rulemaking. Upon approval, the notice will be appropriately published and put into effect.

III. Criteria for Identifying Significant Regulations.

NTIA presently has no specific plans or programs for issuing regulations covered by the Executive order. Thus, except for the Department's minimum criteria for requiring regulatory analysis, NTIA has nothing with which to compare our proposed specific criteria, nor to judge their reasonableness.

We have prepared two economic criteria, which are based upon the Department's minimum standards. In all other respects, NTIA must use general criteria until the opportunity occurs to develop specific regulations. The following have been prepared for the area of telecommunications and information in general, and are intended to serve as an interim check list to aid in deciding whether a proposed regulation would have a significant effect on the status quo. The criteria are as follows:

Criteria for Identifying Significant Regulations. A regulation shall be considered significant if it appears at the time of evaluation that:

(a) During any one year of its existence, the regulation can be expected to result in an effect (direct or indirect) on the economy of \$30 million or more;

(b) During any one year of its existence, the regulation can be expected to result in an effect (direct or indirect) on either consumers, industries, levels of government, or geographic regions exceeding \$15 million;

(c) It will have some other economic impact which is large enough to require regulatory analysis (Part IV);

(d) It will have a substantial effect upon the availability of the radio spectrum resource, other telecommunications resources, information resources, or upon the use of any of these resources;

(e) It will have a substantial effect upon a telecommunications or information equipment or service industry, or the structure of one or more such industries, and is likely to be perceived as important to any such industry;

(f) It will have a substantial effect upon users of telecommunications or information resources, equipment or services (for example, by significantly limiting or expanding users' ability or opportunity to use them, or the range of choices available to users), or upon non-users, and is likely to be perceived as important to users or non-users; or

(g) It will require a substantial change in the existing relationships among suppliers and users of telecommunications and information goods and services, or upon their relationships with non-users.

In applying these criteria, the following factors, at least, shall be considered:

(1) The type and number of individuals, businesses, organizations, State and local governments affected;

(2) The compliance and reporting requirements likely to be required or changed;

(3) The direct and indirect effects of the regulation including the effect on competition;

(4) The relationship of the regulation to those of other programs and agencies;

(5) The relationship of the regulation to major Departmental policy issues;

(6) The degree of controversy over, or public interest in, the regulation; and

(7) The probable social impact of the regulation.

IV. Criteria for Determining Whether Regulatory Analysis is Required.

For the reasons explained at the beginning of Part III, NTIA has no specific basis for deciding whether its criteria for determining whether regulatory analysis is required should be more rigorous than, or otherwise different from, the minimum criteria for the Department set forth in Section 5 of DAO 218-7. Thus, until NTIA does have a specific basis for issuing, and does issue, new criteria, a regulatory analysis must be prepared for all regulations which meet or exceed any of the criteria set forth in subsections .02 and .03 of section 5 of the Department Administrative Order.

V. Existing Regulations.

As was explained in the introduction to this report, NTIA has no regulations covered by Executive Order 12044. Criteria for selecting existing regulations to be reviewed under Section 4 of the order will be established concurrently with NTIA's first issuance of regulations covered by the order.

APPENDIX J—OFFICE OF MINORITY BUSINESS ENTERPRISE

The Office of Minority Business Enterprise (OMBE) coordinates Federal activities designed to assist minority business, stimulates private sector efforts in support of minority enterprise, and provides financial assistance to private and public organizations that provide management and technical assistance to minority businessmen, as authorized by Executive Order 11625.

The following draft report is provided as required by Section 5 of Ex-

Executive Order 12044, improving Government Regulations:

1. This agency has never issued regulations, and prior to the issuance of Executive Order 12044 no process for developing regulations had been established. Since then the Department of Commerce, to implement the order, has developed draft Department Administrative Order 218-7, which prescribes procedures for issuing departmental regulations. OMBE has adopted the identical process for issuing its regulations, except as provided below.

2. The Director has determined that all regulations of the agency will be considered significant.

3. If the Director determines that a regulation has potential major economic consequences, a regulatory analysis must be performed. The criteria to be used in determining when a regulation has major economic consequences, and what such an analysis must include, are found in Section 5 of Department Administrative Order 218-7. If the Director determines a regulation has no potential major economic consequences, a regulatory analysis need not be done, unless in the director's judgment such an analysis would be beneficial.

4. Existing regulations will be reviewed not less frequently than every four years. The procedures to be followed in any review of existing regulations are described in Section 6.04 of Department Administrative Order 218-7. Since this agency has no existing regulations, an initial review cannot be done. Criteria for reviewing existing regulations will be developed when OMBE begins to issue regulations.

Any comments on this report should be addressed to: Barry K. Robinson, Chief Counsel, Office of Minority Business Enterprise, 14th and Constitution Avenue NW., Washington, D.C. 20230, 202-377-5641.

APPENDIX K—OFFICE OF REGIONAL ECONOMIC COORDINATION

Description of Process.

The Deputy Under Secretary of Commerce, who serves as the Special Assistant to the Secretary for Regional Economic Coordination, carries out the duties of the Secretary of Commerce under Executive Order 11386 and Title V of the Public Works and Economic Development Act of 1965, as amended, which establishes the Regional Action Planning Commission program. The Deputy Under Secretary heads the Office of Regional Affairs and Program Coordination, which includes the Office of Regional Economic Coordination (OREC). OREC assists the Deputy Under Secretary in meeting the duties under Title V which include the development of guidelines for the use of Title V funds and liaison with the Regional Commission and

with the Federal Cochairman to the Commissions. By delegation of authority from the Secretary (DAO 15-7 dated 11-18-77), the Deputy Under Secretary adopts appropriate regulations applicable to Commission activities in order to carry out the provisions of Title V.

The Commissions are partnerships between the Federal Government and the States which comprise the economic development regions designated by the Secretary pursuant to 42 U.S.C. 3181. Each Commission prepares a long-range economic development plan for its Region and undertakes the funding of economic development planning activities, studies and demonstration projects and the supplemental funding of other Federal grant-in-aid programs.

The Department's regulations on Title V relate to the administration and management of the program by the Commissions and limitations on the use of funds. No regulation controls how businesses and consumers conduct their economic activities, nor do any regulations direct a Commission to make expenditures in any particular program or geographic area within the applicable Region. By the terms of the legislation creating the program, each Commission has a great deal of discretion in choosing specific activities and projects to be assisted.

Because the program is limited in scope, the OREC staff is small and the regulations have no major impact on the public, there are no formal procedures for developing regulations. However, the process of development always has and will continue to have the following elements:

(a) Examination of the need for a regulation or guideline as the means to resolve a problem or to implement legislation.

(b) Consultation with the Federal Cochairmen to the Commissions and Commission principals in order to draft, review, and re-draft any proposals.

(c) Keeping the Commission Governors informed of major developments.

(d) Publication of proposed rule in the FEDERAL REGISTER and solicitation of comments and suggestions from the public.

(e) Consideration of comments and re-drafting of proposals as needed.

(f) Publication of final regulations. In response to the President's Order and Department of Commerce Administrative Order (DAO) 218-7, the Deputy Under Secretary and the Office of Regional Economic Coordination will modify regulation development procedures in order to—

(1) Apply criteria and requirements specified in the Order and in DAO 218-7 to different stages of the development process;

(2) Identify significant regulations early in the development process in

order to implement requirements applicable to significant regulations;

(3) Prepare a regulatory analysis for significant regulations in order to aid the Deputy Under Secretary in the decision-making process;

(4) Estimate new reporting burdens and recordkeeping requirements;

(5) Insure that alternatives to the regulatory approach are thoroughly considered;

(6) Check more carefully the language and format of the rules in order to achieve understandability ("plain English"); and

(7) Develop a plan for future evaluation of the regulations.

OREC will involve all affected parties in the development process and plans to institute intergovernmental consultation procedures for significant regulations as required in the President's memorandum of March 23, 1978, to the heads of executive departments and agencies (concerning consultation with State and local Governments).

Criteria for Defining Significant Regulations.

The Deputy Under Secretary finds the following to be significant regulations for the purposes of Executive Order 12044 and DAO 218-7:

(a) Any program regulation developed to implement a future Congressional authorization for a new Regional Commission program area.

(b) Any change in program regulations or any new regulations which will require Regional Commissions—

(1) To make major shifts of funds or major reprogrammings of funds—

(i) For the initiation of new programs or major new policies, or

(ii) For substantially increased financial activity in an existing program area or the substantial augmentation or abatement of an existing program;

(2) To undertake a major redirection of a program activity.

Performance of Regulatory Analysis.

The Deputy Under Secretary will require the Development and use of a regulatory analysis in accordance with DAO 218-7 for each significant regulation as defined above.

Review of Existing Regulations.

The Deputy Under Secretary and the Office of Regional Economic Coordination will review all of the Title V regulations in accordance with the policy of Executive Order 12044. The initial review over the next six months will concentrate on the following Parts of Chapter V, Title 13, code of Federal Regulations:

530: Review of Commission Long-Range Economic Plans.

540: Grants for Administrative Expenses of Commissions.

550: Technical and Planning Assistance by the Secretary and the Commissions.

560: Supplemental Grants to Other Federal Grant-in-Aid Programs.

580: Coordination under the Title V Program.

Within one year this Office will have reviewed all of the regulations in 13 CFR, Chapter V—the remainder dealing with the designation of regions, regional boundaries, commission administration, specific commission demonstration project authorities, and inter-agency evaluation and coordination. During the next year, each time the review of a set of regulations is completed, OREC will establish a schedule for its subsequent review, at least as often as every two years.

Contact Official.

Ms. Frances Pappas, Program Development Officer, Office of Regional Economic Coordination, Department of Commerce, Room 2092, Main Commerce Building, Washington, D.C. 20230, 202-377-5174.

APPENDIX L—OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY

1. Brief description of the process in the Office of the Assistant Secretary for Science and Technology for developing regulations and the changes that have been made to comply with Executive Order 12044.

The Office of the Assistant Secretary for Science and Technology is composed of the following: the immediate Office of the Assistant Secretary; two offices—the Office of Product Standards and the Office of Environmental Affairs; and three primary operating units of the Department—the National Bureau of Standards, the Patent and Trademark Office and the National Technical Information Service.

Although, prior to the issuance of EO 12044, there were no written procedures in the Office of the Assistant Secretary for Science and Technology for developing regulations, this Office followed the rulemaking procedures set out in 5 U.S.C. 553.

Within the Office of the Assistant Secretary for Science and Technology, for all organizations, except the Patent and Trademark Office (PTO), rulemaking generally has been initiated by the agency head or one of his immediate subordinates, with the agency head's approval. Drafts of rulemaking documents are prepared, reviewed, and cleared by the agency head and the Assistant General Counsel for Science and Technology and signed by the agency head. All proposed rules are published for public comment in the FEDERAL REGISTER for a comment period of at least 30 days. In some cases an informal public hearing may be scheduled, in addition to the submission of written public comment. All comments as a result of the

publication in the FEDERAL REGISTER and the transcript of the hearing, if one has been held, are analyzed. This analysis, as well as all public comments, are filed in the Central Reference and Records Inspection Facility, Room 5317, Main Commerce Building, where all members of the public may examine them or request copies. The rule is then published in the FEDERAL REGISTER.

The procedure which has been used in PTO is briefly described as follows:

Initiation. Rulemaking generally has been initiated by the agency head or one of his immediate subordinates with the agency head's approval.

Planning. Alternative approaches are considered, program personnel are consulted, an initial clearance by the Solicitor is obtained, and a tentative plan is established.

Preparation, Clearance and Signature. Drafts of rulemaking documents are prepared, reviewed, cleared by the initiating official and the Solicitor, and signed by the agency head as the issuing official. The drafts are then reviewed by the Assistant General Counsel for Science and Technology before being submitted to the Assistant Secretary for Science and Technology, who signs as the approving official.

Public Participation. Rulemaking proposals are published for public comment in the FEDERAL REGISTER and the Official Gazette (weekly PTO publication of patent and trademark matters, authorized under 35 U.S.C. 11). A hearing may be scheduled. Advance notice of proposed rulemaking is published in the Official Gazette in certain cases, e.g., where alternatives exist and the proposal can be narrowed to focus on the best alternative.

Promulgation. The comments submitted by the public, and the transcript of the hearing, if one has been held, are analyzed, the proposal is revised if necessary and a notice of final rulemaking is prepared, signed by the agency head and the Assistant Secretary for Science and Technology and published in the FEDERAL REGISTER and the Official Gazette.

All public comments and a summary and analysis document are filed in Room 11E10 of Crystal Plaza Building 3, 2021 Jefferson Davis Highway, Arlington, Va., where all members of the public may examine them or request copies.

Following the issuance of EO 12044 the Assistant Secretary for Science and Technology issued a directive which prescribes for all organizations under the Assistant Secretary's jurisdiction procedures which incorporate the requirements of EO 12044 and draft DAO 218-7. The organizations to which the directive applies are the Patent and Trademark Office, National Bureau of Standards, National Technical Information Service, Office

of Product Standards and Office of Environmental Affairs. That directive is attached as Tab A to this notice.

2. Proposed criteria for defining significant agency regulations.

See section 4.01 of Tab A which provides:

.01 Any regulation issued within the Office of the Assistant Secretary for Science and Technology shall be deemed significant for the purpose of this directive.

3. Proposed criteria for identifying regulations which require regulatory analysis.

Section 5 of Tab A sets forth the criteria proposed by the Assistant Secretary for Science and Technology for identifying regulations which required regulatory analysis.

4. Proposed criteria for selecting existing regulations to be reviewed and a list of regulations selected for intensive review.

See section 6.01 of Tab A which provides:

.01 Existing regulations issued within the Office of the Assistant Secretary for Science and Technology shall be reviewed annually to determine whether they are achieving the policy goals of EO 12044.

The review shall consider, among other things, matters cited at section 6.02e. of the directive. The regulations to be reviewed this year are:

15 CFR Part 240—dealing with Barrels and Other Containers for Lime;

15 CFR Part 241—dealing with Barrels for Fruits, Vegetables and Other Dry Commodities, and for Cranberries;

37 CFR sections 1.15, 1.65, 1.107, 1.244, 1.344 and 1.345, dealing with patents; and

37 CFR sections 2.27, 2.64-2.65, 2.91-2.136, 2.141-2.142, 2.146-2.148, 2.165, 2.173 and 2.184, dealing with trademarks.

Persons desiring to comment on the following draft report should send their comments to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230.

The person to be contacted for information concerning this draft report is Robert B. Ellert, Assistant General Counsel for Science and Technology, Room 3859, U.S. Department of Commerce, 14th and E Streets NW., Washington, D.C. 20230, telephone 202-377-5394.

DIRECTIVE TO HEADS OF ORGANIZATIONS WITHIN THE OFFICE OF THE ASSISTANT SECRETARY FOR SCIENCE AND TECHNOLOGY

PROCEDURES FOR ISSUING REGULATIONS

Section 1. Purpose.

The purpose of this directive is to implement Executive Order 12044 of

March 23, 1978, Improving Government Regulations, and DAO 218-7, Issuing Department Regulations, for organizations within the Office of the Assistant Secretary for Science and Technology.

Section 2. Scope.

.01 Except as provided in paragraph .02 of this section, this directive applies to all regulations issued by organizations under the jurisdiction of the Assistant Secretary for Science and Technology (hereinafter, the Assistant Secretary), published in the *FEDERAL REGISTER*.

.02 Unless specifically noted to the contrary, this directive *does not* apply to:

- a. Regulations issued in accordance with the formal rulemaking provisions of the Administrative Procedure Act (5 U.S.C. 556, 557);
- b. Regulations issued with respect to a military or foreign affairs function of the United States;
- c. Matters related to agency management or personnel, including matters dealing with providing the public with an agency's services;
- d. Regulations related to Federal Government procurement;
- e. Regulations that are issued in response to an emergency or which are governed by short-term (less than 91 days) statutory or judicial deadlines; or
- f. Procedures and their implementing specifications governing voluntary compliance programs and standards wherein parties in the private sector may, on their own volition, choose whether or not to participate and may withdraw at any time.

Section 3. Definitions.

.01 *Agency head.* As used in this directive, "agency head" means the Assistant Secretary and the Director, National Bureau of Standards, Commissioner, Patent and Trademark Office and the Director, National Technical Information Service, and persons serving in those positions in an acting capacity. The functions of the agency head may not be delegated.

.02 *Regulation(s).* As used in this directive, "regulation(s)" means both rules and regulations issued by components of the Department, including those which establish conditions for financial assistance. Closely related sets of regulations shall be considered together.

Section 4. Significant regulations.

.01 Any regulation issued within the Office of the Assistant Secretary for Science and Technology shall be deemed significant for the purpose of this directive.

.02 Before proceeding to develop significant new regulations the agency

head shall have reviewed the items in subsection .03 of this section and, as appropriate, any other relevant issues. Furthermore, the agency head shall have reviewed the alternative approaches to be explored; a tentative plan for obtaining public comment; and, where applicable, a tentative plan for consultation with state and local governments; and the agency head shall have established a target date for completion of steps in the development of the regulation.

.03 Agency heads shall approve significant regulations before they are published in the *FEDERAL REGISTER* in final form. Before approving significant regulations, these officials should be satisfied that:

- a. The regulation is needed;
- b. The direct and indirect effects of the regulation have been adequately considered;
- c. Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;
- d. Public comments (including those from state or local governments) have been considered and an adequate response has been prepared;
- e. The regulation is written in plain English so that it is understandable to those who must comply with it;
- f. An estimate has been made of the new reporting burdens or recordkeeping requirements necessary for compliance with the regulation;
- g. The name, title, address and telephone number of a knowledgeable official is included in the publication; and
- h. A plan for evaluating the regulation after its issuance has been developed.

.04 Agency heads may, except where otherwise required by law, in their discretion, refer regulations which they believe to be of particular importance to the Assistant Secretary or through the Assistant Secretary to the Secretary for approval.

Section 5. Regulatory Analysis.

.01 A regulatory analysis shall be prepared for each significant regulation determined to have potential major economic consequences for the general economy, for individual industries, geographic regions, levels of government, or specific elements of the population.

.02 Since a regulatory analysis is designed to aid decisionmakers in promulgating effective regulations, the criteria established should consider the characteristics of their specific programs. However, at a minimum, a regulatory analysis shall be prepared for all regulations which:

- a. During any one year of its existence, can be expected to result in an effect (direct and indirect) on the economy of \$50 million or more;

b. During any one year of its existence, can be expected to result in an effect (direct or indirect) on either consumers, industries, levels of government, or geographic region exceeding \$25 million;

c. During any one year of its existence, can be expected to result in an increase of cost or price of five percent or more for the specific activity, product(s) and/or service(s) affected by the proposed rule or regulation;

d. Can be expected to reduce labor productivity by one percent or more in the item which is the unit of focus in the regulation;

e. Can be expected to reduce employment by five percent or more in the activity which is the unit of focus in the regulation;

f. For the particular market(s) affected, can be expected to result in a one percent or more decline in supply of materials (including energy), products or services, or a one percent or more increase in consumption of these materials (including energy), products or services as direct or indirect result of the regulation; or

g. For the particular market(s) affected, can be expected to result in a decline in competition as a result of the regulation. Factors to be considered include limitation of market entry, restraint of market information, or other restrictive factors that impede the functioning of the market system.

.03 A regulatory analysis shall also be prepared for any regulation, when:

- a. In the judgment of the agency head such an analysis would improve the decisionmaking; or
- b. The Secretary determines, in accordance with DAO 218-7, that such an analysis should be performed.

Section 6. Review of Existing Regulations.

.01 Existing regulations issued within the Office of the Assistant Secretary for Science and Technology shall be reviewed annually to determine whether they are achieving the policy goals of Executive Order 12044.

.02 Procedures for review of existing regulations shall, at a minimum, contain the following procedural steps:

- a. Inclusion of notice of the review in the semi-annual agenda as required by section 7.02 of this directive, or as appropriate, supplementing the Department Agenda as called for in section 7.03, and notification to the Assistant Secretary as called for in section 7.04 of this directive;

b. Agency head oversight as called for in section 4.02, before proceeding with the review;

c. A determination of whether the regulation meets the criteria established for determining if a regulatory analysis must be performed, and, if so, preparing a regulatory analysis in accordance with the procedures established under DAO 218-7;

d. If the review results in a determination that a regulation should be amended or rewritten, compliance with public notice and participation requirements of this directive and DAO 201-9, concerning consultation with state and local governments; and agency head approval of significant regulations before final publication, as set forth in section 4.03 of this directive; and

e. In reviewing existing regulations under this section the agency head shall consider the following:

1. The continued need for the regulation;
2. The type and number of complaints or suggestions received;
3. The burdens imposed on those directly or indirectly affected by the regulation;
4. The need to simplify or clarify language;
5. The need to eliminate overlapping and duplicative regulations; and
6. The degree to which technology, economic conditions or other factors have changed in the area affected by the regulation.

Section 7. Regulatory Agenda.

.01 No later than January 8, 1979, and every six months thereafter, each agency head shall submit its regulatory agenda to the Assistant Secretary. By January 15, 1979, and every six months thereafter, the Assistant Secretary shall submit the regulatory agenda for the Office of the Assistant Secretary for Science and Technology to the Assistant Secretary for Policy.

.02 Each regulatory agenda shall include the following:

- a. A description of regulations under development or being considered for development, including, to the extent feasible:

1. The need and legal basis for the action being taken;
2. A statement as to whether or not a regulatory analysis will be required;
3. The name, title, and telephone number of knowledgeable official;
4. A listing of major issues to be considered in developing the regulation;
5. A tentative plan for obtaining public comment and, where applicable, a tentative plan for consulting with state and local governments;
6. Proposed dates for completing steps in the development process; and
7. Information on the status of all proposed, significant regulations listed in previous agendas until these regulations are published as final in the *FEDERAL REGISTER*.

b. A list of existing regulations scheduled to be reviewed, including the name, title, and telephone number of a knowledgeable official for each such regulation;

c. Information on the status of existing regulations previously scheduled for review; and

d. A list, including the date and *FEDERAL REGISTER* citation, of all final regulations published in the *FEDERAL REGISTER* during the previous six months.

.03 Agency heads shall publish supplements to the Department Agenda whenever it becomes apparent that development or review of significant regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda or development or review of a regulation listed in the previous Department Agenda will not commence as scheduled.

.04 Agency heads shall immediately notify the Assistant Secretary whenever it becomes apparent that development or review of regulations not listed in the previous Department Agenda will commence before publication of the next Department Agenda. The Assistant Secretary shall immediately notify the Assistant Secretary for Policy on this matter.

Section 8. Secretarial Approval.

Whenever, under DAO 218-7, Issuing Departmental Regulations, Secretarial approval of a regulation is required, the agency head shall no later than 25 days prior to the proposed date for publication in the *FEDERAL REGISTER* in final form, submit the regulation to the Assistant Secretary for approval and transmittal to the Secretary.

Section 9. Public Participation.

.01 The public shall be given an early and meaningful opportunity to participate in development of all the regulations.

.02 Agency heads shall, as appropriate, consider a variety of ways to provide this opportunity, including, but not limited to:

- a. Publishing an advance notice of proposed rulemaking;
- b. Holding open conferences or public hearings;
- c. Sending notices of proposed regulations to publications likely to be read by those affected;
- d. Notifying interested parties directly; and
- e. Providing for more than one cycle of public comments.

.03 If none of the methods listed in paragraph .02 of this section are used in a particular rulemaking covered by this directive, the preamble accompanying the final regulation shall briefly explain the reasons and indicate what other steps were taken to assure adequate opportunity for public participation.

.04 The public shall be given at least 60 days to comment on proposed significant regulations. Exceptions to this requirement may be granted only by the agency head and only in those few

instances where it is determined that it is not possible to comply. When an exception is made, the regulation shall be accompanied by a brief statement of the reasons for the shorter time period.

.05 Regulations exempted by section 2.02(e) of this directive (emergencies or short-term deadlines) shall, when published in the *FEDERAL REGISTER*, be accompanied by a statement of the reasons why it is impracticable or contrary to the public interest to follow the procedures of this directive. This statement shall include the name and title of the policy official responsible for the determination.

.06 Regulations exempted by section 2.02(b) (military or foreign affairs functions) or (e) of this directive shall be issued in interim form only. *FEDERAL REGISTER* publication of these regulations will provide for a public comment period of at least 60 days and republication in final form after public comments have been considered and appropriate modifications, if any, made.

Assistant Secretary for
Science and Technology.

APPENDIX M—UNITED STATES TRAVEL SERVICE

Background: The United States Travel Service (USTS) is responsible for promoting international travel to the United States, for encouraging Americans to travel within their own country, and for reviewing applications of U.S. cities interested in hosting international expositions. The regulatory functions of the agency are limited, currently consisting only of (1) procedural regulations governing applications of States, cities and non-profit organizations for matching grants to promote international tourism to the United States (15 CFR Part 1200); and (2) procedural regulations setting forth the criteria for applications for Federal recognition of international expositions (15 CFR Part 1202).

USTS does not have an established procedure for developing new regulations. As a general rule, proposed regulations are published, and interested parties are given 30 days in which to comment. Final regulations, when issued, take any comments received into account.

Regulatory agenda.

By January 15, 1979, and every 6 months thereafter, the Assistant Secretary for Tourism will submit a regulatory agenda to the Assistant Secretary for Policy. This agenda will include a description of regulations under development or being considered for development during the next 6 months. To the extent possible, it

will include statements concerning whether the regulation is a significant regulation; the need and legal basis for the action being taken; and whether a regulatory analysis is required. It will also provide the name and telephone number of a knowledgeable official; a listing of major issues likely to be considered in developing the regulation; a tentative plan for obtaining public comment (including consultation with State and local governments, where appropriate); proposed dates for completion of the steps in the development process; and information on the status of any proposed regulations previously listed. Finally, the regulatory agenda will include a list of existing regulations scheduled to be reviewed, including the name and telephone number of a knowledgeable official; information on the status of existing regulations previously scheduled for review; and a list of any final regulations published in the *FEDERAL REGISTER* during the previous 6 months, including the date of publication and *FEDERAL REGISTER* citation.

Procedure for developing regulations.

USTS will comply with the procedures set forth in DAO 218-7. Thus, prior to issuing any new or amended

regulation, the Assistant Secretary for Tourism will ensure that the regulation is needed and is relevant to the mission of USTS; it is written in plain English and understandable to those who must comply; alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen; notice of any proposed regulation is sent to publications likely to be read by those affected; public comments are considered and an adequate response prepared prior to issuing any final regulation; and the name, address, and telephone number of a knowledgeable official is included.

Significant regulations.

In developing new regulations, any regulation which meets one or more of the following criteria will be deemed to be a significant regulation: (1) a regulation which has a substantial impact on the travel industry; (2) a regulation which has a substantial impact on the balance of payments; or (3) a regulation which is expected to generate substantial controversy or public interest. The existing regulations are not deemed to be significant, and it is not anticipated, given the present statuto-

ry framework of the agency, that any new regulations would meet the criteria for significant regulations.

Regulatory analysis.

Should a regulation be determined to be significant, USTS will apply the minimum criteria set forth in Section 5 of DAO 218-7 to determine whether regulatory analysis is required.

Review of existing regulations.

Every regulation issued by USTS will be reviewed every 2 years, or more frequently if the Assistant Secretary for Tourism so requires.

Regulations for initial review.

USTS is currently reviewing its regulation governing applications for matching grants (15 CFR Part 1200). A review of the regulation governing applications for Federal recognition of international expositions will be undertaken during CY 1979 (15 CFR Part 1202).

Contact point: Comments should be directed to: Lee J. Wells, Director, Office of Administration, United States Travel Service, 14th and Constitution Avenue NW., Washington, D.C. 20230, phone 202-377-4096.

[FR Doc. 78-14811 Filed 5-23-78; 4:33 pm]

[7910-01]

RENEGOTIATION BOARD

PROCEDURES FOR IMPROVING GOVERNMENT REGULATIONS

Solicitation of Comments

AGENCY: Renegotiation Board.

ACTION: Request for comments from interested persons.

SUMMARY: The Renegotiation Board is publishing for public comment a draft report, required by Executive Order 12044, which outlines the Board's current process for developing regulations and the changes that will be made to comply with the Executive Order; the Board's proposed criteria for defining significant agency regulations; the Board's proposed criteria for identifying which significant regulations require regulatory analysis; and the Board's proposed criteria for selecting existing regulations to be reviewed and a list of regulations which the agency will consider in its initial review. The Board will consider the comments received in drafting its final report under the Executive Order.

DATE: Comments should be received on or before August 1, 1978.

ADDRESS: Comments should be sent to the General Counsel, Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446.

FOR FURTHER INFORMATION CONTACT:

Kelvin H. Dickinson, Assistant General Counsel—Secretary, Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446, telephone, 202-254-8277.

SUPPLEMENTARY INFORMATION: The Renegotiation Act of 1951, as amended (50 U.S.C. App. § 1211 et seq.) (the "Act"), provides for the elimination of excessive profits on defense and space contracts and related subcontracts. Section 107 of the Act (50 U.S.C. App. § 1217) created the five member Renegotiation Board to administer the Act (the "Board"). Under the authority provided in the Act, the Board has promulgated regulations (32 CFR Parts 1450-1499) and various rules which it deems necessary and appropriate to carry out the provisions of the Act.

Pursuant to the requirements of section 5 of Executive Order 12044, 43 FR 12661, 12664 (1978), the Board is soliciting public comments concerning a draft report of its rulemaking procedures.

Comments should be addressed to the General Counsel, Renegotiation Board, 2000 M Street NW., Washington, D.C. 20446. To be considered comments should be received on or before August 1, 1978. All comments will be available for public inspection during

regular business hours in the Public Information Office of the Board, 4th Floor, 2000 M Street NW., Washington, D.C. 20446.

The text of the Board's draft report follows.

Date: May 23, 1978.

GOODWIN CHASE,
Chairman.

DRAFT REPORT UNDER EXECUTIVE ORDER 12044

I. CURRENT PROCESS FOR DEVELOPING REGULATIONS

Suggestions for the development of new regulations or for changes to existing regulations are usually made by members of the Board or its staff and result from needs appearing in the course of renegotiation. Other suggestions have come from public and legislative sources.

In many instances, the Board has appointed an Ad Hoc Committee to study or develop a proposed regulation. Generally, after considering the needs giving rise to a proposal and analyzing the suggested solutions, the Ad Hoc Committee submits its report directly to the Board. On other occasions, the General Counsel, upon consultation with other interested staff elements, proposes changes in the regulations to the Board.

By section 111 of the Act (50 U.S.C. App. § 1221), the functions of the Board are excluded from the operation of the Administrative Procedure Act except as to the public information requirements of section 3 thereof (5 U.S.C. § 552). However, as the result of a recommendation of the Administrative Conference of the United States, the Board, since 1971, has voluntarily utilized the public participation rulemaking procedures of the Administrative Procedure Act (5 U.S.C. § 553) to the extent practicable (see 36 FR 5877, June 12, 1971). Thus, since 1971, the public has had an opportunity to comment on all proposed changes in the Board's regulations. Such comments are analyzed by the staff and the Board before the Board issues any final regulation.

II. PROPOSED PROCEDURES FOR DEVELOPING REGULATIONS

The Board proposes to adopt the following procedures for developing regulations in order to conform its present procedures with E.O. 12044. The object of these changes will be as simple and clear as possible and will achieve legislative goals effectively and efficiently.

The Board will adopt a General Order setting forth the procedures to be followed for the initiation or review of regulations and incorporating the mandatory provisions of E.O. 12044. An outline of the proposed changes in procedure follows:

A. The Board will designate the Assistant General Counsel—Secretary to the Board as the person to whom members of the Board's staff or of the public should direct suggestions for new regulations and changes in existing regulations.

B. Suggestions received will be screened at least semiannually by the General Counsel who will recommend to the Board whether or not the proposed regulation or amendment would constitute a significant regulation. If he believes that the proposal is a significant regulation, the General Counsel will prepare a written statement for the Board's consideration, describing the issues to be considered, the alternative approaches to be explored, the tentative plan for obtaining public comment, and the target dates for completion of steps in the development of the regulation. If the Board determines that the proposed regulation or amendment is a significant one, such proposal, together with any other Board-approved proposals, will be published in the *FEDERAL REGISTER* as the Board's semiannual regulatory agenda. If the Board determines that a proposed regulation is not significant, a statement to that effect will be published when the regulation is proposed.

C. In the case of significant proposals, the Director, Office of Planning and Development, will prepare a regulatory analysis if required.

D. 1. On the first Monday in October, the Board will publish in the *FEDERAL REGISTER* a schedule showing the times during the coming fiscal year when the Board's semiannual agenda will be published.

2. The General Counsel will prepare a semiannual agenda of significant regulations under development and review, describing such regulations, the need for and legal basis for the action being taken, whether a regulatory analysis is being performed, the status of regulations previously listed on the agenda, and the name and telephone number of a knowledgeable official. After approval by the Board, the semiannual agenda will be published in the *FEDERAL REGISTER*. Supplements to the semiannual agenda will be published in the *FEDERAL REGISTER* as often as necessary to keep the public informed of the significant regulations and changes to regulations which have been proposed.

E. The Board may appoint an Ad Hoc Committee to assist in any or all of the procedures outlined here.

F. Before a proposed significant regulation is approved for publication for public comment in the *FEDERAL REGISTER*, the Board must determine that:

1. The proposed regulation is needed;

2. The direct and indirect effects of the regulation have been adequately considered;

3. Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

4. Public comments have been considered and an adequate response has been prepared;

5. The regulation is written in plain English and is understandable to those who must comply with it;

6. An estimate has been made of the new reporting burdens of recordkeeping requirements necessary for compliance with the regulation;

7. The name, address, and telephone number of a knowledgeable agency official has been included in the publication; and,

8. A plan for evaluating the regulation after its issuance has been developed.

G. Except in exceptional circumstances the Board will give the public at least 60 days to comment on proposed significant regulations. In instances where the Board determines that this is not possible, the regulation will be accompanied by a brief statement of the reasons for a shorter time period.

3. Alternative approaches have been considered and the least burdensome of the acceptable alternatives has been chosen;

4. Public comments have been considered and an adequate response has been prepared;

5. The regulation is written in plain English and is understandable to those who must comply with it;

6. An estimate has been made of the new reporting burdens of recordkeeping requirements necessary for compliance with the regulation;

7. The name, address, and telephone number of a knowledgeable agency official has been included in the publication; and,

8. A plan for evaluating the regulation after its issuance has been developed.

G. Except in exceptional circumstances the Board will give the public at least 60 days to comment on proposed significant regulations. In instances where the Board determines that this is not possible, the regulation will be accompanied by a brief statement of the reasons for a shorter time period.

III. SIGNIFICANT REGULATIONS

A regulation will be considered to be significant when it:

A. May affect ten percent of the contractors filing with the Board in any fiscal year; or,

B. Could result in revealing information which the Board has not disclosed under The Freedom of Information Act (5 U.S.C. § 552(b)); or,

C. Is otherwise deemed by the Board to be significant.

IV. REGULATORY ANALYSIS

A. A regulatory analysis will be performed for a regulation if:

1. It has an annual effect on the economy of \$50 million or more; or,

2. It results in a \$25 million increase in costs or prices for individual industries, levels of government or geographic regions; or,

3. The Board otherwise determines that a regulatory analysis should be prepared.

B. A regulatory analysis will contain:

1. A statement of the problem;

2. A description of the major alternative ways of dealing with the problem;

3. An analysis of the economic consequences of each of these alternatives; and

4. A detailed explanation of the reasons for choosing one alternative over the others.

C. When regulatory analysis is undertaken, the Board will include in its notice of proposed rulemaking an explanation of the regulatory approach that is favored, a short description of the other choices considered, and a statement of how the public may obtain a copy of the draft analysis. The Board will also prepare a final regulatory analysis to be made available when the final rule is published.

V. CRITERIA FOR SELECTING EXISTING REGULATIONS TO BE REVISED

In selecting existing regulations to be reviewed to determine whether they are achieving the policy goals of E.O. 12044, the Board will apply the following criteria:

A. The continued need for the regulation in light of the Board's experience;

B. The type and number of complaints or suggestions received;

C. The compliance cost burden created by the regulation;

D. The need for plain English translation;

E. The need to simplify regulatory treatment of an issue; and

F. Every regulation will be reviewed at least once every five years.

VI. REGULATIONS THE BOARD WILL CONSIDER FOR INITIAL REVIEW

A. 32 CFR Part 1480—Availability and Control of Renegotiation Records and Information.

B. 32 CFR 1499.1-5 Renegotiation Ruling No. 5; Subcontracts within the scope of the Act; sales and other transfers of patents.

C. 32 CFR Part 1459—Costs Allocable to and Allowable Against Renegotiable Business.

[FR Doc. 78-14849 Filed 5-26-78; 8:45 am]

[8410-01]

U.S. WATER RESOURCES COUNCIL

IMPROVING GOVERNMENT REGULATIONS

Report on Steps Taken To Implement Executive Order 12044

This report is submitted as required by section 5 of Executive Order 12044 (the order).

(1) In developing regulations, the Water Resources Council (WRC) has and shall continue to follow the Administrative Procedures Act. The Director shall overview the development of all significant new regulations in accordance with section 2(b) of the order and shall approve such regulations before they are published. The Council will continue to notify directly interested parties or their representatives.

In order to comply with the provisions of section 2(c) of the order, WRC will, where at all possible, give the public at least 60 days to comment on its proposed regulations and will publish advance notice of proposed rulemaking.

(2) WRC is not a regulatory or enforcement agency. Accordingly, the Agency has no present regulations which are significant under the criteria of section 2(e) of the order. There are no subject areas within the present jurisdiction of the Agency in which regulations significant under those criteria would be necessary.

(3) WRC neither has in effect nor contemplates any regulations with major economic consequences within the meaning of section 3 of the order.

(4) Pursuant to section 4 of the order, WRC will select regulations for

review in accordance with the criteria of section 4. In selecting regulations, the Agency will also examine the question of whether the procedures set forth in the regulations can be improved. The first significant set of regulations to be reviewed will cover grants to States for comprehensive water and related land resources planning (18 CFR Part 703).

Comments and inquiries regarding this report may be directed to James R. Readle, General Counsel, U.S. Water Resources Council, 2120 L Street NW., Washington, D.C. 20037, telephone 202-254-6303.

Dated: May 24, 1978.

LEO M. EISEL,
Director.

[FR Doc. 78-14885 Filed 5-26-78; 8:45 am]

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[A Cumulative checklist of CFR issuances for 1978 appears in the first issue of the Federal Register each month under Title 1. In addition, a checklist of current CFR volumes, comprising a complete CFR set, appears each month in the LSA (List of CFR Sections Affected)]

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BOOK 2 OF 2 BOOKS
TUESDAY, MAY 30, 1978
PART III



DEPARTMENT OF THE TREASURY

Bureau of Alcohol,
Tobacco and Firearms

GUN CONTROL

Published Firearms Laws of Political
Subdivisions and States

for
signature
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[4810-31]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

(Notice No. 78-3)

GUN CONTROL

Published Firearms Laws of Political Subdivisions and States

Pursuant to the provisions of Section 921(a)(19), Title 18, United States Code, and Section 178.24, Title 27, Code of Federal Regulations (27 CFR, Part 178), the following is the annual revised compiled list of published laws of States and political subdivisions relevant to the enforcement of Chapter 44, Title 18, United States Code, relating to firearms.

The list was developed from (a) State firearms statutes and (b) copies of published local firearms laws obtained through a national mail survey of political subdivisions.

The Bureau applied the following criteria in deciding which firearms laws were relevant or nonrelevant to the enforcement of 18 U.S.C., Chapter 44.

Firearms laws considered relevant to the enforcement of 18 U.S.C. Chapter 44, and therefore included in the accompanying list are those which:

1. Prohibit the sale, possession or receipt of any type of firearms or ammunition, or allow any exemption to such prohibitions;
 2. Prohibit the sale, possession, or receipt of any type of firearm or ammunition to or by a particular class of persons; e.g. aliens, felons, drug addicts or mental incompetents;
 3. Restrict the sale, possession or receipt of firearms such as fully automatic firearms, short barreled shotguns and rifles, and destructive devices; i.e. bombs, grenades, molotov cocktails, etc.;
 4. Require waiting periods or notification to law enforcement officials before a weapon may be delivered to a purchaser;
 5. Require a permit, license or I.D. card before a weapon may be sold and/or delivered to a purchaser; and
 6. Restrict the age at which a person may purchase a firearm or ammunition.
- Firearms laws considered nonrelevant to 18 U.S.C. Chapter 44, and therefore not included in the accompanying list are those which:
1. Prohibit the carrying of weapons such as legal handguns, long barrel rifles or shotguns, sling shots, dirks, daggers, etc. on persons or in vehicles;
 2. Prohibit the discharge of weapons within city limits or on private property;
 3. Require recordkeeping after sale of the firearms;
 4. Require notification to local police departments of sale of firearms after the sale has been made; and
 5. Require licenses for selling BB guns, sling shots, dirks, daggers, and other dangerous weapons.

This list comprises the 1978 list of published laws and implements Title 1 of the Gun Control Act of 1968 (82 Stat. 1213; 18 U.S.C. Chapter 44) and supersedes that list published on June 23, 1977 (42 FR 31962).

Signed: May 22, 1978.

REX D. DAVIS,
Director.

Alabama
State Law
Code of Ala.

14 Sec. 170. Selling, etc., pistol or bowie knife to minor. Any person who sells, gives, or lends to any minor any pistol or bowie knife, or other knife of like kind or description, shall, on conviction, be fined not less than fifty nor more than five hundred dollars.

14 Sec. 171(1). Sale of firearms or ammunition to residents of adjoining states; purchase in adjoining states. (1) any resident of Alabama authorized to sell and deliver rifles, shotguns and ammunition may sell and deliver them to a resident of any state adjoining Alabama. Any purchaser of such firearm or ammunition may take or send it out of the state, or have it delivered to his place of residence.

(2) Any resident of Alabama who legally purchases rifles, shotguns and ammunition in any state adjoining Alabama, may take delivery of said weapons either in the state where they were purchased, or in Alabama.

14 Sec. 172. Definitions. As used in this article, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length; "crime of violence" means any of the following crimes, or an attempt to commit any of them, namely, murder, manslaughter, (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping, and larceny; "person" includes any firm, partnership, association or corporation.

14 Sec. 174. Certain persons forbidden to possess pistol. (a) No person who has been convicted in this state or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

14 Sec. 178. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

14 Sec. 179. Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of ap-

plication, the caliber, make, model and manufacturer's number of the pistol to be purchased and a statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller shall within six hours after such application, sign and attach his address and forward by registered mail one copy of such statement to the chief of police of the municipality or the sheriff of the county of which the seller is a resident; the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of public safety; the triplicate he shall retain for six years. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

14 Sec. 180. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed * * *.

14 Sec. 182. Certain transfers forbidden. No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

14 Sec. 184. Alteration of identifying marks prohibited. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

14 Sec. 185. Antique pistols. This article shall not apply to the purchase, possession, or sale of pistols as curiosities or ornaments or to the transportation of such pistols unloaded and in a bag, box or securely wrapped package, but not concealed on the person.

Anniston

3. No seller of a pistol shall deliver the pistol to a purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof.

4. The provisions of sections 1-3 shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

5. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6. This division shall be applicable within the corporate limits and police jurisdiction of this city and shall be construed as supplementing, in such territory, and as not in conflict with, Code of Alabama, Title 14, Sections 172 to 186.

Ardmore

Local ordinance incorporates, by reference, Alabama State Criminal Code sections.

Auburn

Sec. 15-78. Same—Delivery to minors and others prohibited. No person shall deliver a pistol to any person under the age of eighteen or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Bessemer

Sec. 15-169. Possession of pistol prohibited. (a) No person who has been convicted in this City or elsewhere of committing or attempting to commit a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or a habitual drunkard shall own a pistol or have a pistol in his possession or under his control.

Sec. 15-172. Delivery of pistol restricted. No person shall deliver a pistol to any person under the age of eighteen (18) years or to any person who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard or of unsound mind.

Sec. 15-173. Regulation of sales. (a) No seller shall deliver a pistol to the purchaser until forty-eight (48) hours shall have elapsed from the time of the application for the purchase of the pistol. When delivered, the pistol shall be securely wrapped and shall be unloaded.

(b) At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] * * *.

(c) The seller shall, within six (6) hours after the application, sign and attach his address and forward by registered mail or personally deliver one (1) copy of the statement to the Chief of Police.

(d) This Section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases

by wholesalers or jobbers from manufacturers.

Sec. 15-174. License to carry; dealer. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided in Section 15-171.

Birmingham

Sec. 56-3. Delivery of pistol *** to minor. No person shall sell give or lend to any minor any pistol ***.

Sec. 56-12. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny or the crime of attempting to commit any of the aforesaid crimes.

Exempt person. Any marshal, sheriff, prison or jail warden and his regularly employed deputies, policeman or other law enforcement officer of any state or political subdivision thereof, member of the army, navy or marine corps of the United States or of the national guard, member of the national guard organized reserves or state guard organizations, when on duty or going to or from duty, regularly enrolled member of any organization duly authorized to purchase or receive such weapons from the United States or from this state, provided such member is at or is going to or from his place of assembly or target practice, officer or employee of the United States duly authorized to carry a pistol, any person engaged in manufacturing, repairing or dealing in pistols or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business, any common carrier, except taxicabs, licensed as a common carrier, any person permitted by law to possess a pistol while carrying it unloaded in a secure wrapper, from the place of purchase to his home or place of business or to or from a place of repair or in moving from one place of abode or business to another.

Nonexempt person. Any person other than an exempt person.

Pistol. Any firearm with a barrel less than twelve inches in length.

Sec. 56-14. Possession by certain persons prohibited. (a) No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

* * * * *

Sec. 56-19. Sale to or possession by person under eighteen of toy pistol. No person shall expose for sale, sell or give away to any person under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded. No person under the age of eighteen years shall have in his possession or use any pistol of any kind described in this section.

Sec. 56-20. Statement required of persons desiring to purchase—Filing. At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] ***; provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 56-22. Delivery to purchaser. No seller of a pistol shall deliver the pistol to a purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

Sec. 56-23. Gifts. The provisions of sections 56-20 to 56-22 shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

Sec. 56-24. Delivery to certain persons forbidden. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Brighton

1. All statutory and common law misdemeanors against the State of Alabama are hereby adopted as laws and Ordinances of the City of Brighton.

2. All criminal laws of the State of Alabama by which statutory or common law misdemeanors against the State of Alabama are determined and declared shall be adopted as laws and Ordinances of the City of Brighton, and any and all acts which under said laws of the State of Alabama are held to be misdemeanors, or punishable as such, shall be violations of the laws and Ordinances of the City of Brighton.

5. No seller, within the corporate limits of the City of Brighton, or within the police jurisdiction thereof, shall deliver a pistol to the

purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. *** This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Citronelle

Chapter 38

Sec. 675. Definitions. As used in this chapter the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, and the term "exempt person" shall mean a marshal, a deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms, and the term "nonexempt person" shall mean other than an exempt person.

Sec. 676. Permit to receive pistol—required. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant, or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol.

It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

Sec. 677. Same—application; ***. Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the chief of police in writing for a permit to receive a pistol. [Contact local authorities for required contents] ***.

Sec. 682. Ex-convict not to possess pistol. No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

Sec. 683. Altering, obliterating or removing names or numbers from pistols. No person shall change, alter, remove or obliterate the name of the maker, model, manufac-

turer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Sec. 685. Sale to or possession by minor of toy pistol. No person shall expose for sale, sell or give away to any boy or girl under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded, and any such boy or girl having in his possession or using any pistol of any kind described in this section, shall, on conviction, be punished as provided in section 4.

Sec. 687. Delivery of pistol *** to minor. Any person who sells, gives or lends to any minor any pistol *** shall, on conviction, be punished as provided in section 4.

Sec. 696. Exceptions to provisions of chapter. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Daleville

1. As used in this ordinance, unless the context requires a different meaning: "pistol" means any firearm with a barrel less than twelve inches in length.

4. Any person who sells, gives, or lends to any minor any pistol *** shall, on conviction, be fined not less than one nor more than one hundred dollars.

Dora

The city of Dora has adopted the language of state firearms laws, including sections 14.170 through 14.185, shown at the beginning of the Alabama State listing in this publication.

Dothan

Sec. 10-25. State misdemeanors. All laws of the State of Alabama, in effect as of October 26, 1965, and as may be adopted or amended thereafter by the State Legislature, the violation of which constitutes a misdemeanor, are hereby adopted as laws of the city.

Eufaula

Article VI. Weapons

Sec. 16-134. Definitions. For purposes of this article the following terms shall have the meanings ascribed to them:

Crime of violence. "Crime of violence" shall mean the crime of murder, manslaughter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes.

Exempt person. The term "exempt person" shall mean a marshal, deputy marshal, sheriff, deputy sheriff, prison or jail warden, deputy prison or jail warden, policeman or other authorized law enforcement officer, or a person regularly engaged in the business of manufacturing, repairing or dealing in firearms.

Nonexempt person. The term "nonexempt person" shall mean any person other than an exempt person.

Pistol. The term "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Sec. 16-135. Exceptions to provisions of article. This article shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 16-136. Permit to Receive Pistol Required. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the chief of police authorizing him to receive a pistol.

It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the chief of police authorizing such nonexempt person to receive a pistol.

Sec. 16-137. Same—application; ***. (a) Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the chief of police in writing for a permit to receive a pistol. [contact local authorities for requirements] ***.

Sec. 16-139. Sales; requirements generally. (a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof and when delivered.

(b) Said pistol shall be securely wrapped and shall be unloaded.

(c) At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] *** and a statement that he has never been convicted in this state or elsewhere of a crime of violence.

Sec. 16-144. Persons convicted of crimes of violence not to possess pistol. No person who has been convicted in the state or else-

where of a crime of violence shall own a pistol or have one in his possession or under his control.

* * * * *

Sec. 16-145. Altering, obliterating or removing names or numbers from pistols prohibited. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Sec. 16-146. Sale to or possession by minor of toy pistol. No person shall expose for sale, sell or give away to any person under the age of eighteen (18) years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded.

Any such person having in his possession or using any pistol of any kind described in this section, shall, on conviction, be punished as hereinafter provided.

Sec. 16-148. Delivery of pistol *** to minor. Any person who sells, gives or lends to any minor any pistol *** shall, on conviction, be punished as hereinafter provided in Section 1-14.

Florence

Sec. 15-39. Same—Selling to or use by minors. It shall be unlawful for any person to sell, give, lend or otherwise place in the possession of any minor, any pistol, firearm or other weapon which may be concealed upon the person, and it shall be unlawful for any minor to have in his possession or use any such firearm or weapon in the city.

Gadsden

Sec. 28-79. It shall be unlawful for any person to expose for sale, sell or give away any pistol or firearms of like nature in which blank cartridges or a metallic cartridge, or in which powder and balls, can be used or can be exploded unless licensed by the city.

Gardendale

Ordinance 80

* * * * *

Section 2. Definitions. As used in this Ordinance, the term "pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "crime of violence" shall mean the crime of murder, manslaughter,

ter, rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping or larceny or the crime of attempting to commit any of the aforesaid crimes, ***.

Section 6. Ex-Convict not to Possess Pistol. No person who has been convicted in the State of Alabama or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

Section 7. Altering, Obliterating or Removing Names or Numbers from Pistols. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Section 9. Sales to or Possession by Minor of Certain Toy Pistols. No person shall expose for sale, sell or give away to any boy or girl under the age of eighteen years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded, and any such boy or girl having in his possession or using any pistol of any kind described in this Section shall, likewise, be guilty of a misdemeanor.

Section 11. Delivery of Pistol * to Minor.** Any person who sells, gives or lends to any minor any pistol *** shall, on conviction, be punished as provided in Section 2 of Ordinance #13.

Headland

Article 24

Section 6. Selling Pistol or Bowie Knife to Minor. Any person who sells, gives, or lends to any minor any pistol *** shall, on conviction, be fined not less than one nor more than one hundred dollars.

Hueytown

3. Delivery of pistol * to Minor.** No person shall sell, give, lend or deliver any pistol *** to any minor or to any one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict and an habitual drunkard, or of unsound mind.

10. Possession by Certain Persons Prohibited. (a) No person who has been convicted in the state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

(b) No person who is a drug addict or an habitual drunkard shall own a pistol or have one in his possession or under his control.

12. Gifts. The provisions of section 3 and 4 shall apply to a gift just as though the person making such gift were a seller and the person to whom such gift were made were purchaser thereof.

13. Exceptions to Provisions. The sections of this Ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Midfield

Section 5. No seller, within the corporate limits of the City of Midfield, or within the police jurisdiction thereof, shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof and, when delivered, such pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] ***. The seller shall, within six hours after such application, sign and attach his address and forward by registered mail or personally deliver one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers.

Montgomery

45-4. Selling or giving small pistols to minors. It shall be unlawful for any person in the city to sell, give or deliver to any minor any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

45-5. Possession of small pistols by minors. It shall be unlawful for any minor in the city to have in his possession or use any small pistol, or any pistol known as a toy pistol, in which powder and ball can be used, or a metallic cartridge containing a leaden ball which can be exploded.

Mountain Brook

Sec. 13-1. State misdemeanors. All acts or omissions which are misdemeanors under the laws of the state are hereby declared to

be offenses against the city. It shall be unlawful for any person to commit any such offense within the corporate limits of the city or its police jurisdiction.

Newville

Section 6. Selling Pistol * to Minor.** Any person who sells, gives, or lends to any minor any pistol *** shall, on conviction, be fined not less than one nor more than one hundred dollars.

Ontario

Sec. 5-10.03. Possession of firearms by minors. (a) Rifles and shotguns. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, custody, or control any rifle or shotgun within the City unless he has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession, custody, or control.

(b) Other weapons. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, custody, or control within the City any cannon *** or any weapon or device designed to discharge any dangerous missile except as provided in subsection (a) of this section.

Oxford

10-140. Any person applying for the purchase of a pistol shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] *** provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

10-142. No seller of a pistol shall deliver the pistol to a purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof. When delivered, the pistol shall be securely wrapped and shall be unloaded.

10-143. The provisions of Sections [10-140—10-142] shall apply to a gift of a pistol just as though the person making such gift were a seller and the person to whom such gift is made were a purchaser thereof and no such gift shall be made except in accordance with such sections.

10-144. No person shall deliver a pistol to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a

drug addict, an habitual drunkard, or of unsound mind.

Sec. 10-145. Sales of certain toy pistols or weapons to minors. (a) No person shall expose for sale, sell or give away to any person under the age of eighteen (18) years, any toy pistol in which blank cartridges, or a metallic cartridge containing a leaden ball can be used, or in which powder and balls can be used or can be exploded. No person under the age of eighteen (18) years shall have in his possession or use any pistol of any kind described in this section.

(b) It shall be unlawful for any person to sell, give away or otherwise dispose of within the city, to minors, any *** toy pistol, air gun, parlor rifle, or any similar weapon or thing which discharges a ball or projectile.

Ozark

Sec. 14-29. Definitions. "Pistol" as used in this article, means any firearm with barrel less than twelve (12) inches in length.

"Person", as used in this section, includes firm, partnership, association or corporation.

Sec. 14-30. Application of provisions. This article shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Sec. 14-32. Possession of arms by persons convicted of violent crimes. No person who has been convicted in this city or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

Sec. 14-34. Delivery of pistols to certain persons prohibited. No person shall deliver a pistol to any person under the age of eighteen (18) or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

Sec. 14-35. Sales; requirements generally. (a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof and when delivered.

Sec. 14-36. Dealers to have license. No retail dealer shall sell or otherwise transfer or expose for sale or transfer or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as provided by the ordinances of the city and the laws of the state.

Sec. 14-37. Use of pistol to secure loan; unlawful transfer of pistol. No person shall make any loan secured by a mortgage, deposit or pledge of a pistol contrary to the provisions of this article, nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this article.

Phenix City

Sec. 13-97. Weapons—Restrictions generally. No pawnbroker or pawnbroker's sales store shall take in pawn, receive, sell or exchange any of the following named articles, to-wit: Shotgun or rifle with barrel length of less than eighteen inches, ***.

Sec. 13-98. Same—Pistols. No pawnbroker or pawnbroker's sales store shall sell any pistol unless and until all of the following regulations have been complied with strictly:

(a) No seller shall deliver a pistol to the purchaser thereof until forty-eight (48) hours have elapsed from the time of the application for the purchase thereof, and when delivered the pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] ***. The seller shall within six (6) hours after such applications, sign and attach his address and forward by registered mail one copy of such statement to the chief of police. This section shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers. [If the chief of police disapproves the sale], it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell said pistol to the prospective purchaser. ***

(b) No pistol shall be sold by any pawnbroker or pawnbroker's sales store until the period of forty-eight (48) hours shall have elapsed after the service of the chief of police of the notice of the proposed sale.

(c) These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Prichard

1. For the purposes of this Ordinance a shotgun shall be defined as a weapon firing either single or multiple shots through a smooth bore barrel or barrels, and shall be powered by an individual cartridge or shell (whether re-fillable or not), and the firing of such shall be activated by a trigger or other mechanism, the exercise of which shall propel or fire one cartridge or shell, and not be ready for firing until another shell or cartridge shall have been placed in the breech or other firing partition, whether by hand or mechanically.

2. It shall be unlawful and an offense against the City of Prichard for any person to have in his or her possession, either actively or constructively or to allow to be or remain in any dwelling or place of business under the control of such person a shotgun as defined in

Section One hereof which shall have an overall length, including barrel or barrels, breech or similar firing apparatus and stock, of less than 30 inches.

Red Level

Ordinance Two of the Town of Red Level adopts the Alabama State Law.

Satsuma

Ordinance 141

Section 1. It shall be unlawful and an offense against the City of Satsuma for any person to sell, give or deliver a pistol within the City of Satsuma, or the police jurisdiction thereof, to any person under the age of eighteen or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, of unsound mind, a non-resident of the State of Alabama, or a person who has not resided in the State of Alabama for a period of not less than six (6) months next immediately preceding the date of such application.

Section 2. It shall be unlawful and an offense against the City of Satsuma for any person under the age of eighteen or a drug addict, an habitual drunkard, a person of unsound mind, or a person who has been convicted of a crime of violence to own or possess a pistol or have one under his control.

Section 3. Definitions. As used in this Ordinance the term "Pistol" shall mean any firearm with a barrel less than twelve inches in length, and the term "Crime of Violence" shall mean the crime of murder, first degree manslaughter, rape, mayhem, assault with intent to murder, robbery, burglary, kidnapping or the crime of attempting to commit any of the aforesaid crimes.

Section 7. At the time of applying for the purchase of a pistol, the person desiring to make such purchase shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] *** provided, that this requirement shall not apply to purchases by licensed retailers from manufacturers, wholesalers or jobbers, or to purchases by wholesalers or jobbers from manufacturers, or to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments. The Seller shall within six (6) hours after receiving such application, sign and attach his address thereto and file one copy of such application in the office of the chief of police of the City of Satsuma. ***

Section 8. When a purchaser of a pistol shall be a resident of Mobile County, Alabama, no seller of a pistol shall deliver the pistol to the purchaser thereof until seven (7)

days [not including Saturdays, Sundays or legal holidays as fixed by the State of Alabama] shall have elapsed from the time a copy of the application for the purchase thereof shall have been filed with the chief of police ***.

Section 9. When a purchaser of a pistol shall be a resident of the State of Alabama and reside outside of Mobile County, no Seller of a pistol shall deliver the pistol to the purchaser thereof until ten (10) days [not including Saturdays, Sundays or legal holidays as fixed by the State of Alabama] shall have elapsed from the time a copy of the application for the purchase thereof shall have been filed with the chief of police ***.

Section 13. It shall be unlawful for any person to purchase, attempt to purchase or to receive a pistol within the City of Satsuma, or its police jurisdiction, except in strict compliance with the provisions of Sections 1 through 12, inclusive, of this ordinance, or when the application of such person to purchase a pistol has been disapproved by the Chief of Police within the time required to elapse prior to delivery as provided in applicable provisions of Sections 8 and 9 ***.

Section 14. It shall be unlawful for any person to sell, give or deliver a pistol to any person whose application to purchase the same has been disapproved by the Chief of police within the time required to elapse before delivery as set forth in applicable provisions of Sections 8 and 9 ***.

Selma

Sec. 17-229. Selling, giving or lending to minor. It shall be unlawful for any person to sell, give or lend to any minor any *** firearm ***.

Slocomb

(State criminal laws adopted October 20, 1964.)

1. That any act which would be a criminal offense under the Laws of the State of Alabama, as set forth in the criminal code of the State of Alabama as recompiled in 1958, and as has been amended and as may be amended, is hereby adopted as the criminal code of the Town of Slocomb. ***

Sylacauga

Section 16-31: Required to receive: It shall be unlawful for any exempt or non-exempt person, or any employee, servant, or agent of any exempt or non-exempt person to sell, give, lend or deliver a pistol to any non-exempt person unless the latter has in his possession, and shall deliver to the former, an unrevoked original of a permit issued by the Chief of Police authorizing him or her to receive a pistol.

Section 16-32: It shall be unlawful for any non-exempt person to buy, borrow, or accept delivery of a pistol from another unless such non-exempt person have in his or her possession, and deliver to such other, an unrevoked original of a permit issued by the Chief of Police authorizing such non-exempt person to receive a pistol.

Thomasville

Chapter 37

Sec. 347 1/2. It shall be unlawful for any person to sell, give or lend to any minor, any pistol, *** and any person violating the provisions of this section, must, on conviction, be punished as provided in Section 242 of this Code.

Ordinance 69-12

Section 1—Definitions. A. Exempt person. Any marshal, sheriff, prison or jail warden and his regularly employed deputies, policeman or other law enforcement officer of any state or political subdivision thereof, member of the army, navy or marine corps of the United States or of the national guard, member of the national guard organized reserves or state guard organizations, when on duty or going to or from duty, regularly enrolled member of any organization duly authorized to purchase or receive such weapons from the United States or from this state, provided such member is at or is going to or from his place of assembly or target practice, officer or employee of the United States duly authorized to carry a pistol, any person engaged in manufacturing, repairing or dealing in pistols or the agent or representative of such person possessing, using, or carrying a pistol in the usual or ordinary course of such business, and any common carrier, except taxicabs, licensed as a common carrier.

B. Nonexempt person. Any person other than an exempt person.

C. Pistol. Any firearm with a barrel less than twelve inches in length.

Section 2. Permit to receive pistol—Required. A. It shall be unlawful for any exempt or nonexempt person, or for any employee, servant or agent of any exempt or nonexempt person, to sell, give, lend or deliver a pistol to any nonexempt person unless the latter have in his possession, and deliver to the former, an unrevoked original of a permit issued by the Chief of Police authorizing him to receive a pistol.

B. It shall be unlawful for any nonexempt person to buy, borrow, or accept delivery of a pistol from another unless such nonexempt person have in his possession, and deliver to such other, an unrevoked original of a permit issued by the Chief of Police authorizing such nonexempt person to receive a pistol.

Section 3. Same—Application; *** Any person desiring to buy, borrow or accept delivery of a pistol from another may apply to the Chief of Police in writing for a permit to receive a pistol.

Tuscaloosa

34-13. Definitions. For the purpose of this article, the following words and phrases shall have the meanings herein ascribed to them:

Crime of violence. The term "crime of violence" means any of the following crimes, or an attempt to commit any of them: Murder, manslaughter (except manslaughter arising out of the operation of a vehicle), rape, mayhem, assault with intent to rob, assault with intent to ravish, assault with intent to murder, robbery, burglary, kidnapping and larceny.

Pistol. The word "pistol" shall mean any firearm with a barrel less than twelve (12) inches in length.

Purchaser. The term "purchaser" shall, in addition to its ordinary and customary meaning, include any person who receives a pistol by gift, pledge or loan.

Seller. The term "seller" shall, in addition to its ordinary and usual meaning, include any person who delivers a pistol to another by way of loan, gift or pledge.

34-15. Sale or delivery to minors, drug addicts, etc., prohibited. No person shall sell, give or deliver a pistol to any person under the age of eighteen (18) or to one who he has reason to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard or of unsound mind.

34-16. Sale to unknown purchaser. No person shall sell a pistol to any purchaser, under any circumstances, unless the purchaser is personally known to the seller or shall present clear evidence of his identity and age.

34-17. ***; Delivery to purchaser. ***

No person shall deliver a pistol to the purchaser thereof until forty-eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, the pistol shall be securely wrapped and shall be unloaded.

34-20. Certain purchases and sales excepted from article. This article shall not apply to the purchase or sale of pistols as curiosities or ornaments, nor shall the same apply to purchases by licensed retailers, manufacturers, wholesalers or jobbers.

Uniontown

Sec. 99. Firearms. It shall be unlawful for any person to *** sell, give or lend to any minor any pistol ***.

Alaska State Law Alaska Stats.

Sec. 11.55.030. Possession by convicts. (a) A person who has been convicted of a felony, or assault with a dangerous weapon, burglary, robbery and like crimes, by a court in this state, or by the courts of the United States or of another state or territory, may not own or have in his possession or under his custody or control a pistol, revolver, or other firearm capable of being concealed about his person, *** or an instrument commonly considered to be a weapon.

(b) The provisions of (a) of this section do not apply to a person who has received a pardon for the prior conviction upon which this action is based or, in the case of a felony, when the final termination of the sentence, including any probationary period, was more than 10 years before the time of ownership, possession or control of a weapon as specified in (a) of this section.

Sec. 11.55.070. Possession of firearm while under influence of intoxicating liquor or drug. A person who, while under the influence of intoxicating liquor or an exhilarating or stupefying drug, carries, has in his possession or under his control, or uses or discharges a firearm is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$1,000, or by imprisonment in a jail for not more than one year, or by both.

Sec. 11.55.080. Purchase of firearms in contiguous states. No resident of this state is prohibited from purchasing a rifle or shotgun in a contiguous state if he complies with the provisions of PL 90-618.

Anchorage

8.05.430 Minors, sale of firearms to. It is unlawful for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years, any firearm, including but not limited to pistols, rifles and shotguns, or any ammunition therefor, without consent of the parent or guardian of the minor.

Fairbanks

(1) No person shall cast, throw, light, or fire any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

(2) No person shall exhibit, or have in his possession with intent to give away, or sell, or

offer for sale, within the City of Fairbanks, any squib, rocket, cracker, torpedo, grenade, gun, revolver, pistol, dynamite cap, or cartridge, or other combustible firecrackers or fireworks of any kind.

(5) No person shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years without written permission of his parent or guardian.

Greater Anchorage Area Borough

18.05.060 Minors, Selling Firearms To; Age. It shall be unlawful without consent of parent or guardian for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years, any firearm, including but not limited to pistols, rifles, and shotguns.

Ketchikan

9.32.060 Sale of firearms to certain minors. It is unlawful for any person to sell firearms to minors under the age of nineteen without the written consent of a parent or guardian of the minor, or for any vendor to fail to keep a record of any sale of a firearm to a minor under said age and to make the record available to inspection by any policeman on request.

Kivalina

Section 5: It shall be unlawful for teenagers under 18 to buy shells of any kind, ***.

Kodiak

8.88.020 Minors—firearms. It shall be unlawful for any person to give, barter, sell, lease, or otherwise make available to any person under the age of eighteen (18) years, any firearm, including but not limited to pistols, rifles, and shotguns, within the City.

8.96.040 Prohibited to intoxicated persons. It is unlawful for any person under the influence of alcohol to have in his possession firearms of any type.

Metlakatla Indian Reservation

1. Definitions. As used in this Ordinance, the following terms shall have the following respective meanings: (a) Prohibited Firearm. The term "Prohibited Firearm" means (1) a shotgun having a barrel or barrels of less than 18 inches in length; (2) a weapon made from a shotgun if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 18 inches in length; (3) a rifle having a barrel or barrels of less than 16 inches in length; (4) a weapon made from a rifle if such weapon as modified has an overall length of less than 26 inches or a barrel or barrels of less than 16 inches in length; (5) any other weapon, as defined in subsection (e); (6) a machinegun; (7) a muffler or a silencer for any firearm whether or not such firearm is included within this definition; and (8) a destructive device.

(b) Machinegun. The term "machinegun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapons, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

(c) Rifle. The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed cartridge.

(d) Shotgun. The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger, and shall include any such weapon which may be readily restored to fire a fixed shotgun shell.

(e) Any Other Weapon. The term "any other weapon" means any weapon or device capable of being concealed on the person from

which a shot can be discharged through the energy of an explosive, a pistol or revolver having a barrel with a smooth bore designed or redesigned to fire a fixed shotgun shell, weapons with combination shotgun and rifle barrels 12 inches or more, less than 18 inches in length, from which only a single discharge can be made from either barrel without manual reloading, and shall include any such weapon which may be readily restored to fire. Such term shall not include a pistol or a revolver having a rifled bore, or rifled bores, or weapons designed, made, or intended to be fired from the shoulder and not capable of firing fixed ammunition.

(f) **Destructive Device.** The term "destructive device" means (1) any explosive, incendiary, or poison gas (A) bomb, (B) grenade, (C) rocket having a propellant charge of more than four ounces, (D) missile having an explosive or incendiary charge of more than one-quarter ounce, (E) mine, or (F) similar device; (2) any type of weapon by whatever name known which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, the barrel or barrels of which have a bore of more than one-half inch in diameter, except a shotgun or shotgun shell which is generally recognized as particularly suitable for sporting purposes; and (3) any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subparagraphs (1) and (2) and from which a destructive device may be readily assembled.

2. Possession of Certain Firearms Prohibited. No person shall, within the Annette Islands Reserve, own, possess or transport any Prohibited Firearm or destructive device, other than the United States of America or members of the Armed Forces thereof duly authorized to carry such a Prohibited Firearm when on duty on the Annette Islands Reserve, or the State of Alaska, or any duly appointed law enforcement officer of the United States, the Metlakatla Indian Community or the State of Alaska, when such officers are on duty; and enforcing Law and Order on Annette Islands Reserve.

4. Exclusion. Any person who is not subject to the jurisdiction of the Metlakatla Indian Community who violates Section 2 hereof, shall be subject to removal from the Annette Islands Reserve upon issuance of a written order of exclusion by the court, after a hearing upon reasonable notice, subject to the approval of such exclusion order by the Council. Upon the approval of such an order by the Council, the Mayor shall transmit a copy of such order to the Chief Constable or the State Enforcement Officers who shall carry out the order by removing such person as a trespasser from the Annette Islands Reserve.

5. Interpretation. The terms used in this ordinance are intended to prohibit the possession, ownership or transportation within the Annette Islands Reserve of any firearm which is subject to registration with the National Firearms Registration and Transfer Board pursuant to the provisions of the Act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. Sec. 5841, or any successor provision of Federal law. In applying the definitions set forth herein, reference shall be made to the regula-

tions and interpretations of the Secretary of the Treasury pursuant to that Act.

Seward

15-13. Same—Sale of firearms to. It shall be unlawful for any person to give, barter, sell, lease or otherwise make available to any person under the age of eighteen years any firearm, including but not limited to pistols, rifles, and shotguns, within the city.

Arizona

State Law

Ariz. Rev. Stats.

Sec. 13-917.02. Regulation of firearms by state. Ordinances of any political subdivision of this state relating to the possession, carrying, sale and use of firearms in this state shall not be in conflict with this chapter.

Sec. 13-918. Sale or gift of firearm to minor; punishment. A. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

B. Nothing in this section shall be construed to require reporting sales of firearms, nor shall registration of firearms or firearms sales be required.

Sec. 13-919. Possession of pistol by criminal; punishment; definitions. A. It is unlawful for a person who has been convicted of a crime of violence in any court of the United States, its territories, districts or possessions, or of the several states, to possess a pistol, unless such person has been pardoned for such crime or has by law regained full status as a citizen.

B. A person violating the provisions of this section shall be punished by a fine of not more than two thousand dollars, by imprisonment in the state prison for not more than five years, or both, and shall forfeit the pistol.

C. "Pistol" within the provisions of this section means any weapon with a barrel less than twelve inches in length, which is designed to expel a projectile by the action of expanding gas.

D. "Crime of violence" within the provisions of this section means murder, manslaughter with a dangerous weapon or implement other than an automobile, assault with a dangerous weapon, rape, mayhem, kidnapping, robbery, burglary or assault with intent to

commit any offense punishable by imprisonment for more than one year.

Sec. 13-924. Firearm purchase in other states. A. A person residing in this state, or a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise obtain firearms anywhere in the United States if such purchase or acquisition fully complies with the laws of this state and the state in which the purchase or acquisition is made and the purchaser and seller, prior to the sale or delivery for sale, have complied with all the requirements of the Federal Gun Control Act of 1968, Public Law 90-618, Sec. 922, subsection (C) and the Code of Federal Regulations, Volume 26, Sec. 178.96, subsection (C).

B. For purposes of this section, all terms are to be given the meaning prescribed by the Federal Gun Control Act of 1968, Public Law 90-618, Sec. 921.

Sec. 26-178. Illegal possession of equipment; penalty. A. A person having in his possession a uniform, arms, equipment, supplies or other military property of the state or United States, who secretes, disposes of, offers for sale or in any manner pledges, retains or refuses to deliver to an officer entitled to demand possession of the property, * * * is, if the property is of a value more than fifty dollars, guilty of a felony, and if the value is less than fifty dollars, guilty of a misdemeanor punishable as provided by law. * * * *

Editor's Note: The following provisions will become the State Law in Arizona on October 1, 1978. At that time, the above will no longer be applicable and the following will be effective in lieu thereof.

Arizona Revised Criminal Code

Title 13

Sec. 13-3101. Definitions. In this chapter, unless the context otherwise requires: * * * *

2. "Deadly weapon" means anything designed specifically for lethal use or anything that under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury. The term includes a firearm.

3. "Deface" means to remove, alter or destroy the manufacturer's serial number.

5. "Firearm" means any loaded or unloaded pistol, revolver, rifle, shotgun or other weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, except that it does not include a firearm in permanently inoperable condition which is kept as a curio, museum piece or for educational purposes.

6. "Prohibited possessor" means any person:

(a) Who has been found to constitute a danger to himself or to others pursuant to court order under the provisions of Sec. 36-540, and whose court ordered treatment has not been terminated by court order.

(b) Who has been convicted within or without this state of a felony involving violence or possession and use of a deadly weapon or dangerous instrument and whose civil rights have not been restored.

(c) Who is at the time of possession serving a term of imprisonment in any correctional or detention facility.

7. "Prohibited weapon" means * * * any:

(a) Explosive, incendiary or poison gas:

(i) Bomb.

(ii) Grenade.

(iii) Rocket having a propellant charge of more than four ounces.

(iv) Mine.

(b) Device designed, made or adapted to muffle the report of a firearm; or

* * * *

(d) Firearm that is capable of shooting more than one shot automatically, without manual reloading, by a single function of the trigger; or

(e) Rifle with a barrel length of less than sixteen inches, or shotgun with a barrel length of less than eighteen inches, or any firearm made from a rifle or shotgun which, as modified, has an overall length of less than twenty-six inches; or

* * * *

(g) The prohibitions as set forth in subdivisions (a), (b), (e) and (f) of this paragraph shall not be applicable to any such firearms or devices registered in the national firearms registry and transfer records of the United States Treasury Department.

Sec. 13-3102. Misconduct involving weapons; defenses; classification. A. A person commits a misdemeanor involving weapons by knowingly:

* * * *

3. Manufacturing, possessing, transporting, selling or transferring a prohibited weapon; or

* * * *

5. Selling or transferring a deadly weapon to a prohibited possessor; or

6. Defacing a deadly weapon; or

7. Possessing a defaced deadly weapon knowing the deadly weapon was defaced; or

* * * *

H. Misconduct involving weapons under paragraphs 3 through 8 of subsection A is a class 6 felony.

* * * *

Sec. 13-3106. Firearm purchase in other states. A person residing in this state, or a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise obtain firearms anywhere in the United States if such purchase or acquisition fully complies with the laws of this state and the state in which the purchase or acquisition is made and the purchaser and seller, prior to the sale or delivery for sale, have complied with all the requirements of the Federal Gun Control Act of 1968, Public Law 90-618, Sec. 922, subsection (c) and the Code of Federal Regulations, volume 26, section 178.96, subsection (c).

* * * *

Sec. 13-3108. Regulation of firearms by state. Ordinances of any political subdivision of this state relating to the possession, carrying, sale and use of firearms in this state shall not be in conflict with this chapter.

Sec. 13-3109. Sale or gift of firearm to minor; punishment.

A. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

B. Nothing in this section shall be construed to require reporting sales of firearms, nor shall registration of firearms or firearms sales be required.

Bisbee

6-4-5. Registration of dealers required: Every person who deals in arms, ammunition and explosives, or either of them, shall register as such dealer in a book for that purpose kept by the Chief of Police. In said book he shall write his name, his business or occupation and the address of his place of business.

Buckeye

Sec. 11-1-22 Weapons * * * F. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a

weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Casa Grande

F. Sale of weapons to minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Clarkdale

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Coconino

Section 10-1-32 * * * E. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Elmirage

Sec. 11-1-54 Weapons * * * G. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a firearm, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Gila Bend

Sec. 10-1-30 Weapons * * * F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Globe

10-1-24 Weapons. * * * F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's

parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Goodyear

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Guadalupe

Section 11-1-21 Weapons ***** F. It is unlawful for any person to sell or give to a person under the age of eighteen (18) years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Hayden

Section 10-1-22 ***** F. It is unlawful for any person to sell or give to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Kearny

G. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Page

Section 10-1-22 ***** F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Payson

Section 10-1-22 Weapons. F. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a

weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Phoenix

Sec. 23-43. Dealers in firearms—Registration required. Every person dealing in firearms, ammunition or explosives shall register as a dealer in a book to be kept by the Chief of Police for that purpose. ***

Sec. 23-46.1. Unlawful to make, possess or dispose of a fire bomb; penalties; exceptions. (a) Definitions.

Disposes of—To give, give away, loan, offer, offer for sale, sell, transfer, hurl, throw, or cause to be hurled or thrown.

Fire bomb—A breakable container containing a flammable liquid with a flash point of one hundred fifty degrees fahrenheit or less, having a wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb for the purposes of this Section.

(b) Offenses. A person is guilty of a misdemeanor who:

(1) Possesses any of the component parts of a fire bomb with intent to wilfully and maliciously use such material, substance or device to set fire to or burn any buildings or property.

(2) Possesses, manufactures or disposes of a fire bomb.

(c) Exceptions. The provisions of Subsections (a) and (b) of this Section shall not prohibit:

(1) The authorized use or possession of any material, substance or device described in such Subsections by a member of the Armed Forces of the United States or National Guard of the State of Arizona, or by firemen, police officers or peace officers authorized by the properly constituted authorities and acting in the course of their official duties;

(2) The use or possession of any material, substance or device described therein when used solely for scientific research or educational purposes, or for any lawful burning;

(3) The manufacture or disposal of a fire bomb for the parties or purposes described in this Subsection.

Salt River Indian Community

Sec. 6.15-Carrying Firearms or Gun ***** B. Any person, who shall go about anywhere within the Salt River Pima-Maricopa Indian Community, armed with any firearm, unless he shall have first obtained a permit therefor, signed by a Judge of the Salt River Tribal Court, shall be deemed guilty of an offense and the firearm carried by such

person shall be impounded by officers duly constituted to enforce this Code and said firearm shall be stored at a place within the Community.

Show Low

F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Somerton

Sec. 10-1-27 Weapons ***** F. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Springerville

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Surprise

Ordinance No 29

F. It is unlawful for any person to sell or give to a person under the age of eighteen years, without written consent of the person's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged.

Youngtown

Chapter 10

F. Sale of Weapons to Minors. A person who sells or gives to a minor under the age of eighteen years, without written consent of the minor's parent or legal guardian, a weapon, ammunition or toy pistol by which dangerous and explosive substances may be discharged, is guilty of a misdemeanor.

Arkansas

State Law

Ark. Stat.

41-3101. Definitions. As used in this Chapter [Secs. 41-3101—41-3110], unless the context plainly requires otherwise:

(2) "Minor" means any person under eighteen (18) years of age.

41-3103. Firearms—Possession by felon, mental defective, person committed to mental institution prohibited. (1) No person who has been

(a) convicted of a felony; or
(b) adjudicated a mental defective; or
(c) committed involuntarily to any mental institution; shall possess or own any firearm.

(2) A determination by a jury or court that a person committed a felony shall constitute a "conviction" for purposes of subsection (1) even though the court suspended imposition of sentence or placed the defendant on probation.

3. A determination by a jury or a court that a person committed a felony shall not constitute a conviction for purposes of Subsection 1 if the person is subsequently granted a pardon explicitly restoring the ability to possess a firearm.

COMPILER'S NOTE

It is the opinion of the Arkansas Attorney General that convicted felons who receive a full gubernatorial pardon before July 6, 1977, are no longer subject to a State ban on the possession of firearms. To have the same effect, pardons issued after the date must include language specifically authorizing possession of firearms.

41-3104. Criminal use of prohibited weapons. (1) A person commits the offense of criminal use of prohibited weapons if, except as authorized by law, he uses, possesses, makes, repairs, sells, or otherwise deals in any bomb, machine gun, sawed-off shotgun, firearm specially made or specially adapted for silent discharge, *** or other implement for the infliction of serious physical injury or death which serves no common lawful purpose.

(2) It is a defense to a prosecution under this section that:

(a) the person was a law enforcement officer, prison guard, or member of the armed forces acting in the course and scope of his duty at the time he used or possessed the prohibited weapon; or

(b) the defendant used, possessed, made, repaired, sold, or otherwise dealt in any of the above enumerated articles under circumstances negating any likelihood that the weapon could be used unlawfully.

(3) Criminal use of prohibited weapons is a class B felony if the weapon is a bomb, machine gun, or firearm specially made or specially adapted for silent discharge. Otherwise, it is a class D felony.

41-3105. Legitimate manufacture, repair, and transportation of prohibited weapons. Section 3104 [Sec. 41-3104] shall not be construed to prohibit the manufacture, repair, transportation, or sale of the weapons enumerated therein to or for authorized representatives of the armed forces or to or for the authorized representatives of any law enforcement agency.

41-3107. Possession of a defaced firearm. (1) A person commits the offense of possession of a defaced firearm if he knowingly possesses a firearm with a manufacturer's serial number, or other identification mark required by law, which has been removed, defaced, marred, covered, altered or destroyed.

(2) It is a defense to a prosecution under this section that the person reported such possession to the police or other governmental agency prior to arrest or the issuance of an arrest warrant or summons.

(3) Possession of a defaced firearm is a class A misdemeanor.

41-3108. Criminal possession of explosives. (1) A person commits the offense of criminal possession of explosives when he sells, possesses, manufactures or transports an explosive substance or incendiary device:

(a) if he has the purpose of using that substance or device to commit an offense; or

(b) if he knows or should know that some other person intends to use that substance or device to commit an offense.

(2) Criminal possession of explosives is a class B felony.

41-3109. Furnishing a deadly weapon to a minor. (1) A person commits the offense of furnishing a deadly weapon to a minor when he sells, barter, leases, gives, rents or otherwise furnishes a firearm or other deadly weapon to a minor without the consent of a parent, guardian, or other person responsible for general supervision of his welfare.

(2) Furnishing a deadly weapon to a minor is a class A misdemeanor.

41-3157. Uniform Machine Gun Act—Definitions. "Machine Gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically discharged from a magazine, by a single function of the firing device.

"Crime of Violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

41-3160. Offensive or aggressive purpose defined. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose;

(a) when the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) when in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) when the machine gun is of the kind described in section 8 [Sec. 41-4514] and has not been registered as in said section required; or

(d) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

41-3161. Evidence of possession or use of machine gun. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

41-3162. Guns for military use may be manufactured. Nothing contained in this act [Secs. 41-3157—41-3167] shall prohibit or interfere with

1. the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

41-3163. Manufacturer to keep register of guns manufactured. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor,

and shall produce the register, herein required, for inspection. ***

41-3164. Guns now owned and in use to be registered. Every machine gun now in this State adapted to use pistol cartridges of 30 (30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the (secretary of state), on the effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the (secretary of state), and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

41-3168. Tear gas—Carrying or possession a misdemeanor. Any person who shall carry or have in his possession any tear gas in any form whatever, and any person who shall carry or have in his possession any gun, bomb, grenade, cartridge or other weapon designed for the discharge of tear gas, shall be guilty of a misdemeanor.

41-3169. Peace officers and banking institutions excepted from provisions of act. Provided the provisions of this act [Secs. 41-3168—41-3170] shall not apply to any peace officer while engaged in the discharge of his official duties, nor to any banking institution desiring to have possession of tear gas in any form for the purpose of securing funds in its custody from theft or robbery.

41-3174. Sale of rifles, shotguns and ammunition in this state to residents or adjacent states authorized. Hereafter, the sale of shotguns and rifles and ammunition in this State to residents of adjacent states is authorized pursuant to regulations issued by the Secretary of the Treasury under the Federal Gun Control Act of 1968 [U.S.C., tit. 18, Secs. 921-928], as the same is in effect on the effective date [March 4, 1969] of this Act.

41-3175. Residents of this state authorized to purchase rifles, shotguns or ammunition in an adjacent state. Hereafter, a resident of this State shall be permitted to purchase a rifle, shotgun, or ammunition in an adjacent state; such sales are hereby expressly authorized pursuant to the regulations issued under the Federal Gun Control Act of 1968 [U.S.C., tit. 18, Secs. 921-928], as the same is in effect on the effective date [March 4, 1969] of this Act.

Bearden

Ordinance 172

Section 1: Adoption of the Arkansas Criminal Code which became effective on January 1, 1976: There is hereby adopted

by this City Council for the purpose of regulating the enforcement of the Criminal Laws of this State and City within Bearden City Limits that code known as the "Arkansas Criminal Code" effective January 1, 1976. ***

Section 2: The said Arkansas Criminal Code effective January 1, 1976, is adopted in toto.

Section 3: The invalidity of any section or provision of this code shall not invalidate any other section thereof.

Section 4: All ordinances or parts thereof in force at the time of this ordinance that are inconsistent herewith are hereby repealed.

Danville

Ordinance 147

Section 1: Sale of certain weapons—restricted or prohibited Licenses required.

(a) It shall be unlawful for any manufacturer, gun collector or dealer to sell any pistol at wholesale or retail, or to pledge or accept any pistol as security for a loan, except those manufacturers, collectors, or dealers who have a valid federal firearms license.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of drugs or liquor at the time of the transfer, or who is under the age of twenty-one.

(d) It shall be unlawful for any person to purchase, receive, sell, give, lease, or otherwise transfer any firearm from which the manufacturers identification mark or serial number has been removed.

(e) It shall be unlawful for any person to give, sell, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of 18 years, any firearm, or any device designated, altered or capable of discharging any dangerous missile, or any cartridge, shell, ammunition, or device containing an explosive substance designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm without the written consent of the parent or guardian of such person.

(f) It shall be unlawful for any person to sell, barter or in any manner to furnish another person, *** any shotgun with barrel or barrels less than 18 inches in length or any rifle with barrel or barrels less than 16 inches in length or any weapon made of a rifle or

shotgun by any manner to be less than 26 inches in overall length, ***

(g) Any person who manufacturers or causes to be manufactured, imports into this city, keeps for sale, or offers or exposes for sale any of the devices listed in the above paragraph (f) of this section shall be guilty of furnishing the device even though a transfer is not carried out.

Sec. 2. Possession of weapons by certain persons. (a) It shall be unlawful for any person who is a fugitive from justice, or who has been convicted of a felony, or who is a drug addict, or who is under the influence of alcohol, or any drug, to carry or have in his possession or under his control, or to have about his person or in any vehicle in which he is an occupant any firearm or other dangerous or deadly weapon.

(b) It shall be unlawful for any person under the age of 21 to have in his possession or under his control any handgun without adult supervision and the consent in writing of a parent or guardian.

El Dorado

Sec. 23-27. Weapons; *** bartering, etc. ***** Any person who shall sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person any *** pistol of any kind whatever, any kind of cartridges for any firearm, shall be guilty of a misdemeanor. Any person convicted of a violation of any of the provisions of this section shall be punished by a fine *** or by imprisonment in the city jail *** or by both fine and imprisonment ***.

Garland

Local ordinance 149 incorporates, by reference, the Arkansas State Criminal Code.

Hickory Ridge

Hickory Ridge local ordinance, Chapter 7.04, 7.04.01, incorporates, by reference, Arkansas State Criminal Code.

Little Rock

25.96. Pistols, sale and transfer regulated—Definitions. (a) The term "person" includes any individual, partnership, association, or corporation.

(b) The term "pistol" means any firearm with a barrel less than twelve inches in length, except cap and ball, flintlock, wheel-lock or matchlock hand guns.

(c) The term "manufacturer or dealer" means any person engaged in the business of manufacturing or selling pistols at wholesale

or retail, or of accepting or pledging pistols as security for loans.

(d) The term "gun collector" means any person who as a hobby but not for profit shall collect and traffic in pistols.

(e) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, assault with intent to kill, commit rape, or rob; or assault with intent to commit any offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

25-97. Same—License required; sales restricted. (a) It shall be unlawful for any manufacturer, dealer, or gun collector, except a manufacturer, dealer, or collector having a valid federal firearms license, to sell any pistol at wholesale or retail, or to lease or to pledge or accept any pistol as security for a loan.

(b) When delivered, all pistols must be securely wrapped and must be unloaded.

(c) It shall be unlawful for any person to sell, lease, lend or otherwise transfer a pistol to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, or who is a fugitive from justice, or who is of unsound mind, or who is a drug addict, or who is under the influence of liquor at the time of the sale, or who is under the age of twenty-one years.

25-98. Same—Possession by certain persons prohibited; permit to display; serial number; record of sales, etc. (a) It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, to possess a pistol within this city.

(b) It shall be unlawful for any person under age of eighteen to possess a pistol. The provisions of this section shall not apply to the issue of pistols to members of the State Militia, R.O.T.C., or armed forces of the United States for training or active duty.

(c) It shall be unlawful for any person to sell, lease, lend, or otherwise transfer a pistol to any person under twenty-one years of age except as provided in paragraph (b) above.

(f) It shall be unlawful for any person to purchase, receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's identification mark or serial number has been removed.

Morrilton

11-64. Same—Sale of weapons and ammunition. Any person who shall sell, barter or exchange or otherwise dispose of or in any

manner furnish to any person *** any kind of pistol of any kind whatever except such as are used in the army or navy of the United States, and known as the navy pistol, or any kind of cartridge for any pistol, or any person who shall keep any such arms or cartridges for sale in the city shall be deemed guilty of a misdemeanor.

Norphlet

The city of Norphlet has adopted the language of the State firearms laws, including sections 41-3101 through 41-3175, shown at the beginning of the Arkansas State listing in this publication.

Plumerville

Ordinance No. 17

Any person who shall sell, barter or exchange, or otherwise dispose of in any manner or furnish to any person *** any pistol of any kind whatever except such as are used in the army or navy of the United States and known as the navy pistol, or any person who shall keep any such arms for sale in the said

incorporated town shall be guilty of a misdemeanor. * * * * *

Springdale

22-21. Sale, loan, etc., weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

Sulphur Springs

Ordinance 17

Section 3. That it shall be unlawful for any person to sell, barter or exchange, or otherwise dispose of, or in any manner furnish to any person, any *** pistol of any kind whatever, except such as are known as the navy pistol, or any kind of cartridge for any pistol, or to keep any such arms or cartridges for sale.

California

State Law

Ann. Cal. Codes
Penal Code

Chapter 1. Concealed Weapons

Sec. 12001. Definitions. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in this chapter shall apply to and include any device, designed to be used as a weapon, from which is expelled a projectile by the force of any explosion, or other form of combustion, and which has a barrel less than 12 inches in length. "Pistol," "revolver," and "firearm capable of being concealed upon the person" as used in Sections 12021, 12072, and 12073 include the frame or receiver of any such weapon.

Sec. 12001.5 Manufacture, sale or possession of sawed-off shotguns not authorized Except as provided in Section 12020, nothing in this chapter shall be construed as authorizing the manufacture, importation into the state, keeping for sale, offering for sale, or giving, lending, or possession of any sawed-off shotgun, as defined in Section 12020.

Sec. 12002. Exemptions

(a) Nothing in this chapter prohibits police officers, special police officers, peace officers,

or law enforcement officers from carrying any wooden club, baton, or any equipment authorized for the enforcement of law or ordinance in any city or county.

(b) Nothing in this chapter prohibits a uniformed security guard, regularly employed and compensated as such by a person engaged in any lawful business, while actually employed and engaged in protecting and preserving property or life within the scope of his employment, from carrying any wooden club or baton of a type and substance approved by both the executive director of the California Crime Technological Research Foundation and the Department of Justice, if the uniformed security guard has satisfactorily completed a course of training in the carrying and use of the club or baton which has been approved by the Commission on Peace Officer Standards and Training.

Sec. 12020. Blackjacks, etc.; manufacture, sale or possession; concealed explosive or dagger; offense; punishment; exemptions. (a) Any person in this state who manufactures or causes to be manufactured, imports into the state, keeps for sale, or of-

fers or exposes for sale, or who gives, lends, or possesses any instrument or weapon of the kind commonly known as a *** sawed off shotgun *** or who carries concealed upon his person any explosive substance, other than fixed ammunition *** is guilty of a felony, and upon conviction shall be punishable by imprisonment in the county jail not exceeding one year or in a state prison for not less than one year nor more than three years.

(b) Subdivision (a) shall not apply to any of the following: (1) The manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production when such is authorized by the Department of Justice pursuant to Article 6 (commencing with Section 12095) of this chapter and is not in violation of federal law. *****

(4) Any antique firearm. For purposes of this paragraph the term "antique firearm" means any firearm not designed or redesigned for using rimfire or conventional centerfire ignition with fixed ammunition, and manufactured in or before 1898, including any matchlock, flintlock, percussion cap, or similar type of ignition system.

(d) (1) As used in this section a "sawed-off shotgun" means a shotgun having a barrel or barrels of less than 18 inches in length, or a rifle having a barrel or barrels of less than 16 inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches. *****

12020.5. It shall be unlawful for any person, firm, corporation, or association, in any newspaper, magazine, circular, form letter, or open publication, published, distributed, or circulated in this state, or on any billboard, card, label, or other advertising medium, or by means of any other advertising device, to advertise the sale of any weapon or device whose possession is prohibited by Section 12020. *****

Sec. 12021. Concealable firearms; prohibited ownership or possession; offense; punishment; exceptions. (a) Any person who has been convicted of a felony under the laws of the United States, of the State of California, or any other state, government, or country, or who is addicted to the use of any narcotic drug, who owns or has in his possession or under his custody or control any pistol, revolver, or other firearm capable of being concealed upon the person is guilty of a public offense, and shall be punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars (\$500), or by both.

(b) Subdivision (a) shall not apply to a person who has been convicted of a felony under the laws of the United States unless:

(1) Conviction of a like offense under California law can only result in imposition of felony punishment; or

(2) The defendant was sentenced to a federal correctional facility for more than 30 days, or received a fine of more than one thousand dollars (\$1,000), or received both such punishments.

COMPILER'S NOTE

In the opinion of the California Attorney General: "California is not constitutionally required to recognize sister state gubernatorial or presidential pardons for purposes of section 12021. Nor is California compelled to recognize relief granted by federal authorities pursuant to 18 U.S.C. 925(c). However, under 18 U.S.C.A. 5024, states are required to recognize the expungement of a youth offender's conviction pursuant to 18 U.S.C.A. 5021. California would recognize such an expungement for purposes of section 12021."

Sec. 12070. Unlicensed business; offense. No person shall engage in the business of selling or otherwise transferring, or shall advertise for sale, or offer or expose for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, unless he has been issued a license pursuant to Section 12071. Any person violating this section is guilty of a misdemeanor.

Sec. 12071. Retail licenses; business regulations. The duly constituted licensing authorities of any city or county may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the county, city and county, city, town or other municipality pistols, revolvers, and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license shall be subject to forfeiture. *****

3. No pistol or revolver shall be delivered (a) Within fifteen days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. *****

Sec. 12072. Prohibited transfers; delivery of weapon; transfer to stranger; offense. No person, corporation or dealer shall sell, deliver, or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by Section 12021 from owning or possessing such firearms, nor to any minor, under the age of 18 years. In no event shall any such firearm be delivered to the purchaser within fifteen days of the application for the purchase thereof, and when delivered such firearm shall be securely wrapped and shall be unloaded. Where neither party to the transaction holds a dealer's license, no person shall sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the ven-

dor. Any violation of the provisions of this section is a misdemeanor.

Sec. 12073. Register of sales; contents; exemptions. Every person in the business of selling, leasing or otherwise transferring a pistol, revolver or other firearm, of a size capable of being concealed upon the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, except as provided by this chapter, shall keep a register in which shall be entered the time of sale, the date of sale, the name of the salesman making the sale, the place where sold, the make, model, manufacturer's number, caliber, or other marks of identification on such pistol, revolver or other firearm.

This section shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise to other wholesale or retail dealers by mail, express or other mode of shipment, to points outside of the city or county wherein they are situated.

Sec. 12078. Exemption of sales to government officers; identification; report of sale. The preceding provisions of this article do not apply to sales of concealable firearms made to persons properly identified as full-time paid officers of a city police department, sheriff's department, district attorney's office, the California Highway Patrol, or the State Department of Justice, nor to sales of concealable firearms made to authorized representatives of cities, cities and counties, counties, state or federal governments for use by such governmental agencies. Proper identification is defined as verifiable written certification from the head of the agency by which the purchaser is employed, identifying the purchaser and authorizing the purchase. The certification shall be delivered to the seller at the time of purchase and the purchaser shall identify himself as the person authorized in such certification. On the day the sale is made, the dealer shall forward by prepaid mail to the Department of Justice a report of such sale and the type of information concerning the buyer and the firearm sold as is indicated in Section 12077.

Sec. 12079. Mail orders; record of order; fee. Any person, other than a dealer licensed under the provisions of Section 12071, or a manufacturer or wholesaler of weapons, who orders by mail any pistol, revolver, or firearm capable of being concealed upon the person shall, at least five days before ordering such weapon, file with the chief of police, or other head of the police department of the city, county, or city and county wherein such person maintains his residence or principal place of business, a record in duplicate of such order. When such person resides or has his principal place of business where there is no municipal police department, then such record, in duplicate, shall be filed with the sheriff

of the county where such person resides or maintains his principal place of business. Such record shall be substantially in the following form: [See local requirements]

Sec. 12092. Assignment of number or mark. The Department of Justice upon request may assign a distinguishing number or mark of identification to any pistol or revolver whenever it is without a manufacturer's number, or other mark of identification or whenever the manufacturer's number or other mark of identification or the distinguishing number or mark assigned by the department has been destroyed or obliterated.

Sec. 12094. Unmarked firearms; purchase, sale or possession; offense. Any person with knowledge of any change, alteration, removal, or obliteration described herein, who buys, receives, disposes of, sells, offers for sale, or has in his possession any pistol, revolver, or other firearm which has had the name of the maker, model, or the manufacturer's number or other mark of identification including any distinguishing number or mark assigned by the Department of Justice changed, altered, removed, or obliterated is guilty of a misdemeanor.

Sec. 12095. Sawed-off shotguns as props; manufacture, possession, transportation or use; issuance of permit, duration of permit. If it finds that it does not endanger the public safety, the Department of Justice may issue permits initially valid for a period of one year, and renewable annually thereafter, for the manufacture, possession, transportation or use, with blank cartridges, of sawed-off shotguns solely as props for motion picture film or television program production upon a showing that good cause exists for the issuance thereof to the applicant for such a permit. No permit shall be issued to a person who is under 18 years of age.

Chapter 2 Machine Guns

Sec. 12200. Definition. The term "machinegun" as used in this chapter means any weapon which shoots, or is designed to shoot, automatically, more than one shot, without manual reloading, by a single function of the trigger, and includes any frame or receiver which can only be used with such weapon. The term shall also include any combination of parts designed and intended for use in converting a weapon into a machinegun.

Sec. 12201. Exemptions. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of machine guns by police departments, sheriffs' offices, city marshal's offices, or the military or naval forces of this State or of the United States for use in the discharge of their official duties; nor shall anything in this chapter prohibit the possession of machine guns by regular, salaried, full-time members of a police department, sher-

iff's office, or city marshal's office when on duty and such use is within the scope of their duties.

Sec. 12220. Unauthorized sale, possession or transportation; punishment. Any person, firm or corporation, who within this State sells, offers for sale, possesses or knowingly transports any firearms of the kind commonly known as a machine gun, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed five years or by a fine not to exceed five thousand dollars (\$5,000), or by both such fine and imprisonment.

Sec. 12230. Authority to issue; showing necessary. The Department of Justice may issue permits for the possession and transportation or possession or transportation of such machineguns, upon a satisfactory showing that good cause exists for the issuance thereof to the applicant for such permit but no permit shall be issued to a person who is under 18 years of age.

Sec. 12250. Authority to grant license; revocation; business regulations. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at the place specified in the license of machineguns subject to all of the following conditions, upon breach of any of which the license shall be revoked: *****

3. No machinegun shall be delivered to any person not authorized to receive the same under the provisions of this chapter.

Chapter 2.5 Destructive Devices

Sec. 12301. Definition. (a) The term "destructive device," as used in this chapter, shall include any of the following weapons: (1) Any projectile containing any explosive or incendiary material or any other chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns.

(2) Any bomb, grenade, explosive missile, or similar device or any launching device therefor.

(3) Any weapon of a caliber greater than .60 caliber which fires fixed ammunition, or any ammunition therefor, other than a shotgun or shotgun ammunition.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed

primarily for emergency or distress signaling purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(b) The term "explosive," as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

Sec. 12302. Nothing in this chapter shall prohibit the sale to, purchase by, or possession of, or use of destructive devices by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guards, while on duty and acting within the scope and course of his employment.

Nothing in this chapter shall prohibit the sale to, purchase by, possession by, or use by any person who is a regularly employed and paid officer, employee or member of a fire department or fire protection or firefighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, while on duty and acting within the scope and course of his employment, of any equipment used by such department or agency in the course of fire suppression.

Sec. 12303. Possession; other than fixed ammunition; punishment. Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison for a term not to exceed five years, or by a fine not to exceed five thousand dollars (\$5,000) or by both such fine and imprisonment.

Sec. 12303.6 Sale or transportation; other than fixed ammunition; punishment. Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony and is punishable by imprisonment in the state prison not exceeding 15 years.

12304. Any person, firm or corporation who, within this state, sells, offers for sale, possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is

guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars (\$1,000), or by both such fine and imprisonment. *****

Sec. 12305. Permits to conduct business; fee. Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of such business from the Department of Justice. Such permit shall be issued upon a satisfactory showing to him that good cause exists for the issuance thereof and after the payment of a fee of fifty dollars (\$50). Such permit shall be valid for a period of one year only.

Sec. 12306. Permits; non-business purposes; fee. Any person, firm or corporation, other than those included in Section 12305, shall obtain a permit from the Department of Justice before possessing or transporting any destructive device. The department may issue such a permit upon a satisfactory showing that good cause exists for the issuance thereof, and after the payment of a fee of ten dollars (\$10). The department shall issue a permit without payment of a fee upon a satisfactory showing that the possessor of such destructive devices is a bona fide collector of destructive devices. Such permit shall be valid for a period of one year only.

Chapter 4 Tear Gas Weapons

Sec. 12402. Tear gas weapon. The term "tear gas weapon" as used in this chapter shall apply to and include: (a) Any shell, cartridge, or bomb capable of being discharged or exploded, when the discharge or explosion will cause or permit the release or emission of tear gases.

(b) Any revolvers, pistols, fountain pen guns, billies, or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

Sec. 12403. Exemptions; peace officers. Nothing in this chapter shall prohibit any person who is a sheriff; undersheriff; deputy sheriff; policeman; reserve or auxiliary deputy sheriff or policeman; marshal; deputy marshal; constable; deputy constable; member of the California Highway Patrol; member of the California State Police Division; chiefs, assistant chiefs, or special agents of the investigative bureaus of the Department of Justice; investigator who is regularly employed and paid as such in the office of the Attorney General and is designated by the Attorney General; investigator who is regularly employed and paid as such in the office

of a district attorney and is designated by the district attorney; deputy of the Department of Fish and Game; hospital administrator or police officer of the Department of Health; warden, superintendent, supervisor, agent of the law enforcement liaison unit, or guard of the Department of Corrections; enforcement officers of the Department of Alcoholic Beverage Control described in subdivision (c) of Section 830.3; any superintendent, assistant superintendent, supervisor, or employee having custody of wards, of each institution of the Department of the Youth Authority; any employee of the Department of the Youth Authority who is a peace officer pursuant to Section 830.5 and is assigned to the department's missing ward unit; or any transportation officer of the Department of the Youth Authority, from purchasing, possessing, or transporting any tear gas weapon for official use in the discharge of their duties, if such weapon has been certified as acceptable under Article 5 (commencing with Section 12450) of this chapter and if such such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

Sec. 12403.5 Exemptions; private investigators; private patrol operators or uniformed patrolmen employees. Notwithstanding any other provision of law, a person holding a license as a private investigator or private patrol operator issued pursuant to Chapter 11 (commencing with Section 7500), Division 3 of the Business and Professions Code, or uniformed patrolmen employees of a private patrol operator, may purchase, possess, or transport any tear gas weapon, if it is used solely for defensive purposes in the course of the activity for which the license was issued and if such person has satisfactorily completed a course of instruction approved by the Commission on Peace Officers Standards and Training in the use of tear gas.

Sec. 12403.7. (a) Notwithstanding any other provision of law, any person may purchase, possess or use tear gas and tear gas weapons for the projection or release of tear gas if such tear gas and tear gas weapons are approved by the Department of Justice and are used solely for self-defense purposes, subject to the following requirements:

(1) No person convicted of a felony shall purchase, possess, or use tear gas or tear gas weapons.

(2) No person shall sell or furnish any tear gas or tear gas weapon to a minor.

(3)(i) No person shall purchase, possess or use any tear gas weapon which expels a projectile, or which expels the tear gas by any method other than an aerosol spray, or which is of a type, or size of container, other than authorized by regulation of the Department of Justice.

(4)(i) No person shall purchase, possess or use any tear gas or any tear gas weapon who has not completed a course certified by the Department of Justice in the use of tear gas and tear gas weapons pursuant to which a card is issued identifying the person who has completed such a course. Such a course may be taken in any training facility certified by the Commission on Peace Officer Standards and Training to offer such training. Such a training facility is authorized to charge a fee covering the actual cost of such training.

(5) No person shall purchase, possess or use any tear gas or tear gas weapon if such person has not been issued a permit by the police chief or sheriff having jurisdiction over the person's place of legal residence. The police chief or sheriff shall issue a permit to any person who has completed the course of training specified in paragraph (4), who is not a minor, and who has not been convicted of a felony. The police chief or sheriff may charge a fee covering the actual cost of processing the application which shall also include the fee charged by the Department of Justice for noncriminal fingerprint card processing. The valid permit shall be carried on the person when carrying tear gas or tear gas weapons and shall be presented for examination to the vendor from whom any tear gas or tear gas weapons are purchased. The sale of tear gas or tear gas weapons by a vendor to a person who fails to present an identifying permit is a violation of Section 12420.

Sec. 12422. Any person who changes, alters, removes or obliterates the name of the manufacturer, the serial number or any other mark of identification on any tear gas weapon is guilty of a public offense and, upon conviction, shall be punished by imprisonment in the state prison or by a fine of not more than two thousand dollars (\$2,000) or by both.

Possession of any such weapon upon which the same shall have been changed, altered, removed, or obliterated, shall be presumptive evidence that such possessor, has changed, altered, removed, or obliterated the same.

Sec. 12435. Authority to issue; business regulations. The Department of Justice may grant licenses in a form to be prescribed by it effective for not more than one year from the date of issuance, to permit the sale at retail at the place specified in the license of tear gas or tear gas weapons, and to permit the installation and maintenance of protective systems involving the use of tear gas or tear gas weapons subject to all of the following conditions upon breach of any of which the license shall be subject to forfeiture: (See State statute for details)

Chapter 5 Firearms Devices

Sec. 12500. Silencer. The term "silencer" as used in this chapter shall apply to and include all devices or attachments of any kind

designed, used or intended for use in silencing the report of a firearm.

Sec. 12501. Exemptions. Nothing in this chapter shall prohibit any peace officer listed in Section 830.1, or the military or naval forces of this state or of the United States from possessing silencers for official use in the discharge of their duties.

Sec. 12520. Possession; offense; punishment. Any person, firm or corporation who within this State possesses any device of the kind commonly known as a silencer for firearms is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison not to exceed three years or by a fine not to exceed five thousand dollars (\$5,000) or by both.

Chapter 6 Miscellaneous

Sec. 12550. Necessity of parental consent; violation; misdemeanor. No person shall sell any firearm to any minor who is at least 16 years of age but not over the age of 18 years without the written consent of a parent or legal guardian of the minor.

Violation of this section is a misdemeanor.

Sec. 12551. Sale to minors; misdemeanor. Every person who sells to a minor any firearm, air gun, or gas-operated gun, designed to fire a bullet, pellet or metal projectile, is guilty of a misdemeanor.

Sec. 12560. Violation; penalty. Every person who has been convicted of a felony under the laws of the United States, of the State of California, or of any other state, government, or country and who used a firearm in the commission of such felony, who owns or has in his possession or under his custody or control any firearm is punishable by imprisonment in the state prison not exceeding 15 years, or in a county jail not exceeding one year or by a fine not exceeding five hundred dollars (\$500), or by both such term of imprisonment and such fine.

Sec. 12570. Purchase in contiguous state; laws applicable. Any person residing in this state may purchase any rifle or shotgun, as defined in the federal Gun Control Act of 1968 (18 U.S.C., Sec. 921 et seq.), in a state contiguous to this state pursuant to paragraph (3), subdivision (b), Section 922 of Title 18 of the United States Code, and in conformance with the rules and regulations prescribed by the Secretary of the Treasury pursuant to the Gun Control Act of 1968. The purchase of any such rifle or shotgun pursuant to this section is also subject to any other applicable laws of this state and all such laws of the contiguous state in which the rifle or shotgun is purchased.

Government Code

Sec. 53071. Registration and licensing of firearms; exclusive regulation by legislature. It is the intention of the Legislature to occupy the whole field of regulation of the

registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivisions as defined in Section 1721 of the Labor Code.

Adelanto

Ordinance No. 18

Section 6. Purchase of Firearm and Other Weapons. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a firearm ***.

Alameda

16-512. Maxim silencer. It is hereby declared to be unlawful for any person, firm or corporation to have in its or his possession any Maxim silencer to be used, or that may be used, on any firearm or arms, or any similar apparatus or device to be used, or that may be used, on any firearm or arms.

16-517. Firearms *—Use or possession of by minors.** It shall be unlawful for any persons to sell or give to any minor in the City of Alameda under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to possess, use, or discharge, any rifle, gun, pistol, revolver, *** or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

16-521. Sale, etc., except to permit holder unlawful. It shall be unlawful for any person, firm, association or corporation to sell, lease or otherwise transfer a pistol, revolver or other firearm of a size capable of being concealed upon the person, unless the person to whom the same is sold, leased or otherwise transferred, shall first exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such weapon.

16-522. Permit to acquire firearm—Application—Issuance—Sale not to be made without permit—Endorsement. Upon satisfactory proof being made to him that the person applying therefor is of good moral character and that good cause exists for the issuance thereof, the Chief of Police may is-

sue to such person a numbered permit authorizing such person to purchase, lease or otherwise acquire a pistol, revolver or other firearm of a size capable of being concealed on the person [contact local authorities for required contents] *** The Chief of Police shall retain the duplicate copy in the files of his office. No such sale, lease or other transfer of such a firearm shall ever be made without such a permit and unless the description of the person desiring such acquisition shall correspond with the description in such permit, nor unless such permit is then and there surrendered to the person from whom such firearm is received. The person selling, leasing or otherwise transferring such firearm shall endorse upon the permit the make, number and caliber of such firearm and immediately transmit the permit to the Chief of Police.

16-524. Purchase or acceptance of firearm without permit unlawful. It shall be unlawful for any person in the City of Alameda to purchase or accept delivery from any person, firm, association or corporation, outside the City, of any pistol, revolver or other firearm of a size capable of being concealed on the person, without first having procured a permit from the Chief of Police as provided in Section 16-522.

16-525. Article not applicable to officers or dealers receiving or transporting firearms. Nothing in this chapter shall apply to duly elected or appointed peace officers of any political subdivision of the State, or to bona fide dealers receiving or transporting unloaded pistols, revolvers and other firearms in the regular course of business.

Alameda County

4-11.0 Definition of dangerous weapon. Dangerous weapon shall mean and include: ***** (f) Any rifle, gun, pistol, revolver, *** or other similar instrument or device designed or intended to discharge or capable of discharging a bullet, shot, or other missile of any kind.

4-11.1 Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided in Section 4-11.2, it shall be unlawful for any person in the unincorporated territory of Alameda County to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

4-11.2 Same: exceptions. Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of Section 4-11.0; nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as

so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation.

Alhambra

2642. Section One: It shall be unlawful for any person, firm or corporation to sell, exchange, give, loan or furnish to any person under eighteen years of age *** any gun, revolver, pistol *** or firearm of any description which discharges or propels any missile; *** or any ammunition, cartridge or shell; or any other device containing any explosive substance designed and intended for use in any of the weapons enumerated herein.

Angels

Section 1. It shall be unlawful for any person to sell, give away or dispose, to fire, shoot, discharge or explode, within the limits of the City of Angels any pistol, gun, fire-arm, cannon, anvil or any other cracker, bomb, torpedo, sky-rocket, chaser, roman candle or any other kind of fire-works, except on Public occasions, fete days or occasions of public parade, and only on such time when written permission shall first have been obtained from the Board of Trustees of the City of Angels and which permission shall fix the time and place and restrict the manner in which such public demonstration may be had.

Antioch

Ordinance 153-C-S

Section 4-6.01 (b) It shall be unlawful for any person under the age of eighteen (18) years to have in his immediate possession any kind of gun, pistol or firearm designed to be loaded with gun powder or any other explosive substance, except under the direct supervision and control of an adult person.

Artesia

I. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, ***.

II. Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City

of Artesia for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Azusa

8.09.020. Possession of dangerous weapons by minors prohibited. Except as otherwise provided for in this Chapter, it shall be unlawful for any person under the age of eighteen years to have in his possession, or under his control, care, or custody, any gun, revolver, pistol, firearm, or device designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, firearm or device containing any explosive substance designed or intended to be used in or fired from any gun, pistol, or firearm ***.

8.09.030. Providing dangerous weapons to minors unlawful. Except as otherwise provided for in this Chapter it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, or loaned, or in any way furnished, to any minor person under the age of eighteen years, any gun, revolver, pistol, firearm, *** or device designed or intended to discharge or capable of discharging any dangerous missile or explosive substance. This Section shall not apply to or include any person who shall loan, give, or furnish to any minor person under the age of eighteen years any firearm or weapon or device when and only when it is so loaned, given or furnished to comply with and when such minor person under eighteen years of age actually participates in shooting at any of the designated target ranges in Section 8.09.050 or while going to and returning from such target ranges.

Baldwin Park

3508. No person shall sell at retail within the city, pistols, revolvers, or other firearms capable of being concealed upon the person without first having obtained a permit from the Chief of Police authorizing such person to make such sale ***.

3509. The Chief of Police may issue a permit for the sale of firearms upon receiving an application in conformity with the form prescribed by the Attorney General and further in conformity with Article 4, Chapter 1, Title 2, Part 4 of the Penal Code of the State of California.

3520. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way

furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, ***.

3520.1 Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Baldwin Park for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in the City of Baldwin Park the giving, loaning, or furnishing to any person under the age of eighteen (18) years any articles mentioned in Sections 3520, and 3521 hereof, nor to prohibit any persons under the age of eighteen (18) years from having in his or her care, custody, or control, any article mentioned in Section 3502.2 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person, or in the event that such person is under the direct supervision and control of some adult person.

Bellflower

Section 3400. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, ***.

Section 3401. Except as otherwise provided in Section 3403 hereof, it shall be unlawful in the City of Bellflower, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

Section 3403. Nothing in Sections 3400, 3401, and 3402 shall be deemed or construed to prohibit in said City of Bellflower the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3400 and 3401 hereof:

Belmont

Sec. 15-38. Sale to minors. Sale of firearms to minors. No person shall sell, deliver or transfer to any person under the age of

Carpinteria

Chapter 6.1 Handgun Sellers' License (Added by Ordinance 193)

Section 6610. Definition. For the purposes of this Chapter, the word "Handgun" shall have the following meaning: "Handgun" means pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in Section 12001 of the Penal Code.

Section 6611. Purpose and Intent. The purpose and intent of this Chapter is to designate the City Clerk of the City of Carpinteria as the duly constituted licensing authority to grant licenses permitting an applicant to sell handguns in this City pursuant to Title 2, Chapter 1, Article 4 of the California Penal Code.

Section 6612. Application Procedure. Application for the license to sell handguns shall be made and conducted in the following manner: Application for license effective for one year from the date of issue shall be on forms made available by the City Clerk and prescribed by the Attorney General of the State of California.

Section 6613. Application for License to Sell Handguns. Upon payment of the fees fixed therefor in Section 6616, and the obtaining of all other applicable fees and licensees, the City Clerk shall issue and renew a license to sell handguns in the form prescribed by the Attorney General of the State of California pursuant to Penal Code Section 12071 if, and only if, all the following conditions are satisfied: (a) The applicant is eighteen years of age, or over; (b) The applicant has not been convicted of any crime involving the illegal use or possession of any weapon described in Penal Code Section 3024(f) or Penal Code Section 12020; (c) The applicant has not been adjudicated a mentally incompetent person or has not been adjudicated to be a member of a class of persons subject to proceedings pursuant to the Lanterman-Petris-Short Act contained in Section 5001, et seq. of the Welfare and Institutions Code. (d) The applicant has not willfully failed to disclose any material information required in the application; (e) The applicant has not made any false statement as to any material fact in connection with the application; (f) The applicant is not in violation, at the time of issuance or renewal of the license, of any of the provisions of this Chapter, or of any conditions contained in any license to sell handguns previously issued to the applicant pursuant to this Chapter, or contained in Penal Code Section 12071; and (g) The sale of handguns at the locations specified in the application is not prohibited by any provision of the zoning laws or ordinances of the City.

18-14. Giving, selling, etc., of firearms to minors. No person shall give, sell or loan to any person under the age of eighteen years any firearm, *** or ammunition.

Burbank

Sec. 20-57. License to Sell Firearms at Retail. Any person engaging in the business of selling or otherwise transferring, or renting, or advertising for sale, or offering or exposing for sale or transfer or rental at retail, pistols, revolvers, or other firearms capable of being concealed upon the person, shall obtain the license required by Title 2, Chapter 1, Article 4, of the Penal Code of the State of California from the License Division, the purpose of this section being to provide for the granting of the local license prescribed by Section 12071 and amendments thereto of said Penal Code. ***

Sec. 20-58. Unlawful to Sell without Prior Notice to Chief of Police. No person shall sell, deliver or otherwise transfer any pistol, revolver, or other firearm capable of being concealed upon the person, to any person without notifying the Chief of Police of the intended sale or transfer at least twenty-four (24) hours before the transfer is made, giving the name and address of the transferor, a description of the firearm, and the name and address of the transferee.

Sec. 20-63. Sale of Ammunition to Minors. No person shall sell, exchange, give or loan to any person under sixteen (16) years of age any ammunition, cartridge, shell, pellets, B-B shot, shot or other missile designed for use in any firearm ***.

Sec. 20-64. Possession of Firearms by Minors. (a) No person under sixteen (16) years of age shall have in his possession any firearm *** or ammunition ***.

This section shall not apply to a minor under the age of sixteen (16) years when engaged in shooting as provided for in Section 20-59 *** , or when traveling to and from any of the places mentioned in Subsections (a), (b) and (c) of Section 20-59 for the purposes of shooting.

(b) Other Dangerous Devices.

No person under sixteen (16) years of age shall have in his possession any other device not mentioned in Subsection (a) capable of discharging a dangerous or deadly missile unless engaged in shooting or practicing at a location designated for such purpose by the Chief of Police, or when traveling to or from any such location, or when defending life or property.

(c) Applicability.

The preceding Subsections (a) and (b) shall be applicable to minors between sixteen (16) and eighteen (18) years of age, in possession of the items mentioned therein, without the consent of a parent or legal guardian.

eighteen years ownership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Beverly Hills

Sec. 3-7.02. Furnishing weapons to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol, *** or firearm of any description to any person under the age of eighteen (18) years.

Sec. 3-7.03. Furnishing ammunition to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description containing any explosive or any ammunition of any description to any person under the age of eighteen (18) years.

Sec. 3-7.04. Possession of weapons by minors: Duty of parents. (a) Possession by minors. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession, care, custody or control any gun, revolver, pistol, *** or firearm of any description *** or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

Brisbane

Ordinance 28

Section 3. No person under eighteen (18) years of age shall purchase any of the parts, projectiles, supplies or devices set forth in Sections 1 and 2 of this Ordinance (which includes pistol, revolver, gun, rifle [of any caliber], cannon, anvil, or any other firearm) unless accompanied by his or her parent or guardian, who shall request said purchase.

Buena Park

18-13. Possession or use of firearms prohibited. No person under the age of eighteen years shall use or have in his possession any firearm, *** or ammunition within the city.

Carson

Section 4302. Minors, Selling or Giving Weapons To. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of 18 years, any gun, revolver, pistol, firearm, *** or device designed to discharge, or capable of discharging, or any dangerous missile.

Section 4303. Minors, Providing Ammunition To. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

Section 4304. Minors, Discharging Weapons. Except as otherwise provided in Section 4305, no person under the age of 18 years shall *** have in his or her possession *** any gun, revolver, pistol, firearm, *** or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

Section 4305. Exception To. Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; nor to prohibit any such person under the age of 18 years from having in his or her possession, *** any article mentioned in Section 4304 hereof in the event that such possession *** of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person. *****

Cerritos

Ordinance 17

Section 1. *** it shall be unlawful for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, ***.

Section 2. *** it shall be unlawful for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in,

or fired from, any gun, revolver, pistol, or firearm.

Section 3. *** it shall be unlawful *** for any person under the age of eighteen (18) years *** to have in his or her possession, care, custody, or control, any gun, revolver, pistol, firearm, *** or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm

Section 4. Nothing in this ordinance shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 1 and 2 hereof; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control, any article mentioned in Section 3 hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; ***

Chula Vista

5.28.010 License required—Statutory authority applicable. No person shall engage in the business of selling or otherwise transferring, or advertise for sale or transfer any pistol, revolver or other firearm capable of being concealed upon the person, without first obtaining a license from the chief of police, which license shall be issued in accordance with the conditions and provisions contained in Article 4, Chapter 1, Title 2, Part 4 of the Penal Code, commencing at Section 12070. There shall be no charge for the issuance of this license.

9.32.010 Conveyance of firearms to minors prohibited. No person shall sell, exchange, give or loan to any person under the age of sixteen years any *** gun, revolver, pistol or firearm of any description *** designed or intended to discharge any pellets, or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

9.32.020 Possession of firearms by minors prohibited. No person under the age of sixteen years shall have in his possession, care, custody or control any article or thing set forth in the preceding section.

Clovis

4-6.07. Sale of firearms. (a) No person who is engaged in the business of selling, leasing, or otherwise transferring, and no person who sells, leases, or otherwise transfers, ei-

ther title to or possession of a pistol, revolver, or other firearm of a size capable of being concealed upon the person, shall sell, lease, or in any other way transfer title to or possession of such pistol, revolver or other firearm, or deliver the same pursuant to such sale, lease, or transfer, unless the person to whom the same is sold, leased, transferred, or delivered shall at the time exhibit a permit duly issued by the Chief of Police authorizing such person to acquire such pistol, revolver, or firearm; nor shall any person not having such permit receive or accept delivery or transfer of possession of such pistol, revolver, or other firearm of a size capable of being concealed on the person.

(c) No person shall sell, exchange, give, loan, or otherwise dispose of to any person under the age of eighteen (18) years any *** rifle, pistol, revolver, gun, or any firearm of any description using B-B pellets, bullets, or shots, or which expels a deadly or dangerous missile by spring, air, gas, or gunpowder, or any ammunition, cartridge, shell, or other device capable of being projected or projecting a missile, whether or not containing any explosive substance.

Commerce

9.16.010 Giving firearms to minors. Except as otherwise provided in Section 9.16.040, it is unlawful for any person, firm, or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm ***.

9.16.020 Giving ammunition to minors. Except as otherwise provided in Section 9.16.040, it is unlawful for any person, firm, or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

9.16.040 Exceptions. Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, lending, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.16.010 and 9.16.020 hereof; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 9.16.030 hereof in the event that the possession, care, custody, or control of the article is had with the consent of the parent or guardian of the person and is under the direct supervision and control of some adult person *****.

Compton

3603. Firearms—Sale to minors. No person shall sell, exchange, give or loan to any person under 18 years of age any gun, revolver, pistol or firearm of any description *** or any ammunition, cartridge, shell, or device containing any explosive substance designed and intended for use in any weapons enumerated herein.

3603.1 Minors—Possession of. No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

Contra Costa County

44-4.002 Firearms—Possession by minors. No minor under the age of sixteen years shall possess or use firearms of .22 calibre or greater or air guns except under the direct supervision and control of an adult.

44-4.008 Firearms—Ammunition sale to minors. No person shall sell or give to any minor under the age of sixteen years any ammunition capable of being used in any firearm, unless the minor is accompanied by a parent, legal guardian or adult authorized by the parent.

Corona

4-4-1. Minors, firearms, etc., sale, etc., to. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, *** or any ammunition therefor, ***.

4-4-2. Possession prohibited. No person under the age of eighteen years shall have in his possession, care, custody or control any of the articles mentioned in Section 4-4-1 except within his own domicile or except when accompanied by and under the immediate supervision of a parent or guardian, or having in his possession written permission signed by such parent or guardian permitting him to have any of said articles in his possession.

Chapter 17

Retail Sale of Concealable Firearms

6-17-1: Purpose: The purpose of this Chapter 17 is to provide for the licensing of persons to engage in the business of selling by retail any pistol, revolver, or other firearm capable of being concealed upon the person, as provided for the Part 4, Title II, Chapter 1, Article 4 (commencing with Section 12070) of the California Penal Code, and hereinafter in this Chapter referred to as "Article 4".

6-17-2: Administration: The Chief of Police is hereby constituted the licensing au-

thority for the City within the meaning of Section 12070 of Article 4, and is granted the authority to administer the provisions of this Chapter. The Chief of Police may delegate such authority to an employee or member of the City's Police Department, as he shall determine.

6-17-3: Issuance of license; fees: The Chief of Police, or his delegate, shall accept applications for, and may grant licenses permitting a person to sell at retail within the City of Corona pistols, revolvers, and other firearms capable of being concealed upon the person. If such a license is granted it shall be effective for not more than one year from the date of issuance or such shorter period of time as the Chief, or his delegate, may provide.

6-17-7: Exceptions: This Chapter shall not be applicable to any person who makes only those sales, as described in Section 12078 of the California Penal Code.

Cudahy

Article 4—Firearms

Sec. 3500. Providing firearms to minors. Except as otherwise provided in Section 3503 of this article, it shall be unlawful in the City for any person to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years any gun, revolver, pistol, firearm, ***.

Sec. 3501. Providing ammunition to minors. Except as otherwise provided in Section 3503 of this article, it shall be unlawful in the City for any person to sell, give, lend, or in any way furnish, or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years any cartridge, shell, ammunition, or device containing any explosive substance designed, or intended to be used in or fired from any gun, revolver, pistol, or firearm.

Sec. 3503. Possession or use of firearms or ammunition by minors: Exceptions. Except as provided in Sections 3503.1, 3503.4, and 3503.5 of this article, nothing in this article shall be deemed or construed to prohibit in the City the selling, giving, lending, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 of this article ***.

Culver City

Section 36-9. Minors—Sale of Firearms to. It shall be unlawful for any person to sell, exchange, give or loan to any person under 18 years of age, any gun, revolver, pistol or firearm of any description.

Section 36-10. Same—Possession of Firearms. No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding Section.

Daly City

Sec. 16-5. Firearms, explosives, cartridge or metallic caps—Sale, exchange, etc., to minors under eighteen years of age. No person shall expose for sale, sell or offer for sale, barter or exchange or offer to barter or exchange to or with any minor under the age of eighteen years, any pistol or other firearm or any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap, whether loaded or not with ball.

Sec. 16-6. Same—Possession by minors under eighteen years of age. No person under the age of eighteen years shall have in his possession, expose, use or discharge any pistol or other firearm, or have in his possession any instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or metallic cap whether loaded with ball or not.

Sec. 19-6. Firearms * Permit required for use.** No person shall exhibit, manufacture, sell, expose for sale, set off, discharge or cause to be set off or discharged any ordinance, gun, rifle, pistol or other firearm or *** gunpowder *** within the city, except after a permit has been obtained from the city council.

Del Ray Oaks

Ordinance 112

1. No person under the age of sixteen (16) years shall have in his possession, care, custody or control any revolver, pistol or firearm of any description or any air or gas-operated gun designed to fire a bullet, pellet or metal projectile, or any ammunition, cartridge, shell, pellet or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein, unless personally accompanied by and under the direct supervision of an adult.

2. No person shall sell, display for sale, or store preparatory for sale any firearm within the city limits of Del Rey Oaks unless said person has fully complied with all of the following conditions:

a) The Seller shall hold a Federal Firearms Permit and shall meet all of the provisions of the Gun Control Act of 1968.

b) The Seller shall have obtained a permit from the Chief of Police authorizing the storage of the firearms within the City of Del Rey Oaks. ***

5. Private persons selling their own firearms and not engaged in the commercial sale of the same shall be exempted from the purview of this ordinance. For the purpose of this ordinance, a person selling three (3) or more firearms in any calendar year shall be conclusively deemed to be engaged in the commercial sale of firearms and shall be required to comply with the terms of this ordinance.

Downey

4112. Weapons: Furnishing to minors. Except as otherwise provided in Section 4114 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen (18) years, any *** gun, revolver, pistol, firearm, *** or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4113. Minors. Possession. Except as otherwise provided in Section 4114 hereof, no person under the age of eighteen (18) years shall fire, discharge, shoot, or operate, or have in his or her possession, care, custody, or control, any *** gun, revolver, pistol, firearm, *** or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm.

4114. Exceptions. Nothing in Sections 4112 or 4113 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in said Sections, nor to prohibit any such person under the age of eighteen (18) years from having in his or her possession, care, custody or control, any article mentioned in said Sections hereof in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; ***.

Duarte

9.52.060 Furnishing weapons to minors prohibited. Except as otherwise provided in Section 9.52.090, it shall be unlawful in the city of Duarte for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, ***.

9.52.080 Use or possession by minors prohibited. Except as otherwise provided in Section 9.52.090, it shall be unlawful in the city of Duarte, for any person under the age of eighteen years to fire, discharge, shoot, or operate, or to assist or participate in the firing, discharging, shooting, or to have in his or her possession, care, custody or control, any gun, revolver, pistol, firearm, *** or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

El Cajon

9.92.020 Firearms—Sale to minors. No person shall sell within the city to any minor child any *** pistol, revolver, gun, rifle or any other firearm or device fired or discharged by explosives.

El Cerrito

Section 10.48.020. Firearms—Sale to minors. It is unlawful for any person to sell to any minor in the city *** any firearm, or gun, or rifle or other gun or device discharging by the use of powder *** except when accompanied by parent or legal guardian; provided that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the Council.

El Monte

12.3. Permits required. a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

4250. Firearm. Defined. For the purposes of this Part, a firearm is defined as any object capable of discharging or projecting any missile, including but not limited to: shotgun, rifle, pistol, revolver, *** target pistol, target gun *** tommy gun, wham-o gun, or any other similar device for the discharging or propelling of missiles capable of inflicting injury to person or property.

4251. Same. Possession by minors prohibited. No person under the age of 16 years shall own, possess, shoot, discharge, or use any firearm.

4252. Same. Parental duty. No parent, guardian, custodian or person in charge of any person under the age of 16 years shall permit any such person under the age of 16 years to own, possess or use any firearm.

4253. Same. Sale to minors prohibited. No person shall give, lend, sell, deliver, or transfer possession of any firearm to a person under the age of 16 years.

El Segundo

5.44.010 Director of Finance Licensing Authority. The director of finance is designated the duly authorized licensing authority of the city for the sale of pistols, revolvers and other firearms capable of being concealed upon the person.

The director of finance is directed to comply with the provisions of Section 12071 of the Penal Code of the state of California.

5.44.020 Application. An application shall be filed in writing with the director of finance on forms provided by the city.

5.44.030 Investigation. The director of finance shall refer each application for a permit, or renewal of such permit, to the chief of police, who, upon receipt thereof, shall conduct an appropriate investigation. Such investigation shall include, at a minimum, the following factors:

- (1) The security of the premises on which the business is conducted;
- (2) The criminal record or lack thereof of the applicant;
- (3) Compliance with all applicable sections of United States and California law governing the sale of firearms.

The chief of police may cause the fingerprints to be taken of any person who files an application pursuant to this chapter.

5.44.040 Permit Issued—Renewed. After investigation, the director of finance may issue or renew the permit if he finds:

- (1) The applicant, his employee, agent or any person associated with the applicant as partner, director, officer, stockholder, associate or manager has not been convicted of a felony;
- (2) The premises in which the business will be carried on provides secure protection against theft, loss or misplacement of concealable firearms, and complies with and meets all health, zoning, fire, building and safety requirements;
- (3) That the applicant will comply with all applicable provisions of law concerning the sale of firearms.

Fontana

Sec. 32-11. Sale, etc., of weapons, ammunition, etc., to minors. No person shall sell, exchange, give or lend to any person under eighteen years of age any *** gun, revolver, pistol or firearm of any description *** or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

No portion of this section shall prohibit the giving, lending or possession of any *** rifle, shotgun or pistol, or any ammunition for such firearm, *** nor prohibit the selling thereof for such purpose provided the minor has the written consent of a parent or legal guardian.

Foster City

9.88.060 Sale to minors prohibited. No person shall sell, deliver or transfer ownership to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a projectile propelled by the expansion of a gas, powder or air.

Fremont

Sec. 3-3100. Sale of Weapons to minors. Except as otherwise provided in section 3-3103 of this Code, no persons shall sell, give, loan, or in any way furnish to any person under the age of sixteen years, any gun, revolver, pistol, firearm, *** or other device designed or intended to discharge, or capable of discharging, any dangerous missile.

Sec. 3-3101. Sale of ammunition to minors. Except as otherwise provided in section 3-3103 of this Code, no person shall sell, give, loan, or in any way furnish, to any person under the age of sixteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or other firearm.

Sec. 3-3103. Prohibition does not apply to licensed hunters. Nothing in sections 3-3100, 3-3101 or 3-3102 of this Code shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing of any article mentioned in sections 3-3100 and 3-3102 of this Code, to any person under the age of sixteen years who is the holder of a valid hunting license issued to such person in accordance with the provisions of the Fish and Game Code of the state; nor prohibit any such licensee under the age of sixteen years from using or possessing any article mentioned in section 3-3102 of this Code. ***

Fullerton

3.55.010 Definition. "Seller of concealable firearms" means any person who sells or offers for sale at retail any pistols, revolvers or other firearms capable of being concealed upon the person.

3.55.015 Permit required. No person shall engage in, conduct, manage or carry on the business of seller of concealable firearms without a written permit from the chief of police. ***

3.55.020 Fixed location. Each permittee must have a fixed place of business. Sales of concealable firearms may only be made from that fixed place of business.

Gardena

Sec. 3-3.101. Definitions. For the purposes of this article, certain words and terms used herein are defined as follows: (a) "Firearm" shall include, but not be limited to, any gun, revolver, pistol, firearm, *** or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance, spring, or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm. *****

Sec. 3-3.103. Possession of firearms by minors. No person under eighteen (18) years of age shall have in his possession *** any firearm.

Sec. 3-3.104. Furnishing firearms to minors. It shall be unlawful for any person to sell, exchange, give, or loan to any person under eighteen (18) years of age any firearm.

Glendale

Ordinance 1260

Section 1: It shall be unlawful for any person, firm or corporation to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, in the City of Glendale, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen (18) years.

Section 2: It shall be unlawful for any person, firm or corporation to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, in the City of Glendale, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description containing any explosive, to any person under the age of eighteen (18) years.

Section 4: It shall be unlawful for any person under the age of eighteen (18) years to have in his or her possession, care, custody or control, in the City of Glendale, any gun, revolver, pistol, spring or air gun, or firearms of any description, or any cartridge, shell, or other device containing any explosive, or any cartridge, shell or other device designed and in-

tended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description containing any explosive.

Ordinance 4254

Article VII. Concealable Firearms; Retail Sales. Sec. 19-80. Permit required. No person shall within the city engage in the business of selling or otherwise transferring any handgun, pistol, revolver or other firearm capable of being concealed upon the person without first having received a revocable permit from the chief of police authorizing such person to make such sales.

Sec. 19-81. Permit application and issuance. The chief of police shall issue a revocable permit for the sale of firearms described in this section *** whenever: (a) The applicant has an established place of business within the city; and (b) The applicant is a person of good moral character and has not been convicted of any felony or misdemeanor involving the violation of any law of the State of California or ordinance of the city relating to the owning, carrying, sale, use or registration of any firearm or dangerous or deadly weapon.

Sec. 19-83. Conditions of permit, revocation. Any permit issued shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the permit by the chief of police:

1. The business shall be carried on only in the building designated in the license.
2. The license or a copy thereof, certified by the issuing authority shall be displayed on the premises where it can easily be seen.
3. No pistol or revolver shall be delivered within fifteen (15) days of the application for the purchase, and in addition, the purchaser must be personally known to the seller or the purchaser must present clear evidence of his identity to the seller.
4. No pistol or revolver shall be delivered unless it is unloaded and securely wrapped.

Guadalupe

Ordinance 66

Section 2. Sale of firearms to minors. It shall be unlawful for any person to sell to any minor in the City of Guadalupe, *** any firearm, or gun, or rifle or other gun or device discharging by the use of powder, *** any bullet or shot of any kind, ***.

Half Moon Bay

IX. Weapons

9.48.060 Sale to minors prohibited. No person shall sell, deliver or transfer to any person under the age of eighteen years, own-

eraship of any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

Hawaiian Gardens

9.60.010 Sale of weapons to minors. Except as otherwise provided in Section 9.60.040, it is unlawful in the city for any person, firm or corporation to sell, give, lend or in any way furnish to any person under the age of eighteen years, any gun, revolver, pistol, firearm, ***.

9.60.020 Sale of ammunition to minors. Except as otherwise provided in Section 9.60.040, it is unlawful in the city, for any person, firm or corporation, to sell, give, lend, or in any way furnish or to cause or permit to be held, given, lent, or in any way furnish, to any person under the age of eighteen years any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol or firearm.

9.60.030 Minors possessing or shooting weapons. Except as otherwise provided in Section 9.60.040, it is unlawful in said city, for any person under the age of eighteen years to fire, discharge, shoot or operate, or to assist or participate in the firing, discharging, shooting, or operating, or to have in his or her possession, care, custody, or control, any gun, revolver, pistol, firearm, *** or any cartridge, shell, ammunition, or device containing any exploding substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

9.60.040 Supervision and control of minors. Nothing in this chapter shall be deemed or construed to prohibit in said city the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.60.010 and 9.60.020, nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 9.60.030, in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person, nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting, or operating any article mentioned in Section 9.60.030 when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in said city, or is lawfully engaged in shooting at any inanimate target, or trapshooting device, while accompanied by,

and under the direct care and control of, some such adult person.

Hawthorne

Sale of Firearms and Ammunition to Minors

9.78.010 Regulations. A. Selling. No person shall sell, exchange, give or loan any cartridge, shell, ammunition or other device containing any explosive, or designed and intended for use in connection with any gun designed and intended to discharge any pellet, shot or other dangerous missile, to any person under the age of eighteen years.

B. Possession. No minor under the age of eighteen years shall have in his possession, care, custody or control any gun, revolver, pistol or other firearm, or any cartridge, shell, ammunition or other device containing any explosive, or designed and intended for use in connection with any gun, revolver, pistol or other firearm.

Hayward

3-4.00 Dangerous weapon. Definition. Dangerous weapon shall mean and include: 6. Any rifle, gun, pistol, revolver, *** or other similar instrument or device designed or intended to discharge or capable of discharging a bullet shot, or other missile of any kind.

3-4.10 Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided herein, it shall be unlawful for any person in the City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon.

3-4.11 Same. Exceptions. Nothing in this Article shall be deemed or construed to prohibit the selling, giving, loaning or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision 6 of Section 3-4.00 ***.

Hermosa Beach

Sec. 18-1. Firearms—Sale to minors. No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other device containing any explosive substance designed and intended for use in any weapon enumerated herein.

Sec. 18-2. Same—Possession by minors. No person under eighteen years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

Industry City

9.56.010 Furnishing weapons—Unlawful. Except as otherwise provided in Section 9.56.040, it is unlawful in the city, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, *** or device, designed or intended to discharge, or capable of discharging, any dangerous missile.

9.56.020 Furnishing ammunition—Unlawful. Except as otherwise provided in Section 9.56.040, it is unlawful in the city, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

9.62.080 Sale of firearms—Permit required. No person shall sell at retail within the city a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the county sheriff authorizing such person to make such sale.

Inglewood

Section 5-19.1. Firearm Sale to Minor Prohibited. It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen years of age, any *** gun, revolver, pistol or firearm of any description *** or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, whether designed or intended for use in any weapons enumerated herein or not.

Section 5-19.2. Firearm Possession by Minors Prohibited. It shall be unlawful for any person under 18 years of age to have in his possession, care, custody or control, any weapon or article designated in Section 5-19.1.

Irwindale

4135. Permit to Sell. No person shall sell at retail within the City a pistol, revolver or other firearm capable of being concealed upon the person without first having received a

permit from the Sheriff of Los Angeles County authorizing such person to make such sale.

4140. Weapons. Sale to Minors. Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any gun, revolver, pistol, firearm, ***.

4141. Ammunition. Sale to Minors. Except as otherwise provided in Section 4143 hereof, no person shall sell, give, loan, or in any way furnish to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm, except ordinary paper caps for toy cap guns.

4142. Weapons. Minors, Possession and Use Prohibited. Except as otherwise provided in Section 4143 hereof, no person under the age of eighteen years shall *** have in his or her possession, care, custody, or control, any gun, revolver, pistol, firearm, *** or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fire from any gun, revolver, pistol, or firearm.

4143. Same. Same. Consent of Parent. Nothing contained in Sections 4140, 4141 or 4142 shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in said sections; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 4142 in the event that such possession, care, custody, or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; ***.

Isleton

42.1. It shall be unlawful for any person, firm, co-partnership, association or corporation to sell at retail within the Town of Isleton any pistol, revolver or other firearm capable of being concealed upon the person, as such firearms are defined by the terms of Chapter 339 of the Statutes of the State of California of the year 1923, without first procuring from said Town of Isleton, a license so to do.

2-3. No pistol or revolver shall be delivered (a) On the day of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless

the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Lakewood

3520. Unlawful Sale, Gift or Furnishing. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, *** or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.1. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Lakewood for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Lakewood the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, ***.

La Mesa

10.28.010. Firearm defined. As used in this chapter, the word "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive. ***

10.28.020. Possession of firearm by infant. No person under the age of eighteen shall be allowed to have in his possession within the city limits of the city of La Mesa any firearm presently capable of expelling a projectile.

La Mirada

9.40.010. Except as otherwise provided in Section 9.40.040 hereof, it shall be unlawful in the City of Mirada Hills for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnish, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, ***.

9.40.020. Except as otherwise provided in Section 9.40.040 hereof, it shall be unlawful in

the City of Mirada Hills, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to any person under the age of eighteen years (18), any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

9.40.040. Nothing in Sections 9.40.010, 9.40.020, *** shall be deemed or construed to prohibit in the City of Mirada Hills the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 9.40.010 and 9.40.020 hereof; ***.

La Puente

3.12.090 Retail sale permit—Required. No person shall sell at retail within the city, a pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the County Sheriff authorizing such persons to make such sale.

3.12.140 Furnishing firearms to minors prohibited. Except as otherwise provided in Section 3.12.170, it shall be unlawful in the City of La Puente for any person, firm or corporation to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished; to any person under the age of eighteen years, any gun, revolver, pistol, firearm, ***.

3.12.150 Furnishing ammunition to minors prohibited. Except as otherwise provided in Section 3.12.170, it is unlawful in the city for any person, firm or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition, or device containing any explosive substance designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

3.12.160 Possession or firing of firearm by minor prohibited. Except as otherwise provided in Section 3.12.170, it is unlawful in the city for any person under the age of eighteen years *** to have in his or her possession, care, custody or control any gun, revolver, pistol, firearm, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm.

3.12.170 Exceptions from prohibition. Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning, or furnishing to any person

under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3.12.140 and 3.12.150, nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control, any article mentioned in Section 3.12.160 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

Lodi Lake Park

Lodi City Code

Sec. 15-7. Firearms prohibited in Lodi Lake Park. Any person, excepting public officers, possessing, carrying or discharging firearms within the boundaries of the lands of the city commonly known and designated as "Lodi Lake Park" is guilty of a misdemeanor.

Lomita

Chapter 3 Weapons

Sec. 3-3.01. Minors—Furnishing weapons to prohibited. Except as otherwise provided in section 3-3.04 hereof, it shall be unlawful in the City of Lomita for any person, firm or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, ***.

Sec. 3-3.02. Same—Furnishing ammunition to prohibited. Except as otherwise provided in section 3-3.04 hereof, it shall be unlawful in the City of Lomita for any person, firm or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol, or firearm.

Sec. 3-3.04. Same—Selling, giving, lending, possessing with consent or under supervision of parent or guardian. Nothing in this chapter shall be deemed or construed to prohibit in said City of Lomita the selling, giving, lending or furnishing to any person

under the age of eighteen (18) years, upon the written consent of a parent or guardian of said person, any article mentioned in sections 3-3.01 and 3-3.02 hereof; ***.

Lompoc

Sec. 10A-25. Concealable Firearms Retail Sales Licenses. (a) This section is adopted to comply with the requirements of section 12071 and related sections of the California Penal Code.

(b) Applications to sell at retail within the city, pistols, revolvers and other firearms capable of being concealed upon the person, shall be made to the City Clerk. Each application shall include a \$10.00 fee. The fee is not refundable in the event the license is not issued. The City Clerk shall issue the license, after receiving the approval of the Chief of Police. *****

Long Beach

4180.4—Same—Sale, gift or loan of firearms to. No person, as principal, agent or otherwise, shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearm of any description to any person under the age of eighteen years.

4180.5—Same—Sale, etc., of *** ammunition to persons under eighteen years of age. No person as principal, agent or otherwise, shall sell, exchange, give or loan any *** missile designed or intended for use in any, *** pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol, or firearm of any description, to any person under the age of eighteen years.

4180.7. Possession by minor under eighteen of firearms, air guns or ammunition. No person, as principal, agent or otherwise, under the age of eighteen years, shall have in his or her possession, care, custody, or control, any gun, revolver, pistol, *** or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

Los Angeles

Los Angeles Municipal Code

Sec. 45.01 Firearms *** Sale to minors: No person shall sell, exchange, give or loan to any person under 18 years of age any *** gun, revolver, pistol or firearm of any de-

scription, *** or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

Sec. 45.02 Firearms—Minors—Possession of: No person under 18 years of age shall have in his possession, care, custody or control any article or thing mentioned in the preceding section.

103.314. Sellers of concealable firearms: (a) Definition. "Seller of Concealable Firearms" shall be any person who sells or offers for sale at retail any pistols, revolvers, or other firearms capable of being concealed upon the person, including any pistol, revolver or gun which detonates or fires an explosive compound in any manner and discharges or is capable of being altered so as to discharge a projectile.

(b) Permit required. No person shall engage in, conduct, manage, or carry on the business of seller of concealable firearms without a written permit from the Board.

(c) Fixed location. Each permittee must have a fixed place of business. Sales of concealable firearms may only be made at said fixed location.

Los Angeles County

1567-1. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of Los Angeles County, for any person, firm, or corporation, to sell, give loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, *** or device designed, or intended, to discharge, or capable of discharging, any dangerous missile.

1567-2. Except as otherwise provided in section 4 hereof, it shall be unlawful in the unincorporated territory of said Los Angeles County, for any person, firm, or corporation, to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

1567-4. Nothing in this ordinance shall be deemed or construed to prohibit in said Los Angeles County the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Section 1 and 2 hereof; ***.

Los Banos

Policy Concealable Weapons Dealer License

I. Policy. A. The Chief of Police or his designated representative shall review each application for a License to Sell Concealable Firearms on an individual basis.

License Conditions

3. No pistol or revolver shall be delivered: (a) within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Los Gatos

Sec. 17-13. Same—Sale to minors; possession and use by minors. No person shall sell to any minor in the town under the age of sixteen years, and no person shall sell or give to any minor in the town under the age of eighteen years, without written consent of his parent or guardian, any rifle, gun, pistol, revolver, *** or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected. No such minor shall use or possess any rifle, gun, pistol, revolver, *** or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected. ***

Lynwood

22-38. Furnishing ammunition to persons under eighteen. Except as otherwise provided in this article, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish or to cause or permit to be sold, given, loaned or in any way furnished to any person under the age of eighteen (18) years any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

22-40. Persons under eighteen possessing or discharging firearms and other weapons. Except as otherwise provided in this article, it shall be unlawful in the city for any person under the age of eighteen (18) years to have in his possession *** any firearm *** or

device designed or intended to discharge, or capable of discharging any dangerous missile, or any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any firearm.

22-41. Parental consent for persons under eighteen. Nothing in this article shall be deemed or construed to prohibit in the city *** any person under the age of eighteen (18) years from having in his possession *** any weapon mentioned in this article in the event that such possession *** of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some person over the age of twenty-one (21) years.

Montclair

Chapter 5. Weapons

Sec. 4-5.01. Definitions. For the purposes of this chapter, certain words and phrases used herein are defined as follows: (a) "Firearm" shall mean and include, but shall not be limited to, any gun, revolver, pistol, firearm, *** or device designed or intended to discharge, or capable of discharging, any dangerous missile or any cartridge, shell, ammunition, or device containing any explosive substance or spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol, or firearm.

Sec. 4-5.03. Possession by minors. No person under eighteen (18) years of age shall have in his possession, care, custody or control, *** any firearm.

Sec. 4-5.04. Sales to minors. It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen (18) years of age, any firearm.

Monterey Park

9.84.010 Possession—By minor. No person shall give, sell or loan to any person under the age of eighteen years, any firearm, *** or ammunition.

9.84.020 Possession—Prohibited. No person under the age of eighteen years, shall use or have in his possession any firearm, *** or ammunition within the city.

Newark

Section 6. Person Under 16 Years of Age Prohibited from Carrying Dangerous Weapon: exceptions: No person under the age of 16 years shall carry or have in his possession a dangerous weapon unless such person is accompanied by an adult, or has in his possession and on his person a valid, unre-

voked, unexpired hunting license issued by the State of California.

Section 7. Permitting Person Under 16 Years of Age from Carrying Dangerous Weapon Prohibited. Any parent or other person permitting or encouraging any person under the age of 16 years to violate the provisions of Section 6 hereof shall be guilty of a misdemeanor.

Norwalk

4302. Minors, Selling or Giving Weapons to. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any gun, revolver, pistol, firearm ***.

4303. Same, Providing Ammunition to. Except as otherwise provided in Section 4305, no person shall sell, give, loan, or in any way furnish, or cause or permit to be sold, given, loaned, or in any way furnished, to any person under the age of 18 years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from, any gun, revolver, pistol, or firearm.

4305. Same, Exception to. Nothing in this Chapter shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any person under the age of 18 years, upon written consent of the parent or guardian of such person, any article mentioned in Sections 4302 and 4303 hereof; ***.

Oakland

2-2.30. Firearms and air rifles. Use or possession of by minors. It shall be unlawful for any person to sell or give to any minor in the City of Oakland under the age of eighteen (18) years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver *** or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs, or organizations or educational institutions authorized to give military instruction, while such firearms or other instruments are being used as a part of such instruction, nor to the possession of unloaded firearms, air rifles or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

2-2.31. Maxim silencers. It shall be unlawful for any person to have in his possession any Maxim silencer to be used or that

may be used on any firearm or any similar apparatus or device to be used or that may be used on any firearm.

Oceanside

Ordinance No. 75-5

ARTICLE III. Sec. 15.38 Purpose. The purpose of this article is to set forth the procedures for the issuance and revocation of the state license to sell concealable firearms.

Sec. 15.39 Application. Any person desiring a state license to sell concealable firearms shall make written application to the license inspector, who shall refer the application to the appropriate city departments for investigation as to: (1) Security of the business premises; (2) Criminal record or lack thereof of applicant; (3) Applicant's reputation for honesty and integrity in the community.

Orange County

Sec. 5-1-29. Licenses required. It shall be unlawful for any person, firm or corporation to engage in, conduct, manage or carry on any of the following businesses, practices, professions or occupations within the unincorporated area of the County of Orange without first having obtained a license therefor in accordance with division 2 of this title: *****
(n) Retail sale of concealable firearms.

Sec. 5-3-240. Licensing of retail sellers of concealable weapons. The Sheriff of Orange County is hereby designated as the licensing authority for said County and is authorized to issue licenses therefor pursuant to Article 4 of Title 2 of Part 4 of the California Penal Code (commencing with Section 12070) as said Article exists or may be amended from time to time for the sale at retail of pistols, revolvers and other firearms capable of being concealed upon the person.

Pacifica

5-14.01. Firearms: Defined. For the purposes of this chapter, "firearms" shall mean and include cannons, guns, pistols, revolvers, automatic pistols, rifles, shotguns, ***.

5-14.04. Firearms: Possession by minors.
(a) Unlawful. It shall be unlawful for any person under the age of eighteen (18) years to have in his possession in a public place any firearm except as provided in subsection (b) of this section.

(b) Exceptions. The provisions of subsection (a) of this section shall not apply to such persons under the age of eighteen (18) years:
(1) When the person under the age of eigh-

teen (18) years is in the immediate charge of a parent, guardian, or adult person having the responsibility for the conduct of such minor person; and (2) When the firearm is unloaded and is either in a dismantled or "take-down" condition or completely wrapped or in a carrying case made for the purpose of carrying such firearm. A gun shall be deemed to be unloaded only when no ammunition or propellant is in any part of the gun or magazine or clip thereof.

Palmdale

Ordinance No. 258

Section 1. No person shall engage in the business of selling or otherwise transferring, or shall advertise for sale, or offer or expose for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, unless he has been issued a license pursuant to Section 2 hereof. Any person violating this section is guilty of a misdemeanor.

Section 2. The City Clerk shall accept applications for, and may, in his discretion, grant licenses permitting the licensee to sell at retail within the City of Palmdale pistols, revolvers, and other firearms capable of being concealed upon the person. [The license] *** shall be effective for not more than one year from the date of issue, and shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the City Clerk, shall be displayed on the premises where it can easily be seen.

(3) No pistol or revolver shall be delivered (a) within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(b) unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

(4) No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

Paramount

Sec. 30-33. Sale to minors. Except as otherwise provided in section 30-36, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, ***

Sec. 30-34. Sale of ammunition to minors. Except as otherwise provided in section 30-36, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from, any gun, revolver, pistol or firearm.

Sec. 30-36. Exceptions to sections 30-33 to 30-35. Nothing in this chapter shall be deemed or construed to prohibit in the city the selling, giving, loaning or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 30-33 and 30-34; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody or control any article mentioned in section 30-35 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; nor to prohibit any such person under the age of eighteen years from firing, discharging, shooting, or operating any article mentioned in section 30-35 when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in the city, or is lawfully engaged in shooting at any inanimate target, or trapshooting device, while accompanied by, and under the direct care and control of, some such adult person.

Pico Rivera

3520. Unlawful Sale, Gift or Furnishing. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person, firm or corporation to sell, give, loan or in any way furnish or to cause or permit to be sold, given, or loaned to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, *** or devices designed or intended to discharge or capable of discharging any dangerous missile.

3520.2. Unlawful Use. Except as otherwise provided in Section 3520.3 hereof, it shall be unlawful in the City of Pico Rivera for any person under the age of eighteen (18) years *** to have in his or her possession, care, custody or control any gun, revolver, pistol, firearm, *** or devices designed or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, am-

munition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

3520.3 Nothing in this chapter shall be deemed or construed to prohibit in said City of Pico Rivera the selling, giving, loaning, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3520 and 3520.1 hereof, nor to prohibit any such person under the age of eighteen (18) years from having in his or her possession, care, custody or control, any article mentioned in Section 3520.2 hereof in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

Piedmont

12.5. Firearms, etc.—Sales or gifts to minors; use or possession by minors; exceptions. It shall be unlawful for any person to sell or give to any minor in the city, under the age of eighteen years, or to allow any such minor to possess, use or discharge, or for any such minor to use or possess, any rifle, gun, pistol, revolver, *** or other similar instrument from or by means of which any bullet, shot or other missile of any kind may be projected; provided, however, that the provisions of this section shall not apply to the possession of such firearms or other instruments by such minors in bona fide shooting galleries, gun clubs or organizations and educational institutions authorized to give firearm instructions, while such firearms or other instruments are being used as a part of such instructions, nor to the possession of unloaded firearms, *** or other such instruments by any such minor as an employee of a merchant, when such possession is in the usual course of his employment.

Pittsburg

9.92.030 No person, firm or corporation shall sell, offer for sale, deliver, transfer, or give to any minor under the age of eighteen (18) years, nor shall such minor under the age of eighteen (18) years keep, carry or possess, any pistol, revolver, gun, rifle or other firearm or device, regardless of the length of the barrel thereof, discharging by the use of powder, air or springs, any bullet, shot or other object: provided that the provisions of this section shall not apply to the possession of firearms, or other such devices, by such mi-

nors under eighteen (18) years in duly licensed shooting galleries and/or on pistol and rifle ranges approved by the Chief of Police.

Placentia City

(c) It shall be unlawful to sell, give away, barter, or trade, any gun, pistol, or firearms *** to any minor under the age of eighteen years without the written consent of the Police Department.

(d) It shall be unlawful to sell, give away, barter, or trade any ammunition, *** used for shooting from pistols, guns or fire arms, *** to any person under the age of eighteen years without the written consent of the Police Department.

(e) It shall be unlawful for any parent, juvenile, or any person, to transport or have shipped into the City of Placentia, any of the above-mentioned items for the use of any person under the age of eighteen years.

Pleasant Hill

Ordinance 52

Section 1. Selling or furnishing guns to persons under 18 Prohibited. It is unlawful for a person to sell, give, loan, or furnish to anyone under the age of 18 years, a gun, firearm, ***

Section 2. Selling or furnishing ammunition to person under 18 prohibited. It is unlawful for a person to sell, give, loan, or furnish to a person under the age of 18 years, a cartridge, shell, ammunition, or device containing an explosive substance, designed or intended to be used in or fired from a gun or firearm.

Section 4. Exceptions. This ordinance does not apply to: (1) A person who sells or furnishes an article mentioned in Section 1 or Section 2 to a person under 18 upon the written consent of the parent or guardian;

Ordinance 308

8-805. Possession of firearms by persons under 18 years of age prohibited. No person under 18 years may have in his possession or control a firearm *** or other gun or device which throws or projects a dangerous missile, or a cartridge, shell, ammunition or device containing an explosive substance.

Portola Valley

Article 2. Sale of Certain Firearms. Section 3255.0. Portions of Penal Code Adopted. The provisions of Sections

12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Section 3255.1. Sheriff's Licensing Authority. The Sheriff is hereby designated and appointed the duly constituted licensing authority of this County for the purpose of this article. All applications for licenses under the foregoing Penal Code Sections shall be made to the Sheriff and he is hereby authorized to grant licenses, effective for one year from the date of issue ***

Section 3255.2. Conditions of License. Licensees shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

a. The business shall be carried on only in the building designated in the license.

b. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

c. No pistol or revolver shall be delivered (1) Within three days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (2) Unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

d. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

Section 3255.3. Copies of Register Sheet, Disposition of. Licensees shall, immediately upon receiving an application for purchase, mail a copy of the register sheet required to be maintained to the Bureau of Criminal Identification and Investigation and to the Sheriff, as required by Penal Code Section 12076. The Sheriff shall, upon receiving said copy, investigate and report to said retailer whether or not the purchaser is known to be a minor under the age of eighteen (18) years or within one of the classes of persons prohibited by Section 12021 of said Penal Code from owning or possessing such weapon. Such persons are narcotics addicts, persons convicted of felonies and persons not citizens of the United States.

Redding

19.19. Same—Sale of firearms thereto. It shall be unlawful to expose for sale, sell, or offer for sale, barter or exchange, to or with any minor under the age of eighteen years, any pistol or other firearm, or any instrument

capable of discharging any charge of powder, or other explosives, or any cartridge loaded with ball.

Redwood

Section 3250.5. Sale of certain firearms prohibited to minors. No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.

Article 2. Sale of certain firearms

Section 3255.0. Portions of penal code adopted. The provisions of Sections 12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Section 3255.1. Sheriff's licensing authority. The Sheriff is hereby designated and appointed the duly constituted licensing authority of this County for the purpose of this article. ***

Section 3255.2. Conditions of license. Licensees shall be subject to the following conditions, for breach of any of which the license shall be subject to forfeiture: *** c. No pistol or revolver shall be delivered

(1) Within three days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor

(2) Unless the purchaser is either personally known to the seller or shall present clear evidence of his identity.

Section 3255.3. Copies of register sheet, disposition of. Licensees shall, immediately upon receiving an application for purchase, mail a copy of the register sheet required to be maintained to the Bureau of Criminal Identification and Investigation and to the Sheriff, as required by Penal Code Section 12076. The Sheriff shall, upon receiving said copy, investigate and report to said retailer whether or not the purchaser is known to be a minor under the age of eighteen (18) years or within one of the classes of persons prohibited by Section 12021 of said Penal Code from owning or possessing such weapon. Such persons are narcotics addicts, persons convicted of felonies and persons not citizens of the United States.

Rolling Hills

Ordinance 8

Section 1: Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Rolling Hills for any person, firm or

corporation to sell, give, loan or in any way furnish or to cause or to permit to be sold, given, loaned or in any way furnished to any person under the age of sixteen (16) years any gun, revolver, pistol, firearm, ***

Section 2: Except as otherwise provided in Section 4 hereof, it shall be unlawful in the City of Rolling Hills for any person, firm, or corporation to sell, give, loan or in any way furnish or to cause or to permit to be sold, given, loaned or in any way furnished to any person under the age of sixteen (16) years, any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

Section 4: Nothing in this Ordinance shall be deemed or construed to prohibit in the City of Rolling Hills the selling, giving, loaning or furnishing to any person under the age of sixteen (16) years upon the written consent of the parent or guardian of such person, any article mentioned in Sections 1 and 2 hereof ***

Rosemead

Chapter V—Firearms

3500. Firearms Prohibited to Minors. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Rosemead for any person, firm, or corporation, to sell, give, lend or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, ***

3501. Ammunition Prohibited to Minors. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Rosemead, for any person, firm, or corporation, to sell, give, lend, or in any way furnish, or to cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3503. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Rosemead the selling, giving, lending, or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 hereof; nor to prohibit any such person under the age of eighteen years from having in his or her possession, care, custody or control any article mentioned in Section 3502 hereof in the event that such possession, care, custody, or control of such article is had with the con-

sent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

Sacramento

48.7. Purchase and sale of certain firearms. It shall be unlawful for any person in the city to purchase any small firearm that may be concealed upon the person, without first procuring a written permit from the chief of police to do so.

It shall be unlawful for any person in the city to sell or dispose of any such small firearm to any person not holding such written permit, which permit shall be exhibited to the seller or dealer at the time the sale is made.

San Bernardino

Ordinance No 2106

Section one: No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of 18 years a revolver or pistol of any description, shotgun, or rifle which may be used for the explosion of cartridges, ***

San Bernardino County

22.012 Shotguns and Rifles in Restricted Areas. It shall be unlawful within the County of San Bernardino for any person to have in his possession or under his control a rifle with a shell in the chamber or magazine or a shotgun with a slug in the chamber or magazine within the areas described in subsection (a) to (h), inclusive, of Section 22.011 of this chapter. (*Editor's Note: These areas include San Bernardino Valley, Camp Baldy, Wrightwood, Crestline-Lake Arrowhead-Green Valley, Barton Flats-Camp Angelus-Forest Home, Big Bear, and Desert Areas. See local law for specific land descriptions and exceptions.*)

22.013 Persons Exempt to Provisions of this Chapter. The provisions of this chapter shall not apply to any peace officer in the regular discharge of his duties; nor to any contest conducted by and under the supervision of a bona fide rifle or pistol organization at a public shooting gallery or rifle and pistol range. ***

22.016 Purchase of Firearms. No person except a parent or guardian shall purchase from, sell, exchange, give, lend or furnish to any person under the age of eighteen years, a revolver or pistol of any description, shotgun, or rifle, which may be used for the explosion of cartridges ***

22.017 Prohibiting Firearms—Possession by Minors. No person under the age of

eighteen years shall have in his possession, care, custody or control, any of the articles mentioned in Section 22.016 of this chapter except within his own domicile or except when accompanied by and under the immediate supervision of a parent, guardian, or responsible adult. This section shall not apply to any person possessing a valid California hunting license.

San Bruno

16-6. Firearms—Sale to and possession by minors. (b) No person shall sell, deliver or transfer to any person under the age of eighteen years any pistol, revolver or other similar weapon capable of being concealed upon the person, designed to discharge a solid projectile propelled by the expansion of a gas.

San Carlos

Section 5113. Sale of Certain Firearms Prohibited to Minors. No person shall sell, deliver or transfer to any person under the age of eighteen (18) years any pistol, revolver or other similar weapons capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of gas.

San Diego County

21.1201. License required. It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the Tax Collector of the County of San Diego as provided in this chapter.

21.1207. Delivery of firearms. No concealable weapon shall be delivered: (a) Within fifteen days of the application for the purchase thereof; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. When delivered, such concealable weapon shall be unloaded and securely wrapped.

San Dimas

9.52.010. Sale of firearms to minors prohibited; exception. Except as otherwise provided in this chapter (no person shall sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnish, to any person under the age of eighteen years any gun, revolver, pistol, firearm ***

9.52.020. Sale of ammunition to minors prohibited; exception. Except as otherwise provided in this chapter, no person shall sell,

give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnish, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

9.52.040. Minors exempted from prohibitions under certain conditions. Nothing in this chapter shall be deemed or construed to prohibit the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 9.52.010 and 9.52.020; ***

San Francisco

San Francisco Police Code

Article 8

Sec. 521. Sale of Firearms and Explosive Cartridges to Minors Prohibited. It shall be unlawful for any person or persons within the limits of the City and County of San Francisco to expose for sale, sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of 17 years any pistol or other firearm or any toy pistol or imitations of any pistol or firearm, or instrument capable of receiving or discharging any charge of powder, cartridge or other explosive, or any cartridge or cap, whether loaded or not with ball.

Article 9

Sec. 613. Regulating Sale of Concealable Firearms. Pursuant to the Provisions of Chapter I (Sec. 12070 et seq.) Title 2, Article 4 of the Penal Code, any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any pistol, revolver, or other firearm capable of being concealed upon the person shall file an application with the Police Department on forms provided by the Police Department for a license to engage in such business and shall pay an application fee of thirty (\$30.00) dollars, which fee shall not be refundable.

Sec. 613.4. Issuance of License. (a) The Police Department may grant a license to the applicant if it is found:

(1) That the operation as proposed, if permitted, would comply with all applicable laws including but not limited to the Penal Code of the State of California, and the Building, City Planning and Fire Codes of the City and County of San Francisco.

(2) That the applicant or an officer thereof, has not been convicted of a felony so as to

disqualify the applicant or officer from owning or possessing a firearm under Section 12021 of the Penal Code.

(b) If the license is granted it shall be in a form prescribed by the Attorney General, effective for not more than one year from the date of issue, as required by Section 12071 of the Penal Code of the State of California.

Sec. 613.5. Revocation of License. For breach of any one of the following conditions, the license shall be subject to revocation:

(a) The business shall be carried on only in the building denoted in the license.

(b) The license or a copy thereof, certified by the Police Department, shall be displayed on the premises where it can easily be seen.

(c) No pistol or revolver shall be delivered:

(1) Within five days of the application for the purchase and when delivered shall be unloaded and securely wrapped; nor

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Sec. 613.6. Delivery to Tax Collector. Upon granting said license, the Police Department shall forward said license to the Tax Collector who shall issue said license to the applicant upon the payment of one hundred (\$100.00) Dollars.

Sec. 617. Exceptions. This section and Sections 613 to 616 inclusive, of this Article, shall not apply to wholesale dealers, in their business intercourse with transportation of unloaded firearms, merchandise by mail, express or other mode of shipment to points outside the City and County of San Francisco.

San Jacinto

14-51. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them herein, unless the text clearly indicates otherwise: ***

(f) Any rifle, *** gun, pistol, revolver, *** or other similar instrument or device designed or intended to discharge or which is capable of discharging a bullet, shot, *** or missile of any kind.

14-54. Same—Minors—Use, possession, discharge and sale. Except as otherwise provided in section 14-55, it shall be unlawful for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, loaned or in any way furnished to a minor, or to allow any minor to use, possess or discharge a dangerous weapon. For purposes of this article only, a minor is a person who is under the age of eighteen years.

14-55. Same—Same—Consent of parent or guardian; supervision of use, etc. Nothing in this article shall be deemed or con-

strued to prohibit the selling, giving, loaning or furnishing to any minor upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subsection (f) of section 14-51, nor to prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined, in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of twenty-one years.

14-57. Applicability of state law. The provisions of this article shall not apply to the commission of any act which is made a public offense by any law of this state. This article is adopted to supplement the state law regulating and controlling deadly weapons as stated beginning with section 12,000 of the state Penal Code.

San Jose

4258. Selling Pistol to Minor. No person shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, *** without the written request of his parent or guardian; and no minor under the age of eighteen years shall have in his possession any such pistol or weapon unless by the written consent of his parent or guardian.

San Marcos

Ordinance 75-338

Section 1: Chapter 17, Article IV—Weapons is hereby amended and Sections 17-50 through 17-54 are hereby added:

17-50. License required. It shall be unlawful for any person to sell at retail pistols, revolvers and other firearms capable of being concealed upon the person, and hereinafter referred to as concealable weapons, unless such seller has been issued a license by the City Clerk of the City of San Marcos as provided in this chapter. ***

17-51. Records—Second Hand Weapons. If a dealer, licensed by this chapter to sell firearms, shall have offered to him for purchase or for acceptance in trade a used or second hand concealable weapon, he shall first obtain from the person offering such weapon the following information:

- Name, address, and physical description of such person.
- The description and license number of the vehicle, if any, being driven by such person.
- The caliber, manufacturer's name, description, serial number or numbers, initials or other identifying marks of the weapon.
- Such other information which may be required by the Sheriff.

17-52. Delivery Of Firearms. No concealable weapon shall be delivered:

- Within five days of the application for the purchase thereof; nor
- Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

When delivered, such concealable weapon shall be unloaded and securely wrapped.

San Marino

Sec. 14.3 Firearms, ammunition, etc.—selling, etc., to minors.

1. Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any gun, revolver, pistol or firearms of any description to any person under the age of eighteen years.

2. Sale, etc., of ammunition to minors. It shall be unlawful for any person to sell, exchange, give or loan, or to cause or permit to be sold, exchanged, given or loaned, any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearms of any description, or any ammunition of any description, containing any explosive to any person under the age of eighteen years.

San Mateo County

3250.5. Sale of certain firearms prohibited to minors. No person shall sell, deliver or transfer ownership to any person under the age of eighteen (18) years any pistol, revolver or other similar weapon capable of being concealed upon the person and designed to discharge a solid projectile propelled by the expansion of a gas.

3255.0. Portions of penal code adopted. The provisions of Sections 12070-12077, inclusive, of the Penal Code of the State of California, pertaining to the licensing of retailers selling pistols, revolvers, and other firearms capable of being concealed upon the person, are hereby adopted in the County of San Mateo and shall be in full force and effect in this County.

Sand City

Ordinance 74-76

Section 1: No person shall sell, exchange, give or loan to any person under the age of 16 years any *** gun, revolver, pistol or firearm of any description, *** or other deadly or dangerous missile, or any ammunition, cartridge, shell or other device, whether contain-

ing any explosive substance or not, designed and intended for use in any weapons enumerated herein.

Section 2: No person under the age of sixteen years shall have in his possession, care, custody or control any article or thing set forth in the preceding section.

Section 3: No person shall sell, display for sale, or store preparatory for sale any firearm within the city limits of Sand City unless said person has fully complied with all of the following conditions:

A. The Seller shall hold a Federal Firearms Permit, and shall meet all of the provisions of the Gun Control Act of 1968.

B. The Seller shall have obtained a permit from the Chief of Police authorizing the storage of the firearms within the City of Sand City. ***

C. The City Permit and the Federal Firearms Permit shall be displayed at the location for which it is issued in a prominent place.

Section 5: Private persons selling their own firearms and not engaged in the commercial sale of the same shall be exempted from the purview of this ordinance. For the purpose of this ordinance, a person selling three (3) or more firearms in any calendar year shall be conclusively deemed to be engaged in the commercial sale of firearms and shall be required to comply with the terms of this ordinance.

Section 6: The term "firearms" as used in this ordinance shall include, not by way of limitation, handguns, rifles, shotguns, *** and other weapons coming under the definition of firearms as defined in the Penal Code of the State of California.

Santa Barbara

9.36.090 Delivery of firearms to minors prohibited. No person engaged in the business of selling or otherwise transferring firearms shall sell, deliver, lease, rent or in any manner transfer, furnish, give or cause to be sold, delivered, leased, rented, transferred, furnished or given any firearm to any person under the age of eighteen years. Members of businessman's immediate family are excepted.

9.36.130 Sale of ammunition to certain persons prohibited—Exception. No person, whether or not such person is engaged in the business of selling ammunition for firearms, shall sell ammunition for any firearm to any person to whom the sale or transfer of any firearm using such ammunition is prohibited under this chapter. Minors with written consent of their parent or legal guardian are excepted.

9.36.160 Dealings without permit prohibited. No person without holding a current permit as provided in this chapter shall engage in the business of selling or otherwise

transferring or advertising for the sale of any firearms.

9.36.210 Duration—Grounds for revocation. *****

(3) No pistol or revolver shall be delivered unless all of the following conditions are complied with: (a) within five days of the application for the purchase, (b) unless the same shall be unloaded and securely wrapped, and (c) unless the purchaser either is personally known to the seller or shall present bona fide documentary evidence of his identity;

9.36.220 Persons to whom permits may not be issued. In no event shall a permit required by this chapter be issued to any of the following persons:

- Persons who are prohibited from possessing firearms capable of being concealed upon the person under the provisions of Section 12021 of the State Penal Code;
- Anyone convicted of any violation of any provision of the law of the state dealing with the unlawful use of narcotic, hypnotic or dangerous drugs or under similar laws of the United States;
- Anyone not of good moral character;
- Anyone under the age of twenty-one years.

Santa Barbara County

Sec. 14B-1. Definition. For the purposes of this chapter and Chapter 22 of this Code, the word "Handgun" shall have the following meaning: "Handgun" means pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in Section 12001 of the Penal Code.

Sec. 14B-2. Purpose and Intent. The purpose and intent of this chapter is to designate the Tax Collector of the County of Santa Barbara as the duly constituted licensing authority to grant licenses permitting an applicant to sell handguns in the unincorporated area of this County, pursuant to Title 2, Chapter 1, Article 4 of this California Penal Code.

Santa Clara

Sec. 18-26. Sale of weapons to minors without request of parents, etc., prohibited. It shall be unlawful within the city for any person to sell, dispose of or give to any minor under the age of eighteen (18) years any pistol *** other weapon capable of receiving and discharging any charge, cartridge or explosive without the written request of his parent or guardian.

Santa Fe Springs

Section 3: Firearms to minors. No person shall give, sell or loan to any person under

the age of eighteen years, any gun, firearms, *** or ammunition.

Section 4: Possession prohibited. No person under the age of eighteen years, shall use or have in his possession any gun, firearm, *** or ammunition within the City.

Santa Maria

Sec. 17-8. It shall be unlawful for any person to sell to any minor in the city or to allow any such minor, or for any minor to carry, unless in a suitable case or securely wrapped, any firearm or gun, or rifle or other gun or device discharging by the use of powder, air or springs, any bullet or shot of any kind, *** except when accompanied by parent or legal guardian; provided, that the provisions of this section shall not apply to the possession of such firearms, or other such instruments, by such minors in bona fide shooting galleries, or on pistol and rifle ranges, the locations of which have been approved by the council.

Santa Monica

Section 3505. Retailer's Permit for the Sale of Certain Firearms. No person shall sell at retail within the City any pistol, revolver or other firearm capable of being concealed upon the person without first having received a permit from the Chief of Police authorizing such person to make such sale.

Section 3509. Firearms, *** and other devices. Sale to Minors. No person shall sell, exchange, give, or loan to any person under 18 years of age any *** gun, revolver, pistol, or firearm of any description *** or any ammunition, cartridge, shell, or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

Section 3510. Same. Possession by Minors. No person under 18 years of age shall have in his possession, care, custody, or control any article or thing mentioned in the preceding section.

Section 3511. Same. Exceptions. It is the intent of the preceding sections to absolutely prohibit the sale or exchange to, and the possession by a person under the age of 18 years of, any of the articles or things mentioned therein. Provided, nothing in these sections shall be construed to prohibit any person under the age of 18 years from having in his

possession or using any article or device described in Section 3509 when it is with the consent of a parent or guardian. ***

Seaside

5-101 Conditions for Sale of Firearms. No firearms, including hand guns, rifles, shotguns, *** shall be offered for sale in the City of Seaside by any person or establishment holding a City business certificate and/or located in any commercially zoned property unless and until each and every of the following conditions shall have been fulfilled:

A. The seller shall keep all firearms in a secure facility satisfactory to the Chief of Police.

B. The building housing said firearms held for sale shall be adequately secured against burglary to the satisfaction of the Chief of Police.

C. The seller shall hold a written permit, renewable annually, from the Chief of Police evidencing compliance with each of the within conditions.

Selma

6-4-3: Firearms; Sale to Minors: It shall be unlawful for any person to sell or give to any minor under the age of eighteen (18) years, any revolver or pistol of any kind from or by means of which any bullet, shot or other missile of any kind may be fired or projected by means of percussion caps, cartridges or any explosive substances whatever.

South Lake Tahoe

Sec. 18-16. Use, possession, discharge, sale of dangerous weapons by minors. Except as otherwise provided in section 18-17, it shall be unlawful for any person to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge, or for any minor to use or possess or discharge a dangerous weapon. For the purposes of this article only, a minor is a person who is under the age of eighteen years.

Sec. 18-17. Same—Exceptions. Nothing in this article shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian of such minor, any dangerous weapon as defined in subdivision (f) of section 18-13; nor to prohibit such minor from using or having in his possession, care,

custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some person over the age of twenty-one years.

Stanislaus County

(The Stanislaus County Sheriff is designated as the department responsible for issuing licenses to dealers selling concealable firearms in the unincorporated area of Stanislaus County.)

Per Sec. 12071 of the California Penal Code:

1. The business shall be carried on only in the building designated in the license.
2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be seen.
3. No pistol or revolver shall be delivered (a) Within five days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (b) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.
4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

Stockton

Sec. 4-040. "Dangerous or deadly weapon", defined. "Dangerous or deadly weapon" includes, but is not limited to: *** any firearm other than

- (1) carried pursuant to a valid permit, issued by a duly authorized governmental authority, or
- (2) any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful sport.

Sec. 4-041. Possession of "dangerous or deadly weapons": it shall be unlawful (to possess weapons as defined in Sec. 4-040. above).

Sec. 4-044. Sale of firearms and/or ammunition to minors: It shall be unlawful, in the City of Stockton, to sell firearms and/or ammunition of any kind to minors under the age of fourteen (14) years, unless accompanied by parent or guardian.

Sec. 4-045. Sale of concealed firearms: It shall be unlawful to sell pistols, revolvers, or other firearms capable of being concealed upon the person, at retail, within the City of Stockton, without a license issued in the manner herein provided for.

Sec. 4-046. License to sell: The City Manager is hereby authorized to issue li-

censes to sell, at retail, within the City of Stockton, pistols, revolvers, and other firearms capable of being concealed upon the person.*****

Temple City

3500. Except as otherwise provided in Section 3503 hereof, it shall be unlawful in the City of Temple City for any person, firm or corporation, to sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, ***.

3501. Except as otherwise provided in Section 3503 herein it shall be unlawful in the City of Temple City, for any person, firm or corporation, to sell, give, lend, or in any way furnish or cause or permit to be sold, given, lent, or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition, or device containing any explosive substance, designed, or intended to be used in, or fired from any gun, revolver, pistol, or firearm.

3502. Except as otherwise provided in Section 3503 hereof it shall be unlawful in said City of Temple City, for any person under the age of eighteen (18) years to *** have in his or her possession, care, custody or control, any gun, revolver, pistol, firearm, *** or device designed, or intended, to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition, or device containing any exploding substance, designed or intended to be used in or fired from, any gun, revolver, pistol, or firearm.

3503. Nothing in this Chapter shall be deemed or construed to prohibit in said City of Temple City the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in Sections 3500 and 3501 hereof; ***.

Thousand Oaks

Sec. 3-17.06. Prohibited sales, trades, exchanges, or bartering. No person, firm, or corporation at any swap meet, whether the operator, or an exhibitor, or any other person or entity, shall sell, exchange, or display, or offer for sale or exchange or barter, at any swap meet any of the following items of personal property: ***

(b) Any handgun, rifle, shotgun, or other type of firearm by whatever name, or any deadly weapon; ***

Torrance

Section 45.3.6. Firearms, *** etc. In possession of minors. (0-216) It shall be unlawful for any person under the age of eighteen (18) years of age to have in his possession, custody or control, within the corporate limits of the City, any gun, revolver, pistol, spring or air gun, or firearm of any description or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description or any ammunition of any description containing any explosive.

Turlock

Resolution 75-156

Be it resolved that the Police Department of the City of Turlock be, and hereby is designated as the department responsible for issuing licenses to dealers selling concealable firearms in the City of Turlock.

License Conditions

1. The business shall be carried on only in the building designated in the license.
2. The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily seen.
3. No pistol or revolver shall be delivered (a) within fifteen (15) days of the application for the purchase, and when delivered, shall be unloaded and securely wrapped; nor (b) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.
4. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of said premises where it can be readily seen from the outside.

(Contact local authorities for applicant requirements)

Union City

Ordinance 23-59

Section 1. Dangerous weapon. definition. Dangerous weapon shall mean and include: *****f. Any rifle, gun, pistol, revolver, *** or other similar instrument or device designed or intended to discharge or capable of

discharging a bullet, shot, or other missile of any kind.

Section 2. Use, possession, discharge, sale of dangerous weapons. Except as otherwise provided herein it shall be unlawful for any person in the City of Union City to sell, give, loan, or in any way furnish, or to cause or permit to be sold, given, loaned, or in any way furnished to a minor, or to allow any minor to use or possess or discharge a dangerous weapon.

Section 3. Same: exceptions. Nothing in this Ordinance shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing to any minor, upon written consent of the parent or guardian or such minor, any dangerous weapon as defined in subdivision of Section 1; nor prohibit such minor from using or having in his possession, care, custody or control any such dangerous weapon as so defined in the event that such possession, care, custody, control or use is had with the consent of the parent or guardian of such minor and is under the direct supervision and control of some adult person; nor to prohibit any minor from using or having in his possession or control any dangerous weapon which is in good faith in his possession or control or use for his lawful occupation or employment or for the purpose of lawful recreation.

Upland

576-1: Definitions: Firearms: The words "Firearm" or "Firearms" as used in this Ordinance, includes, but is not limited to: any gun, revolver, pistol, firearm, *** or device, designed or intended to discharge or capable of discharging any dangerous missile or any cartridge, shell, ammunition or device containing any explosive substance, spring or other impelling force devised or intended to be used or fired from any gun, revolver, pistol or firearm.

576-3: That no person under eighteen (18) years of age shall have in his possession, care, custody or control, *** any firearm or firearms.

576-4: It shall be unlawful for any person to sell, exchange, give or loan to any person under eighteen (18) years of age, any firearm or firearms as defined in Section 1 of this ordinance.

Vista

66-19 ***** Section 3. Selling weapons to children. No person shall sell to any minor child (age 18 and under), any *** pistol,

revolver, gun, rifle, or any other firearm or device fired or discharged by explosives within the corporate limits of this City.

Walnut

Sec. 17-20. Firearms, etc.—Persons under eighteen years of age—Furnishing to. Except as otherwise provided in section 17-22, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen years, any gun, revolver, pistol, firearm, ***

Except as otherwise provided in section 17-22, it shall be unlawful in the city for any person to sell, give, loan or in any way furnish, or to cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen years, any cartridge, shell, ammunition or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol or firearm.

Sec. 17-22. Same—Same—Exceptions. Nothing in this Code shall be deemed or construed to prohibit in the city the selling, giving, lending or furnishing to any person under the age of eighteen years, upon the written consent of the parent or guardian of such person, any article mentioned in section 17-20; nor to prohibit any such person under the age of eighteen years from having in his possession, care, custody or control any article mentioned in section 17-21 in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person.

Sec. 17-23. Same—License to sell. No person shall engage in the business of selling or otherwise transferring, or advertising for sale, or offering or exposing for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person without first having received a license from the county sheriff.

Walnut Creek

3-6.04. Sale of weapons to minors. It shall be unlawful for any person to sell to any minor under eighteen (18) years of age any *** ammunition for any firearm, gun, rifle or other gun or device discharging by the use of

West Covina

4402. Providing minors with firearms unlawful. No person shall sell, exchange, give or loan to any person under eighteen years of age any gun, revolver, pistol or firearm of any description or any spring or air gun designed or intended to discharge any shot or other deadly or dangerous missile, or any ammunition, cartridge, shell, or other device containing any explosive device designed and intended for use in any of the weapons enumerated herein.

4403. Possession of firearms by minors prohibited. No person under eighteen years of age shall have in his possession, care, custody or control any article or thing mentioned in Section 4402 hereof.

Westminster

3700.8. Sale, etc. of *** ammunition to person under eighteen years of age. No person as principal, agent or otherwise shall sell, exchange, give or lend any *** cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol or firearm of any description, to any person under the age of eighteen (18) years of age without the consent of the parent or guardian of said minor under the age of eighteen (18) years.

3700.10. Possession by minor under eighteen of firearms *** or ammunition. No person, as principal, agent or otherwise, under the age of eighteen (18) years, shall have in his or her possession, care, custody or control any gun, revolver, pistol, *** or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever without the express consent of the parent or guardian of said minor under the age of eighteen (18) years.

Whittier

4260.12—Minors—Firearms, etc., Selling, etc., to Prohibited No person shall sell, give, loan or in any manner furnish or cause or permit to be sold, given, loaned, or furnished to any person under the age of eighteen years any gun, revolver, pistol, firearm ***. The provisions of this Section shall not

apply to the loan or use of firearms to such persons for use on a permitted range or shooting gallery in connection with any firearms training program sponsored by the City or any of its departments.

4260.12(a)—Same—Ammunition, Explosives, etc., Selling to Prohibited No person shall sell, give, loan or in any manner furnish or cause to be furnished to any person under the age of eighteen years any cartridge, shell, ammunition or device containing any explosive substance designed or intended to be used in or fired from any gun, revolver, pistol or firearm.

4260.12(b)—Same—Possession of—Prohibited No person under the age of eighteen years shall have in his possession, care or control any gun, revolver, pistol, firearm ***

Colorado State Law Colo. Rev. Stat.

12-26-101. Firearms defined. As used in this article, unless the context otherwise requires:

(1)(a) "Firearms" means a pistol, revolver, or other weapon of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.

(b) "Firearms" does not include firearms, as defined in paragraph (a) of this subsection (1), for which ammunition is not sold or which there is reasonable ground for believing are not capable of being effectually used.

12-26-102. Retail dealers—record—inspection. Every individual, firm, or corporation engaged, within this state, in the retail sale, rental, or exchange of firearms, pistols, or revolvers shall keep a record of each pistol or revolver sold, rented, or exchanged at retail. The record shall be made at the time of the transaction in the book kept for that purpose and shall include the name of the person to whom the pistol or revolver is sold or rented or with whom exchanged; his age, occupation, residence, and, if residing in a city, the street and number therein where he resides; the make, caliber, and finish of said pistol or revolver; together with its number and serial letter, if any; the date of the sale, rental, or exchange of said pistol or revolver; and the name of the employee or other person making such sale, rental, or exchange. The record book shall be open at all times to the inspection of any duly authorized police officer.

or similar device, except as provided in this Part.

Yreka

1. Applications for licenses permitting the licensee to sell at retail within the City of Yreka, pistols, revolvers, and other firearms capable of being concealed upon the person, shall be filed with the City Clerk of the City of Yreka. *****

c. No pistol or revolver shall be delivered (1) within five (5) days of the application for the purchase, and when delivered shall be unloaded and securely wrapped; nor (II) unless the purchaser either is personally known to the seller or shall present clear evidence of his identity. *****

12-27-101. Legislative declaration—non-resident. (1) It is declared by the general assembly that it is lawful for a licensed importer, licensed manufacturer, licensed dealer, or a licensed collector (licensed under the federal "Gun Control Act of 1968") whose place of business is in this state to sell or deliver a rifle or shotgun to a resident of a state contiguous to this state, subject to the following restrictions and requirements:

(a) The purchaser's state of residence must permit such sale or delivery by law.

(b) The state must fully comply with the legal conditions of sale in both such contiguous states.

(c) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of the rifle or shotgun, with all of the requirements of section 922(c) of the federal "Gun Control Act of 1968" applicable to interstate transactions other than those at the licensee's business premises.

12-27-102. Legislative declaration—residents. (1) It is declared by the general assembly that it is lawful for a resident of this state, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states:

(b) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of the rifle or shotgun, with all of the requirements of section 922(c) of the federal "Gun Control Act of 1968", applicable to inter-

state transactions other than at the licensee's business premises.

12-27-103. Definitions. As used in this article, unless the context otherwise requires:

(1) "A state contiguous to this state" means any state having a common border with this state.

(2) All other terms shall be construed as such terms are defined in the federal "Gun Control Act of 1968".

12-27-104. Article does not apply—when. (1) The provisions of this article do not apply to:

(a) Transactions between licensed importers, licensed manufacturers, licensed dealers, and licensed collectors;

(b) The loan or rental of a firearm to any person for temporary use for lawful sporting purposes;

(c) A person who is participating in any organized rifle or shotgun match or contest, or is engaged in hunting, in a state other than his state of residence and whose rifle or shotgun has been lost or stolen or has become inoperative in such other state, and who purchases a rifle or shotgun in such other state from a licensed dealer if such person presents to such dealer a sworn statement:

(I) That his rifle or shotgun was lost or stolen or became inoperative while participating in such a match or contest, or while engaged in hunting, in such other state; and

(II) Identifying the chief law enforcement officer of the locality in which such person resides, to whom such licensed dealer shall forward such statement by registered mail.

18-12-101. Definitions. (1) As used in this article, unless the context otherwise requires:

(b) "Bomb" means any explosive or incendiary device or molotov cocktail as defined in section 9-7-103, C.R.S. 1973, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(c) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(d) "Gas Gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.

(g) "Machine gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "Short rifle" means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

(i) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen

inches long or an overall length of less than twenty-six inches.

(2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

18-12-102. Possessing an illegal weapon. (1) As used in this section, the term "illegal weapon" means a *** bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle *** (2) A person, other than a peace officer or member of the armed forces of the United States or Colorado national guard acting in the lawful discharge of his duties or a person who has a valid permit and license pursuant to the federal code for such weapon, commits a class 1 misdemeanor if he knowingly possesses an illegal weapon. The exceptions in this subsection (2) shall be an affirmative defense.

18-12-103. Possession of a defaced firearm. A person commits a class 3 misdemeanor if he knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed.

18-12-108. Possession of weapons by previous offenders. Any person previously convicted of burglary, arson, or a felony involving the use of force or violence or the use of a deadly weapon, or attempt or conspiracy to commit such offenses, under the laws of the United States of America, the state of Colorado, or another state, within the ten years next preceding or within ten years of his release from incarceration, whichever is greater, who shall possess, use, or carry upon his person a firearm or other weapon mentioned in section 18-1-901(3)(h) or sections 18-12-101 to 18-12-106 commits a class 5 felony. A second or subsequent offense under this section is a class 4 felony.

Akron

10-5-18 Selling Weapons to Intoxicated Persons (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Aurora

10-3-2. Sale of weapons: It shall be unlawful for any person to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any per-

son under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor. ***

Bennett

Section 5 Weapons

7-5-1 Definitions. The following definitions apply to this section:

Bomb means any explosive or incendiary device or Molotov cocktail as defined in section 53-7-3, C.R.S. 1963, which is not specifically designed for lawful and legitimate use in the hands of its possessor.

Firearm silencer means an instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silenced, or intended to lessen or muffle the noise of the firing of any such weapon.

Gas gun means a device designed for projecting gas filled projectiles which release their contents after having been projected from the device, and includes projectiles designed for use in such a device.

Machine gun means any firearm, whatever its size and usual designation that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

Short rifle means a rifle having a barrel less than sixteen (16) inches long, or an overall length of less than twenty-six (26) inches.

Short shotgun means a shotgun having a barrel or barrels less than eighteen (18) inches long or an overall length of less than twenty-six (26) inches.

7-5-2 Article not to affect duties of a peace officer The provisions of this article shall not be held to prohibit any act by a peace officer in the lawful discharge of his duties.

7-5-3 Possessing an illegal weapon As used in this section the term "illegal weapon" means a *** bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle *** It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

7-5-4 Possession of a defaced firearm It shall be unlawful for any person to knowingly and unlawfully possess a firearm the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed.

Boulder

36-11 Sales, etc., to drunkards, drug addicts and minors. It is unlawful for any person to purchase, sell, loan or furnish any

gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Brighton

Ordinance 741

Section 7-445. Unlawful to sell weapons to intoxicated persons. It shall be unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon designated in Sections 7-441 or 7-444 to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Section 7-446. Incendiary or explosive device.

A. It shall be unlawful to throw, place or cause to be placed any incendiary or explosive device for the purpose of causing injury to any person or damage to property.

B. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or an explosive device, to possess, handle, store, transport or sell any such device, knowing the same is to be thrown, placed or caused to be placed for the purpose of causing injury to any person or damage to property.

C. An incendiary or explosive device includes, but not by way of limitation, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

D. Except as otherwise permitted by law, it shall be unlawful for any person to possess on his person, in any motor vehicle or in any structure, an incendiary or an explosive device as defined in this Section.

Broomfield

Ordinance 15

Section 64. Unlawful to Sell Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the City of Broomfield to such person, firm or corporation.

Central City

191-9-4 Sale to Certain Persons Unlawful. It is unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Colorado Springs

8-14. Dangerous or Deadly Weapons—A. Definition: For purposes of this section, dangerous or deadly weapons shall mean: 1. Any firearm whether loaded or unloaded including any pistol, revolver, rifle, shotgun.

G. Selling Weapons to Intoxicated Persons or Minors. It shall be unlawful for any person to purchase, sell, loan, or furnish any dangerous or deadly weapon to any person intoxicated or under the influence of alcohol or any narcotic or dangerous drug or glue, or to any person in a condition of agitation and excitement, or to any minor under the age of eighteen (18) years.

Commerce City

14-112. Furnishing to certain persons prohibited. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Cortez

Sec. 28-6. Sale, rental, etc., of firearms to certain persons prohibited. A. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other fire-

arm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of 18 years.

Creede

10-5-18. Selling weapons to intoxicated persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm to which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Creede, Colorado to such person, firm or corporation.

Dacono

Dacono Ordinance 169 adopts by reference the Colorado Criminal Code, Title 18, Articles 3 through 13, Colorado Revised Statutes, 1973, as amended; repeals all ordinances in conflict therewith; and provides penalties for violation thereof.

Denver, City and County of

6-2(3). Antique Firearm. Any firearm, including any handgun, with a matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before 1898; and any replica of any such firearm if such replica (a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

6-3. It shall be unlawful for any second-hand dealer or pawnbroker or any other person engaged in the business of the wholesale or retail sale, rental, or exchange of handguns, to sell, rent, exchange or deliver any handgun (except an antique firearm) knowing or having reasonable cause to believe the basic structural components thereof are made (1) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or (2) of any material having an ultimate tensile strength of less than 55,000 pounds per

square inch, or (3) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

.7. Identification and records concerning sales, etc. .7-1. Every person who sells, rents, or exchanges at retail any weapon designated in Sections 845.1 or 845.6 of this Code shall require the vendee, lessee, or person with whom such exchange is made to furnish more than one type of identification before such sale, rental, or exchange is consummated.

.7-3. It shall be unlawful for any person who purchases, rents, or exchanges any weapon designated in Section 845.1 or 845.6 of this Code to give a false or fictitious name, or any other false, fraudulent, or incorrect information to the person from whom such weapon is purchased, or rented, or with whom such weapon is exchanged at the time such purchase, rental, or exchange is made.

.8. Unlawful to sell weapons to intoxicated persons or minors. .8-1. It shall be unlawful for any person to sell, loan, or furnish any instrument or weapon designated in Sections 845.1 or 845.6 of this Code to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

.10. Incendiary or explosive device. .10-1. For the purposes of this Section 845.10, an incendiary or explosive device shall include, but not by way of limitation, any device consisting in whole or in part of flammable material or other material having the capability of exploding, igniting, or burning.

.10-3. It shall be unlawful for any person to prepare or to assist in the preparation of an incendiary or explosive device; to possess, handle, store, transport, or sell any such device, knowing the same is to be thrown, placed, or caused to be placed for the purpose of causing injury to any person, or damage to property.

Dolores

Ordinance 271

Chapter 11, Article 3: Furnishing to intoxicated persons. Section 60. No person shall, directly or indirectly, sell, barter, loan or deliver any deadly weapon to any drunk or intoxicated person.

Edgewater

9.92.020 Identification required Every person who sells, rents, or exchanges at retail any weapon described in Sections 9.88.010, 9.88.020 or 9.92.010 shall require the vendee, lessee, or person from whom such exchange is made, to furnish more than one type of iden-

tification before such sale, rental or exchange is consummated.

9.92.050 Sale to certain persons prohibited. It is unlawful for any person, firm or corporation to sell, loan, or furnish any instrument or weapon *** to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor.

Englewood

11-3-4: Certain sales prohibited It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation or excitability, or to any minor under the age of 18 years.

Evans

Sec. 9.60.43 Definitions. *****

(b) "Bomb" means any explosive or incendiary device or Molotov cocktail which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(c) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(d) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.

(g) "Machine Gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(h) "Short rifle" means a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches.

(i) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

(2) It shall be an affirmative defense to any provision of this article that the act was committed by a peace officer in the lawful discharge of his duties.

Sec. 9.60.44 Possessing an illegal weapon. (1) As used in this section, the term, "illegal weapon" means a *** bomb, firearm silencer,

er, gas gun, machine gun, short shotgun, short rifle ***.

(2) A person other than a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties or a person who has a valid permit and license pursuant to the federal code for such weapon, commits a violation if he normally possesses an illegal weapon. The exceptions in this subsection (2) shall be an affirmative defense.

Sec. 9.60.45 Possession of a defaced firearm. A person commits a violation of this section if he knowingly possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered or destroyed.

Glendale

Sec. 10-137. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a *** firearm silencer, gas gun, machine gun, short shotgun, short rifle ***.

(b) It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

Sec. 10-141. Prohibited use of weapons. It shall be unlawful for any person to: *** (4) Have in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under Section 40-12-105(2)(c) of C.R.S. 1963, is no defense to a violation of this subsection.

Grand Junction

19-60. Furnishing to intoxicated persons. No person shall, directly or indirectly, sell, barter, loan or deliver any deadly or dangerous weapon to any drunk or intoxicated person.

Greely

Sec. 15-47. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a *** firearm silencer, gas gun, machine gun, short shotgun, short rifle ***.

(b) A person other than a peace officer or member of the armed forces of the United States or Colorado National Guard commits the violation of this section if he knowingly possesses an illegal weapon.

(c) Any person convicted of violating this section shall forfeit to the city the illegal weapon involved.

Sec. 15-48. Possession of a defaced firearm. A person commits a violation of this section if he knowingly possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered or destroyed.

Greenwood Village

Section 2. Chapter 8

2.17 Unlawful Acts. In addition to the other acts prohibited by this ordinance, it shall be unlawful:

(1) For any person other than a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties or a person who has a valid permit and license pursuant to the federal code for such weapon to knowingly possess an illegal weapon. As used herein, the term "illegal weapon" means a *** bomb, firearm silencer, gas gun, machine gun, short shotgun, short rifle, *** , unless the context otherwise requires:

(2) "Bomb" means any explosive or incendiary device or Molotov cocktail which is not specifically designed for lawful and legitimate use in the hands of its possessor.

(3) "Firearm silencer" means any instrument, attachment, weapon, or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon.

(4) "Gas gun" means a device designed for projecting gas filled projectiles which release the contents after having been projected from the device and includes projectiles for use in such a device.

(7) "Machine gun" means any firearm, whatever size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger.

(8) "Short rifle" means a rifle having a barrel less than sixteen inches long or overall length of less than twenty-six inches.

(9) "Short shotgun" means a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

Johnstown

Sec. 16-131. Possessing an illegal weapon. (a) As used in this section, the term "illegal weapon" means a *** firearm silencer, gas gun, machine gun, short shotgun, short rifle, ***.

(b) It shall be unlawful for any person other than a peace officer or member of the Armed Forces of the United States or state national guard to knowingly possess an illegal weapon.

Sec. 16-132. Possession of a defaced firearm. It shall be unlawful for any person to knowingly and unlawfully possess a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed.

Sec. 16-135. Prohibited use of weapons. It shall be unlawful for any person to: * * * (4) Have in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug. Possession of a permit issued under Section 40-12-105(2)(c) of C.R.S. 1963, is no defense to a violation of this subsection.

Kersey

Ordinance 128

VI. Possessing an illegal weapon. 1. As used in this section the term "illegal weapon" means a * * * firearm silencer, gas gun, short shotgun, short rifle, * * *. 2. No person shall knowingly possess an illegal weapon within the town of Kersey.

Las Animas

Sec. 23-6. Sale, rental, etc., of firearms to certain persons prohibited. It shall be unlawful for any person to purchase, sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability. * * *

La Veta

Ordinance No 81

16. a. It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or any other firearm, in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug or stimulant or depressant, or to any person the seller knows to be under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any minor under the age of eighteen (18) years.

Limon

2. Unlawful to Sell Weapons to Intoxicated Persons. 2-1. It shall be unlawful for any person, firm or corporation to sell, loan, or

furnish any gun, pistol, or other firearm in which an explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant or to any person in a condition of agitation and excitability, or to any minor.

Littleton

6-7-3(C) Sales of firearms to certain persons prohibited. It shall be unlawful for any person to purchase for or to sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen years.

Milliken

Ordinance 118

Art. 1. Sec. 9.60.33. Using weapon in a prohibited manner. (1) A person commits a violation of this section if: * * * (d) He has in his possession a firearm while he is under the influence of intoxicating liquor or of a narcotic drug, or dangerous drug.

Nederland

Ordinance 74

Section 2. That no person, firm, company, corporation or association shall exhibit, or have in its possession with intent to give away, or sell, or offer for sale within the Town of Nederland, any * * * gun, revolver, pistol, cap, or cartridge, or other combustible fireworks of any kind in the Town of Nederland.

Oak Creek

Ordinance 299

A-5-18 Selling Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or de-

pressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Pueblo

9-7-11: Firearms—Dealing in, License Required; Fee, Terms (a) Firearms shall mean a pistol or revolver or other weapon of any description, loaded or unloaded, from which any shot, bullet or other missile can be discharged, and the length of the barrel of which, not including any revolving detachable or magazine breech, does not exceed twelve inches.

(b) It shall be unlawful for any person to engage in the business of the retail sale, rental, or exchange of firearms, within the City, without obtaining a license therefor from the License Officer.

9-7-12: Same—Record Required; Contents; Hearing on Revocation; Notice (a) Every person engaged within the City in the retail sale, rental or exchange of firearms shall keep a record of such firearm sold, rented or exchanged. Such record shall be made at the time of the transaction in a book kept for that purpose [contact local authorities for required contents] * * *. Such record shall be exhibited at all times by such persons for the inspection of any law enforcement officer upon demand. Failure to keep such record or to exhibit the same as aforesaid shall constitute a breach of this Code and shall be cause for the revocation of the license herein required, by the License Officer upon hearing after notice to the holder of such license.

11-1-35: Firearms; Sale; etc. to Minors; Consent It shall be unlawful for any person to sell, give or loan to any minor under the age of eighteen years of age any type of firearms or ammunition whatsoever without first contacting the parent or parents or the legal guardian of such minor and obtaining from such parent or parents or the legal guardian written consent to such gift, sale, or loan; provided, however, where a minor has been emancipated by law or marriage it shall be sufficient, upon proper showing made, for the Chief of Police to authorize such sale, gift or loan.

Ridgway

Chapter X, Section 5

10-5-18 Selling Weapons to Intoxicated Persons (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other fire-

arm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

San Luis

Selling Weapons to Intoxicated Persons:

(a) It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

Sheridan

16-65. Furnishing to Certain Persons Prohibited. It shall be unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, rifle, shotgun or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

16-70. Carrying while intoxicated. No person shall have or carry any deadly or dangerous weapon on or about his person when drunk or in a state of intoxication or under the influence of drugs.

Silverthorne

10-5-18 Selling Weapons to Intoxicated Persons. (a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Silverthorne to such person, firm or corporation.

Thornton

Thornton Code

Sec. 33-30. Unlawful sale of weapons to intoxicated persons. It shall be unlawful for any person, firm or corporation to purchase, sell, loan or furnish any gun, pistol or

Wiley

General Offenses

10-5-18 Selling weapons to intoxicated persons

(a) It shall be unlawful for any person, firm, or corporation to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the Town of Wiley to such person, firm or corporation.

Woodland Park

VIII. Weapons

9.70.070 Selling weapons to intoxicated persons or minors. It is unlawful for any person to purchase, sell, loan or furnish any dangerous or deadly weapon to any person intoxicated or under the influence of alcohol or any narcotic or dangerous drug or glue, or to any person in a condition of agitation and excitement, or to any minor under the age of eighteen years.

Connecticut

State Law

Conn. General Stats. Ann.

Sec. 29-27. "Pistol" and "revolver" defined. The term "pistol" and the term "revolver," as used in sections 29-28 to 29-38, inclusive, mean any firearm having a barrel less than twelve inches in length.

Sec. 29-28. Permit for selling or carrying pistols or revolvers. No person shall advertise, sell, deliver, or offer or expose for sale or delivery, or have in his possession with intent to sell or deliver, any pistol or revolver at retail without having a permit therefor issued as hereinafter provided. The chief of police or, where there is no chief of police, the warden of the borough or the first selectman of the town, as the case may be, may, upon the application of any person, issue a permit in such form as may be prescribed by the commissioner of state police for the sale at retail of pistols and revolvers within the jurisdiction of the authority issuing such permit.

Sec. 29-31. Display of permit to sell. * * * No sale of any pistol or revolver shall be

made except in the room, store or place described in the permit for the sale of pistols and revolvers, and such permit or a copy thereof certified by the authority issuing the same shall be exposed to view within the room, store or place where pistols or revolvers are sold or offered or exposed for sale, and no sale or delivery of any pistol or revolver shall be made unless the purchaser or person to whom the same is to be delivered is personally known to the vendor of such pistol or revolver or the person making delivery thereof or unless the person making such purchase or to whom delivery thereof is to be made provides evidence of his identity.

Sec. 29-33. No sale to aliens. Application to purchase. Waiting period. No person, firm or corporation shall sell at retail, deliver or otherwise transfer any pistol or revolver to any alien. No person, firm or corporation shall deliver any pistol or revolver at retail except upon written application on a form prescribed

and furnished by the commissioner of state police, in triplicate, one copy of which shall be mailed by first class mail on the day of receipt of such application to the chief of the police department of the municipality within which the applicant resides or, where there is no chief of police, the first selectman or warden of such municipality, as the case may be, and to the commissioner of state police, and no sale or delivery of any pistol or revolver shall be made until the expiration of two weeks from the date of the mailing of such copies. Any such municipal authority or said commissioner, having knowledge of the conviction of such applicant of a felony, shall forthwith notify the person, firm or corporation to whom such application was made and no pistol or revolver shall be by him or it sold or delivered to such applicant. When any pistol or revolver is delivered in connection with the sale or purchase, such pistol or revolver shall be enclosed in a package, the paper or wrapping of which shall be securely fastened, and no pistol or revolver when delivered on any sale or purchase shall be loaded or contain therein any gunpowder or other explosive or any bullet, ball or shell. Upon the delivery of any pistol or revolver, the purchaser shall sign in quadruplicate a receipt for such pistol or revolver which shall contain the name, address and occupation of such purchaser, the date of sale, caliber, make, model and manufacturer's number and a general description thereof. Two of such quadruplicate receipts shall, within twenty-four hours thereafter, be mailed by first class mail by the vendor of such pistol or revolver to the commissioner of state police and one to the authority issuing the permit for the sale of such pistol or revolver and the other, together with the original application, shall be retained by such vendor for at least six years. The waiting period herein specified during which delivery may not be made shall not apply to the holder of a valid state permit to carry pistols and revolvers, nor to any federal marshal, sheriff, parole officer or peace officer. The provisions of this section shall not apply to antique pistols or revolvers. An antique pistol or revolver, for the purposes of this section, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

Sec. 29-34. False information. Sale to minors prohibited. No person shall make any false statement or give any false information connected with any purchase, sale or delivery of any pistol or revolver, and no person shall sell, barter, hire, lend, give or deliver to any minor under the age of eighteen years any pistol or revolver.

Sec. 29-36. Altering or removing identification mark. No person shall alter, remove

or obliterate the name of any maker or model or any maker's number or other mark of identification on any pistol or revolver. The possession of any pistol or revolver upon which any identifying mark, number or name has been altered, removed or obliterated shall be prima facie evidence that the person owning or in possession of such pistol or revolver has altered, removed or obliterated the same.

Sec. 29-38a. Out-of-state purchase or acquisition of rifles or shotguns. (a) For the purposes of the federal gun control act of 1968, Public Law 90-618, 18 U.S.C. 921 et seq., and any law amendatory thereof, any person resident in this state, including a corporation or other business entity maintaining a place of business in this state, may purchase or otherwise receive delivery of a rifle or shotgun in the states of New York or Rhode Island or in the Commonwealth of Massachusetts, unless such purchase or receipt of delivery violates any applicable law of this state, any applicable law of the state in which such purchase or receipt of delivery takes place, or any applicable provision of said control act of 1968, as amended.

(b) Nothing in subsection (a) of this section shall be deemed to deprive any such resident of this state of any rights granted to such resident under title 18 U.S.C. section 922(a)(5), section 922(b)(3)(B) or section 922(b)(3)(C).

Sec. 53-202. Machine guns. (1) "Machine gun," as used in this section, shall apply to and include a weapon of any description, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semi-automatically, discharged from a magazine, by a single function of the firing device. "Crime of violence," as used in this section, shall apply to and include any of the following-named crimes or an attempt to commit any of the same: Murder, manslaughter, kidnapping, sexual assault and sexual assault with a firearm, assault in the first or second degree, robbery, burglary, and larceny. (2) Any person who possesses or uses a machine gun in the perpetration or attempted perpetration of a crime of violence shall be imprisoned not more than twenty years. (3) Any person who possesses or uses a machine gun for an offensive or aggressive purpose shall be imprisoned not more than ten years. (4) The possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose: (a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun was found; or (b) when in the possession of, or use by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any state or federal court of record of the United States of America, its territories or insular possessions; or (c) when the machine gun is of the kind described in subsection (7) hereof and has not

been registered as therein required; or (d) when empty or loaded pistol shells of thirty (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof. (5) The presence of a machine gun in any room, boat or vehicle shall be presumptive evidence of the possession or use of the machine gun by each person occupying such room, boat or vehicle. (6) Each manufacturer shall keep a register of all machine guns manufactured or handled by him. Such register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of each machine gun, the name, address and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered. Upon demand, any manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, and parts and supplies therefor, and shall produce the register, herein required, for inspection. Any person who violates any provision of this subsection shall be fined not more than two thousand dollars. (7) Each machine gun in this state adapted to use pistol cartridges of thirty (.30 in. or 7.63mm.) or larger caliber shall be registered in the office of the commissioner of state police within twenty-four hours after its acquisition and, thereafter, annually, on July first. Blanks for registration shall be prepared by said commissioner and furnished upon application. To comply with this subsection, the application as filed shall show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person who fails to register any gun as required hereby shall be presumed to possess the same for an offensive or aggressive purpose. The provisions of this subsection shall not apply to any machine gun which has been registered under the provisions of subsection (6) and which is still in the actual possession of the manufacturer. (8) No provision of this section shall apply to the manufacture of machine guns for sale or transfer to the United States government, to any state, territory or possession of the United States or to any political subdivision thereof or to the District of Columbia.

Sec. 53a-211. Possession of sawed-off shotgun or silencer: Class D felony. (a) A person is guilty of possession of a sawed-off shotgun or a silencer when he owns, controls or possesses any sawed-off shotgun of any caliber that has a barrel of less than eighteen inches or an overall length of less than twenty-six inches or when he owns, controls

or possesses any silencer designed to muffle the noise of a firearm during discharge.

(b) The provisions of this section shall not apply to persons, firms, corporations or museums licensed or otherwise permitted by federal or state law to possess, control or own sawed-off shotguns or silencers.

(c) Possession of a sawed-off shotgun or a silencer is a class D felony.

East Haven

D. No person, persons, firm, or corporation shall sell or expose for sale any blank pistol or any other pistol in the Town of East Haven.

New Haven

18-12. Firearms and ammunition; sales to children. No person shall sell to any child under the age of sixteen (16) years, without the written consent of the parent or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, pistol, or other mechanical contrivance arranged for the explosion of such cartridge, or of any fulminate.

Seymour

13-7. (Guns and Firearms)—Sale to children prohibited. It shall be unlawful and is hereby prohibited for any person or persons,

firm, corporation or association to sell or offer for sale to any person under the age of sixteen (16) years *** any gun or rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder, or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour.

13-8. Same—Ownership, possession * by children prohibited; ***.** It shall be unlawful and is hereby prohibited for any person or persons, under the age of sixteen (16) years to own, possess, *** any gun, rifle or pistol which fires or which is designed or intended to fire a bullet, shell or pellet by means of gunpowder or other chemical propellant which such devices are generally known as firearms, within the limits of the Town of Seymour. ***

Windsor

Section 2. Regulation of Dangerous Weapons Where Minors Under Age 18 Are Involved. No person shall within the Town of Windsor sell, give, lend or otherwise transfer or make available to any person under the age of eighteen (18) years any firearm, airgun or other dangerous weapon *** except where the relationship of parent and child, guardian and ward, or adult firearm instructor and pupil exists between such person and the person under eighteen (18) years of age.

Delaware

State Law Del. Code Ann.

11 Sec. 222. General definitions. *****
(4) "Dangerous instrument" means any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.

(5) "Deadly weapon" includes any weapon from which a shot may be discharged *****

11 Sec. 1444. Possessing a destructive weapon; class D felony. A person is guilty of possessing a destructive weapon when he sells, transfers, buys, receives or has possession of a bomb, bombshell, firearm silencer, sawed-off shotgun, machine gun or any other firearm or weapon which is adaptable for use as a machine gun.

Possessing a destructive weapon is a class D felony. This section does not apply to members of the military forces or to members of a police force in this State duly authorized to

carry a weapon of the type described; nor shall the provisions contained herein apply to persons possessing machine guns for scientific or experimental research and development purposes, which machine guns have been duly registered under the provisions of the National Firearms Act of 1968.

The term "shotgun" as used in this section means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shot gun shell to fire through a smooth bore either a number of projectiles (ball shot) or a single projectile for each pull of the trigger. The term "sawed-off shotgun" as used in this section means a shotgun having 1 or more barrels less than 18 inches in length or any weapon made from a shotgun (whether by alteration, modification,

or otherwise) if such weapon as modified has an overall length of less than 26 inches.

11 Sec. 1445. Unlawfully dealing with a dangerous weapon; class B misdemeanor. A person is guilty of unlawfully dealing with a dangerous weapon when:

(2) He sells, gives or otherwise transfers to a child under 16 years of age a firearm *** or
(3) Being a parent, he permits his child under 16 years of age to have possession of a firearm *** unless under the direct supervision of an adult. Unlawfully dealing with a dangerous weapon is a class B misdemeanor.

Sec. 1448. Purchase and possession of deadly weapons by certain persons prohibited; class E felony. Any person, having been convicted in this State or elsewhere of a felony or a crime of violence involving bodily injury to another, whether or not armed with, or having in his possession any weapon during the commission of such felony or crime of violence, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanatorium (unless he possesses a certificate of a medical doctor or psychiatrist licensed in this State that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm), or any person who has been convicted for the unlawful use, possession or sale of a narcotic, dangerous drug or central nervous system depressant, or stimulant drug as those terms were defined prior to the effective date of the Uniform Controlled Substance Act in January 1973, or of a narcotic drug or controlled substance as defined in Chapter 47 of Title 16, who purchases, owns, possesses or controls any deadly weapon is guilty of a class E felony.

24 Sec. 901. Necessity for license; exceptions. No person shall sell or expose to sale any pistol or revolver, or revolver of pistol cartridges, *** without first having obtained a license therefor, which license shall be known as "special license to sell deadly weapons."

This section shall not apply to toy pistols, ***

24 Sec. 902. Application and fee for license; duration. Whoever desires to engage in the business of selling any of the articles referred to in the first paragraph of Sec. 901 of this title shall apply to the State Tax Department and obtain a license to conduct such business, for which he shall pay the sum of \$50. The license shall entitle the holder thereof to conduct such business until the 1st day of June next succeeding its date.

24 Sec. 903. Sale to minors or intoxicated persons. No person shall sell to a minor or any intoxicated person any of the articles referred to in the first paragraph of Sec. 901 of this title.

24 Sec. 904. Record book; data to be recorded. Any person desiring to engage in the business described in this chapter shall

keep and maintain in his place of business at all times a book which shall be furnished him by the State Tax Department. In such book, he shall enter the date of the sale, the name and address of the person purchasing any deadly weapon, the number and kind of deadly weapon so purchased, the color of the person so purchasing the same, the apparent age of the purchaser, and the names and addresses of at least 2 freeholders (editor's note: one having title to realty) resident in the county wherein the sale is made who shall positively identify the purchaser before the sale can be made. No clerk, employee or other person associated with the seller shall act as one of the identifying freeholders. The book shall at all times be open for inspection by any judge, justice of the peace, police officer, constable or other peace officer of this State.

28 Sec. 801. Definitions. (a) As used in this chapter, the term "a state contiguous to this State" shall mean any state having a common border with this State.

(b) As used in this chapter, all other terms shall be given the meaning prescribed in 18 U.S.C.A. Sec. 921 (the Gun Control Act of 1968), and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

28 Sec. 802. Lawful acts. It shall be lawful for a person residing in this State, including a corporation or other business entity maintaining a place of business in this State, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this State and to receive or transport such rifle or shotgun into this State, subject, however, to such other laws of the State or its political subdivision as may be applicable and subject to Sec. 102 of the Gun Control Act of 1968, 18 U.S.C.A. Sec. 921 et seq.

28 Sec. 803. Not applicable to federal licensees. This chapter shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

Delmar

13-2. No person shall offer for sale any gun, pistol, rifle *** or any gunpowder, gunshot, rifle bullets or ammunition of any description to any one under the age of sixteen years old within the Town limits of the Town of Delmar, Delaware.

Dover

Sec. 20-29. Possession of weapons prohibited; exceptions.

(a) Prohibition. It shall be unlawful for any person to have in his possession, *** except as provided in Subsection (b), a revolver or pistol of any description, a shotgun or rifle

which may be used for the explosion of bullets and cartridges, ***.

(b) Exceptions. The weapons prohibited in Subsection (a) shall be permitted upon the grant of a license therefor, if required, in the following situations:

(1) Possession in home or business. Possession within the possessor's own domicile or business.

(2) License. Possession, carrying or use in conformity with a license issued by the State of Delaware for that weapon.

(3) Licensed shooting galleries or ranges. Possession or use at licensed shooting galleries or ranges when the instrument can be fired, discharged or operated in a manner that shall not endanger persons or property, and also in a manner that shall prevent the projectile from traversing any grounds or space outside the limits of the gallery or range.

(4) Cased and unloaded. Carrying of any type of gun whatsoever when unloaded and properly cased, to or from any licensed gallery or range or to or from an area where hunting is allowed by law. This provision shall not limit the permitted carrying of guns allowed by Subsection (b)(5).

(5) Authorized officials. Carrying, wearing, possessing and using by United States marshals, sheriffs, constables and their deputies, and any regular, special or ex-officio policeman, or any other law enforcement officer while on duty, or as shall be necessary in the proper discharge of their duties.

(6) Hunting, possession, carrying or use in conformity with a license issued by the State of Delaware for that purpose in areas approved by the Chief of Police, and only then when used in such a manner that shall not endanger persons or property.

20-34. Sales to intoxicated persons and minors prohibited. It shall be unlawful for any person to purchase from, or sell, loan or furnish any weapon mentioned in Section 20-29(a) and -31(a) to any person under the influence of any alcoholic beverage or any narcotic drug, stimulant or depressant, to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years.

Elsmere

Ordinance 108

Section 1. That fire arms means any rifle, revolver, pistol or shotgun capable of propelling a projectile by means of an explosive material or charge.

Section 2. That ammunition is defined as any material used in discharging any fire arm projectile discharged by any fire arm.

Section 3. It shall be unlawful for anyone within the limits of the Town of Elsmere or within the limits of the public lands vested in

said Town to sell, distribute, dispense or give away any fire arms or ammunition of any character whatsoever.

Wilmington

39-19.1 Manufacture, delivery, sale or possession of certain weapons prohibited. (a) It shall be unlawful for any person to manufacture, make, deliver, transport, trade, give, sell, or possess a smooth-bore shot revolver, short-barreled rifle, zip gun, converted tear gas gun, taser gun or converted starter pistol.

(b) 1. The term "smooth-bore shot revolver" as used in this section means a revolver with a smooth-bore having been reamed out so that it can be used to fire shot-shell.

2. The term "short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

3. The term "zip-gun" means any weapon or instrument not originally designed to be a firearm which has been made or altered to discharge a projectile with sufficient force to cause death or physical injury.

4. The term "converted tear gas gun" as used in this section means a tear gas gun which has been altered to fire a projectile with sufficient force to cause death or physical injury.

5. The term "converted starter pistol" as used in this section means a starter pistol which has been altered to fire a projectile with sufficient force to cause death or physical injury.

(6) The term "taser gun," as used in this section, means any battery or electrically operated stun gun or high voltage weapon that projects a dart or barb or combination of darts or barbs attached to the weapon by lengths of wire, which is designed to transmit an electrical current upon discharge and impact.

(c) Any law enforcement officer while performing his lawful duties within the City shall be exempted from the effect of this section.

39-21. Same—Sale, etc., of firearms to minors. It shall be unlawful for any person to sell, give away, dispose of or otherwise directly or indirectly furnish, within the city, to any minor under the age of eighteen years, any gun, pistol, revolver or other firearm whatsoever.

Sec. 39-35.1. Firearms dealers—Definitions. For the purposes of section 39-35.2, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. Any individual, firm, association, partnership or corporation engaged in the

business of selling firearms, purchasing firearms for resale or conducting a gunsmith or firearms repair business. Whenever used in any cause prescribing and imposing a penalty, the term dealer, as applied to any partnership or association, shall mean the partners or members thereof, and as applied to any corporation, shall include the officers thereof.

Firearms. Any rifle, revolver, pistol or shotgun capable of propelling a projectile by means of an explosive material or charge.

Sec. 39-35.2. Same—Storage and display of firearms; permits. (a) During the hours they are not regularly open for business, deal-

ers shall store all firearms in accordance with the following requirements: ***** (2) All firearms must be placed in an approved safe, vault or properly secured storeroom. Any dealer may comply with the requirements of this section by providing an approved steel safe wherein any firearms may be stored and locked during nonbusiness hours.

(c) No dealer shall receive a permit to store firearms unless he: (1) Complies with the provisions of this section and regulations issued pursuant thereto.

District Of Columbia

D.C. Code Encyclopedia

D.C. Code Title 22

22-3201. Possession, sale, transfer, and use of dangerous weapons—Definition. "Pistol," as used in this chapter, means any firearm with a barrel less than twelve inches in length.

"Sawed-off shotgun," as used in this chapter, means any shotgun with a barrel less than twenty inches in length.

"Machine gun," as used in this chapter, means any firearm which shoots automatically or semi-automatically more than twelve shots without reloading.

"Person," as used in this chapter, includes individual, firm, association, or corporation.

"Sell" and "purchase" and the various derivatives of such words, as used in this chapter, shall be construed to include letting on hire, giving, lending, borrowing, and otherwise transferring.

"Crime of violence," as used in this chapter, means any of the following crimes, or an attempt to commit any of the same, namely: Murder, manslaughter, rape, mayhem, maliciously disfiguring another, abduction, kidnapping, burglary, robbery, housebreaking, larceny, any assault with intent to kill, commit rape, or robbery, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

22-3203. Unlawful possession of a pistol. No person shall own or keep a pistol, or have a pistol in his possession or under his control within the District of Columbia, if—

- (1) he is a drug addict;
- (2) he has been convicted in the District of Columbia or elsewhere of a felony;
- (3) he has been convicted of violating section 22-2701, section 22-2722, or sections 22-3302 to 22-3306; or
- (4) he is not licensed under section 22-3210

to sell weapons, and he has been convicted of violating sections 22-3201 to 22-3216.

No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict. ***

22-3207. Selling pistol to minors and others. No person shall within the District of Columbia sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 22-3203 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

22-3208. Transfers of firearms, regulated. No seller shall within the District of Columbia deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, except in the case of sales to marshals, sheriffs, prison or jail wardens or their deputies, policemen, or other duly appointed law-enforcement officers, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller a statement [contact local authorities for required contents] *** No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the chief of police of the District of Columbia. This section shall not apply to sales at wholesale to licensed dealers.

22-3209. Dealers of weapons to be licensed. No retail dealer shall within the District of Columbia sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun, *** without being licensed as provided in section 22-3210. No wholesale dealer shall, within the District of Columbia, sell, or have in his possession with intent to sell to any person other than a licensed dealer, any pistol, machine gun, sawed-off shot gun, ***

22-3210. Licenses of dealers of weapons—***—Conditions thereof.

3. No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 22-3203 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, *** shall be sold to any person other than the persons designated in section 22-3214 as entitled to possess the same, and then only after permission to make such sale has been obtained from the superintendent of police of the District of Columbia.

Sec. 22-3212. Alteration of identifying marks of weapons prohibited

No person shall within the District of Columbia change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark or identification on any pistol, machine gun, or sawed-off shotgun. Possession of any pistol, machine gun, or sawed-off shotgun upon which any such mark shall have been changed, altered, removed, or obliterated shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same within the District of Columbia: Provided, however, That nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the District of Columbia engaged in experimental work.

22-3213. Exceptions. This chapter shall not apply to toy or antique pistols unsuitable for use as firearms.

22-3214. Possession of certain dangerous weapons prohibited—Exceptions. (a) No person shall within the District of Columbia possess any machine gun, sawed-off shotgun, *** nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms: Provided, however, that machine guns, or sawed-off shotguns, *** may be possessed by the members of the Army, Navy, Air Force or Marine Corps of the United States, the National Guard, or Organized Reserves when on duty, the United States Postal Service or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law-enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money securities, or other valuables,

wholesale dealers and retail dealers licensed under section 22-3210.

22-3215a. Manufacture, transfer, use, possession or transportation of molotov cocktails, or other explosives for unlawful purposes, prohibited—definitions—penalties. (a) No person shall within the District of Columbia manufacture, transfer, use, possess, or transport a molotov cocktail. As used in this subsection, the term "molotov cocktail" means (1) a breakable container containing flammable liquid and having a wick or a similar device capable of being ignited, or (2) any other device designed to explode or produce uncontained combustion upon impact; but such term does not include a device lawfully and commercially manufactured primarily for the purpose of illumination, construction work, or other lawful purpose.

(b) No person shall manufacture, transfer, use, possess, or transport any device, instrument, or object designed to explode or produce uncontained combustion, with the intent that the same may be used unlawfully against any person or property. ***

Title 6

Chapter 18

Subchapter I—General Provisions

Sec. 6-1802. Definitions. (1) "Acts of Congress" means (A) chapter 32 of title 22; (B) Omnibus Crime Control and Safe Streets Act of 1968, as amended (Title VII, Unlawful Possession or Receipt of Firearms (82 Stat. 236; 18 U.S.C. Appendix)); and (C) an Act to Amend Title 18, United States Code, to Provide for Better Control of the Interstate Traffic in firearms Act of 1968 (82 Stat. 1213; 18 U.S.C. 921, et seq.).

(2) "Ammunition" means cartridge cases, shells, projectiles (including shot), primers, bullets, propellant powder, or other devices or materials designed, redesigned, or intended for use in a firearm or destructive device.

(3) "Antique firearm" means—(A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and (B) any replica of any firearm described in subparagraph (A) if such replica—(i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(4) "Chief" means the Chief of Police of the Metropolitan Police Department of the District of Columbia or his designated agent.

(5) "Crime of Violence" means a crime of violence as defined in section 22-3201, committed in any jurisdiction, but does not include larceny or attempted larceny.

(6) "Dealers license" means a license to buy or sell, repair, trade, or otherwise deal in firearms, destructive devices, or ammunition as provided for in subchapter IV of this chapter.

(7) "Destructive device" means—(A) an explosive, incendiary, or poison gas bomb, grenade, rocket, missile, mine, or similar device; (B) any device by whatever name known which will, or is designed or redesigned, or may be readily converted or restored to expel a projectile by the action of an explosive or other propellant through a smooth bore barrel, except a shotgun. (C) any device containing tear gas or a chemically similar lacrimator or stermutator by whatever name known; (D) any device designed or redesigned, made or remade, or readily converted or restored, and intended to stun or disable a person by means of electric shock; (E) any combination of parts designed or intended for use in converting any device into any destructive device; or from which a destructive device may be readily assembled:

Provided, That the term shall not include—(i) any pneumatic, spring, or B-B gun which expels a single projectile not exceeding .18 inch in diameter; (ii) any device which is neither designed nor redesigned for use as a weapon; (iii) any device originally a weapon which has been redesigned for use as a signaling, line throwing, or safety device; or, (iv) any device which the Chief finds is not likely to be used as a weapon.

(8) "District" means District of Columbia.

(9) "Firearm" means any weapon which will, or is designed or redesigned, made or remade, readily converted or restored, and intended to, expel a projectile or projectiles by the action of an explosive; the frame or receiver of any such device; or any firearm muffler or silencer: Provided, That such term shall not include—(A) antique firearms; and/or (B) destructive devices; (C) any device used exclusively for line throwing, signaling, or safety, and required or recommended by the Coast Guard or Interstate Commerce Commission; or (D) any device used exclusively for firing explosive rivets, stud cartridges, or similar industrial ammunition and incapable for use as a weapon.

(10) "Machine gun" means any firearm which shoots, is designed to shoot, or can be readily converted or restored to shoot: (A) automatically, more than one shot by a single function of the trigger; (B) semiautomatically, more than twelve shots without manual reloading.

(11) "Organization" means any partnership, company corporation, or other business entity, or any group or association of two or more persons united for a common purpose.

(12) "Pistol" means any firearm originally designed to be fired by use of a single hand.

(13) "Registration certificate" means a certificate validly issued pursuant to this act

evinced the registration of a firearm pursuant to this chapter.

(14) "Rifle" means a grooved bore firearm using a fixed metallic cartridge with a single projectile and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(15) "Sawed-off shotgun" means a shotgun having a barrel of less than 20 inches in length; or a firearm made from a shotgun if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 20 inches in length.

(16) "Shotgun" means a smooth bore firearm using a fixed shotgun shell with either a number of ball shot or a single projectile, and designed or redesigned, made or remade, and intended to be fired from the shoulder.

(17) "Short barreled rifle" means a rifle having any barrel less than 16 inches in length, or a firearm made from a rifle if such firearm as modified has an overall length of less than 26 inches or any barrel of less than 16 inches.

(18) "Weapons offense" means any violation in any jurisdiction of any law which involves the sale, purchase, transfer in any manner, receipt, acquisition, possession, having under control, use, repair, manufacture, carrying, or transportation of any firearm, ammunition, or destructive device.

Subchapter II—Firearms and Destructive Devices

Sec. 6-1811. Registration Requirements.

(a) Except as otherwise provided in this chapter, no person or organization shall within the District receive, possess, have under his control, transfer, offer for sale, sell, give, or deliver any destructive device, and no person or organization shall, within the District possess or have under his or its control any firearm, unless such person or organization is the holder of a valid registration certificate for such firearm. In the case of an organization, a registration certificate shall be issued (1) only to an organization which has in its employ one or more commissioned special police officers or other employees licensed to carry firearms, and which arms such employees with firearms during such employees duty hours and (2) only to such organization in its own name and in the name of its president or the chief executive. (b) Subsection (a) shall not apply to—

(1) Any law enforcement officer or agent of the District or the United States, or any law enforcement officer or agent of the government of any State or subdivision thereof, or any member of the Armed Forces of the United States, the National Guard or Organized Reserves, when such officer, agent, or member is authorized to possess such a firearm or device while on duty in the performance of official authorized functions.

(2) Any person holding a dealer's license; Provided, That the firearm or destructive device is—(A) acquired by such person in the normal conduct of business; (B) is kept at the place described in the dealer's license; and (C) is not kept for such person's private use or protection, or for the protection of his business.

(3) With respect to firearms, any non-resident of the District participating in any lawful recreational firearm-related activity in the District, or on his way to or from such activity in another jurisdiction; Provided, That such person, whenever in possession of a firearm, shall upon demand of any member of the Metropolitan Police Department, or other bona fide law enforcement officer, exhibit proof that he is on his way to or from such activity, and that his possession or control of such firearm is lawful in the jurisdiction in which he resides: Provided further, that such weapon shall be unloaded, securely wrapped, and carried in open view.

Sec. 6-1812. Registration of certain firearms prohibited. No registration certificate shall be issued for any of the following types of firearms: (a) Sawed-off shotgun; (b) Machine gun; (c) Short-barreled rifle; (d) Pistol not validly registered to the current registrant in the District prior to September 24, 1976, provided, that the provisions of this subsection shall not apply to any organization which has in its employ one (1) or more commissioned special police officers or other employees licensed to carry firearms, and which arms such employees with firearms during such employees' duty hours.

Sec. 6-1813. Qualifications for registration—Information required for registration. (a) No registration certificate shall be issued to any person (and in the case of a person between the ages of 18 and 21, to the person and his signatory parent or guardian) or organization unless the Chief determines that such person (or the president or chief executive in the case of an organization):

(1) is twenty-one years of age or older: Provided, That the Chief may issue to an applicant between the ages of eighteen and twenty-one years old, and who is otherwise qualified, a registration certificate if the application is accompanied by a notarized statement of the applicant's parent or guardian—(A) that the applicant has the permission of his parent or guardian to own and use the firearm to be registered; and (B) the parent or guardian assumes civil liability for all damages resulting from the actions of such applicant in the use of the firearms to be registered: Provided further, that such registration certificate shall expire on such person's twenty-first birthday;

(2) Has not been convicted of a crime of violence, weapons offense, or a violation of this chapter;

(3) Is not under indictment for a crime of violence or a weapons offense;

(4) Has not been convicted within five years prior to the application of any: (A) violation in any jurisdiction of any law restricting the use, possession, or sale of any narcotic or dangerous drug; or (B) a violation of section 22-507 regarding threats to do bodily harm, or section 22-504, regarding assaults and threats, or any similar provision of the law of any other jurisdiction so as to indicate a likelihood to make unlawful use of a firearm;

(5) Within the five year period immediately preceding the application, has not been acquitted of any criminal charge by reason of insanity or has not been adjudicated a chronic alcoholic by any court, Provided, That this paragraph shall not apply if such person shall present to the Chief with the application, a medical certification indicating that the applicant has recovered from such insanity or alcoholic condition and is capable of safe and responsible possession of a firearm;

(6) Within the five years immediately preceding the application, has not been voluntarily or involuntarily committed to any mental hospital or institution; Provided, That this paragraph shall not apply, if such person shall present to the Chief with the applicant (sic) a medical certification that the applicant has recovered from whatever malady prompted such commitment;

(7) Does not appear to suffer from a physical defect which would tend to indicate that the applicant would not be able to possess and use a firearm safely and responsibly;

(8) Has not been adjudicated negligent in a firearm mishap causing death or serious injury to another human being;

(9) Is not otherwise ineligible to possess a pistol under section 22-3203;

(10) Has not failed to demonstrate satisfactorily a knowledge of the laws of the District of Columbia pertaining to firearms and the safe and responsible use of the same in accordance with tests and standards prescribed by the Chief; Provided, That once this determination is made with respect to a given applicant for a particular type of firearm, it need not be made again for the same applicant with respect to a subsequent application for the same type of firearms: Provided, further, that this paragraph shall not apply with respect to any firearm re-registered pursuant to section 6-1816(b) of this chapter; and

(11) Has vision better than or equal to that required to obtain a valid driver's license under the laws of the District of Columbia; Provided, That current licensure by the District of Columbia, of the applicant to drive, shall be prima facie evidence that such applicant's vision is sufficient and this determination shall not be made with respect to persons applying to re-register any firearm pursuant to section 6-1816(b) of this chapter.

(b) Every person applying for a registration certificate shall provide on a form prescribed by the Chief: [that information which is required by the District of Columbia; contact local authorities for requirements] ***

(c) Every organization applying for a registration certificate shall—(1) with respect to the president or chief executive of such organization, comply with the requirements of subsection (b); and (2) provide such other information as the Chief determines is necessary to carry out the provisions of this chapter.

Sec. 6-1814. Fingerprints and photographs of applicants—Application in person required. [Contact local authorities for requirements] ***

Sec. 6-1815. Application under oath—fees. [Contact local authorities for requirements] ***

Sec. 6-1816. Time for filing registration applications. (a) An application for a registration certificate shall be filed (and a registration certificate issued) prior to taking possession of a firearm from a licensed dealer or from any person or organization holding a registration certificate therefor. In all other cases, an application for registration shall be filed immediately after a firearm is brought into the District. It shall be deemed compliance with the preceding sentence if such person personally communicates with the Metropolitan Police Department (as determined by the Chief to be sufficient) and provides such information as may be demanded: Provided, That such person files an application for a registration certificate within 48 hours after such communication. (b) Any firearm validly registered under prior regulations must be registered pursuant to this chapter in accordance with procedures to be promulgated by the Chief. An application to register such firearm shall be filed pursuant to this chapter within 60 days of September 24, 1976.

Sec. 6-1817. Issuance of registration certificate—time period—corrections. [Contact local authorities for requirements] ***

Sec. 6-1818. Duties of Registrants. Each person and organization holding a registration certificate, in addition to any other requirements imposed by this chapter, or the Acts of Congress, shall: (a) notify the Chief in writing of: (1) the loss, theft, or destruction of the registration certificate or of a registered firearm (including the circumstances, if known) immediately upon discovery of such loss, theft, or destruction; (2) a change in any of the information appearing on the registration certificate or required by section 6-1813; (3) the sale, transfer or other disposition of the firearm not less than forty-eight hours prior to delivery, pursuant to such sale, transfer or other disposition, including: (A) identification of the registrant, the firearm and the serial number of the registration certificate; (B) the name, residence, and business address and date of birth of the person to whom the

firearm has been sold or transferred; and (C) whether the firearm was sold or how it was otherwise transferred or disposed of. (b) Return to the Chief, the registration certificate for any firearm which is lost, stolen, destroyed, or otherwise transferred or disposed of, at the time he notified the Chief of such loss, theft, destruction, sale, transfer, or other disposition. (c) Have in his possession, whenever in possession of a firearm, the registration certificate for such firearm, and exhibit the same upon the demand of a member of the Metropolitan Police Department, or other law enforcement officer.

Sec. 6-1819. Revocation of registration certificates. A registration certificate shall be revoked if: (1) any of the criteria in section 6-1813 are not currently met; (2) the registered firearm has become an unregistrable firearm under the terms of section 6-1812 or a destructive device; (3) the information furnished to the Chief on the application for a registration certificate proves to be intentionally false; or (4) there is a violation or omission of the duties, obligations or requirements imposed by section 6-1818.

Sec. 6-1820. Procedures for denial or revocation of registration certificate. [Contact local authorities for requirements] ***

Subchapter III—Estates Containing Firearms

Sec. 6-1831. Rights and responsibilities of executors and administrators. (a) The executor or administrator of an estate containing a firearm shall notify the Chief of the death of the decedent within thirty days of his appointment or qualification, whichever is earlier. (b) Until the lawful distribution of such firearm to an heir or legatee or the lawful sale, transfer, or disposition of the firearm by the estate; the executor or administrator of such estate shall be charged with the duties and obligations which would have been imposed by this chapter upon the decedent, if the decedent were still alive; Provided, That such executor or administrator shall not be liable to the criminal penalties of section 6-1875.

Subchapter IV—Licensing of Firearms Businesses

Sec. 6-1841. Prohibition of manufacturing—Exception—Dealer's license requirements.

(a) No person or organization shall manufacture any firearm, destructive device or parts thereof, or ammunition, within the District; Provided, That persons holding registration certificates may engage in hand loading, reloading, or custom loading ammunition for his registered firearms: Provided further, that such persons may not hand load, reload, or custom load ammunition for others.

(b) No person or organization shall engage in the business of selling, purchasing, or repairing any firearm, destructive device, parts therefor, or ammunition, without first obtaining a dealer's license, and no licensee shall engage in the business of selling, purchasing, or repairing firearms which are unregistrable under section 6-1812, destructive devices, or parts therefor, except pursuant to a valid work or purchase order, for those persons specified in section 6-1811(b)(1).

Sec. 6-1842. Qualifications for dealer's license—Application—fee.

(a) Any person eligible to register a firearm under this act, and who, if a registrant, has not previously failed to perform any of the duties imposed by this chapter; and, any person eligible under the Acts of Congress to engage in such business, may obtain a dealer's license, or a renewal thereof, which shall be valid for a period of not more than one year from the date of issuance. The license required by this chapter, shall be in addition to any other license or licensing procedure required by law.

(b) Each application for a dealer's license and each application for renewal thereof shall be made on a form prescribed by the Chief, shall be sworn to or affirmed by the applicant, and shall contain: [Contact local authorities for requirements] ***

Sec. 6-1843. Issuance of a dealer's license—Time period—corrections. [Contact local authorities for requirements] ***

Sec. 6-1844. Duties of licensed dealers—records required. [Contact local authorities for requirements] ***

Sec. 6-1845. Revocation of dealer's license.

A dealer's license shall be revoked if—

(a) any of the criteria in section 6-1844 is not currently met; or

(b) the information furnished to the Chief on the application for a dealer's license proves to be intentionally false; or

(c) there is a violation or omission of the duties, obligations, or requirements imposed by section 6-1844.

Sec. 6-1846. Procedures for denial and revocation of dealer's license. [Contact local authorities for requirements] ***

Sec. 6-1847. Display of firearms or ammunition by dealers—Security—Employees of dealers.

(a) No licensee dealer shall display any firearm or ammunition in windows visible from a street or sidewalk. All firearms, destructive devices, and ammunition shall be kept at all times in a securely locked place affixed to the premises except when being shown to a customer, being repaired, or otherwise being worked on.

(b) No licensee shall knowingly employ any person in his establishment if such person would not be eligible to register a firearm under this chapter.

Sec. 6-1848. Firearm markings. No licensee shall sell or offer for sale any firearm which does not have imbedded into the metal portion of such firearm a unique manufacturer's identification number or serial number, unless the licensee shall have imbedded into the metal portion of such firearm a unique dealer's identification number.

Subchapter V—Sale and Transfer of Firearms, Destructive Devices, and Ammunition

Sec. 6-1851. Sales and transfers prohibited. No person or organization shall sell, transfer or otherwise dispose of any firearm, destructive device or ammunition in the District except as provided in sections 6-1852 or 6-1875.

Sec. 6-1852. Permissible sales and transfers.

(a) Any person or organization eligible to register a firearm may sell or otherwise transfer ammunition or any firearm, except those which are unregistrable under section 6-1812, to a licensed dealer.

(b) Any licensed dealer may sell or otherwise transfer ammunition and any firearm or destructive device which is lawfully a part of such licensee's inventory to: (1) any nonresident person or business licensed under the Acts of Congress and the jurisdiction where such person resides or conducts such business; (2) any other licensed dealer; (3) any law enforcement officer or agent of the District or the United States when such officer or agent is on duty, and acting within the scope of his duties when acquiring such firearm, ammunition, or destructive device, if the officer or agent has in his possession a statement from the head of his agency stating that the item is to be used in such officer's or agent's official duties.

(c) Any licensed dealer may sell or otherwise transfer a firearm except those which are unregistrable under section 1812, to any person or organization possessing a registration certificate for such firearm; Provided, That if the Chief denies a registration certificate, he shall so advise the licensee who shall thereupon (1) withhold delivery until such time as a registration certificate is issued, or, at the option of the purchaser, (2) declare the contract null and void, in which case consideration paid to the licensee shall be returned to the purchaser; Provided further that this subsection shall not apply to persons covered by subsection (b).

(d) Except as provided in subsections (b) and (c), no licensed dealer shall sell or otherwise transfer ammunition unless (1) the sale or transfer is made in person; and (2) the purchaser exhibits, at the time of sale or other transfer, a valid registration certificate, or, in the case of a nonresident, proof that the

weapon is lawfully possessed in the jurisdiction where such person resides; (3) the ammunition to be sold or transferred is of the same caliber or gauge as the firearm described in the registration certificate, or other proof in the case of nonresident; and (4) the purchaser signs a receipt for the ammunition which (in addition to the other records required under this chapter) shall be maintained by the licensed dealer for a period of one year from the date of sale.

(e) Any licensed dealer may sell ammunition to any person holding an ammunition collector's certificate on September 24, 1976; Provided, That the collector's certificate shall be exhibited to the licensed dealer whenever the collector purchases ammunition for his collection; Provided further that the collector shall sign a receipt for the ammunition, which shall be treated in the same manner as that required under subsection (d)(4) of this section.

Subchapter VI—Possession of Ammunition

Sec. 6-1861. Persons permitted to possess ammunition. No person shall possess ammunition in the District of Columbia unless: (a) He is a licensed dealer pursuant to Subchapter IV; (b) He is an officer, agent, or employee of the District of Columbia or the United States of America, on duty and acting within the scope of his duties when possessing such ammunition; (c) He is the holder of a valid registration certificate for a firearm of the same gauge or caliber as the ammunition he possesses; or (d) He holds an ammunition collector's certificate on September 24, 1976.

Subchapter VII—Miscellaneous.

Sec. 6-1871. Securing mortgages, deposits, or pawns with firearms, destructive devices, or ammunition prohibited—Loan or rental of firearms, destructive devices, or ammunition prohibited. (a) No firearm, destructive device, or ammunition shall be security for, or be taken or received by way of any mortgage, deposit, pledge, or pawn. (b) No person may loan, borrow, give, or rent to or from another person, any firearm, destructive device, or ammunition.

Sec. 6-1872. Firearms required to be unloaded and disassembled or locked. Except for law enforcement personnel described in section 6-1811(b)(1), each registrant shall keep any firearm in his possession unloaded and disassembled or bound by a trigger lock or similar device unless such firearm is kept at his place of business, or while being used for lawful recreational purposes within the District of Columbia.

Sec. 6-1873. Firing ranges. [Contact local authorities for requirements] ***

Sec. 6-1874. False information—forgery or alteration. (a) It shall be unlawful for any person purchasing any firearm or ammunition, or applying for any registration certificate or dealer's license under this chapter, or in giving any information pursuant to the requirements of this chapter, to knowingly give false information or offer false evidence of identity. (b) It shall be unlawful for anyone to forge or alter any application, registration certificate, or dealer's license submitted, retained or issued under this chapter.

Sec. 6-1875. Voluntary surrender of firearms, destructive devices, or ammunition—Immunity from prosecution—Determination of evidentiary value of firearm. (a) If a person or organization within the District voluntarily and peaceably delivers and abandons to the Chief any firearm, destructive device, or ammunition at any time, such delivery shall preclude the arrest and prosecution of such person on a charge of violating any provision of this chapter with respect to the firearm, destructive device, or ammunition voluntarily delivered. Delivery under this section may be made at any police district, station, or central headquarters, or by summoning a police officer to the person's residence or place of business. Every firearm and destructive device to be delivered and abandoned to the

Chief under this section shall be unloaded and securely wrapped in a package, and, in the case of delivery to a police facility, the package shall be carried in open view. No person who delivers and abandons a firearm, destructive device, or ammunition under this section, shall be required to furnish identification, photographs, or fingerprints. No amount of money shall be paid for any firearm, destructive devices, or ammunition delivered and abandoned under this section. (b) Whenever any firearm, destructive device, or any ammunition is surrendered under this section or pursuant to section 6-1820(c)(1), the Chief shall inquire of the United States Attorney and the Corporation Counsel for the District whether such firearm is needed as evidence; Provided, That if the same is not needed as evidence, it shall be destroyed.

Sec. 6-1878. Construction. Nothing in this chapter shall be construed, or applied to necessarily require, or excuse noncompliance with any provision of any Federal Law. This chapter and the penalties prescribed in section 6-1876, for violations of this chapter, shall not supersede but shall supplement all statutes of the District and the United States in which similar conduct is prohibited or regulated.

Florida State Law Fla. Stat. Ann

790.001 Definitions. The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this chapter, except where the context otherwise requires.

(1) "Antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(2) "Concealed firearm" means any firearm, as defined in subsection (6), when the same is carried on or about a person in such a manner as to conceal said firearm from the ordinary sight of another person.

(3) (a) "Concealed weapon" means any dirk, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or any other deadly weapon carried on or about a

person in such a manner as to conceal said weapon from the ordinary sight of another person.

(b) "Tear gas gun," "chemical weapon" or "device" shall apply to all weapons of such nature except those designed to be carried in a woman's handbag or a man's pants or coat pocket or designed as a pocket pencil or pen and containing not more than one half (1/2) ounce of chemical.

(4) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device; and includes any type of weapon which will, or is designed to or may readily be converted to, expel a projectile by the action of any explosive and has a barrel with a bore of one half inch or more in diameter and ammunition for such destructive devices, but not including shotgun shells or any other ammunition designed for use in a firearm other than a destructive device. "Destructive device" shall not include:

(a) A device which is not designed, redesigned, used, or intended for use as a weapon;

(b) Any device, although originally designed as a weapon, which is redesigned so that it may be used solely as a signaling, line-throwing, safety, or similar device;

(c) Any shotgun other than a short-barreled shotgun; or

(d) Any nonautomatic rifle (other than a short-barreled rifle) generally recognized or particularly suitable for use for the hunting of big game.

(5) "Explosive" means any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon application of heat, flame, or shock, including but not limited to dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps and detonators; but not including:

(a) Shotgun shells, cartridges or ammunition for firearms;

(b) Fireworks as defined in Sec. 791.01;

(c) Smokeless propellant powder or small arms ammunition primers, if possessed, purchased, sold, transported or used in compliance with Sec. 552.241;

(d) Black powder in quantities not to exceed that authorized by chapter 552, or by any rules or regulations promulgated thereunder by the department of insurance, when used for or intended to be used for the manufacture of target and sporting ammunition or for use in muzzle loading flint or percussion weapons.

(6) "Firearm" means any weapon (including a starter gun) which will, or is designed to or may readily be converted to, expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term "firearm" shall not include an antique firearm.

(7) "Indictment" means an indictment or an information in any court under which a crime punishable by imprisonment for a term exceeding one year may be prosecuted.

(8) "Law enforcement officer" means:

(a) All officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, who have authority to make arrests;

(b) Officers or employees of the United States or the State of Florida, or any agency, commission, department, board, division, municipality, or subdivision thereof, duly authorized to carry a concealed weapon;

(c) Members of the armed forces of the United States, the organized reserves, state militia, or Florida National Guard, when on duty, when preparing themselves for or going to or from military duty, or under orders;

(d) Employees of the state prisons or correctional systems who have been so designated by the Department of Offender Reha-

bilitation or by a superintendent of an institution;

(e) All peace officers;

(f) All state attorneys and United States attorneys, and their respective assistants and investigators.

(9) "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semi-automatically, more than one (1) shot, without manually reloading, by a single function of the trigger.

(10) "Short barreled shotgun" means a shotgun having one (1) or more barrels less than eighteen (18) inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(11) "Short barreled rifle" means a rifle having one (1) or more barrels less than sixteen (16) inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six (26) inches.

(13) "Weapon" means *** tear gas gun, chemical weapon or device, or any other deadly weapon except a firearm or a common pocket knife.

(14) "Electric weapon or device" means any device which, through the application or use of electrical current, is designed, redesigned, used, or intended to be used for offensive or defensive purposes, the destruction of life, or the infliction of injury.

790.161 Making, possessing, *** any destructive device ***. A person who makes, possesses, *** any destructive device, with intent to do bodily harm to any person or with intent to do damage to property; (1) shall be guilty of a felony ***.

790.17 Furnishing weapons to minors under eighteen years of age, etc. Whoever sells, hires, barter, lends or gives any minor under eighteen years of age any pistol, *** electric weapon or device or other arm or weapon, *** without permission of the parent of such minor or the person having charge of such minor, or sells, hires, barter, lends or gives to any person of unsound mind an electric weapon or device or any dangerous weapon *** is guilty of a misdemeanor of the first degree, punishable as provided in Sec. 775.082, Sec. 775.083, or Sec. 775.084.

790.18 Selling arms to minors by dealers. It is unlawful for any dealer in arms to sell to minors any pistol, springfield rifle or other repeating rifle, or electric weapon or device *** and every person violating this section shall be guilty of a misdemeanor of the first degree, punishable as provided in Sec. 775.082 or Sec. 775.083.

790.221 Possession of short-barreled rifle, short-barreled shotgun or machine gun; penalty.

(1) It is unlawful for any person to own or to have in his care, custody, possession or control any short-barreled rifle, short-barreled shotgun, or machine gun which is, or may readily be made, operable, but this section shall not apply to antique firearms.

(2) Any person convicted of violating this section is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state penitentiary not to exceed five (5) years.

(3) Firearms in violation hereof which are lawfully owned and possessed under provisions of federal law are excepted.

COMPILER'S NOTE: Florida residents legally possessing short-barreled shotguns, short-barreled rifles or machine guns under federal law may transfer such weapons pursuant to 26 U.S.C. Section 5812 to another Florida resident; they would not come within the proscription of Section 790.221, Florida Statutes.

790.23 Felons; possession of firearms or electric weapons or devices unlawful; exception; penalty. (1) It is unlawful for any person who has been convicted of a felony in the courts of this state or of a crime against the United States which is designated as a felony or convicted of an offense in any other state, territory, or country punishable by imprisonment for a term exceeding 1 year to own or to have in his care, custody, possession, or control any firearm or electric weapon or device or to carry a concealed weapon, including all tear gas guns and chemical weapons or devices.

(2) This section shall not apply to a person convicted of a felony whose civil rights have been restored.

(3) Any person convicted of violating this section is guilty of a felony of the second degree, punishable as provided in Secs. 775.082, 775.083 and 775.084.

Alachua County

Section 1: Handgun means any weapon commonly referred to as a pistol, other than a BB gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

Section 2: No retail establishment or pawn shop shall sell or deliver a handgun to any purchaser until three (3) complete days have elapsed after application to purchase has been made.

Section 3: No wholesale establishment shall sell or deliver a handgun to any purchaser except to another wholesale establishment or retail establishment until three (3)

complete days have elapsed after application to purchase has been made.

Section 4: It shall be unlawful for anyone to purchase a handgun from any establishment mentioned in Sections 2 and 3 hereof without a valid application hereinafter provided for.

Section 5: All sales and deliveries of handguns except as provided in Section 3 hereof shall require an approved application form to be filed with the seller by applicant. Applications for the purchase of handguns shall be available only in the office of the Sheriff of Alachua County, Florida. ***

Before the sale or delivery of a handgun within Alachua County, the Seller shall be required to receive from buyer the copy of the approved application. Should the seller determine or have reason to believe that the application has been forged or contains false information, he shall make no sales based thereon but shall immediately report such information to the Sheriff's Office for further investigation.

Section 9: Antique firearms as defined in Section 790.001(1), Florida Statutes, are exempt from the provisions hereof.

Bal Harbour

Sec. 12-17. Weapons—Pistols, etc.; notice of intention to obtain. (a) It shall be unlawful to purchase, acquire or receive delivery of any pistol or revolver of any description without first filing a notice of such intention with the chief of police and giving information concerning his name, residence, a full description of such firearm and the name and address of the person from whom such firearm will be obtained.

Sec. 12-18. Same—Sale in violation of section 12-17. It shall be unlawful to sell, barter, exchange or deliver, or cause to be delivered, any revolver or pistol to any other person, without having previously obtained the registration certificate described in section 12-17 from the person seeking actual delivery of such firearm and, upon receipt of such certificate, shall report to the chief of police within twenty-four (24) hours thereafter the serial number of such revolver or pistol and the name and address of the person to whom it is delivered.

Bay Harbor Islands

Article II. Firearms and Other Weapons

Sec. 14.20. Attempting to use or possessing certain weapons prohibited. A person *** who, with intent to use the same unlawfully against another, carries or possesses a

*** machine gun, sawed-off shotgun, bomb or bombshell, or any explosive substance, or any other dangerous or deadly instrument, or weapon, except a rifle or shotgun not sawed off, is guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

Sec. 14-21. Possessing concealable weapon without a license. Any person who shall have in his possession in the town any pistol, revolver, or other fire-arm, or any dangerous or deadly weapon of a size which may be concealed upon the person, without a written license therefor, issued to him as hereinafter prescribed, shall be guilty of a misdemeanor. Possession shall include but not be limited to in a person's house or in his automobile.

Belle Glade

17-40. Weapons—Procedure for acquiring. (a) It is unlawful for any person to purchase, acquire or receive delivery of any pistol or revolver of any description unless he has first filed a notice of intent to acquire same with the chief of police.

(c) It is unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered, any revolver or pistol to any other person without having previously obtained the registration certificate *** from the person seeking actual delivery of such firearm ***.

Boynton Beach

Sec. 17-50. Same—Sale, purchase from, furnishing to persons under influence of drugs, alcohol, etc.; minors. It shall be unlawful for any person to purchase from, sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor.

Brooksville

Sec. 15-32. [Minors]—Sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and

twenty-one (21) years of age without the express written approval of one of the parents or legal guardian of such a minor.

Clearwater

13-32. Buying or receiving goods from minors. It shall be unlawful for any person conducting an auction house, or for any pawnbroker, junk dealer or secondhand dealer to loan money to or buy or receive from any minor any goods, chattels or other article of personal property; provided, however, this section shall not apply to any minor who has in his possession the written consent to the proposed transaction signed by a parent or guardian, nor shall it apply to any minor whose disabilities of nonage have been removed as provided by law.

13-34. Chapter applies to guns, pistols, etc. All the provisions herein provided for receiving, registering, reporting, holding and disposing of personal property generally shall specifically apply to pistols, guns and firearms of all kinds.

Cocoa Beach

Sec. 15-35. (Weapons)—Sale, loans, etc., to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used, to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

Coral Gables

Section 20-15. Firearms—Sale. (a) Definition. The word "firearm" as used in this ordinance shall be construed to mean any revolver, pistol, auto-loading pistol, any modified shotgun or rifle having an overall length of less than 26 inches, rifles having barrels less than 16 inches, and shotguns having a barrel length of less than 18 inches, machine guns, sub-machine guns and machine pistols or any fully automatic weapon capable of firing more than one shot at each pull of the trigger. This ordinance shall not apply to any antique weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique rifles using ammunition which is no longer manufactured or commercially sold.

(b) Application. Any person desiring to purchase, receive, lease, loan, rent, give or make any other transfer of custody of a firearm shall be required to give the seller or the person from whom the firearm is to be obtained, in writing, on a form to be supplied by

the Chief of Police, a statement in duplicate containing true and correct information which shall include the following:

(c) **Restrictions.** It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one (21) years unless accompanied by a parent or guardian, in which event, both the minor and the parent or guardian shall be required to fill out the application form, as provided in Section 20-15 (b) hereof.

It shall be unlawful for any person to sell, loan, give, furnish or transfer any firearm or any ammunition therefor to any person whom the seller knows or has reasonable cause to believe is under the influence of intoxicating liquor, narcotic, drugs, stimulants, depressants, barbiturates or hallucinogens; or is addicted to any narcotic, drug or barbiturate or hallucinogens; or is a habitual alcoholic; or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization. In addition to all other penalties, violations of Section 20-15 shall be grounds for revocation of any license to sell firearms issued by the City to such violator.

(d) **Applicability.** The provisions of Section 20-15 shall apply to persons in the firearms business or in the business of gunsmithing, and do not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers, or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

Section 20-16. Firearms—License required for sale: Qualifications; Application; Credit Report; F.B.I. Reports. Occupational licenses permitting the sale or distribution of firearms shall be issued only to persons of good moral character, who have not been convicted of any offense involving moral turpitude, and who are over twenty-one (21) years of age. Licenses to corporations shall be issued only when all directors, officers and managers of unit qualify as above.

Section 20-16. 1 Firearms—Waiting Period Required; Investigation. (a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving, delivering or transferring custody of any firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm (make, model, barrel length, caliber, type, finish) to the Chief of Police by first class mail, not later than twenty-four (24) hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two (72) hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of firearm may be made after a twenty-four (24) hour waiting period, only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, State of Florida, County, or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of said I.D. card. The above shall be on an approved list promulgated by the Chief of Police.

2. Applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two (72) hour or twenty-four (24) hour waiting period required:

1. Wholesale dealers who have valid state, county and/or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county and/or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, State of Florida, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two (72) hour or twenty-four (24) hour waiting period, as set forth in the foregoing provisions of this ordinance, the following information shall be imprinted on the application: The issuing agency or authority; The card number; The name and address identical to that on the card.

3. Persons who are on record with a Police Department in Dade County as having previously purchased a pistol, revolver or firearm as defined in Section 20-15 (a) hereof.

4. Persons trading an operable pistol, revolver or firearm, as defined in Section 20-15 (a), for another similar operable pistol, revolver or firearm.

(d) The provisions of Section 20-16 shall not apply to gun shows, conferences or conventions which are staged by a duly recognized non-profit state or national organization.

Dade City

Sec. 15-28. Prohibitions and restrictions as to possession, discharge, use by minors and carrying concealed weapons.

(a) It shall be unlawful for any person to have within the corporate limits of the city

any machine gun, shotgun having a barrel of less than twenty inches in length, any firearm equipped with a silencer, * * * except a pistol or revolver when a permit to carry the same has been received from the chief of police of said city.

(b) It shall be unlawful for any minor under the age of sixteen years to possess any of the weapons described in subparagraph (a) above * * *

Sec. 15-29. Selling to minors. It shall be unlawful to sell to any minor, within the limits of the city any pistol, revolver or other pocket firearm. The word "pistol", as used in this chapter, shall be held to include pocket sized mechanical devices designed for or capable of exploding or firing blank shells or cartridges, whether classed or sold as toys or otherwise, * * *

Dade County

Sec. 21-7. Sale of firearms to. (Minors). It shall be unlawful for any person to sell or offer for sale, barter or exchange, or offer to barter or exchange to or with any minor under the age of twenty-one years any pistol or other firearm capable of inflicting bodily harm except upon written parental consent.

Sec. 21-16. Sale, loan, etc., weapons to intoxicated persons, etc. It shall be unlawful for any person to sell, loan or furnish any firearm as defined in section 21-20.1(a) to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulant, or depressant, or who is of unsound mind, or who is a member of any subversive organization.

Sec. 21-19.1. Sale of Saturday night specials in Dade County prohibited. It shall be unlawful for any person to sell or otherwise transfer any Saturday night special as defined in section 21-20.1(b) or offer or expose for sale or transfer any such Saturday night special.

(a) Notwithstanding the foregoing provisions of this section, the sale of Saturday night specials to law enforcement agencies or for authorized military use shall not be subject to the limitations herein set forth.

(b) This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

Sec. 21-20. Registration of sales and transfers required; penalty. (a) **Register.** Every person engaged in the business of selling, leasing, or otherwise transferring firearms, as defined in section 21-20.1(a), of the size capable of being concealed on the person, whether such seller, lessor or transferor is a retail dealer, pawnbroker, or otherwise, shall keep a register * * *

(b) **Purchaser and seller to sign.** The person to whom such firearm is sold, leased or otherwise transferred shall sign and the dealer shall require him to sign his name and affix his address to the register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signature of the person to whom such firearm is sold, leased or transferred.

(c) **Waiting period required for handgun.** The person to whom such handgun is sold, leased or otherwise transferred shall wait, and the dealer shall require him to wait, a period of seventy-two (72) hours prior to such person acquiring possession of such handgun.

Division 2. License to Sell Firearms

Sec. 21.20.1. Definitions. (a) The word "firearm" as used in this division shall be construed to mean any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, and originally designed or altered to be used by one hand and having a barrel length of less than sixteen (16) inches, and an overall length of less than twenty-six and one-half (26 1/2) inches, but the word firearm shall not be construed to mean guns that do not use self-contained cartridges.

(b) The term "Saturday Night Special" shall mean any firearm which is 32 caliber or smaller, whose barrel is less than three (3) inches, except those whose frame is an investment cast or forged steel, or investment cast or forged high tensile alloy.

(c) The word "sale" includes transfer, assignment, pledge, lease, loan, barter, or gift.

Sec. 21-20.2. License—Required to sell.

(a) It shall be unlawful for any person who, without being licensed as provided in this act [chapter], to engage in the business of selling or otherwise transferring any handgun or to advertise for sale, or offer or expose for sale or transfer any handgun defined in section 21-20.1(a) or to engage in the business of repairing handguns. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to: (1) Sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) Isolated sales, transfers or trades between un-

censed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit state or national organization.

Sec. 21-20.3. Same—Granted by commission. The county commission may grant licenses in the form prescribed by the county commission permitting the licensee to sell said handguns within the county on the premises named therein.

Sec. 21-20.6. Issuance of license. (a) Upon completion of the following: (1) An investigation showing the statements on the application to be true; and (2) The taking and passing of the required written examination on gun control laws and applicable to the sale of firearms in Dade County; the county commission shall inquire into the good character, competency and integrity of the applicant. If the commission is satisfied as to the applicant's good character, competency and integrity, a license to sell shall be issued to the applicant within thirty (30) days of application, and the committee should also assign a permanent license number to each applicant.

(b) No license may be issued to any person who has been convicted of a felony in this state or elsewhere or who is under eighteen (18) years of age.

(c) No license may be issued solely in the name of a corporation, firm, partnership, company or other fictitious entity, but the corporate name may be listed on the license.

(d) Annual renewal for either dealer or employee shall be a duplicate simple form listing only name, address, company name and address, Dade County license number, and notarized signature.

Sec. 21-20.7. File of applications and licenses. After disposition of the application, the original shall be maintained in the files of the county commission. The duplicate copy shall be filed with the director of the county public safety department. Attached thereto shall be information as to the final disposition of the application.

Sec. 21-20.8. Conditions; revocation. (A) A license issued in accordance with the provisions of this division is subject to the following conditions, for breach of any of which the license is subject to revocation:

(1) The business shall be carried on only in the premises designated in the license.

(2) The license or a copy certified by the issuing authority shall be displayed in a conspicuous place on the premises in which the business is conducted where it can be easily read.

(3) No handgun, or imitation thereof, shall be placed in any display window of the premises.

(4) No handgun shall be delivered:

(a) Until seventy-two (72) hours after the sale has been completed, unless the purchaser is the possessor of a valid license to carry firearms issued within the state, which license to carry shall be displayed at time of sale, except where an operable firearm is traded for another operable firearm as defined in section 21-20.8 of this chapter.

(b) Unless the purchaser is either personally known to the licensee, or presents conclusive evidence of his identity, proper identification as required by Omnibus Crime Bill of 1968, said evidence to be noted on the sales record.

(c) Unless the delivery is made to the identical individual who has purchased the firearm, by proof of dealer receipt.

(d) The provisions of this section shall not apply to duly employed federal, state, county or municipal law enforcement officers.

Sec. 21-20.13. Sale of firearm with serial number defaced prohibited. It shall be unlawful to sell any firearm whose serial number has been altered, changed, disfigured or defaced.

Sec. 21-20.14. Sale or delivery of firearms or ammunition to certain classes of persons. It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is a habitual alcoholic, or is of unsound mind; or has been convicted of a felony; or is a fugitive from justice; or is a member of a subversive organization.

Sec. 21-20.16. Handgun purchaser's instruction and qualification procedure. (a) Instruction and qualification procedure required. It shall be unlawful for any person to acquire a handgun in Dade County from a licensed dealer, unless such person has received safety instruction and otherwise qualified * * *

(e) **Exceptions.** This section shall not apply to:

(1) Law enforcement officers or agents of any state of the United States, or any political subdivision, municipal corporation, department or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision, municipal corporation, department or agency of either, while engaged in the discharge of their official duties.

(2) Wholesale dealers in their business intercourse with retail dealers or retail dealers in their business intercourse with other retail dealers or to wholesale or retail dealers in the regular or ordinary transportation of any un-

loaded firearms, merchandise by mail, express or other mode of shipment to points outside the country.

(3) Nonresidents of the United States having proper authorization from his or her consulate, acting consulate, commercial attache, or such other authorized representative.

(4) This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to:

(a) Sales or trades by an unlicensed person to a person licensed hereunder, nor to

(b) Isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(5) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

Sec. 21-20.17. Unlawful to sell handguns to persons who have not qualified. (a) It shall be unlawful for a licensed dealer to sell, deliver, transfer, or furnish any handgun to any person in Dade County unless the purchaser has qualified under section 21-20.16, or

(b) Unless the purchaser exhibits evidence that he is exempt from the requirements of section 21-20.16(b). Every person who is convicted for violation of this section, shall be punished as provided in section 21-20.15 of this Code.

Dania

Sec. 20-15. Misdemeanors recognized by law of Florida, forbidden. It shall be unlawful to commit within the city any act which shall be recognized by the laws of the state as a misdemeanor and the commission of such act is forbidden. Violation of any such act shall upon conviction be punished as provided by section 1-8 of this Code. (Note: The State laws that are recognized include Chapter 790, Weapons and Firearms, Sections 790.001-790.26.)

Davie

237-2. It shall be unlawful to sell, hire, barter, lend or give any minor under sixteen (16) years of age any gun, rifle, pistol or other arm or weapon *** without permission of the parent of such minor or the person having charge of such minor.

De Land

21-21. Weapons—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other

weapon which may be concealed on the person.

21-25. Same—Machine guns. It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any duly constituted and authorized law enforcement officer of the United States government, the State of Florida, or the city and any private corporation that receives clearance from the proper division of the United States Treasury Department to transport Class II weapons, which includes machine guns.

Dunedin

15-35. Same—Registration of small arms required. It shall be unlawful for any person to own, possess, carry or otherwise have control of any .22 rifle, air rifle, air pistol or other similar device, in the city, unless first the ownership thereof be registered within the city.

15-37. Change of ownership. All changes of ownership or possession shall be registered in the same manner as provided in section 15-36.

El Portal

Sec. 12-17. Weapons—Sale, etc., to minors prohibited. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

Sec. 12-18. Same—Approval of parent or guardian, when required. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, dirk, or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents of such a minor or legal guardian.

Eustis

Ordinance 144

Section 13.30 Weapons.

(c) Sales to Intoxicated Persons and Minors. It shall be unlawful for any person to purchase from or sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of

agitation and excitability, or to a minor under the age of 18 years.

(f) Records Required. It should be unlawful for any secondhand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in sub-sections (a) and (d) above [pistol, revolver, or other firearm, with a barrel less than 12 inches in length] to sell, rent or exchange any such weapons unless he shall keep a record of each such weapon purchased, sold, rented or exchanged at retail.

(f-1) Time of Recordation. The record required herein shall be made at the time of the transaction, in a book kept for that purpose [contact local authorities for required contents] ***

(f-2) Report to Chief of Police. Every secondhand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in sub-sections (a) and (d) above shall deliver daily reports to the Chief of Police of every such purchase, sale, loan or gift. The report shall be on forms provided by the Chief of Police ***

Fernandina Beach

Sec. 15-19. (Weapons)—Concealable on person; permit required. It shall be unlawful for any person to purchase or acquire any pistols, revolvers or firearms which may be concealed upon the person without first having obtained from the chief of police of the city a written permit therefor.

Sec. 15-21. (Weapons)—Registration with police. Each person who owns or has in his or her possession any pistols, revolvers or firearms which may be concealed upon the person shall immediately register the same with the chief of police of the city and obtain a written permit therefor as is required and set forth in section 15-19.

Florida City

Sec. 11-3. Sale, etc., of deadly weapons to minors prohibited.

(a) It shall be unlawful for any person to sell, barter, lend, give or deliver any pistol *** to any minor under seventeen (17) years of age.

(b) It shall be unlawful for any person to sell, barter, lend, give or deliver any pistol *** to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents or legal guardian of such a minor.

Fort Pierce

Sec. 19-50. Same—Permit of purchasers required. (a) It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, *** within the corporate limits of the city, unless and

until a permit shall have first been obtained from the chief of police of the city by the person to whom such articles are to be sold or delivered.

Gainesville

18-37.1 Sale or transfer of certain firearms.

A. Sale or Transfer of Handguns Prohibited. It shall be unlawful for any person to sell or transfer, or offer or expose for sale or transfer, any "handgun" which does not meet the minimum standards provided by this Ordinance.

B. Definitions.

1. "Handgun" means any pistol, revolver, or other firearms, having a barrel not exceeding twelve (12) inches in length, measured by the insertion thereof of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

2. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

3. "Saturday Night Specials" means any handgun which shall not meet the minimum criteria as set forth in Section B-7 herein.

4. "Sale or Transfer" means any sale, transfer assignment, pledge, lease, loan, barter, or gift.

5. "Firearms Dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Gainesville whether as the principal business of such person, firm or corporation, or in addition thereto.

6. "Antique Firearms" means any firearm manufactured in or before the year 1898; and any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

7. "Minimum Standards" means any handgun with a barrel, cylinder, slide or breech block that is manufactured of a material that has a minimum melting temperature of 800 degrees Fahrenheit and a minimum ultimate tensile strength of 55,000 pounds per square inch.

8. "Licensed Firearms Collectors" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is licensed as a collector under the provisions of United States Code, Title 18, Section 923.

C. Proof of Meeting Minimum Standards. It shall be required of firearms dealers to furnish the City Manager with proof that the minimum criteria are met by the handgun to be sold prior to sale by said dealer. Proof that a handgun meets the minimum standards as defined in Section B-7 herein may be established by presenting to the City Manager one or more of the following certified writings:

1. From the manufacturer listing the handgun by model number and certifying that it meets or exceeds the minimum standards, or

2. From the manufacturer listing the handgun by model number and stating the metal code numbers from the Metals Code Handbook published by the American Society for the Testing of Materials (A.S.T.M.) for the metals used in the manufacturer of a frame, barrel, cylinder, slide, or breech block. These code numbers may then be checked in the Metals Code Handbook to determine if the handgun complies with the minimum standards.

3. By certification by a reputable, independent metals testing laboratory.

D. Exceptions.

1. This ordinance shall not apply to sales or transfers to law enforcement agencies, or sales or transfers for authorized military use.

2. This ordinance shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

3. This ordinance shall not apply to sales or transfer of "antique firearms".

4. This ordinance shall not apply to sales or transfer between "licensed firearms collectors".

Sec. 18-40. Same—Sale to minors. It shall be unlawful for any person to sell to any minor within the corporate limits of the city, a pistol, gun or other weapon shooting a cartridge.

Glen Ridge

Local ordinance incorporates, by reference, Florida State Criminal Code.

Greenacres

State laws adopted

Sec. 18-38. State Misdemeanors. No person shall commit, within the town, any act

which is or shall be recognized by the laws of the state as a misdemeanor.

Green Cove Springs

11-8. ***—Permit for sale. It shall be unlawful for any person to sell to any person any such pistols, revolvers, firearms which may be concealed upon the person or rifles of a caliber larger than .22 caliber without first having obtained a permit in writing from the chief of police or mayor of the city approving such sale to such person, which permit shall be kept by such person, on file for inspection by city officials for a period of one year from the date of such sale or other disposition.

11-9. ***—Sale to minor, incompetent. No person shall sell, give, lend or otherwise place in the possession of any minor, known habitual drunkard or known incompetent any pistol, revolver, firearm which may be concealed upon the person or rifle of a caliber larger than .22 caliber.

Gretna

13-3. Sale or transfer of certain firearms. (a) It shall be unlawful for any person to sell or transfer, or offer or expose for sale or transfer, any "handgun" which does not meet the minimum standards provided by this chapter.

13-4. Definitions.

Handgun means any pistol, revolver, or other firearms, having a barrel not exceeding twelve (12) inches in length, measured by the insertion thereof of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

Firearm means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

Saturday night specials means any handgun which shall not meet the minimum criteria as set forth in this section.

Sale or transfer means any sale, transfer, assignment, pledge, lease, loan, barter or gift.

Firearms dealer means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the town whether as the principal business of such person, firm or corporation, or in addition thereto.

Antique firearms means any firearms manufactured in or before the year 1898; and

any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Minimum standards means any handgun with a barrel, cylinder, slide or breech block that is manufactured of a material that has a minimum melting temperature of eight hundred (800) degrees Fahrenheit and a minimum ultimate tensile strength of fifty-five thousand (55,000) pounds per square inch.

Licensed firearms collectors means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is licensed as a collector under the provisions of United States Code, Title 18, Section 923.

13-5(d) Exceptions.

(1) This section shall not apply to sales or transfers to law enforcement agencies, or sales or transfers for authorized military use.

(2) This section shall not apply to wholesale dealers in their business intercourse with retail dealers nor to retail dealers in their business intercourse with other retail dealers nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the country, nor to sales or transfer of firearms that do not use a self-containing cartridge.

(3) This section shall not apply to sales or transfer of "antique firearms."

(4) This section shall not apply to sales or transfer between "licensed firearms collectors."

13-7. Sale to minors.

(a) It shall be unlawful for any person to sell to any minor within the corporate limits of the town, a pistol, gun or other weapon shooting a cartridge.

(b) For the purposes of this section, a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

Hallandale

Sec. 11A-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Firearm. Any firearm, weapon, revolver, pistol, autoloading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive, having the size, length or

dimensions which make it capable of being concealed upon the person, but the word "firearm" shall not be construed to mean guns that do not use self-contained cartridges.

Sale. Includes transfer, assignment, pledge, lease, loan, barter or gift.

Sec. 11A-2. License to sell—Required.

(a) It shall be unlawful for any person who, without being licensed as provided in this chapter, to engage in the business of selling or otherwise transferring any firearm, or to advertise for sale, or offer or expose for sale or transfer any firearm defined in section 11A-1, or to engage in the business of repairing firearms or in the business of gunsmithing. This section applies to persons in the firearms business or in the business of gunsmithing, and does not apply to (1) sales or trades by an unlicensed person to a person licensed hereunder, nor to (2) isolated sales, transfers or trades between unlicensed persons who are not engaged in the firearms business or in the business of gunsmithing.

(b) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged under the auspices of a duly recognized nonprofit, state or national organization.

Sec. 11A-3. Same—By whom granted. The city commission may grant licenses in the form prescribed by the city commission permitting the licensee to sell such firearms within the city on the premises named therein.

Sec. 11A-7. Same—Conditions. (4) No firearm shall be delivered:

(a) Until twenty-four hours after the sale has been completed, unless the purchaser is the possessor of a valid license to carry firearms issued within this state, which license to carry shall be displayed at time of sale, except where an operable firearm is traded for another operable firearm as defined in section 11A-1.

(b) Unless the purchaser is either personally known to the licensee, or presents conclusive evidence of his identity such evidence to be noted on the sales record.

(c) Unless the delivery is made to the identical individual who has purchased the firearm.

(d) The provisions of this section shall not apply to duly employed federal, state, county or municipal law enforcement officers.

Sec. 11A-11. Sales to certain persons prohibited. It shall be unlawful to sell or deliver any firearm or any ammunition therefor to any person who the seller has reasonable grounds to believe is under the influence of intoxicating liquor, narcotic drugs or barbiturates, or hallucinogens, or is addicted to the use of any narcotic drug or barbiturate, or hallucinogens, or is an habitual alcoholic, or is

of unsound mind, or has been convicted of a felony, or is a fugitive from justice, or is a member of a subversive organization.

Haverhill

Sec. 6-1. Permit for purchase or sale or gift of certain weapons—Required. It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand fire-arms *** or other similar equipment used primarily by police officers, within the corporate limits of the Town of Haverhill, Florida, unless and until a permit shall have first been obtained from the Town Marshal of the town by the person to whom such article is to be sold or delivered.

Sec. 6-10. Permit for sale, possession, etc. of tear gas—Required. Before any person shall possess, purchase, sell, distribute or dispose of any tear gas or tear gas weapons within the Town, such person shall apply to the Town Marshal of the Town for a permit so to do.

Hialeah

21-31. *—Weapons, unlawful to distribute to.** It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol *** or other deadly weapon to any minor under seventeen years of age; or to sell, barter, lend, give or deliver any pistol *** or other deadly weapon to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents of such a minor, or the legal guardian of such minor.

21-42. Same—Sales to minors under eighteen. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone under the age of eighteen years.

21-44. Same—Blank cartridges and pistols. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city.

Hollywood

Sec. 19-43. Firearms and ammunition—Defined.

Ammunition. All pistol or revolver ammunition, shotgun shells, metallic ammunition suitable for uses in rifles or any .22 caliber rimfire ammunition. No distinction shall be recognized between new and reloaded ammunition.

Firearms. Any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive.

Firearms and ammunition dealers licenses. Any person engaged in the business of selling new or used firearms or ammunition or cartridge cases, primers, bullets or propellant powder, at wholesale or retail, and shall include pawnbrokers, or any person engaged in the business of repairing such firearms or manufacturing or fitting special barrels, stocks, trigger mechanisms or breach mechanisms to firearms.

(a) All firearms and ammunition dealers shall obtain a firearms and ammunition dealer's license; ***.

(b) All applications for a dealer's license shall be approved by the chief of police ***.

(c) All persons associated with such dealer shall be required to have a police I.D. card.

Homestead

Sec. 24-8. Sale of firearms to. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone in the city under the age of eighteen years.

Sec. 29-7. Blank cartridges. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city.

Sec. 29-32. * (Firearms)—Information required of purchaser.** Any person desiring to purchase or receive delivery of a revolver or other firearm of any description shall hereby be required to first give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing the true and correct information concerning his name, occupation, residence and last prior residence before coming to the city.

Sec. 29-33. Same—Sale, etc.—Statement of purchaser prerequisite. No person shall sell, barter, exchange or deliver, or cause to be delivered, any revolver or other firearm of any description to any person, without having previously obtained in writing from the person seeking actual delivery of such firearm a statement of his true name, occupation, residence and last previous residence before coming to the city.

Sec. 29-34. Same—Same—Record to be kept. No gun, revolver, pistol, cannon or firearm of any description shall be sold, unless a record of the name and address of the person to whom such weapon is sold shall be kept in a separate book by the selling agent, together with a record of the manufacturer's number or other marks by which such weapon may be identified.

Sec. 29-105. Weapons—Carrying concealed. It shall be unlawful for any person in the city, except an officer of the law authorized to make arrests, to carry concealed about his person any pistol *** or any other deadly weapon *** or to carry any fountain pen or other device or instrument designed to

discharge, or for the purpose of discharging, tear gas or other injurious gas.

Sec. 29-107. Same—Sale to intoxicated persons, etc. No person in the city shall sell, loan or furnish a weapon described in section 26-105, or other weapon in which an explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability.

Jacksonville

328.101 Certificate from Sheriff Required for License to Deal in Certain Firearms.

No office of the City shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the Sheriff a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. ***

328.102 Registry of Certain Firearms Sold. *** Each person to whom any pistol, revolver or firearm which may be concealed upon the person is sold or otherwise disposed of by a dealer, shall first file a written and signed statement showing his correct name and address, and such information shall be promptly entered in such registry or book, together with a description of a kind; make, number and the name of the manufacturer of such weapon. ***

328.202 Allowing Minors or Habitual Drunkards to Obtain Firearms. It shall be unlawful and a class D offense against the City for any person to sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

328.205 Possession of Short-barreled Shotgun, Short-barreled Rifle or Machine Gun Prohibited. It shall be unlawful and a Class C offense against the City for any person to own or possess any short-barreled shotgun, short-barreled rifle or machine gun which is, or may readily be made operable. A "Short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches. A "Shortbarreled rifle" means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than twenty-six inches. A "Machine gun" means any firearm, as defined herein, which shoots, or is designed to shoot, automatically or semiautomatically, more than one shot, without manually reload-

ing, by a single function of the trigger, but this section shall not apply to antique firearms; "Antique firearms" being defined as any firearm manufactured in, or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Section 2. Exceptions. Firearms in violation hereof which are lawfully owned or possessed under provisions of federal law are excepted.

Jacksonville Beach

Sec. 16-11. Same—Registry of firearms sold; information to be registered; weekly report to police of sales; permit for each sale. Every person selling pistols, revolvers or firearms which may be concealed upon the person, shall keep a registry or record of such sales in a book. ***

It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the chief of police or city manager approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

Sec. 16-13. Same—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard any pistol, revolver or other weapon which may be concealed on the person.

Key Colony Beach

Ordinance 44

*** it shall be unlawful to commit, within the limits of the city, any act relative to the ownership, use, possession and display of weapons or firearms, which is, or shall be made unlawful, or an offense against the state, by Sections 790.01 to 790.24, both inclusive, of the Florida Statutes.

Lantana

16-25. Same—Sale prohibited without permit. No dealer or vendor in firearms, shall sell, hire, barter, lend or give to any oth-

er person any pistol, gun or other firearm, except upon written permit of the chief of police, provided that nothing in this section shall prevent the sale, hire, barter, loan or gift of any such weapon to any duly authorized law enforcement officer of the United States, State of Florida, or any political subdivision thereof, for such officer's use in the discharge of his duties.

Longwood

Section 57. Weapons; Placing in Possession of Minor, Habitual Drunkard, et cetera. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver, or any other dangerous weapon.

Mangonia Park

Sec. 17-45. Delivering possession of dangerous weapon to minor. Whoever sells, hires, barter, lends, or gives any minor under sixteen (16) years of age any pistol, *** or other arm or weapon, other than *** a gun or rifle used for hunting, without the permissions of the parent of such minor or sells, hires, barter, lends, or gives, to any person of unsound mind any dangerous weapon, *** shall be punished by imprisonment not exceeding ninety (90) days, and/or by fine not exceeding five hundred dollars (\$500.00).

Medley

(The city has adopted the State of Florida and Dade County laws and ordinances pertaining to firearms.)

Miami

61-1. Sale of firearms generally.

(a) "Firearm" defined. The word "firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; ***

(b) Firearm registration. No person, firm, corporation or other legal entity, may acquire, own or possess any firearm within the city unless such firearm has been registered by the owner in accordance with this section or by the dealer selling, renting or leasing firearms with the city police department upon forms furnished by such department. ***

(c) Exemptions. The provisions of this section shall not apply to the following:

1. United States marshals, while engaged in the operation of their official duties;

2. Members of the armed forces of the United States or the National Guard, while engaged in the operation of their official duties;

3. Federal officials required to carry firearms, while engaged in the operation of their official duties;

4. Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

5. Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other places such persons must have their firearms unloaded and enclosed in a case; *****

9. Nonresidents, who are currently licensed or registered to possess firearms in their resident state; *****

11. Any person who has registered the firearm in his possession with a municipality within the county which requires registration of such firearms;

12. Any person holding a current license to deal in firearms with the county or any other municipality located within the county.

(d) Sale to minors restricted. It shall be unlawful for any person knowingly and willfully to sell, lend, lease, rent, give or deliver any firearm to any person under the age of twenty-one unless accompanied by a parent or guardian, in which event both the minor and the parent or guardian shall be required to fill out the application form as provided in paragraph (b).

(e) Sale to felons prohibited. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person convicted of a felony.

(f) Sale to users of narcotics prohibited. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person addicted to the use of narcotics or users of drugs, stimulants or depressants.

(g) Sale to persons under the influence of intoxicating beverages. It shall be unlawful for any person knowingly or willfully to sell, lend, give or deliver any firearm to any person under the influence of intoxicating beverages.

61-2. Delivery of firearms.

(a) Dealers or persons licensed to sell firearms shall, before selling, lending, renting, leasing, giving or delivering the firearm, maintain a permanent record of one copy of the registration or application and shall forward the other copy, after first inserting the serial number of such firearm, and also description of the firearm (make, model, barrel length, caliber, type, finish) to the chief of police by first class mail, not later than twenty-four hours after the close of the business day in which the transaction took place. No firearm shall be delivered to any person until seventy-two hours after sale or deposit, or notification of intent to purchase is received.

(b) Delivery of a firearm may be made after a twenty-four hour waiting period only under the circumstances and to those persons listed below:

1. Applicant must furnish any United States of America, state, county or municipal I.D. card as a condition precedent to issuance, and must be fingerprinted and photographed by the issuing authority and the applicant's photo affixed as a part of such I.D. card. The above shall be issued in the name of the purchaser and signed by him, and shall be on an approved list promulgated by the chief of police.

2. The applicant must furnish a positive identification card to which a fingerprint and photograph are attached.

(c) The following shall be exempt from either the seventy-two hour or twenty-four hour waiting period required:

1. Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers for the sale of firearms; wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express or other mode of shipment, to points outside the city, nor to sales or transfer of firearms that do not use a self-containing cartridge.

2. Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour or twenty-four hour waiting period, as set forth in the foregoing provisions, the following information shall be imprinted on the application:

- The issuing agency or authority.
- The card number.
- The name and address identical to that on the card.

3. Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 61-1(a).

4. Persons trading an operable pistol, revolver or firearm, as defined, in section 61-1(a), for another similar operable pistol, revolver or firearm.

(d) The provisions of this section shall not apply to gun shows, conferences or conventions which are staged by a duly recognized nonprofit state or national organization.

61-3. Sale of weapons, firearms, tear gas pens, etc., to minors. (a) It shall be unlawful for any person to sell, offer for sale, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of dis-

charging tear gas or other injurious gas, or any pistol, dirk or other deadly weapon, to any minor under seventeen years of age.

(b) It shall be unlawful for any person to sell, offer to sell, barter, lend, give or deliver any fountain pen, starter gun, device or other instrument designed to discharge or for the purpose of discharging tear gas or other injurious gas, or any pistol, *** or other deadly weapon, to any minor between the ages of seventeen and twenty-one years of age without the express written approval of one of the parents or the legal guardian of such minor.

61-5. Sale, etc., of firearms to intoxicated, etc., persons. It shall be unlawful for any person to sell, loan or furnish any gun, pistol or other firearm in which any explosive substance can be used to any person whom he knows or has reasonable cause to believe is under the influence of alcohol or any narcotic, drug, stimulate or depressant, or who is of unsound mind, or who is a member of any subversive organization. In addition to all other penalties, such unlawful sale, loan or furnishing shall be grounds for revocation of any license issued by the city to such person.

61-10. *** (Fountain pens or devices for discharge of injurious gas)—Permit to sell, etc.—Required. No person shall sell, offer for sale or cause to be sold or distributed any fountain pen, device or other instrument designed to discharge, or for the purpose of discharging, tear gas or other injurious gas within the city without a permit to do so issued by the city manager.

Miami Beach

Sec. 25-104. *** Firearms—Sale generally.

(a) Firearms defined. The word "firearm" as used in this section and the following sections shall be construed to mean any revolver, pistol, automatic pistol, shotgun, rifle, machine gun, submachine gun, machine pistol, or any fully automatic weapon capable of firing more than one shot at each pull of the trigger, or any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, or any firearm muffler or any firearm silencer, or any part or parts of such firearms. This section and the following sections shall not apply to any automatic weapon with flint or percussion ignition using only black powder, or to modern replicas of such weapons, or to antique or replicas of cartridge pistols, or rifles using ammunition which is no longer manufactured or commonly sold, or to stud guns used as tools by tradesmen.

(b) Application. Any person desiring to purchase or receive delivery of a revolver or other firearm shall be required to give the seller or the person from whom delivery shall be obtained, whether by purchase or gift, in

writing, on a form to be supplied by the chief of police, a duplicate statement containing true and correct information which shall be signed by the applicant and shall include the following: ***

Sec. 25-105. *** (Firearms)—Unlawful to sell to person without police approval. It shall be unlawful for any dealer or person licensed to sell firearms, to sell, lend, lease, give or deliver any firearm to any person unless such person first presents to the dealer or vendor an application approved by the chief of police in the manner set forth in the preceding section.

Sec. 25-110. *** (Firearms)—Waiting period between time of sale and delivery. No firearm shall be delivered to any person until seventy-two hours after the sale of any firearm.

Sec. 25-112. *** (Firearms)—Persons to whom sale is unlawful. It shall be unlawful for any person knowingly and willfully to sell, lease, lend, give or deliver any firearm to any person under the age of twenty-one; or to any person convicted of a felony, or to any person addicted to the use of narcotics, or to users of drugs, stimulants or depressants, or to any person of unsound mind, or to any person under the influence of intoxicating beverages, or to any person who has been released from a mental institution within the past five years.

Sec. 25-112.2. *** (Firearms)—Exemptions from section 25-110. The following shall be exempt from the seventy-two hour waiting period required:

(a) Wholesale dealers who have valid state, county or municipal licenses in their business intercourse with retail dealers for the sale of firearms; retail dealers who have valid state, county or municipal licenses in their business intercourse with other retail dealers in the regular or ordinary transportation of unloaded firearms.

(b) Purchasers who have been issued pistol or revolver permits by any governmental agency (United States of America, state, county or municipal) as special police officers. The applicant must present an I.D. card from the issuing authority.

Whenever an identification card is utilized for the waiver of the seventy-two hour waiting period as set forth in the foregoing provisions, the following information shall be imprinted on the application:

- The issuing agency or authority.
- The card number.
- The name and address identical to that on the card.

(c) Persons who are on record with the police department as having previously purchased a pistol, revolver or firearm as defined in section 25-104.

Sec. 25-115. *** (Firearms)—Dealer's license. No person shall engage in the business of selling firearms unless a license shall have been procured from the city council as

herein provided, and it shall be unlawful for any person to engage in the business of selling firearms without first procuring such license from the city council. ***

Mount Dora

14-35. Minors prohibited from buying firearms, ammunition, explosives. It shall be unlawful for any person under eighteen (18) years of age to purchase firearms, *** or ammunition of any and all types including 22-caliber ammunition, or any other explosives, from any merchant, business house or vendor in the city.

14-36. Merchant prohibited from selling firearms, ammunition, explosives to minors. It shall be unlawful for any merchant, business house or vendor, or any person, firm or corporation to sell to any person under eighteen (18) years of age any firearms, "BB" pellets, or ammunition of any and all types, including 22 caliber ammunition, or any other explosives, within the city.

Neptune Beach

Sec. 16-69. Weapons—Certificate from city council prerequisite to license to deal in. No officer of the city shall issue to any person a license to sell, vend or deal in pistols, revolvers or other firearms which may be concealed upon the person, until such person shall have obtained from the city council a certificate that such person is trustworthy, reliable and fit to deal in, sell and vend such revolvers, pistols or other firearms. ***

Sec. 16-70. Same—Registry of firearms sold; information to be registered; weekly report to city marshal of sales; permit for each sale. Every person selling pistols, revolvers or firearms which may be concealed upon the person, shall keep a registry ***

It shall be unlawful for any person to sell or otherwise dispose of any of the weapons, hereinabove mentioned, without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapons without first having obtained a permit in writing from the city marshal or city council approving such sale to the person.

North Miami

Sec. 10-75. Manufacture, storage, sale, etc., small arms ammunition. No person shall manufacture within the limits of the city any small arms ammunition. This shall not be construed as prohibiting the hand-loading of

small arms ammunition for private use and not for resale.

No person shall store for sale, sell or offer for sale any small arms ammunition without a permit.

North Palm Beach

24-74(3) Sales to intoxicated persons and minors. No pawnbroker, second-hand dealer or other person engaged in business in the Village shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ocala

Sec. 15-96. (Weapons)—Sale to intoxicated persons or minors. It shall be unlawful for any person to purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.

Opa-Locka

Sec. 18-13. Registration certificate required for sale, exchange, delivery, etc. No person shall sell, barter, exchange or deliver, or cause to be delivered, any revolver, gun, rifle or other firearm to any other person without having previously obtained the registration certificate, described in section 18-12, from the person seeking actual delivery of such firearm ***

Palm Beach Gardens

17-10. Concealed weapons; selling weapons; possession of weapons.

(g) Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years, or to any known convicted felon who has not had his civil rights restored according to law.

Pasco County

Sec. 8 1/2-1. Definitions. As used in this chapter, "Pistol" means any small firearm, loaded or unloaded, made after 1920, with a

barrel of three (3) inches or less, fired by hand. The term shall include all firearms having one or more barrels, such as revolvers, automatics, derringers and the like, capable of discharging loaded ammunition, and having a frame or receiver with a melting point of 850 degrees F. or less.

Sec. 8 1/2-2. Seventy-two hour waiting period required.—No sale or delivery or exchange of any pistol or revolver shall be made to a purchaser until the expiration of seventy-two (72) hours from the time that an initial offer to purchase said pistol or revolver is made by the purchaser to the seller.

Pinellas County

Ordinance 74-1

Section 1. Definitions. (a) Firearm as used in this division shall be construed to mean any firearm, weapon, revolver, pistol, auto-loading pistol, modified rifle or shotgun, or any similar mechanism by whatever name known, which is designed to expel a projectile or gas through a gun barrel by the action of any explosive, having the size, length or dimensions which make it capable of being concealed upon the person, and originally designed or altered to be used by one hand and having a barrel length of less than 16 inches, and an overall length of less than 26 1/2 inches, but the word firearm shall not be construed to mean guns that do not use self contained cartridges.

(b) Saturday Night Special shall mean any firearm which is 32 caliber or smaller, whose barrel is less than 3 inches, except those whose frame is an investment cast or forged steel, or investment cast or forged high tensile alloy.

(c) Sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

Section 2. Prohibition. It shall be unlawful for any person to sell or otherwise transfer any Saturday Night Special as defined hereinabove or offer or expose for sale or transfer any such Saturday Night Special.

Section 3. Exception. The sale of Saturday Night Specials to law enforcement agencies or for authorized military use shall not be subject to the limitations herein set forth.

Ordinance 74-7

Section 1. Definitions. (a) The word Firearm as used in this Ordinance shall be construed to mean any firearm, weapon, revolver, pistol, auto-loading pistol, rifle, modified rifle, shotgun, or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive. The word firearm

shall not be construed to mean guns that do not use self-contained cartridges

(b) The word Sale includes transfer, assignment, pledge, lease, loan, barter, or gift.

Section 2. Prohibition. It shall be unlawful for any person to transfer any firearm within a 72-hour period following the sale of the firearm.

Section 3. Exceptions. (a) This Ordinance shall not apply to wholesale dealers in their business dealings with retail dealers nor to retail dealers in their business dealings with other retail dealers, nor to wholesale or retail dealers in the regular or ordinary transportation of unloaded firearms, merchandise by mail, express, or other mode of shipment to points outside the County, nor to sales or transfer of firearms that do not use a self-contained cartridge.

(b) This Ordinance shall not apply to duly employed federal, state, county, or municipal law enforcement officers.

Pinellas Park

13-16 (67). Guns, dealers in revolvers, pistols, ammunition, etc. Approval of city manager with the recommendation of police department as well as separate license in addition to other retail merchant's license required.

Pompano Beach

Sec. 31.16. Firearms, discharging; sale of ammunition. ***** (b) It shall be unlawful for any person to sell, barter or give to any other person under the age of sixteen (16) years in the city, ammunition for a firearm, *** provided, however, that this ordinance shall not apply to parents or guardians giving such ammunition to their own children, in case of a parent, or to the children over whom they may have lawful custody and control, in the case of a guardian.

Quincy

35-1. License to sell—Required. No person shall, within the corporate limits of the city: (a) Engage in the sale of pistols, machine guns or submachine guns, or (b) Operate or manage any business where pistols, machine guns or submachine guns are sold, without first procuring a license for the sale of same as provided herein.

35-9. Licensee may not sell outside place of business. No licensee shall make sale of, or sell, any pistols, machine guns or submachine guns outside of the place of business licensed hereunder.

35-12. Registration of pistols, machine guns and submachine guns required. No person shall, within the corporate limits of the city:

(a) Owners or possessors. Own or possess, or have in his possession, custody or control, a pistol, machine gun or submachine gun, without first having registered the same with the chief of police.

Riviera Beach

13-36. Sale of weapons to minors prohibited. It shall be unlawful for any dealer in arms, guns, rifles or other weapons to sell to minors any pistol, rifle, repeating rifle, tear gas gun, flair gun, *** or any other type of dangerous weapon.

St. Petersburg

20-76. Sale to minors. It shall be unlawful for any person within the city to sell to any person under twenty-one (21) years of age a pistol, gun or other weapon shooting a cartridge.

For the purposes of this section a "pistol, gun or other weapon shooting a cartridge" shall include toy pistols designed to shoot a blank cartridge and any weapon so designed that by explosive force a bullet may be propelled from it.

20-77. Registration of hand gun sales. (a) Each retail dealer who deals in and sells pistols, revolvers, or any other weapon which is generally described and referred to as a "hand gun" shall require a purchaser thereof to register his name, age and place of residence in a book the dealer shall keep for that purpose. ***

(b) It shall be unlawful for any dealer of weapons subject to subsection (a) or any agent or employee thereof to fail or refuse to comply with the provisions of subsection (a).

(c) It shall be unlawful for any person purchasing a weapon subject to subsection (a) to give a false name, age or place of residence as required by subsection (a).

(d) This section shall not be applicable to the sale of any bona fide antique weapon that is incapable of being fired.

Sebastian

Sec. 17-1. Adoption of state laws constituting a misdemeanor. It shall be unlawful to commit, within the limits of the City of Sebastian, any act which is or shall be recog-

nized by the laws of the State of Florida as a misdemeanor; and the commission of such acts is hereby forbidden.

South Miami

15-25. Firearms—Notice of intent to purchase. It shall be unlawful for any person to purchase or receive delivery of a revolver, rifle, or firearm of any description in the city without first filing a notice of such intention with the desk officer at the police station, in the city. ***

15-26. Same—Selling or receiving without certificate. It shall be unlawful to sell, barter, exchange or deliver, or cause to be bought, sold, bartered or exchanged or delivered, any revolver, gun, rifle or other firearm to any person in the city without having previously obtained a registration certificate *** from the person seeking actual delivery of such firearm. ***

Sec. 15-27. Same—Blank cartridge and pistols; sale of guns, etc., to minors. No blank cartridges or blank cartridge pistols shall be kept in stock or sold in the city. No gun, revolver, pistol, cannon or firearm of any description shall be sold or given to anyone in the city under the age of eighteen years.

Starke

8-19. (Weapons)—Registry of firearms sold; *** permit for each sale. *** It shall be unlawful for any person to sell or otherwise dispose of (weapons) *** without first obtaining and entering into such registry all the information required by this section; provided, however, that no person shall sell to any person any such firearms, pistols or deadly weapon without first having obtained a permit in writing from the Chief of Police or Mayor approving such sale to the person. The permit shall be kept by such person on file for inspection for a period of one year from the date of the sale.

8-21. Same—Allowing minors or habitual drunkards to obtain firearms. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or other weapon which may be concealed on the person.

8-25. Same—Machine guns. It shall be unlawful for any person to possess, use, keep or store any machine gun, sub-machine gun or similar firearm within the city. The provisions of this section shall not apply to the United States Army, Navy, National Guard or any

Surfside

Sec. 13-43. (Weapons) Receiver of firearms to furnish certain information in writing. Any person in the town desiring to purchase or receive delivery of a revolver or other firearm of any description shall be and hereby is required first to give to the seller or to the person from whom delivery shall be obtained, in writing, a duplicate statement containing true and correct information concerning his name, occupation, residence and last prior residence before coming to the town.

Sec. 13-44. Same—Seller of firearms to obtain designated information in writing. It shall be unlawful for any person to sell, barter, exchange or deliver, or cause to be delivered any revolver, gun, or other firearm to any other person, without having previously obtained, in writing, from the person seeking actual delivery of such firearm, a statement of his true name, occupation, residence, and the last previous residence before coming to the town.

Sec. 13-46. Same—Report to police of possession. Any person having in his possession, actually or constructively, any revolver, gun or other firearm of any description, within the town, shall file with the police department a certificate or statement in writing giving his true name, occupation, residence, and a full and complete description of such revolver, gun or other firearm in his possession.

Tallahassee

3. It shall be unlawful for any person, firm or corporation within the City of Tallahassee to sell, give, lend or otherwise place in the possession of any minor any pistol, revolver or other firearm which may be concealed on the person.

Tampa

Sec. 24-112. Blank cartridge pistols, tear gas pistols and ammunition—Sale, possession, etc. No person shall sell, offer for sale, give or have in his possession within the corporate limits of the city any blank cartridge pistol or other like device made exclusively for the purpose of firing or discharging any blank cartridge; providing, however, that this section shall not apply to the sale, possession

or discharge of any pistol or other like device designed to use .22 caliber crimped blanks and/or .22 caliber tear gas cartridges.

Sec. 24-113. Same—Selling or giving to minors. No person shall sell or give away to any minor within the corporate limits of the city any blank cartridges or other like ammunition.

Sec. 24-114. Firearms—Machine guns, "sawed-off" shotguns and rifles prohibited. It shall be unlawful for any person to have in his possession within the corporate limits of the city any machine gun, or shotgun or rifle having a barrel of less than twenty (20) inches in length, or any firearm equipped with a silencer, or any other firearm, which is capable of being concealed on the person. This section shall not apply to a pistol, revolver, or blank or tear gas gun authorized by this chapter.

This section shall not be applicable to regular law enforcement officers who are permanently employed and devote their full time as federal, state, county or municipal law enforcement officers.

Sec. 24-116. Molotov cocktails, firebombs, etc. It shall be unlawful for any person to make, carry, possess or use any type of "Molotov cocktail", gasoline or petroleum base firebomb, or any other incendiary missile or any explosive bomb, device or missile unless the same is otherwise permitted as a lawful act pursuant to the laws and ordinances of this city.

Titusville

Sec. 15-9.1. Firearms—Sales to children under sixteen. The sale for any purpose whatsoever of any *** 22-caliber rifle or any firearms or of any BB's, pellets or ammunition for use therein to any child under the age of sixteen (16) shall be unlawful.

Sec. 15-9.2. Same—Relinquishment of possession to child under sixteen. The relinquishment of possession of any *** 22-caliber rifle or any other firearm or any *** ammunition for use therein to any child under the age of sixteen (16) by one who is in possession of said weapon and/or ammunition or by anyone who is the lawful owner of said weapon and/or ammunition shall be unlawful.

Virginia Gardens

Sec. 12-9. Weapons—Sale, etc., to minors. No person shall sell, barter, lend, give or deliver any pistol, dirk or other deadly weapon to any minor under seventeen years of age.

No person shall sell, barter, lend, give or deliver any pistol, dirk or other deadly weapon to any minor between the ages of sev-

enteen and twenty-one years of age without the express written approval of one of the parents of such a minor or his legal guardian.

West Miami

14-16. Minors—sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol, *** or other deadly weapon to any minor under seventeen (17) years of age. It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol, *** or other deadly weapon to any minor between the ages of seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents, or legal guardian of such a minor.

West Palm Beach

51.1. Permit for purchase, sale, etc.—Required. It shall be unlawful for any person to purchase, give away or sell any pistol, revolver, one-hand firearms, *** or other similar equipment used primarily by police officers, within the city, unless and until a permit shall have first been obtained from the chief of police by the person to whom such article is to be sold or delivered.

Winter Springs

Sec. 9-77. Placing in Possession of Minors, Habitual Drunkards. No person shall sell, give, lend or otherwise place in the possession of any minor or habitual drunkard, any pistol, revolver or any other dangerous weapon.

Georgia

State Law

Code of Ga. Ann.

26-1405 Criminal possession of an incendiary. (a) A person commits a criminal possession of an incendiary when he possesses, manufactures, sells, offers for sale, gives away, or transports a fire bomb or molotov cocktail.

(b) The terms "fire bomb" and "molotov cocktail" mean any device, by whatever name called, made of a breakable container containing a flammable liquid or compound with a flash point of 150 degrees Fahrenheit or less which has a wick or any similar material, which, when ignited, is capable of igniting such flammable liquid or compound when such device is thrown or dropped. These terms do not include a device which is manufactured or produced for the primary purpose of illumination or for marking detours, obstructions, defective paving or other hazards on streets, roads, highways and other hazards.

(c) Subsection (a) does not apply to a device coming within the definition of subsection (b) when it is in the use, possession or control of a member of the armed forces of the United States or a fireman or a law enforcement officer when acting in his official capacity or otherwise under proper authority.

(d) A person convicted of criminal possession of an incendiary shall be punished by imprisonment for not less than one nor more than three years, or by a fine not exceeding \$1,000 or by both.

26-2905 Furnishing weapons to minors. A person commits a misdemeanor when he

knowingly sells to or furnishes to a person under the age of 21 years a pistol, ***

26-2906 Machine guns; sale, etc., illegal. A person commits a felony when he sells, manufactures, purchases, possesses, or carries a machine gun and upon conviction shall be punished by imprisonment for not less than one nor more than five years. A machine gun is any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device. This section shall not apply to or affect the manufacture, for, or the transportation, or sale of machine guns to persons exempted under section 26-2907, provided said machine guns are broken down in a non-functioning state or are not immediately accessible.

26-2907 Exemptions. Sections 26-2901, 26-2902, 26-2903, and 26-2906 shall not apply to or affect any of the following persons while engaged in pursuit of official duty or when authorized by Federal or State law, regulation or order: (1) peace officers; (2) wardens, superintendents, and keepers of prisons, penitentiaries, jails, or other institutions for the detention of persons accused or convicted of an offense; (3) persons in the military service of the State or of the United States; (4) persons employed in fulfilling defense contracts with the Government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract; and (5) district

attorneys, investigators employed by and assigned to a district attorney's office, and assistant district attorneys.

A prosecution based upon a violation of sections 26-2901, 26-2902, 26-2903, or 26-2906 need not negative any exemptions.

26-9910a Georgia Firearms and Weapons Act; short title. This law [Secs. 26-9910a through 26-9916a] shall be known and may be cited as the "Georgia Firearms and Weapons Act."

26-9911a Same; possession of certain types of firearms, dangerous weapons and silencers prohibited. No person shall have in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon, or silencer, except as provided in section 26-9914a.

26-9912a Same; punishment. A person commits an unlawful possession of firearms or weapons when he knowingly has in his possession any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer, as defined in this law [Secs. 26-9910a through 26-9916a], and upon conviction for such he shall be punished by imprisonment for not less than one nor more than five years.

26-9913a Same; definitions. (a) (1) The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(2) The term "sawed-off shotgun" means a shotgun or any weapon made from a shotgun (whether by alteration, modification, or otherwise) having one or more barrels less than 18 inches in length or if such weapon as modified has an overall length of less than 26 inches.

(b) The term "sawed-off rifle," as used in this law, shall mean a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, made or remade, to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifle bore for each single pull of the trigger, and which has a barrel (or barrels) of less than 16 inches in length (or has an over-all length of less than 26 inches).

(c) The term "machine gun," as used in this law, means any weapon which shoots, or is designed to shoot, automatically, more than six shots, without manual reloading, by a single function of the trigger.

(d) The term "dangerous weapon," as used in this law, shall mean any weapon commonly known as a "rocket launcher," "bazooka" or "recoilless rifle," which fires explosive or non-explosive rockets designed to injure or kill personnel or destroy heavy armor or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a

"mortar" which fires explosives from a metallic cylinder, and which is commonly used by the armed forces as an anti-personnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a "hand grenade" or other similar weapon which is designed to explode and injure personnel or similar weapon used for such purpose.

(e) The term "person," when used in this law, shall include any individual, partnership, company, association or corporation.

(f) The term "silencer," when used in this law, shall mean any device for silencing or diminishing the report of any portable weapon, such as a rifle, carbine, pistol, revolver, machine gun, shotgun, fowling piece, or other device from which a shot, bullet or projectile may be discharged by an explosive.

26-9914a Same; exceptions to provisions of law. The provisions of this law [Secs. 26-9910a through 26-9916a] shall not apply to:

(a) A peace officer of any duly authorized police agency of this State or of any political subdivision thereof, or a law enforcement officer of any department or agency of the United States, who is regularly employed and paid by the United States, this State or any such political subdivision, or an employee of the Board of Corrections of this State who is authorized in writing by the director thereof to transfer or possess such firearms while in the official performance of his duties.

(b) A member of the National Guard or of the armed forces of the United States, to-wit: the Army, Navy, Marine Corps, Air Force or Coast Guard, who, while serving therein, possesses such firearm in the line of duty.

(c) Any sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which has been modified or changed to the extent that it is inoperative. Examples of the requisite modification include: weapons with their barrel or barrels filled with lead or hand grenades filled with sand or other nonexplosive materials.

(d) Each sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer which is possessed by a person who is authorized to possess the same because he has registered the sawed-off shotgun, sawed-off rifle, machine gun, dangerous weapon or silencer in accordance with the dictates of the National Firearms Act, approved August 16, 1964, 68A Stat. 725 (26 U. S. C. 5841-5862).

92A-901. License for dealers. —Any person, firm, retail dealer, wholesale dealer, pawnbroker, or corporation who shall sell, dispose of, or offer for sale, or cause or permit to be sold, disposed of or offered for sale any caliber pistol, revolver or short barreled firearm of less than 15 inches in length, whether the same shall be their own property or whether they shall sell the same as agents or employees of others, shall obtain from the De-

partment of Public Safety a license permitting the sale of said caliber pistols and guns. Nothing in this Chapter shall apply to or prohibit the casual sales of the articles referred to between individuals or bona fide gun collectors.

92A-1601. Purchase by Georgia residents in contiguous States. —Residents of the State of Georgia may purchase rifles and shotguns in any State contiguous to the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which the purchase is made.

92A-1602. Purchase in State by residents of contiguous States. Residents of any State contiguous to the State of Georgia may purchase rifles and shotguns in the State of Georgia, provided such residents conform to applicable provisions of statutes and regulations of the United States, of the State of Georgia, and of the contiguous State in which such persons reside.

Adel

Sec. 14-8. Firearms; * (c) Regulation of the sale and purchase of firearms and registration of firearms and other purposes:**

(1) It shall be unlawful for any person or corporation to sell any firearms defined as rifle, pistol, shot gun or tear gas to any person who has not yet attained the age of twenty-one (21) years.

(2) It shall be unlawful for any person or corporation to sell any firearms defined as rifle, pistol, shot gun or tear gas within the City of Adel, Georgia, to any person, unless such seller shall verify from the police department of the City of Adel, or from the office of the sheriff of Cook County, Georgia, that such proposed purchaser is a person of good character, and has never been convicted of a felony insofar as is revealed by the records of such office.

(3) Any such firearm as hereinbefore defined purchased from any licensed dealer or individual must be registered with the county sheriff's office, as to make, serial number and from whom it was purchased. Copy of same is to be furnished immediately upon purchase by seller. It shall be the responsibility of the dealer or person selling such firearm to inform and furnish such information to the purchaser, and to notify the sheriff's office of the transaction.

Americus

Section 15-29. Every person desiring to purchase or otherwise acquire in the City of Americus a pistol, revolver, or other type hand gun, shall sign in duplicate and deliver to

the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type hand gun, [contact local authorities for required contents] ***.

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of the City of Americus.

It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

No person shall, within the City of Americus, deliver or otherwise dispose of a pistol, revolver or other type hand gun, until 72 hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of the City of Americus. Provided however, this 72 hour waiting period may be waived by the Chief of Police of the City of Americus in his sole discretion upon good cause therefor being shown.

No person within the City of Americus shall sell or otherwise dispose of a pistol, revolver, or other type hand gun to any person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 18 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the 72 hour waiting period required by this section, the Chief of Police of Americus or any person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type hand gun, that the applicant is not a fit and proper person to possess the weapon, *** such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

This section shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind and to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes.

This ordinance shall not be construed to apply to bona fide gun collectors who have registered and obtained a permit from the Chief of Police of the City of Americus as a bona fide gun collector. The application for a permit as a bona fide gun collector shall be submitted in writing to the Chief of Police of the City of Americus [contact local authorities for required contents] ***.

Atlanta

Sec. 17-4001 Definition of "pistol." A "pistol", for the purpose of this chapter, is any small firearm fired by hand, capable of being

concealed upon the person or being strapped around some portion of the body. The term shall include all small firearms having one or more barrels, such as revolvers, automatics, derringers and the like, discharging ball or similar ammunition and usually called pistols.

Sec. 17-4002 License to deal in pistols required; prerequisite to issuance. No license shall be issued to dealers in pistols, wholesale or retail, until the party applying for such license shall have received a special permit from the council to deal in pistols.

Sec. 17-4003. Application for dealer's license; information to be shown. Any person desiring a license to deal in pistols, under the provisions of the preceding section, shall first apply to the council, ***.

Sec. 17-4011 Registration required by aliens possessing firearms. Every foreign-born alien living within or coming into the city, having or gaining possession of any firearms, such as pistols, rifles, shotguns, machine guns or any other such instruments of any kind and character, shall register same with the director of the bureau of police services, referred to in this chapter as the "director," giving such information as may be required by the mayor or those working under his orders. Aliens coming into the city and bearing or possessing any of the firearms described herein shall register same within 24 hours after arrival within the city.

Sec. 17-4012 Disposition; permit required. After any firearm, as is described in section 17-4011, has been registered with the director, no person shall dispose of same without a permit from the director.

Sec. 17-4013 Application for permit to dispose of firearm. The application for the permit required by the preceding section shall give such information as may be required by the mayor or his designee.

Sec. 17-4014 Notice of purchase, possession to be given to mayor or his designee. No person shall purchase or come into possession of firearms from any alien without notifying the chief of police of his intention a reasonable time in advance and securing permission from such officer to obtain possession of same.

Sec. 17-4021 Definitions. As used in this chapter unless the context otherwise requires, terms shall have the meanings ascribed as follows:

Dealer means any person regularly engaged in the business of selling firearms as defined herein.

Firearms means any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification means any driver's license, birth certificate, U. S. military identification card, baptismal or christening certi-

cate, employee's identification card provided same shows age and home address of employee and U. S. passport.

Person includes an individual, partnership, association or corporation.

Sec. 17-4022 Identification of purchaser. No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearm unless the person obtaining the firearm shall furnish identification to the dealer setting forth his name, present address and age.***

Sec. 17-4024 Fingerprint record to be maintained. (a) In addition to the other records and information as called for above, each dealer shall obtain from each person purchasing any firearm the fingerprint of the right hand index finger, unless that finger is missing in which event the print of the next finger in existence on the right hand of the person purchasing the firearm shall be obtained, with a notation as to the exact finger printed. In the event the purchaser has no right hand, the dealer shall require the fingerprint of the left hand index finger, unless that finger is missing, in which event the print of the next finger in existence on the left hand of the person purchasing the firearm shall be obtained, with a notation as to the exact finger printed. Fingerprints and the information as required herein shall be obtained from all persons each time that person purchases any firearm regardless of whether or not that person may have previously purchased a firearm from the dealer and been fingerprinted. ***

Augusta

14-8. Ammunition—Sale, etc., to minors. It shall be unlawful for any person to sell or furnish a minor with pistol ammunition or to sell or furnish a minor seventeen years of age and under with any other kind of ammunition, including rifle and shotgun ammunition ***.

Chatham County

Every person desiring to purchase or otherwise acquire a pistol, revolver, or other type handgun in Chatham County, Georgia, outside the boundaries of any incorporated municipality therein, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun [contact local authorities for required contents] ***.

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the office of the Chief of Police of Chatham County. It shall be unlawful to give false in-

formation or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein. No person shall, within Chatham County, outside the boundaries of any municipality therein, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the office of the Chief of Police of Chatham County.

No person within Chatham County, outside the corporate boundaries of any municipality therein, shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hours waiting period required by this ordinance, the Chief of Police of Chatham County or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to possess the weapon, *** such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon ***.

This Ordinance shall not be construed to apply to toy pistols, toy revolvers, or toy weapons of any kind, or antique souvenir weapons used only for display or decoration purposes.

Columbus

14-64. Same—Notice; investigation; approval; waiting period. No person doing business in the city or its police district shall sell or deliver any pistol or pistol cartridges until all of the following regulations have been complied with strictly:

Before selling or delivering any pistol or pistol cartridges, such dealer shall notify, in writing, the chief of police, in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser and such prospective purchaser shall also submit to having his fingerprints taken by the police department of the city. The chief of police shall make full investigation; *** [if] the chief of police *** [disapproves] the proposed sale, *** it shall be unlawful for any such dealer to sell or deliver such pistol or cartridges to the prospective purchaser. ***

No pistol or pistol cartridges shall be sold or delivered by any such dealer until the pe-

riod of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

14-65. Dangerous weapons; prohibited. No person shall within the city or its police district, sell, exchange or keep on hand for the purpose of sale any of the following named articles: Shotgun or rifle with barrel length of less than eighteen inches. ***

14-65(c) It shall be unlawful for any person to: (1) Sell any hand gun that does not have a full case hardened barrel, and in the case of automatics, full case hardened working parts able to withstand 2,700 degrees fahrenheit as certified by the manufacturer.

(2) To sell or transfer a hand gun to any person without a certificate from the Chief of Police or his designee that such purchaser or transferee has not been convicted of a felony within five years, and the Chief of Police or his designee shall furnish such certificate within three days from the date of the application for such certificate.

14-66. Exclusion from chapter. 14-65(c) shall be applicable to all persons including pawn brokers and pawn brokers sales stores; the other provisions of the preceding sections of this chapter shall not be applicable to pawn brokers and pawn broker sales stores, they being regulated by provisions of this Code specifically relating to them; but this Chapter is applicable to all other persons, and the words "persons" or "person" as used herein shall in addition to them, include their managers, agents, clerks and employees.

15-8. Prohibited items—Receiving. No pawnbroker or pawnbroker's sales store shall take in pawn, or receive, sell or exchange any of the following named articles: shotgun or rifle with barrel length of less than eighteen inches ***.

15-9. Same—Possessing. No pawnbroker or pawnbroker's sales store shall own or keep on hand any of the weapons named or referred to in the preceding section hereof.

15-10. Pistols and cartridges; sale, notice, police findings. All pawnbrokers and pawnbrokers' sales stores shall at all times keep in their places of business a complete list and description of all pistols and pistol cartridges owned by them or held in pawn, and this provision applies also to pistols and cartridges purchased by such stores from regular dealers in pistols and pistol cartridges. All provisions of this chapter with reference to other articles shall be applicable to the keeping and sale of pistols and pistol cartridges, and in addition thereto the following regulations and prohibitions shall be applicable to pistols and pistol cartridges:

(a) No pawnbroker or pawnbroker's sales store shall sell any pistol or pistol cartridges unless and until all of the following regulations have been complied with strictly:

Before selling any pistol or pistol cartridges, the pawnbroker or pawnbroker's

sales store shall notify, in writing, the chief of police, and in such notice giving the name, address and description of the prospective purchaser. The prospective purchaser shall, at the same time, furnish to the chief of police three written and signed testimonials vouching for the general good character of the prospective purchaser, and such prospective purchaser shall also submit to having his fingerprints taken by the police department. The chief of police shall make full investigation; *** [if] the chief of police *** [disapproves] the proposed sale, *** it shall be unlawful for the pawnbroker or pawnbroker's sales store to sell such pistol or cartridges to the prospective purchaser. ***

(b) No pistol or pistol cartridges shall be sold by any pawnbroker or pawnbroker's sales store until the period of five days shall have elapsed after the service on the chief of police of the notice of the proposed sale.

These regulations regarding pistols shall also be complied with before a pawnbroker or pawnbroker's sales store shall deliver a pistol to the transferee of a pawn ticket.

Ordinance 75-14

Section 1. That it shall be unlawful to sell or otherwise convey any handgun to any individual without a certificate from the Chief of Police, or his designee, stating that to the best of his knowledge the applicant is free of felony convictions. If said applicant is found to be free of felony convictions, the Chief of Police, or his designee must by law furnish applicant with such certificate at the end of three days from the date application is made. Under no circumstances is the Chief of Police, or his designee, to deny such certificate to any person at any time other than for reason of prior felony conviction.

For those applicants who make multiple handgun purchases during the course of the year, a handgun purchasers identification card shall be made available. This card shall exempt holder from the necessity of obtaining a certificate for each handgun purchased. Said card shall be available from the city license section upon receipt of a certificate from the Chief of Police, or his designee, stating that to the best of his knowledge the applicant is free of felony convictions. Card shall contain a physical description and picture of the holder and expense of issuance shall be borne by an issuance fee of \$3.00. Card shall be valid for a period of three (3) years from date of issuance.

In the event any holder of a valid handgun purchasers identification is convicted of a felony, such identification shall immediately be revoked by the Chief of Police.

Section 2. Dealers selling handguns may submit application to the Chief of Police or his designee on behalf of the prospective purchaser, and the Chief of Police or his designee

may return the certificate directly to the seller submitting the application.

Section 3. Provided, however, that the terms of this Ordinance shall not apply to dealers holding federal firearms license when purchasing handguns. Provided further, that the terms of this ordinance shall not apply to collectors and gun shows which have been exempted from the application of the provisions of Ordinance Number 75-14 by a resolution approved in advance by the Council.

(Note: See Georgia State Criminal Code, Sections 26-2901 to 26-2904.)

Decatur

16-7.1. Same—Sale, etc., by dealers—Definitions. For the purposes of sections 16-7.2 to 16-7.5, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer. Any person regularly engaged in the business of selling firearms as defined herein.

Firearms. Any pistol, revolver or derringer, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive, and a firearm muffler or a firearm silencer, or any part or parts of such weapon.

Identification. Any driver's license, birth certificate, U. S. military identification card, baptismal or christening certificate, employee's identification card; provided, same shows age and home address of employee and U. S. passport.

Person. An individual, partnership, association or corporation.

16-7.2. Same—Same—Identification of purchaser required. No dealer in firearms as defined herein shall sell, trade or dispose of, in any way, any firearms unless the person obtaining such firearm shall furnish identification to the dealer setting forth his or her name, present address and age.

16-7.4. Same—Same—Fingerprint of purchaser required. *** (a) Failure to fingerprint the person purchasing such firearm shall constitute an offense under these sections.

16-25.1. Pistols, revolvers, etc.; sale, etc., of certain types prohibited. It shall be unlawful for any person or persons to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars (\$39.00).

It shall be unlawful for any person or persons to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of

sale, any pistol, revolver or derringer described in the preceding paragraph, designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles; provided however, that this paragraph shall not apply to any pistol, revolver or derringer to be used in any organized high school, college, professional or other recognized athletic events.

Hapeville

14-21.1. Pocket pistols, revolvers, derringers—Sale, possession, et cetera; *** (a) It shall be unlawful for any person to sell, possess for sale, exhibit for sale, display or advertise for the purpose of sale, any .22 caliber pistol, revolver or derringer with a barrel three inches or less in length, which sells at a retail price of less than thirty-nine dollars (\$39.00).

(b) It shall be unlawful for any person to sell, to possess for sale, exhibit for sale, display or advertise for the purpose of sale, any pistol, revolver, or derringer described in subsection (a), designed and manufactured to fire blank cartridges and ammunition containing explosive charges only, if such pistol, revolver or derringer may be adapted to fire cartridges and ammunition containing projectiles, provided, however, that this section shall not apply to any pistol, revolver, or derringer to be used in any organized high school, college, professional or other recognized athletic events.

Hinesville

Section 1. Firearms—sale—reports—records. Every person desiring to purchase or otherwise acquire in the City of Hinesville a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, [Contact local authorities for required contents] ***. The application in duplicate may take the form of the United States Department of Treasury, Internal Revenue Service, Alcohol and Tobacco Tax Division Form 4473, "Fire Arms Transaction Record".

The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Chief of Police of the City of Hinesville.

It shall be unlawful to give false information or offer false evidence of the identity of

such person in making such application or in acquiring a weapon as set forth therein.

No person shall, within the City limits of Hinesville, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until forty-eight hours shall have lapsed from the time of receipt of the application in the Office of the Chief of Police of Hinesville.

No person within the City of Hinesville shall sell or otherwise dispose of a pistol, revolver, or other type of handgun to a person whom he has reasonable cause to believe is not fit and proper person to possess the same, is not of sound mind, is under 21 years of age, is a drug addict, or is a person who has been convicted of a crime of violence.

If within the forty-eight hour waiting period required by this Section, the Chief of Police of Hinesville or person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type of handgun, that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under 21 years of age, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such weapon.

A crime of violence, as used in this Ordinance, shall be taken to mean murder, manslaughter, rape, mayhem, kidnapping, burglary, robbery by force, aggravated assault, and aggravated battery.

This section shall not be construed to apply to toy pistols, toy revolvers, toy weapons of any kind, or to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes.

Jackson

Be it ordained by the Mayor and Council of the City of Jackson, and it is hereby ordained by the authority of the same that from and after the passage and adoption of this ordinance it shall be unlawful for any person to provide, furnish, or sell any pistol, rifle or gun to any person under the age of 21 to have, control, or possess any pistol or concealed weapons within such municipality and any person so violating this ordinance shall be guilty of disorderly conduct and subject to fine or imprisonment in the discretion of the Mayor or recorder.

Macon

Section 9-5002 Records of dealers. Every person, firm, corporation, merchant, or pawn-broker, selling, handling, exchanging or

dealing in pistols, revolvers, guns or rifles, within the City of Macon, shall keep a true and correct record of the name and address of every person, together with the age of such person, to whom any pistol, revolver, gun or rifle is sold, or exchanged, which said record shall further show the kind of article sold, the name and make of the same and the serial number thereof, if any.

Maysville

1. No person shall have in his or her possession within the Town Limits of the Town of Maysville, any sawed-off shotgun, rifle or machine gun, dangerous weapons, or silencers, except as provided below.

3. No person shall sell or place in the hands of an Alien, a Felon, Drug Addict, or Mentally Incompetent, any weapon or explosive device.

4. No person shall sell or possess within the Town Limits any Title II firearms such as fully automatic firearms, or destructive devices such as bombs, grenades, Molotov cocktails, etc., except as noted below.

6. All requirements as to age, permits, license, or other identification required by State of Federal Statute, must be complied with prior to delivery of any weapon to a purchaser within the Town Limits of the Town of Maysville, Georgia. *** Further, any exceptions as to persons or things enumerated in the various provisions of this Ordinance shall be in accordance with Section 26-9914a, Georgia Code Annotated.

Nashville

Section I. It shall be unlawful for any person, Firm or Corporation to sell to any purchaser any pistol, *** without complying with the following provisions of this section:

(a) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser his or her name; place of residence; age; occupation, and a statement [contact local authorities for required contents] ***.

(b) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him. All as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, of any, shall be entered on said form by said seller in the place provided.

Section II. Be it further enacted that any person engaged in the sale of revolvers or

pistols after having obtained a license for such sales is by this ordinance prohibited from accepting in pawn any pistol or revolver from any minor and is prohibited from selling any pistol to any minor.

Rossville

Sec. 15-2. Registration of firearms sales. (a) All wholesale and retail sellers, vendors and merchants selling, exchanging, or anywise changing ownership or title to any and all kinds or types of firearms within the city, or conveying and transferring title thereto, shall, before actual delivery of such firearms, make and keep on file in his place of business a record and registration of such firearms. Such record and registration shall disclose the name of purchaser, buyer or vendee; the make, model, serial number, and caliber of said firearms.

Savannah

Article B. Sale of Firearms

Section 6-1021 Report and Record. (a) Every person desiring to purchase or otherwise acquire in the City a pistol, revolver, or other type handgun, shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol, revolver, or other type handgun, [contact local authorities for required contents] ***.

(b) The seller or persons disposing of such weapons shall within six hours after such application, sign and attach his address and deliver the two copies of the application to the Office of the Police Chief of the City.

(c) It shall be unlawful to give false information or offer false evidence of the identity of such person in making such application or in acquiring a weapon as set forth herein.

(d) No person shall, within the City, deliver or otherwise dispose of a pistol, revolver, or other type handgun, until seventy-two hours shall have elapsed from the time of receipt of the application in the Office of the Police Chief of Savannah.

(e) No person within the City shall sell or otherwise dispose of a pistol, revolver, or other type handgun to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is a drug addict, or is a person who has been convicted of a crime of violence.

(f) If, within the seventy-two hour waiting period required by this Section, the Police Chief of Savannah or a person designated by him from his office shall inform the proposed seller or person proposing to dispose of a pistol, revolver, or other type handgun, that the applicant is not a fit and proper person to

possess the weapon, is not of sound mind, is under twenty-one (21) years of age, is a drug addict or is a person who has been convicted of a crime of violence; such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is unqualified to acquire such a weapon.

(h) This section shall not be construed to apply to toy pistols, toy revolvers or toy weapons of any kind. This section shall also not be construed to apply to antique weapons manufactured in or before the year 1898 which are to be used only for display or decoration purposes.

Section 6-1022 Purchaser must have permit or license. No person shall sell or deliver to any purchaser a pistol or firearm of similar character until and unless the purchaser has presented to the seller a permit or license issued under existing State law authorizing the purchaser to carry such weapon.

Tifton

Section 1. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm to sell or barter to anyone, to exchange or keep for the purpose of sale, any of the following weapons: a shotgun or rifle with barrel length of less than 18 inches, ***.

Section 2. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm to sell or barter to any purchaser a rifle, shotgun or pistol without complying with the following regulations:

(A) At the time of the sale or barter, there shall be obtained from the purchaser in writing the following information: buyer's name, height, weight, race, residence address, date of birth, place of birth and answers by the buyer to [those questions required by law; contact local authorities for those questions required by Tifton] ***. This information will be obtained from the purchaser on a written form which the purchaser must sign and date.

(B) Any person, partnership, corporation, pawn shop or firm selling or bartering a firearm as provided in this Section shall provide to the Police Department of the City of Tifton the following information in writing: the manner in which the buyer of the firearm has identified himself to the seller, the type, model, caliber or gauge, serial number and manufacturer of the firearm.

(C) The information set out above in (A) and (B) shall be placed upon a printed form provided by the Police Department of the City of Tifton and shall be made by the seller in duplicate. The original of such form showing such information shall be delivered by the

seller to the Police Department of the City of Tifton on same day that the firearm is sold or bartered, such delivery shall be made by hand or by placing the original in the U.S. Mail addressed to the Police Department of City of Tifton.

Section 3. It shall be unlawful and a violation of this Ordinance for any person, partnership, corporation, pawn shop or firm required by Section 2 hereof to obtain the information set out in (A) of Section 2 hereof to either fail to obtain such information or fail to provide such information to the Police Department of the City of Tifton as required by (C) of Section 2 hereof.

Section 4. It shall be unlawful and a violation of this Ordinance for any person buying or bartering for a firearm as set out in Section 2 hereof to give false information to seller or to answer falsely any questions set out in (A) of Section 2 hereof.

Valdosta

Sec. 18-39. Weapons—Sales of, regulated. (a) It shall be unlawful for any person, firm or corporation to sell to any purchaser any pistol, *** without complying with the following provisions of this section:

(1) The merchant or dealer from whom a prospective buyer shall seek to purchase such weapon shall, before making a sale to such prospective purchaser, obtain from such prospective purchaser *** (a statement) [contact local authorities for required contents]

(2) The information obtained by such inquiry shall be entered in writing or in print upon a printed form provided therefor by the police department and shall be made in duplicate. The duplicate copy shall be delivered at once by hand or by mail to the police department.

(3) Having obtained such information, the merchant or dealer, shall forthwith, before any sale is made, contact the chief of police, or, in his absence, one authorized to act in his stead, and inform the chief or his alter ego of the information obtained from the prospective purchaser. It shall then be the duty of the chief or of the officer authorized to speak for him to advise the merchant or dealer that he may, or may not, as the case may be, sell the object involved to the customer.

(4) It shall then be the duty of the merchant or dealer promptly to deliver to the police department a duplicate of the questions propounded to the purchaser, together with a duplicate of the answers made by him, all as recorded in the printed form provided therefor. Where such a sale is made, a description of the item sold, including serial number, if any, shall be entered on said form by said seller in the place provided.

(5) For obtaining the consent and approval of the police department to make such sale, the merchant or dealer may communicate with the chief of police or with one authorized by him to act in his stead in person or by telephone. ***

(b) The foregoing provisions of this section having been complied with, the police department shall then advise the merchant or dealer that he may, or may not, as the case may be, sell to the prospective purchaser the item sought to be purchased. ***

Waycross

Chapter 7.

Sec. 1. Definitions. The following words as used in this chapter shall have the meanings ascribed to them:

(1) **Firearm.** The word "firearm", as used in this chapter, shall be construed as including any pistol, revolver, rifle or shotgun of whatever form of action, caliber or gauge.

(2) **Ammunition.** The word "ammunition" shall be construed as meaning any pistol or rifle cartridge or shotgun shell and like cartridges and shells, of any caliber or gauge with bullet or projectile or shots made up within the same shell or cartridge with the propelling charge.

Sec. 2. Permit to purchase, receive or accept—Required. It shall be unlawful for any person to purchase, receive or accept in any manner any firearm or ammunition within the city without first having obtained a written permit from the chief of police of the city authorizing such person to receive or accept such firearm or ammunition.

No person shall sell, deliver, barter or give,

or otherwise transfer a firearm or ammunition within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such firearm or ammunition. In no case shall any person deliver a firearm or ammunition to the person to whom it is to be sold or transferred until approved by the chief of police.

Sec. 6. Same—Transfer at time of sale and at time of reports. It shall be the duty of any person who sells, transfers or gives away any firearm or ammunition as provided in this chapter, at the time such sale, gift or delivery is made, to require the holder of such permit to deliver the permit to such person who sells, transfers or gives away any firearm or ammunition. *****

Sec. 10. Hours when exchange of firearms prohibited. It shall be unlawful for any person to purchase, receive or accept in any manner, or to barter or give away any firearm or ammunition between the hours of 5:00 P. M. and 5:00 A. M.

Winder

Sec. 17-45. Responsibility for violation of section 17-44 by minor. It shall be deemed a violation of section 17-44 for any parent or person in control of children to permit a minor child to do the acts forbidden in section 17-44, or to furnish such minor child with firearms, including rifles, pistols, shotguns, air rifles or other similar devices; and such person by furnishing such instruments and allowing such minor child to violate the terms of section 17-44 shall also be deemed a violator of section 17-44 in the aiding and abetting of the minor child by his failure to forbid the said minor to do the acts prohibited.

Guam

Territorial Law

Govt. Code, Territory of Guam

8900. As used in this Chapter: (a) 'Firearm' means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

(b) 'Pistol' or 'revolver' means any firearm of any shape whatever, and designed to be fired with one hand with a barrel less than twelve inches (12") in length and capable of

discharging loaded ammunition or any noxious gas.

(c) 'Rifle' means a firearm designed, made, redesigned or remade, and intended to be fired from the shoulder and to fire only a single projectile through a rifled bore for each single pull of the trigger, and shall include any such firearm which may be readily restored to fire loaded ammunition, and any antique rifle or long gun, regardless of the type of charge or projectile used, which is capable of being used as a weapon.

(d) 'Shotgun' means any firearm designed, made, redesigned or remade and intended to

be fired from the shoulder and to fire through a smooth barrel either a number of projectiles (ball shot) or a single projectile, and shall include any such firearm which may be readily restored to fire any of the above, and shall also include any firearm of any age designed and capable of firing the above-mentioned projectiles.

(e) The terms 'Director' and 'Department' means the Director of Revenue and Taxation and the Department of Revenue and Taxation respectively.

8900.1. This Chapter shall not apply to: (a) Law enforcement officers when using firearms authorized by the Director in their official duty.

(b) Persons in the Armed Forces of the United States engaged in official duty.

(c) Devices which are not designed or redesigned for use as a weapon. Any device, although originally designed as a firearm, which has been redesigned, or was designed initially for use as, a signalling, pyrotechnic, line-throwing, safety, industrial or similar device, surplus ordnance sold, loaned or given by the Secretary of the Army pursuant to the provisions of Sections 4684(2), 4685 or 4686 of Title 10 of the United States Code is not covered by this Chapter.

8901. Ownership, etc. of certain firearms prohibited. The manufacture, possession, sale, barter, trade, gift, transfer, or acquisition of any machine guns, sub-machine guns, automatic rifles or any other firearm not a rifle having a barrel length of sixteen (16) inches or greater, or not a shotgun having a barrel length of eighteen (18) inches or greater, or a revolver or pistol having a barrel length of more than twelve (12) inches is prohibited. Mufflers, silencers, or devices for deadening the sound of discharged firearms are also prohibited. Any person violating this section shall be imprisoned for a term of not less than two years nor more than five years, without probation.

8901.1. Ownership, etc. permitted. Any person who qualifies under this Chapter may lawfully own, possess, use or carry any rifle, shotgun, pistol or revolver not prohibited by Section 8901 subject to the conditions and penalties provided in this Chapter.

8901.2. Dealer, etc. must register. Any person who is in the business of selling, buying, renting, or trading any firearm shall register with the Department of Revenue and Taxation under the terms and conditions set forth in this Chapter and the rules and regulations adopted hereunder before engaging in any of the above activities. The term 'in the business of' shall mean any person, natural or legal, who engages in the above activities for profit or who so engages on behalf of others, but shall not include private sales, loans, gifts or transfers of lawfully possessed firearms which have been registered and possessed un-

der the provisions of Sections 8901.1 and 8903 of this Chapter.

8902. Identification card required. No person shall own, possess, use, carry or acquire any firearm which is lawful under Section 8901.1 unless he shall have first obtained from the Department an identification card evidencing his right to such ownership, possession, use or carrying, concealed or otherwise, as stated upon the face of the Card. Said Card shall be in the possession of the holder and on his person whenever he is using or has in his possession a firearm. ***

8902.2. Same: restrictions. (a) No identification card shall be issued unless the Department is satisfied that the applicant may lawfully possess, use, carry, concealed or otherwise, own, or acquire the type of firearm stated in the application and upon the face of the identification card.

(b) No person shall be issued an identification card:

(1) Who has been convicted by any court of the United States, a state, territory, possession, Trust Territory or political subdivision thereof of any felony, or

(2) Who is an alien, except temporary permits may be issued to aliens for use only at target ranges operated by persons possessing permits therefor and who are citizens, or only for use at authorized sporting events, and except for official representatives of foreign governments in their official capacities, or

(3) Who is under indictment for any crime stated in (b)(1) above, or

(4) Who has been adjudicated incompetent, has been committed to any mental institution, or

(5) Who is under the age of eighteen (18) years, or

(6) Who has been convicted of any violation of the Uniform Controlled Dangerous Substances Act or any misdemeanor where personal injury or use of firearms was an element or factor of the offense unless the Director has determined that the offense was committed more than ten (10) years previously and that the applicant would not endanger the public safety by receiving an identification card, or

(7) Who, in the determination of the Director appears to suffer from a physical or mental disease or defect which would adversely affect the safe use of the firearm applied for, unless the person obtains a certificate from a licensed physician stating that the physical or mental disease or defect would not adversely affect his safe operation of the firearm or the public safety.

8903.2. Upon transfer to a pawnbroker, and upon retransfer from the pawnbroker to either the owner, or to another person, a new registration must be obtained. ***

8904.1. (a) No person may use or possess a firearm, regardless of ownership of the firearm, without possession of an identification

card evidencing his eligibility to possess, use or carry such firearms.

(b) No person shall transfer, loan, give, sell either as a part of a business or individually, or permit the use of any firearm unless the person receiving the firearm has an identification card evidencing his eligibility to receive, possess, use and carry the type of firearm which he is to receive, borrow, use, buy or possess or carry. ***

(d) No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same.

8905. Dealers, etc. must register. Any person who is a dealer, manufacturer, wholesaler, or retailer of firearms or ammunition within the territory of Guam who must register pursuant to Section 8901.2 shall do so by supplying the Department with information required by it relative to the name of the business, name or names of the owners, whether the business is a corporation, sole proprietorship, partnership or any other form, relative to the types of firearms sold, manufactured, bought or repaired by such business, to the security of the storage areas of the business wherein the firearms are stored and any other information deemed necessary by the Department. Upon receipt of the necessary information, the Department shall issue a registration card, which shall be prominently displayed at the place of business of the person or firm so registered, and copies to be displayed at each location where firearms are sold.

8905.1. Any person or firm licensed pursuant to Section 8901.2 shall, in the conduct of his business: *****

(3) Permit only persons who are holders of identification cards making them eligible to purchase, possess and use the firearms sold by the registrant or repaired by the repair facility to have access to the firearms or ammunition, except that nothing in this section shall be construed to require a customer to show an identification card prior to his engaging in a transaction for which an identification card is required by this Chapter.

(4) Sell only to persons who have a valid identification card making them eligible to purchase, own, possess, use and carry the firearm or ammunition which is the subject of the transaction. *****

8905.2. No person, other than the owner or possessor of a firearm, may accept any firearm for repair without having first been shown a valid identification card showing the

person delivering the firearm to such person accepting it for repair to be eligible to possess the firearm in question. No firearm shall be returned to any person after repair or other

work done on it without the repairer having seen the identification card of the one to whom the firearm is to be given.

* * * * *

Hawaii

State Law

Hawaii Rev. Stats.

Sec. 134-1 Definitions. As used in this chapter: "Firearm" means any weapon, the operating force of which is an explosive. This definition includes pistols, revolvers, rifles, shotguns, machine guns, automatic rifles, noxious gas projectors, mortars, bombs, cannon, and submachine guns. The specific mention of certain weapons does not exclude from the definition other weapons operated by explosives.

"Pistol" or "revolver" means any firearms of any shape whatsoever with barrel less than twelve inches in length and capable of discharging loaded ammunition or any noxious gas.

Sec. 134-2 Registration, mandatory. Every person arriving in the State who brings with him firearms of any description, whether useable or unuseable, serviceable or unserviceable, modern or antique, or ammunition of any type and description, shall within forty-eight hours after arrival, register the same with the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn.

Registration shall not be required for: (a) any device designed to fire loose black powder; (b) a device not designed to fire or made incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition; and/or (c) all unserviceable firearms and destructive devices registered with the Director, Alcohol, Tobacco, and Firearms Division of the U.S. Internal Revenue Service as provided in Part 179 of Title 26, Code of Federal Regulations.

The registration shall be on such forms as may be designated by the department of the attorney general and shall include a description of the class of firearms and ammunition owned by him, or in his possession, together with the name of the maker and the factory number, if known or ascertainable, and the source from which possession was obtained. * * * * *

Sec. 134-3 Permits to acquire; registration; penalty. No person shall acquire the ownership of a firearm of any description (other than a rifle or shotgun having a barrel length of eighteen inches or over), whether

usable or unusable, serviceable or unserviceable, modern or antique registered under prior law or by a prior owner or unregistered, either by purchase, gift, inheritance, bequest, or in any other manner, whether procured in the State or imported by mail, express, freight or otherwise, until he has first procured from the chief of police of the county of his place of business, or if there be no place of business, his residence, or if there be neither place of business nor residence, his place of sojourn, a permit to acquire as prescribed herein; * * * [See local police for details]

Sec. 134-4 Transfer of rifles and shotguns. No transfer of any rifle or shotgun having a barrel length of eighteen inches or over, whether usable or unusable, serviceable or unserviceable, modern or antique, registered under prior law or by a prior owner or unregistered, shall be made in any event to any person under the age of eighteen years, and no person under the age of eighteen years shall possess any such rifle or shotgun, except as provided by section 134-5.

It shall be unlawful for any person to own or possess such rifle, unless he is a citizen of the United States, or an alien who has procured a hunting license under sections 191-1 to 191-6 and a firearms permit under section 134-3.

Sec. 134-7 Ownership or possession by fugitive from justice or by person convicted of certain crimes prohibited; penalty. (a) No person who is a fugitive from justice shall own or have in his possession or under his control any firearm or ammunition therefor. As used in this section the term "fugitive from justice" means any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a felony or to avoid giving testimony in any criminal proceeding.

(b) No person who has been convicted in this State or elsewhere, of having committed a felony, or of the illegal use, possession, or sale of any drug, shall own, or have in his possession, or under his control any firearm or ammunition therefor. * * * * *

Sec. 134-8 Ownership, etc., of machine guns, automatic rifles, silencers, etc., prohibited; penalty. The manufacture, possession, sale, barter, trade, gift, transfer, or ac-

quisition of any machine guns, submachine guns, automatic rifles, or rifles with barrel lengths less than 16 inches, or shotguns with barrel length less than 18 inches, cannon, mufflers, silencers, or devices for deadening or muffling the sound of discharged firearms, or any hand grenade, dynamite or other explosives, blasting caps, bombs or bombshell is prohibited. * * *

Sec. 134-10 Alteration of identification marks prohibited; penalty. No person shall wilfully alter, remove, or obliterate the name of the make, model, manufacturer's number, or other mark of identity of any firearm or ammunition. Possession of a firearm or ammunition upon which any mark of identity has been altered, removed, or obliterated shall be presumptive evidence that the possessor has altered, removed, or obliterated the same. * * *

Sec. 134-11 Exemptions. Sections 134-6 to 134-9 shall not apply:

(1) To members of police departments, sheriffs, members of military and naval forces of the State and of the United States, mail carriers, and law enforcement officers;

(2) To regularly enrolled members of any organization duly authorized to purchase or receive the weapons from the United States or from the State, provided the members are at, or going to or from their places of assembly, or target practice;

(3) To persons employed by the State or subdivisions thereof or the United States whose duties require them to be armed, while the persons are in the performance of their respective duties, or while going to and from their respective places of duty;

(4) To police officers on official assignment in Hawaii from any state which by compact permits police officers from Hawaii while on official assignment in that state to carry firearms without registration. The governor of the State or his duly authorized representative may enter into compacts with other states to carry out this section.

Nor shall sections 134-2 and 134-3 apply to such firearms or ammunition as are a part of the official equipment of any federal agency.

Sec. 134-16 Restriction of materials for manufacture of pistols or revolvers. It shall be unlawful for any person, including a licensed manufacturer, licensed importer or licensed dealer, to possess, sell or deliver any pistol or revolver which is not duly registered pursuant to section 134-2 prior to July 1, 1975, if the frame or receiver thereof is a die casting of zinc alloy or any other material which has a melting temperature of less than 800 degrees Fahrenheit.

Any person who violates this section shall be guilty of a misdemeanor.

This section shall not apply to any pistol or revolver duly registered prior to July 1, 1975, pursuant to section 134-2, or to any antique pistol or revolver.

Part II.

Firearms, Dealers' Licenses

Sec. 134-31 License to sell and manufacture firearms; fee. Any person desiring to engage in the business to sell and manufacture firearms for sale in the State either at wholesale or retail, shall annually file an application for a license therefor with the director of finance of each county of the State. * * *

Idaho

State Law

Idaho Code

18-3302. Concealed and dangerous weapons—Possession and exhibition—Sale to minors.

If any person, excepting officials of a county, officials of the state of Idaho, officials of the United States, peace officers, guards of any jail, or any officer of any express company on duty, shall carry concealed upon or about his person any * * * pistol, revolver, gun or any other deadly or dangerous weapon within the limits or confines of any city, town or village, or in any public assembly, or in any mining, lumbering, logging, railroad or other construction camp, public conveyances or on public highways within the state of Idaho, or shall, in the presence of one or more persons, exhibit any deadly or dangerous weapon in a rude, angry or threatening manner, or shall have or carry such weapons upon or about his person when intoxicated or under the influence of intoxicating drinks, or shall, directly or indirectly, sell or deliver, loan or barter to any minor under the age of sixteen years any such weapon without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than \$25.00 nor more than \$200.00, and by imprisonment in the county jail for a period of not less than twenty days nor more than ninety days: provided, however, that any person shall be allowed to carry any of the above weapons in the places mentioned above on securing a permit from the sheriff of the county after satisfying the sheriff of the necessity therefor.

18-3308. Selling explosives, ammunition or firearms to minors. No person, firm, association or corporation shall sell or give to any minor under the age of sixteen years any powder, commonly called gunpowder, of any description, or any dynamite or other explosive, or any shells or fixed ammunition of any kind, except shells loaded for use in shotguns and for use in rifles of twenty-two caliber or smaller, or any firearms of any description, without the written consent of the parents or guardian of such minor first had and obtained. Any person, firm, association or corporation violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not less than twenty-five dollars nor more than \$100, or be imprisoned in the county jail not less than ten days nor more than thirty days, or be punished by both such fine and imprisonment in the discretion of the court.

18-3314. Resident's purchase of firearm in contiguous state. Residents of the state of Idaho may purchase rifles and shotguns in a state contiguous to Idaho, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such a purchase in Idaho and in the contiguous state in which the purchase is made.

Illinois

State Law

Ill. Ann. Stat.

38 Sec. 24-1. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * *

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm: or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which 8 or more shots or bullets may be discharged by a single function of the firing device, any shotgun having one or more barrels less than 18 inches in length, sometimes called a sawed-off shotgun, or any weapon made from a shotgun, whether by alteration, modification or otherwise, if such weapon, as modified or altered, has an overall length of less than 26 inches, or a barrel length of less than 18 inches or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes, such as, but not limited to, black powder bombs and Molotov cocktails or artillery projectiles; * * *

38 Sec. 24-2. Exemptions. * * * *

(c) Subsection 24-1(a)(7) does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this Subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible. * * * *

(g) An information or indictment based upon a violation of any Subsection of this Article need not negative any exemptions contained in this Article. The defendant shall have the burden of proving such an exemption.

38 Sec. 24-3. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such

firearm for at least 72 hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However, this paragraph shall not apply to: (1) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or (2) a mail order sale of a firearm to a nonresident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or (3) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or (4) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States; or

(h) While holding any license under the Federal "Gun Control Act of 1968", as amended, as a dealer, importer, manufacturer or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph, (1) "firearm" is defined as in "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith", approved August 3, 1967, as amended; (2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

(i) Paragraph (h) of this Section shall not include firearms sold within 6 months after enactment of this amendatory Act of 1973, nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within 6 months after the enactment of this amendatory Act of 1973 be subject to confiscation or seizure under the provisions of this amendatory Act of 1973. Nothing in this amendatory Act of 1973 shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within 6 months after the enactment of this amendatory Act of 1973.

(j) Sentence. Unlawful sale of firearms is a Class A misdemeanor.

38 Sec. 24-3.1 Unlawful Possession of Firearms and Firearm Ammunition. (A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

(b) Sentence. Unlawful possession of firearms and firearm ammunition is a Class A misdemeanor.

38 Sec. 24-5. Defacing Identification Marks of Firearms

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a Class A misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

38 Sec. 83-1. Legislative Declaration. It is hereby declared as a matter of legislative determination that in order to promote and protect the health, safety and welfare of the public, it is necessary and in the public interest to provide a system of identifying persons who are not qualified to acquire or possess firearms and firearm ammunition within the State of Illinois by the establishment of a system of Firearm Owner's Identification Cards, thereby establishing a practical and workable system by which law enforcement authorities will be afforded an opportunity to identify those persons who are prohibited by Section 24-3.1 of the "Criminal Code of 1961", as amended, from acquiring or possessing firearms and firearm ammunition.

38 Sec. 83-1.1 Definitions. For purposes of this Act: "Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter.

(2) any device used exclusively for signaling or safety and required or recommended

by the United States Coast Guard or the Interstate Commerce Commission; or

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition;

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of Law Enforcement finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm Ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; or

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

38 Sec. 83-2. Requisites for Acquisition or Possession—Exempted Persons or Entities.

(a) No person may acquire or possess any firearm or any firearm ammunition within this State without having in his possession a Firearm Owner's Identification Card previously issued in his name by the Department of Law Enforcement under the provisions of this Act.

(b) The provisions of this Section regarding the possession of firearms and firearm ammunition do not apply to:

(1) United States Marshals, while engaged in the operation of their official duties;

(2) Members of the Armed Forces of the United States or the National Guard, while engaged in the operation of their official duties;

(3) Federal officials required to carry firearms, while engaged in the operation of their official duties;

(4) Law enforcement officials of this or any other jurisdiction, while engaged in the operation of their official duties;

(5) Members of bona fide veterans organizations which receive firearms directly from the armed force of the United States, while using such firearms for ceremonial purposes with blank ammunition.

(6) Nonresident hunters during hunting season, with valid nonresident hunting licenses and while in an area where hunting is permitted; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(7) Nonresidents while on a firing or shooting range recognized by the Department of Law Enforcement; however, such persons must at all other times and in all other places have their firearms unloaded and enclosed in a case;

(8) Nonresidents, while at a firearm showing or display recognized by the Department of Law Enforcement; however, at all other times and in all other places such persons must have their firearms unloaded and enclosed in a case;

(9) Nonresidents, whose firearms are unloaded and enclosed in a case; and

(10) Nonresidents, who are currently licensed or registered to possess a firearm in their resident state; and

(11) Unemancipated minors while in the custody and immediate control of their parent or legal guardian or other person in loco parentis to such minor if such parent or legal guardian or other person in loco parentis to such minor has a currently valid Firearm Owner's Identification Card.

38 Sec. 83-3. Requisites for transfer. (a) No person within this State may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of Public Safety under the provision of this Act. * * * * (c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act. (Chapter 38, Sec. 83-2.)

38 Sec. 83-6. Contents of Identification Card. A Firearm Owner's Identification Card, issued by the Department of Law Enforcement at such places as the Director of the Department shall specify, shall contain the applicant's name, residence, date of birth, sex, physical description, recent photograph and such other personal identifying information as may be required by the Director. Each Firearm Owner's Identification Card must have printed on it the following: "CAUTION—This card does not permit bearer to UNLAWFULLY carry or use firearms."

Abingdon

6-2-4-14: Sale of firearms or weapons to minors prohibited: (A) It shall be unlawful for any person to sell to any minor person any firearm * * * *

6-2-3-15: Unlawful use of weapons: (A) It shall be unlawful for any person to: * * * * 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb-shell, grenade, bottle or other container con-

taining an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

Addison

2. Permit. It shall be unlawful for any person to sell or give away to any person within the Village of Addison any firearm unless such person so purchasing or receiving such firearm shall have a valid State of Illinois Gun Owner's Identification Card and shall have secured a written permit for the purchase of said firearm from the Chief of Police, and it shall be the duty of the person selling or giving away firearms to receive and keep such written permits from the Chief of Police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the Chief of Police or his deputy to enter for inspection during normal business hours, all stock on hand and shall on request of such officer, produce for inspection all written permits issued by the Chief of Police for the sale of such firearms, and the register so required to be kept.

4. Minors. It shall be unlawful for any person to sell or give away to any minor any firearm which can be concealed on the person within the corporate limits of the Village of Addison.

Alton

4-17-1: License required: It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the City, any pistol, revolver, derringer, shotgun and rifle (capable of being concealed on the person), antique firearms, * * * without securing a license so to do * * *.

Arlington Heights

Article XXXIII—Gun Dealers.

Section 14-3301 Gun Dealers—License Required. No person shall engage in the business of selling firearms, ammunition, black powder, smokeless powder, or any other propellant, without first having obtained a business license therefor from the Village of Arlington Heights pursuant to the provisions of Chapter 9 of this Code. * * * *

Section 14-3304 For the purpose of this ordinance, "firearm" shall not mean an antique firearm (other than a machine-gun) which, although designed as a weapon, is by reason of the date of its manufacture, value, design and other characteristics primarily a collector's item and is not likely to be used as

Bartlett

23.014 Firearms—Minors. It shall be unlawful to sell, loan, or furnish to any minor any gun, rifle, pistol, shotgun or other firearm.

Beecher

6-1-7 * * * * (B) It shall be unlawful for any person to sell, loan, or furnish to any minor any gun, pistol, fowling piece or other firearm within the limits of the Village.

Belvidere

Sec. 133.006 Unlawful use of weapons; prohibited. (A) A person commits the offense of unlawful use of weapons when he knowingly: * * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; * * * *

Sec. 133.014 Unlawful sale of firearms. (A) A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(2) Sells or gives any firearm to a person under 21 years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(3) Sells or gives any firearm to any narcotic addict; or

(4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed; or

(5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past 5 years; or

(6) Sells or gives any firearms to any person who is mentally retarded; or

(7) Delivers any firearm, of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least 72 hours after application for its purchase has been made; or delivers any rifle, shotgun or other long gun incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least 24 hours after application for its purchase has been made. However this paragraph shall not apply to:

(a) The sale of a firearm to a law enforcement officer or a person who desires to pur-

chase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(b) A mail order sale of a firearm to a non-resident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(c) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(d) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

Sec. 133.015 Unlawful possession or acquisition of firearms or ammunition.

(A) A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(1) He is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person;

(2) He is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearm or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past 5 years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Bensenville

42.08 Firearms to minors. No persons shall sell, loan or furnish to any minor any gun, pistol or other firearm *** within the village.

Berkeley

Ordinance 69-12

Section one: That it shall be unlawful for any firm, business or corporation within the Village of Berkeley, to manufacture for sale, or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument or

weapon of the kind usually known as a pistol, revolver, shot gun, rifle, *** or any other offensive and dangerous weapon or instrument, or to give or sell a pistol or firearm to any person.

Berwyn

36-6. Definition. "Firearms," for the purposes of this article, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

36-7. License to sell concealable firearms required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the city, any firearms which are of such size of nature as may be concealed upon the person, without securing a license therefor.

36-9. Licensee not to sell concealable firearms; exception. No person having secured a license required by section 36-7 of this Code, shall sell, loan or give away any firearm described in section 36-6 of this Code to any person who has not secured a permit from the chief of police to purchase such firearm.

36-11. Persons ineligible for permits. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

Bloomington

69. Minors—selling, etc., weapons to prohibited. No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or toy firearm in which any explosive substance can be used *** or other deadly weapon of a like character.

Blue Island

2273. 1.01—Definitions. For the purposes of this ordinance—

A. "Deadly Weapons" means pistols, derringers, revolvers or other handguns of such size or nature that they may be concealed on or about the person, short-barreled shotguns and short-barreled rifles. Deadly weapons do not include any antique firearm. Deadly weapons do not include any firearm which is not designed to or may not readily be converted to expel a projectile by the action of an explosive.

B. "Short-Barreled Shotguns" means shotguns having one or more barrels less than eighteen inches in length.

C. "Short-Barreled Rifles" means a rifle having one or more barrels less than sixteen inches in length.

D. "Antique Firearm" means:

(1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) any replica of any firearm described in subsection D.(1) if such replica—

(a) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or

(b) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

E. "Dealer" means any person, firm or corporation—

(1) engaged in the business of selling firearms at wholesale or retail,

(2) engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or

(3) any person who is a pawnbroker.

F. "Licensed Dealer" means any dealer who is validly licensed as a dealer under the provisions of Chapter 44 of Title 18 of the United States Code.

G. "Licensed Collector" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is validly licensed as a collector by the Secretary of the Treasury of the United States under the provisions of Chapter 44 of Title 18 of the United States Code.

H. "Sale or Other Transfer" means any sale, gift, exchange, loan, rental or other transfer of a deadly weapon, but does not include any of the following:

(1) acquisition of a deadly weapon as the executor, administrator or other legal representative of a decedent's estate, or

(2) transfer of a deadly weapon by bequest or intestate succession, or

(3) acquisition or transfer of a deadly weapon by a trustee in bankruptcy in the administration of a bankrupt's estate, or

(4) return of a deadly weapon to a person, firm or corporation from whom it was received, or

(5) transfer of a deadly weapon where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction, or

(6) transfer of a deadly weapon to any Federal, State or Local government, or any department, agency, bureau, institution or commission thereof, or

(7) transfer of a deadly weapon to a private museum, society institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes, or

(8) loan or rental of a deadly weapon solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

2.01 Unlawful Sale or Other Transfer of Deadly Weapons. It shall be unlawful for any person, firm or corporation to make any sale or other transfer of a deadly weapon in the City of Blue Island, Illinois, to any person, firm or corporation other than the following:

A. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with any of the regular armed forces, military services or reserve organizations of the United States.

B. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with the organized militia of any State.

C. Persons who are required or authorized to possess and use a deadly weapon incident to their employment by any Federal, State or Local government thereof, specifically including by way of example but not limited to:

(1) Peace Officers;

(2) Wardens, Superintendents and Keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense; and

(3) Agents and Investigators of the Illinois Legislative Investigatory Commission authorized by the Commission to carry weapons.

D. Licensed detectives and employees of licensed detective agencies as defined in Illinois Revised Statutes, Chapter 38, Section 201-1 as now or hereafter amended.

E. Special agents employed by a railroad or public utility to perform police functions.

F. Watchmen, bank guards, armed truck guards or other similar private security personnel, in accordance with the provisions of Section 4.02 of this ordinance.

G. A licensed collector of deadly weapons.

H. A licensed dealer in deadly weapons.

3.01—Dealer License Required. No person, firm or corporation shall engage in the business of a dealer in deadly weapons in the City of Blue Island, Illinois, without securing a license therefor.

4.02—Sale or Other Transfer to Private Security Personnel. Any dealer in deadly weapons who sells or otherwise transfers a deadly weapon to any watchman, bank guard, armed truck guard or other similar private security personnel shall before making such sale or transfer request and receive from such person's employer a letter stating that such person is employed as a private security guard and requires the deadly weapon which he is seeking to obtain from the dealer.

Bolingbrook

Section 19-201. License Required. It shall be unlawful for any person to engage in

the business of selling, or to sell, offer to sell or give away to any person within the Village any pistol, rifle, shotgun, revolver, *** or other weapon of like character, without first securing a license to do so. Except as otherwise provided in this article, the manner of application and the conditions of payment, issuance and duration of such license shall be as prescribed by Village ordinance.

Section 19-203. Sale to minors or aliens prohibited. None of the weapons the sale of which is licensed by this article, or any weapon of like character, shall be sold or donated to any minor or alien.

Section 19-204. Permit required for purchase of concealable weapons—Application; Ineligible applicants. (A) No sale of any revolver, pistol, *** or other deadly weapon which can be concealed on a person shall be made by any licensee under this article to any person unless such person shall first exhibit to the licensee a permit for the purchase thereof, as issued by the Chief of Police of the Village.

(B) Before any permit required by this section can be granted, an application in writing must be made to the Chief of Police. ***

Brookfield

Sec. 29-1. "Firearms" defined. "Firearms," for the purposes of this chapter, are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

Sec. 29-2. Permit to purchase firearms. No person shall purchase a firearm without having secured a permit so to do from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen (18) years of age, or an alien. Application for such a permit shall state the type of firearm desired and the name, age, sex, residence, nationality, height, weight and complexion of the applicant. Recommendation by two (2) or more citizens of the village of the good moral character of the applicant shall accompany each application for permit under this section.

No person, whether licensed by the village or not, shall sell, loan, or give away any firearm to any person who has not secured a permit from the chief of police as required by this section.

Sec. 29-3. Defacing identification marks on firearms. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the

possessor has changed, altered, removed or obliterated the same.

Cahokia

4. No person, firm or corporation shall sell or give or loan to any person under the age of 18 years any firearm or other deadly weapon in the Village of Cahokia, Illinois.

Calumet Park

Ordinance 76-256

Section 1: That it shall be unlawful for any person, firm, business, corporation, association or otherwise, within the corporate limits of the Village of Calumet Park, to manufacture for sale or cause to be manufactured, sell, give, keep for sale, offer, or otherwise dispose of, in usable form, any instrument or weapon of any kind usually known as a pistol, revolver, shotgun, rifle or any other offensive and dangerous weapon or instrument.

Carpentersville

8-39. Unlawful Use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly: ***

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufacturers, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device. ***

Subsection *** (g) shall not apply to or affect any of the following:

(a) Peace officers.

(b) Manufacture, transportation, or sale of machine guns to persons authorized under (a) of this subsection to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible. ***

8-40. Unlawful Sale of Firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to any narcotic addict; or

(c) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5

years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Centralia

16-1-4. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any *** shotgun with a barrel less than 18 inches in length, *** or *****

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device.

C. Subsection 16-1-4 (7) shall not apply to or affect any of the following:

(1) Peace Officers.
(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns, to persons authorized under (1) through (3) of the subsection to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible.

16-1-6. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age; or

(2) Sells or gives any firearm to any narcotic addict; or

(3) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Champaign

13.505. Weapons. No pawnbroker shall receive as a pledge or purchase any revolver, pistol, *** or sawed-off shotgun. And no pawnbroker shall display in his window or shop any such weapons for sale.

22.209. Weapons. It shall be unlawful to carry or possess any firearm or weapon in the City in violation of the laws of this State.

Chicago

Registration

11.1-4 At the time of sale the seller shall complete a registration form, designed or approved by the Director of Revenue, [contact local authorities for required contents] ***.

11.1-5. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

11.1-14. For the purposes of this Chapter the term "firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosive and a firearm muffler or firearm silencer, or any part or parts of such weapon.

11.1-15. Any person under 18 years of age, any narcotic addict, any person who has been convicted of a felony under the laws of this State or any other jurisdiction within 5 years from release from penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed, and any person who has been released from a mental institution or from the custody of the Illinois Youth Commission within the last 5 years, or is mentally retarded, and any person who possesses any firearm, the possession of which is prohibited by any State or Federal law relating to weapons or firearms, shall be ineligible to register pursuant to this Chapter. Any purported registration by any of the above-described persons shall be null and void.

11.1-16. A person may not possess or harbor any firearm, whether concealed or not concealed, if such person is ineligible to register such firearm with the licensing authority pursuant to the provisions of this Chapter.

Unlawful Acts

183-1. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, *** derring, *** or other deadly weapon which can be concealed on the person, without securing a license so to do.

183-6. It shall be unlawful for any person to sell, barter, or give away to any person within the city, any deadly weapon mentioned in section 183-1, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the city.

183-7. It shall be unlawful for to purchase any deadly weapon mentioned in section 183-1, which can be concealed on the person without first securing from the superintendent of police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor, [contact local authorities for required contents] ***

183-9.1 Gunsmiths. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derring, or other firearm which can be concealed on the person without securing a license so to do.

Chicago Heights

30-101. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; *****

30-104. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other

long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this paragraph shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a non-resident of this state under which the firearm is mailed to a point outside the boundaries of this state; or

(3) The sale of a firearm to a nonresident of this state while at a firearm showing or display recognized by the state department of public safety; or

(4) The sale of a firearm to a dealer licensed under the federal firearms act.

30-105. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(c) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Chicago Ridge

Section 1—License required. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, loan or give away to any person within the Village any pistol, revolver, derring, *** or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used or other weapon of like character without securing a license so to do as hereinafter provided; and no person, firm or corporation having secured such a license shall sell

or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Section 5—Permit. It shall be unlawful for any person to purchase any pistol, revolver, derring, *** or weapon of like character without first securing from the Village Clerk a permit so to do. Before any such permit is granted an application in writing shall be made *** [contact local authorities for required contents]. Before issuing such permit the Village Clerk shall refer the same to the Chief of Police ***. In addition the Chief of Police shall make such inquiry or investigation as shall be necessary to ascertain whether or not the applicant is entitled to receive such a permit *****.

Section 6—Refusing permit. It shall be the duty of the Chief of Police to refuse his approval of such permit to a) All persons having been convicted of any crime; b) All minors.

Cicero

38-7. Minors using firearms. No person shall sell, loan or furnish to any minor any gun, pistol or other firearms, or any toy gun, toy pistol or other toy firearms, in which any explosive substance can be used, within the town, under a penalty of not more than one hundred dollars for each offense; provided, that minors may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club.

38-9. Sale or gift of deadly weapons concealable on person—License—Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, *** derring, *** or other deadly weapon which can be concealed on the person, without securing a license so to do.

38-12. Same—Application to, permission from, superintendent of police required. No pistol, revolver, *** derring, *** or other deadly weapon can be sold unless application is made to the superintendent of police of the town stating that a request has been made for the purchase of a pistol, revolver, *** derring, *** or other deadly weapon *****

38-14. Same—Prohibited to other than licensed dealers, or persons granted permits. It shall be unlawful for any person to sell, barter, or give away to any person within the town, any deadly weapon mentioned in section 38-9, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the superintendent of police of the town as hereinafter re-

quired. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the town.

38-15. Same—Purchasers required to obtain permit; permits prohibited to minors and persons convicted of crime. It shall be unlawful for any person to purchase any deadly weapon mentioned in section 38-9 which can be concealed on the person without first securing from the superintendent of police of the town a permit so to do. ***

Clarendon Hills

Selling firearms to minors unlawful. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece or other firearm, *** within the Village of Clarendon Hills, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

Colchester

Sec. 4-30. Weapons—Selling or furnishing firearms to minors. It shall be unlawful for any person within the city to sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, fowling piece or other firearms.

Countryside

8-11.01 License required. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away, any loaded paper shells, metallic shot, loaded cartridges, bank cartridges, percussion caps, primers, detonators, or any other explosives without having first obtained a license therefor.

8-11.11 Minors. It is hereby declared to be unlawful for any person to sell, deliver, or give to any person under eighteen years of age any of the items set forth in 8-11.01.

Crest Hill

1. Violation. It shall be unlawful for any person to engage in the business of selling or to sell, or offer for sale or give away to any person within the city any pistol, revolver, *** or other weapons of like character without securing a license to do so.

3. Sale to minors. None of the articles enumerated in Section 1, or of like character, shall be sold to any minor.

5. Permit. No sale of any revolver, pistol, *** or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless such purchaser shall first exhibit to such licensee a

permit for the purchase thereof, issued by the chief of police of this city. *** It shall be the duty of the chief of police to refuse such permit to all minors or persons having been convicted of any crime.

Creve Coeur

6-2-17: Unlawful use of weapons: (A) It shall be unlawful for any person to: 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; ***

DeKalb

52.10 Firearms *** (b) Selling to minors. No person shall sell, give, loan or furnish to any minor within the City any pistol, revolver, *** derringer, *** (shotguns and rifles excepted).

Decatur

41-1. No person, firm or corporation shall sell, give, loan, hire, barter, furnish or offer for sale, or give, loan, hire, barter or furnish to any minor under the age of sixteen (16) years within the City, without the written consent of the parent or legal guardian of said minor, any gun, pistol, revolver, fowling piece or other firearm or any toy gun, toy pistol, toy fowling piece or other toy firearm in which any explosive substance can be used; *****

Downers Grove

Sec. 15-13. Same—Sale to minors. No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, ***

Duquoin

20-65. Purchasing from or selling, loaning or furnishing weapons using explosive substances to persons under the influence of alcohol, etc., agitated persons, or minors. It shall be unlawful to purchase from or to sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any nar-

cotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Durand

Sec. 12-7. Unlawful use of weapons. *****

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

* * * * *

East Alton

6-3-3-15: Unlawful use of Weapons: (A) It shall be unlawful for any person to: *****

6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

* * * * *

East Peoria

29. Unlawful use of weapons. (a) It shall be unlawful for any person to:

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Possess or carry any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails.

East St. Louis

1. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell or give away to any person

within the City, or to bargain or negotiate with any person within the City for any pistol, revolver, derringer, *** or other weapon of like character, which can be concealed on the person, without securing a license so to do ***

5. It shall be unlawful for any person, firm or corporation to sell, barter or give away to any person within the City of East St. Louis, Illinois, any pistol, revolver, derringer, *** or any other weapon of like character which can be concealed on the person, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police ***

6. It shall be unlawful for any person to purchase any pistol, revolver, derringer, *** or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit so to do ***

7. It shall be the duty of the Chief of Police to refuse such permit to:

(a) All persons having been convicted of any crime;

(b) All minors.

Elmhurst

51.19 Firearms to minors. No person shall sell, loan or furnish to any minor, any gun, pistol or other firearm or any airgun or toy pistol on which percussion caps are used.

Elmwood Park

52-3. Definition of "firearm". Firearms for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

52-5. License to sell firearms—Required. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor.

52-7. Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. ***

52-8. Sales, etc., of firearms to persons without permit. No person, having secured a license to sell firearms shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

52-11. Sale, etc., of firearms to minors. No person shall sell or give to any alien or to

any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Evanston

48-6. Permit for purchase of pistol; inspection of stock, etc. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the city, any pistol, revolver or other weapon of like character which can be concealed upon the person, unless such person so purchasing or receiving such weapon shall have secured a written permit for the purchase of such article, from the chief of police ***

48-7. Selling firearms to minors. It shall be unlawful for any person to sell, loan or furnish to any minor, any gun, pistol, fowling-piece or other firearm, within the corporate limits of the city.

Evergreen Park

Sec. 32-2. Certain acts involving weapons deemed unlawful—In general. It shall be unlawful for any person to knowingly:

(a) Sell, manufacture, purchase, possess or carry any *** shotgun with a barrel less than eighteen inches (18) in length *****

(f) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sell, manufacture, purchase, possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device.

Sec. 32-3. Same—Exceptions. The preceding section 32-2 shall not apply to peace officers or any persons summoned by any such officer to assist in making arrests or preserving the peace while he actually is engaged in assisting such officer.

Sec. 32-11. License required to engage in business or to sell or give away deadly weapons. It shall be unlawful for any person to engage in the business of selling or to sell or give away any pistol, revolver, *** or other deadly weapon, which can be concealed on the person without securing a license so to do.

Sec. 32-17. Limitations on sale or gift of deadly weapons; exception. It shall be unlawful for any person to sell, barter, or give away to any person within the village, any deadly weapon mentioned in section 32-11, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as hereinafter required. This section shall not be construed to apply between licensed dealers.

Sec. 32-18. Purchaser required to secure permit to purchase deadly weapon; application; fingerprinting; grounds for disapproval; fee. It shall be unlawful for any per-

son to purchase any deadly weapon mentioned in section 32-11, which can be concealed on the person without first securing from the chief of police a permit so to do. *****

Sec. 32-36. License required to engage in business. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer or other firearm, which can be concealed on the person without securing a license so to do.

Fox River Valley Gardens Village

Section 7. Unlawful use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: ***** (5) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (6) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; ***

Franklin Park

17-202. Affidavit required for sales. (a) No person licensed under the provisions of this article having secured such a license, shall sell or give away any deadly weapons as defined in this division to any person within this village who has not filled out, signed and had witnessed by a notary public a federal firearms affidavit.

(b) It shall be unlawful, for any person to purchase any deadly weapon as defined in this article without filling out a federal firearms affidavit in writing *** Upon witnessing the identification of the applicant, the officer of the company, clerk or secretary, holding a notary public seal from the state shall notarize the affidavit. It shall be the duty of the notary, upon witnessing the identification of the applicant to affix his notary seal and sign the affidavit, refusing any applicant whom he concludes is a minor, lacks proper identification, shows physical signs of being a narcotic, or is unemployed.

17-211. Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the village, any deadly weapon as de-

fined in this article, without securing a license so to do as provided in this division and the general licensing provisions of this chapter.

Geneva

19-10. Unlawful use of weapons.

(a) It shall be unlawful for any person to commit the offense of unlawful use of weapons.

(b) A person commits the offense of unlawful use of weapons when he knowingly: ***

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; ***

Gibson City

8.21 Illegal to Sell Firearms and Other Devices to Persons Under Twenty-One. No person shall within the corporate limits of the City, sell to any person under the age of twenty-one (21) any gun, pistol, fowling piece, *** or other firearm or device which is calculated or intended to propel or project a bullet, pellet *** or similar projectile, without written permission of parent or guardian.

Glencoe

Sec. 24-49. Same—Sale of weapons which can be concealed. It shall be unlawful to sell any firearms which can be concealed on or about the person in the village.

Sec. 24-50. Same—Sale, etc., to minors. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, or any air gun or ammunition for any firearm or air gun within the village.

Glendale Heights

Sec. 13-72. Unlawful use of weapons. *****

(3) Carries on or about his person or in any vehicle, a tear gas gun projector or bomb or any object containing noxious liquid gas or substance; *****

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(7) Sells, manufactures, purchases, possesses or carries any weapon from which

more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails;

Sec. 13-73. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

- (a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age;
- (b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;
- (c) Sells or gives any firearm to any narcotic addict;

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction;

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years;

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made; however, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard or other similar employment;

(2) A mail-order sale of a firearm to a non-resident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois;

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or

(4) The sale of a firearm when another firearm is traded in for the firearm purchased, in whole or in part.

Sec. 13-74. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person;

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearm or firearm ammunition in his possession;

(c) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearm or firearm ammunition in his possession;

(d) He is a narcotic addict and has any firearm or firearm ammunition in his possession;

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearm or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearm or firearm ammunition in his possession.

Glen Ellyn

6-2-3.13: Weapons: (E) Sales to Intoxicated Persons and Minors: No person shall purchase from or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, or to any person in a condition of agitation or excitability, or to a minor under the age of eighteen (18) years.

Granite City

Ordinance 1863

Section 1: It shall henceforth be unlawful for any person, firm, or corporation to sell, display for sale, or offer to sell to any minor, any revolver, pistol, shotgun or rifle ***

Section 2: It shall be unlawful to sell or offer to sell to any minor any shell, cartridge, charge, pellet, ammunition or other device to be used, discharged or propelled from any of the items mentioned in Section 1 hereof.

Section 3: It shall be unlawful for any minor to have in his possession or to use, except within the confines of his own domicile, any of the weapons or items set forth in Sections 1 and 2 hereof or to purchase the same.

Hampton

Ordinance 276

Section 2. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number or other mark of identification on any firearm. Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Section 3. No person, firm, or corporation shall sell, give or loan to any alien or to any minor under the age of 18 years any firearm of a size which may be concealed upon the person.

Harvey

29-374. No person shall sell, loan, or furnish to any minor, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm, in which any explosive substance can be used, *** or any similar weapon or device within the city, ***

Harwood Heights

29-1. License: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, *** or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon ***

29-5. Permit: It shall be unlawful for any person to purchase any pistol, revolver, derringer, *** or weapon of like character, without first securing from the Village Clerk a permit so to do. ***

29-6. Refusing Permit: It shall be the duty of the Chief of Police to refuse his approval of such permit to:

- (a) All persons having been convicted of any crime;
- (b) All minors.

Hialeah

Ordinance 897

Section 1. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol *** to any minor under seventeen (17) years of age.

Section 2. It shall hereafter be unlawful for any person to sell, barter, lend, give or deliver any pistol *** to any minor between the ages of seventeen (17) and twenty-one

(21) years of age without the express written approval of one of the parents of such a minor, or the legal guardian of such minor.

Highland Park

134.001. Definitions: For the purpose of this chapter. (A) The term "person" includes any individual, corporation, company, association, partnership, society or joint stock company.

(B) The term "hand gun" means any device, or part of a device, by whatever name known, which is designed or may be readily converted to expel a projectile or projectiles by the action of an explosive, expansion of gas or air, or escape of gas or air, having an overall length of 18 inches or less and designed to be held and operated with and by one hand.

(C) The term "Chief of Police" means the head law enforcement officer of the City of Highland Park or his duly authorized agent.

134.002. Manufacture, assembly, sale prohibited—special permit. No person shall engage in the business of manufacturing, assembling or selling, within the corporate limits of the City of Highland Park, any hand gun as defined in Section 134.001 of this Code, except in compliance with the provisions of this Chapter. No person shall engage in the business of manufacturing, assembling or selling such hand guns without first having been granted a special permit therefor by the City Council. No such permit shall be granted to any person ineligible to register a hand gun in accordance with the requirements of Sections 134.007 and 134.010, nor to any person who fails to meet the standards for Federal and Illinois Dealer's licenses.

Hillsdale

(A) It shall be unlawful for any person to: *** 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots, or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18) in length, or any bomb, bomb-shell, grenade, bottle or other container containing explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; *****

Hodgkins

1. License to sell, loan or give away: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, der-

ringer, *** or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within the Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Hoffman Estates

29-1. License: It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, derringer, *** or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as hereinafter provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon ***

29-5. Permit: It shall be unlawful for any person to purchase any pistol, revolver, derringer, *** or weapon of like character, without first securing from the Village Clerk a permit so to do. ***

Homewood

53.18 Dealers in weapons. (a) Definition. The term "deadly weapon" as used in this section shall include any pistol, *** derringer, *** or any other object of similar nature which can be concealed on the person.

(b) License Required. No person shall engage in the business of selling or sell or give away any deadly weapon without a license. ***

(c) Sale Procedure. 1. No deadly weapon shall within the Village be sold, traded or given to any person who fails to present a permit to purchase issued by the Chief of Police. *****

(d) Purchase Permit. It shall be unlawful for any person to purchase or receive any deadly weapon which can be concealed on the person without first obtaining a permit so to do from the Chief of Police. ***

(e) Gunsmiths. No person shall engage in the business of repairing any pistol, revolver, derringer or other firearm which can be concealed on the person without a license. *****

53.19 Sale of weapons to minors. No person shall sell, loan, or furnish to any minor,

any gun, pistol or other fire-arm, *** or ammunition for any fire-arm ***, within the limits of the Village.

Island Lake

7. Unlawful use of weapons. (5) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(6) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails ***.

Jerseyville

Sec. 20-66. Unlawful use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly: ***** (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; ***

Sec. 20-67. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age;

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent;

(c) Sells or gives any firearm to any narcotic addict;

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of the state or any other jurisdiction;

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years;

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been

made; however, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard or other similar employment;

(2) A mail-order sale of a firearm to a non-resident of the state under which the firearm is mailed to a point outside the boundaries of the state;

(3) The sale of a firearm to a nonresident of the state while at a showing or display recognized by the state department of public safety;

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part; or

(5) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

Joliet

Sec. 32.19. Licensed required. It shall be unlawful for any person to engage in the business of selling or to sell or offer to sell or give away to any person within the city any pistol, rifle, shotgun, revolver, *** or other weapons of like character without first securing a license to do so. ***

Sec. 32.21. Sales to minors. None of the articles governed by this article or of like character, shall be sold to any minor.

Sec. 32.22. Permit required for concealable weapons; application; contents; ineligible applicants. (a) No sale of any revolver, pistol, *** or other deadly weapon which can be concealed on the person shall be made by any licensee under this article to any purchaser unless the purchaser shall first exhibit to the licensee a permit for the purchase thereof, issued by the chief of police of the city.

(b) Before any permit required by this section is granted, an application in writing shall be made to the chief of police [contact local authorities for required contents]. ***

La Grange

Sec. 115-320. Weapons. No pawnbroker shall receive or have in his possession as a pledge or purchase, any revolver, pistol, machine gun, *** or sawed-off shotgun, or display in his window or shop any such weapons for sale.

Sec. 136-1. Unlawful use of weapons.

(A) A person commits the offense of unlawful use of weapons when he knowingly:

(1) Sells, manufactures, purchases, possesses or carries any *** shotgun with a barrel less than 18 inches in length, ***

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Lake Bluff

52.02. No person shall sell, loan or furnish to any minor, any gun, pistol, fowling piece, or other firearm within the limits of the Village of Lake Bluff.

Leroy

42.03 (b) No person shall sell, give or transfer any [concealed pistol] to any minor person.

Lindenhurst

41.01 Gun dealers—license required. No person shall engage in the business of selling or sell or give away any pistol, revolver, *** derringer, *** or other deadly weapon which can be concealed on the person, without securing a license to do so as provided in Chapter 31.

41.06 Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the Village any deadly weapon mentioned in this section except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Village Marshal as herein required. This does not apply to sales made of such articles which are to be delivered or furnished outside the Village.

41.07 Permit to purchase weapon. It shall be unlawful for any person to purchase any deadly weapon mentioned in this section without first securing from the Village Marshal a permit to do so. ***

41.08 Revocation of license. In case the Village Marshal revokes a license for the selling of such weapons, no other such license shall be issued to such licensee for a period of three (3) years thereafter.

41.09 Gunsmiths—license required. No person shall engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license to do so as provided in chapter 31.

Lockport

15-1. License—manner of issuance. It shall be unlawful for any person, firm or corporation to engage in the business of selling or to sell, or offer for sale or give away to any person within the City limits any pistol, rifle, shotgun, revolver, *** or other weapons of

like character without securing a license to do so. ***

15-3. Sale to minors. None of the articles enumerated above, or of like character, shall be sold to any minor.

15-5. Permit. No sale of any revolver, pistol, *** or other deadly weapons which can be concealed on the person shall be made by any licensee to any purchaser unless said purchaser shall first exhibit to said licensee a permit for the purchase thereof, issued by the Chief of Police of this City. ***

Lombard

9.16.040 Selling firearms to minors unlawful. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, in which any explosive substance can be used, within the limits of the village.

Loves Park

Sec. 13-15. Furnishing ammunition to, acquisition by, minors. It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, pellet, *** or other missile or projectile to any person under the age of eighteen (18) years and it shall be unlawful for any person under the age of eighteen (18) years to obtain any ammunition, ball, bullet, pellet, *** or any other missile or projectile by purchase, sale or gift, or in any other manner.

Sec. 13-50. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: *****

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; *****

Lyndon

Sec. 147—Selling Fire Arms to Minors. No person shall sell, loan, or furnish to any minor any gun, pistol, fowling piece, or other fire arm.

Manteno

3-15-1: License required; It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any

pistol, revolver *** derringer *** or other deadly weapon which can be concealed on the person without securing a license to do so. *****

3-15-5: Restrictions on sales and gifts: It shall be unlawful for any person to sell, barter or give away to any person within the Village any deadly weapon mentioned in this Chapter which can be concealed on the person without first securing from the Police Chief a permit to do so. The Police Chief may require such information from such applicant as he deems reasonable and necessary.

3-15-6: Permit: It shall be unlawful for any person to purchase any deadly weapon mentioned in this Chapter which can be concealed on the person without first securing from the Police Chief a permit so to do. The Police Chief may require such information from such applicant as he deems reasonable and necessary. No such permit shall be issued to one convicted of any crime or to a minor.

Marquette Heights

Unlawful use of Weapons:(A) It shall be unlawful for any person to: ***** 6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or 7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; ***

Maywood

8.259 It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, *** derringer *** or other deadly weapon which can be concealed on the person, without securing a license so to do.

8.264 It shall be unlawful for any person to sell, barter, or give away to any person within the Village, any deadly weapon mentioned in Section 8.259, except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the Chief of Police as hereinafter required. This section shall not apply to sales made of such articles which are to be delivered or furnished outside the Village.

8.265 It shall be unlawful for any person to purchase any deadly weapon mentioned in Section 8.259, which can be concealed on the

person without first securing from the Chief of Police a permit so to do. ***

8.268 It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed on the person without securing a license so to do.

McCook

9-10-3. License to sell: Firearms for the purposes of this Chapter are pistols, revolvers, guns, and small arms of a size and character that may be concealed upon or about the person. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. And no person, having secured such license, shall sell, loan, or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

9-10-4. Purchasers of firearms: No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen (18) years of age or an alien. ***

9-10-8. Sale or gift: No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearm of a size which may be concealed upon the person.

Melrose Park

93.1 Generally: *** No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm, within the corporate limits of the Village of Melrose Park. *** No person, firm or corporation shall engage in the business of selling or sell or give away to any person within the Village of Melrose Park, any pistol, revolver, derringer, *** or other weapon, of like character which can be concealed on the person, and no person, firm or corporation having secured such a license, shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police or President of the Village to purchase such weapon ***

93.2 License to sell firearms: Any person, firm or corporation desiring a license authorizing the sale of any of the deadly weapons mentioned in the foregoing Section shall make application in writing to the President of the Village ***

93.3 Other requirements:

(b) It shall be unlawful for any person to purchase any pistol, revolver, derringer, *** or other weapon of like character, which can

be concealed on the person, without first securing from the Chief of Police or the President of the Village a permit so to do. ***

Midlothian

6-4-4: Sale to minors prohibited: It shall be unlawful to sell, loan or give, to any person under the age of eighteen (18) years any *** weapon capable of projecting or discharging projectiles of any type by any force, ***

It shall be unlawful to sell, loan or give to any person under the age of eighteen (18) years any ammunition, *** with any of the weapons referred to in the foregoing provisions of this Section.

6-4-5: Sale of shotguns and shells; license: It shall be unlawful for any person to engage in the business of selling shotguns or shotgun shells in the Village without securing a license so to do.

6-4-8: Shotguns; sale to minors: It shall be unlawful to sell a shotgun or shotgun shells to any person under the age of twenty-one (21) years.

Moline

Sec. 27-47. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: *****

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; or *****

Sec. 27-48. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this state or any other jurisdiction; or

(e) Sells or gives any firearm to any person

who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearm to any person who is mentally retarded; or

(g) Delivers any firearm, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made. However, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a non-resident of the state under which the firearm is mailed to a point outside the boundaries of the state; or

(3) The sale of a firearm to a nonresident of the state while at a showing or display recognized by the state department of public safety; or

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part; or

(5) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

Monmouth

Sec. 18-38. Same—Selling or furnishing firearms to minors. It shall be unlawful for any person within the city to sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, fowling piece or other firearms.

Montgomery

Sec. 12-17. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons, which shall be a violation of this Code, when he knowingly: *****

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; *****

Sec. 12-18. Unlawful sale of firearms. A person commits the offense of unlawful sale of firearms, which shall be a violation of this Code, when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person to

any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of Illinois or any other jurisdiction; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four (24) hours after application for its purchase has been made. However, this subsection shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a non-resident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Public Safety; or

(4) The sale of a firearm when another firearm is traded-in for the firearm purchased, in whole or in part.

Sec. 12-19. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition, which shall be a violation of this Code, when:

(a) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(b) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(c) He has been convicted of a felony under the laws of Illinois or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(d) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(e) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(f) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Morrison

9.76.070. It shall be unlawful for any person to permit, suffer, or allow any child under the age of 18 years to handle or have in his possession within the City of Morrison, any cannon, gun, pistol, or any toy gun or cannon, or toy pistol or air gun, or any other similar weapon, or any firearm of any description, which is a deadly weapon, * * *.

Morton Grove

132.100 Selling deadly weapons; sales to minors. (B) No person shall sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the village any gun, pistol, revolver, fowling-piece, or other firearm, or any toy gun, toy pistol, toy fowling-piece, or other toy firearm in which any explosive substance can be used * * *.

Mount Carmel

Article V. Weapons

Sec. 16-95. Unlawful possession of firearms and firearm ammunition. A person commits the offense of unlawful possession of firearms or firearm ammunition when he:

(1) Is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person; or

(2) Is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) Has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from a penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) Is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) Has been a patient in a mental hospital within the past five (5) years and has any fire-

arms or firearm ammunition in his possession; or

(6) Is mentally retarded and has any firearms or firearm ammunition in his possession.

Sec. 16-98. Defacing identification marks of firearms.

(a) It shall be unlawful for any person to change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

New Boston

5-2-2-12: Sale of firearms or weapons to minors prohibited: (A) It shall be unlawful for any person to sell to any minor person any firearm, * * *

Niles

22-44. Affidavit to purchase firearms.

(a) It shall be unlawful for any person dealing in firearms to sell, barter, loan, or give away to any person within the village any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have filed with the dealer an affidavit * * *.

(b) The following persons are covered by the section and not eligible to purchase a firearm:

(1) Any person convicted of a felony;
(2) Any minor under the age of eighteen (18) years;
(3) A narcotic addict.

22-45. Selling, furnishing firearms to minors. It shall be unlawful for any person to sell, give, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol, rifle, revolver or other firearm within the corporate limits of the village.

Norridge

Section 1. License. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, loan or give away to any person, within the Village, any pistol, revolver, Derringer, * * * or any toy firearms or other toy in the nature of a firearm in which any explosive substance can be used, or other weapon of like character, without securing a license so to do as herein-after provided, and no person, firm or corporation having secured such a license, shall sell or give away such weapon to any person

within this Village who has not secured a permit from either the Chief of Police or the Village Clerk to purchase such weapon in the manner hereinafter provided.

Section 5. Permit. It shall be unlawful for any person to purchase any pistol, revolver, Derringer, * * * or weapon of like character, without first securing from the Village Clerk a permit so to do. * * *

Section 6. Refusing Permit. It shall be the duty of the Chief of Police to refuse his approval of such permit to: (a) All persons having been convicted on any crime, (b) All minors, (c) All persons who, in his opinion, are not of good moral character.

North Pekin

6-2-3-15: Unlawful use of weapons: (A) It shall be unlawful for any person to: *****

6. Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

7. Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches (18") in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; * * *

Northbrook

17.25 Unlawful Use of Weapons. A person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses or carries any * * * shotgun with a barrel less than 18 inches in length

(f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

17.26 Exemptions * * * (c) Paragraph 17.25 (g) shall not apply to or affect any of the following:

(1) Peace officers.
(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illi-

nois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this paragraph 17.26 (c) to possess such, provided said machine guns are broken down in a non-functioning state or not immediately accessible. * * * *

O Fallon

27.60 Unlawful Use of Weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly: * * * (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

27.61 Unlawful Sale of Firearms. A person commits the offense of unlawful sale of firearms when he knowingly:

(a) Sells or gives any firearm of a size which may be concealed upon the person, to any person under eighteen (18) years of age; or

(b) Sells or gives any firearm to a person under twenty-one (21) years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or

(c) Sells or gives any firearm to any narcotic addict; or

(d) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed; or

(e) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five (5) years; or

(f) Sells or gives any firearms to any person who is mentally retarded; or

(g) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two (72) hours after application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun, or other long gun for at least twenty-four (24) hours after application for its purchase has been made.

However, this paragraph shall not apply to:

(1) The sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment as a bank guard, armed truck guard, or other similar employment; or

(2) A mail order sale of a firearm to a non-resident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(3) The sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(4) The sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

27.63 Register of Sales by Dealer. (a) Any seller of firearms of a size which may be concealed upon the person, other than a manufacturer selling to a bona fide wholesaler or retailer or a wholesaler selling to a bona fide retailer, shall keep a register of all firearms sold or given away.

27.64 Defacing Identification Marks of Firearms.

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Oak Park

45.1—Definition of "Firearms". "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed on or about the person.

45.2—Sale or Rental of Firearms. It shall be unlawful to sell, loan, rent or give away any firearms or firearm ammunition to any of the following:

(a) A person under twenty-one (21) years of age, except that this provision shall not prohibit the use of a firearm by a person under twenty-one (21) years of age in a supervised target shooting program;

(b) A narcotics addict;

(c) A person convicted of a felony within five (5) years of release from a penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed;

(d) Any person who has been a patient in a mental hospital within the past five (5) years;

(e) A person who is mentally retarded.

45.3—Application and Permit to Purchase or Rent. No person shall be allowed to purchase or rent a firearm without a permit for said transaction having been issued by the Village of Oak Park. A separate permit shall be required for each firearms transaction. *****

(h) No firearm shall be delivered to the purchaser or renter until a valid permit therefor has been issued to the seller by the Village of Oak Park, said permit bearing the endorse-

ment thereon of both the Chief of Police and the Village Manager of Oak Park.

45.4—License to Deal in Firearms—Required. It shall be unlawful for any person to engage in the business of selling or renting, or to sell, rent, loan or give away, to any person, any firearm as defined in Section 45.1 of this Code, without securing a license for said dealings.

Oakbrook Terrace

Sec. 21-2. Sale, etc., of Firearms or Airguns to Minors. It shall be unlawful for any person to sell or give away to any minor any firearm which can be concealed on the person within the corporate limits of the city.

Sec. 21-5. Sales of Firearms—Registration. All persons dealing at retail within the city in one or more of the following firearms:

(a) Firearms of a size which may be concealed upon the person; (b) Shotguns; (c) Rifles; (d) Firearms of any description not above enumerated; shall keep a register of all such firearms sold or given away by them. Such register shall contain [such information as is required by Oakbrook Terrace; contact local authorities for requirements] ***. A Firearm Transaction Record Form 4473 is sufficient and shall satisfy the requirements of this section.

Sec. 21-6. Same—Purchase Approval; Inspection of Premises Where Sold, etc. It shall be unlawful for any person to sell or give away to any person within the city any firearm, unless such person so purchasing or receiving such firearm shall have a valid state gun owner's identification card and shall have secured approval for the purchase of such firearm from the chief of police [contact local authorities concerning those categories of persons not eligible for such approval]. It shall be the duty of every person selling or giving away firearms to receive and keep such written approvals from the chief of police in a permanent file for inspection purposes. Every such person with a license to deal in firearms shall, on demand, allow the chief of police or his deputy to enter his premises during normal business hours for inspection of all stock on hand and shall, on request of such officer, produce for inspection all written approvals issued by the chief of police for the sale of such firearms and the register required to be kept by section 21-5.

In case the chief of police shall find the applicant [qualified] *** it shall be his duty to grant such approval.

The chief of police shall complete such investigation within the waiting period prescribed under state law prior to delivery, unless extenuating circumstances are shown.

Sec. 21-7. Same—Bartering. The approval required by section 21-6 shall not be

required when bartering one fireable firearm for another fireable firearm. However, the individual must possess the valid state gun owner's identification card, and the information provided for in section 21-5 must be furnished to the chief of police on the day of the barter.

Oregon

8-6-3: Firearms: No person shall sell, loan, exchange, deliver or give away to any minor any gun, pistol, fowling piece or other firearm within the corporate limits of the City.

Park Forest South Village

Ordinance 41

XXXIV. Weapons A. It shall be unlawful for any person to carry or possess any dangerous or deadly weapon in violation of Article 24 of the Illinois Criminal Code.

Peoria

41-4. License to sell, etc.—Required. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, *** derringer, *** or other deadly weapon, which can be concealed on the person, without securing a license so to do.

41-8. Required Certificate and Thumb Print. It shall be unlawful for any person to sell, barter, or give away to any person within the City, any deadly weapon mentioned in Section 41-4 of this Code, except to licensed dealers, without first obtaining from the person receiving such deadly weapon a signed statement [contact local authorities for required contents] *** and which shall contain a thumb print from the person receiving such weapon. Such thumb print shall be the right-hand thumb print unless circumstances prevent, in which case it shall be the left-hand thumb print. All such information required by this section shall be entered upon forms provided by the Superintendent of Police for that purpose.

Sec. 41-11. Restriction on sale. It shall be unlawful for any person to sell, barter or give away, to any person within the city, any deadly weapon mentioned in section 41-4 of this Code, to any person known to him to be under twenty-one (21) years of age or of unsound mind or under indictment or a drug addict or a fugitive from justice or who has been convicted of a crime of violence.

Sec. 41-13. Registration. All persons who have in their possession any pistol, revolver or gun, which may be concealed on the person, shall register such gun or pistol with the superintendent of police, setting forth the caliber, make, model and manufacturer's number of the weapon. No fee shall be required for such registration.

Peoria Heights

Section 1. License required. It shall be unlawful for any person to engage in the business of selling any pistol, revolver, *** derringer, *** or other deadly weapon which can be concealed on the person, without securing a license to do so from the Village Clerk.

Section 5. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter, or give away to any person within the Village any deadly weapon mentioned in Section 1 hereof, to any person known to him to be under twenty-one (21) years of age, of unsound mind, or under indictment, or a drug addict, or a fugitive from justice, or who has been convicted of a crime of violence.

Sec. 39. Minors not to have certain weapons. No person, not being the father, guardian or employer of a minor, shall, by himself, agent, servant, or employee, directly or indirectly, sell, give, loan, hire or barter to any such minor, within the city, any pistol, revolver, derringer, ***.

Posen

Chapter 8, Title VIII Posen Village Code

8-8-1: Definitions. For purposes of this Ordinance—A. "Deadly Weapons" means pistols, derringers, revolvers or other handguns of such size or nature that they may be concealed on or about the person, short-barreled shotguns and short-barreled rifles. Deadly weapons do not include any antique firearm. Deadly weapons do not include any firearm which is not designed to or may not readily be converted to expel a projectile by the action of an explosive.

B. "Short-Barreled Shotguns" means shotguns having one or more barrels less than eighteen inches in length.

C. "Short-Barreled Rifles" means a rifle having one or more barrels less than sixteen inches in length.

D. "Antique Firearm" means: (1) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(2) any replica of any firearm described in subsection 8-8-1 - D - (1), if such replica (a) is not designed or redesigned for using rimfire or conventional center-fire fixed ammunition, or (b) uses rimfire or conventional center-fire fixed ammunition which is not longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

E. "Dealer" means any person, firm or corporation—

(1) engaged in the business of selling firearms at wholesale or retail,

(2) engaged in the business of repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms, or

(3) any person who is a pawnbroker.

F. "Licensed Dealer" means any dealer who is validly licensed as a dealer under the provisions of Chapter 44 of Title 18 of the United States Code.

G. "Licensed Collector" means any person who acquires, holds, or disposes of firearms or ammunition as curios or relics and who is validly licensed as a collector by the Secretary of the Treasury of the United States under the provisions of Chapter 44 of Title 18 of the United States Code.

H. "Sale or Other Transfer" means any sale, gift, exchange, loan, rental or other transfer of a deadly weapon, but does not include any of the following:

(1) acquisition of a deadly weapon as the executor, administrator or other legal representative of a decedent's estate, or

(2) transfer of a deadly weapon by bequest or intestate succession, or

(3) acquisition or transfer of a deadly weapon by a trustee in bankruptcy in the administration of a bankrupt's estate, or

(4) return of a deadly weapon to a person, firm or corporation from whom it was received, or

(5) transfer of a deadly weapon where it is required by or in accordance with a judgment or decree of any court of lawful jurisdiction, or

(6) transfer of a deadly weapon to any Federal, State or Local government, or any department, agency, bureau, institution or commission thereof, or

(7) transfer of a deadly weapon to a private museum, society institution or other private organization which customarily acquires and holds firearms as curios or relics or for scientific or research purposes, or

(8) loan or rental of a deadly weapon solely for the purpose of target shooting upon a lawful pistol range or other lawful target range.

8-8-2: Unlawful sale or other transfer of deadly weapons. It shall be unlawful for any person, firm or corporation to make any sale or other transfer of a deadly weapon in the Village of Posen, Illinois, to any person, firm or corporation other than the following:

A. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with any of the regular armed forces, military services or reserve organizations of the United States.

B. Persons who are required or authorized to possess and use a deadly weapon incident to their membership, employment or association with the organized militia of any State.

C. Persons who are required or authorized to possess and use a deadly weapon incident to their employment by any Federal, State or Local government thereof, specifically including by way of example but not limited to:

(1) Peace Officers;

(2) Wardens, Superintendents and Keepers of prisons, penitentiaries, jails or other institutions for the detention of persons accused or convicted of an offense; and

(3) Agents and Investigators of the Illinois Legislative Investigatory Commission authorized by the Commission to carry weapons.

D. Licensed detectives and employees of licensed detective agencies as defined in Illinois Revised Statutes, Chapter 38, Section 201-1, as now or hereafter amended.

E. Special agents employed by a railroad or public utility to perform police functions.

F. Watchmen, bank guards, armed truck guards or other similar private security personnel, in accordance with the provisions of Section "8-8-11" of this Ordinance.

G. A licensed collector of deadly weapons.

8-8-3: Dealer license required. No person, firm or corporation shall engage in the business of a dealer in deadly weapons in the Village of Posen, Illinois, without securing a license therefor.

8-8-4: Application for dealer's license. An application for the license required by Section 8-8-3 shall be made in writing to the Village of Posen Clerk on such suitable forms provided or approved by him [contact local authorities for required contents] ***.

8-8-5: Dealer's license fee. The license fee shall be \$25.00 per year or such other sum as may be established by ordinance. The license shall expire on April 30th following the date of issuance. The fee for a license issued for less than one year shall be prorated.

8-8-6: Denial or issuance of license. It shall be the duty of the Village Clerk to refuse the license required by Section 8-8-3 to any person, firm or corporation which fails, refuses or is unable to comply with all of the

requirements; ***; otherwise, *** it shall be the duty of the Village Clerk to issue such license.

Rantoul

18.53 Illegal to Sell Firearms and Other Devices to Persons Under Twenty-One. No person shall within the corporate limits of the Village, sell, loan or furnish to any person under the age of twenty-one any gun, pistol, fowling piece, *** or other firearm ***.

Red Bud

261. Selling Weapons to Minors or Intoxicated Person. Section 58. Whoever shall, within the limits of this City, by himself or agent, sell, give, loan, hire or barter, or offer so to do, to any minor, or intoxicated person any pistol, revolver, derringer, *** shall be deemed guilty of a misdemeanor.

Riverdale

911. In addition to all other applicable requirements in this Code, the intrastate transportation of small arms ammunition, small arms ammunition primers, smokeless propellants and black powder propellants shall be in accordance with current U.S. Department of Transportation regulations.***

15.3301—Definitions. The term "gunshop" is hereby defined to mean any building, room, enclosure, premises, place, establishment or part of establishment in the Village of Riverdale operated and maintained or conducted for the sale or offer for sale at retail any of the following articles: rifles, shotguns, pistols and loaded shot shells or cartridges.

15.3302—License. No person shall engage in the business of a gunshop or a shooting range without first having obtained a license therefor.

29.216 ***No person shall sell, loan or furnish to any minor, any gun, pistol or any other firearm, or any toy gun, pistol or other toy firearm, in which any explosive substance can be used.

Rochester

6-1-14: Weapons. ***It shall be unlawful for any minor to have in his possession any firearms.

Rockford

Sec. 19-48. Unlawful use of weapons. (a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails;

Sec. 19-52. Furnishing bullets, pellets, arrows, etc., to minors. It shall be unlawful for any person to sell, give or deliver any ammunition, ball, bullet, *** to any person under the age of eighteen (18) years and it shall be unlawful for any person under the age of eighteen (18) years to obtain any ammunition, ball, bullet, *** by purchase, sale or gift, or in any other manner.

Rockton

Section 13. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: ***** (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (7) Sells, manufactures, purchases or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bomb and Molotov cocktails ***

(c) Section 13, subsection (a) (7) shall not apply to or affect any of the following:

(1) Peace officers.
(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided the machine guns are broken down in a non-functioning state or not immediately accessible.

Rockwood

18-1. Unlawful use of weapons. a. A person commits the offense of unlawful use of weapons when he knowingly: *** (6) Pos-

sesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails.

18-2. No person, firm or corporation in the Village of Rockwood, shall sell, give or loan to any person under the age of 18 years of age any firearm or other deadly weapon, without the consent of the parent or guardian of such minor.

Rolling Meadows

13-36. Same—Handling, possession by minors. (a) Prohibited. It shall be unlawful for any parent or guardian of any child under the age of eighteen (18), to permit, suffer or allow any such child to handle or have in his possession within the city any cannon, gun, pistol ***

Roscoe

Sec. 13-9. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly: *** (6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bomb and Molotov cocktails; or

Sec. 13-10. Unlawful use of weapons—Exemptions. ***** (c) Subsection (a) (7) of section 13-9 shall not apply to or affect any of the following:

(1) Peace officers.
(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such,

provided that the machine guns are broken down in a non-functioning state or not immediately accessible.

St. Charles

28.039 Unlawful Use of Weapons. It shall be unlawful to, and a person commits the offense of unlawful use of weapons when he knowingly: ***

F. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

G. Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; ***

Schaumburg

Sec. 20-56. [Weapons]—Sales or gifts to minors. It shall be unlawful for any person to sell or give to any minor any pistol, revolver or other firearm that may be concealed upon the person within the corporate limits of the village.

Sec. 20-60. Same—Same—Permits generally; police inspection of retailers. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the village any pistol, revolver or any other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a valid firearm owner's identification card from the department of public safety of the state. Every such person dealing in firearms shall, on demand, allow any police officer, sheriff or deputy sheriff to enter and inspect all stock on hand and shall, on request of such officer, produce for inspection the register so required to be kept.

Sec. 20-61. Same—Same—Permits for nonresidents. The provisions of this article requiring a state firearm owner's identification card and number do not apply to nonresidents who are currently licensed or registered to possess a firearm in their resident state.

Sibley

43.03 Weapons. *** (b.) No person shall sell, give or transfer any such weapon (con-

Skokie

27-17. Permit. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Skokie, any pistol, revolver, or other firearm of like character which can be concealed upon the person, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police, ***.

27-18. Minors. It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, rifle, revolver or other firearm within the corporate limits of the Village.

South Beloit

Sec. 18-10. Unlawful use of weapons—Prohibited. (a) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bomb and Molotov cocktails;

(c) Subsection (a) (7) of section 18-10 shall not apply to or affect any of the following:

(1) Peace officers.
(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided that the machine guns are broken down in a non-functioning state or not immediately accessible.

South Elgin

18. Unlawful use of weapons. No person shall commit the offense of unlawful use of weapons. A person commits the offense of un-

lawful use of weapons when he knowingly: (1) sells, manufactures, purchases, possesses or carries any *** shotgun with a barrel less than 18 inches in length, ***

(6) possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Springfield

31.45. Minors not to handle or possess firearms, *** etc. It shall be unlawful for any parent or guardian of any child under the age of eighteen, to permit, suffer or allow any such child to handle or have in his possession within the city, any cannon, gun, pistol ***

Steger

Sec. 130.701 Unlawful use of weapons. (A) A person commits the offense of unlawful use of weapons when he knowingly:

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails;

Sec. 130.702 Unlawful sale of firearms. (A) A person commits the offense of unlawful sale of firearms when he knowingly:

(1) Sells or gives any firearm of a size which may be concealed upon the person to any person under eighteen years of age; or
(2) Sells or gives any firearm to a person under twenty-one years of age who has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent; or
(3) Sells or gives any firearm to any narcotic addict; or

(4) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed; or

(5) Sells or gives any firearm to any person who has been a patient in a mental hospital within the past five years; or

(6) Sells or gives any firearms to any person who is mentally retarded; or
(7) Delivers any firearm of a size which may be concealed upon the person, incidental to a sale, without withholding delivery of such firearm for at least seventy-two hours after

application for its purchase has been made, or delivers any rifle, shotgun or other long gun, incidental to a sale, without withholding delivery of such rifle, shotgun or other long gun for at least twenty-four hours after application for its purchase has been made. However, this paragraph shall not apply to:

(a) the sale of a firearm to a law enforcement officer or a person who desires to purchase a firearm for use in promoting the public interest incident to his employment; or

(b) a mail order sale of a firearm to a non-resident of Illinois under which the firearm is mailed to a point outside the boundaries of Illinois; or

(c) the sale of a firearm to a nonresident of Illinois while at a firearm showing or display recognized by the Illinois Department of Law Enforcement; or

(d) the sale of a firearm to a dealer licensed under the Federal Firearms Act of the United States.

(B) While holding any license under the Federal "Gun Control Act of 1968," as amended, as a dealer, importer, manufacturer, or pawnbroker; manufactures, sells or delivers to any unlicensed person a handgun having a barrel, slide, frame or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit. For purposes of this paragraph "firearm" is defined as in "An Act relating to the acquisition, possession and transfer of firearms and firearm ammunition, to provide a penalty for the violation thereof and to make an appropriation in connection therewith," approved August 3, 1957, as amended;

2) "handgun" is defined as a firearm designed to be held and fired by the use of a single hand, and includes a combination of parts from which a firearm can be assembled.

(C) Paragraph (B) of this section shall not include firearms sold within six months after enactment of this amendatory ordinance nor shall any firearm legally owned or possessed by any citizen or purchased by any citizen within six months after the enactment of this amendatory ordinance be subject to confiscation or seizure under the provisions of this amendatory ordinance. Nothing in this amendatory ordinance shall be construed to prohibit the gift or trade of any firearm if that firearm was legally held or acquired within six months after the enactment of this amendatory ordinance.

Sec. 130.703 Unlawful possession of firearms and firearm ammunition. (A) A person commits the offense of unlawful possession of firearm ammunition when:

(1) He is under eighteen years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under twenty-one years of age, has been convicted of a misdemeanor other

than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or in any other jurisdiction within five years from release from the penitentiary or within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

Stickney

Ordinance 75-14

Section 1. Definition. "Firearms" for the purposes of this Ordinance, are Pistols, Revolvers, Derringers, Handguns or small arms of such size and nature that may be readily concealed on or about the person.

Section 2. License Required. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, lease, loan or give away to any resident of the Village of Stickney, any firearms which are of such size or nature as may be readily concealed on or about the person, without securing a license therefor.

Section 3. Unlawful Sale. It shall be unlawful for any seller of firearms to sell, lease, loan or give away any firearm to any person residing in the State of Illinois unless such person shall have been issued a Firearms Owners Identification Card as provided in the "Criminal Code of 1961" as amended, or to sell firearms in violation of the provisions of the "Criminal Code of 1961" as amended, or in violation of the provisions of any Federal Act regulating the sale of Firearms.

Section 4. Permit Required. It shall be unlawful for a seller of firearms to sell, lease, loan or give away any firearms to any resident of the Village of Stickney who has not secured a permit from the Chief of Police to purchase such firearm as hereinafter provided.

Streamwood

19.1001. Definition of firearm. Firearm for the purpose of this article is a pistol, revolver, gun and small arms of a size and character that may be concealed upon or about the person.

19.1005. Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the chief of police. Such permit shall not be issued to a criminal, vagabond, minor under eighteen years of age or an alien.

19.1006. License and permit to deal in firearms. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the chief of police to purchase such weapon.

Sugar Grove

15. Unlawful use of weapons: A person commits the offense of unlawful use of weapons when he knowingly:

1. Sells, manufactures, purchases, possesses or carries any *** shotgun with a barrel less than 18 inches in length, *** or

6. Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Summit

6-7-1: License required: It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, *** derringer, *** or other deadly weapon, *** or any toy firearms or other toy in the nature of a firearm in which any bullet, pellet, or other object can be expelled by means of air pressure or any explosive substance without securing a license so to do, and no person having secured such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner herein-after provided.

Swansea

27.28 Unlawful possession of firearms and firearm ammunition. (a) A person commits the offense of unlawful possession of firearms or firearm ammunition when: (1) He is under eighteen (18) years of age and has in his possession any firearm of a size which may be concealed upon the person.

(2) He is under twenty-one (21) years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or

(3) He has been convicted of a felony under the laws of this or any other jurisdiction within five (5) years from release from the penitentiary or within five (5) years of conviction if penitentiary sentence has not been imposed, and has any firearms of firearm ammunition in his possession; or

(4) He is a narcotic addict and has any firearms or firearm ammunition in his possession; or

(5) He has been a patient in a mental hospital within the past five (5) years and has any firearms or firearm ammunition in his possession; or

(6) He is mentally retarded and has any firearms or firearm ammunition in his possession.

27.30 Defacing identification marks of firearms.

(a) Any person who shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any firearm commits a Class A misdemeanor.

(b) Possession of any firearm upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

Tremont

Sec. 6-2-3-15 Unlawful use of weapons
a) It shall be unlawful for any person to:

(6) Possess any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Possess or carry any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as, but not limited to, black powder bombs and Molotov cocktails; ***

Towanda

42.03 Weapons. *** (b) No person shall sell, give or transfer any such weapon ("pistol, *** or any other weapon or thing of deadly character") to any minor person.

Tuscola

Sec. 18-51. (Weapons)—Selling or furnishing to minors. Whoever, not being the father, guardian or employer of a minor by himself or agent, shall sell, give, loan, hire or

barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, *** or other deadly weapon of like character, capable of being secreted upon the person shall be subject to penalty as provided by section 1-8 of this Code.

Urbana

Sec. 21.55. Weapons—Unlawful use and possession, and exemptions. (1) A person commits the offense of unlawful use of weapons when he knowingly: ***** (f) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or (g) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than 18 inches in length, or any bomb, bomb-shell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; ***

(4) Exemptions. *****
(c) Section 21.55 (1)(g) does not apply to or affect any of the following:

(1) Peace officers.

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails or other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the armed services or reserve forces of the United States or the Illinois National Guard while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess machine guns, if the machine guns are broken down in a non-functioning state or not immediately accessible.

(d) Section 21.55 (1)(g) does not apply to the purchase, possession or carrying of a blackjack or slung-shot by a peace officer.

21.56. Weapons—infants. Any person who, not being the father, guardian or employer of a minor, by himself or agent, shall sell, give, loan, hire or barter to any minor within the corporate limits of the city, any pistol, revolver, derringer, *** capable of being secreted upon the person, shall be subject to the penalties set out in section 1.6 of this Code.

Venice

9-5-4: Weapons: No pawnbroker shall receive as a pledge or purchase any revolver, pistol, *** or sawed-off shotgun; and no

Washington

16-26. Same—Selling, etc., weapons to prohibited. No person shall sell, give, loan, hire, barter or furnish, to any minor within the city, any gun, pistol, revolver, fowling-piece or toy firearm, in which any explosive substance can be used, ***.

Washington Park

Unlawful possession of firearms and firearm ammunition: A person commits the offense of unlawful possession of firearms or firearm ammunition when: (a) he is under 18 years of age and has in his possession any firearm of a size which may be concealed upon the person; (b) he is under 21 years of age, has been convicted of a misdemeanor other than a traffic offense or adjudged delinquent and has any firearms or firearm ammunition in his possession; or (c) he has been convicted of a felony under the laws of this or any other jurisdiction within five years of conviction if penitentiary sentence has not been imposed, and has any firearms or firearm ammunition in his possession; or (d) he is a narcotic addict and has any firearm or firearm ammunition in his possession; or (e) he has been a patient in a mental hospital within the past five years and has any firearms or firearm ammunition in his possession; or (f) he is mentally retarded and has any firearms or firearm ammunition in his possession.

Unlawful use of Weapons A person commits the offense of unlawful use of weapons when he knowingly ***** (f) possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Wauconda

2103.3. Unlawful use of weapons. A person commits the offense of unlawful use of weapons when he knowingly: (1) Sells, manufactures, purchases, possesses or carries any *** shotgun with barrel less than 18 inches in length ***.

(6) Possesses any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

2103.5. Unlawful sale of firearms. A person commits the offense of unlawful sale of

firearms when he knowingly: (a) Sells or gives any firearms of a size which may be concealed upon the person to any person under 18 years of age; or

(b) Sells or gives any firearm to any narcotic addict; or

(c) Sells or gives any firearm to any person who has been convicted of a felony under the laws of this or any other jurisdiction within 5 years from release from the penitentiary or within 5 years of conviction if penitentiary sentence has not been imposed.

Waukegan

24-121. Dealer's license—Required. No person shall engage in the business of selling or sell or give away any pistol, revolver, *** derringer, *** or other deadly weapon which can be concealed on the person, without securing a license to do so ***

24-127. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this division except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police as required in this division. This does not apply to sales made of such articles which are to be delivered or furnished outside the city.

24-128. Purchase permit required; *** It shall be unlawful for any person to purchase any deadly weapon mentioned in this division without first securing from the chief of police a permit to do so. ***

24-135. License—Required. No person shall engage in the business of repairing any pistol, revolver, derringer or other firearm which can be concealed on the person without securing a license to do so ***

26-27. Sale of weapons to minors, aliens prohibited. No person shall sell or give to any alien or to any minor under the age of eighteen (18) years any firearms or dangerous or deadly instruments of any character.

West Chicago

Ordinance 879

Section 4. (1) A Person commits the offense of unlawful use of weapons when he knowingly:

(a) Sells, manufactures, purchases, possesses, or carries any *** shot-gun with a barrel less than 18 inches in length, ***.

(d) Carries concealed in any vehicle or concealed on or about his person except when on his land or in his own abode or fixed places of

business any pistol, revolver, or other firearm; or

(f) Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

(g) Sells, manufactures, purchases, possesses, or carries any weapon from which more than 8 shots or bullets may be discharged by a single function of the firing device.

Western Springs

63.3 Fixed ammunition—license. Any person or corporation desiring a license for the sole purpose of keeping, selling, or giving away loaded ball cartridges or shot shells for use in rifles, pistols, or shotguns shall be entitled to a license upon application made as provided in chapter 27 of this code, provided that such licensee shall not have on hand at any one time more than 25,000 rounds of such ammunition.

Westmont

Sec. 17-21. Persons under twenty-one years of age prohibited from purchasing firearms or ammunition. No persons under the age of twenty-one (21) years shall purchase any firearms or ammunition of any type.

Wheaton

17-83. Enumeration of dangerous, deadly weapons. The term "dangerous or deadly weapon" as used herein shall include pistols, revolvers, rifles or other firearms, *** and any other deadly weapons which, except for this article, may be lawfully possessed by any person.

17-84. Selling, furnishing to minors; exceptions. It shall be unlawful for any person to sell, give, or loan to any minor under the age of eighteen (18) years any deadly or dangerous weapon. ***

17-93. License—Required. It shall be unlawful for any person to engage in the business of selling or otherwise dealing in dangerous or deadly weapons (hereafter called a dealer) in the city without securing a license therefor.

Wilmette

5-10.1 License required; *** It is unlawful for any person to engage in the business of making, selling, or repairing firearms

of any type, size or description without first having obtained a license therefor. ***

5-10.2 Permit to purchase. It shall be unlawful for any person dealing in firearms to sell, barter, loan or give away to any person within the Village of Wilmette firearms of any type, size or description, unless such person so purchasing or receiving such firearm shall have secured a written permit for the purchase of such firearm, from the Chief of Police. ***

Wilmington

132.075 Selling deadly weapons; sales to minors. (A) It shall be unlawful for any person to sell, give, loan, hire, barter, furnish, or offer to sell, give, loan, hire, barter or furnish to any minor within the City any gun, pistol, revolver, fowling piece, or other toy firearm in which any explosive substance can be used, *** or other deadly weapon of a like character.

Winnetka

5-44. Weapons. No pawnbroker shall receive as a pledge or purchase any revolver, pistol, machine gun, or sawed-off shotgun, and no pawnbroker shall display in his window or shop any such weapons for sale.

13-51. Weapons—Sale to minors prohibited. No person shall sell, loan or furnish to any minor any gun, pistol or other firearm, *** or ammunition for any firearm *** within the limits of the village.

Worth

Sec. 40.2 Definition of "firearms." "Firearms" for the purposes of this chapter are pistols, revolvers, guns and small arms of a size and character that may be concealed upon or about the person.

Sec. 40.5 Permit to purchase firearms. No person shall be permitted to purchase a firearm without having secured a permit from the Chief of Police. [Contact local authorities for required contents] ***

Sec. 40.6 License and permit to deal in firearms—required. It shall be unlawful for any person to engage in the business of selling or to sell, or give away, to any person within the Village, any firearms which are of such size or nature as may be concealed upon the person, without securing a license therefor. No person, having secured such license, shall sell, loan or give away, any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

Sec. 40.10 Sale, etc., of firearms to infants or aliens. No person shall sell or give to any

alien or to any minor under the age of eighteen years any firearm of a size which may be concealed upon the person.

Zion

28-1. Unlawful use or carrying of weapons—Defined. (a) A person commits the offense of unlawful use of weapons when he knowingly: *****

(6) Possesses any device or attachment of any kind designed, used, or intended for use in silencing the report of any firearm; or

(7) Sells, manufactures, purchases, possesses or carries any weapon from which more than eight (8) shots or bullets may be discharged by a single function of the firing device, any shotgun with a barrel less than eighteen (18) inches in length, or any bomb, bombshell, grenade, bottle or other container containing an explosive substance, such as but not limited to black powder bombs and Molotov cocktails; ***

28-2. Same—Exemptions. ***** (c) Subsection 28-1(a)(7) shall not apply to or affect any of the following:

(1) Peace officers.
(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of an offense.

(3) Members of the Armed Services or Reserve Forces of the United States or the Illinois National Guard, while in the performance of their official duty.

(4) Manufacture, transportation, or sale of machine guns to persons authorized under (1) through (3) of this subsection to possess such, provided the machine guns are broken down in a nonfunctioning state or not immediately accessible. ***

28-14. To be licensed. It shall be unlawful for any person to engage in the business of selling, or to sell or give away, any pistol, revolver, *** derringer, *** or other deadly weapon which can be concealed on the person, without securing a license to do so.

28-20. Restrictions on sale or gift. It shall be unlawful for any person to sell, barter or give away to any person within the city any deadly weapon mentioned in this article except to licensed dealers and to persons who have secured a permit for the purchase of such articles from the chief of police ***

28-21. Permit required to purchase; *** It shall be unlawful for any person to purchase any deadly weapon mentioned in this article which can be concealed on the person without first securing from the chief of police a permit so to do. ***

28-34. License required. It shall be unlawful for any person to engage in the business of repairing any pistol, revolver, derringer, or other firearm which can be concealed

on the person without securing a license so to do.

28-48. License, compliance required; exception. It shall be unlawful for any person to engage in the business of selling, or to sell or give away any *** toy firearms or other toy in the nature of a firearm in which any explosive substance can be used without securing a license so to do, and no person having secured such license shall sell, or give away any such weapon to any person within the city who has not secured a permit from the chief

of police to purchase such weapon ***; provided that it shall not be necessary for any person licensed to sell deadly weapons to take out an additional license for the sale of the articles mentioned herein.

28-51. Purchasers' permits required; *** It shall be unlawful for any person to purchase *** any toy firearm or other toy in the nature of a firearm in which any explosive substance is used to expel a projectile without first securing from the chief of police a permit so to do. ***

Indiana

State Law

Ind. Stat. Ann. (Burns)

Chapter 3 Possession and use of machine guns, explosives and poison gases

35-23-3-1 (10-4712). Ownership or possession. A person who owns or possesses: (1) A machine gun; or (2) A bomb loaded with either explosives or dangerous gases; commits a class C felony.

35-23-3-3 (10-4714). Exceptions from application of chapter. The provisions of this chapter [Secs. 35-23-3-1—35-23-3-3] shall not be construed to apply to any of the following named persons and acts, nor to apply under any of the following described circumstances, to wit: (a) To members of the military or naval forces of the United States, National Guard of Indiana, or Indiana State Guard, when on duty or practicing; (b) to machine guns or bombs kept for display as relics and which are rendered harmless and not useable; (c) To any of the police, sheriffs or other officers of this state or the United States of America charged with the duty of law enforcement while acting within the scope of their employment and in connection with and in the furtherance of their duties; (d) To persons lawfully engaged in the display, testing or use of fireworks; or (e) To persons, firms, agencies of the state government; or corporations and the employees, servants, or agents of such persons, firms, agencies, or corporations authorized or permitted by law to engage in and engaged in the business of manufacturing, assembling, conducting research on or testing machine guns, bombs, airplanes, tanks, armored vehicles or ordnance equipment or supplies while or when acting within the scope of and in furtherance of such business; and (f) To persons, firms or corporations possessing, or having applied to possess machine guns under applicable United States

Statutes, providing, that such machine guns shall also be transferred as are handguns, as provided in IC 1971, 35-23-4.1-7 [Sec. 10-4751g].

35-23-4.1-1 (10-4751a). Firearms—Definitions. As used in this chapter [Secs. 10-4751a—10-4751r]:

(a) The term "firearm" means any weapon which is capable of or designed to or which may readily be converted to expel a projectile with deadly force by means of an explosion;

(b) The term "handgun" means any firearm designed or adapted so as to be aimed and fired from one hand regardless of barrel length, or any other firearm with a barrel less than sixteen [16] inches in length, or an overall length of less than twenty-six [26] inches;

(c) The term "crime of violence" includes each of the following offenses or an attempt to commit any of them: murder, voluntary manslaughter, kidnapping for the purpose of ransom, rape, malicious mayhem, assault or assault and battery with intent to commit a felony, aggravated assault and battery, robbery, bank robbery, automobile banditry, and burglary in the first or second degree. The term also includes any felony or attempted felony in which bodily harm or the threat of bodily harm is directed against a human being or in which harm is done or threatened against a place of human habitation or employment;

(d) The term "person" includes firms, corporations, partnerships or associations, as well as human beings;

(e) The term "place of abode" means a place of residence which is more than temporary in nature and to which the dweller, when absent, intends to return;

(f) The term "superintendent" means the superintendent of the Indiana state police department;

(g) The term "retail" means the sale of handguns singly or in small quantities to one who intends to be the ultimate user thereof;

(h) The term "wholesale" means the sale of handguns singly or in bulk lots to one lawfully licensed to deal in the same, or the sale of a handgun or handguns to a governmental law enforcement agency for issue to its law enforcement officers, agents or employees;

(i) The term "dealer" means any person who holds himself out as a buyer and seller of handguns on a regular and continuing basis;

(j) The term "police officer" means any state, city, or town law enforcement officer who is employed with unlimited police authority on a full-time basis to enforce the laws of the state of Indiana.

35-23-4.1-6 (10-4751f). Prohibited sales or transfers. No person, except an individual acting within a parent-child or guardian-ward relationship shall sell, give or in any other manner transfer the ownership of a handgun to any person under the age of eighteen (18), and in no event shall any person sell, give, or in any manner transfer the ownership or possession of a handgun to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or is a habitual drunkard, or is of unsound mind.

35-23-4.1-7 (10-4751g). Persons to whom regulations apply—Waiting period—Application for sale or transfer of handgun—Fingerprints—Fee. The regulation of the sale of handguns imposed by this chapter [35-23-4.1-1—35-23-4.1-18] shall apply equally to an occasional sale, trade or transfer between individual persons and to retail transactions between dealers and individual persons.

(a) Except as otherwise provided in this section, this section does not apply to sales at wholesale. No transferor shall deliver a handgun to a transferee until at least seven (7) calendar days shall have elapsed from the time of the application for the transfer and, when delivered, the handgun shall be securely wrapped and unloaded.

(1) The seven (7) day waiting period shall not apply to law-enforcement officers. Any law-enforcement officer who takes advantage of this exception to purchase a handgun for someone other than himself commits a class B misdemeanor.

(2) The seven (7) day waiting period shall also be waived for any person to whom a qualified or unlimited handgun-carrying license has been issued, upon exhibition of the license to the transferor. The transferor shall note on the application-to-purchase form the serial number of the license, the expiration date, the issuing authority, and the notation

"waiting period waived," together with the date on which the handgun or handguns are released to the applicant. Any person using or seeking to use a false, counterfeit, spurious or altered handgun-carrying license to obtain a handgun contrary to the provisions of this chapter commits a class B misdemeanor.

(b) At the time of applying for the transfer of a handgun, the transferee shall complete and sign an application in triplicate in the presence of the transferor [contact State authorities for required contents] * * *. This application, in triplicate, shall be deposited with the transferor who shall, within eight (8) hours of the time of execution of the application, sign and attach his address and forward by first class mail or deliver in person one (1) copy of the application to the chief of police of the municipality or the sheriff of the county of which the purchaser is a resident; one (1) copy duly signed by the transferor shall at the same time be forwarded by him with his address to the superintendent; and he, the transferor, shall retain one (1) copy for six (6) years. If the superintendent shall by administrative rule require, the application forms forwarded to the superintendent may be accompanied by a full or partial set of legible and classifiable fingerprints of the transferee, taken by the transferor or by an agent of the transferor. Repeated instances of the transferor intentionally forwarding illegible fingerprints shall, in the case of a dealer, constitute grounds for the suspension or revocation of the dealer's license. Upon receipt of the handgun transfer application forms, the chief of police or sheriff, and the superintendent shall search the records of their respective departments concerning the transferee, and they shall forward immediately in both verbal and written form to the transferor any information constituting grounds for nondelivery of the handgun or handguns. In the case of the occasional transfer of a handgun between individuals, both the transferor and the transferee shall complete the application and fingerprint forms at any sheriff's office, police station, state police post, or licensed dealer, with the required fingerprints to be taken by a qualified person and the forms being forwarded to the appropriate chief of police or sheriff and to the superintendent, by the person taking the fingerprints. No charge shall be made for this service by any police agency; however, a dealer may charge a fee not to exceed two dollars [\$2.00] for his services in assisting in the processing of the transfer, which fee is to be assessed of the transferor. It is the intent of this chapter that all sale forms shall be completed by the transferee in the presence of the transferor and that delivery of the handgun or handguns not take place until the seven (7) day waiting period has elapsed or has been waived as indicated

above. Any notice from the chief of police or sheriff or from the superintendent indicating that the information on the transferee's application is untrue or incomplete or that the transferee has been convicted of a violation of this chapter or any crime of violence shall be grounds for nondelivery of the handgun or handguns, and in such case, delivery shall not occur without written approval of the superintendent.

(c) Delivery of a handgun by the transferor or his agent to the transferee prior to the expiration of the seven (7) day waiting period, except when the waiting period has been waived under this section, or delivery to any transferee without the superintendent's written approval after receiving notice of grounds for nondelivery is unlawful and in addition, constitutes grounds for the immediate suspension of the retail dealer's license.

(d) No additional record of any lawful transfer of any firearm shall be made or maintained by any local or state official or agency; and, all forms utilized in executing lawful firearm transfers, with the sole exception of those remaining with the transferor, shall be forwarded within six (6) months to the transferee indicated on the forms. Said forms shall then be retained by the transferee as proof of ownership of the firearm or firearms listed thereon.

35-23-4.1-8 (10-4751h). Retail dealer—License required. A retail dealer shall not sell, trade, or otherwise transfer or expose for sale, trade, or transfer, or have in his possession with intent to sell, trade or transfer, any handgun without being licensed under section 9 [35-23-4.1-9] of this chapter.

35-23-4.1-9 (10-4751i) License issuance as retail handgun dealer—Application * * * Conditions. A person desiring a license as a retail handgun dealer shall apply to the sheriff of the county in which he resides, or if he is a resident of another state and has a regular place of business in this state, then to the sheriff of the county in which he has a regular place of business. * * * No retail dealer's license shall be issued to any person who has been convicted of a crime of violence in this state or any state or country, or who has been convicted of a felony violation of this chapter [35-23-4.1-1—35-23-4.1-18]. A retail dealer's license shall permit the licensee to sell handguns at retail within this state subject to the following conditions in addition to those specified elsewhere in this chapter for breach of any of which the license may be suspended or revoked in accordance with applicable law and in addition the licensee may be subject to punishment as provided in this chapter:

(a) The business shall be carried on only in the site designated in the license and a separate license shall be required for each separate retail outlet. In the event a licensed dealer moves his place of business, he shall

promptly notify the superintendent, who shall at once issue an amended license certificate valid for the balance of the license period. This section shall not apply to sales at wholesale.

(b) The license, certified by the issuing authority, shall be displayed on the business premises in a prominent place where it can be seen easily by prospective customers.

(c) No handgun shall be sold in violation of any provisions of this chapter, nor shall any handgun be sold under any circumstances unless the purchaser is personally known to the seller or presents clear evidence of his identity.

35-23-4.1-10 (10-4751j). Loan secured by handgun prohibited. No person shall make any loan secured by a mortgage, deposit, or pledge of a handgun.

35-23-4.1-13. Firearms exempted. This chapter [35-23-4.1-1—35-23-4.1-18] does not apply to any firearm not designed to use fixed cartridges or fixed ammunition, or any firearm made on or before 1898.

35-23-4.1-14 (10-4751n). Waiver of disability or pardon of conviction—Effect. A waiver of disability from United States authorities or a full pardon from the governor or other chief executive of the state, county or jurisdiction in which a conviction for any crime of violence or violation of this chapter [35-23-4.1-1—35-23-4.1-18] took place, shall, as to the conviction so pardoned, remove any disability under this chapter imposed by that conviction.

35-23-5-1 (10-4701). Intoxicated persons—Sale or gift of weapons to. A person who sells, barter, gives, or delivers any deadly weapon to any person at the time in a state of intoxication, knowing him or her to be in a state of intoxication, or to any person who is in the habit of becoming intoxicated, and knowing him or her to be a person who is in the habit of becoming intoxicated, commits a class B misdemeanor.

35-23-7-1 (10-1911). Sale, manufacture, use, purchase or possession of container with explosive or inflammables with intent to use. A person who sells, manufactures, purchases, possesses or carries with intent to use the same or cause the same to be used for an unlawful purpose, any bomb, bombshell, grenade, bottle or other container containing an explosive or inflammable substance commits a class C felony.

35-23-10-1 (10-4740a). Interstate firearms sales. Any resident of this state who is eighteen (18) years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [Sec. 10-4739], IC 1971, 35-1-79-3 [Sec. 10-4702], or IC 1971, 35-23-5-1 [Sec. 10-4701], or any applicable law of another state or the United States from obtaining, possessing, or using a firearm, may purchase

or obtain a rifle, shotgun or ammunition for either a rifle or shotgun in Ohio, Kentucky, Michigan or Illinois. Any resident of those states who is eighteen (18) years of age or over and not otherwise prohibited by IC 1971, 35-23-4-6 [Sec. 10-4739], IC 1971, 35-1-79-3 [Sec. 10-4702], or IC 1971, 35-23-5-1 [Sec. 10-4701] or the laws of his domicile or of the United States from obtaining, possessing, or using a firearm in this state or his home state, may purchase or obtain a rifle, shotgun, or ammunition for either a rifle or shotgun in this state. Any such transaction shall be for the purposes and under the conditions prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922(B)(3).

Gary

Ordinance 4641

Section 10-2201. All handguns located in the City of Gary shall be registered in accordance with the provisions of this Chapter.

Section 10-2204. At the time of sale the seller shall complete a registration form, designed or approved by the City Controller, [Contact local authorities for required contents] * * *

Section 10-2205. At such time of sale the seller shall witness to the best of his knowledge that the information submitted on the registration form by the purchaser is true and correct and that the transaction is not in violation of law.

Section 10-2214. For the purposes of this Chapter the term "handgun" means any weapon, by whatever name known, which is less than twelve (12) inches long capable of being used with one hand and which is designed to expel a projectile or projectiles by the action of an explosive and a handgun muffler or handgun silencer, or any part or parts of such weapon.

Section 10-2216. A person may not possess * * * any handgun * * * if such person is ineligible to register such handgun with the licensing authority pursuant to the provisions of this Chapter.

Hammond

27-201. Explosives—Permit. 1. No person or corporation shall keep, sell or offer for sale, or give away, anywhere within the City any gunpowder, guncotton, giant powder, dynamite, nitroglycerine, fulminate of mercury, or other high explosives of similar nature, in any quantity, whether in bulk or made up or kept in packages or cartridges, or kept, sell or offer for sale, or give away, anywhere within the City, any loaded paper or metallic shot shells or cartridges designed or intended to

be used for shot guns, pistols, rifles or other firearms, or percussion caps or primers * * *

Indianapolis

Code of Ordinances

Sec. 20-98. Firearms for minors. No person shall sell, loan or furnish to any minor under the age of eighteen (18) years any gun, pistol or other firearm, or any toy gun, toy pistol or other toy firearm, in which any explosive substance is or can be used, within the city; however, minors over fifteen (15) years of age may be permitted, with the consent of their parents or guardians, to use firearms on the premises of a duly licensed shooting gallery, gun club or rifle club, or to shoot game birds in accordance with other provisions of this Code or state law.

Sec. 20-191. Unlawful disposition of dangerous weapons. No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known or suspected habitual user of narcotics or any known or suspected criminal or a person with criminal purpose, any type of machine gun, sawed-off shotgun, pistol or revolver, or ammunition therefor, * * *. [The] provisions of this section shall not apply to any military forces, peace officers or other persons so excepted by law for the possession, use or disposal of any such things.

Marion

Sec. 1. Be it ordained by the Common Council of the City of Marion, that it shall be and is hereby declared to be unlawful for any person to sell or give away within this city, to any minor, any rifle or gun for shooting powder and ball, * * * or other gun, rifle or device for shooting and propelling missiles * * *.

New Whiteland

Section 5. Firearms for minors. No person shall sell, loan or furnish to any minor, under the age of eighteen years, any gun, pistol, or other firearm, or any toy gun, toy pistol, or other toy firearm in which any explosive substance is or can be used, within the town; * * *

8. Selling weapons to narcotic users, etc. No person shall sell, give, barter, exchange, lend or otherwise dispose of, or place in the possession of any known, or suspected, habitual user of narcotics, or any known, or suspected, criminal or person with criminal purpose, any type of machine-gun or sawed-off shotgun, or pistol, or revolver, or ammunition therefor, * * * which may be carried or concealed on or about the person and which are commonly used and fit to be used unlawfully to inflict harm on or to any person; * * * the provisions of this section shall not apply to any military forces, peace officers, or other persons so excepted by law for the possession, use, or disposal of any such things.

Iowa State Law Iowa Code Ann.

Chapter 724. Weapons

724.1 Offensive weapons. An offensive weapon is any device or instrumentality of the following types;

1. A machine gun. A machine gun is a firearm which shoots or is designed to shoot more than one shot, without manual reloading, by a single function of the trigger.

2. A shotgun having a barrel or barrels shorter than eighteen inches in length, or a rifle having a barrel or barrels shorter than sixteen inches in length.

3. Any weapon other than a shotgun or muzzle loading rifle, cannon, pistol, revolver or musket, which fires or can be made to fire a projectile by the explosion of a propellant charge, which has a barrel or tube with the bore of more than six-tenths of an inch in diameter, or the ammunition or projectile therefor, but not including antique weapons kept for display or lawful shooting.

4. A bomb, grenade, or mine, whether explosive, incendiary, or poison gas; any rocket having a propellant charge of more than four ounces; any missile having an explosive charge of more than one-quarter ounce; or any device similar to any of these.

5. Any part or combination of parts either designed or intended to be used to convert any device into an offensive weapon as described in subsections one (1) through four (4), inclusive, of this section, or to assemble into such an offensive weapon, except magazines or other parts, ammunition, or ammunition components used in common with lawful sporting firearms or parts including but not limited to barrels suitable for refitting to sporting firearms.

724.2 Authority to possess offensive weapons. Any of the following is authorized to possess an offensive weapon when his or her duties or lawful activities require or permit such possession:

1. Any peace officer.
2. Any member of the armed forces of the United States or of the national guard.
3. Any person in the service of the United States.

4. Any correctional officer, serving in an institution under the authority of the division of adult corrections.

5. Any person who under the laws of this state and the United States, is lawfully engaged in the business of supplying those authorized to possess such devices.

6. Any person, firm or corporation who under the laws of this state and the United States is lawfully engaged in the improvement, invention or manufacture of firearms.

7. Any museum or similar place which possesses, solely as relics, offensive weapons which are rendered permanently unfit for use.

724.3 Unauthorized possession of offensive weapons. Any person, other than a person authorized herein, who knowingly possesses an offensive weapon commits a class D felony.

724.4-724.14 Concerns the carrying of weapons; professional and nonprofessional permits to carry; eligibility for such permits, and the firearms training program.

724.15 Report and record of sales. Any person who sells or transfers ownership of a revolver or pistol, whether such person is a dealer or otherwise, shall report within five days to the county sheriff the sale or transfer or such weapon, on forms prescribed and published by the commissioner of public safety, and on the forms shall set forth the time of selling or transfer, the age, occupation, place of employment or business, name and residence of such recipient of such weapon, together with the model, caliber, serial number, and make of such weapon, and the sheriff on receipt of such information shall make a permanent record of the same in a book specially kept for that purpose. A copy of this report shall be forwarded by the sheriff to the commissioner of public safety. ***

Sec. 724.16 Permit to purchase required. Any person who purchases a pistol or revolver without a valid permit to purchase pistols or revolvers or any person who sells a pistol or revolver to a person who does not have in his or her possession a valid permit to purchase pistols or revolvers is guilty of a simple misdemeanor.

Sec. 724.17 Application for permit to purchase. The application for a permit to purchase pistols or revolvers may be made to the sheriff of any county and shall be on a form prescribed and published by the commissioner of public safety.***

(Contact your county sheriff for information concerning applications for permits to purchase pistols and revolvers)

724.20 Validity of permit to purchase. The permit shall be valid throughout the state and shall be valid three days after the date of application and shall be invalid one year after the date of application.

724.21 Giving false information when purchasing weapon. A person who gives a false name or presents false identification, or otherwise gives false information to one from whom the person seeks to purchase a pistol or

revolver, commits an aggravated misdemeanor.

Sec. 724.22 Sale to minors. A person who sells, loans, gives or makes available a firearm or ammunition for a firearm, to any person below the age of eighteen years commits a simple misdemeanor; provided, that a rifle or shotgun or the ammunition therefor, which lawfully may be used for hunting, may be given to such person by his or her parent or guardian, or by another with the express consent of his or her parent or guardian; and further provided, that any such person may allow a minor to possess a rifle, shotgun, or pistol, and the ammunition therefor, while on military duty, when such duty requires the possession of such a weapon, or while receiving instruction in the proper use thereof from an adult instructor.

Sec. 724.24 Purchase or sale of firearms in contiguous states. A resident of Iowa not otherwise precluded by applicable law, may purchase firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories in states contiguous to Iowa. This authorization is enacted in conformance with the Gun Control Act of 1968, 18 U.S.C., section 922(b)(3)(A). In the event that presently enacted federal restrictions on the purchase of firearms, rifles, shotguns, ammunition, reloading components, or firearms accessories are repealed or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of firearms, shotguns, rifles, ammunition, reloading components, or firearms accessories by residents of Iowa otherwise competent to purchase the same in contiguous or other states.

A dealer licensed in Iowa may sell or deliver a rifle or shotgun, and a collector licensed in Iowa may sell or deliver a rifle or shotgun if it is a curio or relic, to a resident of an adjacent state, if the purchaser's state of residence permits such sale or delivery by law, the sale fully complies with the legal conditions of Iowa and the adjacent state, and the purchaser and licensee have, prior to the sale or delivery for sale of the rifle or shotgun, complied with all the requirements of the federal Gun Control Act of 1968.

Sec. 724.26 Receipt, transportation and possession of firearms and destructive devices by felons. Any person who is convicted of a felony in any state or federal court and who subsequently possesses, receives, or transports or causes to be transported a firearm or offensive weapon is guilty of an aggravated misdemeanor.

Sec. 724.27 Exception to section 724.26. The provisions of section 724.26 shall not apply to a person who is pardoned or has had his or her civil rights restored by the President

of the United States or the chief executive of a state and who is expressly authorized by the President of the United States or such chief executive to receive, transport, or possess firearms or destructive devices.

Cedar Rapids

63.16 Prohibition against bombs. No person shall sell, manufacture, produce, distribute, purchase, carry, possess or use any bomb, bombshell, grenade, bottle or other container containing an explosive, flammable, noxious gas, or chemical substance, such as but not limited to black powder bombs and Molotov cocktails. The provisions of this section shall not apply to any duly constituted police or military authorities or peace officers in the discharge of their duties.

Des Moines

26-11. Report to chief of police. Every secondhand dealer, or other merchant, shopkeeper or dealer who shall purchase or receive from any person any guns, pistols, or parts thereof, shall within twenty-four hours after purchasing or receiving such articles report the same in writing to the chief of police, ***

No person purchasing or receiving any such article shall melt up, destroy or dispose of the same without making such report or within fifteen days after such report is made, except upon written permit from the chief of police.

Marshalltown

75 *** Sec. 2.** It shall be unlawful to do or commit any of the following acts within the limits of the City of Marshalltown, Iowa: *****

12. Sale—Weapons. To sell, keep for sale or offer for sale or loan, or give away, any silencer ***.

13. Weapons—Minors. To sell, loan or give any pistol or revolver to any person under the age of 21 years.

14. Sale of Arms—License. To sell or keep for sale or exchange or to give away to any person, any revolver, pistol, *** or other weapon of a like character, which can be concealed on the person, without first securing a permit from the proper officer, having authority to issue such permit.

Sac City

(e) Sales to intoxicated persons and minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence

Spirit Lake

Article V Weapons

Sec. 21-71. Furnishing weapons to minors. No person other than the parent or legal guardian of a minor shall sell, barter, exchange, furnish, or give to any minor under the age of eighteen (18) years, any *** rifle, shotgun, revolver, pistol, or any other firearms, or ammunition therefor, *** except when accompanied by or upon written consent of his parent or legal guardian of such minor.

Sec. 21-72. Furnishing weapons to intoxicated persons, etc. It shall be unlawful for

any person to sell, loan, or furnish any gun, rifle, shotgun, revolver, pistol, or the ammunition therefor, or any other dangerous weapon to any person whom he knows or has reasonable cause to believe is under the influence of alcohol, or any narcotic, drug, stimulant, or depressant, or to any person who is of unsound mind.

West Des Moines

12. Selling firearms to minors: Any person who shall knowingly sell, present, or give any pistol or revolver to any minor shall be guilty of a misdemeanor, *** Nothing herein contained shall prohibit the sale of ammunition to minors who have been licensed to hunt by the State of Iowa and to those minors who by reason of hunting on their own premises are not required by law to have a hunting license.

Kansas State Law Kan. Stat. Ann.

21-4201. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen (18) inches in length *** or

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), (d) and (g) of this section shall not apply to or affect any of the following:

(i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

(3) It shall be a defense that the defendant is within an exemption.

(4) Violation of subsections (1) (a) through (1) (f) of this section is a class B misdemeanor; violation of subsection (1) (g) of this section is a class E felony.

21-4203. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

(2) Unlawful disposal of firearms is a class A misdemeanor.

21-4204. Unlawful possession of a firearm. (1) Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict; or

(b) Possession of a firearm with a barrel less than twelve (12) inches long by a person

who, within five (5) years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony.

(2) Violation of subsection (1) (a) of this section is a class B misdemeanor; violation of subsection (1) (b) is a class D felony.

48-1903. Purchase or receipt of rifle or shotgun in contiguous state by resident of Kansas; restrictions. It is hereby declared to be lawful for a resident of this state to purchase or receive delivery of a rifle or shotgun in a state contiguous to this state, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both states; and

(b) Prior to the sale or delivery for sale of the rifle or shotgun, the purchaser and the licensee must have complied with all of the requirements of section 922 (c) of the federal gun control act of 1968, applicable to interstate transactions other than at the licensee's business premises.

48-1904. Nonapplication of act, when. The provisions of this act do not apply to:

(a) Transactions between importers, manufacturers, dealers and collectors licensed under the federal gun control act of 1968;

(b) The loan or rental of a firearm to any person for temporary use for lawful sporting purposes; and

(c) A person who is engaged in hunting or in participating in any organized rifle or shotgun match or contest in a state other than his or her state of residence, and whose rifle or shotgun has been lost or stolen or has become inoperative in such other state, and who purchases a rifle or shotgun in such other state from a licensed dealer, if such person presents to such dealer a sworn statement:

(1) That his or her rifle or shotgun was lost or stolen or became inoperative while hunting or participating in any such match or contest in such other state; and

(2) Identifying the chief law enforcement officer of the political subdivision in which such person resides, to whom such licensed dealer shall forward such statement by registered mail.

Altoona

Ordinance 84

Sec. 15—It shall be unlawful for any person or persons to sell, trade, give, loan to or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, *** or other dangerous weapons, except shot guns and rifles, to any minor, or to any person known to be of unsound mind.

Sec. 16—It shall be unlawful for any minor to have in his possession any pistol, revolver or toy pistol, by which cartridges may be exploded, *** or other dangerous weapons, except shot guns and rifles.

Atchison

21-124. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen (18) inches in length, ***

Sec. 21-129. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Augusta

13-1101. Unlawful use of weapons. ***** a. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any shotgun with a barrel less than eighteen inches (18") in length, ***

6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

13-1103. Unlawful disposal of firearms. Unlawful disposal of firearms in the city is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Bonner Springs

Sec. 17-108. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen (18) inches in length, ***

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions: (a) Subsections (1) (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iii) of this subsection to possess such weapons.

17-113. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel of less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Sec. 17-114. Defacing identification marks of a firearm. *** (2) Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

Cheney

9.70.020 Unlawful use of weapons defined. "Unlawful use of weapons" is knowingly:

A. Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen inches in length, ***

F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

G. Selling, manufacturing, purchasing, possessing or carrying any firearms designed to discharge or capable of discharging automatically more than once by a single function of the trigger ***

9.70.030 Exemptions. A. Subsections A, B, C, D and G of Section 9.70.020 shall not apply to or affect any of the following:

1. Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

4. Manufacture of, transportation to, or sale of weapons to persons authorized under subdivisions 1 through 3 of this subsection to possess such weapons;

Cherryvale

12-310 Firearms in possession of minors. Every minor who shall have in his possession any pistol, revolver, or toy pistol by which cartridges may be exploded *** or other dangerous weapons, shall be guilty of a misdemeanor.

12-311 Firearms, furnishing to minors. Every person who shall trade, give, loan or otherwise furnish any pistol, revolver, *** or other dangerous weapons to any minor, or any person of unsound mind, shall be guilty of a misdemeanor.

Clafin

Section 19. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing,

possession or carrying any *** shotgun with a barrel less than eighteen (18) inches in length ***

(f) Possession [of] any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), (d), of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iv) of this subsection to possess such weapons.

Section 20. Unlawful possession of a firearm. Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict.

Concordia

Sec. 15-37. Unlawful use of weapons generally.

Sec. 15-37(a). The following acts shall constitute unlawful use of weapons and a misdemeanor:

(1) Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen (18) inches in length ***.

(6) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

Sec. 15-37(b). Paragraphs (1), (2), (3) and (4) of section 15-37 (a) shall not apply to or affect any of the following:

(1) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(3) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duties;

(4) Manufacture of, transportation to, or sale of weapons to persons authorized under paragraphs (1) through (3) above to possess such weapons.

Sec. 15-40. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to a person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

Unlawful disposal of firearms is a misdemeanor.

Countryside

Ordinance 68

Section 1. It shall be unlawful at any time for any person, partnership, company, corporation or association to have in their possession or under their control or supervision; or to make, manufacture, offer for sale, and sell, or distribute, whether the same be with or without consideration, any type of gasoline or other inflammable explosive or incendiary bombs, including all such devices commonly known as a Molotov Cocktail, within the corporate limits of the City of Countryside, Kansas.

Derby

Ordinance 954

Section 1. It shall be unlawful for anyone within the City of Derby, Kansas, to unlawfully use any weapons.

Section 2. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen (18) inches in length, ***.

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possession or carrying any firearms designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

Section 3. Exemptions. (a) Subsections (a), *** (d) and (g) of this section shall not apply to or affect any of the following: (i) Law

enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons, accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iii) of this subsection to possess such weapons.

It shall be a defense if the defendant is within an exemption.

De Soto

63. Unlawful Use of Weapons. Unlawful use of weapons is:

(a) selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen inches in length.

(f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shot gun.

Dodge City

20-118. Unlawful use of weapons. (1) Prohibited uses. Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen (18) inches in length.

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

20-121. Unlawful disposal of firearms. (1) Unlawful disposal of firearms is knowingly: (a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or (b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or (c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the

penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

El Dorado

Article 10. Crimes against public safety

7-1001. Unlawful use of weapons.

a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any *** shotgun with a barrel less than eighteen inches (18") in length, ***

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

7. Selling, manufacturing, purchasing, possession or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions:

1. Subsections "a" 1, *** and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

7-1003. Unlawful Disposal of Firearms.

Unlawful disposal of firearms is knowingly: a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the

penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Elkhart

9.40.010 Unlawful use. A. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any *** shotgun with a barrel less than eighteen inches in length, *** [or] ***** 6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

9.40.020 Unlawful use—Exemptions. A. Subsections A 1, 2, 3 and 4 of Section 9.40.010 shall not apply to or affect any of the following:

1. Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

4. Manufacture of, transportation to or sale of weapons to person authorized under 1 and 3 of this subsection to possess such weapons.

9.40.030 Firearm—Unlawful disposal. A. Unlawful disposal of firearms is knowingly:

1. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person under eighteen years of age; or

2. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

3. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five years after his release from the penitentiary or within five years after his conviction if the defendant has not been imprisoned in the penitentiary.

9.40.040 Firearm—Unlawful possession. A. Unlawful possession of a firearm is possession of any firearm by an habitual drunkard or narcotics addict.

Ellingwood

8-701 Unlawful Use of Weapons: (1) Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or

carrying any *** shotgun with a barrel less than 18 inches in length ***

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

(g) Selling, manufacturing, purchasing, possession or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

(2) Exemptions: (a) Subsections (1) (a) (b) (c) (d) and (g) of this section shall not apply to or effect any of the following:

(i) Law enforcement officers or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (ii) Keepers of jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the Armed Services or Reserve Forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

Florence

Article 10. Crimes Against Public Safety

10-1001 Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful Use of Weapons is knowingly: 1. Selling, manufacturing, purchasing, possession or carrying any bludgeon, sandclub, shotgun with a barrel less than eighteen inches (18") in length, ***

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possession or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1, 2, 3, 4 and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

10-1003 Unlawful Disposal of Firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary. Unlawful disposal of firearms is a Class A misdemeanor.

Garden Plain

Ordinance 271

Section 1. Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possession or carrying any *** shotgun with a barrel less than eighteen (18) inches of length, ***

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; or

(g) Selling, manufacturing, purchasing, possession or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

Section 2. It shall be a defense that the defendant is within any of the following exceptions:

(a) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers; (i) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (ii) Members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iii) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (ii) of this subsection to possess such weapons.

(b) Watchmen while actually engaged in the performance of the duties of their employ-

ment, or (i) Licensed hunters or fishermen while engaged in hunting or fishing; or (ii) Persons licensed as private detectives by the state of Kansas, detectives or special agents regularly employed by railroad companies or other corporations to perform full-time security or investigative service.

Gardner

11-326. Unlawful use of Weapons. Unlawful use of weapons is:

(a) selling, manufacturing, purchasing, possession or carrying any *** shotgun with a barrel less than eighteen inches in length *** or (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle or shotgun. Sub-sections (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Grandview Plaza

Ordinance 25-68

Section 2. From and after the effective date of this ordinance no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Grandview Plaza, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the City Clerk of Grandview Plaza, Kansas.

Section 4. No certificate of registration shall be issued to any of the following classes of persons:

(a) Any person under the age of 21 years.

(b) Any person convicted of a felony as defined by KSA 21-2611.

(c) Any person who is addicted to the use of narcotics or who is mentally retarded or is a habitual drunkard.

Section 5. No firearm as herein described shall be delivered into the possession of the purchaser thereof unless a period of forty-

eight (48) hours shall have expired from the time of issuance of such certificate of registration and such certificate shall have been presented to the seller.

Herington

12-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful Use of Weapons in knowingly:

1. Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen inches (18") in length. ***

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions:

1. Subsections "a" 1, 2, 3, 4 and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

12-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the

penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Holton

14-501. Furnishing firearms to minors and mentally incompetent persons. It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded *** or any other dangerous weapon to any minor or to any person who is mentally incompetent.

14-502. Possession of firearms by minors. It shall be unlawful for any minor to have in his possession any pistol, revolver or toy pistol by which cartridges may be exploded *** or any other deadly weapon.

Hutchinson

Sec. 24-1003. Unlawful disposal of firearms.

(a) Unlawful disposal of firearms is knowingly:

(1) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person under eighteen years of age; or

(2) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(3) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five years after his release from the penitentiary or within five years after his conviction if the offender has not been imprisoned in the penitentiary.

(b) Unlawful disposal of firearms is a Class A misdemeanor.

Independence

17-212. Furnishing weapons to minors. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, *** to any minor, or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars (\$100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

17-213. Possession of weapons. Any person who shall have in his possession any pistol, revolver, or toy pistol by which cartridge

may be exploded *** shall, upon conviction thereof, be fined in any sum not exceeding One Hundred Dollars (\$100), or be imprisoned not to exceed thirty (30) days, or be both so fined and imprisoned.

Junction City

18-3a101—Registration. Section 1. *** no pistol, revolver or other firearm with a barrel less than 10 inches in length shall be sold in the City of Junction City, Kansas, unless the purchaser thereof shall have first obtained a registration certificate to be issued by the Chief of Police of the City.

18-3a104—Waiting period. Section 4. No firearm as herein described shall be delivered into the possession of the purchaser thereof until a period of 48 hours shall have transpired from the time of issuance of such certificate of registration and said certificate shall have been presented to the seller.

18-3a105—Exclusions. Section 5. The provisions of this Ordinance shall not apply to any duly authorized police officer, marshal, sheriff, constable, or other law enforcement officer designated by the federal, state, county or municipal governments, who purchase weapons to be used in the performance of their duties.

Kansas City

39-4. Permit to purchase or receive pistol or revolver—Required; exceptions. It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions.

39-7. Small firearms to be stamped with trade mark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof,

the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Leavenworth

14-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any *** shotgun with a barrel less than eighteen inches (18") in length, ***

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

14-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly: a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age; b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

14-1016. Molotov cocktails. Unlawful possession, use and transportation of "Molotov Cocktail" is the transporting, use or possession or control of a container of incendiary or explosive material, liquid, solvent or mix-

ture, equipped with a fuse, wick or other detonating device of a kind commonly known as "Molotov Cocktail"

Lenexa

10.1. Unlawful Use of Weapons. Unlawful use of weapons is: (a) selling, manufacturing, purchasing, possessing, or carrying any *** shotgun with a barrel less than eighteen inches in length, *** [or] (f) possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shotgun.

Sub-sections (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

10.2 Unlawful possession of a firearm. Unlawful possession of a firearm is possession of any firearm by an habitual drunkard or narcotic addict.

10.3 Defacing identification marks of a firearm. Defacing identification marks of a firearm is the intentional changing, altering, removing or obliterating the name of the maker, model, manufacturer's number or other mark of identification of any firearm.

Possession of any firearm upon which any such mark shall have been intentionally changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, or obliterated the same.

10.08 Molotov cocktail—possession, manufacture, etc. It shall be unlawful for any person to have in his possession or under his control or supervision, or to make, manufacture, offer for sale or sell or distribute, whether the same be with or without consideration, any type of gasoline or other inflammable or explosive incendiary bomb, commonly known as a Molotov cocktail, within the city.

Lenora

Sec. 3. It shall be unlawful for any person to make, sell, or furnish any pistol, *** or weapons of any description *** to any minor

within the corporate limits of the City of Lenora, Kansas, and any minor found in possession of any of the above described weapons, shall be punished according to the penalty prescribed for any violation of this ordinance.

Lyons

13-001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful use of weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any *** shotgun with a barrel less than eighteen inches (18") in length ***;

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1 *** and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

13-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the

penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Madison

9-310. Minors or Incompetents, Furnishing Weapons to. It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol or revolver by which cartridges may be exploded, *** or other dangerous weapon to any minor person or person of unsound mind.

Manhattan

10-1201. Dealer receives written commitment from buyer. No person, partnership or corporation, regularly engaged in the sale of pistols, revolvers or other firearms with a barrel less than ten inches, may deliver possession of such firearms, until the expiration of forty-eight hours from the date the sale of said firearm is consummated. For the purpose of this article, a sale of firearms shall be deemed consummated when the dealer shall have received a written commitment from the buyer legally binding the latter to purchase said firearm.

10-1202. Any dealer subject to the provisions of Section 1 hereof shall forthwith upon the consummation of the sale of such firearms as defined herein, report such sale to the Chief of Police of Manhattan, Kansas, within twenty-four (24) hours after the consummation of the sale of said firearm, describing therein the firearms sold. [Contact local authorities for required contents] ***

10-1203. Any dealer who shall violate or fail to comply with the provisions of this ordinance, or any person who as a buyer of such firearms shall give false information to said dealer or otherwise violate any of the provisions of this ordinance, shall upon conviction be fined One Hundred Dollars (\$100.00) or imprisoned in the City Jail for not more than thirty (30) days, or both such fine and imprisonment.

Merriam

Ordinance 457

Section 3: Permit to purchase or receive pistol or revolver—required: Exceptions It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration, or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than 9 inches long, unless the purchaser, borrower, or person accepting the same has then and there a permit, dated less

than 10 days prior to such sale, loan, or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. ***

Section 6: Small firearms. To be stamped with trademark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver, or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy, or in anywise procure the possession of any pistol, revolver, or the firearm, of the size which can be concealed upon the person, unless such firearm is stamped as required by this Section.

Section 7: Record of sales and purchases of small firearms. No wholesaler or retail dealer in firearms shall have in his possession for the purpose of sale or shall sell any firearm of a size which may be concealed upon the person, unless he keeps a full and complete record of the information as stamped thereon in accord with Section 6, the name and address of the person from whom purchased and to whom sold, and the date of such purchase or sale. ***

Mission

8-801. Unlawful use of Weapons. (1) Unlawful use of weapons is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen (18) inches in length *** (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions: (a) Subsections (1) (a), (b), (c) and (d) of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iii) of this subsection to possess such weapons.

8-802. Unlawful Disposal of Firearms. Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

8-803. Unlawful Possession of a Firearm. Unlawful possession of a firearm is possession of any firearm by an habitual drunkard or narcotics addict.

283-3. Permit to purchase or receive pistol or revolver—Required. Exceptions: It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the Chief of Police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the Chief of Police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

283-5. Permit to purchase or receive pistol or revolver—Issuance. After investigation and approval by the Chief of Police, he shall issue a permit *** (4) to any responsible person 21 years of age or older filing the proper application, except dope addicts, felons, alcoholics, emotionally disturbed persons, or persons having been convicted of a crime involving violence or the use of firearms.

283-6. Small firearms to be stamped with trademark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped upon the metallic portion thereof the trademark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in anywise procure the possession of

any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Ness County

10-310. Minors or incompetents, furnishing weapons to. It shall be unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol or revolver by which cartridges may be exploded, *** or other dangerous weapon to any minor person or person of unsound mind.

Newton

17-1001. Unlawful use of weapons. (a) Unlawful use of weapons is knowingly:

(1) Selling, manufacturing, purchasing, possession or carrying any shotgun with a barrel less than eighteen (18) inches in length ***

(6) Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(7) Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1, *** and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

17-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearm to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve (12) inches long to any person who has been convicted of a felony under the laws of

this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Nickerson

9-164. Weapons—Sale to minors or persons of unsound mind. Any person who shall sell, trade, give, loan or otherwise furnish any pistol or revolver, by which cartridges may be exploded, *** to any minor or to any person of notoriously unsound mind shall, upon conviction, be guilty of a misdemeanor.

13-601. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing, or carrying any *** shotgun, with a barrel less than eighteen (18) inches in length, *** or

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; ***

(2) Exemptions. A. Subsections (1) (a), (b), (c) and (d) of this section shall not apply to or affect any of the following:

(i) Law enforcement officers, or any persons summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture of, transportation to, or sale of weapons to persons authorized under (i) through (iii) of this subsection to possess such weapons.

Olathe

9.16.050 Minors or incompetents—Furnishing weapons to. It is unlawful for any person to sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, *** or other dangerous weapon to any minor person or person of unsound mind.

239-65 Unlawful Use of Weapons. Unlawful use of weapons is: (a) selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen inches in length *** or (f) possessing any device or attachment of any kind designed, used or intended for use in silencing

the report of any pistol, revolver, rifle or shotgun.

Sub-sections (a) *** of this section shall not apply to or affect any of the following: (a) Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (d) Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Osawatomie

11-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows: a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possession or carrying any *** shotgun with a barrel less than eighteen inches (18) in length ***

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm;

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1 *** and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

11-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly: a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve

inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Overland Park

11.60.010 Unlawful use of weapons. "Unlawful use of weapons" is knowingly:

A. Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen inches in length *** [or] F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shotgun.

11.60.020 Exceptions to Section 11.60.010. Subsections (A) through (D) of Section 11.60.010 do not apply to or affect any of the following:

A. Law enforcement officers, or any person summoned by any such officers or summoned by any other lawfully authorized public officers to assist in making arrests or preserving the peace while actually engaged in assisting such officers;

B. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

C. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

D. Manufacture of, transportation to, or sale of weapons to persons authorized under this exemption to possess such weapons.

Pittsburg

15-605. Furnishing weapons to minors or persons of unsound mind. Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver or toy pistol by which cartridges or caps may be exploded, *** to any minor or to any person of notoriously unsound mind shall, upon conviction thereof, be fined in any sum not less than \$5.00 nor more than \$100.00.

15-606. Possession of weapons by minors. Any minor who shall have in his possession

any pistol, revolver or toy pistol by which cartridges may be exploded *** shall, upon conviction thereof, be fined in any sum not less than \$1.00 nor more than \$10.00.

Prairie Village

10.04.620 Unlawful use of weapons. A. Unlawful use of weapons is:

1. Selling, manufacturing, purchasing, possessing, or carrying any *** shotgun with a barrel less than eighteen inches in length, ***

6. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any pistol, revolver, rifle, or shotgun.

Roeland Park

Ordinance 279

Section 3. Permit to purchase or receive pistol or revolver—Required: exceptions. It shall be unlawful for any person to sell, loan for a consideration or give, or purchase, borrow for a consideration or accept as a gift, any pistol, revolver, or gun of any kind, with a barrel less than nine (9) inches long, unless the purchaser, borrower or person accepting the same has then and there a permit, dated less than ten (10) days prior to such sale, loan or gift, issued by the chief of police, authorizing such person to purchase or accept a pistol or revolver. Such permit must be retained by the vendor and returned to the chief of police with a complete description of the gun sold within three (3) days of the sale.

This section shall not apply to sales of collector's items made and consummated at hobbyists' conventions, nor to firearms that do not use a fixed metallic cartridge.

Section 6. Small firearms to be stamped with trade mark, name of maker, model and serial number. No dealer in firearms, either at wholesale or retail, shall have in his possession for the purpose of sale or sell any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm has plainly and permanently stamped, upon the metallic portion thereof, the trade mark, the name of the maker, the model and factory serial number thereof, which number shall not be the same as that of any other such weapon of the same model made by the same maker. No person within the city shall lease, buy or in any wise procure the possession of any pistol, revolver or other firearm of a size which may be concealed upon the person, unless such firearm is stamped as required by this section.

Nothing in this section shall be considered or construed as forbidding or making it un-

lawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this city, to ship into other states or foreign countries any such articles, whether stamped as required by this section or not so stamped.

Section 7. Record of sales and purchases of small firearms. No wholesale or retail dealer in firearms shall have in his possession for the purpose of sale or shall sell any firearm of a size which may be concealed upon the person, unless he keeps a full and complete record of the information stamped thereon in accord with section six (6), the name and address of the person from whom purchased and to whom sold, and the date of such purchase or sale. Such record shall be open to inspection at all times during normal business hours to any police officer or other peace officer of this state.

Selden

Ordinance 15

Section 20: Any person who shall sell, trade, give, loan or otherwise furnish any pistol, revolver, or toy pistol by which cartridges or caps may be exploded *** or any other dangerous weapon to any minor or any person of notoriously unsound mind, shall upon conviction be fined ***.

Shawnee

13-1101. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen inches (18") in length, ***

(f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; ***

(2) Exemptions.

(a) Subsections (1)(a), (b), (c) and (d) of this section shall not apply to or affect any of the following:

(i) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(iv) Manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

13-1102. Unlawful disposal of firearms.

(1) Unlawful disposal of firearms is knowingly:

(a) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person under eighteen (18) years of age; or

(b) Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict; or

(c) Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the defendant has not been imprisoned in the penitentiary.

13-1103. Unlawful possession of a firearm. (1) Unlawful possession of a firearm is:

(a) Possession of any firearm by an habitual drunkard or narcotic addict; or

(b) Possession of a firearm with a barrel less than twelve inches (12") long by a person who within five (5) years preceding such violation has been convicted of a felony under the laws of Kansas or any other jurisdiction or has been released from imprisonment for a felony.

South Hutchinson

Ordinance 323-A

Section 23. Unlawful use of weapons. (1) Unlawful use of weapons is knowingly:

(a) Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen (18) inches in length, *** [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; ***

(2) Exemptions. (a) Subsections (1) (a), (b), (c), (d), of this section shall not apply to or affect any of the following: (i) Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(ii) Wardens, superintendents and keepers of prisons, penitentiaries, jails, and other institutions for the detention of persons accused or convicted of a crime; (iii) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty; (iv) Manufacture

of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

Section 24. Unlawful possession of a firearm. Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict.

of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

Section 24. Unlawful possession of a firearm. Unlawful possession of a firearm is: (a) Possession of any firearm by an habitual drunkard or narcotics addict.

Sterling

Sec. 17-33. Same—Unlawful possession or carrying. (1) Unlawful use of weapons, hereby declared to be an offense, is knowingly: (a) Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen (18) inches in length, *** [or] (f) Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

(2) Exemptions. (a) Subsections (1) (a), (b), (c), and (d), of this section shall not apply to or affect any of the following: (i) law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer; (ii) wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime; (iii) members of the armed services or reserve forces of the United States or the Kansas national guard while in the performance of their official duty; (iv) manufacture of, transportation to, or sale of weapons to person authorized under (i) through (iii) of this subsection to possess such weapons.

Topeka

12-216. Furnishing weapons to minors or persons of unsound mind. It shall be unlawful for any person to sell, give, loan or otherwise furnish any pistol or revolver by which cartridge may be exploded, *** or other dangerous weapons to any minor, or to any person of notorious unsound mind.

Valley Center

9.78.010 Unlawful use defined. Unlawful use of weapons is knowingly: A. Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen inches in length, ***

F. Possessing any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm; ***

9.78.020 Exemptions. A. Section 9.78.010A, B, C, D and G shall not apply to or affect any of the following:

1. Law enforcement officers, or any person summoned by any such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

2. Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

3. Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duties;

4. Manufacture of, transportation to, or sale of weapons to person authorized under (1) through (3) of this subsection to possess such weapons.

Wakeeney

Article 10. Crimes against public safety

11-1001. Unlawful use of weapons. Rules and regulations relating to use of weapons and subsequent exemptions shall be as follows:

a. Unlawful Use of Weapons is knowingly:

1. Selling, manufacturing, purchasing, possessing or carrying any *** shotgun with a barrel less than eighteen inches (18") in length,

6. Possession of any device or attachment of any kind designed, used or intended for use in silencing the report of any firearm.

7. Selling, manufacturing, purchasing, possessing or carrying any firearm designed to discharge or capable of discharging automatically more than once by a single function of the trigger.

b. Exemptions: 1. Subsections "a" 1, 2, 3, 4 and 7 of this section shall not apply to or affect any of the following:

(a) Law enforcement officers, or any person summoned by any such officer to assist in making arrests or preserving the peace while actually engaged in assisting such officer;

(b) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;

(c) Members of the armed services or reserve forces of the United States or the Kansas National Guard while in the performance of their official duty;

(d) Manufacture of, transportation to, or sale of weapons to persons authorized under (a) through (c) of this subsection to possess such weapons.

11-1003. Unlawful disposal of firearms. Unlawful disposal of firearms is knowingly:

a. Selling, giving or otherwise transferring any firearm with a barrel less than twelve

inches (12") long to any person under eighteen (18) years of age;

b. Selling, giving or otherwise transferring any firearms to any habitual drunkard or narcotic addict;

c. Selling, giving or otherwise transferring any firearm with a barrel less than twelve inches (12") long to any person who has been convicted of a felony under the laws of this or any other jurisdiction if such sale, gift or transfer is made to such convicted person within five (5) years after his release from the penitentiary or within five (5) years after his conviction if the offender has not been imprisoned in the penitentiary.

Wellington

18-611. Molotov Cocktail. It shall be unlawful for any person to transport, use or have in his possession or control a container of incendiary or explosive material, liquid, solid or mixture, equipped with a fuse, wick or any other detonating device of a kind commonly known as a "Molotov Cocktail". ***

Wellsville

Article 12

12-1215. Deadly weapons to minors and unsound persons. Any person who shall sell, trade, loan, or otherwise furnish any pistol, revolver, *** to any minor or to any person of notoriously unsound mind, upon conviction, shall be fined ***.

Wichita

5.88.040 Sawed off rifles and shotguns; *** (a) It is unlawful for any person, other than a sheriff or other peace officer or any military unit of the state or of the United States, or any common carrier for hire, to transport or have in his possession or under his control, any firearm known as a shotgun or rifle with a barrel less than eighteen inches in length, or any silencer; provided, that banks, trust companies or other institutions or corporations subject to unusual hazard from robbery or holdup who have secured permits from the sheriff of the county in which they are located for one or more of their employees to have such firearms, may possess such firearms; provided, further, that museums, American Legion posts and other similar patriotic organizations may possess such firearms when not used as a weapon and when possessed as a curiosity, ornament or keepsake.

* * * * *

Kentucky State Law

Ky Revised Stat. Ann.

237.020 Right of Kentucky residents to buy firearms in contiguous states; reciprocity as to residents of contiguous states. (1) Residents of the Commonwealth of Kentucky shall have the right to purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in states contiguous to the Commonwealth of Kentucky.

(2) Residents of states contiguous to the Commonwealth of Kentucky may purchase rifles, shotguns, and any other firearms which they are permitted to purchase under federal law from properly licensed dealers, manufacturers, importers, or collectors located in the Commonwealth of Kentucky.

(3) All such sales shall conform to the requirements of federal law, the Kentucky Revised Statutes, applicable local ordinances, and the law of the purchaser's state.

237.030 Definitions for KRS 237.040 and 237.050. (1) "Destructive device" means any explosive, incendiary, or poison gas bomb, grenade, mine, rocket, missile, or similar device and includes the unassembled components from which such a device can be made.

(2) "Booby trap device" includes any device, or substance designed to surreptitiously or covertly take life, endanger life or destroy or damage property and shall not include firearms.

237.040 Criminal possession of destructive device or booby trap device. A person is guilty of criminal possession of a destructive device or a booby trap device when he possesses, manufactures, or transports such substance or device with:

(1) Intent to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States; or

(2) Knowledge that some other person intends to use that device to commit an offense against the laws of this state, a political subdivision thereof, or of the United States.

(3) Mere possession without substantial evidence of the requisite intent is insufficient to bring action under KRS 237.030 to 237.050.

237.050 Exemptions. KRS 237.030 to 237.050 shall not apply to:

(1) Destructive devices or booby trap devices which are possessed by the government of the United States, this state, or a political subdivision thereof;

(2) Any device which is lawfully possessed under the Gun Control Act of 1968, the Organized Crime Control Act of 1971, or any other law of the United States or this state, unless a crime is committed therewith;

(3) Non-lethal devices placed on the prem-

ises of the owner or the lawful occupant thereof for his own self-protection or the protection of the said property;

(4) The setting of traps suitable and legal for the taking of game by persons licensed or permitted to do so by the game laws of the Commonwealth;

(5) Inert devices which cannot readily be restored to operating condition; or

(6) The acquisition, possession, use, or control of firearms.

527.010 Definitions. The following definitions apply in this chapter unless the context otherwise requires:

(1) "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(2) "Firearm" means any weapon which will expel a projectile by the action of an explosive.

(3) "Handgun" means any pistol or revolver originally designed to be fired by the use of a single hand, or any other firearm originally designed to be fired by the use of a single hand.

527.040 Possession of handgun by convicted felon; exceptions. (1) A person is guilty of possession of a handgun by a convicted felon when he possesses, manufactures, or transports a handgun when he has been convicted of a felony, as defined by the laws of the jurisdiction in which he was convicted, in any state or federal court and has not:

(a) Been granted a full pardon by the governor or by the President of the United States; or

(b) Been granted relief by the United States secretary of the treasury pursuant to the Federal Gun Control Act of 1968, as amended.

(2) Possession of a handgun by a convicted felon is a Class D felony.

(3) The provisions of this section shall apply only to persons convicted after January 1, 1975.

527.050 Possession of defaced firearm.

(1) A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of a warrant by a court.

(2) Possession of a defaced firearm is a Class A misdemeanor.

Bellevue

131.11 Sale and purchase of weapons. (A) Sale. No person shall sell, give away or oth-

erwise supply to any person, any pistol, revolver, deringer, *** or other weapon of like character, which can be concealed on or about the person, without first requiring such person to produce a permit to purchase a weapon, signed by the chief of police.

131.13. (B) Permit required. No person shall purchase, or acquire by any means, any pistol, revolver, deringer, *** or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit. ***

Cold Spring

Ordinance 99

Section 1 That it shall be unlawful in the City of Cold Spring, Campbell County, Kentucky, for any person, firm or corporation to sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition precedent to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Cold Spring, Campbell County, Kentucky and signed by the City Marshal of the City of Cold Spring, Campbell County, Kentucky ***.

[Section 2 contains weapons permit application requirements]

The sale, donation, supply or transfer of any pistol, revolver, derringer, or other weapon of like character, pursuant to the authority of a weapon permit issued by the City of Cold Spring, Campbell County, Kentucky, as hereinbefore set forth, shall be accomplished within ten (10) days from the date of the issuance of such weapon permit and such weapon permit shall be void after the expiration of ten (10) days from the date of its issuance.

Covington

Sec. 14-115. Sale of dangerous weapons to minors and intoxicated persons. (a) No person shall knowingly sell, offer for sale, loan or furnish any rifle, firearm or other dangerous or deadly weapon to:

(1) Any minor under the age of eighteen (18) years;

(2) Any person under the influence of any alcoholic beverage, narcotic drug, stimulant or depressant;

(3) Any person in a condition of agitation and excitability; or

Danville

1. No person, firm or corporation whether a licensed or unlicensed dealer or one who sells in a casual sale, shall sell any pistol, revolver, Derringer *** or other weapon of like character which can be concealed on or about the person except to one to whom a permit for the purchase of a weapon has been issued ***. Only one such weapon shall be sold for each permit so issued.

Erlanger

Ordinance 1010

Section 1. That it shall be unlawful in the City of Erlanger, Kentucky, for any person, firm or corporation to sell, give away or otherwise supply to any person, any pistol, revolver, derringer or other weapon of like character, which is capable of being concealed on or about the person, without first requiring such person as a condition precedent to receiving said weapon, to produce to such supplier a written permit to purchase or otherwise receive such weapon issued by the City of Erlanger and signed by the Chief of Police of the City of Erlanger as hereinafter provided.

Section 2. It shall be unlawful for any person in the City of Erlanger to purchase or otherwise receive any pistol, revolver, derringer or other weapon of like character, which can be concealed on the person, without first securing from the City of Erlanger, a weapon permit signed by its Chief of Police ***.

The sale, donation, supplying or transfer of any pistol, revolver, derringer, or other weapon of like character, pursuant to the authority of a weapon permit issued by the City of Erlanger, as hereinbefore set forth, shall be accomplished within ten (10) days from the date of the issuance of such weapon permit and such weapon permit shall be void after the expiration of ten (10) days from the date of its issuance.

Lebanon

Section II That it shall be unlawful for any person to sell or furnish any minor or infant *** with any firearm of any kind or character for the purpose of use within the City limits of the City of Lebanon, or which shall be used by said minor or infant within

Lexington-Fayette Urban County Government

Sec. 13-57. Same—License and permits for concealed deadly weapons—Required. It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, *** or other weapon of like character, which can be concealed on or about the person, without securing a license so to do, *** and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase a weapon ***.

Sec. 13-59. Same—Same—Permit for purchase, refusal of permit when. (a) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer *** or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do. ***.

Sec. 14-40. Same—Supplying small arms ammunition to. No person shall sell, give, or otherwise supply to any child under the age of eighteen years in the city any small arms ammunition, and no person shall purchase for the use of or place such small arms ammunition in the possession of any such child in the city. ***.

Louisville

747.01 Definitions.

Fire Bomb: A breakable container containing a flammable substance or liquid and having a wick or similar device and capable of being ignited. No device commercially manufactured primarily for the purpose of illumination shall be deemed to be a fire bomb.

Dispose of: To give, lend, offer for sale, sell, transfer, hurl, throw, drop, or caused to be hurled, thrown or dropped, or to abandon at any location.

Explosive: Any chemical compound or mixture that has the property of yielding readily to combustion or oxidation upon the application of heat, flame, shock or electricity including but not limited to dynamite, nitroglycerin, trinitrotoluene, ammonium nitrate when combined with other ingredients to form an explosive mixture, blasting caps, detonators and detonating cords, but not including any fireworks or ammunition for firearms or any black or smokeless propellant powder or primers or any other component of ammunition for firearms.

Licenses: A dealer or manufacturer of explosives licensed under this ordinance.

Permittee: Any user of explosives for lawful purposes who has obtained a user permit under the provisions of this ordinance.

747.02 Possession or ownership of firebombs.

(a) It shall be unlawful to own, make, possess or dispose of a fire bomb, tear gas bomb, stink or acid bomb.

(b) It shall be unlawful to possess any recognizable component part of a firebomb with intent to use such component, material or substance to set fire to or burn any building, structure or property.

(c) This section shall not prohibit the authorized use or possession of any device, substance or material described herein by a member of the Armed Forces of the United States or any Reserve component thereof or of the National Guard of the Commonwealth of Kentucky or by a duly authorized Fireman, Policeman, or Peace Officer acting pursuant to official duty, nor shall the use or possession of such device, substance or material for the sole purpose of scientific research or education or for lawful burning be prohibited.

711.01 Definitions. When used in this Ordinance, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meanings ascribed in this section. Words in the plural form shall include the singular, and vice versa, and words importing the masculine gender shall include the feminine.

Antique firearm. (a) Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and

(b) Any replica of any firearm described in paragraph (a) of this definition if such replica (1) is not designed or redesigned for using rim fire or conventional center fire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

Collector. Any person who acquires, holds, or disposes of firearms as curios or relics.

Concealable firearm. Any pistol, or revolver, or other weapon by whatsoever name known, other than an antique firearm as herein defined, designed to be fired by the use of a single hand, and which is designed to fire or is capable of firing a fixed metallic cartridge, or the frame or receiver of such a weapon; the term "concealable firearm" shall include any other such weapons irrespective of their original design which have received such extensive modification to stock, barrel or otherwise as to make them sufficiently small to be readily concealable on the person: in addition, the term "concealable firearm" shall include tear gas guns, tear pens, tear gas pen-

cils, pen guns, mace cans, or other similar devices capable of firing, projecting, expelling or spraying tear gas, mace, or any similar gas, chemical or substance which may be dangerous or injurious to human health or safety.

Curios or relics. Firearms which are of special interest to collectors by reason of some quality other than is ordinarily associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories;

(a) Firearms which were manufactured at least 50 years prior to the current date, but not including replicas thereof;

(b) Firearms which are certified by the curator of a municipal, state or federal museum which exhibits firearms to be curios or relics of museum interest; and

(c) Any other firearms which derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period or event.

Dealer. Any person engaged in the business of selling concealable firearms at wholesale or retail; any person engaged in the business of repairing concealable firearms or of making or fitting special barrels, stocks or trigger mechanisms to concealable firearms; or any person who is a pawn broker.

Felony. Any offense punishable by imprisonment for a term exceeding one (1) year. The term shall not include any offense (other than one involving a firearm or explosive) classified as a misdemeanor under the laws of any state and punishable by a term of imprisonment of two (2) years or less.

Frame or receiver. That part of a concealable firearm which provides housing for the hammer, bolt or breechblock, and firing mechanism, and which is usually threaded at its forward portion to receive the barrel.

Fugitive from justice. Any person who has fled from any state to avoid prosecution for a crime or to avoid giving testimony in any criminal proceeding.

Indictment. Includes an indictment or information in any Court under which a crime punishable by imprisonment for a term exceeding one (1) year may be prosecuted.

Pawnbroker. Any person whose business or occupation includes the taking or receiving, by way of pledge or pawn, of any concealable firearm as security for the payment or repayment of money.

Person. Any individual, corporation, company, association, firm, partnership, society, or joint stock company.

711.02 Sale or transfer of concealable firearms. No sale, transfer or delivery of a concealable firearm shall be made within the City of Louisville to any of the following:

(a) A person under twenty-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent, or any person who is a known drug addict;

(f) A person who is not a resident of the Commonwealth of Kentucky;

(g) A person who has been convicted of public drunkenness three (3) or more times within the year last past before the proposed sale, transfer or delivery;

(h) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

711.03 Ownership or possession of concealable firearms. It shall be unlawful for anyone within the following categories to own, possess or exercise any degree of control over a concealable weapon:

(a) A person under twenty-one (21) years of age;

(b) A person under indictment for, or who has been convicted in any Court of a felony;

(c) A person who has been convicted of a misdemeanor involving the handling, carrying, furnishing or misuse of a firearm within five (5) years;

(d) A person who is a fugitive from justice;

(e) A person who has been adjudicated as a mental defective or incompetent or who has been committed to any mental institution.

(f) A person who has a conviction record of three or more misdemeanors involving the employment of physical violence against another person within three (3) years last past before the proposed sale, transfer or delivery.

711.04 Licensing of dealer. Any person who engages in the business of a dealer as defined in this Ordinance in the City of Louisville shall secure a license from the City to conduct such business ***

711.05 Sale by dealer. Every dealer who makes a sale, transfer or delivery of a concealable firearm to any person other than another licensed dealer or licensed collector shall first require the purchaser to execute in full an affidavit on a form provided by the Louisville Division of Police ***

The aforesaid affidavit shall be signed and sworn to by the prospective purchaser before a person authorized to administer oaths.

711.06 Completion of sale and report to the Louisville Division of Police. After the prospective purchaser or transferee of a concealable firearm has executed the affidavit hereinabove provided for, the dealer shall allow a period of not less than 24 hours to expire before the completion of any sale or

transfer of the concealable firearm to the purchaser or transferee.

Upon the completion of the sale or transfer, the dealer shall execute a certificate on a form provided by the Louisville Division of Police ***

The purchaser or transferee shall sign the aforesaid certificate acknowledging receipt of the concealable firearm described therein. The dealer shall also sign the aforesaid certificate.

The dealer and purchaser or transferee shall swear to the accuracy of the information contained therein before a person authorized to administer oaths. *****

711.07 Report of sale by seller other than dealer. Every person who is not a licensed dealer or collector who makes a sale, loan, gift or any other transfer or delivery of a concealable firearm to anyone who is not a licensed dealer or collector shall within twenty-four (24) hours after such sale, loan, gift, transfer or delivery mail or deliver to the Louisville Division of Police a certificate on a form provided by the Louisville Division of Police ***

Said certificate shall be signed by the person making such sale, loan, gift, transfer or delivery and by the purchaser or recipient acknowledging receipt of the concealable firearm.

It shall be the duty of both the person making such sale, loan, gift, transfer or delivery as well as the person purchasing or receiving the concealable firearm to see that the provisions of this section are complied with, and failure to report such sale, loan, gift, transfer or delivery shall constitute a violation of this Ordinance by each.

711.09 Collectors license. Any person qualifying as a collector as defined in this Ordinance may make application to the Louisville Division of Police for issuance of a "Collectors License" and shall pay for said license the sum of Ten dollars (\$10.00); said license shall be renewable annually for an additional fee of Five dollars ***

711.11 Licensed collector may make immediate transactions. Any duly licensed collector hereunder may buy, sell or otherwise receive or transfer any firearms qualifying as curios and relics as defined herein without the necessity of reporting such transactions and without the elapsement of any waiting period.

711.13 Exclusions. 1. Despite any language to the contrary contained herein, it shall be lawful for the following persons to acquire, transfer, or purchase concealable firearms from a dealer or broker without the necessity of the affidavit and waiting period required by this Ordinance:

(a) Any governmental agency which is authorized to own or acquire firearms;

(b) Licensed dealers, manufacturers,

wholesalers in all transactions between similarly licensed persons, in their usual course of business;

(c) Licensed pawnbrokers accepting a firearm as security or pledge for loan, unless or until the pawnbroker makes a sale or transfer or the firearm pledged to a person other than the owner, at which time the affidavit required by this Ordinance and the waiting period shall be complied with, and the report of such sale or transfer shall be made as provided herein.

2. Despite any language to the contrary contained herein, it shall be lawful for the following persons to transport, possess and lawfully use concealable firearms for lawful purposes:

(a) Non residents of Louisville who are regularly enrolled members of any state or federal organization, service or agency who's members are legally authorized to purchase, or receive and transport concealable firearms;

(b) Non residents of Louisville regularly enrolled as members of clubs organized for firearms collecting or organized target shooting while such members are going to or from collectors gun shows, competitions and other organized convocations of such clubs;

(c) Non residents while lawfully engaged in hunting, fishing, or camping or going to or returning from hunting, fishing or camping;

(d) Non residents engaged in the business of manufacturing, repairing or dealing in firearms, or the agent or representatives of such person while engaged in the lawful course of such business.

Newport

Sec. 117.01 Licensing of dealer. Every person hereinafter called "dealer," engaged in the business of buying or selling pistols, revolvers and like or similar instruments, whether such business is carried on as the only business or in conjunction with other lines of business, shall secure a license from the city, and shall pay an annual license fee of \$25 to conduct the business of buying or selling pistols, revolvers and like or similar instruments, and the \$25 license fee shall be in addition to any other business license held by said dealer.

Sec. 117.02 Dealer's bond. (A) Before a license shall be issued, such dealer shall execute a bond to the city in the minimum of \$1,000, either in cash or with corporate surety, to be approved by the city manager.

Sec. 117.04 Purchaser's qualifications. No "dealer" shall make any sale of, or deliver, any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The

purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the prospective purchaser is an alien or if his record indicated he has been involved in any felony or any misdemeanor involving the use of firearms, then the "dealer" shall not make any sale of or deliver any pistol, revolver, or like or similar instrument to such person. The "dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property, or that such pistol, revolver or like or similar instrument is to be used for a lawful purpose.

Sec. 117.05 Report of sale. When the "dealer" ascertains that the prospective purchaser is properly qualified and has executed the affidavit, as above provided, he may complete the sale and deliver the pistol, revolver or like or similar instrument to the said purchaser. ***

Sec. 117.07 Sale to unlicensed "dealers." No person shall sell a revolver, pistol or like or similar instrument to any unlicensed "dealer" at any time.

Sec. 117.08 Sale to minors. No person shall sell a revolver, pistol or like or similar instrument to any minor at any time. (Ord. 1094, Sec. 8)

Sec. 117.09 Wholesalers excepted. Nothing contained in this chapter shall apply to sales at wholesale to a licensed "dealer."

Paris

Sec. 11-19. Various deadly weapons—Permits to buy and sell; required reports. (a) It shall be unlawful for any person to engage in the business of selling, or to sell, give away or otherwise dispose of to any person within the city any pistol, revolver, derringer, *** or other weapon of like character which can be concealed on or about the person, without securing a license so to do as hereinafter provided, and no person having secured such license shall sell, give away or otherwise dispose of any such weapon to any person within the city who has not secured a permit from the chief of police to purchase the weapon. *****

(d) It shall be unlawful for any person in the city to purchase any pistol, revolver, derringer, *** or other weapon of like character, which can be concealed on the person, without first securing from the chief of police a permit so to do.

Park Hills

Ordinance 3

Section 1. Licensing of Dealer: Every person, firm or corporation hereinafter called

"Dealer", engaged in the business of buying or selling pistols, revolvers and like or similar instruments, * * * shall secure a license from the City of Park Hills. * * *

Section 4. Purchaser's Qualifications: No "Dealer" shall make any sale of, or deliver any pistol, revolver, or like or similar instrument to any person without first requiring such person to execute an affidavit in triplicate copy, either typewritten or in plain legible English handwriting and which shall contain the following information: The Purchaser's name, age, address, description, place of employment, citizenship and statement of criminal record. If the Prospect purchaser is an alien or if his record indicates he has been involved in any felony or any misdemeanor involving the use of firearms, then the "Dealer" shall not make any sale of or deliver any pistol, revolver or like or similar instrument to such person. The "Dealer" shall be further charged with the responsibility of refusing to make a sale to any person who appears visibly agitated or under stress, and who cannot give a reasonable or proper explanation of such behavior. The "Dealer" shall complete any sale to a prospective purchaser only if it appears that such person has good cause to fear an injury to his person or property or that such pistol, revolver, or like or similar instrument is to be used for a lawful purpose.

Louisiana

State Law Rev. Stat.

La. Stat. Ann.

Title 40

Sec. 1751. Definitions. For purposes of this Part, "machine gun" includes all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device. "Manufacturer" includes all persons manufacturing machine guns; "Merchant" includes all persons dealing with machine guns as merchandise.

Sec. 1752. Handling of machine guns unlawful; exceptions. No person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within this state, except that:

(1) All duly appointed peace officers may purchase, possess, carry, and transport machine guns.

Section 7. Sale to Unlicensed "Dealers": It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any unlicensed "Dealer", at any time.

Section 8. Sale to Minors. It shall be unlawful for any person, firm or corporation to sell a revolver, pistol or like or similar instrument to any minor at any time.

West Buechel

Section 135.30. Definitions pertaining to weapons offenses. For the purpose of this subchapter the following words shall have the following meaning ascribed to them respectively:

(A) "Deface." To remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

(B) "Firearm." Any weapon which will expel a projectile by the action of an explosive.

Section 135.34. Possession of a defaced firearm. (A) A person is guilty of possession of a defaced firearm when he knowingly possesses a defaced firearm unless he makes a report to the police or other appropriate government agency of such possession prior to arrest or authorization of a warrant by a court.

any money, treasure, bullion, bonds, or other thing of value. Their employers may purchase or receive machine guns and keep them in their possession when the guns are not being used by their guards or messengers.

(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machine guns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machine guns as other merchandise.

Sec. 1753. Transfers of possessions permitted in certain cases; method. No manufacturer of merchant shall permit any machine gun to pass from his possession to the possession of any person other than:

(1) A manufacturer or a merchant.
(2) A common carrier for shipment to a manufacturer or merchant.

(3) A duly authorized agent of the government of the United States or of this state, acting in his official capacity.

(4) A person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of R.S. 40:1752.

Manufacturers or merchants shall not deliver a machine gun to any of the persons authorized to purchase it under the provisions of paragraphs (1) and (4) of R.S. 40:1752 unless the person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish in which the manufacturer or merchant has his place of business or delivers the machine gun. The manufacturer or merchant shall retain the written permit and keep it on file in his place of business. Each sheriff shall keep a record of all permits issued by him.

(Sec. 1754. requires that every manufacturer or merchant shall keep a register of all machine guns manufactured or handled by him)

Part II: Registration

Sec. 1781. Definitions. For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

(1) "Dealer" means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.

(2) "Department" means the Department of Public Safety.

(3) "Firearm" means a shotgun having a barrel of less than eighteen inches in length; a rifle having a barrel of less than sixteen inches in length; any weapon made from either a rifle or a shotgun if said weapon has been modified to have an overall length of less than twenty-six inches; any other firearm, pistol, revolver or shotgun from which the serial number or mark of identification has been obliterated, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition. Pistols and revolvers and those rifles and shotguns which have not previously been defined in this Paragraph as firearms from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.

(4) "Importer" means any person who imports or brings into the state any firearm.

(5) "Machine gun" means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.

(6) "Manufacturer" means any person who is engaged in this state in the manufacture, assembling, alteration, or repair of any firearm.

(7) "Muffler" or "silencer" includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machine gun, submachine gun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in this Section.

(8) "Transfer" includes the sale, assignment, pledge, lease, loan, gift, or other disposition of any firearm.

Sec. 1782. Exemptions from Part. This Part does not apply to the following persons and things:

(1) Sheriffs or equivalent municipal officers in municipalities of over ten thousand, when they are acting in their official capacity.

(2) The arms, accoutrements, and equipment of the military and naval forces of the United States or of other officers of the United States authorized by law to possess weapons of any kind.

(3) The arms, accoutrements, and equipment of the militia.

(4) Any firearm which is unserviceable and which is transferred as a curiosity or ornament.

Sec. 1783. Registration with department of public safety. Every person possessing any firearm shall register with the department the number or other mark identifying the firearm, together with his name, address, and place of business or employment, the place where the firearm is usually kept, and, if the person is other than a natural person, the name and home address of the executive officer thereof having control of the firearm and the name and home address of the person having actual possession thereof.

Sec. 1784. Application to possess or transfer. No person shall continue to possess or shall transfer any firearm without the prior approval of the department. Interested persons shall file written application in duplicate on application forms issued in blank for those

purposes by the department. In the case of transfers of any firearm, applications shall be filed by both the proposed vendor and the proposed vendee.

The applications shall set forth, in the original and duplicate, the manufacturer's number or other mark identifying the firearm. Both the original and duplicate shall be forwarded to the department. If approved, the original shall be returned to the applicant.

Sec. 1785. Possession or dealing in unregistered or illegally transferred weapons. No person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with this Part.

Sec. 1787. Importation, manufacture, or dealing in without registration. Upon first engaging in business, every importer, manufacturer, and dealer in firearms shall register with the department his name or style, principal place of business and other places of business in this state. No person required to register under the provisions of this Section shall import, manufacture, or deal in any firearm without having registered as required by this Section.

Sec. 1788. Identification with number or other mark; obliteration or alteration of number or mark. A. Each manufacturer, importer, and dealer in any firearm shall identify it with a number or other identification mark approved by the department and shall mark or stamp or otherwise place the number or mark thereon in a manner approved by the department.

B. No one shall obliterate, remove, change, or alter this number or mark. Whenever, in a trial for a violation of this Sub-section, the defendant is shown to have or to have had possession of any firearm upon which the number or mark was obliterated, removed, changed, or altered, that possession is sufficient evidence to authorize conviction unless the defendant explains it to the satisfaction of the court.

Part III. Purchase of rifles and shotguns

Sec. 1802. Definitions. As used in this Part:

(1) "A state contiguous to this state" shall mean any state having a common border with this state.

(2) All other terms shall be given the meaning prescribed in 18 U.S.C. Sec. 921 (The Gun Control Act of 1968, Public Law 90-618), and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereafter modified.

Sec. 1803. Purchase of rifle or shotgun or ammunition. It shall be lawful for any person residing in this state, including any corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun or ammunition in any state which is contiguous to this

state and to receive or transport such rifle or shotgun or ammunition into this state and to permit any person residing in a contiguous state to purchase shotguns, rifles or ammunition in this state and to receive or transport such rifles, shotguns or ammunition in this state.

Title 14

91. Unlawful sales to minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of knowledge of the minor's age shall not be a defense.

95.1 Possession of firearm or carrying concealed weapon by a person convicted of certain felonies.

A. It is unlawful for any person who has been convicted of first or second degree murder, manslaughter, aggravated battery, aggravated or simple rape, aggravated kidnapping, aggravated arson, aggravated or simple burglary, armed or simple robbery, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony or any crime defined as an attempt to commit one of the above enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the above enumerated crimes, to possess a firearm or carry a concealed weapon.

C. Except as otherwise specifically provided, this Section shall not apply to the following cases: (1) The provisions of the Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of certain felonies shall not apply to any person who has not been convicted of any felony for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.

(2) Upon completion of sentence, probation, parole, or suspension of sentence the convicted felon shall have the right to apply to the sheriff of the parish in which he resides, or in the case of Orleans Parish the superintendent of police, for a permit to possess firearms. The felon shall be entitled to possess the firearm upon the issuing of the permit.

Arnaudville

Section 7:130. Illegal carrying of weapons prohibited. A. No person shall commit the crime of illegal carrying of weapons.

B. Illegal carrying of weapons is: * * * 2. The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien: * * *.

Bogalusa

59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Coushatta

Criminal Code

Article 58. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of any * * * firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. * * *

Article 59. Illegal carrying of weapons: Illegal carrying of weapons is: * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien: * * *.

Crowley

8-44. Weapons—Illegal carrying. (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

(b) Whoever commits illegal carrying of weapons shall be guilty of a misdemeanor.

Denham Springs

Article 59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

Article 60. Illegal carrying of weapons. Illegal carrying of weapons is: * * * (2) The ownership, possession, custody or use of

any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * *.

DeRidder

7-68. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Sec. 21-223. Retail dealers in pistols, rifles or cartridges. * * * (b) No person shall sell, at wholesale or retail, pistols, or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in R.S. 47:382 and 47:383, and without first obtaining the license imposed by this article authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges. * * *

East Baton Rouge Parish

94. Illegal use of weapons or dangerous instrumentalities. (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Franklinton

Sec. 8-69. Unlawful sales to and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Houma

9-31. Illegal carrying. (a) Defined. Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Jean Lafitte

Ordinance 25

Article 40. Illegal carrying of weapons: * * * (2) The ownership, possession, custody

or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * *

Jefferson Parish

Section 12-17.1. All dealers in firearms, prior to delivering any firearm, will ascertain from the Jefferson Parish Sheriff's Office that the purchaser is not a convicted felon and is not charged as a felon.

(a) Dealers in firearms will contact the Sheriff's Office to determine if a buyer is a convicted felon or if felony charges are pending. Dealers will indicate on their record the name of the deputy who conducted the electronic investigation.

(b) It shall be unlawful for any person in the Parish of Jefferson to sell, offer for sale, assign, pledge, lease, loan, give, transfer, purchase or receive any firearm, pistol or revolver to or from a known felon.

Jennings

20-49. Illegal carrying of weapons. (a) Illegal carrying of weapons is: * * * (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * *.

Kenner

10-93. Wholesale dealers in pistols, rifles or cartridges. Every wholesale dealer in pistols, pistol cartridges, blank pistols, blank cartridges, and all rifles except .22 and .25 calibers, and rifle cartridges, except .22 and .25 calibers, shall pay an annual license on the said business. * * *

No dealer shall be deemed a wholesale dealer unless he sells to dealers for resale.

10-94. Retail dealers in pistols, rifles or cartridges. (b) No person shall sell, at wholesale or retail, pistols, or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in R.S. 47:382 and 47:383, and without first obtaining the license imposed by this article authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Kentwood

Article 46. Illegal carrying of weapons. Illegal carrying of weapons is: * * * (2) The ownership, possession, custody or use of

any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; * * *.

Lafayette City

B. No person shall sell at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required by the State of Louisiana in Title 47, Section 382 and Section 383, and without first obtaining the license imposed by this Ordinance authorizing the sale of pistols, or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lafayette Parish

B. No person shall sell, at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this Section or in Section 32 of this Ordinance, or without first obtaining the license which may be imposed by any municipal or parochial authority for the sale of pistols or pistol cartridges, blank pistols or blank pistol cartridges, rifles or rifle cartridges.

Lake Providence

Ordinance 1161

Section 11. Illegal Carrying or Possession of Weapons: Illegal carrying or possession of weapons is: * * * 3. The receipt, possession, carrying, concealment, buying, selling or transferring, of any machine-gun, shotgun having a barrel of less than twenty (20) inches in length, rifle having a barrel of less than sixteen (16) inches in length, hand-grenade, gas-grenade, muffler or silencer, which has not been properly registered with the Louisiana Department of Safety.

Many

59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivery for value by anyone over the age of seventeen of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any per-

son under the age of twenty-one. Lack of knowledge of the minors' age shall not be a defense.

Monroe

10-20. Dangerous weapons—Illegally carrying. It shall be unlawful for any person to commit the act of the illegal carrying of weapons. Illegal carrying of weapons is: (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.

Morgan City

Sec. 10-11. * * * sale of firearms to minors. It shall be unlawful for any person to sell, offer, or expose for sale within the corporate limits of the city, * * * to sell firearms to minors.

New Orleans

Section 42-59. Illegal Possession or Ownership of Firearms or Other Dangerous Instruments by Certain Persons. It shall be unlawful for any of the following persons to own, have in his possession, or in any vehicle under his control, any shotgun, rifle, firearm, muffler, silencer or any ammunition for any such weapon, or any other instrument customarily used or intended for use as a dangerous weapon:

1) Any person convicted of a crime of violence in any court of the State of Louisiana or any other state, territory or in the District of Columbia, or in any District Court of the United States;

2) Any person under indictment for or charged by information with any crime of violence;

3) Any person who is a fugitive from justice;

4) Any person who is an unlawful user of or addicted to narcotics, barbiturates or amphetamines.

Section 42-62. Unlawful Sale, Transfer to Persons under Eighteen. It is unlawful to sell or transfer any shotgun, rifle, air pistol, air rifle or firearm to persons under eighteen (18) years of age.

Section 42-63. Unlawful to Sell or Transfer Firearms Except upon Compliance with this Article. It shall be unlawful for any person or dealer in the City of New Orleans to sell or transfer or for any person to acquire in any manner, any firearm except as authorized by this Article.

Section 42-64. Procedure for Sale or Transfer of Firearms, Record of Transfers. No person or dealer shall sell or transfer any

firearm until the Federal Firearms Transaction Record shall have been executed in triplicate by the prospective purchaser or transferee, and the applicant's fingerprints applied to one copy of application.

Section 42-66. Unlawful to Sell, Transfer Firearms to Certain Persons. It shall be unlawful for any person or dealer to sell or transfer a firearm to any person whom he knows or has reasonable cause to believe: 1. has been convicted of a crime of violence; 2. is a fugitive from justice; 3. is an unlawful user of or addicted to narcotics, barbiturates or amphetamines; 4. the person is visibly under the influence of alcohol or drugs; 5. the person is under eighteen (18) years of age.

New Roads

2. The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien * * * [is illegal]

Oakdale

Sec. 8-67. Unlawful sales to minors. (a) Unlawful sales to minors is the selling, or otherwise delivering for value, by anyone over the age of seventeen (17) of * * * any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Sec. 23-261. Retail dealers in pistols, rifles, and cartridges. (a) Every retail dealer in pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles, except rifles of .22 and .25 calibers, or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, shall pay an annual license tax on the said business.

(c) No person shall sell, at wholesale or retail, pistols or pistol cartridges, blank pistols or blank pistol cartridges, or any rifles except rifles of .22 and .25 calibers or any rifle cartridges, except rifle cartridges of .22 and .25 calibers, without first obtaining the license required in this section or section 23-260.

Opelousas

Sec. 18-8. (Minors)—Sale of weapons to. It shall hereafter be unlawful for any person to sell, barter, lend, give, or deliver any pistol, dirk, or other deadly weapon to any minor under seventeen (17) years of age.

It shall further be unlawful for any person to sell, barter, lend, give or deliver any pistol,

dirk, or other deadly weapon to any minor between seventeen (17) and twenty-one (21) years of age without the express written approval of one of the parents, or legal guardian of such a minor.

Plaquemine

Sec. 11-69. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) of *** any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21) and shall be unlawful. Lack of the knowledge of the minor's age shall not be a defense.

Sec. 11-70. Illegal carrying of weapons. Illegal carrying of weapons is: ***** (b) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien: *****

Vernon Parish

Ordinance 4 of 1974

Section I. It shall be unlawful for any business, firm or corporation, to sell, lease or give, individually or by agent, any pistol, *** toy pistol for which cartridges are used, or other dangerous weapon which may be carried concealed, to any person under the age of eighteen.

Section II. It shall be unlawful for any business, firm or corporation, in Vernon Parish to sell, give away, lend, exchange or otherwise dispose of or transfer in Vernon Parish or for any business, firm or corporation to purchase, borrow, accept as a gift, exchange or otherwise receive any pistol, revolver, automatic pistol or firearm whatsoever capable of being concealed on the person, except as authorized by this article.

Section III. Prior to the actual delivery or transfer of any of the articles mentioned in the preceding section, the business, firm or corporation desiring to obtain any such article shall file a written application, in duplicate, with the Sheriff of Vernon Parish. The Sheriff of Vernon Parish may also require the fingerprints of the applicant as part of such application.

Section VI. The transfer under applications to purchase articles under this article shall be made only between the hours of 9:00 A.M. and 5:00 P.M. on the following day stated therefor in the approved application and such transfer shall be openly and publicly made and only to the person signing the application.

Section VIII. The word "business" in the foregoing article, will apply to any person or individual who is conducting a business of selling or distributing guns or other weapons, provided, however, that this will not apply to a private transaction as between two individuals, neither of whom is engaged in the business or enterprise of selling guns or other weapons.

Vinton

Article 59. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen *** any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of the knowledge of the minor's age shall not be a defense. *****

Article 60. Illegal carrying of weapons. Illegal carrying of weapons is: *****

(2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; *****

Waterproof

(2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien (is illegal) ***

Welsh

Sec. 18-69. Unlawful sales to and purchases by minors. Unlawful sales to minors

is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) *** any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one (21). Lack of the knowledge of the minor's age shall not be a defense.

Westwego

Section 15:160. Sale or distribution of guns, permits required. A. It shall be unlawful for any person, firm or corporation to sell, offer for sale, assign, pledge, lease, loan, give away, transfer or purchase any pistol revolver or rifle of whatever nature or kind, without first having obtained from the Sheriff of the Parish of Jefferson, Permit Department, a permit therefor.

B. Any person, firm or corporation interested in the sale, assignment, pledge, lease, loan, gift, transfer or purchase of any pistol, revolver or rifle, as aforesaid, shall file written application in duplicate on application forms issued in blank for these purposes by the permit department of the Sheriff of the Parish of Jefferson. *****

Winnfield

Article 5. Unlawful sales to minors and purchases by minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen of *** any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of twenty-one. Lack of knowledge of the minor's age shall not be a defense. *****

Maine

State Law

Me. Rev. Stat. Ann.

Title 12

Sec. 2458. Silencers; *****No person shall sell, offer for sale, use or have in his possession any gun, pistol or other firearms, fitted or contrived with any device for deadening the sound of explosion. *****

Title 15

Sec. 391. Definitions. The following words and phrases when used in this chapter are defined as follows: "Pistol," "revolver" and "firearm" mean a weapon capable of

being concealed upon the person and shall include all firearms having a barrel of less than 12 inches in length.

Sec. 392. Application. The penal provisions of section 393 shall not apply to any person employed as a law enforcement officer or employed by a watch, guard or patrol agency licensed under Title 32, chapter 55-A.

Sec. 393. Possession of firearms prohibited for certain persons.

1. Possession prohibited. No person who has been convicted of any crime, under the laws of the United States, the State of Maine

or any other state, which is punishable by one year or more imprisonment or any other crime which was committed with the use of a dangerous weapon or of a firearm against a person, except for a violation of Title 12, chapter 319, subchapter III, shall own, have in his possession or under his control any firearm, unless such a person has obtained a permit under this section. *****

7. Definitions. For the purposes of this section, the term "dangerous weapon" shall have the same meaning as in Title 17-A, section 2, subsection 9 and the term "firearm" shall have the same meaning as in Title 17-A, section 2, subsection 12-A.

Sec. 455. Record of sales of firearms. No dealer shall sell, let or loan any firearm to any person without first recording in a book kept for the purpose the name or make, calibre and number, if any, of said firearm, and the name and address of the purchaser or recipient of said firearm. Said record shall be made before said firearm is delivered, *****

Title 17-A

Criminal Code

Sec. 2. Definitions. As used in this code, unless a different meaning is plainly required, the following words and variants thereof have the following meanings. *****

12-A. "Firearm" means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any such weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun. Any weapon which can be readily made into a firearm by the insertion of a firing pin, or other similar thing in the actual possession of the actor or an accomplice, is a firearm.

Sec. 554. Endangering the welfare of a child.

1. A person is guilty of endangering the welfare of a child if *** he knowingly sells, furnishes, gives away or offers to sell, furnish or give away to such a child (under the age of 16 years), *** firearms or ammunition; ***

2. It is an affirmative defense to prosecution under this section that: *****

B. The defendant was a person acting pursuant to authority expressly or impliedly granted in Title 12.

Sec. 1051. Possession of machine gun

1. A person is guilty of possession of a machine gun if, without authority to do so, he knowingly possesses a machine gun.

2. As used in this chapter, "machine gun" means a weapon of any description, by whatever name known, loaded or unloaded, which is capable of discharging a number of projectiles in rapid succession by one manual or mechanical action on the trigger or firing mechanism.

3. Possession of a machine gun is a Class D crime.

Sec. 1052. Right to possess, carry or transport machine gun. Any law enforcement officer of the State of Maine, any law enforcement officer of another state or a territory of the United States, members of the Armed Forces, Maine National Guard and Maine State Guard may possess a machine gun if the possession or carrying of such weapon is in the discharge of his official duties and has been authorized by his appointing authority.

Machine guns manufactured, acquired, transferred or possessed in accordance with the National Firearms Act, as amended, shall be exempt from this chapter.

Title 25

Sec. 2041. Purchase by Maine residents in another state. Residents of the State may purchase rifles and shotguns in a state contiguous to the State of Maine, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the law applicable to such purchase in the State of Maine and in the contiguous state in which the purchase is made.

Bangor

Ch. VII; Art. 5

1.4 Sale of Cartridge to Children under Sixteen. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge of fixed ammunition or blank cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.

Biddeford

Sec. 24-17. Defined. For the purpose of this article a "hand gun" shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one (1) hand, using fixed ammunition.

Sec. 24-18. Conveyances to conform to article. No person in the city shall sell, give or deliver to any person any hand gun except in accordance with the provisions of this article.

Sec. 24-19. Purchaser to sign certificate; *** Any person desiring to sell, give or deliver a hand gun shall require the person

seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents] *****

Sec. 24-20. Penalty for signing certificate containing false information. Any person who signs a certificate required in section 24-19 containing false information for the purpose of complying with the provisions of this article shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars (\$100.00).

Sec. 24-21. Police chief to examine purchaser's record, report results. Any person desiring to sell, give or deliver a hand gun shall deliver the certificate required in section 24-19 to the chief of police at police headquarters; and the chief shall have seventy-two (72) hours after receipt of the certificate to make an examination of the records contained in the police department and in state police headquarters at Augusta, Maine ***.

Sec. 24-22. When selling, giving, delivering hand gun a violation. Any person selling, giving or delivering a hand gun to any person before the expiration of the seventy-two (72) hour examination period required by section 24-21 or when notified within such period by the chief of police that a person signing the certificate required by section 24-19 has been convicted of, or is under complaint or indictment for, assault, assault and battery or a felony; is a user of or addicted to marijuana or any depressant, stimulant or narcotic drug; or has been judged by a court as a mental defective or has been committed to, or voluntarily has been a patient at, a mental institution, shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars (\$100.00).

Cape Elizabeth

1. No person, firm, or corporation in the Town of Cape Elizabeth shall sell and deliver to any person, or shall give or lend to any person except members of the household or upon the grounds of and for use at an established target range, any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents] *****

4. Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the Town of Cape Elizabeth, or his duly authorized representative, at Police

Headquarters, and said Chief of Police or his duly authorized representative shall have seven calendar days after delivery of said certificate to make an examination of the records contained in the police department of the Town of Cape Elizabeth, in the police department of any other municipality listed as an address on such certificate, and in State Police Headquarters at Augusta, Maine ***

5. Any person, firm, or corporation selling and delivering, giving or lending a hand gun to any person without complying with the provisions of this Ordinance, or before the expiration of said seven calendar days or when notified within said period by the Chief of Police or his duly authorized representative (that the person is not eligible to receive a handgun) *** shall be guilty of a violation of this ordinance and subject to a fine of not more than \$100.00 ***.

6. Any person who signs a certificate containing false information for the purpose of complying with the provisions of this Ordinance, or who accepts a hand gun without complying with the provisions of this Ordinance, shall be guilty of a violation of this Ordinance and subject to a fine of not more than \$100.00 ***.

Falmouth

1. Definition. No person, firm, or corporation in the Town of Falmouth shall sell, give, or in any manner transfer title to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

2. Hand Gun. A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

3. Certificate. Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate [contact local authorities for required contents] ***

4. Waiting period. Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the Town of Falmouth, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the Town of Falmouth and in the State Police Headquarters at Augusta, Maine ***

5. Penalty for selling. Any person, firm, or corporation selling, giving, or delivering a hand gun to any person before the expiration of said 72 hours or when notified within said period by the Chief of Police, or his authorized representative, that [the person is not

eligible to receive a handgun] *** shall be guilty of a violation of this ordinance and subject to a fine of not more than \$100.00.

Lewiston

Sec. 28-1. Sale of weapons to minors prohibited; placard required. (a) It shall be unlawful for any person in the city to sell or offer for sale any pistol, rifle, *** gun, *** or any other weapon of like kind to any child under the age of sixteen (16) years.

(b) In any establishment in the city wherein any pistol, rifle, *** gun, *** or any other weapon of like kind is offered for sale, there shall be conspicuously posted in such establishment by the person in charge of the operation of such establishment a placard or notice setting forth the provisions of this section. ***

Article II. Hand Guns

Sec. 28-29. Defined. For the purpose of this article, a hand gun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one (1) hand, using fixed ammunition, except antique hand guns as defined by federal gun law.

Sec. 28-32. Conveyance to conform to regulations. No person in the city shall sell, rent or exchange to any person any hand gun, except in accordance with the provisions of this article.

Sec. 28-34. Police to examine purchaser's record. The person proposing to sell, rent or exchange a hand gun shall deliver to the police department the application required by this article, upon which shall be endorsed the time of receipt by the officer receiving the application. Upon receipt of the application, the police department shall, as soon as possible, but within seventy-two (72) hours thereafter, make an examination of its records, the records of the state police and the records of such other law enforcement agencies *** [to determine if the applicant is eligible to receive a hand gun]

Sec. 28-35. Disposition prohibited pending investigation, after notification of bad record; notification procedure. No person shall sell, rent or exchange any hand gun to an applicant during the period of investigation required by this article or thereafter if notified during such period by the police department that the applicant [is not eligible to receive a hand gun] *** Said notification shall be delivered to the person proposing to sell, rent or exchange the hand gun by an officer

of the police department, obtaining at the time of delivery a receipt or acknowledgment of the notification and the time and date received, whenever possible.

Portland

Section 318.1 No person, firm, or corporation in the City of Portland shall sell, give, or deliver to any person any hand gun as hereinafter defined, except in accordance with the provisions of the following sections.

Section 318.2 A hand gun shall mean a firearm having a barrel length of less than fifteen inches and designed and intended to be fired with one hand, using fixed ammunition.

Section 318.3 Such person, firm, or corporation shall require the person seeking to purchase or obtain such hand gun to sign a certificate ***

Section 318.4 Such person, firm, or corporation shall deliver such certificate to the Chief of Police of the City of Portland, or his duly authorized representative, at Police Headquarters, and said Chief of Police or his duly authorized representative shall have 72 hours after receipt of said certificate to make an examination of the records contained in the Police Department of the City of Portland and in State Police Headquarters at Augusta, Maine ***

Presque Isle

20. Sale and use of firearms. A. No person shall sell to any child under the age of sixteen years, without the written consent of a parent or guardian of such child, any cartridge, or any gun, pistol or other mechanical contrivance arranged for the explosion of such cartridge.

South Portland

Sec. 26-4. Certain weapons not to be purchased from, furnished to minors, etc. No person shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Sec. 26-22. Person receiving hand gun to sign certificate; contents of certificate. A person selling, giving or delivering a hand gun to any person shall require the person seeking to purchase or obtain such firearm to sign a certificate [contact local authorities for required contents] ***

Sec. 26-24. Duty to deliver certificate to police; police to conduct investigation, report results. (a) A person proposing to sell, give or deliver a hand gun to another person shall deliver the certificate referred to in section 26-22 to the chief of police, or his duly authorized representative, at police headquarters. The chief or his duly authorized representative shall have seven (7) days after receipt of the certificate to make an examination of the records contained in the police department of the city and in the state police headquarters in Augusta, Maine, and such other appropriate records [to determine if the applicant is eligible to receive a hand gun] ***

(b) The chief of police or his duly authorized representative may waive the seven (7) day waiting period described in subsection (a) by written endorsement to that effect on the certificate.

Sec. 26-25. When disposition a violation; penalty. Any person selling, giving or delivering a hand gun to any person before the expiration of the seven (7) days referred to in section 26-24, or failing to complete the certificate referred to in section 26-22 and deliver it to the chief of police, or when notified within said period by the chief, or his authorized representative, that a person signing the certificate [is not eligible to receive a hand gun] *** shall be guilty of a violation of this article and subject to a fine of not more than one hundred dollars (\$100.00), in addition to any other penalties which this chapter may impose.

Westbrook

24-2. Toy guns, cannons, etc., not to be sold, *** railroad excepted. No person shall at any time sell or keep for sale *** any toy pistol, toy gun, toy cannon or cane that can be used to fire a blank cartridge or potash and sulphur pellet, any fire balloon or blank cartridge. This section shall not apply to the use of signal torpedoes by railroads in the operation of their trains, to paper cap pistols or paper caps.

24-14. Defined. A handgun shall mean a firearm having a barrel length of less than fifteen (15) inches and designed and intended to be fired with one hand, using fixed ammunition.

24-15. Disposition regulated. No person in the city shall sell, give or deliver to any person any handgun as hereinbefore defined, except in accordance with the provisions of the following sections.

24-16. Purchaser, etc., to sign certificate; contents; ***. (a) A person selling, giving or delivering a handgun to any person shall require such person to sign a certificate [contact local authorities for required contents] ***

24-17. Police chief to run investigation on purchasers. One disposing of a handgun shall deliver the certificate required by the preceding section to the chief of police at police headquarters, and the chief shall have seven (7) days after receipt of such certificate to make an examination of the records contained in the police department and in the state police headquarters, in Augusta, Maine, or other departments, [to determine if the applicant is eligible to receive a hand gun] ***

and to report such findings to the person filing such certificate.

24-18. Conveyance prior to investigation, when knowing purchaser's defects. Any person selling, giving or delivering a handgun to any person before the expiration of the seven (7) day period referred to in section 24-17 or when notified within such period by the chief of police that a person signing such certificate [is not eligible to receive a hand gun] *** shall be guilty of a violation ***

Maryland State Law

The Ann. Code of Md.

27 Sec. 372. Definitions. "Machine gun" as used in this subtitle, means a weapon, of any description, by whatever name known, loaded or unloaded, from which more than one shot or bullet may be automatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder of any degree, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

"Person" applies to and includes firm, partnership, association or corporation.

27 Sec. 373. Use of machine gun for crime. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a felony punishable by imprisonment in the State penitentiary for a term of not more than twenty years.

27 Sec. 374. Use of machine gun for aggressive purpose. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the State penitentiary for a term of not more than ten years.

27 Sec. 375. What constitutes aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(a) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(b) When in the possession of, or used by, an unnaturalized foreign-born person, or a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; or

(c) When the machine gun is of the kind described in Sec. 379 and has not been registered as in said section required; or

(d) When empty or loaded shells which have been used or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

27 Sec. 376. Presence prima facie evidence of use. The presence of a machine gun in any room, boat, or vehicle shall be evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

27 Sec. 377. Exceptions. Nothing contained in this subtitle shall prohibit or interfere with:

(1) The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States, the several states or of any political subdivision thereof, or the transportation required for that purpose;

(2) The possession of a machine gun for scientific purpose; or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

(3) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

27 Sec. 378. Manufacturer's register; inspection of stock. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the method and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock

of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not more than one hundred dollars.

27 Sec. 379. Registration of machine guns. Every machine gun now in this State shall be registered with the Superintendent of the Maryland State Police, on June 1, 1933, and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the Superintendent of the State Police and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section shall be presumed to possess the same for offensive or aggressive purpose.

27 Sec. 406. Sale, etc., of deadly weapon or ammunition therefor to minor; exceptions. It shall be unlawful for any person, be he licensed dealer or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons or any ammunition therefor, to any minor under the age of eighteen years, except with the express permission of a parent or guardian of such minor. Any person violating this section shall on conviction thereof pay a fine of not less than fifty nor more than two hundred dollars, together with the costs of prosecution; and upon failure to pay said fine and costs shall be committed to jail and confined therein until such fine and costs are paid, or for the period of sixty days, whichever shall first occur, provided, however, that the provisions of this section shall not apply to a member of any organized militia in Maryland, when said member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and provided further that none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

27 Sec. 441. Definitions. (a) As used in this subtitle—

(b) The term "person" includes an individual, partnership, association or corporation.

(c) The term "pistol or revolver" means any firearm with barrel less than twelve inches in length, including signal, starter, and blank pistols.

(d) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(e) The term "crime of violence" means abduction; arson; burglary, including common-law and all statutory and storehouse forms of burglary offenses; escape; housebreaking; kidnapping; manslaughter, excepting involuntary manslaughter; mayhem; murder; rape; robbery; and sodomy; or an attempt to commit any of the aforesaid offenses; or assault with intent to commit any other offense punishable by imprisonment for more than one year.

(f) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any state, territory or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

27 Sec. 442. Sale or transfer of pistols and revolvers. (a) Right to regulate sales preempted by State. All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on sales of pistols or revolvers are superseded by this section, and the State of Maryland hereby preempts the rights of such jurisdictions to regulate the sale of pistols and revolvers.

(b) Application to purchase or transfer. No dealer shall sell or transfer any pistol or revolver until after seven days shall have elapsed from the time an application to purchase or transfer shall have been executed by the prospective purchaser or transferee, in triplicate, and forwarded by the prospective seller or transferor to the Superintendent of the Maryland State Police.

(c) Same—Disposition of copies. The dealer shall promptly after receiving an application to purchase or transfer, completed in accordance with subsection (e) below, forward one copy of the same, by certified mail, to the Superintendent of the Maryland State Police. The copy forwarded to the said Superintendent shall contain the name, address, and signature of the prospective seller or transferor. The prospective seller or transferor shall retain one copy of the application for a period of not less than three years. The prospective purchaser or transferee shall be entitled to the remaining copy of the application.

(d) Same—Statement of penalties for supplying false information required. The application to purchase or transfer shall bear the following legend: "Any false information supplied or statement made in this application is a crime which may be punished by imprisonment for a period of not more than two years, or a fine of not more than \$1,000, or both."

(e) Same—Information required. The application to purchase or transfer shall contain the following information:

(1) Applicant's name, address, occupation, place and date of birth, height, weight, race,

eye and hair color and signature. In the event the applicant is a corporation, the application shall be completed and executed by a corporate officer who is a resident of the jurisdiction in which the application is made.

(2) A statement by the applicant that he or she:

(i) Has never been convicted of a crime of violence, in this State or elsewhere, or of any of the provisions of this subtitle.

(ii) Is not a fugitive from justice.

(iii) Is not an habitual drunkard.

(iv) Is not an addict or an habitual user of narcotics, barbiturates or amphetamines.

(v) Has never spent more than thirty consecutive days in any medical institution for treatment of a mental disorder or disorders, unless there is attached to the application a physician's certificate, issued within thirty days prior to the date of application, certifying that the applicant is capable of possessing a pistol or revolver without undue danger to himself or herself, or to others.

(vi) Is at least 21 years of age as required by federal law.

(vii) Has or has not submitted a prior application and, if so, when and where.

(3) The date and hour the application was delivered in completed form to the prospective seller or transferor by the prospective purchaser or transferee. *

(g) Sale prohibited to disapproved applicant; exceptions. No dealer shall sell or transfer a pistol or revolver to an applicant whose application has been timely disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts. *

(i) Notification of completed transaction; permanent record of sales and transfers. Any dealer who sells or transfers a pistol or revolver in compliance with this subtitle shall forward a copy of the written notification of such completed transaction, within seven days from the date of delivery of the said pistol or revolver, to the Superintendent of the Maryland State Police, whose duty it shall be to maintain a permanent record of all such completed sales and transfers of pistols and revolvers in the State. The notifications shall contain an identifying description of the pistol or revolver sold or transferred including its caliber, make, model, manufacturer's serial number, if any, and any other special or peculiar characteristics or marking by which the said pistol or revolver may be identified.

(j) Construction of section. Nothing in this section shall be construed to affect sales and/or transfers for bona fide resale in the ordinary course of business of a person duly licensed under Sec. 443 of this subtitle, or sales, transfer, and/or the use of pistols or revolvers by any person authorized or required to sell, transfer, and/or use such pistols

or revolvers as part of his or her duties as a member of any official police force or other law enforcement agency, the armed forces of the United States, including all official reserve organizations, or the Maryland National Guard. *

27 Sec. 443. Pistol and revolver dealer's license. (a) Required. No person shall engage in the business of selling pistols or revolvers unless he lawfully possesses and conspicuously displays at his place of business, in addition to any other license required by law, a pistol and revolver dealer's license issued by the Superintendent of the Maryland State Police or his duly authorized agent or agents. Such license shall identify the licensee and the location of his place of business. One such license shall be required for each place of business where pistols or revolvers are sold.

(Contact Maryland State Police for additional information contained in Sec. 443 concerning fees for licenses to deal in pistols and revolvers, information required on applications for such license, prohibitions, denial procedure, appeals, etc.)

(f) Sales by disapproved applicants prohibited; exceptions.—No person shall engage in the business of selling pistols or revolvers whose application for a pistol and revolver dealer's license has been disapproved, unless such disapproval has been subsequently withdrawn by the Superintendent of the Maryland State Police and/or his duly authorized agent or agents or overruled by the action of the courts. *

27 Sec. 444. Obliterating, etc., identification mark or number. It shall be unlawful for anyone to obliterate, remove, change or alter the manufacturer's identification mark or number on any firearms. Whenever on trial for a violation of this section the defendant is shown to have or have had possession of any such firearms, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number.

27 Sec. 445. Restrictions on sale, transfer and possession of pistols and revolvers. (a) Right to regulate transfer and possession of pistols and revolvers preempted by State. All restrictions imposed by the laws, ordinances or regulations of all subordinate jurisdictions within the State of Maryland on possession or transfers by private parties of pistols and revolvers are superseded by this section and the State of Maryland hereby preempts the right of such jurisdictions to regulate the possession and transfer of pistols and revolvers.

(b) Sale or transfer to criminal, fugitive, etc. A dealer or person may not sell or transfer a pistol or revolver to a person whom he knows or has reasonable cause to believe has been convicted of a crime of violence, or of any of the provisions of this subtitle, or is a

fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under 21 years of age as required by federal law.

(c) Possession by criminal, fugitive, etc. It shall be unlawful for any person who has been convicted of a crime of violence, or of any of the provisions of this subtitle or who is a fugitive from justice or a habitual drunkard, or addicted to or an habitual user of narcotics, barbiturates or amphetamines, to possess a pistol or revolver.

27 Sec. 446. Sale, transfer, etc., of stolen pistol. It shall be unlawful for any person to possess, sell, transfer or otherwise dispose of any stolen pistol or revolver, knowing or having reasonable cause to believe same to have been stolen.

27 Sec. 447. Antique or unserviceable firearms excepted. The provisions of this subtitle shall not be construed to include any antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

27 Sec. 481A. Purchase from licensed dealer in adjoining state. It shall be lawful for any Maryland resident to purchase a rifle or shotgun from a federally licensed gun dealer in an adjoining state provided the purchaser is eligible to purchase a rifle or shotgun under the laws of such state.

27 Sec. 481C. Short-barreled rifles and short-barreled shotguns.

(a) Definitions.—(1) In this section, the following words have the meanings indicated.

(2) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

(3) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun (whether by alteration, modification, or otherwise) if such weapon as modified has an overall length of less than 26 inches.

(4) "Short-barreled rifle" means a rifle having one or more barrels less than 16 inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than 26 inches.

(5) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(6) The terms short-barreled shotgun and short-barreled rifle do not include:

(i) Antique firearms as defined in Sec. 36F(a)(1) of this article [Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; and any replica of any such firearm if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.];

(ii) Any device which is neither designed nor redesigned for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; or

(iii) Any firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(b) Registration.—A person may not possess a short-barreled rifle or short-barreled shotgun unless the person has registered it with the United States government in accordance with United States statutes.

(c) Penalty.—Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding five years, or both.

Annapolis

Sec. 17-8. Same—Register of persons purchasing firearms or ammunition. Each person engaged in the selling or exchanging of any firearms, except shotguns and air and cat rifles, or ammunition, shall keep a register of the name and address of the person purchasing any firearms, cartridges or other ammunition, noting the make, caliber and date of purchase. Such register shall at all times be open to the inspection of the police.

Sec. 17-9. Same—Sellers of firearms or ammunition to register with city clerk. Each person engaged in the selling or exchanging of any kind of firearms or ammunition within the city shall register his name and place of business with the city clerk.

Sec. 17-10. Same—Selling, giving, etc., firearms or ammunition to minor under eighteen. It shall be unlawful for any person, be he a licensed dealer or not, to sell, barter or give away any firearms whatsoever or other deadly weapons or any ammunition therefor to any minor under the age of eighteen years, except with the express and written permission of a parent or guardian of such minor.

The provisions of this section shall not apply to a member of any organized militia in

the state, when such member is engaged in supervised training, marksmanship activities or any other performance of his official duty, and none of the restrictions or limitations contained herein shall apply to any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

Baltimore City

Article 19

81. Definitions. (1) The term "person" includes an individual, partnership, association or corporation.

(2) The term "pistol or revolver" as used in this subtitle means any firearm with barrel less than twelve inches in length.

(3) The term "dealer" means any person engaged in the business of selling firearms at wholesale or retail, or any person engaged in the business of repairing such firearms.

(4) The term "crime of violence" means murder, manslaughter, rape, mayhem, kidnapping, burglary, housebreaking, assault with intent to kill, commit rape, or rob; assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(5) The term "fugitive from justice" means any person who has fled from a sheriff or other peace officer within this State, or who has fled from any State, Territory, or the District of Columbia, or possession of the United States, to avoid prosecution for a crime of violence or to avoid giving testimony in any criminal proceeding.

85. Convicts not to possess. No person who has been convicted in this State or elsewhere for a crime of violence, shall own a pistol or have one in his possession or under his control.

88. Delivery to minors and others. No person shall deliver a pistol to any person under the age of twenty-one (21), except members of the Maryland State Guard and members of the Maryland Minute Men, or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, or to any person visibly under the influence of liquor or of drugs. It shall be unlawful for any person to make any loan, secured by a mortgage, deposit or pledge, of a pistol or revolver.

89. Order required for transfer. No seller, transferrer or donor shall deliver a pistol to the purchaser, transferee or donee thereof except upon a written order, dated not more than sixty days prior thereto, and signed by the Police Commissioner of Baltimore City, or his agent, ***. Such application shall be executed in triplicate. Said Police

Commissioner, or his agent, shall immediately make an investigation of the applicant and if such investigation does not disclose that such applicant is [ineligible to receive a pistol] *** said Police Commissioner or his agent, at the expiration of five days after such application is filed, shall sign an order in triplicate (which order shall be attached to said application), authorizing the applicant to purchase, transfer or give away a pistol. ***

90. False information. No person shall, in purchasing or otherwise securing delivery of a pistol, or in registering the same, give false information or offer false evidence of his identity.

Baltimore County

18-7. Purchase, sale, etc., in connection with minors. (a) It shall be unlawful for any person under the age of twenty-one years to purchase, trade or acquire in any other manner, or to use or possess, or to attempt to use or possess, any gun, pistol, rifle, shotgun or any other type of firearm, without having first complied with the provisions of this section. Before so acquiring, using or possessing, or attempting to acquire, use or possess, any such firearm, the possessor or user, or prospective possessor or user thereof, shall first file with the police bureau a statement of possession or use, which statement shall be retained by the police bureau. (Contact county authorities for required contents) ***

(b) It shall be unlawful for any person to sell, give or in any manner transfer to any other person under the age of twenty-one years, any firearm unless the statements of acquisition, use or possession, or prospective acquisition, use or possession have been filed with the police bureau, as required herein.

(c) The provisions of this section shall not be construed to include any antique or unserviceable firearms sold or transferred or held as curios or museum pieces.

Capitol Heights

22. It shall be unlawful for any person, firm, or corporation, be he licensed dealer or not, to sell, barter, or give away any firearms, or ammunition whatsoever, or other deadly weapons, to any minor under the age of sixteen years.

Cheverly

Sec. 20-5. Supplying firearm materials to underage persons. It shall be unlawful for any person, licensed dealer or otherwise, to sell, barter or give away shotguns, fowling pieces, rifles or any firearms whatsoever, or

any ammunition, powder, shot or shells for any deadly weapon, to any person under the age of twenty-one (21) years.

Cumberland

19-11

Firearms-Pistols, Revolvers, etc.—Permit Required:

"(a) No person shall sell, give or lend to any person within the City a revolver, pistol, or other small firearm, unless such person has a permit from the Chief of Police authorizing the possession of such revolver, pistol or other small firearm.

"(b) This section shall apply to all persons within the City, whether such persons are engaged in the business of buying and selling revolvers, pistols or other small firearms or not."

19-12

"No person shall have possession of a revolver, pistol or other small firearm without such permit."

District Heights

6. It shall be unlawful for any child or children under the age of eighteen (18) years, to have in his possession whether for use or not, any shot-gun, rifle, pistol, firearm, *** or any other fire-arm or missile propelling device, except and unless said child or children shall be engaging in "target practice." ***

Eagle Harbor

Chap. 4. Sec. 6. It shall be unlawful for any person or persons to sell to any child or children under age of seventeen (17) years any firearms, gun powder or loaded cartridges ***

Montgomery County

Sec. 57-1. Definitions. The following words and phrases shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section:

Crime of violence. Murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, arson, assault with intent to murder, ravish or rob, assault with a deadly weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing

and a primer, all of which shall be contained as one unit.

Fugitive from justice. Any person for whom criminal proceedings have been instituted, warrant issued or indictment presented to the grand jury, who has fled from a sheriff or other peace officer within this state, or who has fled from any state, territory, District of Columbia or possession of the United States, to avoid prosecution for crime of violence or to avoid giving testimony in any criminal proceeding involving a felony or treason.

Gun. Any firearm, rifle, shotgun, revolver, pistol, *** or any similar mechanism by whatever name known which is designed to expel a projectile through a gun barrel by the action of any explosive ***

Pistol or revolver. Any gun with a barrel less than sixteen inches in length that uses fixed ammunition.

Sell or purchase. Such terms and the various derivatives of such words shall be construed to include letting on hire, giving, lending, borrowing or otherwise transferring.

Subversive organization. Any "subversive organization" or "foreign subversive organization" as defined by article 85A, section 1, Annotated Code of Maryland, 1957.

Superintendent of police. The superintendent of police for the county or his duly authorized agents. ***

Sec. 57-6. Transfer of rifles or shotguns to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any rifle or shotgun designed to use explosive ammunition or any projectile therefor within the county to a minor under the age of eighteen years; provided, that nothing contained within this section shall be construed to apply where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor, or in connection with a regularly conducted or supervised program of marksmanship training or participation.

Sec. 57-7. Unlawful ownership or possession of firearms. It shall be unlawful for any person *** to have a rifle or shotgun in his possession, custody, or control within the county, if:

(a) He is an unlawful user of or addicted to marijuana or any depressant or stimulant drug (as defined in section 201 (v) of the Federal Food, Drug, and Cosmetic Act) or narcotic drug (as defined in section 4731 (a) of the Internal Revenue Code of 1954), or is under treatment for such addiction; or

(b) He has been convicted in any court of a crime of violence, or of trafficking in narcotics or of a criminal violation of any of the provisions of article 27, sections 441 to 448, subtitle "Pistols", Annotated Code of Maryland, 1957 or any Federal firearms control laws; or

(c) He is a fugitive from justice; or

This section shall not apply to any pistols or revolvers regulated by sections 441 to 448, article 27, Annotated Code of Maryland, 1957.

Takoma Park

Sec. 8-51. Definitions; weapons. *** (a) As used in this Division:

(1) Dangerous weapons shall mean any pistol, excluding those defined in Subsection (a)(2), sawed off shotgun, machine gun, ***.

(2) Pistol or revolver means any firearm with a barrel less than twelve (12) inches in length, including signal, starter and blank pistols.

Sec. 8-52. Exceptions to Article. (a) This Division shall not apply to:

(1) An officer of this City or any surrounding county, municipality, or the State who is required or entitled to carry a weapon.

(2) Any conservator of the peace of any other state temporarily sojourning in this City, or

(3) Any special agent of a railway or representative of the United States Government whose duties include the carrying of a dangerous weapon.

(b) This Division shall not apply to any pistol or revolver as defined in Section 8-51, Subsection (a)(2), or to any other weapon regulated under State law.

Sec. 8-53. Sales permit required. (a) No person shall engage in or conduct the business of selling, bartering, hiring, lending, or giving any dangerous weapon without having previously obtained from the Clerk a special license authorizing the conduct of this business by this person. The Clerk is authorized to grant a license, without fee therefor, upon the filing with him by the applicant a bond, with sureties to be approved by the Mayor and Council, conditioned in a penal sum as they shall fix, to the City, for the compliance by the applicant with all the provisions of this Section.

(b) Upon any breach of the condition, the bond shall be put in suit by the City, for its benefit, and the Mayor and Council may revoke the license.

Sec. 8-57. Sales to minor prohibited. No person shall sell, barter, hire, lend, or give to any minor under the age of twenty-one (21) years any dangerous weapon.

Sec. 8-58. Sales of weapons to minors prohibited. (a) No person shall sell to any child or children under the age of eighteen (18) years, firearms, ammunition, gunpowder, gun caps, or other explosives in any quantity or quantities.

(b) Toy pistol caps as legalized under Maryland State Law shall not be construed to be prohibited under this Section.

Oakland

Section 1: Be it enacted and ordained by the Mayor and Town Council of Oakland, Maryland, that it shall be unlawful for any person, firms, or corporation, whether licensed dealers or not, to sell, barter or give away any firearms whatsoever, or other deadly weapons, or any blank cartridge pistols or firearms, or any ammunition for the same, to any minor under the age of sixteen years, within the corporate limits of the Town of Oakland, Maryland.

Prince Georges County

12-3. *** (Firearms) —Sale, transfer, etc., to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon described in section 12-2 (any firearm, rifle, shotgun, revolver, pistol or any similar mechanism by whatever name known, which is designed to expel a projectile through a gun barrel by the action of any explosive) designed to use explosive ammunition or any projectile therefor, within the county to a minor under the age of seventeen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

Upper Marlboro

Sec. 8-59. Minors not to possess weapons; exceptions. (a) No person under the age of eighteen (18) years shall carry or have in his or her possession upon any street, avenue, road alley, park or public space in the City any gun, pistol, rifle, * * * or other dangerous weapon of any character. Such weapons may be confiscated if found to be carried, or possessed, in violation of this Section;

(b) Nothing in this Section shall be so construed as to prohibit members of duly authorized military or law enforcement organizations from the proper use of their guns and other equipment as members of such organizations.

Sec. 12-3. Same—sale, transfer, etc., to minors. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or weapon described in section 12-2, designed to use explosive ammunition or any projectile therefor, within the county to a minor under the age of seventeen years, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

This section shall not apply to any pistols or revolvers regulated by sections 441 to 448, article 27, Annotated Code of Maryland, 1957.

Massachusetts

State Law

Ann. Laws of Mass.

Chapter 140

Sec. 121. Definitions; Application for License or Identification Card; Exceptions.

In sections one hundred and twenty-two to one hundred and thirty-one F, inclusive, "firearm" shall mean a pistol, revolver or other weapon of any description loaded or unloaded, from which a shot or bullet can be discharged and of which the length of barrel is less than sixteen inches or eighteen inches in the case of a shotgun, and the term "length of barrel" shall mean that portion of a firearm, rifle, shotgun or machine gun through which a shot or bullet is driven, guided or stabilized, and shall include the chamber. A "machine gun" is a weapon of any description, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged by one continuous activation of the trigger, and includes a sub-machine gun. The term "ammunition" shall mean cartridges or cartridge cases, primers (igniter), bullets or propellant powder designed for use in any firearm, rifle or shotgun. The term "ammunition" shall also mean tear gas cartridges, chemical mace, or any device or instrument which contains or emits a liquid, gas, powder, or any other substance designed to incapacitate. The words "purchase" and "sale" include exchange; the word "purchaser" shall include exchanger; and the verbs "sell" and "purchase", in their different forms and tenses, shall include the verb exchange in its appropriate form and tense, and the term "gunsmith" as used in this chapter shall mean and include any person who engages in the business of repairing, altering, cleaning, polishing, engraving, bluing or performing any mechanical operation on any fire-

arm, rifle, shotgun or machine gun. The word "conviction" shall mean a finding or verdict of guilt, or a plea of guilty whether or not final sentence is imposed. "Licensing Authority" shall mean the chief of police or the board or officer having control of the police in a city or town, or persons authorized by them.

Where the local licensing authority has the power to issue licenses or cards under this chapter, but no such authority exists, any resident or applicant may apply for such license or firearm identification card directly to the commissioner of the department of public safety and the commissioner shall for this purpose be the licensing authority.

Sections one hundred and twenty-two to one hundred and twenty-nine D, inclusive, and sections one hundred and thirty-one A, one hundred and thirty-one B and one hundred and thirty-one E shall not apply to

(A) any firearm, rifle or shotgun including any firearm, rifle or shotgun with matchlock, flintlock, percussion cap, or similar type of ignition system manufactured in or before eighteen hundred and ninety-eight;

(B) any replica, or any firearm, rifle or shotgun described in clause (A) if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and

(C) manufacturers or wholesalers of firearms, rifles, shotguns or machine guns.

Sec. 122. Licenses; * * * The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may, after an investigation,

grant a license to any person except an alien, a minor or a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell, rent or lease firearms, rifles, shotguns or machine guns, or to be in business as a gunsmith. * * * *

Sec. 122B. License to Sell Ammunition. No person shall sell ammunition in the commonwealth unless duly licensed. The chief of police or the board or officer having control of the police in a city or town, or persons authorized by them, may grant a license to any person, except an alien, a minor or a person who has been convicted of a felony in any state or federal jurisdiction, or of the unlawful use, possession or sale of narcotic or harmful drugs, to sell ammunition. * * * *

Sec. 123. Conditions of Licenses Granted under Sec. 122. A license granted under section one hundred and twenty-two shall be expressed to be and shall be subject to the following conditions: * * * *

Second, That every licensee shall, before delivery of a firearm, rifle or shotgun, make or cause to be made a true, legible entry in a sales record book to be furnished by the commissioner of public safety and to be kept for that purpose, specifying the complete description of the firearm, rifle or shotgun, including the make, serial number, if any, type of firearm, rifle or shotgun, whether sold, rented or leased, the date of each sale, rental or lease, the license to carry firearms number or permit to purchase number and the identification card number or the license to carry firearms number in the case of a rifle or shotgun, the sex, residence and occupation of the purchaser, renter or lessee, and shall before delivery, as aforesaid, require the purchaser, renter or lessee personally to write in said sales record book his full name. * * * *

Seventh, That no delivery of a firearm or of ammunition therefor shall be made to any minor nor to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one nor shall any delivery of a rifle or shotgun or ammunition therefor be made to any person not having a license to carry firearms issued under the provisions of section one hundred and thirty-one or a firearm identification card issued under the provisions of section one hundred and twenty-nine B; provided, however, that delivery of a firearm by a licensee to a person possessing a valid permit to purchase said firearm issued under the provisions of section one hundred and thirty-one A and a valid firearm identification card issued under section one hundred and twenty-nine B may be made by the licensee to the purchaser's residence or place of business. Eighth, That no firearm shall be sold, rented or leased to a minor or a person who has not a permit then

in force to purchase, rent or lease the same issued under section one hundred and thirty-one A, and a firearm identification card issued under the provisions of section one hundred and twenty-nine B, or unless such person has a license to carry firearms issued under the provisions of section one hundred and thirty-one; nor shall any rifle or shotgun be sold, rented or leased to a person who has not a valid firearm identification card as provided for in section one hundred and twenty-nine B, or has a license to carry firearms as provided in section one hundred and thirty-one; and that no machine gun shall be sold, rented or leased to any person who has not a license to possess the same issued under section one hundred and thirty-one. * * * Eleventh, That the second, fifth, eighth and ninth conditions shall not apply to a gunsmith with regard to repair or remodeling or servicing of firearms, rifles or shotguns unless said gunsmith has manufactured a firearm, rifle or shotgun for the purchaser, but said gunsmith shall keep records of the work done by him together with the names and addresses of his customers. * * * *

Sec. 128. Penalty for Violation of License or Selling, etc., without License. Any licensee under a license described in section one hundred and twenty-three, and any employee or agent of such licensee, who violates any provision of said section required to be expressed in the second, fourth, sixth, seventh, eighth or ninth condition of said license, and except as provided in section one hundred and twenty-eight A, any person who, without being licensed as hereinbefore provided, sells, rents or leases, or exposes for sale, rental or lease, or has in his possession with intent to sell, rent or lease, a firearm, rifle, shotgun or machine gun, or is engaged in business as a gunsmith, shall for the first offense be punished by a fine of not less than five hundred nor more than one thousand dollars, and for any subsequent offense by imprisonment in the state prison for not more than ten years. Evidence that a person sold or attempted to sell a machine gun without being licensed under section one hundred and twenty-three shall, in a prosecution under this section, constitute prima facie evidence that such person is engaged in the business of selling machine guns.

Sec. 128A. Sales, etc., by Certain Unlicensed Residents Who Sell, etc., not More than Four Firearms, etc., within Calendar Year, etc. The provisions of section one hundred and twenty-eight shall not apply to any resident of the commonwealth who, without being licensed, as provided in section one hundred and twenty-two, sells, exposes for sale, or has in his possession with intent to sell not more than four firearms including rifles and shotguns, in any one calendar year; provided, however, the seller has a firearm identification card or a license to carry firearms, is

an exempt person under the conditions of clauses (n), (o), (r) and (s) of the fourth paragraph of section one hundred and twenty-nine C, or is permitted to transfer ownership under the conditions of section one hundred and twenty-nine D and the purchaser has, in the case of sale or transfer of a firearm, a permit to purchase issued under the provisions of section one hundred and thirty-one A and a firearm identification card issued under section one hundred and twenty-nine B, or has such permit to purchase and is an exempt person under the provisions of section one hundred and twenty-nine C, or has been issued a license to carry firearms under the provisions of section one hundred and thirty of this chapter, or in the case of sale or transfer of a rifle or shotgun, the purchaser has a firearm identification card or a license to carry firearms or is an exempt person as hereinbefore stated; and provided, further, that such resident reports within seven days, in writing to the commissioner of public safety on forms furnished by said commissioner, the names and addresses of the seller and the purchaser of any such firearm, rifle or shotgun, together with a complete description of the firearm, rifle or shotgun, including the calibre, make and serial number and the purchaser's license to carry firearms number, permit to purchase number and firearm identification card number, permit to purchase number and identifying number of such documentation as is used to establish exempt person status in the case of a firearm or the purchaser's license to carry number or firearm identification card number or said document identity number, in the case of a rifle or shotgun.

Sec. 129B. Firearm Identification Card; Disqualification of Applicants; * * * Any person residing or having a place of business within the jurisdiction of the licensing authority or any person residing in an area of exclusive federal jurisdiction located within a city or town may submit to the licensing authority application for a firearm identification card, which such person shall be entitled to, unless the applicant (a) has within the last five years been convicted of a felony in any state or federal jurisdiction, or within that period has been released from confinement where such person was serving a sentence for a felony conviction, or (b) has been confined to any hospital or institution for mental illness, except where the applicant shall submit with the application an affidavit of a registered physician that he is familiar with the applicant's history of mental illness and that in his opinion the applicant is not disabled by such illness in a manner which should prevent his possessing a firearm, rifle or shotgun, or (c) has within the last five years been convicted of a violation of any state or federal narcotic or harmful drug law, or within that period has been released from confinement for such a conviction; or is or has been under treatment

for or confinement for drug addiction or habitual drunkenness, except when he is deemed to be cured of such condition by a registered physician, he may make application for said card after the expiration of five years from the date of such confinement or treatment and upon presentation of an affidavit issued by said physician to the effect that the physician knows the applicant's history of treatment and that in his opinion the applicant is deemed cured, or (d) is at the time of the application under the age of fifteen, or (e) is at the time of the application fifteen years of age or over but under the age of eighteen, except where the applicant submits with his application a certificate of his parent or guardian granting the applicant permission to apply for a card, or (f) is an alien. * * * *

Sec. 129C. Same Subject; Restrictions on Possession, Transfer, etc., of Firearms, etc.; Reports; Persons and Uses Exempted from Provisions of Section; Purchases by Certain Exempt Persons. No person, other than a licensed dealer or one who has been issued a license to carry a pistol or revolver or an exempt person as hereinafter described, shall own or possess any firearm, rifle, shotgun or ammunition unless he has been issued a firearm identification card by the licensing authority pursuant to the provisions of section one hundred and twenty-nine B.

No person shall sell, give away, loan or otherwise transfer a rifle or shotgun or ammunition other than (a) by operation of law, or (b) to an exempt person as hereinafter described, or (c) to a licensed dealer, or (d) to a person who displays his firearm identification card, or license to carry a pistol or revolver. * * * *

The provisions of this section shall not apply to the following exempted persons and uses: * * * *

(b) Federally licensed firearms manufacturers or wholesale dealers, or persons employed by them or by licensed dealers, or on their behalf, when possession of firearms, rifles or shotguns is necessary for manufacture, display, storage, transport, installation, inspection or testing; * * * *

(d) The regular and ordinary transport of firearms, rifles or shotguns as merchandise by any common carrier; * * * *

(f) Possession of rifles and shotguns and ammunition therefor by nonresident hunters with valid nonresident hunting licenses during hunting season;

(g) Possession of rifles and shotguns and ammunition therefor by nonresidents while on a firing or shooting range; * * * *

(l) The possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer or writer for examination purposes in the pursuit of his profession, providing such possession or utilization is under the immediate

supervision of a holder of a firearm identification card or a license to carry firearms; *****

(o) Persons in the military or other service of any state or of the United States, and police officers and other peace officers of any jurisdiction, in the performance of their official duty or when duly authorized to possess them;

(p) Possession of rifles and shotguns and ammunition therefor by nonresidents bearing a current license, permit or identification card to possess any firearm, rifle or shotgun in the state in which they reside;

(q) Any nonresident from a contiguous state, provided he is eighteen years of age or over when acquiring a rifle or shotgun, or ammunition, provided it is removed from the commonwealth within fourteen days of such acquisition, and provided that he is in compliance with his own state law and has the proper firearms license if required, and provided, further, that in the case of a rifle or shotgun the seller notifies the chief of police where the purchaser resides of the transfer, description and serial number of the rifle or shotgun and the name, address and license number of the purchaser and seller;

(r) Possession by a veteran's organization chartered by the Congress of the United States or included in clause (12) of section five of chapter forty and possession by the members of any such organizations when on official parade duty or ceremonial occasions; *****

Any person, exempted by clauses (o), (p) and (q), purchasing a rifle or shotgun or ammunition therefor shall submit to the seller such full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, military or other official identification, other state firearms license, or proof of nonresidence, as may be applicable.

Nothing in this section shall permit the sale of rifles or shotguns or ammunition therefor to a minor under the age of eighteen in violation of section one hundred and thirty nor may any firearm be sold to a minor nor to any person who is not licensed to carry firearms under section one hundred and thirty-one unless he presents a valid firearm identification card and a permit to purchase issued under section one hundred and thirty-one A, or presents such permit to purchase and is a properly documented exempt person as hereinbefore described.

Neither the provisions of section one hundred and twenty-nine C nor the possession of a firearm identification card issued under section one hundred and twenty-nine B shall entitle any person to carry a firearm in violation of section ten of chapter two hundred and sixty-nine.

Sec. 130. Penalty for Selling, etc., Firearms, etc., to Minor or Alien. Whoever

sells or furnishes a firearm or machine gun or ammunition therefor to any alien or to a minor or whoever sells or furnishes a rifle or shotgun or ammunition therefor to an alien who does not hold a permit card issued to him under section one hundred and thirty-one H, or to a minor eighteen years of age or older, except to such minor who being eighteen years of age or older displays either a license to carry firearms or a firearms identification card, and a sporting or hunting license issued to him in the case of ammunition, or displays such license to carry, or firearm identification card together with said sporting or hunting license; and the written consent of his parent or guardian that a rifle or shotgun be sold to him or furnished to him in the case of a rifle or shotgun, or to a minor under eighteen years of age, shall have his license to sell firearms, machine guns or ammunition revoked and shall not be entitled to apply for such a license for ten years from the date of revocation and shall be punished by a fine of not less than five hundred or more than one thousand dollars. *****

Sec. 131. License to Carry Pistol, etc.; Penalty. The chief of police or the board or officer having control of the police in a city or town, or the commissioner of public safety, or persons authorized by them, respectively, after an investigation, may, upon the application of any person, including a minor eighteen years of age or older who has the written consent of his parent or guardian, residing or having a place of business within their respective jurisdiction, except an alien, a person who has been convicted of a felony or of the unlawful use, possession or sale of narcotic or harmful drugs or a minor under the age of eighteen, issue a license to such applicant to *** possess and carry therein (within the commonwealth) a machine gun, *** provided, however, that no minor shall be issued a license to possess and carry a machine gun. A license issued *** to possess and carry a machine gun shall be for a period of five years, expiring on the anniversary of the applicant's date of birth occurring not less than four years but not more than five years from the date of issue.*****

Sec. 131B. Penalty for Loan of Money on Pistol, etc. Whoever loans money secured by mortgage, deposit or pledge of a firearm, rifle, shotgun or machine gun shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than one year, or by both.

Sec. 131E. Purchase by Licensed Resident; *** Any resident of the commonwealth except a minor may purchase firearms, rifles and shotguns from any dealer licensed under section one hundred and twenty-two, or from such person as shall be qualified under section one hundred and twenty-eight A, or ammunition therefor from

a licensee under section one hundred and twenty-two B, upon presentation of a valid license to carry firearms issued to him under the provisions of section one hundred and thirty-one, or a permit to purchase issued to him under section one hundred and thirty-one A together with a firearm identification card issued to him under the provisions of section one hundred and twenty-nine B, or said permit to purchase together with proof of exempt status under the provisions of section one hundred and twenty-nine C, in the case of a firearm, or in the case of a rifle or shotgun, said license to carry or said firearm identification card or said proof of exempt status, except that no rifle, shotgun or ammunition therefor shall be sold to any minor under eighteen years of age nor to any minor eighteen years of age or older unless such minor displays a license to carry firearms or a firearm identification card issued to him, a hunting or sporting license issued to him, and the written consent of his parent or guardian to purchase a particular rifle or shotgun, except, however, that said written consent shall not be required for purchase of ammunition only. *****

Sec. 131H. Permit to Possess, etc., Firearms by Aliens. No alien shall own or have in his possession or under his control a firearm, rifle or shotgun, except as provided in this section. The commissioner of public safety may, after an investigation, issue a permit to an alien to own or have in his possession or under his control a rifle or shotgun; subject to such terms and conditions as said commissioner may deem proper. *****

Chapter 269

Sec. 10. Penalty for Unlawfully Carrying Dangerous Weapons, Possessing Machine Gun, etc. ***** (c) Whoever, except as provided by law, possesses a shotgun with a barrel less than eighteen inches in length, or possesses a machine gun, as defined in section one hundred and twenty-one of chapter one hundred and forty, without permission under section one hundred and thirty-one of said chapter one hundred and forty, shall be punished by imprisonment in the state prison for life or for any term of years provided that any sentence imposed under the provisions of this clause shall be subject to the minimum requirements of clause (a) of this section. *****

(k) For the purpose of this section "sawed-off shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun, whether by alteration, modification, or otherwise, if such weapon as modified has an overall length of less than twenty-six inches.

Sec. 10A. Sale, etc., of Silencers for Firearms. Whoever sells or keeps for sale, or

offers, or gives or disposes of by any means other than submitting to an authorized police official, or uses or possesses, any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearm shall be punished by imprisonment for not more than five years in the state prison or for not more than two and one half years in a jail or house of correction. *****

Sec. 11C. Removing, Defacing, etc., Serial or Identification Number of Firearm. *** Possession or control of a firearm the serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner shall be prima facie evidence that the person having such possession or control is guilty of a violation of this section; but such prima facie evidence may be rebutted by evidence that such person had no knowledge whatever that such number had been removed, defaced, altered, obliterated or mutilated, or by evidence that he had no guilty knowledge thereof. ***

Sec. 11E. Firearms Sold, etc., by Manufacturers and Dealers to Have Serial Identification Numbers; Penalty. All firearms, rifles and shotguns of new manufacture, manufactured or delivered to any licensed dealer within the commonwealth shall bear serial numbers permanently inscribed on a visible metal area of said firearm, rifle, or shotgun, and the manufacturer of said firearm, rifle or shotgun shall keep records of said serial numbers and the dealer, distributor or person to whom the firearm, rifle or shotgun was sold or delivered. No licensed dealer shall order for delivery, cause to be delivered, offer for sale or sell within the commonwealth any newly manufactured firearm, rifle or shotgun received directly from a manufacturer, wholesaler or distributor not so inscribed with a serial number nor shall any licensed manufacturer or distributor of firearms, rifles or shotguns deliver or cause to be delivered within the commonwealth any firearm, rifle or shotgun not complying with this section.

No licensed manufacturer within the commonwealth shall produce for sale within the United States, its territories or possessions any firearm, rifle or shotgun not complying with paragraph one of this section. Whoever violates this section shall be punished by a fine of five hundred dollars. Each such violation shall constitute a separate offense.

Chapter 266

Sec. 102A. Possession of Infernal Machine; Notice of Seizure. Whoever, other

than a police or other law enforcement officer acting in the discharge of his official duties, has in his possession or under control an infernal machine or a similar instrument, contrivance or device shall be punished by imprisonment in the state prison for not more than ten years or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars, or by both such fine and imprisonment, and the said machine, instrument, contrivance or device shall be forfeited to the commonwealth. The term "infernal machine," as used in this section, shall include any device for endangering life or doing unusual damage to property, or both, by fire or explosion, whether or not contrived to ignite or explode automatically and whether or not disguised so as to appear harmless. Notice of the seizure of any such machine, instrument, contrivance or device shall be sent forthwith to the commissioner of public safety and the article seized shall be subject to his order.

Sec. 102B. Possession, etc., of Molotov Cocktail or Similar Device; Exceptions; Penalties. Whoever makes, sells, uses or has in his possession or under his control a bottle or other breakable container containing a flammable liquid into which has been fixed or placed a wick or similar device, and which bottle or container when ignited and thrown will cause a fire or explosion, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than two and one half years, or both.

The provisions of this section shall not apply to flares, lanterns, fireworks or other such devices used for signal or illumination purposes, or for any other lawful purpose.

Whoever violates any provision of this section may be arrested without a warrant and held in custody in jail or otherwise until a complaint be made against him for such offense unless previously admitted to bail, which complaint shall be made as soon as practicable and in any case within twenty-four hours, Sundays and legal holidays excepted.

Chapter 148

Sec. 35. Possession of Bombs and Explosives; Penalty. No person shall have in his possession or under his control any bomb or other high explosive, as defined by the rules and regulations made under section nine, contrary to the provisions of this chapter or of any rule or regulation made thereunder. Whoever violates this section shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than two and one half years, or both, and any bomb or explosive found in his possession or under his control on such violation shall be forfeited to

the commonwealth. Any officer qualified to serve criminal process may arrest without a warrant any person violating this section.

Boston

(120) **Firearms, license to carry or possess.** The fee for a license to carry firearms in the commonwealth or to possess therein a machine gun granted by the police commissioner under section 131 of chapter 140 of the General Laws shall be \$25.00.

(121) **Firearms, permit to purchase, rent or lease.** The fee for a permit to purchase, rent or lease a firearm granted by the police commissioner under section 131A of chapter 140 of the General Laws shall be \$50.00. ***

(122) **Firearms, License to Sell, Rent or Lease.** The fee for a license to sell, rent or lease firearms, rifles, shotguns or machine guns granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be \$150.00.

(154) **Gunsmith's License.** The fee for a license to be in business as a gunsmith granted by the police commissioner under section 122 of chapter 140 of the General Laws shall be, in the case of a person licensed to sell, rent or lease firearms, rifles, shotguns or machine guns, \$15.00, and in the case of any other person, \$50.00.

Fall River

Sec. 20-3. Ammunition and guns—Sale to minors. No person shall sell to any minor under the age of sixteen years, without the written consent of his parent or guardian any cartridge or fixed ammunition containing any fulminate, or any gun, pistol or other contrivance intended for the explosion of such cartridge, ammunition or fulminate.

Lynn

Relative to the Sale of Revolvers or Pistols by Dealers. Section 1. No dealer in the City of Lynn shall sell, loan, exchange or give to any person any revolver or pistol unless and until a certified copy of a written permit allowing such person to carry a revolver or pistol shall be furnished such dealer by the Chief of Police before such sale or other transfer.

Michigan State Law

Mich. Stat. Ann.

Sec. 4.127(1) Residents purchasing firearms in contiguous states. SECTION 1. Residents of this state may purchase rifles and shotguns in any state contiguous thereto if they conform to the federal gun control act of 1968 and the regulations issued thereunder, as administered by the secretary of the treasury and the laws of the state where the purchase is made.

Sec. 28.91 Terms defined. SECTION 1. As used in this act:

(a) "Pistol" means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm.

(b) "Purchaser" means any person who receives a pistol from another by purchase, gift or loan.

(c) "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

Sec. 28.92 Purchasing, carrying or transporting pistol; license; issuance; qualifications; signatures; execution; contents; disposition of copies; inapplicability of section; transfer of inherited pistols. SEC. 2.

(1) No person shall purchase, carry or transport a pistol without first having obtained a license therefor as prescribed herein, except that any person who brings a pistol into this state and who is either on leave from active duty with the armed forces of the United States or who has been discharged from such active duty shall obtain a license for the pistol within 5 days after his arrival into this state. The commissioner or chief of police, or his duly authorized deputy, in incorporated cities or in incorporated villages having an organized department of police, and the sheriff, or his authorized deputy, in parts of the respective counties not included within incorporated cities or villages, may issue licenses to purchase, carry or transport pistols to applicants residing within the respective territories herein mentioned. No such license shall be granted to any person unless he is 18 years of age or over, a citizen of the United States and has resided in this state 6 months or more, and in no event shall such a license be issued to a person who has been convicted of a felony or confined therefor in this state or elsewhere during the 8-year period immediately preceding the date of such application or has been adjudged insane in this state or elsewhere unless he has been restored to sanity and so declared by court order.

(2) Applications for such licenses shall be signed by the applicant under oath upon forms provided by the director of the department of state police, hereinafter referred to as the director. The forging of any matter on an application is a felony. Licenses to purchase, carry or transport pistols shall be executed in triplicate upon forms provided by the director and shall be signed by the licensing authority. Three copies of such license shall be delivered to the applicant by the licensing authority. Upon sale of the pistol the seller shall fill out the license forms describing the pistol sold, together with the date of sale, and sign his name in ink indicating that such pistol was sold to the licensee. The licensee shall also sign his name in ink indicating the purchase of such pistol from the seller. The seller may retain a copy of the license as a record of the sale of the pistol. The licensee shall return 2 copies of the license to the licensing authority within 10 days following the purchase of the pistol. One copy of such license shall be retained by the licensing authority as a permanent official record for a period of 6 years and the other copy shall be forwarded by the licensing authority within 48 hours to the director. Such license shall be void unless used within 10 days after the date of its issue. This section does not apply to the purchase of pistols from wholesalers by dealers regularly engaged in the business of selling pistols at retail, nor to the sale, barter or exchange of pistols kept solely as relics, curios, or antiques not made for modern ammunition or permanently deactivated. This section does not prevent the transfer of ownership of pistols which are inherited if the license to purchase is approved by the chief of police, sheriff, or their authorized deputies, and signed by the administrator or administratrix of the estate or by the next of kin having authority to dispose of such property.

(The pistol safety inspection requirement set forth in 28.97, which is not included herein, does not apply to wholesale or retail dealers in firearms . . .)

Sec. 28.98. Inapplicability of certain sections. SEC. 12. Sections 2 and 9 do not apply to a duly authorized police or correctional agency of the United States or of the state or any subdivision thereof, nor to the army, air force, navy or marine corps of the United States, nor to organizations authorized by law to purchase or receive weapons from the United States or from this state, nor to the national guard, armed forces reserves or other duly authorized military organizations, or to members of the above agencies or organizations for weapons used for the purposes of or incidental to such agencies or organizations, nor to a person holding a license to carry a pistol concealed upon his person issued

by another state, nor to the regular and ordinary transportation of pistols as merchandise by authorized agents of any person licensed to manufacture firearms.

Sec. 28.408(1). Explosive or incendiary devices; unlawful construction or possession; evidence. Sec. 211a. Any person who shall make, construct or have in his possession any device which is designed to explode or which will explode upon impact or with the application of heat or a flame, or which device is highly incendiary, with intent to use the device unlawfully against the person or property of another is guilty of a felony. For the purposes of prosecution under this section, possession of such a device is prima facie evidence of the possessor's intent to use the device unlawfully against the person or property of another.

Sec. 28.419. Definitions. SEC. 222. "Pistol" as used in this chapter means any firearm, loaded or unloaded, 30 inches or less in length, or any firearm, loaded or unloaded, which by its construction and appearance conceals it as a firearm. "Purchaser" means any person who receives a pistol from another by purchase, gift or loan. "Seller" means any person who sells, furnishes, loans or gives a pistol to another.

Sec. 28.420 Selling pistols and firearms. SEC. 223. (1) Any person who sells a pistol without complying with section 2 of Act No. 372 of the Public Acts of 1927, as amended, being section 28.422 of the Compiled Laws of 1948, shall be guilty of a misdemeanor.

(2) Any person who sells a firearm more than 30 inches in length to a person under 18 years of age shall be guilty of a misdemeanor.

Sec. 28.421 Selling, etc., machine guns, silencers, *** etc.; exceptions. SEC. 224. Any person who shall manufacture, sell, offer for sale or possess any machine gun or firearm which shoots or is designed to shoot automatically more than 1 shot without manual reloading, by a single function of the trigger, or any muffler, silencer or device for deadening or muffling the sound of a discharged firearm, or any bomb, or bomb shell, *** or any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for or capable of ejecting any gas which will either temporarily or permanently disable, incapacitate, injure or harm any person with whom it comes in contact, shall be guilty of a felony, punishable by imprisonment in the state prison for not more than 5 years or by a fine of not more than \$2,500.00.

The provisions of this section shall not apply to any person manufacturing firearms, explosives or munitions of war by virtue of any contracts with any department of the government of the United States, or with any foreign government, state, municipality or any subdivision thereof, or to any person duly licensed to manufacture, sell or possess any machine gun or gas ejecting device, weapon, cartridge, container or contrivance above mentioned.

Sec. 28.422. Possession, etc., of printed matter offering to sell or deliver pistols, etc., from without the state. Sec. 225. Any person who shall sell or deliver within this state, or offer or expose for sale, or have in possession for the purpose of sale, any book, pamphlet, circular, magazine, newspaper or other form of written or printed matter offering to sell or deliver, or containing an offer to sell or deliver to any person within this state from any place without this state any pistol or any weapon or device mentioned in the next preceding section of this chapter, shall be guilty of a misdemeanor. The provisions of this section shall not apply to sales of or offers to sell pistols at wholesale to persons regularly engaged in the business of selling such pistols wholesale or retail, nor to sales or offers to sell such pistols made or authorized by the United States government or any department or agency thereof.

Sec. 28.426. Pawnbrokers, second-hand dealers, junk dealers, accepting pistol, offering or displaying it for resale. SEC. 229. Any pawnbroker who shall accept a pistol in pawn, or any second-hand or junk dealer, as defined in Act No. 350 of the Public Acts of 1917, who shall accept a pistol and offer or display the same for resale, shall be guilty of a misdemeanor.

Sec. 28.427. Alteration of pistols, penalty; possession presumptive evidence of alteration, exception. SEC. 230. *** Possession of a firearm upon which the (manufacturer's) number shall have been altered, removed, or obliterated, other than an antique firearm as defined by section 231a(2)(a) or (b) shall be presumptive evidence that the possessor has altered, removed, or obliterated the same.

Sec. 28.429(1). Purchaser of pistol without license, false statement in application. SEC. 232a. Any person who shall purchase a pistol without having obtained a license to purchase as provided in section 2 of Act No. 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

Any person who shall intentionally make a false statement in any application for a license to purchase a pistol, under section 2 of Act No. 372 of the Public Acts of 1927, as amended, shall be guilty of a misdemeanor.

Sec. 28.434 Possession or use of fire-arm by person under influence of liquor or drug. SEC. 237. Any person under the influence of intoxicating liquor or any exhilarating or stupefying drug who shall carry, have in possession or under control, or use in any manner or discharge any fire-arm within this state, shall be guilty of a misdemeanor.

Albion

5.2-31. *** No person in the City shall sell a revolver, pistol or other handgun without reporting that sale to the Albion Police Department and furnishing such information as the Police Department may require.

Allen Park

Sec. 8-137 Firearms; possession, transportation; restrictions. ***** (d) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Belding

12.11 Dangerous weapons. No person shall possess any machine gun, sawed-off shotgun, *** or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Bloomfield Hills

6.01 It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place.

7.01. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Buchanan

11.4. Dangerous weapons. No person shall possess any machine gun, sawed off shotgun, *** or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Center Line

8-108. Dangerous weapons; possession prohibited, exceptions. (a) No person shall within the city possess any machine gun, sawed off shotgun, revolver, pistol, gun or any instrument, attachment, or appliance for

Dearborn Heights

9.215. Sale or Purchase. It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Detroit

66-1-1. "Firearm" defined. The word "firearm," as used in this article, shall be construed to include any shot gun, rifle or other device of a similar character, except pistols.

66-1-2. Permit required to purchase pistols. No person shall purchase a pistol without first having obtained a permit to do so from the commissioner of police. No person or agent thereof shall sell or deliver a pistol to any person unless such person has obtained a permit therefor from the commissioner of police, which permit shall be given to the person making such sale or delivery and must be kept by him.

66-4-1. "Firearm" defined. For the purposes of this article, the word "firearm," except as otherwise specifically defined in this Code, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

66-4-4. Minors carrying firearms; sales to minors. It shall be unlawful for any person under eighteen years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen years of age.

Ecorse

Unregistered Fire-Arms—Sale or Purchase of Fire Arms. 3-4.2 Any person who shall own or possess any pistol, weapon or device without the same being registered as required by Section 9 of Act 272 of the Public Acts of the State of Michigan for the year 1927, as amended; and also any person who shall purchase or sell a pistol, weapon or device without license as required by Act 272 of the Public Acts of the State of Michigan for

1927, as amended, shall be guilty of a misdemeanor and shall be punished as provided in Article I, Chapter I of this Code.

Escanaba

130.11 Firearms ***** (D) Dangerous weapons. No person shall possess any machine gun, sawed off shot gun, *** or any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm except as is otherwise permitted by law.

Fenton

7-116. Possessing dangerous weapons. (a) No person shall, within the city, possess any machine gun, sawed-off shotgun, *** nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Flushing

7.209 Firearms and Weapons. .1 Definitions *****

.1b "Firearm Silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon.

.1c "Gas Gun" means any gas ejecting device, weapon, cartridge, container or contrivance designed or equipped for ejecting any gas that will cause death, serious physical injury or physical injury, or will temporarily incapacitate.

.1e "Machine Gun" means any firearm, whatever its size and usual designation, that shoots automatically more than one (1) shot, without manual reloading, by a single function of the trigger.

.3 Possession of Illegal Weapon. A person commits the crime of possession of illegal weapon if he knowingly possesses a *** bomb, firearm silencer, gas gun, *** machine gun, *** unless licensed to do so.

.4 Prohibited Use of Weapons. A person commits the crime of prohibited use of weapons if: ***

.4e He possesses or discharges a firearm while under the influence of intoxicating liquor or of a narcotic drug, dangerous drug or LSD; ***

Gladstone

504.06 Possession of weapons. No child under the age of 18 years shall be allowed to

have in his possession or control, or use, any *** shotguns, rifles or other dangerous weapons within the City.

504.07 Sale to minors of weapons. No person shall sell, furnish, or give to or permit any child under the age of 18 years to have in his possession or use any *** shotguns, rifles or other dangerous weapons within the City.

Gladwin

Ordinance 163

Section 9. Sales to Minors. It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any firearm *** to any person in the City of Gladwin who is under the age of eighteen years.

Grand Haven

8-209. Dangerous weapons, possession prohibited. No person shall possess any machine gun, sawed off shotgun, *** nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Grand Rapids

9.180. Firearms Dealer's License. It shall be unlawful to establish, maintain, operate or conduct a business or attempt to conduct a business of selling, trading or offering to sell or trade, any firearms or ammunition for firearms unless there shall have been issued a license to do so in compliance with Chapter 91 of this Code. ***

Grosse Pointe Farms

24. Firearms, sale to minors. It shall be unlawful for any person under eighteen (18) years of age to purchase any firearm. ***

Grosse Pointe Shores

Ordinance 138

Paragraph 10—Sale to minors: It shall be unlawful for any person under the legal age of majority to purchase any firearm. ***

Grosse Pointe Woods

8-3-29: Firearms, sale to minors: It shall be unlawful for any person under eigh-

teen (18) years of age to purchase any firearm. ***

Hamtramck

Section 47: Possession or control of firearms while intoxicated: It shall be unlawful for any person within the City of Hamtramck while under the influence of an intoxicating liquor, or any exhilarating or stupefying drug, to carry, have in possession or control, or use in any manner, or discharge any firearm.

Hartford

42.03. Weapons. *** No person shall sell or transfer any such weapon (any concealed pistol) to any minor person.

Hazel Park

15. Dangerous weapons; possession prohibited. (a) No person shall possess any machine gun, sawed off shotgun *** nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Highland Park

378-3. It shall be unlawful for any person to purchase a revolver or pistol without having first obtained a permit to do so in accordance with the laws of the State of Michigan.

378-4. It shall be unlawful for any person to sell, give, furnish or deliver to any person or persons, any pistol, revolver or other small firearm, without first receiving from said person or persons a written permit in accordance with the laws of the State of Michigan. Such permits shall be preserved and filed in accordance with the laws of the State of Michigan.

Inkster

1. Any person found guilty of the following offenses in the Village of Inkster shall be deemed disorderly persons (sic) *** (19) Any person who sells, gives, loans or furnishes another with a pistol or firearms less than 30 inches in length. ***

Keego Harbor

4-4. Offenses Against Public Safety. No person in the city shall:

(1) Weapons—(e) "Sales to Intoxicated Persons and Minors." Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Lake Orion

9. Sales to minors. It shall be unlawful for any person, firm or corporation to sell, offer to sale, give away or distribute any firearm, *** to any person in the Village of Lake Orion who is under the age of twenty-one years.

Lapeer

19.09. Firearms. (d) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse, or caps, gunpowder, or any other explosive substance.

Lincoln Park

D. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Linden

Ordinance 86

Section I. Possessing Dangerous Weapons: (A) No person shall, within the Village, possess any machine gun, sawed-off shotgun, *** nor any firearm to be silent or lessened or muffled, except as is otherwise permitted by law.

Livonia

Section 8-404. Prohibition to Carry Firearms or Dangerous Weapons. *** It shall also be unlawful for any person to carry a machine gun or to have a silencer, bombs, *** in his possession in the manner indicated in this ordinance.

Section 8-409. Possession or Control of Firearm While Intoxicated. It shall be unlawful for any person within the City of Livo-

nia, while under the influence of an intoxicating liquor, or any exhilarating or stupefying drug, to carry, have in possession or control, use in any manner or discharge any firearm or longarm.

Lowell

Sec. 18-3. *** (b) Sales to minors. No dealer shall sell or give away firearms to any minor.

Madison Heights

396(7). the word "firearm", except as otherwise specifically defined in this ordinance, shall be construed to include any weapon from which a dangerous projectile may be propelled by using explosives, gas or air as a means of propulsion.

8-111 Dangerous weapons; possession prohibited, exceptions. (a) No person shall possess any machine gun, sawed off shotgun *** nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Marshall

20.02 Firearms. ***** (b) No person shall sell, loan or furnish to any minors any firearm, or any toy firearm in which any explosive substance can be used, or any dynamite, dynamite fuse or caps, gunpowder, or any other explosive substance.

(c) Any person selling, loaning or keeping firearms within the City of Marshall shall comply with all the laws of the State of Michigan governing the use, sale, registration, storage, carrying, keeping and any other provisions concerning firearms.

(d) The word firearm includes any instrument whereby any projectile is shot or discharged by means of powder, compressed air, springs, or other means.

Mason

Ordinance 52

Section 4. It shall be unlawful for any person, firm or corporation to sell, offer for sale, give away or distribute any slingshot, airgun or other weapon to any minor within the City of Mason who is under the age of sixteen years.

Milford Township

Section 32. Unlawful possession of firearms. It shall be unlawful for any person under the influence of intoxicating liquor or

any exhilarating or stupefying drug to carry, have in possession or under control, or use in any manner or discharge any firearm within this state.

Montrose

Section 10.2. Furnishing Firearms to Minors. It shall be unlawful for any minor under the age of eighteen (18) years to possess any firearm, on the streets of the Village of Montrose unless such minor shall be accompanied by an adult over the age of twenty-one (21) years.

Mount Clemens

8-210. Dangerous weapons; possession prohibited, exceptions. (1) No person shall possess any machine gun, sawed off shotgun, *** nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Mount Pleasant

Sec. 8-108 Dangerous weapons; possession prohibited, exceptions. —(a) No person shall within the city possess any machine gun, sawed off shotgun, *** nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Oak Park

30.108. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years.

Orchard Lake

Section 3. Offenses Against Public Safety. No person in the City shall: *** (e) Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a person under the age of eighteen (18) years.

(f) **Records Required.** Engage in the sale, rental, or exchange of any weapons referred to in sub-sections (a) and (d) above without keeping a record of each such weapon purchased, sold, rented, or exchanged.

(1) **Time of Recordation.** The record required herein shall be made at the time of the transaction, in a book kept for that purpose, [contact local authorities for required contents] ***

Pontiac

Sec. 16-110. Sale of dangerous weapons to minors and intoxicated persons. (a) No person shall knowingly sell, offer for sale, loan or furnish any rifle, firearm or other dangerous or deadly weapon to:

(1) Any minor under the age of eighteen (18) years;

(2) Any person under the influence of any alcoholic beverage, narcotic drug, stimulant or depressant;

(3) Any person in a condition of agitation and excitability; or to

(4) Any person the seller, lender, or donor has reasonable cause to believe is not of sound mind.

Sec. 16-111. Order required to sell or deliver revolver. No person shall sell, deliver or furnish to any other person any revolver or pistol or handgun, unless such person shall first procure and exhibit an order therefor from the Chief of Police.

Port Huron

9.117. **Weapons prohibited.** It shall be unlawful for the parent or guardian of any minor child under the age of 18 years to wilfully permit such minor child under the age of 18 years to use or have in his or her possession any pistol, rifle, shotgun, *** except and unless such minor child under the age of 18 years shall be, at the time of his or her use or possession of any gun or weapon herein described, under the direct supervision or control of his or her parent or guardian or some other adult person.

Redford

Sec. 2-156. **Dangerous Weapons; Possession Prohibited, Exceptions.** (a) No person shall possess any machine gun, sawed off shotgun, *** or any instrument, attachment or applicant for causing the firing of any fire-

arm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Riverview

Sec. 8-113. **Dangerous weapons; possession prohibited, exceptions.** (a) No person shall within the city possess any machine gun, sawed off shotgun, revolver, pistol, gun, *** nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law; ***

Royal Oak Township

Ordinance 168

Sec. 4 **Minors carrying firearms; sales to minors.** It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Saginaw

807. **Failure to complete and return license to purchase pistol.** 807.1 It shall be unlawful for the purchaser of any pistol to be or remain in possession thereof if the completed license to purchase the same shall not have been returned to the licensing authority within ten (10) days of the purchase of the pistol, as required by law.

St. Clair Shores

20-17. **Dangerous weapons; possession prohibited, exceptions.** No person shall possess any machine gun, sawed off shotgun, *** nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Southfield

9.129 **Dangerous weapons; possession prohibited, exceptions.** (1) No person shall within the City possess any machine gun, sawed off shotgun, *** nor any instrument, attachment, or appliance for causing the firing of any firearm to be silent or intended to

lessen or muffle the noise of the firing of any firearms except as is otherwise permitted by law.

Sterling Heights

7. (1) No person shall possess any machine gun, sawed off shotgun, *** nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Three Rivers

79-1. The City of Three Rivers ordains, That it shall not be lawful for any person directly or indirectly, himself or by his clerk, agent or employee, to sell, keep for sale, give away, furnish or use, within the limits of the City of Three Rivers, any *** blank cartridge, toy pistol *** or any cap or other device containing any explosive; Provided, however, That this provision shall not apply to the sale of gun powder or gun or revolver ammunition in the regular course of trade nor to the sale of dynamite that is to be used for a necessary purpose.

Trenton

9.171. **Dangerous weapon.** (1) No person shall possess any machine gun, sawed off shotgun, *** nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms, except as is otherwise permitted by law.

Troy

9.79. **Regulation, control of the possession and transportation of firearms within the city.** (3) It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Warren

Sec. 8-210 **Dangerous weapons.** (1) No person shall possess any machine gun, sawed off shotgun, *** nor any instrument, attachment or appliance for causing the firing of

any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, except as is otherwise permitted by law.

Waterford

Section V. **Possessing or use of weapons while under influence.** No person while under the influence of intoxicating liquor or exhilarating or stupefying drugs shall carry, have in his possession or under his control, or in any manner use or discharge any weapon.

Section IX. **Sales to minors.** It shall be unlawful for any person, firm or corporation

to sell, offer for sale, give away or distribute any firearm, *** or other like weapon to any person in the Township of Waterford who is under the age of twenty-one years.

Woodhaven

Article III

Sec. 11 1/2-14. **Sale or Purchase.** It shall be unlawful for any person under eighteen (18) years of age to purchase, carry or transport a firearm on any public street or in any public place. It shall be unlawful for any person to sell a firearm to any person under eighteen (18) years of age.

Minnesota

State Law

Minn. Stat. Ann.

609.66 **Dangerous weapons: Subdivision 1. Acts prohibited.** Whoever does any of the following is guilty of a misdemeanor: ***** (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or (7) Without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or (8) In any municipality of this state, furnishes a minor under 18 years of age with a firearm airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of such municipality.

Subdivision 2. Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

609.67 **Machine guns and short-barreled shotguns: Subdivision 1. Definition.** (a) "Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.

(b) "Shotgun" means a weapon designed, redesigned, made or remade which is intended to be fired from the shoulder and uses the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(c) "Short-barreled shotgun" means a shotgun having one or more barrels less than 18 inches in length and any weapon made from a shotgun if such weapon as modified has an overall length less than 26 inches.

Subd. 2. **Acts prohibited.** Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun or a short-barreled shotgun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.

Subd. 3. **Uses permitted.** The following persons may own or possess a machine gun or a short-barreled shotgun provided the provisions of subdivision 4 are complied with:

(1) Law enforcement officers for use in the course of their duties;

(2) Wardens of penal institutions and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and

(3) Persons possessing machine guns or short-barreled shotguns which, although designed as weapons, have been determined by the superintendent of the bureau of criminal apprehension or his delegate by reason of the date of manufacture, value, design or other characteristics to be primarily collector's items, relics, museum pieces or objects of curiosity, ornaments or keepsakes, and are not likely to be used as weapons.

Subd. 4. **Report required.** A person owning or possessing a machine gun or short-barreled shotgun as authorized by subdivision 3 shall, within ten days after acquiring such ownership or possession, file a written report with the bureau of criminal apprehension, showing his name and address; his official title and position, if any; a description of the machine gun or short-barreled shotgun suffi-

cient to enable identification thereof; the purpose for which it is owned or possessed; and such further information as the bureau may reasonably require.

Subd. 5. **Exceptions.** This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.

624.71 **Gun control, application of federal law.** *** Subd. 2. Notwithstanding any other law to the contrary, it shall be lawful for a resident of Minnesota to purchase firearms and ammunition in a contiguous state in any instance where such sale and delivery is lawful under the federal Gun Control Act of 1968 (Public Law 90-618).

624.712 **Definitions. Subdivision 1.** As used in sections 624.711 to 624.717, the terms defined in this section shall have the meanings given them.

Subd. 2. "Pistol" includes a weapon designed to be fired by the use of a single hand and with an overall length less than 26 inches, or having a barrel or barrels of a length less than 18 inches in the case of a shotgun or having a barrel of a length less than 16 inches in the case of a rifle (a) from which may be fired or ejected one or more solid projectiles by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances; or (b) for which the propelling force is a spring, elastic band, carbon dioxide, air or other gas, or vapor.

"Pistol" does not include a device firing or ejecting a shot measuring .18 of an inch, or less, in diameter and commonly known as a "BB gun," a scuba gun, a stud gun or nail gun used in the construction industry or children's pop guns or toys.

Subd. 3. "Antique firearm" means any firearm, including any pistol, with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or conventional centerfire ammunition, or uses conventional rimfire or conventional centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

Subd. 4. "Saturday night special pistol" means a pistol other than an antique firearm or a pistol for which the propelling force is carbon dioxide, air or other vapor, or children's pop guns or toys, having a frame, barrel, cylinder, slide or breechblock:

(a) of any material having a melting point (liquidus) of less than 1,000 degrees Fahrenheit, or

(b) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(c) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

Subd. 5. "Crime of violence" includes murder in the first degree, murder in the second degree, murder in the third degree, manslaughter in the first degree, manslaughter in the second degree, aiding suicide, aiding attempted suicide, aggravated assault, use of drugs to injure or to facilitate crime, simple robbery, aggravated robbery, kidnapping, false imprisonment, aggravated rape, rape, aggravated sodomy, felonious theft, aggravated arson, riot, burglary, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, or operating a machine gun, and an attempt to commit any of these offenses, as each of those offenses is defined in Minnesota Statutes, Chapter 609.

Subd. 6. "Transfer" means a sale, gift, loan, assignment or other delivery to another, whether or not for consideration, of a pistol or the frame or receiver of a pistol.

624.713 Certain persons not to have pistols. Subdivision 1. The following persons shall not be entitled to possess a pistol:

(a) A person under the age of 18 years except that a person under 18 may carry or possess a pistol (i) in the actual presence or under the direct supervision of his parent or guardian, (ii) for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, (iii) for the purpose of instruction, competition or target practice on a firing range approved by the chief of police or county sheriff in whose jurisdiction the range is located and under direct supervision; or (iv) if the person has successfully completed a course designed to teach marksmanship and safety with a pistol and approved by the commissioner of natural resources;

(b) A person who has been convicted in this state or elsewhere of a crime of violence unless ten years have elapsed since the person has been restored his civil rights or the sentence has expired, whichever occurs first, and during that time he has not been convicted of any other crime of violence. For purposes of this section, crime of violence includes crimes in other states or jurisdictions which would have been crimes of violence as herein defined if they had been committed in this state;

(c) A person who is or has ever been confined or committed in Minnesota or elsewhere as a "mentally ill," "mentally deficient" or "dangerous to the public" person as those terms are defined in Minnesota Statutes, Section 253A.02, to a hospital, mental institution or sanitarium, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof that he is no longer suffering from this disability;

(d) A person who has been convicted in Minnesota or elsewhere for the unlawful use, possession or sale of a controlled substance other than conviction for possession of a small amount of marijuana, as defined in section 152.01, subdivision 16, or a person who is or has ever been hospitalized or committed for treatment for the habitual use of a controlled substance or marijuana, as defined in Minnesota Statutes, Sections 152.01 and 152.02, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused a controlled substance or marijuana during the previous two years; or

(e) A person who has been confined or committed to a hospital, mental institution or sanitarium in Minnesota or elsewhere as an "inebriate person" as that term is defined in Minnesota Statutes, Section 253A.02, or for alcoholic problems, unless he possesses a certificate of a medical doctor or psychiatrist licensed in Minnesota, or other satisfactory proof, that he has not abused alcohol during the previous two years. A person who issues a certificate pursuant to this subdivision in good faith shall not be liable for damages in an action arising out of the issuance.

Subd. 2. A person named in subdivision 1, clause (b) of this section who possesses a pistol is guilty of a felony. A person named in any other clause of subdivision 1 of this section who possesses a pistol is guilty of a gross misdemeanor.

624.7131 Transferee permit

Subdivision 1. Information. Any person may apply for a pistol transferee permit by providing the following information in writing to the chief of police of an organized full time police department of the municipality in which he resides or to the county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) The sex, date of birth, height, weight and color of eyes of the proposed transferee;

(c) A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol.

The statement shall be signed by the person applying for a permit. At the time of application, the local police authority shall provide the applicant with a dated receipt for the application.

Subd. 2. Investigation. The chief of police or sheriff shall check criminal histories, records and warrant information relating to the applicant through the Minnesota crime information system.

Subd. 3. Forms. Chiefs of police and sheriffs shall make transferee permit application forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or

any other act performed or materials provided by a government employee or agency in connection with application for or issuance of a transferee permit.

Subd. 4. Grounds for disqualification. A determination by the chief of police or sheriff that the applicant is prohibited by section 624.713 from possessing a pistol shall be the only basis for refusal to grant a transferee permit.

Subd. 5. Granting of permits. The chief of police or sheriff shall issue a transferee permit or deny the application within seven days of application for the permit. The chief of police or sheriff shall provide an applicant with written notification of a denial and the specific reason for the denial. The permits and their renewal shall be granted free of charge.

Subd. 6. Permits valid statewide; renewal. Transferee permits issued pursuant to this section are valid statewide and shall expire after one year. A transferee permit may be renewed in the same manner and subject to the same provisions by which the original permit was obtained. Permits issued pursuant to this section are not transferable. A person who transfers a permit in violation of this subdivision is guilty of a misdemeanor.

Subd. 7. Permit voided. The transferee permit shall be void at the time that the holder becomes prohibited from possessing a pistol under section 624.713, in which event the holder shall return the permit within five days to the issuing authority. Failure of the holder to return the permit within the five days is a misdemeanor unless the court finds that the circumstances or the physical or mental condition of the permit holder prevented the holder from complying with the return requirement.

Subd. 8. Hearing upon denial. Any person aggrieved by denial of a transferee permit may appeal the denial to the county court or county municipal court having jurisdiction over the county or municipality in which the denial occurred.

Subd. 9. Permit to carry. A valid permit to carry issued pursuant to section 624.714 constitutes a transferee permit for the purposes of this section and section 624.7132.

Subd. 10. Transfer report not required. A person who transfers a pistol to a person exhibiting a valid transferee permit issued pursuant to this section or a valid permit to carry issued pursuant to section 624.714 is not required to file a transfer report pursuant to section 624.7132, subdivision 1.

Subd. 11. Penalty. A person who makes a false statement in order to obtain a transferee permit knowing or having reason to know the statement is false is guilty of a gross misdemeanor.

Subd. 12. Local regulation. This section shall be construed to supersede municipal or

county regulation of the issuance of transferee permits.

624.7132 Report of transfer

Subdivision 1. Except as provided in this section and section 624.7131, every person who agrees to transfer a pistol shall report the following information in writing to the chief of police of the organized full-time police department of the municipality where the agreement is made or to the appropriate county sheriff if there is no such local chief of police:

(a) The name, residence, telephone number and driver's license number or nonqualification certificate number, if any, of the proposed transferee;

(b) The sex, date of birth, height, weight and color of eyes of the proposed transferee;

(c) A statement by the proposed transferee that he is not prohibited by section 624.713 from possessing a pistol; and

(d) The address of the place of business of the transferor.

The report shall be signed by the transferor and the proposed transferee. The report shall be delivered by the transferor to the chief of police or sheriff no later than three days after the date of the agreement to transfer, excluding weekends and legal holidays.

Subd. 2. Investigation. Upon receipt of a transfer report, the chief of police or sheriff shall check criminal histories, records and warrant information relating to the proposed transferee through the Minnesota crime information system.

Subd. 3. Notification. The chief of police or sheriff shall notify the transferor and proposed transferee in writing as soon as possible if the chief or sheriff determines that the proposed transferee is prohibited by section 624.713 from possessing a pistol. The notification to the transferee shall specify the grounds for the disqualification of the proposed transferee and shall set forth in detail his right of appeal under subdivision 13.

Subd. 4. Delivery. No person shall deliver a pistol to a proposed transferee until seven days after the date of the agreement to transfer as stated on the report delivered to a chief of police or sheriff in accordance with subdivision 1 unless the chief of police or sheriff waives all or a portion of the seven day waiting period.

No person shall deliver a pistol to a proposed transferee after receiving a written notification that the chief of police or sheriff has determined that the proposed transferee is prohibited by section 624.713 from possessing a pistol.

If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, the pistol may be delivered to the transferee.

Subd. 5. Grounds for disqualification. A determination by the chief of police or sheriff that the proposed transferee is prohibited by section 624.713 from possessing a pistol shall be the sole basis for a notification of disqualification under this section.

Subd. 6. Transferee permit. If a chief of police or sheriff determines that a transferee is not a person prohibited by section 624.713 from possessing a pistol, the transferee may, within 30 days after the determination, apply to that chief of police or sheriff for a transferee permit, and the permit shall be issued.

Subd. 7. Immediate transfers. The chief of police or sheriff may waive all or a portion of the seven day waiting period for a transfer.

Subd. 8. Report not required. (1) If the proposed transferee presents a valid transferee permit issued under Laws 1977, c. 349, section 3, or a valid permit to carry issued under section 624.714, the transferor need not file a transfer report.

(2) If the transferor makes a report of transfer and receives no written notification of disqualification of the proposed transferee within seven days of the date of the agreement to transfer, no report or investigation shall be required under this section for any additional transfers between that transferor and that transferee which are made within 30 days of the date on which delivery of the first pistol may be made under subdivision 4.

Subd. 9. Number of pistols. Any number of pistols may be the subject of a single transfer agreement and report to the chief of police or sheriff. Nothing in this section or section 624.7131 shall be construed to limit or restrict the number of pistols a person may acquire.

Subd. 10. Restriction on records. If, after a determination that he is not a person prohibited by section 624.713 from possessing a pistol, a transferee requests that no record be maintained of the fact that he is the transferee of a pistol, the chief of police or sheriff shall sign the transfer report and return it to the transferee as soon as possible. Thereafter, no government employee or agency shall maintain a record of the transfer that identifies the transferee, and the transferee shall retain the report of transfer.

Subd. 11. Forms; cost. Chiefs of police and sheriffs shall make transfer report forms available throughout the community. There shall be no charge for forms, reports, investigations, notifications, waivers or any other act performed or materials provided by a government employee or agency in connection with a pistol transfer.

Subd. 12. Exclusions. This section shall not apply to transfers of antique firearms as

curiosities or for their historical significance or value, transfers to or between federally licensed firearms dealers, transfers by order of court, involuntary transfers, transfers at death or the following transfers:

(a) A transfer by a person other than a federally licensed firearms dealer;

(b) A loan to a prospective transferee if the loan is intended for a period of no more than one day;

(c) The delivery of a pistol to a person for the purpose of repair, reconditioning or remodeling;

(d) A loan by a teacher to a student in a course designed to teach marksmanship or safety with a pistol and approved by the commissioner of natural resources;

(e) A loan between persons at a firearms collectors exhibition;

(f) A loan between persons lawfully engaged in hunting or target shooting if the loan is intended for a period of no more than 12 hours;

(g) A loan between law enforcement officers who have the power to make arrests other than citizen arrests; and

(h) A loan between employees or between the employer and an employee in a business if the employee is required to carry a pistol by reason of his employment and is the holder of a valid permit to carry a pistol.

Subd. 13. Appeal. A person aggrieved by the determination of a chief of police or sheriff that the person is prohibited by section 624.713 from possessing a pistol may appeal the determination as provided in this subdivision. In Hennepin and Ramsey counties the municipal court shall have jurisdiction of proceedings under this subdivision. In the remaining counties of the state, the county court shall have jurisdiction of proceedings under this subdivision.

On review pursuant to this subdivision, the court shall be limited to a determination of whether the proposed transferee is a person prohibited from possessing a pistol by section 624.713.

Subd. 14. Transfer to unknown party. (a) No person shall transfer a pistol to another who is not personally known to the transferor unless the proposed transferee presents evidence of his identity to the transferor. A person who transfers a pistol in violation of this clause is guilty of a misdemeanor.

(b) No person who is not personally known to the transferor shall become a transferee of a pistol unless he presents evidence of his identity to the transferor. A person who becomes a transferee of a pistol in violation of this clause is guilty of a misdemeanor.

Subd. 15. Penalties. A person who does any of the following is guilty of a gross misdemeanor:

(a) Transfers a pistol in violation of subdivisions 1 to 13 of this section;

(b) Transfers a pistol to a person who has made a false statement in order to become a transferee, if the transferor knows or has reason to know the transferee has made the false statement;

(c) Knowingly becomes a transferee in violation of subdivisions 1 to 13 of this section; or

(d) Makes a false statement in order to become a transferee of a pistol knowing or having reason to know the statement is false.

Subd. 16. Local regulation. This section shall be construed to supersede municipal or county regulation of the transfer of pistols except more restrictive regulation in cities of the first class.

624.714. Carrying of weapons without permit; ***** (Concerns permits to carry: for information concerning applying for permits to carry, required contents of such applications, place of application, conditions under which applications will be granted, etc., contact your local law enforcement agency.)

624.715 Exemptions; antiques and ornaments. Sections 624.713 and 624.714 shall not apply to antique firearms which are carried or possessed as curiosities or for their historical significance or value.

624.716 Saturday night specials prohibited. Any federally licensed firearms dealer who sells a Saturday Night Special Pistol, or any person who manufactures or assembles a Saturday Night Special Pistol in whole or in part, shall be guilty of a gross misdemeanor.

624.717 Local regulation. Sections 624.711 to 624.716 shall be construed to supersede municipal or county regulation of the carrying or possessing of pistols and the regulation of Saturday Night Special Pistols except more restrictive regulation in cities of the first class.

624.718. Notwithstanding any other law to the contrary, cities of the first class may enforce local laws, ordinances or regulations governing the transfer of pistols that are more restrictive than state laws governing the transfer of pistols.

Alexandria

9.20. Dangerous weapons and articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age with a firearm, *** ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the

purpose of such possession is for public exhibition by museums or collectors of art.

Appleton

6.06. Weapons, sale to minors. No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer of this village.

6.07. Minors not to use firearms. No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by his parent or guardian any firearm, *** of any kind for hunting or target practice, or any other purpose. No parent or guardian shall knowingly permit any minor to violate this section.

Apple Valley

128-IV. Hand gun purchases: The purchaser of a hand gun from a Federally licensed dealer in the Village of Apple Valley must wait for three (3) days before delivery of said hand gun. The Federally licensed dealer will inform the Village of Apple Valley Police Office of the purchaser's name and address so as to enable the determination of any of the below listed prohibiting conditions. The Police Department of the Village of Apple Valley will notify the above dealer of the results within the three (3) day limit for delivery of said gun or refund of any moneys deposited should the sale be prohibited. Prohibiting conditions:

A. Under the age of eighteen (18) years.
B. Has been convicted of a felony or any crime of violence under the laws of this state or any other jurisdiction.

C. Has been convicted of any offense involving the applicant's use of intoxicating beverages, hallucinatory chemicals, narcotics or any other drugs.

D. Has been hospitalized for attempted suicide or mental or emotional conditions involving the use of alcohol, hallucinatory chemicals or drugs.

Arden Hills

Section 1. Definitions. Deadly Weapons. The term "deadly weapons" as used herein shall include the following: (1) all firearms; *****

Section 4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

Section 5. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon. *****

Blaine

89.01—Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

101.01—The term "deadly weapons" as used herein shall include the following: (1) All Firearms; *****

101.02—(1) Whoever does any of the following is guilty of a misdemeanor: ***** (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; *****

101.03—The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Bloomfield

Ordinance 188

Section 6.01. It shall be unlawful for any person under 18 years of age to purchase, carry or transport a firearm on any public street or in any public place.

Section 7.01. It shall be unlawful for any person to sell a firearm to any person under 18 years of age.

Bloomington

203.01. Restriction. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate shall be guilty of a misdemeanor.

Brooklyn Center

19-402. Dangerous weapons. 1. "Dangerous weapon" means any firearm *** whether loaded or unloaded ***.

2. Section 609.66 of the Minnesota Criminal Code (West 1963) Laws of 1963, Chapter 753

is hereby adopted by reference and shall have the same force and effect as though set out at length herein.

Brooklyn Park

Section 950:00. Definition. Definition—Deadly Weapons. The term "deadly weapons" as used herein shall include the following: 1) All firearms; *****

Section 950:15. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Section 950:20. Under 14 Years. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any deadly weapon.

Buhl

510:02. Deadly Weapons. It shall be unlawful in the Village of Buhl for any person, persons, firm or corporation to manufacture, or cause to be manufactured, sell, keep for sale, offer or dispose of any *** pistol, revolver, *** or to give or sell any pistol or fire-arm to a person under the age of eighteen years, without the written consent of a magistrate or the mayor of the said village or the chief of police or marshal of said village.

Cold Spring

Section 925:00. Definition of Deadly Weapons. The term "deadly weapons" as used herein shall include the following: 1) All firearms; ***

Section 925:15. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Coon Rapids

7-201 Definition. "Dangerous Weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. The term "dangerous weapon" shall include but not be limited to the following: (1) All firearms; *****

7-202 Prohibited Actions. (1) Whoever does any of the following is guilty of a misdemeanor: ***** (f) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; *****

(2) Nothing in this Section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.

7-203 Selling Gun to Minor Without Parental Consent. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor without written consent of his parents or guardian, or of a Police Officer or Magistrate is hereby prohibited.

7-204 Minors Under 14. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any dangerous weapon.

Cottage Grove

Sec. 27-13. Furnishing to minors. No person, within the limits of the village, shall: (a) Without the parent's or guardian's consent, furnish a child under fourteen years of age, or as a parent or guardian, permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive.

(b) Furnish a minor under eighteen years of age with a firearm, airgun, ammunition or explosive without the written consent of his parent, guardian, the police department or magistrate of this village.

Sec. 27-14. Silencers. No person, within the limits of the village, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

Crystal

935.01. Definitions. Subdivision 1. For purposes of this Section, the terms defined herein have the meanings given them.

Subd. 2. "Military type weapon" means any firearms such as bazookas, machine guns, mortars, grenades, molotov cocktails and similar weapons. ***

935.03. Military Type Weapons. It is unlawful for any person to own, keep, carry or have possession of military type weapons in the City. This Section does not apply to law enforcement personnel or military personnel while on active duty, or to military or fraternal organizations in their participation in public functions or celebrations.

Deephaven

8. Minors not to use fire arms. No minor under the age of 18 years shall handle or have in his possession or under his control, except

while accompanied by or under the immediate charge of his parent, guardian or competent supervision, any fire arms, *** ammunition or other weapons of any kind for hunting or target practice or any other purpose.

27. Sale of firearms to minor. No person, firm or corporation shall sell, offer for sale, or give away, or in anywise furnish any firearms or ammunition to a minor under the age of 18 years, without the written consent of such minor's parents or guardian or of a peace officer or magistrate.

Dilworth

Sec. 60.07. Subd. 1. Acts Prohibited. Whoever does any of the following is guilty of a misdemeanor ***:

(4) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or

(5) Without the parents' or guardians' consent, and the written consent of the Dilworth Police Department, furnishes a child under 15 years of age with a firearm or other dangerous weapon or explosive, or any ammunition or explosive.

Duluth

Sec. 49-6. Possession, use, etc., of firearm silencers prohibited. No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

Sec. 49-8. Possession of firearms by minors. No minor under the age of eighteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose.

Sec. 49-15. License—Required. No person shall engage in the business of selling or renting guns, pistols or other firearms without first having obtained a license to do so.

Sec. 49-20. Sales and rentals to minors. No person shall sell, rent, give, loan or in anywise furnish any firearm, *** or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a police officer or magistrate of the city.

Eagan

9.02 Subdivision 3.—Persons prohibited. It shall be unlawful for any person within the Town of Eagan to own, possess, carry or have

in his custody or control any firearms or ammunition unless such person:

A. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate or if under 18 years of age is accompanied by his parent or guardian or by an adult who has written permission from the minor's parent or guardian.

B. Shall not within the previous five years have been: 1. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction, or a violation of this Ordinance or any other law relating to weapons. 2. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

C. It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of alcohol or hallucinatory chemical, or narcotics, or other drugs.

East Grand Forks

Sec. 9.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: *****

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor with a firearm, *** ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Elko

Ordinance 24

Section I. Definitions. *****

Handgun shall mean a gun designed to be fired primarily with one hand and capable of inflicting serious personal injury, without limitation as to type of propellant or type of projectiles, and regardless of whether the handgun or pistol was factory made, made individually by a skilled craftsman or craftsmen, or homemade.

Section II. Prohibitions: The following acts are prohibited *** (c) Possessing a handgun if the person possessing it is a person who has been formally adjudicated as mentally ill, mentally incompetent, or insane,

or who has been convicted of a felony within a period of ten years prior to the time he is found in possession of a handgun; ***

Ely

410:02. Deadly weapons. [No person] without the written consent of a magistrate, shall sell or give any pistol or firearm to a person under the age of eighteen years.

Fairmont

6.20. Dangerous weapons and articles. 1. Acts prohibited. It is unlawful for any person to: *** F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; ***

(G) Furnish a minor under eighteen years of age with a firearm, *** ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Farmington

6-1-15. Dangerous weapons: It shall be unlawful for any person to do any of the following: *** (G) Sell or have in his possession any device designed to silence or muffle the discharge of a firearm;

(H) Without the parent's or guardian's consent, furnish a child under fourteen (14) years of age, or as a parent or guardian permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; (I) Furnish a minor under eighteen (18) years of age with a firearm, *** ammunition or explosive without the written consent of his parent or guardian or of the Police Department of the Village.

Farmington Hills

80.265. Unlawful Possession of Firearms. It shall be unlawful for any person under the influence of intoxicating liquor or any exhilarating or stupefying substance to carry, have in possession or under control, or use in any manner or discharge any firearm within this City.

Glencoe

Ordinance 93, Article B.

Weapons—sale to minors. No person shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the

age of sixteen (16) years without the written consent of his parents or guardian, or of a police officer or magistrate of the municipality.

Glenville

Sec. 606. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: *****

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Without the parent's or guardian's consent, furnish a child under 14 years of age, or as a parent or guardian permit such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or,

H. Furnish a minor under eighteen years of age with a firearm, *** ammunition, or explosive without the written consent of his parent or guardian or of the Police Department or magistrate of the Village.

Golden Valley

Section 525:00. Definitions. 1. General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

2. Specific Terms. The following terms shall have the following meanings.

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet through a barrel by means of explosives, carbon dioxide, air or other vapor, excluding (1) any device used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial ammunition, (2) any antique firearm or (3) Saturday Night Special Pistol.

(c) "Hand Gun" shall mean any firearm designed to be fired from the hand, except Saturday Night Special Pistols.

(d) "Saturday Night Special Pistol" shall mean a gun designed to be fired from the hand, other than an antique firearm or a gun for which the propelling force is carbon dioxide, air or other vapor, or children's pop gun or toys having a frame, barrel, cylinder, slide or breechblock.

(1) of any material having a melting point (liquids) of less than 1,000 degrees Fahrenheit, or

(2) of any material having an ultimate tensile strength of less than 55,000 pounds per square inch, or

(3) of any powdered metal having a density of less than 7.5 grams per cubic centimeter.

(e) "Antique Firearm" shall mean any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured before 1899 and any replica of any firearm described herein if such replica is not designed or redesigned, made or remade, or intended to fire conventional rimfire or conventional centerfire ammunition which is not readily available in the ordinary channels of commercial trade.

(f) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

Section 525:02. Sales, Gift or Delivery of Firearms. It shall be unlawful for any person within the City of Golden Valley to sell, give or deliver any firearm to any person if such other person within the previous five years has been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction, or

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental drug or alcoholic condition, unless such a person so committed shall have been issued a permit, currently in force, pursuant to Section 624.711 through 624.717, inclusive, Minnesota Statutes, and as subsequently amended, provided said seller, giver or deliverer knew or had reasonable cause to believe such person met the conditions described in either subsection (a) or (b).

Section 525:03. Display of Firearms. It shall be unlawful for any person within the City to display or exhibit any firearm for sale in any show window abutting a public street or sidewalk or public entryway which can be seen from the public street.

Section 525:04. Report of Sale, Gift or Delivery of Hand Guns. Every person within the corporate limits of the City of Golden Valley who agrees to sell, deliver or give to any person a hand gun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the Public Safety Director a legible written report [contact local authorities for required contents] ***

No person who intends to sell, deliver or give to any person a hand gun as defined in this ordinance shall deliver actual possession to the person to receive the hand gun until a copy of the report required by this section, containing the certification of the Golden Valley Public Safety Director, or his designee,

that said sale, delivery or gift may be made, is returned to the person who intends to sell, deliver or give away said hand gun, or until three days (excluding Saturday, Sunday and holidays) after making and filing with the Public Safety Director the required report of sale, whichever comes first.

None of the provisions of this Section 525:04 shall apply to gifts of hand guns between husband and wife, or parent and child, but all other gifts of hand guns must comply with the requirements hereof.

Granite Falls

6.06. Weapons, sale to minors. No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to any minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of this city.

Green Isle

Ordinance 67

Section 4. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian is hereby prohibited.

Greenwood

Ordinance 16

Section 12. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

Hampton

1004.02. Prohibitions. The following are prohibited within the city:

C. Minors. The selling, giving, loaning, or furnishing in any way of any deadly weapon (includes all firearms) to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate is hereby prohibited.

Hastings

Sec. 9.20. Dangerous weapons and articles. Subd. 1. Acts prohibited. It is unlawful for any person to: *****

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen years of age, with a firearm, *** ammunition, or explosive without the written consent of his parent or guardian or of the Police Department. *****

Hayfield

Ordinance 7-1-Section 1: Use by Minors. No person under the age of 18 shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parents or guardian, any firearm or air gun of any kind for hunting or target practice or any other purpose.

Hermantown

Ordinance 76-02

Section 3. No person shall use, own or possess any firearm equipped so that a silencer may be attached to such firearm.

Section 5. No minor age fourteen (14) years or under shall handle, or have in his or her possession or under his or her control except while accompanied by or under the immediate charge of a parent or guardian, any firearm of any kind for hunting or target practice or any other purpose. Any minor having attained the age of 15 shall be the holder of a valid firearm safety permit.

Hibbing

Firearms, sale and possession. 7-14.1. It shall be unlawful in the Village of Hibbing for any person, persons, firm or corporation to manufacture or cause to be manufactured, sell, keep for sale, offer or dispose of any instrument or weapon of the kind usually known as a *** pistol, revolver, *** or to give or sell any pistol or fire-arm to a person under age of eighteen (18) years, without the written consent of a magistrate or the president of the said village or the chief of police or marshal of said village ***.

Hopkins

Section 910:25. Minors Not to Use Firearms. No minor under the age of fourteen years shall *** have in his possession *** any firearm of any kind for hunting or target practice or any other purpose. *****

Section 920.12. Sale of Firearms to Minors. Every person who shall sell, give away, or in any wise furnish any firearms or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate, shall be guilty of a penal offense.

Hoyt Lakes

2. Use of fire arms by minors. No minor under the age of 14 years shall handle or have in his possession or under his control, except while accompanied by or under immediate charge of his parent or guardian, any fire arm *** of any kind for hunting or target practice or for any other purpose. Every person violating the foregoing provision or aiding or knowingly permitting any such minor to violate the same shall be guilty of a misdemeanor.

International Falls

12.08-1. No person within the limits of the City of International Falls shall manufacture or cause to be manufactured, sell, keep for sale, offer, or dispose of, any instrument, or weapon of the kind usually known as a *** pistol *** or other offensive and dangerous weapons or instruments, or without the written consent of the Mayor, shall sell or give any revolver or fire arm of any description to a person under the age of eighteen years.

Inver Grove

927.13 Handgun Identification Marks. No person shall *** keep in his possession or under his control, any such handgun upon which the name of the make, model, manufacturer's number, or other mark of identification has been to his knowledge, changed, altered, renewed or obliterated.

Jackson

Sec. 8.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, *** ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession

of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

La Crescent

B. Specific Terms. The following terms shall have the following meanings:

1. "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and plural includes the singular. The masculine gender includes the feminine gender.

2. "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

3. "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

4. "Hand gun" shall mean any firearm designed to be fired from the hand.

5. "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (3) and (4) above. Destructive devices which are not firearms and ammunitions for any military type weapon which is inert and not readily restorable, both mechanically, and by intent, shall be exempted from the provisions of this ordinance.

7. "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

9. "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

Section 2. Persons Prohibited: A. It shall be unlawful for any person within the corporate limits of the Village of La Crescent, to own, possess, carry, or have in his custody or control any firearm, or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

a. Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

b. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcoholic condition.

B. It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of any alcoholic beverage, or hallucinatory chemical, or narcotics, or other drugs.

Section 3. Places Prohibited. A. It shall be unlawful for any person, except law enforcement or military personnel while in the course of their duties, or owner or agent while he is present at a business place operated by him, or private persons with permits who are required by their occupation to be present, to have in his possession or control any firearm or ammunition while such person is present at any public place or public gathering within the Village of La Crescent.

Section 4. Weapons Prohibited: A. It shall be unlawful for any person within the Village of La Crescent to own, keep, carry or have in his custody or control any of the following:

1. Military type *** weapons unless the person in possession of such weapon has in his possession the permit provided in Section 6.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

Section 5. Sales, Gift or Delivery of Weapons and Ammunition. A. It shall be unlawful for any person within the Village of La Crescent to sell, give or deliver to any person:

1. Any weapon prohibited under Section 4 unless the weapon to be received is a military type weapon *** and the person to receive the weapon has secured the permit provided in Section 6.

2. Any firearm or ammunition for such firearm if such person is:

a. Under the age of 18 years if the firearm is a long gun or under 21 years of age if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 3 (D) or unless the recipient shall qualify under Section 2 (A-1).

b. Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

c. Prohibited from ownership, possession, custody or control of firearms under section 2, and seller or giver knew or had reasonable cause to believe such person was prohibited.

Section 6. Permit for Military Type and Assault Weapons: A. The owner or purchaser of a military type or assault weapon may be issued a permit by the Chief of Police for possession either as a collector's item or as

a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance ***.

B. A "Military type weapon used in officially recognized competition" shall include its ammunition and shall be weapons used in competition regulated and supervised by a target shooting club, pistol club or sportsman's club, which is duly authorized to purchase or receive firearms from the United States. Any such weapon shall be kept in a secure location.

Lake Elmo

1301.050. License Required. No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver, ***.

Lakeville

Section 1. Weapons Prohibited. No person shall *** sell, offer for sale or have in his possession, except in his own domicile, or carry or use any dangerous or deadly weapon, including, but not by way of limitation, revolvers, pistols *****

Section 2. Exception. The prohibition of this chapter shall not be construed to forbid any law enforcement officer from carrying any of said weapons as may be necessary in the proper discharge of his duties, nor shall this chapter prohibit the sale, possession or carrying of a revolver or pistol for legitimate sporting purposes providing such revolver or pistol is not concealed.

Lauderdale

2. Specific terms. The following terms shall have the following meanings. (a) "Firearm" shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(b) "Handgun" shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(c) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas,

machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

(e) "Ammunition" shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

(f) "Secured container" shall mean a locked case legibly marked "firearms" having no mechanical features designed for immediate weapons removal or use and containing no other nonrelated objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle, or ties.

2. Persons prohibited from possessing firearms. (1) No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the Village of Lauderdale except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

(2) No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the Village of Lauderdale who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

4. Weapons prohibited. No person shall own, keep, carry, or have in his possession anywhere in the Village of Lauderdale any military type weapons, *** , or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collectors' items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

6. License required to sell firearms. No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Lauderdale without first obtaining a license to do so from the Village Council. The fee for such license shall be \$10.00, payable annually ***.

7. Permits and registrations.

(2) Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type of assault weapon as a collectors' item, or to possess a military type

weapon for participation in officially recognized competition upon application therefor to the Chief of Police. [Contact local authorities for required contents] ***. The Chief shall issue such permit, without fee, if he concludes the applicant is of good moral character and intends to use the weapon for a lawful purpose.

Lester Prairie

Section 3. Weapons—Sale to Minors. No person shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of eighteen years without the written consent of his parents or guardian, or of a police officer or magistrate of the municipality.

Little Falls

Section 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: *****

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Permit, as a parent or guardian, any child under fourteen years of age to handle or use, outside of the parent's or guardian's presence, a firearm or air gun of any kind, or any ammunition or explosive; or

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Luverne

6.20. Dangerous weapons and articles. Subd. 1. Acts prohibited. It is unlawful for any person to:

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, *** ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

Mahtomedi

4. No minor under the age of 18 years shall within the Village of Mahtomedi, handle or have in his possession or under his control,

except when accompanied by or under the immediate charge of his parent or guardian, any fire-arm of any kind whatever, or ammunition of any kind for use therein. ***

Mankato

Sec. 9.30. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: ***

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

G. Furnish a minor under eighteen (18) years of age with a firearm, air gun, ammunition, or explosive without the written consent of his parents or guardian or of the Police Department. ***

Maple Grove

Section 960:15. Selling to Minor. The selling, giving, loaning, or furnishing in any way of any deadly weapon to a minor under the age of 18 years without the written consent of his parents or guardian, or of a police officer or magistrate, is hereby prohibited.

Maplewood

1210.010 Permit. No person shall purchase, receive or accept a revolver or pistol within the Village of Maplewood without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

1210.020. Sale without permit prohibited. No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of Maplewood to any person who is not the holder of a written permit from the Police Chief of Maplewood, authorizing him to purchase, receive or accept such revolver or pistol, and in no case shall any person, firm or corporation deliver a pistol or revolver to the person to whom it is sold, or to be transferred unless such sale or transfer is made pursuant to approval of the Chief of Police in the manner hereinafter provided.

1210.040 Transfer of permit. Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement [contact local authorities for required contents] ***. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement ***. The weapon shall not be released by the

seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

1210.050. Terms. The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

Mendota Heights

Ordinance 909

Section 5. Possession of Weapons by Minors. No minor under the age of eighteen years shall, within the corporate limits of the Village of Mendota Heights, handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein. ***

Section 6. Sale to Minors. No person, firm, or corporation shall, within the corporate limits of the Village of Mendota Heights, give, sell, or otherwise furnish any firearms *** or any ammunition of any kind for use therein, to any minor under age of eighteen years, without the written consent of the parent or guardian of the said minor. ***

Section 9. Definitions

9.1 General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

9.2 Specific Terms: The following terms shall have the following meanings:

9.2(1) Firearm—Shall mean any weapon from which is propelled any missile, projectile, bullet, or other means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their profession.

9.2(2) Handgun—Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

9.2(3) Military Type Weapon—Shall mean any destructive device and the ammunition designed only for such device having fire-power, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

9.2(5) Ammunition—Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

9.2(6) Secured Container—Shall mean a locked case legibly marked "firearm" having no mechanical features designed for immedi-

ate weapons removal or use and containing no other non-related objects, except that a "secured container" for a rifle or shotgun may mean a weapon case, such as leather, fibre, canvas or plastic secured with a zipper, clasp, buckle or ties.

Section 12. Sale, Gift, or Delivery of Firearms

12.1. No person shall purchase, receive or accept a handgun within the Village of Mendota Heights without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun. ***

12.2. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign in duplicate and deliver to the seller or transferor a statement [contact local authorities for required contents] ***. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement, and if it appears that the person to whom such weapon is sold or to be transferred has been permitted to purchase, accept or receive such handgun, the Chief of Police shall endorse upon such statement his approval of the purchase or transfer.

12.4. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in Paragraph 12.2 hereinafter.

12.5. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

12.6. Nothing contained in this section shall apply to sales at wholesale to dealers.

Section 13. License Required to Sell Firearms. 13.1 No person shall engage in the business of selling or dealing in firearms or ammunition in the Village of Mendota Heights without first obtaining a license to do so from the Village Council. ***

Section 14. Permits and Registrations. Permits and registrations required hereunder shall be accomplished in the following manner:

14.1. Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type *** weapon as a collector's item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. ***

Minneapolis

877.010. Definitions.

2. Specific terms. The following terms shall have the following meanings:

(a) "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association or corporation. As applied to partnerships or associations, the word includes the partners or members thereof, as applied to corporations it includes the officers, agents, or employees thereof who are responsible for the act referred to. The singular includes the plural, and the plural includes the singular. The masculine gender includes the feminine gender.

(b) "Firearm" shall mean any weapon from which is propelled any missile, projectile or bullet by means of explosives or gas and shall include air and "BB" guns.

(c) "Long gun" shall mean a rifle, shotgun or similar gun not designed to be fired from the hand.

(d) "Hand gun" shall mean any firearm designed to be fired from the hand.

(e) "Military type weapon" shall mean any destructive device and the ammunition designed only for such device having firepower, mass, explosive or incendiary characteristic of weapons such as cannons having a bore diameter of larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers included in definitions (c) and (d) above. Destructive devices which are not firearms and ammunition for any military type weapon which is inert and not readily restorable, both mechanically and by intent, shall be exempted from the provisions of this ordinance.

(g) "Ammunition" shall mean any complete round prepared for insertion in and propulsion from any firearm.

(j) "Dealer" shall mean a person licensed to sell, manufacture or repair firearms.

877.020. Persons prohibited. It shall be unlawful for any person within the corporate limits of the City of Minneapolis to own, possess, carry, or have in his custody or control any firearms or ammunition unless such person:

1. Shall be at least 18 years of age or shall hold a firearms safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate.

2. Shall not within the previous five years have been:

(a) Convicted of a felony or drug addiction under the laws of this state or any other jurisdiction; or a violation of this ordinance or any other law relating to weapons.

(b) Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug or alcoholic condition.

It shall be unlawful for any person to be in possession of, carry or transport any firearm or ammunition while under the influence of

alcohol, or hallucinatory chemical, or narcotics, or other drugs.

877.040. Weapons prohibited. It shall be unlawful for any person within the City of Minneapolis to own, keep, carry or have in his custody or control any of the following:

1. Military type *** weapons, unless the person in possession of such weapon has in his possession the permit provided in Section 877.080.

2. Any firearm or ammunition which the transferee knows or has reasonable cause to believe has been stolen or transferred in violation of this ordinance.

The provisions of this section shall not apply to law enforcement or military personnel while engaged in the course of their duties.

877.050. Sales, gift or delivery of weapons and ammunition. It shall be unlawful for any person within the City of Minneapolis to sell, give, or deliver to any person:

1. Any weapon prohibited under Section 877.040, unless the weapon to be received is a military type weapon *** and the person to receive the weapon has secured the permit provided in Section 877.080.

2. Any firearm or ammunition for such firearm if such person is:

(a) Under the age of 18 years if the firearm is a long gun or under the age of 21 years if the firearm is a hand gun, except for legitimate firearm activities set forth in Section 877.030(4) or unless the recipient shall qualify under Section 877.020(1).

(b) Under the influence of alcohol, hallucinatory chemicals, narcotics or other drugs.

(c) Prohibited from ownership, possession, custody, or control of firearms under Section 877.020, and seller or giver knew or had reasonable cause to believe such person was prohibited.

877.070. Report of sale, gift, or delivery of handguns. Every person within the corporate limits of the City of Minneapolis who agrees to sell, deliver or give to any person a handgun as defined in this ordinance shall within five (5) days after such agreement to sell, deliver or give, make and file with the City Clerk a legible written report, ***.

The City Clerk shall provide the reporting forms on which such reports shall be made, and shall make such forms freely available to licensed gun dealers. Persons not licensed dealers may secure such reporting forms from the City Clerk or any licensed gun dealer.

No person who intends to sell, deliver or give to any person a handgun as defined in this ordinance shall deliver actual possession to the person to receive the handgun until three (3) days excluding Saturday, Sunday, and holidays, after making and filing with the City Clerk the required Report of Sale.

877.080. Permit for military type and assault weapons. The owner or purchaser of a

military type *** weapon may be issued a permit by the City Clerk for possession either as a collector's item or as a military type weapon used in officially recognized competition, or assault weapon, provided such person is not prohibited from owning or possessing firearms under this ordinance.

Minnetonka

Section 515:00. Prohibited Use of Dangerous Weapons. No person shall in any public or private place engage in any of the following acts or conduct without first securing a permit to do so from the Chief of Police:

(d) Sell or otherwise furnish any firearms *** any ammunition of any kind for use therein, to any juvenile under the age of 18 years unless they are the parent or guardian of such juvenile.

Minnetrista

1. Definitions. (a) "Firearms" shall mean any device from which is propelled any projectile or bullet by means of explosions or gas.

(b) "Military type weapon" shall mean any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

2. Possession. No person shall own, keep, carry or have possession of any military type weapon within the Village of Minnetrista except persons on active duty as a member of a United States military unit.

Montevideo

5-1-32: Firearms; minors: No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian any firearm of any kind for hunting or target practice or any other purpose. No parent or guardian shall knowingly permit any minor to violate this Section.

5-1-71: Weapons; sale to minors: No person shall sell, give, loan, or in any wise furnish any firearm or ammunition to a minor under the age of eighteen (18) years without the written consent of his parents or guardian, or of a police officer or magistrate of the City.

Morris

11.200. Possession of dangerous weapons. No person shall have in his possession any of the following except for displays in museums or collections: (1) Any device designed to silence or muffle the discharge of a firearm;

11.205. Sale of Firearms to Minors Prohibited. No person shall furnish a minor, under 18 years of age, with a firearm of any description or ammunition or explosive without the written consent of the minor's parent or guardian.

Mound

51.30 Minors—Firearms No person, or persons, shall hereafter within the Village of Mound, sell, give, loan or in anywise furnish any firearm *** (or) ammunition *** to a minor under the age of 18 years without the written consent of his parents or guardian or of a police or magistrate of the Village ***.

Mountain Iron

Ordinance 149

51.09 Furnishing to Minors. No person within the City Limits of the City of Mountain Iron shall: a. Furnish a minor under 18 years of age with any firearms, air gun, ammunition or explosives without the written consent of said minor's parent or legal guardian, or the Chief of Police.

51.10 Silencers. No person within the City Limits of the City of Mountain Iron, Minnesota, shall sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

New Brighton

Article 2 Weapons

Sec. 18-18. Possession of firearm. No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the city, who has been convicted of any felony, or who is addicted to the use of drugs, or who is under the influence of drugs or alcohol.

North Mankato

Sec. 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

H. Furnish a minor under eighteen (18) years of age with a firearm, *** ammunition,

or explosive without the written consent of his parent or guardian or of the Police Department.

North St. Paul

101.010. Permit. No person shall purchase, receive or accept a revolver or pistol within the Village of North St. Paul without first having obtained a written permit from the Chief of Police of said Village, authorizing him to purchase, receive or accept such revolver or pistol.

101.020. Sale without permit prohibited. No person, firm or corporation shall sell, deliver, display for sale, offer for sale, or otherwise transfer a pistol or revolver within the Village of North St. Paul to any person who is not the holder of a written permit from the Police Chief of North St. Paul, authorizing him to purchase, receive or accept such revolver or pistol ***.

101.040. Transfer of permit. Before the delivery of a pistol or revolver purchased, or to be transferred, the purchaser or the person to whom such revolver is to be delivered shall surrender his permit to the seller or transferor and shall sign in duplicate and deliver to said seller a statement (contact local authorities for required contents) ***. The seller or transferor shall immediately deliver to the Chief of Police one copy of such statement ***. The weapon shall not be released by the seller for delivery to the purchaser or transferee until the Police Chief has approved such sale.

101.050. Terms. The words "pistol or revolver" as used in this ordinance shall be construed as meaning any fire arm with a barrel less than twelve (12) inches in length.

101.060. Wholesale to dealers does not apply. Nothing contained herein shall apply to the sales at wholesale to dealers.

Oakdale

Sec. 13-17. Possession of certain items prohibited. No person shall possess any of the following:

- (a) Fully automatic firearms.
- (b) Shot guns with a barrel less than eighteen (18) inches.
- (c) Rifles with a barrel less than sixteen (16) inches.
- (d) Weapons made from a rifle or shot gun with an overall length of less than twenty-six (26) inches.
- (e) Semi-automatic pistols with shoulder stocks.
- (f) Any silencer.
- (g) Any unconventional weapon which is capable of being fired and can be concealed on the person.

Sec. 13-22. Silencers. It shall be unlawful for any person to sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

Orono

Ordinance 106

Section 1. Chapter 80 of the Municipal Code of Orono is hereby amended as follows:

80.010 Definitions. ***** (b) "Military type weapon" shall mean any firearm or other weapon such as bazookas, machine guns, mortars or grenades.

80.020 Possession. No person shall own, keep, carry or have possession of any military type weapon within the Village of Orono except persons on active duty as a member of a United States military unit.

Pine Springs

Ordinance 9

Section 3. Possession by Minor. It shall be unlawful for a minor under the age of 18 to have in his possession any uncased firearm beyond the presence of a parent or guardian within the Village of Pine Springs. The police officers of the Village may confiscate any such weapon found on any minor but shall return the weapon to the parent or guardian of said minor upon request.

Section 4. Acts Prohibited. a. It shall be unlawful for any person to do any of the following acts: *****

6. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm.

7. To furnish a child under 16 years of age, without the consent of the parent or guardian of said child or if parent or guardian of said child permit such child to handle or use outside of the parent's or guardian's presence a rifle, gun, or dangerous weapon of any kind or any ammunition or explosive.

Section 6. Possession. a. No person shall possess the following:

1. Fully automatic firearms.
2. Shot guns with a barrel less than 18 inches.
3. Rifles with a barrel less than 16 inches.
4. Weapons made from a rifle or shot gun with an overall length of less than 26 inches.
5. Semi-automatic pistols with shoulder stocks.
6. Any silencer.

7. Any unconventional weapon which is capable of being fired and can be concealed on the person.

Plymouth

1.14. Dangerous Articles. ***** (b) It shall be unlawful to sell, give, loan, or in anywise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate.

Redwood Falls

Sec. 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

H. Furnish a minor under eighteen (18) years of age with a firearm, *** ammunition; or explosive without the written consent of his parent or guardian or of the Police Department.

Richfield

5.29. Firearms. Subdivision 1. Definitions. The following terms have the meanings ascribed to them in this section:

(1) "Crime of violence" means murder, manslaughter, rape, mayhem, kidnaping, burglary, housebreaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon or assault with intent to commit any offense punishable by imprisonment for more than one year.

(2) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

(4) "Manufacturer or dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans within the city.

(5) "Pistol" means any firearm with a barrel less than 12 inches in length.

(6) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct,

seizure or overthrow of the government of the United States or any state or political subdivision thereof by the use of force, violence, military measures or threats of one or more of the foregoing.

Subd. 2. License Required. It is unlawful for any manufacturer or dealer to sell at wholesale or retail, to lease or to pledge or accept as security for a loan, any firearm without first having procured a license.

Subd. 9. Unlawful Disposition of Firearms. It is unlawful for any dealer to sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a crime of violence, is a fugitive from justice, is of unsound mind, is a drug addict or a habitual drunkard, or who is a member of a subversive organization.

Rochester

1. Dangerous weapons. No person shall: *** (5) possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against some other person; or (6) sell or have in his possession any device designed to silence or muffle the discharge of any firearm; or (7) without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm *** or any ammunition or explosive; or (8) furnish to any minor under 18 years of age any firearm, *** ammunition or explosive without the written consent of the parent or guardian, or of the police department.

Rockford

Ordinance 11.0

Dangerous Weapons. Subdivision 1. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.00. ***** (6) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or ***** (8) In the municipality of Rockford, furnishes a minor under 18 years of age with a firearm, *** ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of said municipality.

Roseville

160.090. Sale to Minors under 18. No person shall give, sell or otherwise furnish any firearms, *** or any ammunition of any

kind for use therein, to any minor under the age of 18 years without the written consent of the parent or guardian of said minor. ***

161.010. Registration Required. No person shall purchase, sell, trade, own or have in his possession any revolver or hand gun without registering the same with the Chief of Police.

Sauk Rapids

Dangerous Weapons

Section 900:00. Whoever does any of the following within the limits of this municipality is guilty of a misdemeanor:

F. Sells or has in his possession any device designed to silence or muffle the discharge of a firearm;

G. Without the parents or guardians consent, furnishes a child under fourteen (14) years of age, *** a firearm or air gun of any kind, or any ammunition or explosive;

St. Louis Park

4:700. Minors not to have firearms *.** No minor under the age of eighteen years shall handle, or have in his possession, or under his control, except while accompanied by, or under the immediate charge of, his parent or guardian, any firearm of any kind whether for hunting or target practice or any other purpose ***. No person shall knowingly permit any such minor to violate this section.

4:701. Firearms for minors. No person shall sell, give away, or in any wise furnish any firearms or ammunition *** to a minor under the age of eighteen years without the written consent of his parents or guardian or of a peace officer or magistrate.

St. Paul

425.01—Definitions. A. General Terms. Terms used in this ordinance, unless expressly defined, shall have the meanings prescribed by the Statutes of the State of Minnesota for the same terms.

B. Specific Terms. The following terms shall have the following meanings.

(1) **Firearm.** Shall mean any weapon from which is propelled any missile, projectile, bullet, or other mass through a barrel by means of explosives or gas or air, excluding devices used exclusively for the firing of stud cartridges, explosive rivets, or similar industrial apparatus and instruments or equipment when used by licensed physicians or veterinarians in the course and scope of their professions.

(2) **Handgun.** Shall mean any firearm having a barrel of less than twelve inches in length and capable of being concealed on the person.

(3) **Military Type Weapon.** Shall mean any destructive device and the ammunition designed only for such device having fire-power, mass, explosive or incendiary characteristics of weapons such as cannons having a bore diameter larger than one-half inch, bazookas, machine guns, fully automatic weapons, mortars, grenades, Molotov cocktails, but not including shotguns, rifles, pistols or revolvers.

(5) **Ammunition.** Shall mean any projectile, bullet, or other mass prepared for insertion in and propulsion from any firearm.

425.02—Persons Prohibited from Possessing Firearms. A. No person who has not attained the age of 18 years shall have any firearm in his custody or control, or carry the same on his person, within the limits of the City of Saint Paul except when he is accompanied by his parent or legal guardian, while participating under adult supervision as a member of a registered target shooting or sportsmen's club, gun-training program, gun show, parade or similar event for which a permit has been issued by the Chief of Police, or unless he holds a firearms safety certificate recognized by the Minnesota Department of Conservation, or is actually enrolled in a program to obtain the same.

B. No person shall have any firearm in his possession or control, or carry the same on his person, within the limits of the City of Saint Paul who has been convicted of any felony, or who is addicted to the use of drugs or who is under the influence of drugs or alcohol.

425.04—Weapons Prohibited. No person shall own, keep, carry, or have in his possession anywhere in the City of Saint Paul any military type weapons, *** or any stolen weapon, except military personnel engaged in the course of their duties and peace officers, unless he holds a permit to possess the same as collector's items or for use in officially recognized competition. "Officially recognized competition" includes all competitions held under the sponsorship of a registered target shooting or sportsman's club which is duly authorized to obtain firearms or ammunition from the United States.

425.06—Sale, Gift, or Delivery of Firearms. A. No person shall purchase, receive or accept a handgun within the City of Saint Paul without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such handgun. ***

B. Before the delivery of a handgun purchased or to be transferred, the purchaser or person to whom such handgun is to be delivered shall surrender his permit and shall sign

in duplicate and deliver to the seller or transferor a statement [contact local authorities for required contents] ***. The seller or person intending to transfer such handgun shall immediately deliver to the Chief of Police one copy of such statement ***.

C. No licensed dealer shall sell, lend, give, or deliver any rifle or shotgun to any person without making and retaining a permanent record of the information required in (B) with respect to handguns. ***

D. No person shall sell, lend, give, or deliver to any person any military type weapon or assault weapon except upon presentation of a valid permit to possess the same issued to the transferee by the Chief of Police as provided in (B). ***

E. No person shall knowingly sell, lend, give, or deliver any firearm to any person forbidden to own or possess the same by law or ordinance.

F. Nothing contained in this section shall apply to sales at wholesale to dealers.

425.07—License Required to Sell Firearms. No person shall engage in the business of selling or dealing in firearms or ammunition in Saint Paul without first obtaining a license to do so from the City Council. ***

425.08—Permits and Registrations. Permits and registrations required hereunder shall be accomplished in the following manner: *****

B. Any person not prohibited from owning or possessing firearms may obtain a permit to possess a military type *** weapon as a collector's item, or to possess a military type weapon for participation in officially recognized competition upon application therefor to the Chief of Police. *****

St. Paul Park

22.07 Regulation and Licensing of Firearms. d. No minor under the age of fourteen years shall handle or have in his possession or under his control except while accompanied by or under the immediate charge of his parent or guardian, any firearm or air gun of any kind and use for hunting, target practice or any other purpose.

St. Peter

Sec 10.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to: *****

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or

H. Furnish a minor under eighteen years of age with a firearm, air gun, ammunition, or

explosive without the written consent of his parent or guardian or of the Police Department.

Shakopee

V. Silencers prohibited. No person shall use, own or possess any type of silencer for a firearm or possess any firearm equipped so that a silencer may be attached to such firearm.

VII. Possession of firearms by minors. No minor under the age of 14 years shall handle or have in his or her possession or under his or her control except while accompanied by and under the immediate charge of a parent or legal guardian, any firearm of any kind for hunting or target practice or any other purpose.

Shoreview

908.010. Definitions. Weapon means any gun, pistol, revolver, *** firearm or any similar device for the propulsion of shot or other metal pellet by whatever means, and any other dangerous or deadly weapon or instrument. Person means any person, firm, partnership or corporation.

909.020. Unlawful Acts. Except as otherwise provided herein, it shall be unlawful for any person: (A) To handle or to have in his possession or under his control for sale or otherwise any such weapon within the Village of Shoreview. ***

909.040. Exceptions. The prohibitions of this Ordinance shall not apply to: (A) Police Officers. Duly authorized police officers of the Village when in the course and scope of their duties, nor to any officer of any Court whose duty shall be to serve warrants or to make arrests, nor to persons whose business or occupations may require the carrying of weapons for protection and who shall have obtained from the Village Council or some other appropriate governmental agency, a license or permit to handle or have in his or her possession or control any weapon.

(B) **Encased Weapons.** Persons in possession of any weapon that is properly encased and/or is being stored or transported for hunting purposes and not for sale purposes. ***

(D) **Sale Not in Regular Course of Business.** Persons in possession or control of any weapon for the purpose of the sale of the weapon as long as the sale is not in the regular course of said persons' business.

(E) **Licensed Persons.** Persons licensed hereunder.

909.050. License Required. No persons shall deal in or sell at retail or wholesale without a license, any gun, pistol, revolver. ***

909.056. Conditions of License. Every license shall be granted subject to the following conditions and all other provisions of this and any other Chapter of the Shoreview Municipal Code or other ordinance or State law. *** (B) No weapon of any sort shall be sold or furnished to any person under twenty-one (21) years of age.

Shorewood

Ordinance 5

Section 12. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18 years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

South St. Paul

808.01. Firearms purchase restricted. No person shall purchase, receive or accept a revolver, pistol, and other firearm having a barrel of 10 inches or less in length, without first having obtained a written permit from the Chief of Police authorizing him to purchase, receive or accept such a firearm.

808.02 Firearms sale restricted. No person shall sell, deliver, or otherwise transfer a pistol, revolver, or other firearm having a barrel of 10 inches or less in length, within the City to any person who is not the holder of a written permit from the Chief of Police authorizing him to purchase, receive or accept such firearm.

808.03. Firearm permit required. Applications for permits to purchase, receive and accept any revolver, pistol, or other firearm having a barrel of 10 inches or less in length, shall be made to the Chief of Police upon blanks to be provided therefor [contact local authorities for required contents]. ***

808.06. Firearm identification marks. No person shall change, alter or obliterate the name of the make, model, manufacturer's number or other mark of identification, and no person shall keep in his possession or under his control any such firearm upon which the name of the make, model, manufacturer's number, or other mark of identification has been to his knowledge changed, altered, renewed or obliterated.

Two Harbors

(c) **Sales to intoxicated persons and minors.** No person within the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of

alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Vadnais Heights

Section 9. Dangerous Weapons: Any person who commits any of the following acts shall be guilty of a misdemeanor under this ordinance:

(f) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm within the limits of this Village; or

(h) Furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of such minor's parent or guardian or of the police department within the limits of this Village;

Virginia

3. Dangerous weapons. It shall be unlawful for any person, persons, firm or corporation *** to sell or give any pistol or firearm to a person under the age of eighteen years, without written permit of the Mayor of the City of Virginia; ***.

8. Use of arms by minors. No minor under the age of fourteen (14) years shall handle, or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any fire arm of any kind for hunting or target practice, or any other purpose and it shall be unlawful for any person or persons to aid or knowingly permit any such minor to have such fire arms in his possession while unaccompanied by or under the immediate charge of his parent or guardian.

Wabasha

2. It shall be unlawful for any person under the age of fourteen years to handle or have in his possession or under his control, within the City of Wabasha, any firearm of any kind, except while accompanied by, or under the immediate charge of his parent or guardian.

Waseca

6.20. Dangerous Weapons and Articles. Subd. 1. Acts Prohibited. It is unlawful for any person to:

F. Sell or have in his possession any device designed to silence or muffle the discharge of a firearm; or,

G. Furnish a minor under eighteen years of age with a firearm, *** ammunition, or explosive without the written consent of his parent or guardian or of the Police Department.

Subd. 2. Exception. Nothing in Subdivision 1 of this Section shall prohibit the possession of the articles therein mentioned if the purpose of such possession is for public exhibition by museums or collectors of art.

West St. Paul

52.02 Deadly Weapons. *** (f) Purchase of Revolvers.** No person shall purchase, receive, or accept a revolver or pistol within the city without first providing the seller or transferor with his full and true name, address and date of birth in writing on a form approved by the Chief of Police.

(g) **Sale of Revolvers.** No person shall sell, deliver, offer for sale, or otherwise transfer a pistol or revolver within the city to any person until the purchaser or recipient of such firearm shall in the presence of the seller or transferor, write his name, address the date of birth, on the form as provided in paragraph (f). ***

White Bear Lake

1303.050. Dangerous weapons. No minor under the age of 18 years shall handle or have in his possession or under his control, except when accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind whatsoever, or ammunition of any kind for use therein ***.

No person shall give, sell, or otherwise furnish any firearms *** or any ammunition of any kind for use therein, to any minor under age of 18 years, without the written consent of the parent or guardian of the minor. Said permission shall be preserved by the person furnishing such arms or ammunition, and shall be open to inspection at all reasonable times by all members of the police department, the Sheriff or his deputies, or the judge of any court of record in the State.

Wolf Lake

Ordinance 2

Section 11. Every person who shall sell, give, loan or in any wise furnish any firearm or ammunition to a minor under the age of 18

years without the written consent of his parents or guardian or of a police officer or magistrate shall be guilty of a misdemeanor.

Woodbury

1203.02 Definitions. The following terms shall have the following meanings:

A. "Person" shall mean any natural individual, firm, partnership, trust, estate, club, association, or corporation as applied to partnerships or associations. The word includes the partners or members thereof as applied to groups. It includes the officers, agent or employees thereof who are responsible for the act referred to.

B. "Firearm" shall mean any weapon from which is propelled any missile, projectile, or bullet by means of explosives, gas, compressed air, or mechanical spring and shall include air and BB guns.

C. "Long Gun" shall mean any rifle, shot gun, or similar gun not designed to be fired from the hand.

1203.03 Persons Prohibited. It shall be unlawful for any person within the corporate limits of the Village of Woodbury to own, possess, carry, or have in his custody or control any firearms or ammunition except as provided below:

B. Shall be at least 16 years of age or shall hold a firearm safety certificate recognized by the Minnesota Department of Conservation or be enrolled in a program to qualify for said certificate, except while accompanied by or under any charge of his parent or guardian.

C. Shall not within the previous 5 years have been convicted of a felony or drug addiction under the laws of this state or of any other jurisdiction or a violation of this ordinance or any other law relating to weapons.

D. Committed under the statutory procedures of this state or any other jurisdiction to any institution for treatment of a mental, drug, or alcoholic condition.

It shall be unlawful for any person to be in possession of, carry, or transport any firearm or ammunition while under the influence of alcohol or hallucinatory chemical or narcotics or other drugs.

Wyoming

402.04 No minor under the age of 14 years shall handle nor have in his possession under his control except while accompanied or under the immediate charge of his parent or guardian, any fire arm or air gun of any kind for any purpose.

Mississippi

State Law

Miss. Code

Sec. 45-9-1. Weapons to be registered; exceptions.

(1) Every person in this state who now owns or has in his possession, or who shall hereafter acquire any *** machine guns, sub-machine guns, and/or similar firearms *** shall be required to register such weapon in the manner and within the time hereinafter specified; provided, however, that the provisions of sections 45-9-1 to 45-9-17 shall not apply to any person, firm or corporation regularly engaged in the sale of such weapons in the usual course of business from an established and permanent place of business, except as herein provided; and provided, further, that the provisions of sections 45-9-1 to 45-9-17 shall not apply to any firearms manufactured prior to January 1, 1900, nor to any firearm manufactured since that date which is not capable of being discharged and which has been procured and has been kept by the owner thereof as a relic or historical specimen, nor to any firearms furnished to the organized militia of this state, or the armed forces of the United States for their use.

(2) Sections 45-9-1 to 45-9-17 shall not apply to collectors of firearms whose collection is registered with the National Rifle Association or other licensed national collectors firearms associations.

(For information concerning registration of weapons, contact the sheriff's office of the county in which you reside; if you have no fixed address, contact the sheriff's office in the county in which the weapon will be principally located)

Sec. 45-9-15. Transient nonresidents exempt. The provisions of sections 45-9-1 to 45-9-17 shall not apply to a transient non-resident of this state bringing a weapon with him in the course of travel into or through this state, where such weapon does not remain herein for more than thirty (30) days.

Sec. 45-9-17. Transfer of firearms. It will be necessary to register firearms under sections 45-9-1 to 45-9-17 only one time as long as said firearm remains in the possession of the person registering same, provided that when the registered firearm shall be sold or given away by the person registering same, then the person acquiring possession of such firearm shall register same as herein provided.

Sec. 45-9-19. Purchase of rifles and shotguns in contiguous states. It is declared that it is in the public interest to authorize residents of this state to purchase or otherwise obtain rifles and shotguns in states con-

tiguous to this state in compliance with such other laws of this state or its political subdivisions as may be applicable and in compliance with Section 102 of the Gun Control Act of 1968, Public Law 90-618, 18 USC 921 et seq.

As used in this section, the term "a state contiguous to this state" shall mean any state with a border touching a border of this state. As used in this section, all other terms shall be given the meaning prescribed in 18 USC 921 (the Gun Control Act of 1968, Public Law 90-618) and the regulations duly promulgated thereunder as presently enacted or promulgated and as hereinafter modified.

It shall be lawful for a person residing in this state (including a corporation or other business entity maintaining a place of business in this state) to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state and to receive or transport such rifle or shotgun into this state.

This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

Sec. 97-37-1. Deadly weapons—carrying deadly weapon and use of imitation firearm prohibited—penalties. Any person who carries, concealed in whole or in part, any *** pistol, revolver, or any rifle with a barrel of less than sixteen (16) inches in length, or any shotgun with a barrel of less than eighteen (18) inches in length, machine gun or any fully automatic firearm or deadly weapon, or any muffler or silencer for any firearm, whether or not it is accompanied by a firearm, or uses or attempts to use against another person any imitation firearm, shall upon conviction be punished as [prescribed by law] ***

Sec. 97-37-5. Deadly weapons—possession by convicted felon as evidence of crime. The possession of any deadly weapon as described in section 97-37-1 by any person who has been convicted of a felony under the laws of this state, any other state, or of the United States, shall be prima facie evidence of a violation of that section.

Sec. 97-37-13. Deadly weapons—weapons and cartridges not to be given to minor or intoxicated person. It shall not be lawful for any person to sell, give or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge; and on conviction thereof, ***

Sec. 97-37-15. Deadly weapons—father not to suffer minor son to have or carry. Any father who shall knowingly suffer or permit any son under the age of sixteen years to have or to own, or to carry concealed, in whole or in part, any weapon the carrying of which concealed is prohibited, shall be guilty of a misdemeanor. ***

Sec. 97-37-17. Deadly weapons—possession by students. A student of any college, university, or school, who shall carry, bring, receive, own, or have on the campus, college or school grounds, or within two miles thereof, any weapon the carrying of which concealed is prohibited, or a teacher, instructor, or professor who shall knowingly suffer or permit any such weapon to be carried or so brought, received, owned, or had by a student or pupil, shall be guilty of a misdemeanor, ***

97-37-31. Silencers on firearms—manufacture, sale, possession or use unlawful. It shall be unlawful for any person, persons, corporation, or manufacturing establishment, within this state, to make or manufacture for sale in the State of Mississippi, any instrument or device which, if used on firearms of any kind, will arrest or muffle or tend to lessen the report of said firearm when shot or fired. It shall be unlawful to sell, offer for sale or to give away, in this state any such instrument or device, and it shall be unlawful for any person to own, use or have in his possession, any such instrument or device. ***

Sardis

Section 2. Any person who shall sell any such deadly weapon (includes pistol) to a minor shall be guilty of a misdemeanor.

Vicksburg

14-93. Dispensing to minor or intoxicated person. It shall be unlawful for any person to sell, give, or lend to any minor, or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon, or other weapon the carrying of which concealed is prohibited, or pistol cartridge.

Winona

Ordinance 38

Sec. I. That it shall be unlawful for any person to sell, or give to any intoxicated per-

son, or minor, any *** pistol, or pistol cartridge. ***

Yazoo City

Sec. 15-145. Certain sales prohibited. It shall be unlawful for any person to sell, give

or lend to any minor or person intoxicated, knowing him to be a minor or in a state of intoxication, any deadly weapon or other weapon the carrying of which concealed is prohibited, or pistol cartridge; ***

Missouri

State Law

Ann. Mo. Stat. (Vernon's)

Purchase of Shotguns and Rifles

407.500. Missouri residents may purchase rifles and shotguns in contiguous states, when: Residents of the state of Missouri may purchase rifles and shotguns in a state contiguous to the state of Missouri, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Missouri and in the contiguous state in which the purchase is made.

564.590. Machine gun, possession a felony—exceptions. It shall be unlawful for any person to sell, deliver, transport, or have in actual possession or control any machine gun, or assist in, or cause the same to be done. Any person who violates this section shall be guilty of a felony and punished by imprisonment in the state penitentiary not less than two nor more than thirty years, or by a fine not to exceed five thousand dollars, or by both such fine and imprisonment; provided, that nothing in this section shall prohibit the sale, delivery, or transportation to police departments or members thereof, sheriffs, city marshals or the military or naval forces of this state or of the United States, or the possession and transportation of such machine guns, for official use by the above named officers and military and naval forces in the discharge of their duties.

564.600. Machine gun—defined. The term "machine gun" as used in section 564.590 shall be construed to apply to and include all firearms known as machine rifles, machine guns or sub-machine guns capable of discharging automatically and continuously loaded ammunition of any caliber in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

564.610. *—sale of weapons to minors.** If any person shall *** have any such weapon [any kind of firearms] in his possession when

intoxicated, or, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by imprisonment in the penitentiary not exceeding two years, or by fine of not less than one hundred nor more than one thousand dollars, or by imprisonment in the county jail not less than fifty days nor more than one year, or by both such fine and imprisonment; ***

564.620. Pistol, revolver or firearms to be plainly marked. No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and the maker, and no wholesale or retail dealer therein shall have in his possession for the purpose of sale, or shall sell, any such weapon unless he keep a full and complete record of the description of the weapon, the name and address of the person from whom purchased and to whom sold, the date of the purchase or sale, and in the case of retailers the date of the permit and the name of the sheriff granting the same, which record shall be open to inspection at all times by any police officer or other peace officer of this state.

564.630. Concealed weapon permits, how obtained—antique firearms exempted. 1. No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purposes of commerce, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this state, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within

thirty days after the issuance thereof, a permit authorizing the person to acquire the weapon.

2. The permit shall be issued by the sheriff of the county in which the applicant for a permit resides in this state, if the sheriff be satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the transaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the sheriff. The sheriff shall receive therefor a fee of fifty cents which shall be remitted to the county treasurer for deposit in the general revenue fund of the county.

3. If the permit be used, the person receiving the same shall return it to the sheriff within thirty days after its expiration, with a notation thereon showing the date and manner of the disposition of the weapon. The sheriff shall keep a record of all applications for the permits and his action thereon, and shall preserve all returned permits.

4. No person shall in any manner transfer, alter or change the permit or make a false notation thereon or obtain the same upon any false representation to the sheriff granting the same, or use or attempt to use a permit granted to another.

5. No permit shall be required for an antique firearm or replica thereof. The term "antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

564.640. Weapons must be stamped. No person within this state shall lease, buy or in any wise procure the possession from any person, firm or corporation within or without the state, of any pistol, revolver or other firearm of a size which may be concealed upon the person, that is not stamped as required by section 564.620; and no person shall buy or otherwise acquire the possession of any such article unless he shall have first procured a written permit so to do from the sheriff of the county in which such person resides, in the manner as provided in section 564.630.

564.650. Manufacture not prohibited. Nothing contained in sections 564.620 to

564.660 shall be considered or construed as forbidding or making it unlawful for a dealer in or manufacturer of pistols, revolvers or other firearms of a size which may be concealed upon the person, located in this state, to ship into other states or foreign countries, any such articles whether stamped or not so stamped.

Albany

Chapter 13 Article 4

Section 14—Sale of firearms, etc., to children prohibited. Any person within the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, *** shall be deemed guilty of a misdemeanor.

Ava

75.160. Prohibited weapons. A person commits an offense if he knowingly possesses, manufactures, transports, repairs or sells: 1. an explosive weapon; 2. a machine gun; 3. a gas gun (i.e., a gas ejective device); 4. a short barreled rifle or shotgun; 5. a firearm silencer.

Belton

Sec. 15-118. Sale to certain persons prohibited. No person engaged in business shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Boonville

49.08. Sale of weapons to minors. No person shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, ***.

Branson

52. Permits required—a. Permits shall be obtained: (1) To manufacture, possess,

store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition ***.

Breckenridge Hills

Section 3. *** [no person shall] sell any pistol, revolver or other fire-arm with barrel less than 12 inches in length, within the Village of Breckenridge Hills, unless the person purchasing same shall have authorization to purchase such weapon issued by the Chief of Police of the Village ***.

Bridgeton

Sec. 16-60. [Weapons] Sale of firearms or cartridges to minor. No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor; or, without such consent, sell to any minor under the age of sixteen (16) years any cartridge or shell of fixed ammunition which part is detonated by any type of primer.

Cainsville

Ordinance 120A

Article 4

Section 16—Sale of Firearms, etc., to children prohibited. Any person with[in] the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, *** shall be deemed guilty of a misdemeanor.

Canton

75.180 Prohibited weapons. A person commits an offense if he knowingly possesses, manufactures, transports, repairs or sells: 1. any explosive weapon; 2. a machine gun; *** 4. a short barreled rifle or shotgun; 5. a firearm silencer

Cape Girardeau

18-100. Sale of weapons to minors; restrictions. No person shall sell to any child under the age of sixteen years without the written consent of the parents or guardian of

such child any cartridge or fixed ammunition of which fulminate is a component part, or any gun, rifle, pistol, revolver, ***.

Carl Junction

74.800. Weapons. *** 5. "Sale, etc., to minor of firearm, *** etc." It shall be unlawful within the city for any person to sell, loan or furnish, to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used, ***.

Caruthersville

51.10 Sale of Ammunition to Minors. No person shall give, lend, barter, or sell to any minor under the age of 18 years, without the written consent of the guardian or parent of such minor, any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle, pistol or revolver ***.

Charleston

12-59. Selling ammunition to minors. Any person within the limits of this city, who shall give, lend, barter, or sell to any minor under the age of eighteen (18) years, without the written consent of the guardian or parents of such minor any cartridge of fixed ammunition, either blank or loaded with shot or ball, of which fulminate is a component part, or any gun, rifle or revolver, *** shall be deemed guilty of a misdemeanor.

Clayton

Sec. 17-31. [Weapons]—Sale of firearms or ammunition to minor. No person shall sell to any minor any firearm of any kind without the consent of the parent or guardian of such minor, ***.

Columbia

7.1500. Weapons—Carrying concealed; delivering to minors. If any person shall, within the city, carry concealed upon or about his person any deadly or dangerous weapon, or *** shall directly or indirectly sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the city prison not less than five days nor more than six months, or by both such fine and imprisonment.

Crestwood

53.09. Sale of firearms or ammunition to minors. No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor, or, without such consent sell to any minor under the age of sixteen years any cartridge or shell or fixed ammunition of which fulminate is a component part.

El Dorado Springs

Section 250.030: Sale of Firearms to Minors. If any person shall directly sell or deliver, loan or barter to any minor any kind of firearms, *** or other deadly weapon, without the consent of the parent or guardian of such minor, within the City, he shall be deemed guilty of a misdemeanor.

Excelsior Springs

Sec. 24-86. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms, *** without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Flat River

79. Sale to minors. Any person within the corporate limits of this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge or any gun, rifle, pistol, revolver, *** shall be deemed guilty of a misdemeanor.

Fulton

Section Twenty-Six: Sale of Pistols, Knives and Cartridges to Children Prohibited: Any person, within this City, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is

Glasgow

75.160. Prohibited weapons. A person commits an offense if he knowingly possesses, manufactures, transports, repairs or sells: 1. An explosive weapon; 2. A machine gun; 3. A gas gun (i.e., a gas ejective device); 4. A short barreled rifle or shotgun; 5. A firearm silencer.

Grant City

Section 16—Sale of Firearms, etc., to Children Prohibited: Any person within the city who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, *** shall be deemed guilty of a misdemeanor.

Grantwood Village

Section 304.01: Sale, Discharge and Use of Prohibited. It shall be unlawful for any person, firm or corporation to, within the Village, sell, offer for sale, expose for sale, use, discharge or explode any shells or cartridges, blank or otherwise, pistols, toy or otherwise, cannon, toy or otherwise, ***.

Hanley Hills

Ordinance 54

Article 5. Sale of Firearms or Ammunition to Minors Prohibited. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Hilldale

Section 230.128 Sale of Firearms or Ammunition to Minors. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any

minor under the age of sixteen (16) years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Holden

562-6—Sale of Firearms to Minors. If any person shall directly or indirectly sell, deliver, loan or barter to any minor, any kind of firearms, *** or other deadly weapon, without the consent of the parent or guardian of such minor, he shall upon conviction be punished by a fine of not less than ten nor more than two hundred dollars, or by imprisonment in the city jail not less than five days nor more than six months or by both such fine and imprisonment.

Iberia

17-56. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms *** or other deadly weapon, without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Independence

12.150. Weapons. E. Sales to intoxicated persons and minors. No pawnbroker, secondhand dealer, or other person engaged in business shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Ironton

Ordinance 272

If any person shall ***, directly or indirectly, sell or deliver, loan or barter, to any minor, he shall, upon conviction, be punished by imprisonment ***.

No wholesaler or dealer therein shall have in his possession for the purpose of sale, or shall sell, any pistol, revolver, or other firearm of a size which may be concealed upon the person, which does not have plainly and permanently stamped upon the metallic portion thereof, the trademark or name of the maker, the model and the serial factory number thereof, which number shall not be the same as that of any other weapon of the same model made by the same maker, and no wholesale or retail dealer therein shall have in

his possession for the purpose of sale, or shall sell, any such weapon unless he keeps a full and complete record [contact local authorities for required contents] ***, which record shall be open to inspection at all times by the Mayor of this City, any police officer, or other peace officer of this state.

No person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, shall directly or indirectly buy, sell, borrow, loan, give away, trade, barter, deliver or receive, in this City, any pistol, revolver or other firearm of a size which may be concealed upon the person, unless the buyer, borrower or person receiving the weapon shall first obtain and deliver to, and the same be demanded and received by, the seller, loaner, or person delivering the weapon, within thirty days after the issuance thereof, a permit authorizing the person to acquire the weapon.

The permit shall be issued by the Sheriff of Iron County. If the Sheriff is satisfied that the person applying for the same is of good moral character and of lawful age, and that the granting of the same will not endanger the public safety. The permit shall recite the date of the issuance thereof and that the same is invalid after thirty days after the date, the name and address of the person to whom granted and of the person from whom the weapon is to be acquired, the nature of the transaction, and a full description of the weapon, and shall be countersigned by the person to whom granted in the presence of the Sheriff.

Jefferson City

3. Explosives, firearms and weapons. 3.1 No person shall, in this City, *** having upon or about his person any kind of firearms, *** directly or indirectly sell, deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; ***.

1268. Sale of pistols, *** and cartridges to children, prohibited. Any person, within this city, who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any cartridge or fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, *** shall be deemed guilty of a misdemeanor.

Jennings

Sec. 24-95. Carrying, exhibiting dangerous weapons generally; selling to minors. (If a person shall) *** directly or indirectly sell or deliver, loan or barter to any minor any such weapon (any kind of firearms) without

the consent of the parent or guardian of such minor, he shall upon conviction be punished as provided in section 1-9 of this Code. ***

Joplin

38.132. Weapons—Sale, etc., to minor of firearm, *** etc. It shall be unlawful within the city for any person to sell, loan or furnish, to any minor any gun, pistol or other firearm or any toy gun, toy pistol or other toy firearm in which any explosive substance can be used, ***.

Kansas City

26.181. Sale of firearms to minors. No person shall, directly or indirectly, sell or deliver, loan or barter to any person under eighteen (18) years of age, without the consent of the parent or guardian of such minor, any kind of firearm, gun, revolver, pistol, starter pistol or starter pistol with automatic ejector or firearm of any description, *** casing or any ammunition, cartridge, shell or other device, whether containing any explosive substance or not, designed and intended for use in any weapons or devices enumerated or described herein.

26.186. Machine guns.

(a) Possession prohibited. Every person who, within the city, possesses any firearm of the kind commonly known as a machine gun, as hereinafter defined, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment at the municipal farm not to exceed one year, or by a fine not to exceed five hundred dollars (\$500.00) or by both such fine and imprisonment.

(b) Applicability to police. Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces or this state or of the United States from possessing such firearms for official use in the discharge of their duties. *****

(d) Definition. The term "machine gun", as used in this section, shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously, loaded ammunition of any caliber, in which ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

26.188. Explosive or flammable devices. It shall be unlawful for any person to make, use, or possess on his person, or under his control, any explosive device, including a molotov cocktail, containing flammable, combustible or explosive material or substance which can be used as a fire bomb either by

igniting the fuse or breaking the device; provided however, any person who can show that he is engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control, is hereby exempt from the operation of this section.

Kearney

Ordinance 30

Section 1. Any person who shall, within the corporate limits of the City of Kearney *** directly or indirectly sell or deliver, loan or barter to any minor, any such weapon, [any kind of firearms] without the consent of the parent or guardian of such minor, shall, upon conviction, be fined ***.

Kirkville

46. Carrying deadly weapons, etc. If any person within the city of Kirkville *** having upon or about his person any kind of firearms, *** shall, directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine not to exceed one hundred dollars or by imprisonment not to exceed three months.

Lathrop

Ordinance 32

Section 1. Any person who shall within the corporate limits of the city of Lathrop, *** directly or indirectly, sell or deliver, loan or barter to any minor any such weapon (firearms), without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than ten nor more than one hundred dollars, or by imprisonment in the city prison not less than five nor more than thirty days, or by both such fine and imprisonment.

Leasburg

Section 1. No fireworks, firearms and ammunition of any kind shall be sold, *** within the boundaries of the Village of Leasburg, Missouri.

Section III. Ammunition may be sold for hunting purpose only.

Maplewood

305.19 Weapons, Etc. *** B. No person shall sell to a minor under the age of sixteen (16) years, without the consent of that child's guardian or parents, any ammunition, firearms, or any deadly weapon. ***

Marceline

9. No person *** having upon or about his person, any kind of firearms *** directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor.

Marlborough

Ordinance 106

Section 1. It shall be unlawful for any person to sell, discharge, fire or shoot any fireworks, shotgun, rifle, revolver, pistol, spring-gun, air-gun or other firearms, weapons, instruments or contrivances of any kind whatsoever using lead, slug, bullets, powder, shots or either of them, whether discharged or shot by means of powder, bullet, caps or spring, or other motive power, or any ammunition for the aforesaid firearms, within the Village of Marlborough, St. Louis County, Missouri.

Marshall

20-29. Weapons—Carriage, display. It shall be unlawful for any person *** having upon or about his person, *** any kind of firearms, *** directly or indirectly, sell or deliver, loan or barter to any minor any such weapon, without the consent of the parent or guardian of such minor; ***.

Maryville

Ordinance 2399

Section 16. Sale of Firearms, etc., to Children Prohibited. Any person within the City who shall sell to any child under the age of sixteen years, without the written consent of the parents or guardian of such child, any

cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, *** shall be deemed guilty of a misdemeanor.

Matthews

Ordinance 4

Sec. 20. Carrying Concealed Weapons. If any person within the town limits of this town shall *** directly or indirectly, sell or deliver, loan barter, to any minor any such weapon, without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine ***.

Mexico

44.4. Weapons transactions with incompetent persons, etc., prohibited. No person in this city shall purchase or borrow from or sell, loan or furnish to any person who is (a) under the influence of alcohol or any narcotic drug, stimulant or depressant; or (b) in a condition of agitation or excitability; or (c) legally incompetent or a minor under the age of eighteen years any weapon in which any explosive substance can be used.

Monett

Ordinance 773

Section 86. Firearms; Minors. It shall be unlawful for any person to sell, loan or furnish to any minor any gun, pistol, or other fire arm, or any toy gun, toy pistol or other toy firearm, in which any explosive substance can be used, within the city. Any person violating this section shall be deemed guilty of a misdemeanor.

Monroe City

4.3. Sale of Pistols, ***, and Cartridges to children prohibited. Any person within this city who shall sell to any child under the age of sixteen years, without the written consent of the parent or guardian of such child, any cartridge of fixed ammunition of which any fulminate is a component part, or any gun, rifle, pistol, revolver, *** shall be deemed guilty of a misdemeanor.

Nevada

Sec. 23-28. No person in the city shall sell, give, furnish or procure or deliver any revolver, pistol, shotgun, rifle or other firearm capable of propelling a metal object or projectile by means of an explosive substance

to any minor under the age of eighteen years without the written consent of the parent, guardian or other person having control of the minor.

Sec. 23-80. No person in the city shall sell, loan or furnish a weapon described in section 23-78 [pistol, revolver] or other weapon in which an explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation or excitability.

Pacific

Sec. 22-75. Sale of firearms, etc., to minors. If any person shall directly or indirectly sell or deliver, loan or barter to any minor any kind of firearm, *** without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of an offense.

Poplar Bluff

22-70. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearm *** without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Richmond

13-66. Dangerous and concealed weapons; prohibitions concerning. If any person shall carry, concealed upon or about his person, any deadly or dangerous weapon, *** any kind of firearm, ***, or shall directly or indirectly loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor, shall be guilty of a misdemeanor.

Rolla

33-3. Same—Sale to minors prohibited; exception. No person shall directly or indirectly sell, deliver, loan or barter to any minor any weapon of the type described in section 33-2 [any pistol, revolver] without the written consent, or in the presence of, the parent or guardian of such minor.

33-4. Same—Exception for certain officers, etc. Section *** 33-3 shall not apply

to officers of the United States, state, county, or police officers, nor to soldiers of the United States.

St. George

Section 215.090: Carrying Concealed Weapons. No person within the confines of the City of St. George, Missouri, shall *** have in his possession when intoxicated, or directly or indirectly sell, deliver, barter, loan or otherwise give to any minor person without the consent of the parent or guardian of such minor, any dangerous or deadly weapon of any kind or description, which shall include, but not be limited to any kind of fire-arm of the type or size that can be concealed upon the body of a person, ***

St. Joseph

Sec. 16-161. Machine guns.

(a) Possession. It shall be unlawful for any person within the city, to possess any firearm of the kind commonly known as a machine gun, as hereinafter defined.

(b) Scope of section. Nothing in this section shall prohibit the police department, and the members thereof, sheriffs or the members of the military or naval forces of this state or of the United States from possessing such firearms for official use in the discharge of their duties.

(d) Definition. The term "machine gun" as used in this section shall be construed to apply to and include all firearms known as machine rifles, machine guns or submachine guns capable of discharging, automatically and continuously loaded ammunition of any caliber, in which the ammunition is fed to such gun from or by means of clips, disks, drums, belts or other separable mechanical device.

St. Louis

754.030. Sale of certain weapons to minors prohibited. No person shall sell or deliver, loan or barter, either directly or indirectly, to any minor under the age of 21 years, any kind of firearms, *** or tear gas gun, vapor gas gun, or any other similar weapon, without the consent of the parent or guardian of such minor.

756.010. Definition. As used in this Chapter, the term "minor" shall mean anyone under the age of 21 years.

St. Louis County

712.020 Definitions. The term "Firearm" as is used in this Chapter means any rifle, shotgun, weapon or similar mechanism by

whatever name known, which is designed to expel a projectile or projectiles through a gunbarrel, tube, pipe, cylinder or similar device by the action of any explosive. The term "Firearm" shall not apply to devices used exclusively for commercial, industrial or vocational purposes.

712.030 Scope. The provisions of this code shall apply to that area of St. Louis County outside the incorporated cities, towns, and villages.

712.040 Specific Actions, Prohibited. 1. It shall be unlawful for any person to sell, give, lend or otherwise transfer any firearm to any person sixteen (16) years of age or younger, except where the relationship of parent and child, guardian and ward, or adult instructor and pupil exists between such person, and the person sixteen (16) years of age or younger, or in the case of a gift or loan, where such gift or loan is made with the consent of the parent or guardian of such person sixteen (16) years of age or younger

St. Louis Park

Ordinance 1284

Section 4:260. Dangerous Weapons. Whoever does any of the following is guilty of a misdemeanor: *****

(7) Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or *****

(9) Furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or of a magistrate.

Salem

75.180. Prohibited weapons. A person commits an offense if he knowingly possesses, manufacturers, transports, repairs or sells: 1. an explosive weapon; 2. a machine gun ***; 4. a short barreled rifle or shotgun; 5. a firearm silencer ***.

Shrewsbury

5. No person shall sell to any minor any firearms of any kind without the consent of the parent or guardian of such minor, or, without such consent, sell to any minor under the age of sixteen years any cartridge or shell of fixed ammunition of which fulminate is a component part.

Sikeston

9-206. Dangerous or deadly weapons. (a) No person shall, directly or indirectly, sell, loan, barter, deliver or give to any minor any

dangerous or deadly weapon without the written consent of such minor's parent or guardian.

Slater

Sec. 14-97. Possession of deadly weapon when intoxicated prohibited. It shall be unlawful for any person to possess, when intoxicated, any kind of firearm, *** or other similar deadly weapon.

Sec. 14-98. Giving of firearms, etc. to minors prohibited; exception. It shall be unlawful for any person directly or indirectly, to sell or deliver, loan or barter to any minor any kind of firearm, *** or other similar deadly weapon, without the consent of the parent or guardian of such minor.

Springfield

26-10. *** Sale of weapons to minors. No person shall *** sell or deliver, loan or barter to any minor any *** weapon without the consent of the parent or guardian of such minor.

Stanberry

Chapter 14, Article 4, Section 16—Sale of Firearms, etc., to Children Prohibited: Any person within the City who shall sell to any child under the age of sixteen (16) years, without the written consent of the parents or guardian of such child, any cartridge of fixed ammunition, or blank cartridge, or any gun, rifle, pistol, revolver, *** shall be deemed guilty of a misdemeanor.

Sweet Springs

31.116. Sale of weapons to minors. Any person who shall within the City, directly or indirectly sell or deliver, loan or barter to any minor any kind of firearms *** or other dangerous weapon, without the consent of the parent or guardian of such minor, shall upon conviction thereof be deemed guilty of a misdemeanor.

University City

23-37.1. Weapons—Handguns Prohibited. It shall be unlawful for any person to manufacture, assemble, distribute, or sell any handgun within the City. "Handgun" means

any pistol, revolver or other firearm having a barrel of less than 10" in length, measured by the insertion therein of a rod with the receiver or slide closed. Nothing herein shall apply to officers of the law who are authorized to carry arms.

Valley Park

302.090: Weapons. a. It is unlawful to: (5) Directly or indirectly, sell or deliver, loan or barter to any minor any such weapon without the consent of the parent or guardian of such minor; ***.

Warrensburg

16-85. Sale of firearms, etc., to minors. If any person shall directly or indirectly, sell or deliver, loan or barter to any minor any kind of firearms, *** without the consent of the parent or guardian of such minor, within the city, he shall be deemed guilty of a misdemeanor.

Waynesville

217-1. No person shall *** have any such weapon (any kind of firearms, including firearms designed for firing blank cartridges) in his possession when intoxicated, nor shall directly or indirectly sell or deliver, loan or barter, to any minor such weapon, without the consent of the parent or guardian of such minor.

Webb City

Sec. 17-61. *** Firearms and ammunition not to be provided to minors. It shall be unlawful for any person within the city to sell, give away or otherwise dispose of, to any minor, firearms or ammunition of any type, including but not limited to blank cartridges, *** excepting toy pistols which shoot paper

Wellston

Ordinance 191

Section 1. If any person shall *** [directly or indirectly, sell or deliver, loan or barter to any minor] any kind of firearms, *** without the consent of the parent or guardian of such minor, he shall, upon conviction, be punished by a fine of not less than One Hundred (\$100.00) nor more than Five Hundred Dollars (\$500.00), or by imprisonment in the county jail not less than fifty days nor more than one year, or by both such fine and imprisonment; provided, that nothing contained in this section shall apply to legally qualified sheriffs, police officers and other persons whose bona fide duty is to execute process, civil or criminal, make arrest, or aid in conserving the public peace, nor to persons traveling in a continuous journey peaceably through this state.

Wentzville

Section 220.030: Weapons. D. Sales to Intoxicated Persons and Minors: No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 21 years.

Wright City

230.420 Weapons ***** F. Sales to Intoxicated Persons and Minors. No one shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of twenty-one (21) years.

Montana

State Law

Rev. Codes of Mont.

94-8-201. (11317.1) Definitions. In 94-8-202 through 94-8-208 the following definitions apply:

(1) "Machine gun" means a weapon of any description by whatever name known, loaded

or unloaded, from which more than six shots or bullets may be rapidly, automatically, or semiautomatically discharged from a magazine by a single function of the firing device. (2) "Crime of violence" means any of the

following crimes or an attempt to commit any of the same: any forcible felony, robbery, burglary, and criminal trespass.

(3) "Person" includes a firm, partnership, association, or corporation.

94-8-202. (11317.2) **Possession or use of machine gun—when unlawful.** Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than twenty years.

94-8-204. (11317.4) **Presumption of offensive or aggressive purpose.** Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) when the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) when the machine gun is in the possession of or used by a person who has been convicted of a crime of violence in any court of record, state or federal, in the United States of America or its territories or insular possessions;

(3) when the machine gun is of the kind described in 94-8-208 and has not been registered as required in that section; or

(4) when empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been or are susceptible of being used in the machine gun are found in the immediate vicinity thereof.

94-8-206. (11317.6) **Exceptions.** Nothing contained in this act shall prohibit or interfere with:

1. The manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation required for that purpose;

2. The possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake;

3. The possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

94-8-207. (11317.7) **Manufacturer to keep register of machine guns—contents—inspection—penalty for failure to keep.** Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold,

loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not less than one hundred dollars (\$100.00).

94-8-208. (11317.8) **Registration of machine guns now in state and hereafter acquired.** Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered in the office of the secretary of state on the—effective date of this act, and annually thereafter. If acquired hereafter it shall be registered within twenty-four hours after its acquisition. Blanks for registration shall be prepared by the secretary of state and furnished upon application.

To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

94-8-209.1. **Destructive device and explosive defined.** (1) "Destructive device", as used in this chapter, includes but is not limited to the following weapons:

(a) a projectile containing an explosive or incendiary material or any other similar chemical substance, including, but not limited to, that which is commonly known as tracer or incendiary ammunition, except tracer ammunition manufactured for use in shotguns;

(b) a bomb, grenade, explosive missile, or similar device or a launching device therefor;

(c) a weapon of a caliber greater than .60 caliber which fires fixed ammunition or any ammunition therefor, other than a shotgun or shotgun ammunition;

(d) a rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or a launching device therefor and a rocket, rocket-propelled projectile, or similar device containing an explosive or incendiary material or any other similar chemical substance other than the propellant for the device, except devices designed primarily for emergency or distress signaling purposes;

(e) a breakable container which contains a

flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and which has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(2) "Explosive", as used in this chapter, means any explosive defined in 69-1901.

94-8-209.2. **Possession of a destructive device.** (1) A person who, with the purpose to commit a felony, has in his possession any destructive device on a public street or highway, in or near any theater, hall, school, college, church, hotel, other public building, or private habitation, in, on, or near any aircraft, railway passenger train, car, vessel engaged in carrying passengers for hire, or other public place ordinarily passed by human beings is guilty of the offense of possession of a destructive device.

(2) A person convicted of the offense of possession of a destructive device shall be imprisoned in the state prison for a period of not more than 10 years.

94-8-209.4. **Possession of a silencer.** (1) A person commits the offense of possession of a silencer if he possesses, manufactures, transports, buys, or sells a silencer and has the purpose to use it to commit an offense or knows that another person has such a purpose.

(2) A person convicted of the offense of possession of a silencer is punishable by imprisonment in the state prison for a term of not less than 5 years or more than 30 years or a fine of not less than \$1,000 or more than \$20,000 or by both such fine and imprisonment.

94-8-209.5. **Possession prima facie evidence of unlawful purpose.** Possession of a silencer or of a bomb or similar device charged or filled with one or more explosives is prima facie evidence of a purpose to use the same to commit an offense.

94-8-219. **When Montana residents may purchase rifles or shotguns in contiguous states.** Residents of Montana may purchase any rifle or rifles and shotgun or shotguns in a state contiguous to Montana, provided that such residents conform to the applicable provisions of the federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States secretary of the treasury, and provided further, that such residents conform to the provisions of law applicable to such purchase in Montana and in the state in which the purchase is made.

Deer Lodge

This municipality has adopted Montana State laws.

Nebraska

State Law

Rev. Stat. of Nebr.

28-1201. **Fugitive from justice *** machine gun, other terms; defined.** As used in sections 28-1201 to 28-1212, unless the context otherwise requires:

(1) Fugitive from justice shall mean any person who has fled or is fleeing from any peace officer to avoid prosecution or incarceration for a felony;

(4) Machine gun shall mean any firearm, whatever its size and usual designation, that shoots automatically more than one shot, without manual reloading, by a single function of the trigger;

(5) Short rifle shall mean a rifle having a barrel less than sixteen inches long or an overall length of less than twenty-six inches; and

(6) Short shotgun shall mean a shotgun having a barrel or barrels less than eighteen inches long or an overall length of less than twenty-six inches.

28-1203. **Transportation or possession of machine guns, short rifles, or short shotguns; penalty; exception.** (1) Any person or persons who shall transport or possess any machine gun, short rifle, or short shotgun commits a Class IV felony.

(2) The provisions of this section shall not be held to prohibit any act by peace officers, members of the United States armed services, or enlisted men in the National Guard of this state, in the lawful discharge of their duties, or persons qualified under the provisions of federal law relating to the short rifle, short shotgun, or machine gun.

28-1204. **Unlawful possession of a revolver; exceptions; penalty.** (1) Any person under the age of eighteen years who possesses a pistol, revolver, or any other form of short-barreled hand firearm commits the offense of unlawful possession of a revolver.

(2) The provisions of this section shall not apply to the issuance of such firearms to members of the armed forces of the United States, active or reserve, state militia, or Reserve Officers Training Corps, when on duty or training, or to the temporary loan of pistols, revolvers, or any other form of short-barreled firearms for instruction under the immediate supervision of a parent or guardian or adult instructor.

(3) Unlawful possession of a revolver is a Class III misdemeanor.

28-1206. **Possession of firearms by a fugitive from justice or a felon; penalty.** (1)

Any person who possesses any firearm with a barrel less than eighteen inches in length *** and who has previously been convicted of a felony or who is a fugitive from justice commits the offense of possession of firearms by a fugitive from justice.

(2) Such felony conviction may have been had in any court in the United States, the several states, territories, or possessions, or the District of Columbia.

(3) Possession of firearms by a fugitive from justice or a felon is a Class IV felony.

28-1207. **Possession of a defaced firearm; penalty.** (1) Any person who knowingly possesses, receives, sells, or leases, other than by delivery to law enforcement officials, any firearm from which the manufacturer's identification mark or serial number has been removed, defaced, altered, or destroyed, commits the offense of possession of a defaced firearm.

(2) Possession of a defaced firearm is a Class IV felony.

28-1209. **Failure to register tranquilizer guns; penalty.** (1) Any person who fails or neglects to register any gun or other device designed, adapted or used for projecting darts or other missiles containing tranquilizers or other chemicals or compounds which will produce unconsciousness or temporary disability in live animals, with the county sheriff of the county in which the owner of the gun or device resides, commits the offense of failure to register tranquilizer guns.

(2) Failure to register tranquilizer guns is a Class III misdemeanor.

28-1210. **Failure to notify the sheriff of the sale of tranquilizer guns; penalty; record.** (1) Any person, partnership or corporation selling any gun or other device as described in section 28-1209 who fails to immediately notify the sheriff of the county of the sale and giving the name and address of the purchaser thereof and the make and number of the gun or device, commits the offense of failure to notify the sheriff of the sale of tranquilizer guns.

(2) The sheriff shall keep a record of such sale with the information furnished him.

(3) Failure to notify the sheriff of the sale of tranquilizer guns is a Class III misdemeanor.

28-1211. **Firearms; purchase, sell, trade, convey; conditions.** The State of Nebraska herewith permits its residents, not otherwise precluded by any applicable laws, to purchase, sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearm accessories in Nebraska and in

states contiguous to Nebraska. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922(b), (3) (A) of Public Law 90-618 of the 90th Congress, Second Session. In the event that presently enacted federal restrictions on the purchase of rifles, shotguns, ammunition, reloading components, or firearm accessories are repealed by the United States Congress or set aside by courts of competent jurisdiction, this section shall in no way be interpreted to prohibit or restrict the purchase of shotguns, rifles, ammunition, reloading components, or firearm accessories by residents of Nebraska otherwise competent to purchase same in contiguous or other states.

28-1213. **Explosives, destructive devices, other terms; defined.** As used in sections 28-1213 to 28-1239, unless the context otherwise requires:

(1) Person shall mean any individual, corporation, company, association, firm, partnership, society, or joint stock company;

(2) Business enterprise shall mean any corporation, partnership, company, or joint stock company; ***

(7) Destructive devices shall mean: (a) Any explosive, incendiary, or poison gas (i) bomb, (ii) grenade, (iii) rocket having a propellant charge of more than four ounces, (iv) missile having an explosive or incendiary charge of more than one-quarter ounce, (v) mine, (vi) booby trap, (vii) Molotov cocktail, or (viii) any similar device, the primary or common purpose of which is to explode and to be used as a weapon against any person or property; or

(b) Any combination of parts either designed or intended for use in converting any device into a destructive device as defined in subdivision (7) (a) of this section from which a destructive device may be readily assembled. The term destructive device shall not include any device which is neither designed nor redesigned for use as a weapon to be used against person or property; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the State Fire Marshal finds is not likely to be used as a weapon, or is an antique; or any other device possessed under circumstances negating an intent that the device be used as a weapon against any person or property;

28-1220. **Possession of a destructive device; penalty; permit or license for explosive materials; no defense.** (1) Any person who has in his possession a destructive de-

vice, as defined in subdivision (7) of section 28-1213, commits the offense of possession of a destructive device.

(2) A permit or license issued under any state or federal law to possess, own, use, distribute, sell, manufacture, store, or handle in any manner explosive materials shall not be a defense to the crime of possession of a destructive device as defined in this section.

(3) Possession of a destructive device is a Class IV felony.

28-1243. **Unlawful sale of toy revolvers and blank cartridges; penalty; exceptions.** (1) Any person, except as provided for in subsection (2) of this section, who shall use, sell, offer for sale, or keep for sale in this state any toy revolvers for shooting blank cartridges or blank cartridges for toy revolvers, commits the offense of unlawful sale of toy revolvers and blank cartridges.

(2) Caps containing dynamite may be used, kept for sale, or sold when needed for mining purposes, or for danger signals or for other necessary uses, and blank cartridges may be sold or used for ceremonial purposes, athletic or sporting events.

(3) Unlawful sale of toy revolvers and blank cartridges is a Class III misdemeanor.

Aurora

6-311 **Misdemeanors; Selling Weapons to Minors, Possession.** It shall be unlawful for any person to sell or give away to any person under the age of sixteen (16) years any rifle, gun, pistol, *** blank cartridge revolver or any other firearm, *** It shall be unlawful for any person under the age of sixteen (16) years to have in his possession any firearm or weapon as described above or any ammunition designed for use in said above described firearms or weapons unless said individual is accompanied by a person of legal age.

Ceresco Village

Ceresco Code

10-413 **Firearms Vendor; Sale to Minors.** It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Creston

10-409 **Firearms Vendor; Sale to Minors.** It shall be unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

sons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Gering

6-4-3: **Sale to minors:** It shall be unlawful for any person within the Corporate Limits of the City to sell or give away to any minor under the age of twenty-one (21) years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Grand Island

Sec. 22-10. It shall be unlawful for any person to sell, loan, give or furnish to any minor, any gun, fowling piece, or other firearm *** within the city.

Hastings

11-511. **Sale to intoxicated persons and minors.** No person in the City shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen (18) years.

Humphrey

10-409 **Firearms Vendor; Sale to Minors.** It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Kearney

Sec. 21.13. **Same—Sale to and Possession by Minors.** It shall be unlawful for any person within the city to sell or give way to any

minor under the age of eighteen years, or for any such minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder, or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Kimball

6-4-4. **Sale to Persons Under Eighteen Years of Age Forbidden:** It shall be unlawful for any person to sell or give away to any other person under the age of eighteen years, or for any person under the age of eighteen years to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such person's, parent or guardians.

Lincoln

9.28.020 **Minors not to be furnished with firearms and weapons.** It is unlawful for any person to sell, loan or furnish to any minor any gun, fowling piece, or other firearm ***; provided, it shall be lawful to sell, loan or furnish shotguns, rifles, and .22-caliber pistols, of a type commonly used for hunting, to persons eighteen years of age or older.

Malcolm

10-404 **Firearms Vendor; Sale to Minors.** It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Omaha

16.86.020 **Permits Required ***** Any person who is engaged in the business of a Firearms Dealer shall first obtain a written permit to do so from the Permits & Inspection Division of the City of Omaha. *****

16.86.050 **Firearms to Be Retained for Ten Days.** No firearm received on deposit, purchased or taken in trade by any Firearm Dealer shall be sold or permitted to be taken from the place of business of such person for

person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Tekamah

6-4-4. **Sale to minors forbidden:** It shall be unlawful for any person to sell or give away to any minor under the age of twenty-one (21) years, or for any minor to have in his possession, any revolver, pistol, gun or firearm of any description or calibre or any cartridges or ammunition loaded with powder or powder and ball of any size or dimension without first procuring the consent of such minor's parent or guardian.

Trenton

10-411 **Firearms Vendor; Sale to Minors.** It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or

written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Utica

Firearms Vendor; Sale to Minors. It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Waterloo Village

This municipality has adopted Nebraska State laws.

Nevada

State Law

Nev. Rev. Stat.

the period of ten (10) days after the mailing to the Chief of Police of the copy and statement *** requiring a list of all Firearms or other valuable things, received or deposited, purchased, mortgaged, or taken in trade during the previous day.

25.01.015 **Concealable Firearm.** The term 'Concealable Firearm' shall mean a firearm having a barrel less than 18" in length.

25.01.020 **Firearm.** The term 'Firearm' shall mean any instrument which releases a projectile by means of an explosive charge.

25.53.010 **Possession of an Unregistered Concealable Firearm.** It shall be unlawful for any person to own, have possession of or maintain control over any concealable firearm which has not been registered to said person with the Chief of Police in accordance with this Chapter, except when such possession or control is with the knowledge and express consent of the person in whose name such concealable firearm is registered.

25.93.010. **Sale of a firearm to a minor.** It shall be unlawful for any person to sell to a minor any firearm or ammunition therefor.

25.93.030. **Purchasing or renting a firearm.** It shall be unlawful for any person to sell or rent a firearm to any person who has not obtained a written permit from the Chief of Police as provided for in this Title.

25.93.040. **Pawning a firearm.** It shall be unlawful for any person to pawn, pledge or store a firearm or to accept a firearm in pawn or as a pledge of or for storage from a person who has not registered it as provided for in this Title.

Pleasant Dale Village

10-409 **Firearms Vendor; Sale to Minors.** It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any person, or persons, to sell, convey, or deliver to any minor under the age of eighteen (18) years a pistol, except as herein provided.

Stromsburg

10-425 **Firearms Vendor; Sale to Minors.** It shall be unlawful for any person, or persons, to sell, convey, or deliver any firearm, except toy cap pistols which explode caps that contain less than twenty-five hundredths of a gram of explosive materials, to a minor under the age of eighteen (18) years without oral, or written permission from the parents, or legal guardian. It shall be further unlawful for any

202.253 "Firearm" defined. As used in NRS 202.255 to 202.360, inclusive, "firearm" means any weapon with a caliber of .177 inches or greater from which a projectile may be propelled by means of explosive, spring, gas, air or other force.

202.250 **Infernal machines.** 1. Any person who unlawfully possesses, manufactures, or disposes of any explosive or incendiary device with intent to destroy life or property shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. For the purposes of this section: (a) "Dispose of" means give, give away, loan, offer, offer for sale, sell or transfer.

(b) "Explosive or incendiary device" means any explosive or incendiary material or substance that has been constructed, altered, packaged or arranged in such a manner that its intended use would cause destruction or injury to life or property.

3. Subsection 1 does not prohibit the manufacture, use, possession or disposal of any material, substance or device by those persons engaged in mining or any other lawful ac-

tivity or who are authorized by governmental agencies, which have lawful control over such matters, to use such items in the performance of their duties.

202.275 **Unlawful possession, manufacture, disposition of short-barreled rifle, short-barreled shotgun: Penalty; exceptions.**

1. Any person who unlawfully possesses, manufactures or disposes of any short-barreled rifle or short-barreled shotgun shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years.

2. For purposes of this section:

(a) "Short-barreled rifle" means:

(1) A rifle having one or more barrels less than 16 inches in length; or

(2) Any weapon made from a rifle, whether by alteration, modification or other means, with an overall length of less than 26 inches.

(b) "Short-barreled shotgun" means:

(1) A shotgun having one or more barrels less than 18 inches in length; or

(2) Any weapon made from a shotgun, whether by alteration, modification or other means, with an overall length of less than 26 inches.

3. This section does not prohibit:

(a) The possession or use of any short-barreled rifle or short-barreled shotgun by any peace officer when authorized to do so in the performance of official duties; or

(b) The possession of any short-barreled rifle or short-barreled shotgun by any person who is licensed as a firearms importer, manufacturer or dealer by the United States Department of the Treasury.

202.277 Changing, altering, removing, obliterating serial number of firearm unlawful.

1. It is unlawful for any person to change, alter, remove or obliterate the serial number upon any firearm. Possession of any firearm upon which the serial number has been changed, altered, removed or obliterated is prima facie evidence that the possessor has changed, altered, removed or obliterated the serial number.

2. Any person who violates the provisions of subsection 1 is guilty of a gross misdemeanor.

202.310 Sales of certain firearms to minors under 18 years unlawful. 1. Any person in this state who sells or barter to another under the age of 18 years either a pistol, revolver or a firearm capable of being concealed upon the person shall be guilty of a misdemeanor.

2. The term "firearm capable of being concealed upon the person" as used in this section applies to and includes all firearms having a barrel less than 12 inches in length.

202.360 Alien, ex-felon not to possess firearm capable of being concealed on person; penalty. 1. The terms "pistol," "revolver," and "firearm capable of being concealed upon the person," as used in this section, apply to and include all firearms having a barrel less than 12 inches in length.

2. After July 1, 1925, no unnaturalized foreign-born person, and no person who has been convicted of a felony in the State of Nevada, or in any one of the states of the United States of America, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, shall own or have in his possession or under his custody or control any pistol, revolver or other firearm capable of being concealed upon the person.

Tear Gas Bombs and Weapons

202.370 Definitions. As used in NRS 202.370 to 202.440, inclusive:

1. "Shell," "cartridge" or "bomb" shall be construed to apply to and include all shells, cartridges or bombs capable of being discharged or exploded, when such discharge or explosions will cause or permit the release or emission of tear gas.

2. "Tear gas" shall be construed to apply to and include all liquid, gaseous, or solid substances intended to produce temporary physical discomfort or permanent injury through

being vaporized or otherwise dispersed in the air. "Tear gas" does not include a liquid, gaseous or solid substance whose active ingredient is composed of natural substances or products derived from natural substances which cause no permanent injury through being vaporized or otherwise dispersed in the air.

3. "Weapon designed for the use of such shell, cartridge or bomb" shall be construed to apply to and include all revolvers, pistols, fountain pen guns, billies, riot guns or other form of device, portable or fixed, intended for the projection or release of tear gas except those regularly manufactured and sold for use with firearm ammunition.

202.380 Sale, possession of tear gas bombs, weapons without permit unlawful; exceptions. 1. Every person, firm or corporation who within the State of Nevada knowingly sells or offers for sale, possesses or transports any form of shell, cartridge or bomb containing or capable of emitting tear gas, or any weapon designed for the use of such shell, cartridge or bomb, except as permitted under the provisions of NRS 202.370 to 202.440, inclusive, shall be guilty of a gross misdemeanor.

2. Nothing in NRS 202.370 to 202.440, inclusive, shall prohibit police departments or regular salaried members thereof, sheriffs and their regular salaried deputies, or the military or naval forces of this state or of the United States from purchasing, possessing or transporting such shells, cartridges or bombs for official use in the discharge of their duties.

202.390 Weapon to bear name of manufacturer and serial number; penalty for removal. 1. Each tear gas weapon sold, transported or possessed under the authority of NRS 202.370 to 202.440, inclusive, shall bear the name of the manufacturer and a serial number applied by him.

202.400 Permit for possession, transportation, protective system, to be issued by chief of Nevada highway patrol. 1. It shall be lawful for the chief of the Nevada highway patrol to issue a permit for the possession and transportation of such shells, cartridges, bombs or weapons upon proof to the chief that good cause exists for the issuance thereof to the applicant for such permit.

2. The permit may also allow the applicant to install, maintain and operate a protective system involving the use of such shells, cartridges, bombs or weapons in any place which is accurately and completely described in the application for the permit.

202.440 Licenses for retail sale of bombs, weapons: conditions. The sheriff of any county may also grant licenses in a form to be prescribed by him, effective for not more than 1 year from the date of issuance, to permit the sale at retail, at the place specified in

the license, of such shells, cartridges, bombs or weapons, and to permit the installation and maintenance of protective systems involving the use of such shells, cartridges, bombs or weapons, * * *.

3. No such shell, cartridge, bomb or weapon shall be delivered to any person not authorized to possess or transport the same under the provisions of NRS 202.370 to 202.440, inclusive. No protective system involving the use of such shells, cartridges, bombs or weapons shall be installed, nor shall supplies be sold for the maintenance of such system, unless the licensee has personal knowledge of the existence of a valid permit for the operation and maintenance of such system.

4. A complete record must be kept of sales made under the authority of the license, showing the name and address of the purchaser, the quantity and description of the articles purchased, together with the serial number, if any, the number and date of issue of the purchaser's permit, and the signature of the purchaser or purchasing agent * * *.

598.060 Sales of rifles, shotguns to residents of Nevada and contiguous states in accordance with provisions of federal law. 1. Residents of the State of Nevada may purchase rifles and shotguns in states contiguous to Nevada if:

(a) Such residents conform to the applicable provisions of the federal firearms control law (18 U.S.C. Sec. 921 et seq.) and any regulation promulgated thereunder.

(b) Such residents conform to the provisions of law applicable to such a purchase in Nevada and in the state where the purchase is made.

Carson City

8.20.020. Sale of dangerous weapons to minors prohibited. It shall be unlawful for any person, firm or association to sell or dispose of any * * * revolver, pistol, gun or other dangerous or deadly weapon to any person under the age of twenty-one years. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding twenty dollars, or imprisonment in the city jail not exceeding ten days, or both such fine and imprisonment.

Clark County

12.04.010 Definitions. In this chapter, unless the context clearly requires otherwise, the following definitions shall apply and be effective:

(1) "Dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

(2) "Firearm capable of being concealed" means any gun, pistol, revolver or other firearm, the barrel of which does not exceed twelve inches in length from which a dangerous projectile may be propelled by explosives, springs, gas or air, as a means of propulsion.

12.04.020 Dealing in pistols without permit unlawful. It is unlawful within the unincorporated area of Clark County, for any person, except a dealer having a pistol permit issued under the provisions of this chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

12.04.050 Persons prohibited from purchasing or owning pistols. It is unlawful in the unincorporated area of Clark County, for any person to receive from another by loan, gift, purchase, or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this chapter who:

(a) Has been convicted of a felony in the state of Nevada, or in any state or territory of the United States or any political subdivision thereof;

(b) Is a fugitive from justice;

(c) Is an unlawful user or seller of narcotics;

(d) Is a habitual drunkard;

(e) Is a member of an organization advocating criminal syndicalism as defined in NRS 203.160 through 203.190;

(f) Is foreign born and not a naturalized citizen of the United States;

(g) Has been adjudged insane in the state or any other state and has not subsequently been adjudged sane.

12.04.060 Prohibited sales and transfer of a pistol. It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

(a) Is under the influence of intoxicating beverages;

(b) Is mentally ill or disturbed;

(c) Is seventeen years of age or under;

(d) Is a person prohibited from purchasing a pistol as provided in Section 12.04.050.

12.04.070 Certain persons prohibited from purchasing or owning pistols. It shall be unlawful for any person who is included in any one or more of the categories set forth in Section 12.04.050 of this chapter, to receive from another by loan, gift, purchase or in any other manner, or in any manner whatsoever, to attempt to obtain, or have in his or her possession or control, any pistol; provided,

however, that a person under the age of eighteen years may have a pistol in his or her possession, or under his or her control, while accompanied by or under the immediate charge of his or her parent, guardian, or other responsible adult, and while engaged in hunting or target practice or other lawful purpose.

12.04.080 Time between sale and delivery of pistol. When any sale of a pistol is made by a dealer under this chapter, seventy-two hours must elapse between the time of sale and the time of delivery to the purchaser. * * *

12.04.090 Exceptions to Section 12.04.080. The aforesaid seventy-two hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency; or a peace officer of the state of Nevada or any political subdivision thereof, regularly employed for pay by the state or such subdivision; or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County. And said waiting period shall not apply to any person who requires the use of a pistol in connection with his employment, and who receives written permission from the sheriff with express waiver of the waiting period; however, all of the other provisions herein shall apply to any such sales.

12.04.120 Sale or possession of certain pistols prohibited. It shall be unlawful to purchase, sell, or in any manner to transfer, or have in possession or control, any pistol on which the name of the manufacturer, or the model, or the manufacturer's serial number has been removed, obliterated, concealed, or altered.

12.04.140 Sale of foreign made pistols with ammunition restricted. No pistol of foreign make shall be sold with ammunition for the same unless the ammunition is expressly designed for use with such pistol.

12.04.150 Sale of homemade pistols prohibited. No homemade pistols shall be bought or sold except as provided by law under the federal firearms act.

12.04.160 Condition of pistols sold. All secondhand and used pistols, except antique pieces, sold or purchased, shall be in a safe and operable condition.

12.04.200 Registration of firearms capable of being concealed. It is unlawful for any person to own or have in his possession, within the unincorporated area of Clark County, a gun, pistol, revolver, or other firearm capable of being concealed, unless the same has first been registered with the sheriff or with a police department of any of the incorporated cities of Clark County.

12.04.210 Unlawful transfer of firearms capable of being concealed. It is unlawful for any person to sell, give away or perma-

nently pass possession to another person of any pistol, revolver or other firearm capable of being concealed, unless the transferor thereof first registers, or causes the weapon to be registered to the transferee and new owner thereof, either with the sheriff, or with a police department of one of the incorporated cities of Clark County.

Henderson

8.98.030 Concealable weapons to be registered. It shall be unlawful for any person to own or have in his possession a gun, pistol, revolver or other firearm capable of being concealed without first having registered it with the chief of police.

8.98.040 Exchange of weapons to be registered. It shall be unlawful for any person to sell, give away or permanently pass possession of a gun, pistol, revolver or other firearm without first having the weapon registered to the new owner thereof with the chief of police by the seller, giver or person permanently passing possession thereof.

8.98.050 Concealable weapon defined. For the purposes of this chapter, a weapon capable of being concealed is defined as any gun or firearm with a barrel whose length is fourteen inches or less or whose overall length is eighteen inches or less.

Las Vegas

6-4-1: Pistol Defined: The term "Pistol" shall mean any small firearm fired by hand, loaded or unloaded capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve inches (12") in length including revolvers, automatics, derringers and like weapons from which a dangerous projectile may be propelled * * *

6-4-2: Person Defined: The term "Person" shall mean any individual, partnership, association or corporation.

6-4-3: Dealer Defined: The term "Dealer" shall mean any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans.

6-4-4: Dealing in Pistols without Permit Unlawful: It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Chapter, to engage in the business of buying or selling pistols at retail or wholesale, or of accepting pledges of pistols as security for loans, and no such permit shall authorize the leasing of any pistol.

6-4-7: Sales to Certain Persons Prohibited: It shall be unlawful for a dealer or any other person to sell, lease, rent or otherwise

transfer a pistol to any person whom he knows or has reasonable cause to believe is included within any one or more of the following categories:

- A. Who is under the age of 18 years.
- B. Who is under the influence of intoxicating beverages.
- C. Who is a fugitive from justice.
- D. Who has been convicted of a felony in the State of Nevada or any State or territory of the United States or any political subdivision thereof.
- E. Who is an unlawful user or seller of narcotics.
- F. Who is a member of an association advocating criminal syndicalism as defined in Section 203.160 through 203.190 of the Nevada Revised Statutes.
- G. Who is foreign born and not a naturalized citizen of the United States of America.
- H. Who has been adjudged insane in this State or elsewhere and has not subsequently been adjudged sane by a court of competent jurisdiction.

6-4-8: Certain Persons Prohibited from Purchasing or Owning Pistols: It shall be unlawful for any person who is included within any one or more of the categories set forth in Section 7 of this Chapter, to receive from another by loan, gift, purchase or in any manner, or to attempt to obtain in any manner or have in his or her possession or control any pistol; provided, however, that a person under the age of 18 years may have a pistol in his or her possession or under his or her control while accompanied by or under the immediate charge of his or her parent, guardian, or responsible adult and while engaged in hunting or target practice or other lawful purpose.

6-4-9: Seventy-two Hours must Elapse between Sale and Delivery of Pistol: When any sale of a pistol is made by a dealer under this Chapter, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser, and when delivered, all pistols must be securely wrapped, must be unloaded and must be accompanied by a receipt, signed by dealer, setting forth the name, address and description of the purchaser or transferee, a complete description of the pistol, including the manufacturer, model and manufacturer's serial number thereof, the date and time of sale and the date and time of delivery of such pistol, and a statement notifying the purchaser or transferee that said pistol must be registered with the Chief of Police within twenty-four (24) hours.

The aforesaid seventy-two (72) hour waiting period shall not apply to the sale of a pistol to any person who, at the time of such sale, produces bona fide documentary evidence that he is a member of a federal law enforcement agency, that he is a peace officer of the State of Nevada or any political subdivision

thereof who is regularly employed for pay by the State or such subdivision, or that he currently owns a pistol which is duly registered in his name with any law enforcement agency in Clark County, Nevada, nor shall said waiting period apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive said waiting period; provided, however, that all of the other provisions shall apply to any of such sales.

6-4-12: Sale or Possession of Certain Pistols Prohibited: It shall be unlawful to purchase, sell, or to transfer in any manner or to have in possession or control any pistol on which the name of the manufacturer, model or manufacturer's serial number has been removed or altered.

6-4-14: Sale of Foreign made Pistols with Ammunition Restricted: No pistol of foreign make shall be sold with ammunition for the same unless said ammunition is expressly made for the pistol.

6-4-15: Sale of Home-made Pistols Prohibited: No home-made pistols shall be bought or sold except as provided by law under the Federal Firearms Act.

6-4-16: Condition of Pistols Sold: All secondhand and used pistols, except antique pieces, sold or purchased shall be in a safe and first class condition.

North Las Vegas

66-2. It shall be unlawful for any person to sell, offer to sell or to give or lend any minor under the age of 18 years any ammunition for any firearms enumerated in Section 1 hereof (pistol, revolver and firearms capable of being concealed upon the person).

304-1. Definitions. Unless the context clearly requires otherwise, the following definitions shall apply and be effective in this ordinance:

1.1 Dealer. The term "dealer" means any person engaged in the business of buying or selling pistols at wholesale or retail, or of accepting pledges of pistols as security for loans as set forth herein.

1.2 Pistol. The term "pistol" shall mean any small firearm fired by hand, loaded or unloaded, capable of being concealed upon the person. The term shall include all small firearms with a barrel or barrels not exceeding twelve (12) inches in length including revolvers, automatics and derringers from which a dangerous projectile may be propelled by explosives.

304-2. Dealing in Pistols without Permit Unlawful. It shall be unlawful for any person, except a dealer having a pistol permit issued under the provisions of this Ordinance, to engage in the business of buying or selling pistols at retail or wholesale or to lease or to

pledge or accept any pistol as security for a loan.

304-8. 72 Hour Waiting Period. When any sale of a pistol is made by a dealer under this Ordinance, seventy-two (72) hours must elapse between the time of sale and the time of delivery to the purchaser and, when delivered, all pistols must be unloaded.

This section shall not apply to Federal law enforcement agencies or to a police officer of the State of Nevada or any subdivision thereof who is regularly employed and paid by the State or subdivision, or to any person who currently owns a pistol which is duly registered in his name with any law enforcement agency of Clark County or who has a currently valid permit to carry a concealed pistol, nor shall it apply to any person who requires the use of a pistol in his employment and receives written permission from the Chief of Police to waive the 72 hour waiting period.

304-11. Means of Identifying Pistol. It shall be unlawful to purchase, sell or to transfer in any manner, or to have in possession or control, any pistol on which the name of the manufacturer, model and manufacturer's serial number has been removed or altered unless, if upon presentation for registration, the pistol can otherwise be identified to the satisfaction of the Chief of Police, in which case the means of identification shall be noted upon the registration card.

304-12. Persons Prohibited from Purchasing or Owning Pistols. It shall be unlawful for any person to receive from another by loan, gift, purchase or in any manner, or attempt to obtain in any manner or have in his possession or control, a pistol as defined by this Ordinance who:

- (a) Has been convicted of a felony in the State of Nevada, or in any state or territory of the United States or any political subdivision thereof.
- (b) Is a fugitive from justice,
- (c) Is an unlawful user or seller of narcotics,
- (d) Is an habitual drunkard,
- (e) Is a member of an organization advocating criminal syndicalism as defined in N.R.S. 203.160 through 203.190.
- (f) Is foreign born and not a naturalized citizen of the United States of America,
- (g) Has been adjudged insane in this State or any other state and has not subsequently been adjudged sane.

304-13. Prohibited Sales and Transfers of a Pistol. It shall be unlawful for any person or a dealer in pistols to sell, lease, lend, or otherwise transfer a pistol to any person whom he knows or has reasonable cause to believe:

- (a) Is under the influence of intoxicating beverages,
- (b) Is mentally ill or disturbed,

Reno

14.14.030 Small arms ammunition defined. "Small arms ammunition" whenever used in this title means any shotgun, rifle, pistol or revolver cartridges.

14.14.040 Manufacture of small arms ammunition unlawful—Exception. It shall be unlawful for any person to manufacture within the limits of the city any small arms ammunition. This shall not be construed as prohibiting the handloading of small arms ammunition for private use and not for resale.

14.14.050 Storage and sale of small arms ammunition unlawful without permit. It shall be unlawful for any person to store for sale, sell, or offer for sale any small arms ammunition without a permit.

Winnemucca

20.160 Minors, furnishing explosives to. 2. It is unlawful to sell or give to any minor under 12 years of age any small firearms ammunition without a written order or permit from the parent or guardian of such minor.

New Hampshire State Law

N.H. Rev. Stat. Ann.

Chapter 159 Pistols and Revolvers

159:1 Definition. Pistol or revolver, as used herein, means any firearm with barrel less than sixteen inches in length. It does not include antique pistols or revolvers. An antique pistol or revolver, for the purposes of this chapter, means any pistol or revolver utilizing an early type of ignition, including, but not limited to, flintlocks, wheel locks, matchlocks, percussions and pin-fire, but no pistol or revolver which utilizes center fire or rim fire cartridges shall be deemed to be an antique pistol or revolver.

159:3 Possession; Felons. No person who has been convicted of a felony against the person or property of another, shall own or have in his possession or under his control a pistol or revolver, unless said weapon is obtained in accordance with the provisions of RSA 159:7. Whoever violates the provisions of this section shall be guilty of a class B felony, and upon conviction the weapon shall be confiscated to the use of the state.

159:7 Permit to Purchase. No person shall sell, deliver or otherwise transfer a pistol or revolver to a person who has been convicted of a felony against the person or prop-

erty of another, except upon delivery of a written permit to purchase, signed by the selectmen of the town or the mayor or chief of police of the city. Before a delivery is made the purchaser shall sign in duplicate and deliver to the seller a statement containing his full name, address and nationality, the date of sale, the caliber, make, model and manufacturer's number of the weapon. The seller shall, within seven days, sign and forward to the chief of police of the city or selectmen of the town one copy thereof and shall retain the other copy for one year. This section shall not apply to sales at wholesale. Where neither party to the transaction holds a dealer's license no person shall sell or otherwise transfer a pistol or revolver to any person not personally known to him. Whoever violates the provisions of this section shall be guilty of a misdemeanor.

159:8 License to Sell. The selectmen of a town and the chief of police of a city may grant licenses, the form of which shall be prescribed by the secretary of state, effective for not more than one year from date of issue, permitting the licensee to sell at retail pistols and revolvers subject to the following conditions, for breach of any of which the license shall be subject to forfeiture:

I. The business shall be carried on only in the building designated in the license or at any organized sporting show or arms collectors' meeting sponsored by a chartered club or organization.

159:8-a [New] Sales to Nonresidents; Attorney General. No person holding a license issued under the provisions of section 8 shall sell a pistol or revolver to a nonresident unless such nonresident has authority under the laws of the state of his residence, to purchase a pistol or revolver in the state of his residence, or unless the director of the division of state police, for good cause shown, has issued to such nonresident a permit for the purchase of a pistol or revolver. The attorney general shall, at least once annually, file with the secretary of state a summary of the laws of each state of the United States relative to the purchase of pistols and revolvers in such states; and a licensee may rely upon such summary in determining if a nonresident offering to purchase a pistol or revolver has authority to make such purchase under the laws of the state of his residence.

159:10 Sale Without License. Any person who, without being licensed as herein provided, sells, advertises or exposes for sale, or has in his possession with intent to sell, pistols or revolvers shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person.

159:11 False Information. If any person in purchasing or otherwise securing delivery of a pistol or revolver shall give false information or offer false evidence of his identity he shall for a first offense be fined not less than one hundred dollars and not more than five hundred dollars, and for a second or subsequent offense he shall be imprisoned not less than one year and not more than three years.

159:12 Sale to Minors. Any person who shall sell, barter, hire, lend or give to any minor any pistol or revolver shall be guilty of a misdemeanor. This section shall not apply to fathers, mothers, guardians, administrators or executors who give a revolver to their children or wards or to heirs to an estate.

159:16 [New] Carrying or Selling Weapons. Whoever, except as provided by the laws of this state, sells, has in his possession with intent to sell, or carries on his person any *** pistol cane *** shall be guilty of a misdemeanor; and such weapon or article so carried by him shall be confiscated to the use of the state.

159:17 [New]—Exception. The provisions of the preceding section shall not apply to officers of the law, to persons holding hunters' licenses when lawfully engaged in hunting, to employees of express companies while on duty, or to watchmen while on duty.

Chapter 159-A [New]
Purchase Of Shotguns And Rifles

159-A:1 Purchase in Contiguous States. Residents of the state of New Hampshire may purchase rifles and shotguns in a state contiguous to the state of New Hampshire, provided that such residents conform to the

applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of New Hampshire and in the contiguous state in which the purchase is made.

* * * * *

New Jersey

State Law

N.J. Stat. Ann.

2A:151-1. Definitions. The following definitions apply to this chapter:

a. Firearm or firearms includes any pistol, revolver, rifle, shotgun, machine gun, automatic and semiautomatic rifle, or other firearm as the term is commonly used, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectile, ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. * * *

b. Pistol or revolver includes any firearm with an overall length less than 26 inches, or a shotgun having a barrel or barrels of a length less than 18 inches, or a rifle having a barrel length less than 16 inches.

c. Rifle and shotgun includes all other firearms with overall length of 26 inches or greater, provided the length of the barrel or barrels, if a shotgun, is 18 or more inches, and if a rifle is 16 or more inches but does not include machine guns or automatic rifles as defined in section 2A:151-49.

d. Person includes any individual, corporation, partnership, firm or association of any kind or nature whatsoever; any public entity of any kind or nature; the plural as well as the singular and any gender.

e. Superintendent means the Superintendent of State Police.

f. Manufacturer includes all persons who receive or obtain raw materials or parts and process them into firearms or finished parts of firearms, except those persons who exclusively process grips, stocks and other non-metal parts of firearms. It shall not include those persons who repair existing firearms or who receive and use raw materials or parts solely for the repair of existing firearms.

g. Wholesale dealer includes all persons except the manufacturer, who sell, transfer or assign firearms, or parts of firearms, to persons who are reasonably understood not to be the ultimate consumer, and shall include persons, except the manufacturer, who receive finished parts of firearms and assemble them

into completed or partially completed firearms, in furtherance of such purpose, except that it shall not include those persons dealing exclusively in grips, stocks and other non-metal parts of firearms.

h. Retail dealer includes all persons except the manufacturer and wholesale dealer who sell, transfer or assign for a fee or profit any firearm or parts of firearms which they have purchased or obtained with the intention, or for the purpose, of reselling or reassigning to persons who are reasonably understood to be the ultimate consumer. It shall also include any person who sells any firearm to satisfy a debt secured by the pledge of a firearm.

i. Explosive includes any chemical compound or mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible materials or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects. The term shall not include small arms ammunition, or explosives in the form prescribed by the official United States Pharmacopoeia.

2A:151-2. Pawnbrokers not to deal in weapons. Any pawnbroker who sells or possesses for sale or to lend or give away, any firearm or * * * * * grenade, bomb or other explosive is guilty of a high misdemeanor.

2A:151-5. Additional sentence for armed criminals. Any person who commits or attempts to commit an assault, robbery, larceny, burglary, breaking and entering, rape, murder, mayhem, arson, abduction, extortion, kidnapping, sodomy or treason, or who is a fugitive from justice, when armed with or having in his possession any firearm, whether or not capable of being discharged or dangerous instrument of any kind, * * * grenade, bomb or other explosive or any object or device, whether toy or imitation, having an appearance similar to or capable of being mis-

taken for any of the foregoing, shall, in addition to the punishment provided for the crime, be punished on a first conviction by imprisonment for not less than one nor more than 10 years; upon a second conviction by imprisonment for not less than 3 nor more than 15 years; upon a third conviction by imprisonment for not less than 5 nor more than 20 years; and upon a fourth or subsequent conviction, by imprisonment for not less than 10 years nor more than for life, in the discretion of the court. No such additional punishment shall be imposed unless the indictment shall have averred that the person was armed with or had in his possession any such instrument and conviction was had thereon.

2A:151-8. Certain persons not to have weapons; penalty. Any person, having been convicted in this State or elsewhere of any crime enumerated in section 2A:151-5, whether or not armed with or having in his possession any firearm or dangerous instrument enumerated in section 2A:151-5, or any person who has ever been committed for a mental disorder to any hospital, mental institution or sanitarium unless he possesses a certificate of a medical doctor or psychiatrist licensed in New Jersey or other satisfactory proof that he is no longer suffering from a mental disorder which interferes with or handicaps him in the handling of a firearm, or any person who has been convicted for the unlawful use, possession or sale of a controlled dangerous substance as defined in article 2 of P.L. 1970, c. 226 (C. 24:21-3 et seq.), who purchases, owns, possesses or controls any firearm or any of the said dangerous instruments, is guilty of a misdemeanor.

Whenever any person shall have been convicted in another State, territory, commonwealth or other jurisdiction of the United States, or of any country in the world, in a court of competent jurisdiction, of a crime which in said State, jurisdiction or country shall be equal to or comparable or the same as one of the crimes designated in 2A:151-5, then that person shall be subject to the provisions of this section.

2A:151-9. Right to refuse to sell weapons; sales to persons without permit or to persons of unsound mind or with physical defect; penalty. Any person shall have the right to refuse to sell any firearm or dangerous instrument to any other person, provided however that any person who knowingly sells any firearm to a person who does not possess and exhibit to the seller a permit to purchase in the case of a pistol or revolver or a firearms purchaser identification card in the case of a rifle or shotgun; or where the seller has reason to believe that the person is of unsound mind or suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, is guilty of a misdemeanor. The presentation of a permit for the purchase of a pistol or revolver, or the signing of a

certification and presentation of a firearms purchaser identification card for the purchase of a rifle or shotgun as set forth in section 2A:151-32, shall be prima facie evidence of compliance with the requirements of this chapter.

2A:151-10. Sale of weapons or loaded or blank cartridges to minors. Any person who knowingly offers, sells, lends, leases or gives to any person under the age of 18 years, any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, or a toy pistol or other instrument from which a loaded or blank cartridge may be fired, or any loaded or blank cartridge therefor, is guilty of a misdemeanor; provided however that a person may lend a firearm to a minor who may borrow same for the purpose of carrying, firing or using said firearm under section 2A:151-11, and provided further said minor furnishes the owner with written consent to his use thereof by his parent or legal guardian.

2A:151-11. Acquisition of weapons or explosives by minors; exceptions. Any person under the age of 18 years who purchases, barter, borrows, acquires or exchanges any firearm, grenade, bomb or other explosive or any chemical compounds or ingredients for explosives or instructions for the use of such chemical compounds or ingredients as explosives, is guilty of a misdemeanor or an act of juvenile delinquency as may be provided otherwise in the statutes; except that any such person may carry, fire or use any firearm in the actual presence or under the direct supervision of his father, mother, guardian or some other person who is himself a holder of a permit to carry a pistol or revolver or a firearms purchaser identification card, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision, or for the purpose of competition or target practice in and upon a firing range approved by the governing body or the chief of police of the municipality in which such range is located or the National Rifle Association and which is under competent supervision at the time of such competition or target practice, and except further that a minor under the age of 18 years who has successfully completed a hunter's safety course taught by a qualified instructor or conservation officer and carries in his possession a certificate indicating the successful completion of such a course and has a valid hunting license in his own name, may carry and use a rifle or shotgun as otherwise provided in this chapter, for the purpose of hunting during the regularly designated hunting season.

2A:151-12. Manufacture or sale of dangerous instruments prohibited. a. Any person who manufactures or causes to be manu-

factured, or sells or keeps for sale, or offers, gives or disposes of any * * * grenade, bomb, or other explosive, * * * to any person, except in accordance with Federal or State law is guilty of a misdemeanor.

2A:151-14. Silencers forbidden. Any person who manufactures, sells, purchases or possesses, except for military or police purposes, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged, is guilty of a misdemeanor.

2A:151-15. Altering serial number, etc., of firearm; sale. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number, or other mark of identification of any firearm; and any person who sells, leases or transfers any firearm whose serial number has been altered, changed, disfigured or defaced is guilty of a misdemeanor.

2A:151-18. Antiques and ornaments excepted. This chapter does not apply to antique firearms which are incapable of being fired or discharged or which do not fire fixed ammunition, or those manufactured before 1898 for which cartridge ammunition is not commercially available, and are possessed as curiosities or ornaments or for their historical significance or value.

2A:151-19. Manufacturers and wholesalers of firearms to be registered. No person shall manufacture or sell at wholesale any firearm until he has registered with the superintendent and has furnished him with such particulars as may be prescribed by law and by rules and regulations promulgated by the superintendent for registration. * * * * * The * * * registration shall be valid for a period of 3 years from the date of issuance. * * * The superintendent shall issue a license for each employee * * * which shall be valid for so long as the employee remains in the employ of said wholesale dealer.

2A:151-24. Licenses for retail dealers; standards and qualifications; fees, conditions. No retail dealer shall sell or expose for sale, or possess with intent to sell, any firearm, except that a retail dealer may be licensed to sell firearms as hereinafter provided.

* * * * *

A judge of the county court * * * shall grant licenses in form prescribed by the superintendent (which) shall be valid for a period of 3 years from the date of issuance. * * * The superintendent shall issue a license for each employee * * * which license shall be valid for so long as the employee remains in the employ of said retail dealer.

* * * * *

d. No pistol or revolver shall be delivered to any person:

1. Unless the person has obtained a permit to purchase under the provisions of sections 2A:151-32 through 2A:151-39;

2. Until 7 days have elapsed after date of the application for the permit;

3. Unless the person either is personally known to the seller or presents evidence of his identity;

4. Unless the pistol or revolver is unloaded and securely wrapped;

f. No rifle or shotgun shall be delivered to any person:

1. Unless the person has obtained a firearms purchaser identification card under the provisions of this chapter;

2. Unless the person has exhibited his firearms purchaser identification card and furnished the seller, on a form prescribed by the superintendent, a certification signed by him which shall contain among other things the name, permanent home address and firearms purchaser identification card number of said person. * * * * *

2A:151-27. Signatures on register. The purchaser, lessee or transferee of any pistol or revolver shall sign, and the dealer shall require him to sign his name to the register, in triplicate, and the person making the sale, lease or transfer shall affix his name, in triplicate, as a witness to the signature. The signatures shall constitute a representation of the accuracy of the information contained in the register.

2A:151-32. Purchaser must have permit; firearms purchaser identification card. A. No person shall sell, give, transfer, assign or otherwise dispose of, nor receive, purchase or otherwise acquire a pistol or revolver unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or has first secured a permit to purchase a pistol or revolver as provided by this article.

B. No person shall sell, give, transfer, assign or otherwise dispose of nor receive, purchase or otherwise acquire a rifle or shotgun unless the purchaser, assignee, donee, receiver or holder is licensed as a dealer under this chapter or possesses a valid firearms purchaser identification card, and first, exhibits said card to the seller, donor, transferor or assignor, and unless the purchaser, assignee, donee, receiver or holder signs a written certification, on a form prescribed by the superintendent, which shall indicate that he presently complies with the requirements of section 2A:151-33, and shall contain his name, address and firearms purchaser identification card number or dealer's registration number, and which shall be retained by the seller as provided in section 2A:151-24, provided that a person who is not a dealer may file the certification with the chief of police of the municipality in which he resides or with the superintendent.

2A:151-33. Permit to purchase; who may obtain. No person of good character and who is of good repute in the community in which he lives, and who is not subject to any of the disabilities set forth in this section or

other sections of this chapter, shall be denied a permit to purchase a pistol or revolver or a firearms purchaser identification card, except as hereinafter set forth:

a. No pistol or revolver purchase permit or firearms purchaser identification card shall be issued to any person who has ever been convicted of any crime, to any drug dependent person as defined in P.L.1970, c. 226 (C. 24:21-2) to any person who is confined for a mental disorder to a hospital, mental institution or sanitarium, or to any person who is presently a habitual drunkard; or

b. To any person who suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, to any person who has ever been confined for a mental disorder, or to any alcoholic, unless any of the foregoing persons produce a certificate of a medical doctor or psychiatrist licensed in New Jersey, or other satisfactory proof, that he is no longer suffering from that particular disability in such a manner that would interfere with or handicap him in handling of firearms; or

c. To any person under the age of 18 years; or

d. To any person where the issuance would not be in the interest of the public health, safety or welfare.

2A:151-39. **Restriction on number of firearms person may purchase.** A person shall not be restricted as to the number of pistols or revolvers he may purchase, if he applies for and obtains permits to purchase the same, but only one pistol or revolver shall be purchased or delivered on each permit, except that a person shall not be restricted as to the number of rifles or shotguns he may purchase provided he possesses a valid firearms purchaser identification card and provided further that he signs the certification required. *****

2A:151-49. **"Machine gun or automatic rifle" defined.** The term "machine gun or automatic rifle," as used in this chapter, means any weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir, belt or other means of storing and carrying ammunition, which can be loaded into the weapon, mechanism or instrument and fired therefrom.

2A:151-50. **Sale, purchase or possession of machine guns; penalty.** Any person who sells, gives, loans, furnishes or delivers a machine gun or automatic rifle to another person, or a person who purchases, has or possesses any machine gun or automatic rifle, is guilty of a high misdemeanor.

2A:151-51. **Exceptions to section 2A:151-50.** Section 2A:151-50 of this title does not apply to any person having a license to purchase, have and possess a machine gun or automatic rifle, when the license has been obtained in the manner hereinafter provided; nor to the authorized agents or servants of

the licensee; nor to the officers and members of a duly authorized military organization; nor to the officers and members of the police force of any municipality, or of the state; nor to any sheriff or undersheriff; nor to any county prosecutor, his assistants, detectives and employees.

2A:151-52. **License to procure machine gun; application; reference and approval; issue of license.** Any person who desires to purchase, have and possess a machine gun or automatic rifle may apply to a judge of the county court of the county in which the applicant resides for a license to do so. The application shall be in writing and shall state in detail the reasons why the applicant desires a license. *****

2A:151-58. **Possession or carrying of bombs.** Any person, except a duly appointed law enforcement officer, or a member of the armed forces of the United States, or of the national guard or organized reserves when on duty, who possesses or carries on or about his person or in a vehicle, any bomb or bombshell, except for blasting or other commercial use, is guilty of a high misdemeanor.

2A:151-59. **Possession of bombs with intent to use unlawfully; molotov cocktail; evidence of intent; exceptions.** Any person who has in his possession or control any shell, bomb or similar device charged or filled with one or more explosives or any bomb or device commonly known as a fire bomb, "molotov cocktail," or any container charged or filled with an explosive, combustible or incendiary substance, with intent to use the same or cause the same to be used for an unlawful purpose, is guilty of a high misdemeanor, and shall be punished by imprisonment in the State Prison for not more than 25 years.

"Molotov cocktail" as used in this amendment means a breakable container containing flammable liquid and having a wick or similar device capable of being ignited, but is not intended to mean a device commercially manufactured primarily for the purpose of illumination, or other such uses.

The possession, sale or control by a person or persons of any such device or container so charged or filled, is prima facie evidence of an intent to use the same or to cause the same to be used for an unlawful purpose.

This section does not apply to the regular Armed Forces of the United States or its Allies, or to the duly authorized militia of any State or territory thereof, or to the police or fire departments of this State or any municipality or county thereof, provided they are acting in their official capacity and in the performance of their duties; nor does this section apply to explosives or combustibles or incendiary substances while the same are being transported in conformity with the regulations adopted by the interstate commerce commission.

2A:151-60. **Possession or carrying of explosives with intent to use unlawfully.** Any person who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any explosive liquid, gas or like substance, is guilty of a high misdemeanor.

(The following named sections of the New Jersey gun control law do not relate to specific requirements of the Federal Gun Control Act. They are, however, important to out-of-state firearms dealers who are not familiar with the gun control laws of the State of New Jersey.)

Section 2A:151-3, **Penalty for loaning on firearms;** 2A:151-6, **Arms as evidence of intent;** 2A:151-7, **Firearms or explosives in vehicle;** 2A:151-12b, **Manufacture or sale of dangerous instruments prohibited;** 2A:151-22, **Manufacturer and wholesale dealer to keep record of sales;** 2A:151-25, **Record of sales to be kept, inspection of register;** 2A:151-26, **Preparation and furnishing of register;** 2A:151-41, **Carrying weapons, permit or identification card required, penalty;** 2A:151-41.1, **Possession of firearms on school or college premises;** 2A:151-41.2, **Defense; written consent of governing officer required;** 2A:151-42, **Carrying weapons about one's premises or for purposes of hunting or target practice; etc.;** 2A:151-43, **Carrying weapons; persons excepted from provisions of Section 2A:151-41;** 2A:151-56, **Unlawful use of dangerous weapons;** 2A:151-57, **Possession as presumption of unlawful use.**

Belleville

1. The manufacture, storage or display for sale at retail or wholesale, or the sale at retail or wholesale of fireworks and cartridges, is hereby prohibited within the limits of the Town of Belleville, in the County of Essex.

3. The storage or display for the sale at retail or wholesale, or the sale at retail or wholesale of cartridges whether loaded or blank, is prohibited within the limits of the Town of Belleville, in the County of Essex.

7. The within ordinance shall not prohibit the sale or storage of bullets or cartridges for hunting purposes, when sold in stores that deal in sportsmen and hunting equipment.

Cresskill Borough

246-5. **Purchasing or selling a firearm.** Any resident of the Borough of Cresskill purchasing or selling a firearm of any description within the Borough of Cresskill shall report the same forthwith to the Chief of Police, giving a full and complete description of said firearm.

ing a full and complete description of said firearm.

Deal Borough

5-7.3 **Compliance with State Statute.** No person shall possess, carry, sell, exchange, store or retain any firearm or other device *** except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Fairlawn

12.3 **Permits required.** a. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of explosives, blasting agents, or small arms ammunition.

12.5 **General Requirements.** a. The manufacture of any explosives, blasting agents, including small arms ammunition, and pyrotechnics, ***, shall be prohibited unless such manufacture is authorized by the Chief of the Bureau of Fire Prevention. This shall not apply to hand loading of small arms ammunition prepared for personal use when not for resale.

Glassboro

69-3. **Permits required to sell or store ammunition and gunpowder.** No person, firm or corporation shall sell or store gunpowder, gun shells or cartridges without having first obtained a permit from the Chief of the Fire Department, who shall inspect the place where same is to be kept.

Irvington

22-14. *** Parents, etc., not to purchase [guns] for minors under sixteen or permit such minors to purchase, possess. *** No parent, guardian, or person standing in loco parentis of any minor under the age of sixteen years shall purchase for such minor or shall knowingly permit such minor, who is in his care or custody, to purchase, have, hold, possess, own, *** any of the articles or guns or devices described in section 22-13.

Kenilworth Borough

1. Except as hereinafter excepted, no person shall discharge or use any *** shotgun or firearm of any kind, or any other missile projecting device or contrivance of any kind within the Borough of Kenilworth.

2. No parent, guardian, or person, standing in loco parentis of any minor under the age of sixteen (16) years shall purchase for such minor or shall knowingly permit such minor, who is in his or her care or custody to purchase, have, hold, possess, own, any of the articles or guns or devices described in Section 1.

nor or shall knowingly permit such minor, who is in his or her care or custody to purchase, have, hold, possess, own, any of the articles or guns or devices described in Section 1.

Lincoln Park Borough

1. **The storage and sale of fire works, gun powder and ammunition in the Borough of Lincoln Park shall be subject to the following rules and regulations:**

A permit for the storage and sale of fire works, gun powder and ammunition must be obtained from the Clerk of the Borough. All such permits shall expire on the first day of January after the issuance thereof. All permits issued as aforesaid shall be exposed in a conspicuous place in the place of business of the applicant.

No blank cartridge pistol or blank cartridge shall be sold or kept in stock; no pistol or fire arm of any description shall be sold to anyone under the age of fifteen years.

Manasquan

II. No person shall possess, carry, sell, exchange, store or retain any firearm or other device *** except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Millburn Township

Sec. 25-1-7. No person shall knowingly offer, sell, lend, lease or give to any person under the age of eighteen years any machine gun, automatic rifle, revolver, pistol or other firearm, ***. No persons under the age of eighteen years shall purchase, barter or exchange any gun, pistol, *** firearm, ***.

Northfield

1. That from and after the passage of this ordinance, it shall be unlawful for any person, persons or corporation, to offer for sale, make sale of or use, any gun or guns, pistol or pistols, firearms or fireworks, of any description whatsoever, within the limits of the City of Northfield, without a special permit or license therefor.

Nutley

Section 1. No person or persons shall possess, make, throw, discharge or explode a Molotov Cocktail or other incendiary object within the limits of the Town of Nutley in Essex County, New Jersey;

Section 2. No person or persons shall at any time have in their possession or cause to be made, thrown, discharged or exploded a Molotov Cocktail or any such incendiary object;

Paulsboro Borough

35-1. **Permission for use required.** It shall be unlawful to sell or use within the limits of the Borough of Paulsboro, at any time, any blank cartridge, pistol or gun, cap pistol or gun, cartridge cannon, toy gun, pistol or cannon firing an explosive of any kind or character, ***.

Piscataway

7-7-1. It shall be unlawful for any person to carry or possess a loaded gun or any firearm until licensed or authorized by State or Federal Authorities, or both.

Prospect Park Borough

136.1. That it shall be unlawful to exhibit for sale or sell any pistols, cap pistols, firearms or fireworks of any and all descriptions within the limits of the Borough of Prospect Park.

Rockaway Borough

Article III. Firearms

Sec. 32-37. Sale to be in accordance with laws. No pistol or firearm of any description shall be sold to anyone except as provided by law.

Sec. 32-38. Selling, keeping blank cartridge pistols prohibited. No blank cartridge pistol shall be sold or kept in stock in the borough. * * * * *

Sea Girt Borough

Section 3 No person shall possess, carry, sell, exchange, store or retain any firearm or other device *** except in accordance with the provisions of 2A:151-1 through 2A:151-55 of the Revised Statutes of New Jersey.

Section 4 The provisions of this ordinance shall not apply to the authorized use, possession and storage of firearms within the confines of the National Guard Training Center.

ter and Supply Depot located within the borders of the Borough of Sea Girt.

Secaucus

Chapter 72

Firearms

Sec. 72-1. Sale to minors prohibited. The sale of guns, rifles, *** to minors is hereby prohibited.

Sec. 72-2. Possession by minors unlawful. It shall be unlawful for any minor to have in his possession any gun, rifle, ***.

Tenafly Borough

4. Any purchase or sale of a firearm of any description within the Borough of Tenafly shall be made in compliance with the Laws of the State of New Jersey applicable thereto.

West New York

1. That no person, firm or corporation shall sell or deliver to any person, within the Town of West New York, in the County of Hudson,

any pistol, gun, revolver, firearm of any description unless such person, shall file with the seller a permit from the Mayor or the Chief of Police of the Police Department of this Town, permitting him to make such purchase.

2. No person, shall purchase a revolver, pistol, gun or firearm from any person, firm or corporation in this Town, without obtaining from the Mayor or Chief of Police of the Police Department of this Town a permit to make such sale. ***

Winfield Township

5. An ordinance to regulate the manufacture, storage, sale keeping or conveying of gun powder, nitroglycerine, dynamite and other explosives. 1. No person, firm or corporation shall manufacture, store, sell, keep or convey gun powder, nitroglycerine, dynamite or other explosives within the limits of this Township.

6. An ordinance to regulate and prohibit the sale and use of guns, pistols, fire arms, and fire works. 1. No person, firm or corporation shall sell or use guns, pistols, fire arms or fire works within this Township without having previously obtained a permit for same from the Township authorities.

ership of any pistol, revolver or other similar weapon capable of being concealed upon the person designed to discharge a solid projectile propelled by the expansion of a gas.

Belen

2-9. Negligent Use of Weapons. A. Negligent use of weapon consists of either: ***** 4. Selling loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent. *****

2-10. Unlawful Possession, Transfer or Sale of Weapons. ***** B. Unlawful sale of a deadly weapon consists of giving, selling, trading bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Central Village

6.206 Furnishing firearms to minors. No person shall sell, loan or furnish to any minor below the age of sixteen (16) years any gun, pistol or other firearm within the limits of the village, nor shall any person in the village sell or give to any minor below the age of sixteen (16) years any cartridges of fixed ammunition of which any fulminate is a component part.

Cloudcroft

6-1-10 Unlawful Possession, Transfer or Sale of Weapons. ***** B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Espanola

18. Weapons—furnishing firearms, etc., to persons under sixteen. It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, *** in the city.

19. Same—possession of firearm by person under sixteen. It shall be unlawful for any person under sixteen years of age to have

in his possession any firearm *** within the city, except that when such person is under the immediate supervision of an adult instructor or teacher such possession shall not be considered a violation of this section.

Farmington

Sec. 21-80. Same—Furnishing to minors. No person shall sell, lend or furnish to any minor, below the age of sixteen, any gun, pistol or other firearm, within the city. Nor shall any person in the city sell or give to any minor below the age of sixteen any cartridges of fixed ammunition of which any fulminate is a component part.

Gallup

6-4-5: Sales of Firearms to Minors Prohibited: The giving, selling, trading, bartering or exchanging for anything of value of any firearm as defined in Section 6-4-1 [shotguns, rifles, pistols] or of any ammunition for any firearm, to any person under the age of eighteen (18) years, within the corporate limits of the Municipality, is hereby prohibited and declared to be a misdemeanor; provided, however, that nothing herein contained shall be construed to prohibit any parent or legal guardian from purchasing such a weapon for his child or ward, or from giving such a weapon to his child or ward, subject to the provisions of Section 6-4-3 hereof.

Grants

6-1-58 Firearms—furnishing to minors. No person shall sell, loan or furnish to any minor below the age of sixteen any gun, pistol or other firearm within the limits of the Town, nor shall any person in the Town sell or give to any minor below the age of sixteen any explosive ammunition.

Hurley

Ordinance 2

Section 12. Selling to Minors Under 16 Years. No person shall sell, loan, or furnish to any minor below the age of 16, any gun, pistol, or other firearm, within the limits of the town. Nor shall any person in the town sell or give to any minor below the age of 16, any cartridges of fixed ammunition of which any fulminate is a component part.

La Mesilla Town

7-1-14 *** G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange

for anything of value any deadly weapon, *** or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Las Cruces

G. Sales to minors: It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, *** or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Las Vegas

7-1-14. G. Sales to minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, *** or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Los Lunas

Ordinance 86

2-9. Negligent Use of Weapons. ***** 4. Selling loaning or furnishing any deadly weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent.

2-10. Unlawful Possession, Transfer or Sale of Weapons. ***** B. Unlawful sale of a deadly weapon consists of giving, selling, trading bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Lovington

7-1-14. Deadly weapons. ***** (e) Exposing Others to Danger. It is unlawful to *** sell, loan or furnish any deadly weapon to persons under the influence of any intoxicant or narcotic or to any incompetent person. *****

(g) Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon *** or ammunition for any firearm to any person under the age of eighteen years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Mountainair

7-1-10 *** B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward so long as the weapon and ammunition used by the child are used while under the supervision of the parent or legal guardian.

Questa

7-1-14 *** G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, *** or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Raton

9.F. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon for his child or ward.

Red River

G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, *** or ammunition for any firearm to any person under the age of 18 years, provided that this section shall not be construed to prevent any

New Mexico

State Law

N.M. Stat. Ann.

40A-7-8. Firearms—Sale and purchase. Residents of states contiguous to New Mexico may purchase firearms in New Mexico. Residents of New Mexico may purchase firearms in states contiguous to New Mexico.

Alamagordo

5-6-4. Transactions with minors. It shall be the responsibility of each person or firm who buys, sells or loans money on secondhand or used firearms to ascertain whether or not the person with whom the transaction is consummated is a minor under the age of twenty-one (21) years and to report to the Chief of Police of the City any transaction with such minor.

Albuquerque

2-9. Negligent Use of Weapons. A. Negligent use of a weapon consists of either: *** 4. Selling, loaning or furnishing any deadly

weapon to a person with knowledge that the person is under the influence of any intoxicant or narcotic or that the person is incompetent.

2-10. Unlawful Possession, Transfer or Sale of Weapons.

B. Unlawful sale of a deadly weapon consists of giving, selling, trading, bartering, or exchanging for anything of value any deadly weapon or ammunition for any firearm to any person under the age of 18 years; provided, however, that nothing herein contained shall be construed to prevent any parent or legal guardian from purchasing such a weapon or ammunition for his child or ward.

Artesia

21.36. Sale of firearms to minors. No person shall sell, deliver or transfer to any person under the age of eighteen years own-

parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Ruidoso Downs

7-1-14 *** G. Sales to Minors: It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, *** or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Santa Fe

15-31. Weapons—Furnishing firearms, etc., to persons under sixteen. It shall be unlawful for any person to furnish, sell or offer for sale to any person under sixteen years of age any firearm, *** within the city.

Silver City

7.206—Selling to Minors Under 16 Years. No person shall sell, loan, or furnish to any minor below the age of 16, any gun, pistol, or other firearm, within the limits of the town. Nor shall any person in the town sell or give to any minor below the age of 16, any cartridges of fixed ammunition of which any fulminate is a component part.

New York State Law

N.Y. Consol. Laws (McKinney's)

Penal Law

265.00. Definitions. As used in this article and in article four hundred, the following terms shall mean and include:

1. "Machine-gun" means a weapon of any description, irrespective of size, by whatever name known, loaded or unloaded, from which a number of shots or bullets may be rapidly or automatically discharged from a magazine with one continuous pull of the trigger and includes a sub-machine gun.

2. "Firearm silencer" means any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearms to be silent, or intended to lessen or muffle the noise of the firing of any gun, revolver, pistol or other firearms.

G. Sale to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, *** or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Tatum

5.12. (g) Sales to minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, *** or ammunition for any firearm to any person under the age of eighteen (18) years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

Tucumcari

12-1-14 G. Sales to Minors. It is unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon ***, or ammunition for any firearm to any person under the age of 18 years provided that this section shall not be construed to prevent any parent or legal guardian from purchasing firearms or ammunition for his child or ward.

3. "Firearm" means any pistol, revolver, sawed-off shotgun or other firearm of a size which may be concealed upon the person, except an antique firearm.

6. "Dispose of" means to dispose of, give, give away, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

7. "Deface" means to remove, deface, cover, alter or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

8. "Gunsmith" means any person, firm, partnership, corporation or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving or trueing, or who performs

any mechanical operation on, any firearm or machine-gun.

9. "Dealer in firearms" means any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of, any pistol or revolver.

10. "Licensing officer" means in the city of New York the police commissioner of that city; in the county of Nassau the commissioner of police of that county; in the county of Suffolk the sheriff of that county except in the towns of Babylon, Brookhaven, Huntington, Islip and Smithtown, the commissioner of police of that county; and elsewhere in the state a judge or justice of a court of record having his office in the county of issuance.

11. "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.

12. "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

["Antique Firearm"] Any unloaded muzzle loading pistol or revolver with a matchlock, flintlock, percussion cap, or similar type of ignition system, or a pistol or revolver which uses fixed cartridges which are no longer available in the ordinary channels of commercial trade.

15. "Loaded firearm" means any firearm loaded with ammunition or any firearm which is possessed by one who, at the same time, possesses a quantity of ammunition which may be used to discharge such firearm.

15-a. "Electronic dart gun" means any device designed primarily as a weapon, the purpose of which is to momentarily stun, knock out or paralyze a person by passing an electrical shock to such person by means of a dart or projectile.

16. "Certified not suitable to possess a rifle or shotgun" means that the director or physician in charge of any hospital or institution for mental illness, public or private, has certified to the superintendent of state police or to any organized police department of a county, city, town or village of this state, that a person who has been judicially adjudicated incompetent, or who has been confined to such institution for mental illness pursuant to judicial authority, is not suitable to possess a rifle or shotgun.

Sec. 265.01 Criminal possession of a weapon in the fourth degree. A person is guilty of criminal possession of a weapon in the fourth degree when:

(1) He possesses any firearm, electronic dart gun *** or

(2) He possesses any *** imitation pistol or any other dangerous or deadly instrument or weapon with intent to use the same unlawfully against another; or

(3) He knowingly has in his possession a rifle, shotgun or firearm in or upon a building or grounds, used for educational purposes, of any school, college or university, except the forestry lands, wherever located, owned and maintained by the State University of New York college of environmental science and forestry, without the written authorization of such educational institution; or

(4) He possesses a rifle or shotgun and has been convicted of a felony or serious offense; or

(5) He possesses any dangerous or deadly weapon and is not a citizen of the United States; or

(6) He is a person who has been certified not suitable to possess a rifle or shotgun, as defined in subdivision sixteen of section 265.00, and refuses to yield possession of such rifle or shotgun upon the demand of a police officer. Whenever a person is certified not suitable to possess a rifle or shotgun, a member of the police department to which such certification is made, or of the state police, shall forthwith seize any rifle or shotgun possessed by such person. A rifle or shotgun seized as herein provided shall not be destroyed, but shall be delivered to the headquarters of such police department, or state police, and there retained until the aforesaid certificate has been rescinded by the director or physician in charge, or other disposition of such rifle or shotgun has been ordered or authorized by a court of competent jurisdiction. Criminal possession of a weapon in the fourth degree is a class A misdemeanor.

Sec. 265.02 Criminal possession of a weapon in the third degree. A person is guilty of criminal possession of a weapon in the third degree when:

(1) He commits the crime of criminal possession of a weapon in the fourth degree as defined in subdivision one, two, three or five of section 265.01, and has been previously convicted of any crime; or

(2) He possesses any explosive or incendiary bomb, bombshell, firearm silencer, machine-gun or any other firearm or weapon simulating a machine-gun and which is adaptable for such use; or

(3) He knowingly has in his possession a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm; or

(4) He possesses any loaded firearm. Such possession shall not, except as provided in subdivision one, constitute a violation of this section if such possession takes place in such person's home or place of business.

Criminal possession of a weapon in the third degree is a class D felony.

Sec. 265.03 Criminal possession of a weapon in the second degree. A person is guilty of criminal possession of a weapon in the second degree when he possesses a machine-gun or loaded firearm with intent to use the same unlawfully against another.

Criminal possession of a weapon in the second degree is a class C felony.

Sec. 265.04 Criminal possession of a dangerous weapon in the first degree. A person is guilty of criminal possession of a dangerous weapon in the first degree when he possesses any explosive substance with intent to use the same unlawfully against the person or property of another.

Criminal possession of a weapon in the first degree is a class B felony.

Sec. 265.05 Unlawful possession of weapons by persons under sixteen. It shall be unlawful for any person under the age of sixteen to possess *** any gun or any instrument or weapon in or upon which any loaded or blank cartridges may be used, or any loaded or blank cartridges or ammunition therefor, ***.

A person who violates the provisions of this section shall be adjudged a juvenile delinquent.

Sec. 265.10 Manufacture, transport, disposition and defacement of weapons and dangerous instruments and appliances. 1. Any person who manufactures or causes to be manufactured any machine-gun is guilty of a class D felony. ***

2. Any person who transports or ships any machine-gun or firearm silencer is guilty of a class D felony. Any person who transports or ships as merchandise any firearm *** is guilty of a class A misdemeanor.

3. Any person who disposes of any machine-gun or firearm silencer is guilty of a class D felony. Any person who knowingly buys, receives, disposes of, or conceals a machine-gun or firearm which has been defaced for the purpose of concealment or prevention of the detection of a crime or misrepresenting the identity of such machine-gun or firearm is guilty of a class D felony.

4. Any person who disposes of any of the weapons, instruments or appliances specified in subdivision one of section 265.01 is guilty of a class A misdemeanor, and he is guilty of a class D felony if he has previously been convicted of any crime.

5. Any person who disposes of any of the weapons, instruments, appliances or substances specified in subdivision four of section 265.05 to any other person under the age of sixteen years is guilty of a class A misdemeanor.

6. Any person who wilfully defaces any machine-gun or firearm is guilty of a class D felony.

7. Any person, other than a wholesale dealer, or gunsmith or dealer in firearms duly licensed pursuant to section 400.00, lawfully in possession of a firearm, who disposes of the same without first notifying in writing the licensing officer in the city of New York and counties of Nassau and Suffolk and elsewhere in the state the executive department, division of state police, Albany, is guilty of a class A misdemeanor.

Sec. 265.15 Presumptions of possession, unlawful intent and defacement.

1. The presence in any room, dwelling, structure or vehicle of any machine-gun is presumptive evidence of its unlawful possession by all persons occupying the place where such machine-gun is found.

2. The presence in any stolen vehicle of any weapon, instrument, appliance or substance specified in sections 265.01, 265.02, 265.03, 265.04 and 265.05 is presumptive evidence of its possession by all persons occupying such vehicle at the time such weapon, instrument, appliance or substance is found.

3. The presence in an automobile, other than a stolen one or a public omnibus, of any firearm, defaced firearm, firearm silencer, explosive or incendiary bomb, bombshell, *** is presumptive evidence of its possession by all persons occupying such automobile at the time such weapon, instrument or appliance is found, except under the following circumstances: (a) if such weapon, instrument or appliance is found upon the person of one of the occupants therein; (b) if such weapon, instrument or appliance is found in an automobile which is being operated for hire by a duly licensed driver in the due, lawful and proper pursuit of his trade, then such presumption shall not apply to the driver; or (c) if the weapon so found is a pistol or revolver and one of the occupants, not present under duress, has in his possession a valid license to have and carry concealed the same.

4. The possession by any person of the substance as specified in section 265.04 is presumptive evidence of possessing such substance with intent to use the same unlawfully against the person or property of another if such person is not licensed or otherwise authorized to possess such substance. The possession by any person of any *** weapon, instrument, appliance, or substance designed, made or adapted for use primarily as a weapon, is presumptive evidence of intent to use the same unlawfully against another.

5. The possession by any person of a defaced machine-gun or firearm is presumptive evidence that such person defaced the same.

Sec. 265.20 Exemptions. a. Sections 265.01, 265.02, 265.03, 265.04, 265.05, 265.10, 265.15 and 270.05 shall not apply to:

1. Possession of any of the weapons, instruments, appliances or substances specified in

sections 265.01, 265.02, 265.03, 265.04, 265.05 and 270.05 by the following:

(a) Persons in the military service of the state of New York when duly authorized by regulations issued by the chief of staff to the governor to possess the same, members of the division of state police, and peace officers as defined in subdivision thirty-three of section 120 of the criminal procedure law and persons appointed as railroad policemen pursuant to section eighty-eight of the railroad law.

(b) Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

(c) Persons employed in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

(d) A person voluntarily surrendering such weapon, instrument, appliance or substance, provided that such surrender shall be made to the sheriff of the county in which such person resides and in the county of Nassau to the commissioner of police or a member of the police department thereof designated by him, or if such person resides in a city having a population of seventy-five thousand or more to the police commissioner or head of the police force or department, or to a member of the force or department designated by such commissioner or head; and provided, further, that the same shall be surrendered by such person only after he gives notice in writing to the appropriate authority, stating his name, address, the nature of the weapon to be surrendered, and the approximate time of day and the place where such surrender shall take place. Such notice shall be acknowledged immediately upon receipt thereof by such authority. Nothing in this paragraph shall be construed as granting immunity from prosecution for any crime or offense except that of unlawful possession of such weapons, instruments, appliances or substances surrendered as herein provided. A person who possesses any such weapon, instrument, appliance or substance as an executor or administrator or any other lawful possessor of such property of a decedent may continue to possess such property for a period not over fifteen days. If such property is not lawfully disposed of within such period the possessor shall deliver it to an appropriate official described in this paragraph or such property may be delivered to the superintendent of state police. Such officer shall hold it and shall thereafter deliver it on the written request of such executor, administrator or other lawful possessor of such property to a named person, provided such named person is licensed to or is otherwise lawfully permitted to possess the same. If no request to deliver the property is received within two years of the delivery of such property to such official he shall dispose

of it in accordance with the provisions of section 400.05 of the penal law.

2. Possession of a machine-gun, firearm, *** by a warden, superintendent, headkeeper or deputy of a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of a crime or detained as witnesses in criminal cases, in pursuit of official duty or when duly authorized by regulation or order to possess the same.

3. Possession of a pistol or revolver by a person to whom a license therefor has been issued as provided under section 400.00; provided, that such a license shall not preclude a conviction for the offense defined in subdivision three of section 265.01.

4. Possession of a rifle, shotgun or longbow for use while hunting, trapping or fishing, by a person, not a citizen of the United States, carrying a valid license issued pursuant to section 11-0713 of the environmental conservation law.

5. Possession of a rifle or shotgun by a person who has been convicted as specified in subdivision four of section 265.01 to whom a certificate of good conduct has been issued pursuant to section two hundred forty-two, subdivision three of the executive law.

7. Possession, at an indoor or outdoor rifle range for the purpose of loading and firing the same, of a rifle of not more than twenty-two calibre rim fire, the propelling force of which may be either gunpowder, air or springs, by a person under sixteen years of age but not under twelve, who is a duly enrolled member of any club, team or society organized for educational purposes and maintaining as a part of its facilities, or having written permission to use, such rifle range under the supervision, guidance and instruction of (a) a duly commissioned officer of the United States army, navy, marine corps or coast guard, or of the national guard of the state of New York; or (b) a duly qualified adult citizen of the United States who has been granted a certificate as an instructor in small arms practice issued by the United States army, navy or marine corps, or by the adjutant general of this state, or by the national rifle association of America, a not-for-profit corporation duly organized under the laws of this state.

8. The manufacturer of machine-guns *** as merchandise and the disposal and shipment thereof direct to a regularly constituted or appointed state or municipal police department, sheriff, policeman or other peace officer, or to a state prison, penitentiary, workhouse, county jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases, or to the military service of this state or of the United States.

9. The regular and ordinary transport of firearms as merchandise, provided that the

person transporting such firearms, where he knows or has reasonable means of ascertaining what he is transporting, notifies in writing the police commissioner, police chief or other law enforcement officer performing such functions at the place of delivery, of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by such police commissioner, police chief or other law enforcement officer as such official may deem necessary for investigation as to whether the consignee may lawfully receive and possess such firearms.

10. Engaging in the business of gunsmith or dealer in firearms by a person to whom a valid license therefor has been issued pursuant to section 400.00.

11. Possession of a pistol or revolver by a police officer or sworn peace officer of another state while conducting official business within the state of New York.

b. At any time, any person who voluntarily delivers to a peace officer any weapon, instrument, appliance or substance specified in section 265.01, 265.02, 265.03, 265.04 or 265.05, under circumstances not suspicious, peculiar or involving the commission of any crime, shall not be arrested. Instead, the officer who might make the arrest shall issue or cause to be issued in a proper case a summons or other legal process to the person for investigation of the source of the weapon, instrument, appliance or substance.

265.40. *** It shall be lawful for a person or persons residing in this state to purchase or otherwise obtain a rifle and/or shotgun in a contiguous state, and to receive or transport such rifle and/or shotgun into this state; provided, however, such person is otherwise eligible to possess a rifle and/or shotgun under the laws of this state.

Article 400—Licensing And Other Provisions Relating To Firearms

Sec. 400.00 Licenses to carry, possess, repair and dispose of firearms.

1. Eligibility. No license shall be issued or renewed pursuant to this section except by the licensing officer, and then only after investigation and finding that all statements in a proper application for a license are true. No license shall be issued or renewed except for an applicant (a) of good moral character; (b) who has not been convicted anywhere of a felony or a serious offense; (c) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and (d) concerning whom no good cause exists for the denial of the license. No person shall engage in the business of gunsmith or dealer in firearms unless licensed pursuant to this section. An applicant to engage in such business shall also be a citizen of the United

States, more than twenty-one years of age and maintain a place of business in the city or county where the license is issued. For such business, if the applicant is a firm or partnership, each member thereof shall comply with all of the requirements set forth in this subdivision and if the applicant is a corporation, each officer thereof shall so comply.

N. Y. Consol. Laws (McKinney's)

Village Law

89. General powers of the board of trustees. 58. Firearms and explosives. May prohibit, restrain, regulate and license the storage, sale or discharge of firearms, fireworks and other explosives and the explosion of gun powder and gun cotton.

Babylon

Sec. 1. No person shall offer, sell, loan, lease or give to any child under the age of sixteen years any gun, revolver, pistol or other firearm, *** or any instrument or weapon commonly known as a toy pistol, or a blank gun or any type of gun, pistol, cannon or instrument simulating a weapon in or upon which any loaded or blank cartridge, powder and ball are used or may be used, or any loaded or blank cartridge, powder or ammunition therefor.

It shall be unlawful for any child under the age of sixteen years to have in his possession or to use any of the articles, instruments or weapons enumerated in this section.

Sec. 2. No person over the age of sixteen years shall have in his possession any gun, revolver, pistol or other firearm, *** without having procured a permit to possess the same from such official, agency or department as the Board of Trustees may from time to time by resolution designate.

Buffalo

12.01. Definition. "Small arms ammunition" shall mean any shotgun, rifle, pistol or revolver cartridge and cartridges for propellant-actuated power devices and industrial guns. "Small arms ammunition primer" shall mean a small percussion-sensitive explosive charge, encased in a cap, used to ignite propellant powder.

12.02. License Required for the Possession and Sale of Fixed Ammunition for Small Arms. No person, firm or corporation shall store, keep for sale or offer for sale any fixed ammunition for small arms without a license from the director of licenses and permits of the city of Buffalo upon the approval

of the bureau of fire prevention at wholesale or retail. The said license shall expire on December thirty-first of each year following the date of issuance. ***

12.03. Manufacture of Small Arms Ammunition Within the City Is Prohibited. No person shall manufacture within the limits of the city, any fixed ammunition for small arms. Exception: Hand loading of small arms ammunition prepared for personal use when not for resale.

12.04. Hand Loading of Small Arms Ammunition. No person shall engage in the hand loading of small arms ammunition except for private personal use only and not for resale. A reloading of small arms ammunition shall be limited to the use of sporting or smokeless powder. An amount not in excess of five pounds and in the original container may be kept in a building without storing such powder in a magazine. An amount not in excess of ten pounds stored in a magazine and one thousand small arms primers packed in approved ICC containers may be kept in a building. Smoking while handling powder is prohibited. Storage of powder shall be inaccessible to children.

The hand loading of small arms ammunition is hereby prohibited in all buildings classified as multiple dwellings or multiple housing by the division or rehabilitation and conservation.

Cedarhurst

Sec. 11-4. Firearms, firecrackers, explosives. *** (b) Sale, delivery prohibited; exception. No person or corporation shall at any time sell, expose for sale or give away any loaded cartridges, blank cartridges, percussion-caps *** except to licensed holders of firearms and except shells for firearms, not requiring a license.

Churchville

Chapter 2-A Within the Village of Churchville no person or corporation shall, without a license: Sec. 1. Store, sell or discharge firearms, fireworks or other explosives.

Hastings on Hudson

Chapter 25 Article I

Sec. 25-2. Sale of fireworks, firearms, ammunition. It shall be unlawful for any person to sell or offer for sale within the village any blank cartridges, pistol, cannon, firecracker, torpedo canes for firing ammunition, or any ammunition commonly known as "car-

track ammunition," and any and all kinds, within the said village.

Hempstead

6-57. Permits for sale of ammunition. (a) Required: issuance. Permits for the sale and storage of ammunition may be granted in the discretion of the village board. Application shall be made in writing to the village clerk; *** Such permit shall apply only to the premises and persons stated and to the class and kind of ammunition mentioned therein and shall be subject to such conditions and restrictions as the board may prescribe.

Kings Point

Ordinance 8

Sec. 2. No person, firm or corporation shall in the Village of Kings Point sell, expose for sale, or give away, any loaded cartridges, blank cartridges *** or any other explosive materials of any description, without first obtaining a permit from the Village Clerk.

Kingston

Sec. 11.11 Manufacture Prohibited. It shall be unlawful to manufacture small arms ammunition in The City of Kingston.

Sec. 11.13 Storage and Sale of Small Arms Ammunition. (a) Permit required. It shall be unlawful to store, sell or offer for sale any small ammunition without first having obtained a permit therefor from the Fire Chief.

Mount Vernon

Sec. 78-15. Prohibition Against Fire Bombs or "Molotov Cocktails". (a) Prohibition: No person or organization shall assemble, manufacture, produce, distribute, store or possess fire bombs or "Molotov Cocktails" or any similar devices which employ the use of gasoline or any other flammable or combustible substance.

(b) Fire Bomb or "Molotov Cocktail" defined: A glass or other breakable or collapsible portable container in which is contained gasoline or other flammable or combustible liquid with a wick attached thereto, which upon impact will burn, explode or ignite.

New York City

436-5.0. Firearms. a. Pistols or revolvers, keeping or carrying. 1. The commissioner

shall grant and issue licenses and permits hereunder pursuant to the provisions of Article four hundred of the penal law. Unless they indicate otherwise, such licenses and permits shall expire on the first day of the second January after the date of issuance.

2. Every applicant for a license to carry or possess a pistol or revolver in the city shall pay therefor, a fee of thirty dollars for each original application for the license period or part thereof, a fee of twenty dollars for each renewal application, and a fee of ten dollars for each replacement application of a lost license. A fee of ten dollars shall be paid for each renewal license that is issued for a period of one year or part thereof.

436-6.0. Control and regulation of the disposition, purchase and possession of firearms, rifles and shotguns. Definitions. Whenever used in this chapter the following terms shall mean and include:

1. "Firearm." Any pistol, revolver, sawed-off shotgun, rifle or other firearm of a size which may be concealed upon the person.

2. "Rifle." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each pull of the trigger.

3. "Shotgun." A weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell, to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

4. "Gunsmith." Any person, firm, partnership, corporation, or company who engages in the business of repairing, altering, assembling, manufacturing, cleaning, polishing, engraving, or trueing, or who in the course of such business performs any mechanical operation on any rifle, shotgun, firearm or machine gun.

5. "Dealer in firearms." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any pistol or revolver or other firearms which may be concealed upon the person. Dealer in firearms shall not include a wholesale dealer.

6. "Dealer in rifles and shotguns." Any person, firm, partnership, corporation or company who engages in the business of purchasing, selling, keeping for sale, loaning, leasing, or in any manner disposing of any rifle, or shotgun. Dealer in rifles and shotguns shall not include a wholesale dealer.

7. "Ammunition." Explosives suitable to be fired from a firearm, machine gun, pistol, revolver, rifle, shot gun or other dangerous weapon.

8. "Dispose of." To dispose of, give away, give, lease, loan, keep for sale, offer, offer for sale, sell, transfer and otherwise dispose of.

9. "Deface." To remove, deface, cover, alter, or destroy the manufacturer's serial number or any other distinguishing number or identification mark.

10. "Commissioner." The police commissioner of the city of New York.

11. "Control Board." The firearms control board as established in section 436-6.2.

12. "Appeals Board." The rifle and shotgun purchase and possession permit appeals board as established in section 436-6.7.

13. "Permit." The permit for purchase and possession of rifles and shotguns issued by the control board.

14. "Certificate." The certificate of registration for possession of rifles and shotguns.

15. "Mental defective." Any person affected with mental defectiveness from birth or from an early age to such an extent that he is incapable of managing himself and his affairs, who for his own welfare or the welfare of others or of the community requires supervision, control or care, and who is not mentally ill or of unsound mind to such an extent as to require his certification to an institution for the mentally ill.

436-6.1 Licensing of gunsmiths, of wholesale manufacturer of firearms, of assemblers of firearms, or of dealers in firearms. a. It shall be unlawful for any person to engage in the business of gunsmith, wholesale manufacturer of firearms, assembler of firearms, or of dealer in firearms, unless such person, firm, partnership, corporation or company has obtained a license in the manner prescribed in this section.

b. No license shall be issued or renewed pursuant to this section except by the commissioner, and then only after investigation and finding that all statements in a proper application for a license or renewal are true. No license shall be issued or renewed except for any applicant:

(1) of good moral character;

(2) who has not been convicted anywhere of a felony or of any of the following misdemeanors or offenses: ***

(3) who has stated whether he has ever suffered any mental illness or been confined to any hospital or institution, public or private, for mental illness; and

(4) concerning whom no good cause exists for the denial of the license.

c. An applicant to engage in such business shall also be a citizen of the United States, more than twenty-one years of age and maintain a place of business in the city. ***

k. The conviction of a licensee anywhere of a felony or any of the misdemeanors or offenses enumerated in paragraph two, of subdivision b, of this section, shall operate as a revocation of the license. ***

436-6.3. Licensing of dealers in rifles and shotguns. No person shall engage in the business of purchasing, selling, licensing, or in any manner disposing of shotguns or rifles unless he has been issued a permit for the purchase and possession of shotguns and rifles, and prominently displays in his place of business a license as a registered dealer in shotguns and rifles. ***

436-6.6 Permits for possession and purchase of rifles and shotguns. It shall be unlawful to dispose of any rifle or shotgun to any person unless said person is the holder of a permit for possession and purchase of rifles and shotguns; it shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a permit for the possession and purchase of rifles and shotguns.

The disposition of a rifle or shotgun, by any licensed dealer, to any person presenting a valid rifle and shotgun permit issued to such person, shall be conclusive proof of the legality of such disposition by the dealer.

a. Requirements.—No person of good character and who is of good repute in the community and who is not subject to any of the disabilities set forth in this section or other sections of this chapter, shall be denied a permit to purchase and possess a rifle or shotgun unless the applicant:

1. is under the age of eighteen, or

2. has been convicted in this state or elsewhere of a felony or any misdemeanor or offense set forth in section 552 of the code of criminal procedure, unless such person has received a certificate of good conduct pursuant to subdivision 3 of section 242 of the executive law, or

3. has ever been confined to any hospital or institution, public or private, for mental illness, alcoholism, drug addiction, except where such person has a written statement by a physician duly licensed to practice medicine in the state of New York and specializing in psychiatric medicine, that the applicant is a sound person to possess a rifle or shotgun without danger of harm to himself or any other person, or

4. suffers from a physical defect or sickness which would make it unsafe for him to handle firearms, rifles or shotguns except where such person has a written statement from a physician duly licensed to practice medicine in the state of New York, or other satisfactory proof, that he is no longer suffering from a disability in such a manner that it would interfere with or incapacitate him in the handling of a rifle or shotgun, or

5. is a mental defective, or

6. is a habitual drunkard, or

7. has been adjudicated mentally incompetent and with respect to whom such adjudication remains outstanding, or

8. is addicted to narcotic drugs, or

9. has received a dishonorable discharge from the military service of the United States by reason of an action found constituting a felony or a misdemeanor or offense set forth in section 552 of the code of criminal procedure; or

10. Where the issuance of a permit to such a person would not be in the interests of public health, safety or welfare.

f. Validity.—Any person to whom a rifle and shotgun permit has been validly issued pursuant to this chapter may possess a rifle or shotgun. No permit shall be transferred to any other person. Every person carrying a rifle or shotgun shall have on his person a permit which shall be exhibited for inspection to any police officer upon demand. Failure of any such person to so exhibit his permit shall be presumptive evidence that he is not duly authorized to possess a rifle or shotgun and the same may be considered by the control board as cause for forfeit of such permit. A permit shall be valid for three (3) years and shall be subject to automatic renewal, upon sworn application, and without investigation, unless the control board has reason to believe that the status of the applicant has changed since the previous application.

h. Non-residents.—Non-residents of the city of New York may apply for a rifle or shotgun permit subject to the same conditions, regulations and requirements as residents of the city of New York.

A non-resident of the city of New York who has not been issued a permit may nevertheless, purchase a rifle or shotgun from a licensed dealer provided that:

1. He subscribes and affirms or swears to a written statement that he does not suffer from any of the disabilities set forth in subdivision a. of this section which would prohibit him from receiving a permit if he were a resident of the city of New York, and that he would be legally permitted to purchase a rifle or shotgun in the city or state in which he resides.

2. The rifle or shotgun so purchased is transmitted by the dealer directly to the purchaser's residence.

3. In the event the purchaser is traveling to another country by rail, ship or plane, the dealer is hereby authorized to deliver such rifle or shotgun at the appropriate terminal to a representative of the railroad, airline or shipping company, for placement aboard such train, plane or ship.

436-6.9. Certificates of registration. a. It shall be unlawful for any person to have in his possession any rifle or shotgun unless said person is the holder of a certificate of registration for such rifle or shotgun. It shall be unlawful for any person, not a licensed dealer, to dispose of any rifle or shotgun for which he does not have a certificate of registration.

e. Disposition of rifles and shotguns.—No person lawfully in possession of a rifle or

shotgun shall dispose of same except to a licensed dealer in firearms, licensed dealer in rifles and shotguns, the holder of a valid rifle and shotgun permit, or to an exempt person as enumerated in this chapter.

Any person so disposing of a rifle or shotgun shall report the disposition on forms provided by the control board setting forth the rifle and shotgun permit number of both seller and purchaser, the make, caliber, type, model and serial number, if any, and if the seller is a licensed dealer the certificate of registration number, of all such rifles and shotguns. Such form shall be signed by both seller and purchaser and the original shall be forwarded to the control board within seventy-two hours of the disposition, one copy shall be retained by the seller, another by the purchaser.

1.—If the seller is a licensed dealer, he shall at the time of the sale issue a certificate of registration to the purchaser provided to the dealer for that purpose by the control board and shall forward to the control board the duplicate thereof, together with the report of disposition.

2.—If the seller is not a licensed dealer the control board shall, if the purchaser's rifle permit is valid, issue the certificate of registration within ten days of the receipt by the control board of the report of disposition. Pending receipt of the certificate, but in no event for any longer than fourteen days from the date of purchase, the copy of the report of disposition shall serve in lieu of the purchaser's certificate of registration.

436-6.10. Exemptions. The sections requiring rifle and shotgun permits and certificates shall not apply as follows:

a. Minors. Any person under the age of eighteen years may carry, fire, or use any rifle or shotgun in the actual presence or under the direct supervision of any person who is himself a holder of a rifle or shotgun permit, or for the purpose of military drill under the auspices of a legally recognized military organization and under competent supervision or for the purpose of competition or target practice in and upon a firing range approved by the commissioner or any other governmental agency authorized to provide such approval, or the national rifle association, which is under competent supervision at the time of such competition or target practice, and providing that the rifle or shotgun is otherwise properly registered or exempt from registration by virtue of some other provision of this chapter.

b. Antiques and ornaments. The provisions of this chapter shall not apply to antique rifles and shotguns which are incapable of being fired or discharged or which do not fire fixed ammunition, or those weapons manufactured prior to 1894 and those weapons whose design was patented and whose commercial manufacture commenced prior to 1894 and whose

manufacture continued after 1894 without any substantial alteration in design or function, and for which cartridge ammunition is not commercially available and are possessed as curiosities or ornaments or for their historical significance and value.

c. Persons in the military service in the state of New York, when duly authorized by regulations issued by the chief of staff to the governor to possess the same, and police officers, and other peace officers.

d. Persons in the military or other service of the United States, in pursuit of official duty or when duly authorized by federal law, regulation or order to possess the same.

e. Persons employed—in fulfilling defense contracts with the government of the United States or agencies thereof when possession of the same is necessary for manufacture, transport, installation and testing under the requirements of such contract.

Any such person exempted by sections c, d and e above, may purchase a rifle or shotgun only from a licensed dealer, and must submit to the dealer full and clear proof of identification, including shield number, serial number, military or governmental order or authorization, and military or other official identification. Any dealer who disposes of a rifle or shotgun to any exempt person without securing such identification shall be in violation of these sections.

g. The regular and ordinary transport of rifles and shotguns as merchandise provided that the person transporting such rifles and shotguns where he knows or has reasonable means of ascertaining what he is transporting notifies, in writing, the control board of the name and address of the consignee and the place of delivery, and withholds delivery to the consignee for such reasonable period of time designated in writing by the control board as it may deem necessary for investigation as to whether the consignee may lawfully receive and possess such rifles and shotguns.

j. Nothing herein contained shall be construed to be a prohibition of the conduct of business by manufacturers, wholesale dealers, interstate shippers, or any other individuals or firms properly licensed by the federal government.

k. Special theatrical permit. Nothing herein contained is intended to prevent the possession or utilization of any rifle or shotgun during the course of any television, movie, stage or other similar theatrical production, or by a professional photographer in the pursuance of his profession, provided however, that the rifle or shotgun so used shall be properly registered and a special theatrical permit shall have been issued by the control board without the requirements for fingerprinting and investigation set forth for rifle and shotgun permits.

436-6.11. Sale and purchase of ammunition. At any time after one year from the

effective date of this section no ammunition suitable for use in a rifle of any caliber or for any shotgun shall be sold or given away, or otherwise disposed of to any person who has not been issued a rifle and shotgun permit and a certificate of registration and who does not exhibit same to the dealer at the time of purchase. In no event shall rifle or shotgun ammunition be sold to any such person except for a shotgun, or for the specific caliber of rifle, for which the certificate of registration has been issued.

A record shall be kept by the dealer of each sale or any other disposition of ammunition under this section which shall show the type and quantity of ammunition sold, the name and address of the person receiving same, the date and time of the transaction, and the numbers of the permit and certificate exhibited as required by this section.

436-6.13. Identifying marks. a. Defacing. Any person who alters, changes, removes, disfigures, obliterates or defaces the name of the maker, model, manufacturer's or serial number of a rifle or shotgun shall be in violation of this section.

b. Any rifle or shotgun sold or otherwise disposed of by a licensed dealer, at any time after six months of the effective date of this act, which does not contain a manufacturer's or serial number, must have imbedded into the metal portion of such rifle or shotgun a dealer's number. Failure to so mark and identify any rifle or shotgun shall be a violation of this section.

C19-38.0. Storage and sale. a. Permit. It shall be unlawful to store, sell or offer for sale any ammunition in excess of two hundred small arm cartridges without a permit.

Pelham Manor

20—Firearms (a) It shall be unlawful for any person without proper license issued under the laws of the State of New York to possess or carry any pistol, revolver, sawed-off shotgun or other firearms as defined in Section 1 of this Code of General Ordinances of a size which may be concealed upon the person except in the case of any person who is specifically exempt from the State licensing provisions under the laws of the State of New York.

Rochester

47-5. Rifles, guns, revolvers and dangerous instruments. A. No person shall sell, loan, lease, give or offer to any child under eighteen years of age, or to any other person to whom a permit has not been issued by the Commissioner of Public Safety, any revolver, pistol or instrument which may be used as a weapon in which the propelling force is compressed air, compressed gas, a spring or any

elastic substance and which releases darts, pellets, bullets, metallic particles or other materials capable of endangering life or property, or causing bodily injury, or any instrument commonly known as a blank gun in which any loaded or blank cartridge or ammunition is or may be used. No person shall make such sale, loan, lease, gift, transfer or offer, unless the person acquiring the item or items above named exhibits to him a permit issued by the Commissioner of Public Safety and produces identification that that person acquiring said item or items is the same person to whom the permit has been issued.

No person shall sell, loan, lease, give or offer to any child under eighteen years of age any loaded or blank cartridges or ammunition commonly used in the said type of revolver, pistol, gun or instrument which may be used as a weapon, described in this section.

Saddle Rock Village

Ordinance 10

Section 2. No person, firm or corporation shall keep, store, sell, expose for sale or give away any loaded cartridges, blank cartridges, caps, percussion caps, *** without first obtaining a permit from the Board of Trustees of the Village of Saddle Rock.

Scarsdale

C. Weapons. No person shall sell, purchase, use, carry or transport any firearm, rifle, shot gun, pistol, machine gun, cannon, revolver, zip gun, *** incendiary missile, Molotov cocktail, bomb, *** hand grenade, *** unless in the performance of his official duties and qualified auxiliary policemen activated in accordance with law shall be included in those who are in the performance of their official duties. ***

Suffolk County

Local law No. 7

Section 2. Definitions. (a) The term "firearm" means any handgun (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, including: a pistol; a revolver; an automatic; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer; or the trigger, barrel or cylinder of any such weapon.

(b) The term "manufacturer" means any person engaged in the manufacture of any

firearm, or the assembly of any firearm for the purposes of sale or distribution; and the term "licensed manufacturer" means any such person licensed under the provisions of this local law.

(c) The terms "person", "applicant" and "whoever" include any individual, corporation, company, association, firm, partnership, society or joint stock company.

(d) The term "Commissioner" shall mean the Commissioner of the Suffolk County Police Department, or such member of the Department as the Commissioner may designate to handle the licenses authorized by this local law.

Section 3. Prohibited Conduct. It shall be unlawful for any person to manufacture or assemble any firearm within the confines of Suffolk County without having first obtained a written license from the Commissioner of the Suffolk County Police Department, as hereinafter prescribed.

Section 4. License Requirements *** (a) No person shall engage in business as a firearms manufacturer in Suffolk County until he has filed an application with, and received a license to do so from, the Commissioner of the Suffolk County Police Department. The application shall be in such form and contain such information as the Commissioner shall by regulation prescribe *** (Contact the Office of the Commissioner for additional information; the license fee is \$500.00 a year)*

(c) Any application submitted hereunder shall be disapproved and the license denied and the fee returned to the applicant, if the Commissioner, after notice and opportunity for hearing, finds that (the applicant is not qualified to receive a license to manufacture firearms; contact the office of the commissioner for information on the categories in Section 4(c) under which an application would be denied)

Section 5. Business Location. (a) Every person licensed pursuant to this local law shall maintain a place of business in Suffolk County, and shall have on hand for inspection by any Police Officer, a complete record of every firearm manufactured, *** [Contact the office of the commissioner for required contents under Section 5 (a)]

Town of Orangetown

Section 15-78. Permits Required. A. Permits shall be obtained: (1) To manufacture, possess, store, sell or otherwise dispose of *** small-arms ammunition.

Thomaston

Ordinance 22

Second: No person, firm or corporation shall sell, expose for sale or give away any

loaded cartridges, blank cartridges, caps, percussion caps, fuse or electric blasting caps, dynamite, fire-crackers or other fireworks or any other explosive materials of any description without first obtaining a permit from the Village Board of the Village of Thomaston.

Utica

16-4. Fireworks, firearms, pyrotechnics. (a) Definitions. (2) "Small arms ammunition" whenever used in this section, shall be held to mean any shotgun, rifle, pistol, or revolver cartridges.

(b) Sale, manufacture, delivery, use. No person shall manufacture, cause to be manufactured, store, handle, transport, sell, keep for sale, offer, give, dispose of, or discharge any firearms except as provided in the Penal Code, nor any pyrotechnics or small arms am-

munition within the city without permission from the common council or written permission from the commissioner of public safety, or the mayor.

White Plains

11.10—Definitions. "Small Arms Ammunition" shall mean any shotgun, rifle, pistol or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. ***

11.11 Manufacture Prohibited. It shall be unlawful to manufacture small arms ammunition in The City of White Plains.

11.13 Storage and Sale of Small Arms Ammunition. (a) Permit required. It shall be unlawful to store, sell or offer for sale any small arms ammunition without first having obtained a permit therefor from the Commissioner. ***

North Carolina

State Law

The Gen. Stat. of N.C.

14-288.8. Manufacture, assembly, possession, storage, transportation, sale, purchase, delivery, or acquisition of weapon of mass death and destruction; exceptions.

(a) Except as otherwise provided in this section, it is unlawful for any person to manufacture, assemble, possess, store, transport, sell, offer to sell, purchase, offer to purchase, deliver or give to another, or acquire any weapon of mass death and destruction.

(b) This section does not apply to: (1) Persons exempted from the provisions of Sec. 14-269 with respect to any activities lawfully engaged in while carrying out their duties.

(2) Importers, manufacturers, dealers, and collectors of firearms, ammunition, or destructive devices validly licensed under the laws of the United States or the State of North Carolina, while lawfully engaged in activities authorized under their licenses.

(3) Persons under contract with the United States, the State of North Carolina, or any agency of either government, with respect to any activities lawfully engaged in under their contracts.

(4) Inventors, designers, ordnance consultants and researchers, chemists, physicists, and other persons lawfully engaged in pursuits designed to enlarge knowledge or to facilitate the creation, development, or manufacture of weapons of mass death and destruction intended for use in a manner consistent with the laws of the United States and the State of North Carolina.

(c) The term "weapon of mass death and destruction" includes:

(1) Any explosive, incendiary, poison gas or radioactive material:

a. Bomb; or
b. Grenade; or
c. Rocket having a propellant charge of more than four ounces; or

d. Missile having an explosive or incendiary charge of more than one-quarter ounce; or

e. Mine; or
f. Device similar to any of the devices described above; or

(2) Any type of weapon (other than a shotgun or a shotgun shell of a type particularly suitable for sporting purposes) which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; or

(3) Any semiautomatic firearm capable of firing 31 rounds or more without reloading, any firearm capable of fully automatic fire, any shotgun with a barrel of less than 18 inches in length or an overall length of less than 26 inches; or

(4) Any combination of parts either designed or intended for use in converting any device into any weapon described above and from which a weapon of mass death and destruction may readily be assembled. *** The term "weapon of mass death and destruction" does not include any device which is neither

designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of Title 10 of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting purposes, in accordance with chapter 44 of Title 18 of the United States Code. *****

Sec. 14-315. Selling or giving weapons to minors. If any person shall knowingly sell, offer for sale, give or in any way dispose of to a minor any pistol or pistol cartridge, *** he shall be guilty of a misdemeanor.

Article 52A.

Sale of Weapons in Certain Counties.

Sec. 14.402. Sale of certain weapons without permit forbidden. It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the sheriff of the county in which such purchase, sale, or transfer is intended to be made, any pistol, so-called pump gun, ***.

"Antique firearm" as defined by G.S. 14-409.11, and "historic edged weapon" as defined by G.S. 14-409.12, are hereby excepted from the provisions of this section.

Sec. 14-404. Applicant must be of good moral character; weapon for defense of home; sheriff's fee. Before the sheriff shall issue any such license or permit he shall fully satisfy himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm, or corporation requires the possession of the weapon mentioned for protection of the home. If said sheriff shall not be so fully satisfied, he shall refuse to issue said license or permit: Provided that nothing in this article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms. The sheriff shall charge for his services upon issuing such license or permit a fee of fifty cents.

Sec. 14-407.1. Sale of blank cartridge pistols. The provisions of G.S. 14-402 and G.S. 14-405 to 14-407 shall apply to the sale of pistols suitable for firing blank cartridges. The clerks of the superior courts of all the counties of this State are authorized and may

in their discretion issue to any person, firm or corporation, in any such county, a license or permit to purchase or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the following form: [form deleted]

Sec. 14-409. Machine guns and other like weapons. It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the sheriff of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shotguns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or submachine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the sheriff of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred (\$500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the court.

Article 53.

Sale of Weapons in Certain Other Counties.

Sec. 14-409.1. Sale of certain weapons without permit forbidden. It shall be unlawful for any person, firm, or corporation in this State to sell, give away, or dispose of, or to purchase or receive, at any place within the

State from any other place within or without the State, unless a license or permit therefor shall have first been obtained by such purchaser or receiver from the clerk of the superior court of the county in which such purchase, sale or transfer in intended to be made, any pistol, ***.

Sec. 14-409.3. Applicant must be of good moral character; weapon for defense of home; clerk's fee. Before the clerk of the superior court shall issue any such license or permit he shall fully satisfy himself by affidavits, oral evidence, or otherwise, as to the good moral character of the applicant therefor, and that such person, firm or corporation requires the possession of the weapon mentioned for protection of the home. If said clerk shall not be so fully satisfied, he shall refuse to issue said license or permit: Provided, that nothing in this article shall apply to officers authorized by law to carry firearms if such officers identify themselves to the vendor or donor as being officers authorized by law to carry firearms. The clerk shall charge for his services upon issuing such license or permit a fee of fifty cents.

Sec. 14-409.7. Sale of blank cartridge pistols. The provisions of G. S. 14-409.1 and G. S. 14-409.4 to 14-409.6 shall apply to the sale of pistols suitable for firing blank cartridges. The clerks of the superior courts of all the counties of this State are authorized and may in their discretion issue to any person, firm or corporation, in any such county, a license or permit to purchase or receive any pistol suitable for firing blank cartridges from any person, firm or corporation offering to sell or dispose of the same, which said permit shall be in substantially the following form: [form deleted]

Sec. 14-409.9. Machine guns and other like weapons. It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, submachine guns, or other like weapons: Provided, however, that this section shall not apply to the following:

Banks, merchants, and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the clerk of the superior court of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States army, when in discharge of their official duties, officers and soldiers of the militia and the State guard when called into actual service, officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in the discharge of their official duties; the manufacture, use or possession of such weapons for scientific or experimental purposes when such manufacture, use or possession is lawful under federal laws and the weapon is registered with a federal

agency, and when a permit to manufacture, use or possess the weapon is issued by the sheriff of the county in which the weapon is located. Provided, further, that automatic shotguns and pistols or other automatic weapons that shoot less than thirty-one shots shall not be construed to be or mean a machine gun or submachine gun under this section; and that any bona fide resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this section upon his reporting said ownership to the clerk of the superior court of the county in which said person lives.

Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred (\$500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the court.

Sec. 14-409.10. Purchase of rifles and shotguns out of State. It shall be lawful for citizens of this State to purchase rifles and shotguns and ammunition therefor in states contiguous to this State.

Sec. 14-409.11. "Antique firearm" defined. The term "antique firearm" means any firearm manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar early type of ignition system) or replica thereof, whether actually manufactured before or after the year 1898; and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Sec. 14-415.1. Possession of firearms, etc., by felon prohibited. (a) It shall be unlawful for any person who has been convicted of any crime set out in subsection (b) of this section to purchase, own, possess, or have in his custody, care, or control any handgun or other firearm with a barrel length of less than 18 inches or an overall length of less than 26 inches, or any weapon of mass death and destruction as defined in G.S. 14-288.8(c), within five years from the date of such conviction, or the unconditional discharge from a correctional institution, or termination of a suspended sentence, probation, or parole upon such conviction, whichever is later.

Every person violating the provisions of this section shall be guilty of a felony and shall be imprisoned for not more than 10 years in the State prison or shall be fined an amount not exceeding five thousand dollars (\$5,000).

Sec. 14-415.2. Exemption where citizenship restored. Any person whose citizenship is restored under the provisions of Chapter 13 of the General Statutes, any comparable State or federal statute, shall thereafter be exempted from the provisions of G.S. 14-415.1

Sec. 105-80. Dealers in pistols, etc. (a) Every person, firm, or corporation who is engaged in the business of keeping in stock, selling, and/or offering for sale any of the articles or commodities enumerated in this section, shall apply for and obtain a State license from the Commissioner of Revenue for the privilege of conducting such business ***.

Ahoskie

Section 8-22. Firebombs (a) Definitions. For the purposes of this Section, the following terms shall have the meanings herein ascribed:

(1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebombs" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) **Prohibited Acts.** No person or persons shall manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) **Possession of Materials Restricted.** No person or group of persons shall possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Charlotte

11-18(246a). Pistols, dealers in pistols, etc. License required of dealers in pistols and/or metallic pistol cartridges or cartridges used in pistols.

Elizabeth City

6-3.1. Public safety. I: It shall be unlawful for any merchant within the City of Elizabeth City to engage in the business of selling or exchanging pistols without being licensed by the City Council of the City of Elizabeth City to engage in such business.

II: A new section shall be added to such ordinance, designated as Section III.1, reading as follows: All employees of a licensed merchant who are authorized to make a sale of pistols shall apply to the Chief of Police on a form to be prepared by him for a license to sell pistols as an employee of a licensed merchant and such application shall be passed upon by the City Council and if approved, a license shall be granted. It shall be unlawful for any employee of a licensed merchant to

engage in the sale of pistols without being first licensed in accordance with the above provisions.

Franklinton

Section 1. Definitions: For the purpose of this ordinance, the following terms shall have the meanings herein ascribed:

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Section 2. Prohibited Acts. It shall be unlawful for any person or persons to manufacture, possess, transport, or use any Molotov Cocktail or other firebomb.

Section 3. Possession of Materials Restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

High Point

Licenses

(131) Weapons, Dealer in. (Every person who is engaged in the business of keeping in stock, selling, and/or offering for sale any pistols, blank cartridge pistols, or metallic cartridges, must apply for and obtain from the city collector a license and pay the required tax)

Lenoir

Sec. 10-15.1. Fire bombs, Molotov Cocktails, etc. (a) Definitions. For the purposes of this section the following terms shall have the meanings herein ascribed:

(1) **Firebomb.** Any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(2) **Molotov Cocktail.** Any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, filled with inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) **Prohibited acts.** It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Micro

Ordinance 22

Section 1 Any person having in his possession any Molotov cocktail or other fire bombs of any kind or material for manufacturing any fire bomb shall be subject to a fine *** or confinement.

New Bern

Sec. 15-5. Possession of incendiary devices and materials. (a) For the purposes of this section, the following terms shall have the meanings ascribed to them:

(1) **Firebomb** shall mean any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(2) **Molotov cocktail** shall mean any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) It shall be unlawful for any person to manufacture, possess, transport or use any molotov cocktail or other firebomb.

(c) It shall be unlawful for any person to possess all the items or materials needed to manufacture molotov cocktails or other firebombs, other than on his premises.

Newton Grove

Section 11.15. Fire bombs prohibited. (a) For the purpose of this section, the following terms shall have the meanings herein ascribed:

(1) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

(c) It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises. The provisions of this section shall be cumulative and in addition to any other ordinance or General Statute of North Carolina on this subject.

Ocean Isle Beach

Now, therefore, be it further resolved that the following gun control law be adopted by the Town Council of the Town of Ocean Isle Beach.

(a) No person with the exception of a law enforcement officer shall have in his possession either concealed or otherwise, a firearm, by way of illustration and not by way of limitation specifically including shotgun, rifle, handgun, sawed-off shotgun, or any other like firearm in any public place within the Town limits of the Town of Ocean Isle Beach.

Pineville

Sec. 16-41. Definitions. For the purpose of this division, the following terms shall have the meanings herein ascribed:

Firebomb. Any type of object designed or constructed so that upon being propelled, it will explode or ignite at its area of impact.

Molotov Cocktail. Any breakable container or any container which is designed in such a manner that upon being propelled, it will upon impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

Sec. 16-42. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Sec. 16-43. Possession of materials restricted. It shall be unlawful for any person to possess all the items of materials needed to manufacture Molotov Cocktails or other firebombs, other than on his own premises.

Shelby

(1) "Molotov cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(2) "Fire bomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

(b) **Manufacture, possession, transportation, or use.** It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov cocktail or other fire bomb.

(c) **Possession of materials restricted.** It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov cocktails or other fire bombs, other than on his or their premises.

Snow Hill

Offenses and Miscellaneous Provisions

Sec. 14-22. Molotov cocktails and other firebombs—Prohibited. It shall be unlawful for any person to manufacture, possess, or transport or use any Molotov cocktail or other firebomb.

Sec. 14-23. Same—Definitions. For the purpose of this chapter, the following terms shall have the meanings herein ascribed:

Molotov Cocktail is defined as any breakable container which is designed in such a manner that upon being propelled it will on impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

Firebomb is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

Southern Pines

Sec. 9-21. Definitions. For the purposes of this article, the following terms shall have the meanings herein ascribed:

(a) **Molotov Cocktail.** "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) **Firebomb.** "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

North Dakota

State Law

N. D. Century Code

62-01-01. "Pistol" defined. "Pistol" as used in this chapter means any firearm having a barrel less than twelve inches long.

62-01-04. Who not to possess pistols.

Sec. 9-22. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

Warsaw

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. Possession of materials restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

Williamston

(a) "Molotov Cocktail" is defined as any breakable container or any container which is designed in such a manner that upon being propelled it will at impact empty its contents, which is filled with an inflammable fluid or substance, and which is fitted with a fuse or wick.

(b) "Firebomb" is defined as any type of object designed or constructed so that upon being propelled it will explode or ignite its area of impact.

2. Prohibited acts. It shall be unlawful for any person or persons to manufacture, possess, transport or use any Molotov Cocktail or other firebomb.

3. Possession of material restricted. It shall be unlawful for any person or group of persons to possess all the items or materials needed to manufacture Molotov Cocktails or other firebombs, other than on his or their premises.

where within the last ten years of any of the crimes of murder, manslaughter, robbery, burglary, kidnaping, arson, extortion, mayhem, forcible rape, unlawful entry, and any assault except simple assault and battery or any other crime involving the use of or possession of a pistol.

2. A person who is under the age of seventeen years or who is a drug addict, an alcoholic, or who is emotionally unstable.

62-01-06. License to carry weapon—Who may issue. A license to carry a pistol within this state may be issued by a sheriff upon application submitted to the sheriff of the county wherein the applicant has residence. If the applicant is a resident of a city within such county, the sheriff shall immediately notify in writing the chief of police of that city regarding the application. The chief of police of that city shall inform the sheriff in writing of his rejection or approval of the application.

62-01-09. Regulation of sales of pistols. No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or

2. Be one of the persons exempted under the provisions of section 62-01-05.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in triplicate containing the full name, age, address, and occupation of the person receiving the pistol, the caliber, make, model, and manufacturer's number of the pistol, and the number of the license possessed by the person obtaining the pistol.

This section shall not apply to purchase by licensed retailers from manufacturers, wholesalers, or jobbers, or to purchase by wholesalers or jobbers from manufacturers.

62-01-11. Selling pistol to minors prohibited—Penalty. Any person who shall sell, barter, hire, lend, or give any pistol to any minor under the age of seventeen years shall be guilty of a class A misdemeanor.

62-01-12. Prohibited transfers. No person shall deliver a pistol to any person if he has reasonable cause to believe that person is prohibited by law from possessing a pistol. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any person may lend a pistol for not more than thirty days to any person who holds a license to carry a pistol. A person not a licensed retailer shall not sell or give away a pistol without complying with the provisions of section 62-01-09.

62-01-13. Dealer's license required. Before any retail dealer may sell or otherwise

transfer, or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol, he must be licensed by the federal government and, in cities requiring such license, by the duly constituted licensing authorities of such city.

62-01-14. Dealer's licenses—By whom granted and conditions thereof. Any city may provide by ordinance for the licensing of retail dealers in pistols. If such license is required, it shall be effective for not more than one year from the date of issue, and shall permit the licensee to sell pistols at retail within the said city. If such licenses are issued, they shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture: * * * 4. A true record, in triplicate, shall be made of every pistol sold, said record to be made in a book kept for such purpose. Such book shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, and shall include the date of sale, the caliber, make, model, and manufacturer's number of the weapon, and the name, address, and occupation of the purchaser. * * *

62-01-19. Antique pistols. This chapter shall not apply to the purchase, possession, or sale as curiosities or ornaments, of pistols more than fifty years old.

62-02-01. Definitions. The term "machine gun, submachine gun, or automatic rifle" as used in this chapter shall mean and include a weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot, and having a reservoir, belt, or other means of storing and carrying ammunition which can be loaded into the weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots to the second.

62-02-02. License required. No person shall purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases unless he has a license permitting him to purchase, sell, have, or possess such weapon.

62-02-04. License—Application—Who issues. An application for a license to purchase, sell, have, or possess a machine gun, submachine gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases shall be made to the judge of the district court of the county in which the applicant is a resident.

62-02-07. Persons exempt from provisions of this chapter. The provisions of this chapter shall not apply to the following persons:

1. The authorized agent and a servant of a person who has a license to purchase, sell, have, or possess a machine gun, submachine

gun, automatic rifle of a caliber larger than twenty-two, or a bomb loaded with explosives or poisonous or dangerous gases;

2. Officers and members of a duly authorized military organization;

3. Officers and members of the police force of any municipality or sheriffs, deputy sheriffs, or other officers having police powers under the laws of this state.

62-04-01. Use and sale of "silencer" prohibited—Penalty. Any person who sells, offers for sale, or uses any device for or attachment to any firearm which will silence or deaden the sound or natural report of the weapon when it is discharged shall be guilty of a class A misdemeanor. The use of any such device by a member of the national guard or of the regular army, on any rifle range in this state under the supervision of a commissioned officer shall not be a violation of this section.

62-05-02. Resident may purchase rifle or shotgun in contiguous state. It shall be lawful for a person residing in this state, including a corporation or other business entity maintaining a place of business in this state, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state, and to receive or transport such rifle or shotgun into this state.

62-05-03. Federal firearms licensees—Not applicable to. This chapter shall not apply or be construed to affect in any way the purchase, receipt, or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers, or collectors.

Barney

3-106 Manufacture, Use or Sale of Certain Firearms * * * Prohibited. No person shall manufacture, use, sell, offer for sale, or keep any blank cartridge pistols, blank cartridges, revolvers, or other blank cartridge firearms, * * *. The sale or use of such of these items as are not prohibited by state law will be permitted under such rules and regulations as the Village Board may establish.

Bowman

4.0401 Firearms not to be Furnished to Minors. It shall be unlawful for any person, firm, or corporation to sell or rent firearms to minors within the limits of this City.

Burlington

3. Weapons * * * e. Sales to intoxicated persons and minors. (It is unlawful to) Pur-

chase from, or sell, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

f. **Records required.** Every second-hand dealer, pawnbroker, or other person engaged in the sale, rental or exchange of any weapons described in sub-sections (a) and (d) above shall keep a record of each such weapon purchased, sold, rented, or exchanged at retail.

f.1. **Time of recordation.** The record required herein shall be made at the time of the transaction, in a book kept for that purpose, (contact local authorities for required contents) * * *

f.2. **Report to chief of police.** Every second-hand dealer, pawnbroker, or other person engaged in the sale, rental, or exchange of any weapons described in subsections (a) and (d) above shall deliver daily reports to the Chief of Police of every such purchase, sale, loan, or gift. The report shall be on forms provided by the Chief of Police and shall set forth the name in full, the residence, age and physical description.

Fargo

25-2701. "Pistol" defined. The term "pistol" as used in this article means any firearm having a barrel less than twelve inches long.

25-2702. **License to sell pistols required—Expiration of license.** No person, firm, or corporation shall sell, trade, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, trade, or transfer any pistol without first obtaining a license to sell pistols as herein provided. All licenses granted under the provisions of this article shall expire at the expiration of the calendar year in which issued.

25-2705. **Regulation of sales of pistols by dealer or individuals.** No person shall sell, deliver, or otherwise transfer a pistol to any other person unless such other person shall:

1. Exhibit a license to carry a pistol; or
2. Be one of the persons exempted under the provisions of section 62-01-05 of the North Dakota Century Code.

The person to whom a pistol is sold, delivered, or otherwise transferred must be known or identified to the person making the sale, delivery, or transfer. Before delivery of the pistol, the person to whom the same is sold, delivered, or otherwise transferred must sign and deliver to the person selling, delivering, or transferring the same, a statement in

triplicate [contact local authorities for required contents.] * * * *

Grafton

Ordinance 135.

Section 1. Definitions: 1. **Retail Dealer** shall be any person, firm or corporation purchasing pistols for resale.

2. **Pistols** shall be any firearm having a barrel less than twelve (12) inches long.

3. **Purchaser** shall be any person, firm or corporation obtaining a pistol either by purchase or gift, or by any other means, from a retail dealer.

Section 2. No retail dealer in pistols shall sell a pistol within the City limits of the City of Grafton before he has obtained a license from the City.

Section 3. Any license issued in accordance with this Ordinance shall be subject to the following conditions, for the breach of any of which the license shall be subject to forfeiture; * * * *

3. No pistol shall be delivered:

a. On the day of the application for the purchase;

b. Unless the purchaser either is personally known to the seller, or shall present clear evidence of his identity; nor

c. Unless the purchaser shall exhibit a license to carry a pistol issued in his name; nor

d. Unless the Chief of Police shall have been notified at least twenty-four (24) hours before delivery of a pistol of the name of the prospective purchaser and the caliber of the pistol intended to be sold.

4. A true record, in triplicate, shall be made of every pistol sold, said record to be made in a book kept for such purpose. Such book shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, [contact local authorities for required contents] * * *

Hatton

This municipality has adopted North Dakota State firearms laws.

Jamestown

Sec. 22-47. Weapons—Possession by minors under fifteen. No parent, guardian or other person having charge or custody of any minor child under fifteen years of age shall permit such child to carry or use in public any gun or firearm of any description, except when such child is in the company and under

the direct control of such parent, guardian, or other person authorized by the parent or guardian. * * * *

Mandan

6-0401. **Firearms not to be furnished to minors.** It shall be unlawful for any person, firm or corporation to sell or rent firearms to minors within the limits of the city of Mandan.

6-0403. **Blank cartridges, pistols, etc.; manufacture, use, and sale of.** No person shall manufacture, use, sell, or keep for sale within the city of Mandan any blank cartridges, pistols, blank cartridge revolver, or other blank cartridge firearms, blank cartridge caps containing dynamite, or firecrackers exceeding three inches in length and exceeding one-half of an inch in diameter. * * * *

7-0226. **Records of Weapon Sales Required.** Every second-hand dealer, pawnbroker or other person engaged in the sale, rental or exchange of any weapons described in sections 7-0219 and 7-0224 above shall keep a record of each such weapon purchased, sold, rented or exchanged at retail. The record required herein shall be made at the time of the transaction, in a book kept for that purpose, and shall include (those entries required by local authorities; contact them for information on record requirements listed in 7-0226) * * * Every second-hand dealer, pawnbroker or other person engaged in the sale, rental or exchange of any weapons described in Sections 7-0219 and 7-0224 above shall deliver daily reports to the chief of police of every such purchase, sale, loan or gift. * * * *

McLean County

This municipality has adopted North Dakota State firearms laws.

Minot

Sec. 23-124. Sales to intoxicated persons and minors. No person in the city shall purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of twenty-one (21) years.

Stanton

Section 16-0703 The following persons shall not own a pistol or have one in their

possession or under their control within the jurisdictional limits of the City of Stanton; 1. Any person who has been convicted anywhere within the last ten years of any crime classified as a felony; 2. A person who is under the age of 17 years, or who is a drug addict, an alcoholic, or who is emotionally unstable.

Surrey

This municipality has adopted North Dakota State firearms laws.

Valley City

8-9. **Pistol defined.** The term "pistol" means any firearm having a barrel less than twelve inches long.

8-11. **License—Required; term.** No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any pistol without first obtaining a license as provided in this article. All licenses granted under the provisions of this article shall expire at the expiration of one year from the date of issue.

8-12. **Same—Qualifications.** No person may obtain a retail dealer's pistol license within the city without first being licensed by

the federal government to sell pistols and exhibiting such federal license to the city auditor, and unless the applicant is a resident of the city.

8-13. **Weapons—Conditions of issuance.** (c) No pistol shall be delivered:

(1) On the day of the application for the purchase.

(2) Unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

(3) Unless the purchaser shall exhibit a license to carry a pistol

14-134. **Sales to Intoxicated Persons and Minors.** Purchase from, or sell, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years. * * * *

Washburn

This municipality has adopted North Dakota State firearms laws.

Ohio

State Law Ohio Revised Code

2923.11 **Definitions.** As used in sections 2923.11 to 2923.24 of the Revised Code:

(A) "Deadly weapon" means any instrument, device, or thing capable of inflicting death, and designed or specially adapted for use as a weapon, or possessed, carried, or used as a weapon.

(B) "Firearm" means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(C) "Handgun" means any firearm designed to be fired while being held in one hand.

(D) "Semi-automatic firearm" means any firearm designed or specially adapted to fire a single cartridge and automatically chamber a succeeding cartridge ready to fire, with a single function of the trigger.

(E) "Automatic firearm" means any firearm designed or specially adapted to fire a succession of cartridges with a single function

of the trigger. "Automatic firearm" also means any semi-automatic firearm designed or specially adapted to fire more than eighteen cartridges without reloading, other than a firearm chambering only .22 caliber short, long, or long-rifle cartridges.

(F) "Sawed-off firearm" means a shotgun with a barrel less than eighteen inches long, or a rifle with a barrel less than sixteen inches long, or a shotgun or rifle less than twenty-six inches long overall.

(G) "Zip-gun" means any of the following:

(1) Any firearm of crude and extemporized manufacture;

(2) Any device, including without limitation a starter's pistol, not designed as a firearm, but which is specially adapted for use as such;

(3) Any industrial tool, signalling device, or safety device, not designed as a firearm, but which as designed is capable of use as such, when possessed, carried, or used as a firearm.

(H) "Explosive device" means any device designed or specially adapted to cause physical harm to persons or property by means of

an explosion, and consisting of an explosive substance or agency and a means to detonate it. "Explosive device" includes without limitation any bomb, any explosive demolition device, any blasting cap or detonator containing an explosive charge, and any pressure vessel which has been knowingly tampered with or arranged so as to explode.

(I) "Incendiary device" means any firebomb, and any device designed or specially adapted to cause physical harm to persons or property by means of fire, and consisting of an incendiary substance or agency and a means to ignite it.

(J) "Dangerous ordnance" means any of the following, except as provided in division (K) of this section:

(1) Any automatic or sawed-off firearm, or zip-gun;

(2) Any explosive device or incendiary device;

(3) Nitroglycerin, nitrocellulose, nitrostarch, PETN, cyclonite, TNT, picric acid, and other high explosives; amatol, tritonal, tetrytol, pentolite, pectretol, cyclotol, and other high explosive compositions; plastic explosives; dynamite, blasting gelatin, gelatin dynamite, sensitized ammonium nitrate, liquid-oxygen blasting explosives, blasting powder, and other blasting agents; and any other explosive substance having sufficient brisance or power to be particularly suitable for use as a military explosive, or for use in mining, quarrying, excavating, or demolitions;

(4) Any firearm, rocket launcher, mortar, artillery piece, grenade, mine, bomb, torpedo, or similar weapon, designed and manufactured for military purposes, and the ammunition therefor.

(K) "Dangerous ordnance" does not include any of the following:

(1) Any firearm, including a military weapon and the ammunition therefor, and regardless of its actual age, which employs a percussion cap or other obsolete ignition system, or which is designed and safe for use only with black powder;

(2) Any pistol, rifle, or shotgun, designed or suitable for sporting purposes, including a military weapon as issued or as modified, and the ammunition therefor, unless such firearm is an automatic or sawed-off firearm;

(3) Any cannon or other artillery piece which, regardless of its actual age, is of a type in accepted use prior to 1887, has no mechanical, hydraulic, pneumatic, or other system for absorbing recoil and returning the tube into battery without displacing the carriage, and is designed and safe for use only with black powder;

(4) Black powder, priming quills, and percussion caps possessed and lawfully used to fire a cannon of a type defined in division (K) of this section during displays, celebrations, organized matches or shoots, and target practice, and smokeless and black powder, primers, and percussion caps possessed and

lawfully used as a propellant or ignition device in small-arms or small-arms ammunition;

(5) Dangerous ordnance which is inoperable or inert and cannot readily be rendered operable or activated, and which is kept as a trophy, souvenir, curio, or museum piece.

(6) Any device which is expressly excepted from the definition of a destructive device pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 921 (A) (4), and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

2923.13 Having weapons while under disability. (A) Unless relieved from disability as provided in section 2923.14 of the Revised Code, no person shall knowingly acquire, have, carry, or use any firearm or dangerous ordnance, if any of the following apply:

(1) Such person is a fugitive from justice;

(2) Such person is under indictment for or has been convicted of any felony of violence, or has been adjudged a juvenile delinquent for commission of any such felony;

(3) Such person is under indictment for or has been convicted of any offense involving the illegal possession, use, sale, administration, distribution, or trafficking in any drug of abuse, or has been adjudged a juvenile delinquent for commission of any such offense;

(4) Such person is drug dependent or in danger of drug dependence, or is a chronic alcoholic;

(5) Such person is under adjudication of mental incompetence.

(B) Whoever violates this section is guilty of having weapons while under disability, a felony of the fourth degree.

2923.14 Relief from disability. (A) Any person who, solely by reason of his disability under division (A) (2) or (3) of section 2923.13 of the Revised Code, is prohibited from acquiring, having, carrying, or using firearms, may apply to the court of common pleas in the county where he resides for relief from such prohibition.

(B) The application shall recite the following:

(1) All indictments, convictions, or adjudications upon which the applicant's disability is based, the sentence imposed and served, and probation, parole, or partial or conditional pardon granted, or other disposition of each case;

(2) Facts showing the applicant to be a fit subject for relief under this section.

(C) A copy of the application shall be served on the county prosecutor, who shall cause the matter to be investigated, and shall raise before the court such objections to granting relief as the investigation reveals.

(D) Upon hearing, the court may grant the applicant relief pursuant to this section, if all of the following apply:

(1) The applicant has been fully discharged from imprisonment, probation, and parole, or

if he is under indictment, has been released on bail or recognizance;

(2) The applicant has led a law-abiding life since his discharge or release, and appears likely to continue to do so;

(3) The applicant is not otherwise prohibited by law from acquiring, having, or using firearms.

(E) Costs of the proceeding shall be charged as in other civil cases, and taxed to the applicant.

(F) Relief from disability granted pursuant to this section:

(1) Applies only with respect to indictments, convictions, or adjudications recited in the application;

(2) Applies only with respect to firearms lawfully acquired, possessed, carried, or used by the applicant;

(3) Does not apply with respect to dangerous ordnance;

(4) May be revoked by the court at any time for good cause shown and upon notice to the applicant;

(5) Is automatically void upon commission by the applicant of any offense embraced by division (A) (2) or (3) of section 2923.13 of the Revised Code, or upon the applicant's becoming one of the class of persons named in division (A) (1), (4), or (5) of such section.

2923.17 Unlawful possession of dangerous ordnance. (A) No person shall knowingly acquire, have, carry, or use any dangerous ordnance.

(B) This section does not apply to:

(1) Officers, agents, or employees of this or any other state or the United States, members of the armed forces of the United States or the organized militia of this or any other state, and law enforcement officers, to the extent that any such person is authorized to acquire, have, carry, or use dangerous ordnance and is acting within the scope of his duties;

(2) Importers, manufacturers, dealers, and users of explosives, having a license or user permit issued and in effect pursuant to the "Organized Crime Control Act of 1970," 84 Stat. 952, 18 U.S.C. 843, and any amendments or additions thereto or reenactments thereof, with respect to explosives and explosive devices lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(3) Importers, manufacturers, and dealers having a license to deal in destructive devices or their ammunition, issued and in effect pursuant to the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 923, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used under the laws of this state and applicable federal law;

(4) Persons to whom surplus ordnance has been sold, loaned, or given by the secretary of the army pursuant to 70A Stat. 262 and 263,

10 U.S.C. 4684, 4685, and 4686, and any amendments or additions thereto or reenactments thereof, with respect to dangerous ordnance when lawfully possessed and used for the purposes specified in such sections;

(5) Owners of dangerous ordnance registered in the national firearms registration and transfer record pursuant to the act of October 22, 1968, 82 Stat. 1229, 26 U.S.C. 5841, and any amendments or additions thereto or reenactments thereof, and regulations issued thereunder.

(6) Carriers, warehousemen, and others engaged in the business of transporting or storing goods for hire, with respect to dangerous ordnance lawfully transported or stored in the usual course of their business and in compliance with the laws of this state and applicable federal law;

(7) The holders of a license or temporary permit issued and in effect pursuant to section 2923.18 of the Revised Code, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for the purposes and in the manner specified in such license or permit.

(C) Whoever violates this section is guilty of unlawful possession of dangerous ordnance, a misdemeanor of the first degree.

2923.18 License or permit to possess dangerous ordnance. (A) Upon application to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business, and upon payment of the fee specified in division (B) of this section, a license or temporary permit shall be issued to qualified applicants to acquire, possess, carry, or use dangerous ordnance, for the following purposes:

(1) Contractors, wreckers, quarrymen, mine operators, and other persons regularly employing explosives in the course of a legitimate business, with respect to explosives and explosive devices acquired, possessed, carried, or used in the course of such business;

(2) Farmers, with respect to explosives and explosive devices acquired, possessed, carried, or used for agricultural purposes as defined in section 3743.01 of the Revised Code;

(3) Scientists, engineers, and instructors, with respect to dangerous ordnance acquired, possessed, carried, or used in the course of bona fide research or instruction;

(4) Financial institution and armored car company guards, with respect to automatic firearms lawfully acquired, possessed, carried, or used by any such person while acting within the scope of his duties;

(5) In the discretion of the issuing authority, any responsible person, with respect to dangerous ordnance lawfully acquired, possessed, carried, or used for a legitimate research, scientific, educational, industrial, or other proper purpose.

(B) Application for a license or temporary permit under this section shall be in writing under oath to the sheriff of the county or safety director or police chief of the municipality where the applicant resides or has his principal place of business. The application shall be accompanied by an application fee of fifty dollars when the application is for a license, and an application fee of five dollars when the application is for a temporary permit. The fees shall be paid into the general revenue fund of the county or municipality. The application shall contain the following information:

(1) The name, age, address, occupation, and business address of the applicant, if he is a natural person, or the name, address, and principal place of business of the applicant, if the applicant is a corporation;

(2) A description of the dangerous ordnance for which a permit is requested;

(3) A description of the place or places where and the manner in which the dangerous ordnance is to be kept, carried, and used;

(4) A statement of the purposes for which the dangerous ordnance is to be acquired, possessed, carried, or used;

(5) Such other information as the issuing authority may require in giving effect to this section.

(C) Upon investigation, the issuing authority shall issue a license or temporary permit only if all of the following apply:

(1) The applicant is not otherwise prohibited by law from acquiring, having, carrying or using dangerous ordnance;

(2) The applicant is age twenty-one or over, if he is a natural person;

(3) It appears that the applicant has sufficient competence to safely acquire, possess, carry, or use the dangerous ordnance, and that proper precautions will be taken to protect the security of the dangerous ordnance and insure the safety of persons and property;

(4) It appears that the dangerous ordnance will be lawfully acquired, possessed, carried, and used by the applicant for a legitimate purpose.

(D) The license or temporary permit shall identify the person to whom it is issued, identify the dangerous ordnance involved and state the purposes for which the license or temporary permit is issued, state the expiration date, if any, and list such restrictions on the acquisition, possession, carriage, or use of the dangerous ordnance as the issuing authority considers advisable to protect the security of the dangerous ordnance and insure the safety of persons and property.

(E) A temporary permit shall be issued for the casual use of explosives and explosive devices, and other consumable dangerous ordnance, and shall expire within thirty days of its issuance. A license shall be issued for the regular use of consumable dangerous ordnance, or for any non-consumable dangerous

ordnance, which license need not specify an expiration date, but the issuing authority may specify such expiration date, not earlier than one year from the date of issuance, as it considers advisable in view of the nature of the dangerous ordnance and the purposes for which the license is issued.

(F) The dangerous ordnance specified in a license or temporary permit may be obtained by the holder anywhere in the state. The holder of a license may use such dangerous ordnance anywhere in the state. The holder of a temporary permit may use such dangerous ordnance only within the territorial jurisdiction of the issuing authority.

(G) The issuing authority shall forward to the state fire marshal a copy of each license or temporary permit issued pursuant to this section, and a copy of each record of a transaction in dangerous ordnance and of each report of lost or stolen dangerous ordnance, given to the local law enforcement authority as required by divisions (A) (4) and (5) of section 2923.20 of the Revised Code. The state fire marshal shall keep a permanent file of all licenses and temporary permits issued pursuant to this section, and of all records of transactions in, and losses or thefts of dangerous ordnance forwarded by local law enforcement authorities pursuant to this section.

2923.20 Unlawful transactions in weapons. (A) No person shall: (1) Recklessly sell, lend, give, or furnish any firearm to any person prohibited by section 2923.13 or 2923.15 of the Revised Code from acquiring or using any firearm, or recklessly sell, lend, give, or furnish any dangerous ordnance to any person prohibited by section 2923.13, 2923.15, or 2923.17 of the Revised Code from acquiring or using any dangerous ordnance;

(2) Possess any firearm or dangerous ordnance with purpose to dispose of it in violation of division (A) of this section; *****

(4) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to section 2923.17 of the Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

(5) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

(B) Whoever violates this section is guilty of unlawful transactions in weapons. Violation of division (A) (1) or (2) of this section is a felony of the fourth degree. Violation of division *** (4) of this section is a misdemeanor of the second degree. Violation of division (A) (5) of this section is a misdemeanor of the fourth degree.

2923.21 Improperly furnishing firearms to a minor.

(A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting, or for purposes of instruction in firearms safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

(B) Whoever violates this section is guilty of improperly furnishing firearms to a minor, a misdemeanor of the second degree.

2923.22 Permitted interstate transactions in firearms. (A) Any resident of Ohio age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or any applicable law of another state or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia.

(B) Any resident of Indiana, Kentucky, Michigan, Pennsylvania, or West Virginia, age eighteen or over, and not prohibited by section 2923.13 or 2923.15 of the Revised Code or the laws of his domicile or the United States from acquiring or using firearms, may purchase or obtain a rifle, shotgun, or ammunition therefor in Ohio.

(C) Any purchase and sale pursuant to this section shall be for such purposes and under such circumstances and upon such conditions as are prescribed by the "Gun Control Act of 1968," 82 Stat. 1213, 18 U.S.C. 922 (b) (3), and any amendments or additions thereto or reenactments thereof.

Editor's Note

A number of the Ohio municipalities included herein have incorporated portions of the Ohio State law directly into their municipal ordinances. In these instances, the ordinance language is identical to the corresponding portion of the State law.

To avoid undue repetition of State law language, listings for municipalities falling within this category contain only municipal codification references, followed by either the words "same as" or "adopts," and the corresponding State law citations. The reader can then refer to the appropriate portion of the State law.

In the case of Akron, for example, Section 672.01 of the municipal ordinances would contain the same language as Section 2923.11 of the Ohio State law.

Ada

60-25. Section 31. Sale of firearms to minors. No person shall sell, barter, furnish, or

give to a minor under the age of seventeen years * * * rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor * * *

Akron

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.

672.13 Certain Handguns Prohibited. No person shall possess, sell, transfer, give, deliver or furnish a handgun having a retail value of \$50.00 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other non-homogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled.

C. For purposes of this section, "handgun" shall mean a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of any explosive or combustible propellant, and having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

864.01 Definitions. As used in this chapter:

(a) "Firearm" means any weapon, by whatever name known, which is designed to expel a projectile or projectiles by the action of expanding gases, but does not include any weapon not designed to fire or capable of firing fixed cartridge or fixed shotgun ammunition.

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(d) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

864.02 Possession restricted. (a) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard, shall possess a firearm within the City.

(b) No person under the age of eighteen years shall possess a pistol. The provisions of this paragraph shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction

under the immediate supervision of a parent, guardian or adult instructor.

(c) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in subsection (b) hereof.

864.03 Removal of Serial Numbers. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

864.05 Sales, transfers * * * (a) No manufacturer or dealer, except a manufacturer or dealer having a license issued, under the provisions of this chapter, shall sell any firearm at wholesale or retail.

(b) No person shall sell, lease, lend or otherwise transfer a firearm to any person who he knows or has reasonable cause to believe has been convicted of a felony, or is a fugitive from justice or of unsound mind or a drug addict or an habitual drunkard.

(c) When delivered, all pistols must be securely wrapped and must be unloaded.

864.09 Obtaining weapons by theft or fraud. No person shall procure or attempt to procure any firearm, regardless of dollar value, by theft, fraud, violence or threat of violence.

864.10(b) same as 2923.20(A) (4).

864.10(c) same as 2923.20(A) (5).

864.11 same as 2923.21(A).

Alliance

549.01 same as 2923.11.

549.05 same as 2923.17

549.07 same as 2923.18

Section 789. It shall be unlawful for any person to buy, purchase or obtain in exchange any revolver, pistol, * * * without first having obtained a permit from the chief of police to make such purchase or exchange.

Amberley Village

Sec. 134.07. Improperly Furnishing Firearms to a Minor. (A) No person shall:

(1) Sell any firearm to a person under age eighteen;

(2) Sell any handgun to a person under age twenty-one;

(3) Furnish any firearm to a person under age eighteen, except for purposes of lawful hunting or for purposes of instruction in firearms safety, care, handling or marksmanship under the supervision or control of a responsible adult.

Amelia

549.01 same as 2923.11.

549.05 same as 2923.17.

549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).

549.08 same as 2923.21.

Amherst

549.01 same as 2923.11.

549.05 same as 2923.17.

549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).

549.08 same as 2923.21.

Andover

672.01 same as 2923.11.

672.05 same as 2923.17.

672.07 same as 2923.18.

672.09(a) (2) same as 2923.20(A) (4).

672.10 same as 2923.21.

Ashland

587.01 same as 2923.11.

587.06(A) (2) same as 2923.20(A) (4).

587.06(A) (3) same as 2923.20(A) (5).

587.07 same as 2923.21.

Ashtabula

549.01 same as 2923.11.

549.05 same as 2923.17.

549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).

549.08 same as 2923.21.

551.01 Definitions. As used in this chapter, certain words are defined as follows:

(a) "Firearm" has the same meaning as defined in Section 549.01(b).

(b) "Pistol" means any firearm with a barrel less than twelve inches in length.

(c) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

551.02 Nonserialized Pistols. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

551.03 Manufacturer's and Dealers' Licenses; Fee and Term. Application for a manufacturer's or dealer's license shall be made to the Police Chief on forms prescribed and furnished by the City. [Contact local authorities for requirements.] * * *

Athens

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an

air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Aurora

672.01 same as 2923.11.

672.05 same as 2923.17.

672.07 same as 2923.18.

672.09(a) (2) same as 2923.20(A) (4).

672.10 same as 2923.21.

672.15 (b) License Required. Every firearms dealer in the City shall procure a license to engage in such business. Any firearm dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

Avon

672.01 same as 2923.11.

672.05 same as 2923.17.

672.07 adopts 2923.18.

672.09(a) (2) same as 2923.20(A) (4).

672.09(a) (3) same as 2923.20(A) (5).

672.10 same as 2923.21.

Avon Lake

672.01 same as 2923.11.

672.05 same as 2923.17.

672.07 adopts 2923.18.

672.09(a) (2) same as 2923.20(A) (4).

672.09(a) (3) same as 2923.20(A) (5).

672.10 same as 2923.21.

Barberton

672.01 same as 2923.11.

672.05 same as 2923.17.

672.07 same as 2923.18.

672.09(a) (2) same as 2923.20(A) (4).

672.09(a) (3) same as 2923.20(A) (5).

672.10 same as 2923.21.

Bay Village

549.01 same as 2923.11.

549.05 same as 2923.17.

549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).

549.08 same as 2923.21.

Beachwood

626.01 Definitions. (a) "Chief of Police" means the Chief of Police of the City, or his duly authorized agents.

(c) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(d) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(e) "Firearms dealer" means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a place of residence within the limits of the City.

(h) "Nonresident" means any person who does not have a place of residence within the limits of the City.

(i) "Minor" means any person under the age of twenty-one years.

626.03 Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition, if such person is a fugitive from justice or is, at that time, under court adjudication for mental incompetence, or has been committed to a mental institution, hospitalized or has received hospital treatment for any mental disorder, alcoholism or narcotic addiction within the previous ten years, unless a doctor indicates, in writing, that such person is completely recovered and sufficiently stable to own or possess a firearm or ammunition.

(b) No person shall purchase, receive, have on or about his person or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other

dangerous drug or stimulants as defined by Title 21 of the United States Code, Section 321 (v), known as the Drug Abuse Control Amendments of 1965 effective February 1, 1966.

(c) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition if such person has been convicted of a felony involving the use or threat of use of force or violence against the person of another under the laws of this City, the State of Ohio or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person or using such firearms or ammunition.

626.05 Identification card required. (a) No person shall purchase, own, possess, receive, have on or about his person or use any handgun unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person has been issued a dealer's license pursuant to Section 626.07, or unless such person is exempt from the requirements of an identification card pursuant to Section 626.06.

626.06 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 626.05 do not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any handgun or handgun ammunition by:

(1) Any state or the United States, or any political subdivision, department or agency of either.

(2) Officers or agents of any state or the United States, or any political subdivision, department or agency of either; members of the organized militia of any state, or the Armed Forces of the United States; or law enforcement officers of any political subdivision to the extent that the official duties of any such persons require them to purchase, own, possess, receive, carry or use handguns.

(3) Licensed dealers of handguns, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of handguns is in the ordinary course of business.

(4) Nonresidents of the City who are residents of the State, provided that such persons are not prohibited by the provisions of Sec-

tions 626.03 and 626.05, and possess and exhibit upon request, such valid permit, authorization or identification issued by the chief of police or the sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun; ***

The requirements of a valid permit, authorization or identification as required by this subparagraph shall not apply to a nonresident who enters the City with firearms for the sole and only purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subparagraph shall be valid for thirty days only from the date thereof.

(5) Nonresidents of the City, moving to the City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into the City for such purpose, provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns and their agents, to the extent that the ownership, possession, receipt or having on or about the person of business and in conformity with the laws of this State or the United States.

(9) Residents of the City who acquire, by purchase or otherwise, a handgun or handguns during a period not exceeding thirty days from such purchase or acquisition.

(b) No person shall purchase, or otherwise obtain, or attempt to purchase or otherwise obtain, any handgun by claiming an exemption pursuant to this section from the requirement of a handgun owner's identification card contained in Section 626.05, knowing such claim of exemption to be false.

626.07 Dealer's license. (a) Every firearms dealer in the City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each separate per-

manent location. Application for such license shall be made to the Chief of Police.

(c) No person, firm or corporation shall engage in business as a firearms dealer in this City without a license as provided by this section. ***

626.11 Further prohibitions; sales; purchases; transfers. (a) No person shall, in the City, purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 626.05, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.06.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 626.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.06.

Bedford

672.17 Weapons dealers; license required. (a) No person in the City shall sell, transfer, give away or otherwise dispose of any pistol, revolver or other firearm, having a barrel not more than twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, *** without first securing a license from the Chief of Police.

672.19 Report of gift or sale. (a) Every person who is permitted to deal in the deadly weapons described in Section 672.17 shall make out and deliver to the Chief of Police, once a month on the last day of the month, a legible and correct report of every sale or gift made under authority of such license during the preceding calendar month, which report shall contain the date of such sale or gift, the name of the purchaser or donor, with his or her address and age, the number, kind, description and price of such weapon, the number of the purchaser's permit and the purposes given by such person for the purchase of such weapon, which report shall be substantially in the following form: Number of permit; Number of weapon; Name of purchaser; Address of purchaser; Age of purchaser; Kind or description of weapon; For what purpose purchased; Price.

672.21 Limitation on purchase, sale and transfer. (a) No person shall purchase or ac-

quire by gift or transfer any of the weapons mentioned in Section 672.17 who:

- (1) Is under twenty-one years of age;
- (2) Is a fugitive from justice or is at the time under court adjudication of mental incompetence;
- (3) Refuses or neglects to give the necessary information required in any application he is required to prepare;
- (4) Has been convicted of the illegal use or possession of narcotics;
- (5) Is, at the time of his application, under the influence of alcohol or any other dangerous drug or narcotic;
- (6) Has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect; provided, however, that such person shall have eligibility restored after ten years have elapsed from the date of completion of any sentence, probationary period or parole; or
- (7) Has been convicted of more than one misdemeanor involving the use of force and violence or threats of the use of force and violence against another person within one year prior to his application.

(b) It shall be the duty of the seller of the aforesaid weapons, as a condition of his license, to obtain the information required by Section 672.19 in affidavit form and to have such form signed and sworn to before a notary public by the purchaser on three copies, one to be delivered to the purchaser at the time of sale, the second to be delivered to the Chief of Police as required by Section 672.19 and the third to be kept by the seller for a period of not less than six months.

(c) It shall be the duty of the seller of the aforesaid weapons, as a condition of his license, to display a copy of Sections 672.17 through 672.21 in a conspicuous place.

(d) No holder of a license as required by Section 672.17 shall sell one of the weapons named in Section 672.17 without first obtaining the information in proper affidavit form as required herein. Failure to comply with this section shall be grounds for revocation of the license.

(e) Whoever violates or fails to comply with any of the provisions of this section is guilty of a misdemeanor of the third degree. Punishment shall be as provided in Section 698.02.

Section 547.14 Certain Handguns Prohibited. No person shall possess, sell, transfer, give, deliver or furnish a handgun having a retail value of \$90.00 or less and having a barrel, slide, frame, or receiver which is a die casting of zinc alloy or any other nonhomogeneous metal which will melt or deform at a temperature of less than 800 degrees Fahrenheit, either assembled or disassembled and

having a gross weight of less than 19 ounces as originally manufactured.

A. Such handguns are hereby declared to be illegal contraband, which may be confiscated and destroyed by the Police Division.

B. Whoever violates the provisions of this section is guilty of a misdemeanor of the first degree.

C. For purposes of this section, "handgun" shall mean a firearm having a barrel and firing mechanism designed to eject or propel a projectile by the action of an explosive or combustible propellant, and having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include inoperable firearms which cannot be rendered operable, or handguns designed and safe only for use with black powder.

Bellaire

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Bellbrook

This municipality has adopted Ohio State firearms laws.

Bellefontaine

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Bellevue

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Belpre

Sec. 131.08 Improperly furnishing firearms to a minor. (A) No person shall: (1) Sell any firearm to a person under age 18; (2) Sell any handgun to a person under age

(3) Furnish any firearm to a person under age 18, except for purposes of lawful hunting, or for purposes of instruction in firearms

safety, care, handling, or marksmanship under the supervision or control of a responsible adult.

Berea

945.01 same as 2923.11.
945.05 same as 2923.17.
945.07(A) (2) same as 2923.20(A) (4).
945.07(A) (3) same as 2923.20(A) (5).
945.08 same as 2923.21.

Berkey

Sec. 38.10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Bexley

Section 1. License to sell firearms. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell, or give away to any person, within the city, any pistol, revolver, derringer, *** or other weapon of like character, which can be concealed on the person, nor shall any person, firm or corporation doing business as a pawn broker, sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license so to do as hereinafter provided, and no person, firm or corporation, having secured such a license, shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Mayor to purchase, acquire, redeem or remove such weapon in the manner hereinafter provided.

Section 5. Permit to purchase. It shall be unlawful for any person to purchase, or redeem, or remove from deposit or pledge, any pistol, revolver, derringer, *** or other weapon of like character which can be concealed on the person, without first securing from the Mayor a permit so to do. Before any such permit is granted an application in writing shall be made therefor [contact local authorities for required contents] *** no recommendation shall be required where the application is by a United States marshal, a sheriff or the chief of police of the city of Bexley, and that in case the application is by deputy United States marshal, or a deputy sheriff, the approval of his chief officer shall be sufficient recommendation, and in case the application is by a regular or special police officer of the city of Bexley, the approval of

the chief of police shall be sufficient recommendation, and in case of any of the officers aforesaid the fee provided by section 6 shall not be required.

13-101 same as 2923.11
13-106(A) (2) same as 2923.20(A) (4)
13-107 same as 2923.21

Bloomdale Village

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Blue Ash

Sec. 91.05 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.

Sec. 91.06 Possession of firearms for instruction purposes. Section 91.05 or any other section of the Revised Code does not prohibit or render it unlawful to possess, use, or furnish for use, a rifle or other suitable firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use, and care of firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor, provided that the giving of such instruction and training is sponsored and supervised by an organization or association, which has been and continues to be, approved for this purpose by the adjutant general or provided that said instructor is the parent of the person receiving such instruction.

Bowling Green

511.01 same as 2923.11.
511.06(2) same as 2923.20(A) (4).
511.07 same as 2923.21.

Bradner

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Bremen

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Brewster

73.1 same as 2923.11

73.5 Failure to secure dangerous ordinance. (A) No person, in acquiring, possessing, carrying, or using any dangerous ordinance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordinance against theft, or against its acquisition or use by any unauthorized or incompetent person; *****

73.6 same as 2923.21(A)

Brooklyn

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Brookville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Brunswick

517.06(A) (1) same as 2923.21(A) (1)
517.06(A) (2) same as 2923.21(A) (2)
517.06(A) (3) same as 2923.21(A) (3)

Bryan

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Burton

512.06(a) (2) same as 2923.20(A) (4).
512.06(a) (3) same as 2923.20(A) (5).
512.07 same as 2923.21.

Cadiz

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Cambridge

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Campbell

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

134.03. Unlawful sale of weapons. (A) No person shall sell to any other person any pistol, revolver or other weapon which may be concealed upon the person without first obtaining a permit from the mayor to sell same.

Canfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Canton

527.02 Permit required to purchase or exchange. It shall be unlawful for any person to buy, purchase, or obtain in exchange, any revolver, pistol, *** or other weapon of like character which can be concealed on the person, without first having a permit from the chief of police to make such purchase or exchange.

527.06. Selling to person without permit to purchase. It shall be unlawful for any person to sell, exchange, or offer for sale or exchange, any revolver, pistol, *** or other weapon of like character which can be concealed on the person, except to a person who has first obtained a permit therefor from the chief of police.

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Carlisle

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Carrolton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Cecil

Sec. 38:10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale, or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Centerburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Centerville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Chagrin Falls

549.01 same as 2923.11.
549.05 same as 2923.17.

Chardon

549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Chesapeake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Cheviot

134.13 same as 2923.21.

Chillicothe

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Cincinnati

Sec. 708-1. Aliens. No alien shall own or have in his possession or under his control a dangerous weapon.

Sec. 708-3. Minors. No person shall sell, barter, lend or give to a minor under the age of sixteen (16) years, an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, *** or any other dangerous weapon, and no minor under the age of sixteen (16) years shall buy, barter, hire, borrow, receive or possess an air-gun, musket, rifle, shotgun, revolver, pistol or ammunition therefor, *** or any other dangerous weapon.

Sec. 708-7. Obliterating Identification Marks Prohibited. *** No person shall keep in his possession or under his control any dangerous weapon upon which the name of the maker, model, manufacturer's number or other mark of identification has been to his knowledge changed, altered, removed or obliterated.

Sec. 708-9. Dealers in Weapons; License Fees. Every retail dealer in firearms, ammunition for firearms, or dangerous weapons, shall pay a license fee of two hundred thirty-

four dollars and fifty cents (\$234.50) per annum, and such license may be granted by the city manager upon written application of any such dealer. Where a dealer deals only in shotguns and rifles of regulation size manufactured for hunting and sporting purposes only, and the ammunition therefor, the annual license fee shall be the sum of twelve dollars and fifty cents (\$12.50). ***

Sec. 708-11. Restriction on Pawnbrokers. If a dealer licensed under the provisions of Section 708-9 carries on the business of pawnbroker or second-hand dealer, he shall not sell any firearms or dangerous weapons except shotguns and rifles of regulation size manufactured for hunting and sporting purposes only.

Sec. 708-13. Form of Application to Purchase Dangerous Weapon. The city manager shall prescribe a form of application covering the purchase of dangerous weapons. ***

Sec. 708-15. Restriction on Sale of Weapons. No dealer shall sell a dangerous weapon to any person, unless such person shall fill out in full and sign an application blank as provided for in Section 708-13. No dealer shall sell such weapon to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person who is personally known to him. ***

The provisions of this section and of Section 708-13 shall not apply to sales at wholesale nor to sales of firearms which have a barrel over twelve (12) inches in length.

Sec. 708-17. Sale of Pistol Ammunition. No dealer shall sell pistol ammunition to any purchaser with whom he is not personally acquainted, unless such purchaser is identified by a person with whom he is personally acquainted.

Sec. 708-31. Ammunition, Sale to Minor. No person shall sell to a minor any cap or other explosive device used in the discharge of toy pistols and torpedo canes, or any blank cartridge, whether for use in pistols, revolvers or cannons. ***

Cleveland

Section 11.2301. Definitions.

1. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant but does not include inoperable handguns which cannot be rendered operable, curios, relics, or antique handguns as presently or hereafter defined in Title 26, Part 178 of the Code of Federal Regulations, Commerce in Firearms.

2. "Dealer" means any person, firm or corporation engaged in the business of selling or trading handguns or handgun ammunition at wholesale or retail within the limits of the City of Cleveland, whether as the principal business of such person, firm, or corporation, or in addition thereto.

3. "Resident" means any person who has a place of residence within the limits of the City of Cleveland.

4. "Non-resident" means any person who does not have a place of residence within the limits of the City of Cleveland.

5. "Identification Card" means a Handgun Owner's Identification Card issued pursuant to Section 11.2304.

6. "Registration Card" means a Handgun Registration Card issued pursuant to Section 11.2305.

Section 11.2302. Prohibitions.

1. No person shall sell, purchase, own, possess, transfer, give, deliver, receive, or have on or about his person or use any handgun which does not contain an engraved serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated; ***

2. No person shall receive, or possess any handgun unless such person has an Identification Card issued to him and in effect, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 11.2306 from such requirement.

3. No person shall have on or about his person, or use any handgun unless such person has in his possession an Identification Card issued to him and in effect, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 11.2306 from such requirement.

4. No person shall deliver, transfer or furnish any handgun to any person unless the transferee exhibits at the time of transfer an Identification Card valid on its face and issued to the transferee, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 11.2306 from such requirement.

Section 11.2306. Exemptions.

1. The following shall be exempt from the provisions of Section 11.2302 through 11.2310 of this Ordinance except:

(A) Any state of the United States, the United States or any political subdivision, department or agency of either;

(B) An officer or agent of any state or the United States, or any political subdivision, department, or agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political subdivision, but only to the extent that his official duties require him to purchase, own, possess, receive, carry, or use handguns and not for the personal use of such individuals.

2. The requirement of an Identification Card and Registration Card contained in Sections 11.2304 and 11.2305 shall not apply:

(A) To a holder of a dealer's license issued pursuant to Section 11.2307.

(B) To a nonresident of the City of Cleveland who holds and exhibits upon request a valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of his place of residence to purchase, own, possess, receive, carry, or use any handgun. ***

(C) To a new resident of the City of Cleveland during a period not exceeding thirty (30) days after he becomes a resident; provided, that such person shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of his former domicile to own, possess, receive, or have on or about the person any handgun, or proof of residence in a jurisdiction which does not require the same.

(F) To carriers, warehousemen, and others engaged in the business of transportation and/or storage and their employees to the extent that the possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States, but not for the personal use of any such person.

(H) To a federally licensed manufacturer of handguns.

Section 11.2307. Dealer's License. 1. Every Dealer in this City shall procure a license to engage in such business. Any Dealer engaged in such business at more than one location in this City shall procure a separate license for each such location.

19.13101 same as 2923.11.

19.13106. Unlawful Transactions in Weapons. (A) No person shall:

(2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 19.13105 of the General Offense Code or 2923.17 of the Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the Sheriff of the County or Safety Director or Police Chief of the municipality where the transaction takes place;

(3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control;

(4) Knowingly manufacture, possess, own, receive, purchase, possess for sale, sell, lend, give, acquire or furnish to any person any handgun of a .32 caliber or less and a barrel

length less than 3 inches with said measurement in the revolver type weapon being made between the muzzle in the front edge of the cylinder, and in the automatic and other types of handguns, from the muzzle to the face of the bolt with action or slide closed. This subsection shall not apply to a law enforcement agent in this discharge of his duties, or to firearms described in Section 2923.11 (k) (1) and (5) of the Revised Code of the State of Ohio ***.

(5) Knowingly manufacture, possess for sale, sell, lend, give, acquire, furnish, purchase, own, possess, receive, have on or about his person or use any handgun which does not contain a serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated ***. In no case shall a person sell, transfer, give, deliver, or furnish to another a handgun which does not contain a serial number or other numerical identification or has had the serial number or other numerical identification obliterated.

19.13107(A) same as 2923.21.

Section 19.13108. Possession of Firearms By Minors. (A) No minor shall purchase, own, possess, receive, have on or about his person, or use any firearm except pursuant to Section 19.13107 (A) (3) of the Codified Ordinances.

Cleveland Heights

Weapons and Explosives

549.01 same as 2923.11.

549.05 same as 2923.17.

549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).

549.08 same as 2923.21.

Regulation of Firearms

551.01 Definitions. (a) "Chief of Police" means the Chief of Police of the City of Cleveland Heights or his duly authorized agents.

(b) "Encased" means enclosed in a case, container or receptacle, designed and constructed specifically for the purpose of enclosing a firearm, but does not include a holster for a pistol or revolver.

(c) "Firearm" same as 2923.11(B)

(d) "Handgun" same as 2923.11(C)

(e) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(f) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect.

(g) "Resident" means any person who has a factual place of residence within the limits of the City.

(h) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(i) "Minor" means any person under the age of twenty-one years.

551.03 Prohibitions. (a) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug.

(b) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearms or ammunition.

551.05 Owner's identification card required; application, fee and issuance. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 551.06. ***

(c) All identification cards issued pursuant to this section shall be entitled "City of Cleveland Heights, Ohio, Handgun Owner's Identification Card", [contact local authorities for required contents] ***.

551.06 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 551.05 do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

(1) Any state or the United States, or any political subdivision, department or agency of either;

(2) Officers or agents of any state or the United States, or any political subdivision, department or agency of either, members of the organized militia of any state, or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry or use handguns;

(3) Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of any handgun is in the ordinary course of business;

(4) Nonresidents of the City who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 551.03 or 551.05, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun, ***.

(5) Nonresidents of the City moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun.

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun.

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms, handguns, and their agents, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States.

551.07 Restrictions on sales, purchases and transfers. (a) No person shall, in the City, purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 551.05, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 551.06.

(b) No person in this City shall sell, deliver, transfer or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 551.05, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 551.06. ***

551.08 Dealer's license required; application and issuance. (a) Every firearms

dealer in the City shall procure a license to engage in such business. ***

Clifton

672.01 same as 2923.11.

672.05 same as 2923.17.

672.07 adopts 2923.18.

672.09(a) (2) same as 2923.20(A) (4).

672.09(a) (3) same as 2923.20(A) (5).

672.10 same as 2923.21.

Clyde

134.03. Sale of firearms to minors. (A) No person shall sell, barter, furnish or give to a minor under the age of 17 years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Columbiana

549.05 same as 2923.17.

549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).

549.08 same as 2923.21.

Columbus

545.01 License required; purchase permits. It shall be unlawful for any person to engage in the business of selling, or to sell, or to give away to any person, within the City, any pistol, revolver, *** or other weapon of like character, which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned, without securing a license to do so. No person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit from the Director of Public Safety to purchase, acquire, redeem or remove such weapon as provided by C.C. 545.05.

Commercial Point

1200.05 Sec. 1 & 2 same as 2923.17(A) & (B).

1200.07 Sec. 1(b) same as 2923.20(A) (4).

Coolville

Sec. 12-106. (A) No person shall: ***** (2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Section 12-105 of the General Offense Code or 2923.17 of the Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the Sheriff of the county or Safety Director or Police Chief of the municipality where the transaction takes place; ***

Cortland

2. It shall be unlawful for such non-citizen to purchase, carry or possess any firearm or other dangerous weapon and such firearms or dangerous weapon shall be delivered forthwith to the Mayor and by him impounded for a period of two years.

Coshocton

672.01 same as 2923.11.

672.05 same as 2923.17.

672.07 adopts 2923.18.

672.09(a) (2) same as 2923.20(A) (4).

672.09(a) (3) same as 2923.20(A) (5).

672.10 same as 2923.21.

Cuyahoga Falls

529.06(a) (2) same as 2923.20(A) (4).

529.06(a) (3) same as 2923.20(A) (5).

529.07 same as 2923.21.

Dayton

General Provisions

138.01 same as 2923.11.

138.06(A) (2) same as 2923.20(A) (4).

138.07 same as 2923.21.

Handguns

Sec. 138.10 Definitions. For the purpose of Secs. 138.10 to 138.23, the following words and phrases shall have the following meanings ascribed to them respectively.

(A) "Handgun." Any firearm designed or modified to be fired while being held in one hand and capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant.

(B) "Possess." To knowingly carry or have a handgun on the person or ready at hand.

(C) "Resident." Any person who has an actual place of residence in the city.

(D) "Nonresident." Any person who does not have an actual place of residence in the city.

Sec. 138.11 Handgun Owner's Identification Card Required.

(A) No person shall possess any handgun, unless such person has a handgun owner's identification card issued to him and in effect under Sec. 138.12, or is exempt from the requirement of an identification card under Sec. 138.22, or is on a suitable firing range.

(B) No person shall sell, deliver, transfer, or furnish any handgun to any person, unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee under Sec. 138.12, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card under Sec. 138.22.

(C) No person shall sell, deliver, transfer, or furnish any handgun to any person without first having notified the Director of Finance of his intention to do so not less than 5 days prior thereto. Such notification shall be in writing, and shall contain the name, home address, social security number, and handgun owner's identification card number of the intended transferee. The Director of Finance shall prescribe the form for such notification, and shall make them available upon request therefor.

(D) Every person regularly engaged in the business of selling or trading handguns at wholesale or retail whether as the principal business of such person or in addition thereto, having sold, delivered, or furnished a handgun to any person pursuant to the provisions of division (C) above, shall within 5 days thereafter, furnish to the Director of Finance the details of such transaction, including the name and address of the transferee, his handgun owner's identification card number, and a description of the handgun obtained, including the manufacturer's brand name, the caliber, and serial number.

(G) Whoever violates this section shall be guilty of a misdemeanor of the first degree.

Sec. 138.14 Persons Not Eligible for Handgun Owner's Identification Cards. A handgun owner's identification card shall not be issued to:

(A) Any person who is prohibited by R.C. Sec. 2923.13 from obtaining, possessing, carrying, or using a firearm;

(B) A person with more than one conviction within one year prior to his application for handgun owner's identification card, of any offense involving drunkenness or drug abuse;

(C) A person with a conviction of any offense involving the use of force and violence, or the threat of the use of force and violence, against the person of another.

Sec. 138.22 Persons Exempt. The requirements of a handgun owner's identification card contained in Secs. 138.10 to 138.23 do not apply to the following:

(A) The United States or any state or any political subdivision, or agency of either;

(B) Officers or agents of the United States or any state or any political subdivision, department, or agency, or members of the organized militia of any state, or the Armed Forces of the United States, or any law enforcement officer, to the extent that the official duties of any such person require him to obtain, possess, carry, or use handguns;

(C) Importers, manufacturers, and dealers licensed under Federal law, to the extent that the acquisition, possession, carriage, or use of any handgun is in the ordinary course of business;

(D) Carriers, warehousemen, and others engaged in the business of transporting or storing handguns, and their agents or employees, to the extent that possessing any handgun by such persons is in the ordinary course of business and in conformity with the laws of the State of Ohio or the United States;

(E) Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their official capacity; and their attorneys;

(F) Heirs and legatees coming into possession of any handgun through distribution of an estate and other persons other than those persons named in division (E) acquiring any handgun through operation of law, during a period not exceeding 30 days from the date of their coming into possession of such handgun;

(G) Nonresidents of the city moving to the city for the purpose of establishing residence therein, during a period not to exceed 30 days of their entry into the city for such purpose;

(H) Nonresidents of the city who enter the city for a period not to exceed 30 days with a handgun or handguns for the purpose of exhibiting or trading a handgun or handguns at a public handgun display, show, or exhibition. However, the handgun or handguns shall be unloaded at all times and must be kept encased except when at such display, show, or exhibition.

(I) Nonresidents of the city who enter the city for a period not to exceed 30 days for the purpose of participating in an organized and sanctioned handgun match; provided, that any handgun shall be unloaded and encased

except while participating in such handgun match.

Sec. 138.23 Nonapplicability of Secs. 138.10 to 138.22. The provisions of Secs. 138.10 to 138.22 shall not apply to the following:

(A) Any handgun which, regardless of its actual age, is designed and safe for use only with black powder, and uses a flintlock, percussion cap, or other obsolete ignition system, or with respect to any handgun which uses fixed ammunition of a type in use prior to 1899, which ammunition is no longer commercially manufactured in the United States and is not readily available in the ordinary channels of trade;

(B) Any device used exclusively for signaling or safety and recommended by the United States Coast Guard or the Interstate Commerce Commission;

(C) Any device used exclusively for firing of stud cartridges, rivets, or nails, and designed for industrial applications;

(D) Any device used exclusively as a starter gun for the purpose of firing blank cartridges as a means of controlling sporting events, or for use in theatrical productions; provided, that such gun is so constructed as not to be readily convertible to the firing of projectiles.

Defiance

138.01 same as 2923.11.
138.06(A) (2) same as 2923.20(4).
138.07 same as 2923.21.

Dover

545.09 same as 2923.17.
545.11(a) (2) same as 2923.20(A) (4).
545.12 same as 2923.21.

East Cleveland

545.01 (a) through (k) same as 2923.11.

(I) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(m) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty in effect.

(n) "Resident" means any person who has a factual place of residence within the limits of the City.

(o) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(p) "Minor" means any person under the age of twenty-one years.

545.12. Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided, however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten (10) years have elapsed from the date or completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearms or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

545.14 Identification card required—registration of handguns required. (a) No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

545.15 Exemptions. (a) The requirements of a handgun owner's identification card contained in Section 545.14 of the Codified Ordinances of the City of East Cleveland do not apply to the purchase, ownership, possession, receipt, having on or about the person, or use of any handgun or handgun ammunition by:

(4) Nonresidents of the City of East Cleveland who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Sections 545.12 or 545.14 of the Codified Ordinances of the City of East

Cleveland, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff or their place of residence to purchase, own, possess, receive, carry, or use any handgun, and provided, further, that handguns in the possession of or under the control of nonresidents shall at all times be unloaded and encased, except while on a suitable firing range, or while being used for lawful hunting, or while unloaded at a public firearms display, show or exhibition. The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a non-resident who enters the City with firearms for the sole and only purpose of exhibiting or trading said firearms at a public firearms display, show or exhibition, or for the sole and only purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this sub-section shall be valid for thirty (30) days only from the date thereof.

(5) Nonresidents of the City of East Cleveland, Ohio moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this City for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

545.16 Further prohibitions—Sales—Purchases—Transfers. (a) No person in this City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 545.14 of the Codified Ordinances of the City of East Cleveland, Ohio, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(b) No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 545.14, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 545.15 of the Codified Ordinances of the City of East Cleveland, Ohio.

(c) No person in this City shall sell, transfer, give away, or otherwise dispose of a handgun to any other person unless, within five (5) days following said sale, transfer, gift, or other disposition, he shall report same to the Chief of Police of the City of East Cleveland, together with the manufacturer's name of said handgun, the caliber and serial number

of said handgun, and if no serial number is contained thereon, an adequate description of the weapon.

545.17. Dealers license. (a) Every firearms dealer in this City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in this City shall procure a separate license for each such permanent location. Application for such license shall be made to the Chief of Police.

* * * * *

Eastlake

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

East Palestine

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Eaton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Edgerton

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Elmwood Place

Sec. 134.06 Sale of firearms to minors. (A) No person shall sell, barter, furnish or give to a minor under the age of 17 years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or con-

trol thereof, knowingly permit it to be used by a minor under such age.

Elyria

- 549.01 same as 2923.11.
- 549.05 same as 2923.17.
- 549.07(a) (2) same as 2923.20(A) (4).
- 549.07(a) (3) same as 2923.20(A) (5).
- 549.08 same as 2923.21.

757.01. Permit required for purchases. No person shall purchase in the City any pistol, revolver, *** or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

757.05. Sales to persons without permits. No person shall sell to any person within the City any pistol, revolver *** or other weapon of like character which can be concealed on the person unless the person to whom such weapon is sold presents to such person selling the same a permit properly signed by the Chief of Police, and such sale shall be unlawful unless made within fifteen days from the date of the signing of such permit by the Chief of Police, and such sale shall be unlawful unless such person makes and files a report of such sale with the Chief of Police ***.

Evendale Village

- 529.02 same as 2923.21.
- 545.01(a) (2) same as 2923.20(A) (4).

Euclid

- 549.01 same as 2923.11.
- 549.05 same as 2923.17.
- 549.07(a) (2) same as 2923.20(A) (4).
- 549.07(a) (3) same as 2923.20(A) (5).
- 549.08 same as 2923.21.

Fairfax

Section I. Every dealer in firearms and ammunition for firearms in the business of selling arms to the ultimate user or consumer, shall pay a license fee of \$100.00 per annum, payable on the first day of January of each year hereafter, and such license shall be granted by the Chief of Police if he is satisfied that the applicant is of good repute in the conduct of such business, and that the conduct of such business will not be detrimental to the public safety and welfare. Where a dealer deals only in shotguns and rifles of regulation size, manufactured for hunting and sporting purposes only, and the ammunition therefor, the annual license fee shall be \$25.00.

Section III. It shall be unlawful for any dealer to sell firearms to any person at retail, unless such person shall fill out and sign an application blank in triplicate, as provided for in Section II, and unless such dealer is either personally acquainted with the purchaser or the purchaser is identified to the dealer by a person acquainted with the dealer and the purchaser.

Fairport Harbor

- 549.01 same as 2923.11.
- 549.05 same as 2923.17.
- 549.07(a) (2) same as 2923.20(A) (4).
- 549.07(a) (3) same as 2923.20(A) (5).
- 549.08 same as 2923.21.

Fairview Park

- 539.01 same as 2923.11.
- 539.05 same as 2923.17.
- 539.07(A) (2) same as 2923.20(A) (4).
- 539.07(A) (3) same as 2923.20(A) (5).
- 539.08 same as 2923.21.

543.01 Definitions. As used in this chapter: (a) Firearm means any deadly weapon capable of expelling or propelling one or more projectiles by the action of an explosive or combustible propellant. Firearm includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(b) Handgun means any firearm designed to be fired while being held in one hand. ***

(d) Firearms dealer means any person, firm or corporation, regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Fairview Park whether as the principal business of such person, firm or corporation, or in addition thereto.

(e) Fugitive from justice means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty or extradition in effect.

(f) Resident means any person who has a factual place of residence within the limits of the City of Fairview Park, Ohio.

(g) Nonresident means any person who does not have a factual place of residence within the limits of the City of Fairview Park, Ohio.

(h) Minor means any person under the age of eighteen years.

543.03. Permit to dispose of concealable weapons. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any

person, within the city, any pistol, hand gun, revolver, derringer, *** or other weapon of like character, which can be concealed on the person, without securing a permit to do so, *** and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this city who has not secured a permit from the Chief of Police to purchase such weapon ***

543.07. Sale of firearms or ammunition to minors. No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years of age an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Nothing in this section shall be deemed to prohibit or render it unlawful to possess, use, or furnish for use any such firearm, together with such ammunition as is necessary, for the purpose of receiving and being given instructions and training in marksmanship and the proper handling, use and care of such firearms on any suitable range, which, at the time of such instruction and use, is under the supervision and control of a competent adult instructor provided that the giving of such instructions and the training is supervised by an organization or association which has been and continues to be approved for this purpose by the Adjutant General or provided that such Instructor is the parent of the person receiving such instruction.

543.08. Sale of ammunition—record required. It shall be unlawful for any person, firm or corporation to sell, give, barter, or otherwise dispose of any ammunition which is capable of use in any pistol, hand gun, revolver, or other weapon of like character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift or exchange or other disposition of ammunition and the means or method of such identification shall be recorded in the book required to be kept hereunder.

Findlay

49.5. No firearms, etc., for minors under seventeen. It shall be unlawful for any per-

son or persons, in the city, to sell, barter, furnish or give to a minor under the age of seventeen years, a resident of the city, an air-gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Flushing

- 549.01 same as 2923.11.
- 549.05 same as 2923.17.
- 549.07(a) (2) same as 2923.20(A) (4).
- 549.07(a) (3) same as 2923.20(A) (5).
- 549.08 same as 2923.21.

Forest Park

- 132.01 same as 2923.11.
- 132.09 same as 2923.20(A), (3), (4), (5); (B).
- 132.10 same as 2923.21.

Franklin

- 672.01 same as 2923.11.
- 672.05 same as 2923.17.
- 672.07 adopts 2923.18.
- 672.09(a) (2) same as 2923.20(A) (4).
- 672.09(a) (3) same as 2923.20(A) (5).
- 672.10 same as 2923.21.

Gahanna

- 545.01 same as 2923.11.
- 545.06 same as 2923.20(A) (4) & (5).
- 545.07 same as 2923.21.

Galion

- 549.01 same as 2923.11.
- 549.05 same as 2923.17.
- 549.07(a) (2) same as 2923.20(A) (4).
- 549.08 same as 2923.21.

Garfield Heights

- 511.01 same as 2923.11.
- 511.06 same as 2923.20(A) (4) & (5).
- 511.07 same as 2923.21.

Genoa

- 549.01 same as 2923.11.
- 549.05 same as 2923.17.
- 549.07(a) (2) same as 2923.20(A) (4).

- 549.07(a) (3) same as 2923.20(A) (5).
- 549.08 same as 2923.21.

Gibsonburg

- 549.01 same as 2923.11.
- 549.05 same as 2923.17.
- 549.07(a) (2) same as 2923.20(A) (4).
- 549.07(a) (3) same as 2923.20(A) (5).
- 549.08 same as 2923.21.

Glenwillow

- 549.01 same as 2923.11.
- 549.05 same as 2923.17.
- 549.07(a) (2) same as 2923.20(A) (4).
- 549.07(a) (3) same as 2923.20(A) (5).
- 549.08 same as 2923.21.

Golf Manor

- 549.01 same as 2923.11.
- 549.05 same as 2923.17.
- 549.07(a) (2) same as 2923.20(A) (4).
- 549.07(a) (3) same as 2923.20(A) (5).
- 549.08 same as 2923.21.

Grand Rapids

- 672.01 same as 2923.11.
- 672.05 same as 2923.17.
- 672.07 adopts 2923.18.
- 672.09(a) (2) same as 2923.20(A) (4).
- 672.09(a) (3) same as 2923.20(A) (5).
- 672.10 same as 2923.21.

Greenfield

- 140.01 same as 2923.11.
- 140.06 same as 2923.20(A) (4) & (5).
- 140.07 same as 2923.21.

Green Springs

38.12 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Greenville

- 672.01 same as 2923.11.
- 672.05 same as 2923.17.
- 672.07 adopts 2923.18.
- 672.09(a) (2) same as 2923.20(A) (4).

Grove City

- 549.01 same as 2923.11.
- 549.05 same as 2923.17.
- 549.07(a) (2) same as 2923.20(A) (4).
- 549.07(a) (3) same as 2923.20(A) (5).
- 549.08 same as 2923.21.

Groveport

- 2323.05 same as 2923.17.

Hamilton

729.01. Record of sale. It shall be unlawful to sell any firearm, *** unless at the time of such sale the vendor records in a book to be kept for that purpose:

(a) The name and address of the purchaser;

(b) The purpose for which the purchase is made;

(c) The date of such purchase and the hour when such purchase was made;

(d) An accurate description of the item purchased, the number thereof, and the name of the maker thereof;

(e) A description of the purchaser, which description shall set forth his age, his height, the color of his hair, and the color of his eyes, and any other identifying marks or characteristics;

(f) A description of the clothing worn by the purchaser;

(g) A description of all visible scars or marks on the face and hands of the purchaser, and of any apparent deformity; and

(h) Whether the purchaser is smooth shaven or wears a mustache, a beard, a goatee, or side whiskers.

729.03. Sale to minors. It shall be unlawful to sell any weapon enumerated in Section 729.01 to any person under the age of twenty-one years.

729.04 Dangerous weapons dealers license. A license is hereby required, to be obtained in the manner provided in this code, for every dangerous weapons dealer operating in the City of Hamilton.

1309.01. Identifying marks on weapons. It shall be unlawful to change, alter, remove, or destroy the name of maker, model, manufacturer's number, or other mark of identification or to sell any dangerous weapon, or to keep or have in possession dangerous weapon capable of use, on which any such mark of identification has been changed, altered, removed, or destroyed, to the knowledge of the person having or selling such weapon.

1315.18. Possession of explosive, flammable devices regulated. No person shall

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make, use, or possess on his person or have under his control, a molotov cocktail or any other explosive device containing flammable, combustible, or explosive material or substance which can be used as a fire bomb either by igniting the fuse and/or breaking the device; provided, however, any person engaged in any lawful activity, business, calling, employment, or occupation requiring him to have such a device or such material or substance in his possession or under his control is hereby exempt from the operation of this section.

Hicksville

Sec. 138.06(A) (2) same as 2923.20(A) (4).
Sec. 138.06(A) (3) same as 2923.20(A) (5).
Sec. 138.07 same as 2923.21.

Highland Heights

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Hilliard

134.01 same as 2923.11.
134.04 same as 2923.17.

Hilliard Township

See Centerburg Village

Hillsboro

131.06. Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with section 1533.13 of the Revised Code.

Holland

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Huron

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Independence

781.01 License to dispose of concealable weapons. No person shall engage in the business of selling within the City any pistol, revolver, derringer, *** or other weapon of like character which can be concealed on the person without securing a license to do so as hereinafter provided, and no person having secured such a permit, shall sell or give away any such weapon except in strict accordance with all Municipal, State and Federal laws pertaining to firearms.

781.03 Daily report of sales. All persons who are licensed to deal in the weapons described in Section 781.01 shall make out and deliver to the Police Department of the City, not less than forty-eight hours prior to delivery of any such weapons to a purchaser or donee, a legible and correct report of sale or gift made under authority of such license on a form to be furnished by the Police Department. The report shall contain the date of such sale or gift, the name, age and address of the purchaser or donee, length of time at such address, kind and description of such weapon, and the purpose given by such person for the purchase of such weapon. The report shall be signed by the purchaser.

Ironton

545.01 same as 2923.11.
545.05 same as 2923.17.
545.06(b) same as 2923.20(A) (4).
545.06(c) same as 2923.20(A) (5).
545.07 same as 2923.21.

Kent

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(A) (2) same as 2923.20(A) (4).
549.08(A) same as 2923.21(A).
549.13. License to Sell Weapons. (A) No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer, *** or other weapon of like character, which can be concealed on the person, without securing a license to do so as provided in Section 549.14 and no person having secured such a license,

shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

(B) No licensed or unlicensed commercial enterprise, or individual, engaged in the sale of weapons described in Subsection (A) hereof shall make available for purchase handguns unless said handgun complies with the following three requirements:

(1) the barrel length shall exceed three (3) inches or the handgun is sold at a price exceeding Eighty (\$80.00) dollars;
(2) the barrel, cylinder, slide and frame of the handgun shall be entirely machined and/or investment cast;

(3) the barrel, cylinder, slide and frame of the handgun shall neither melt nor deform at a temperature of less than 800 degrees Fahrenheit.

(C) Whoever violates this section is guilty of a misdemeanor of the first degree. A fine of at least five hundred (\$500.00) dollars is mandatory for a violation of this section. Each sale of a handgun in violation of this section is a distinct and separate offense.

549.14. Application for license. Any person desiring a license authorizing the sale of any of the deadly weapons mentioned in Section 549.13 shall make application in writing to the Mayor [contact local authorities for required contents] ***

549.17 Application For Permit To Buy Weapon.

(A) No person shall purchase any deadly weapon, which can be concealed on the person, without first securing from the Chief of Police or Officer In Charge a permit to do so. Before any such permit is granted an application in writing shall be made therefor, [contact local authorities for required contents] ***

(B) This section does not apply to persons showing proof that they are officers, agents or employees of this or any other state of the United States, or to any other law enforcement officers authorized to carry deadly weapons capable of being concealed on the person, and acting within the scope of their duties, or federally licensed firearms dealers.

(C) Whoever violates subsection (A) is guilty of a misdemeanor of the fourth degree.

549.18 Issuance of Permit to Buy Weapon. The Chief of Police or Officer In Charge shall refuse to issue a permit to purchase any deadly weapon which can be concealed on the person to minors and to all persons convicted of any: (1) Crime of violence; (2) Felony; (3) Violation of Chapter 549, Codified Ordinances of the City of Kent

Kenton

672.01 same as 2923.11.
672.05 same as 2923.17.

672.07 adopts 2923.18(A), (B) (1), (C), (D), (E) and (F).

672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21A(1), (2) & (3).

Kettering

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

La Grange

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Lakewood

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

549.13. License to sell weapons. (a) No person, firm or corporation shall engage in the business of selling, or sell or give away to any person, within the City, any deadly weapon which can be concealed on the person, without securing a license to do so as hereinafter provided, and no person, firm or corporation having secured such a license shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

549.17. Permit to purchase weapons; application. (a) No person shall purchase any deadly weapon which can be concealed on the person without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, [contact local authorities for required contents] ***

Lancaster

529.03. Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof

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knowingly permit it to be used by a minor under such age.

Lima

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Linndale

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Lockbourne

2323.01 same as 2923.11.
2323.05 same as 2923.17.

Lockland

Sec. 136.03 Sale of firearms to minors. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Sec. 114.04 Firearms trade. No pawnbroker or second-hand dealer shall sell, pawn, take in trade, loan money on or deal in firearms.

Lorain

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

Loudonville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Loveland

74.8 Sale of firearms to minors. Whoever shall sell, barter, furnish or give to a minor under the age of seventeen years, an

air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age shall be fined not more than fifty dollars. This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with RC 1533.13.

Lyndhurst

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Magnetic Springs

131.06 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, *** (a) rifle, shotgun, revolver, pistol, or other firearm, or ammunition thereof, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age. *****

Mansfield

13.101 same as 2923.11.
13.106(A) (2) same as 2923.20(A) (4).
13.106(A) (3) same as 2923.20(A) (5).
13.107 same as 2923.21.

Marietta

529.03. Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R. C. 1533.13 or to persons exempted under Ohio R. C. 2903.07.

Marion

546.01 same as 2923.11.
546.06(A) (2) same as 2923.20(A) (4).
546.07 same as 2923.21.

Marysville

131.06 Sale of firearms to minors. No person shall sell, barter, furnish, or give to a

minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor ***.

Mason

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Maumee

140.01 same as 2923.11.
140.06(a) (2) same as 2923.20(A) (4).
140.06(a) (3) same as 2923.20(A) (5).
140.07 same as 2923.21.

Mayfield Heights

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

549.13. Sale license, purchase permit required. (a) No person shall sell, offer to sell, exhibit for sale or engage in the business of selling firearms, air guns, B-B guns or similar weapons, ammunition or explosives without first securing a license to do so from the Chief of Police, as provided in Section 549.14. No person shall sell any weapon or other article as herein defined, which is concealable on the person, to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon, in the manner provided in Section 549.15.

549.14. License application information; fee and renewal. Any person desiring a license authorizing the sale of any of the weapons or other articles mentioned in Section 549.13, shall make application in writing to the Chief of Police, [contact local authorities for required contents.] ***

549.15. Permit application information; fee and disposition. (a) No person shall purchase a particular weapon or other article as specified in Section 549.13, concealable on the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made to the Chief of Police [contact local authorities for required contents] ***. Such application shall be accompanied by a fee of one dollar (\$1.00) and upon issuance shall be valid for the purchase of one particular weapon therein described. Such permit shall be given to and collected by the seller, and filed with the City in the seller's report of sales of such weapons.

549.16. License or permit refusal. It shall be the duty of the Chief of Police to

refuse a license to engage in the business of selling or a permit to purchase any weapon or other article mentioned in Section 549.13 to any person who has been convicted of any crime other than a traffic offense, to any vagrant, any suspicious person, any minor under the age of eighteen years generally or any person who has violated a provision of this chapter during the preceding year.

Mentor

133.01 same as 2923.20(A) (4) & (5).

Miamisburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Middleburg Heights

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Middlefield

560.01 same as 2923.11.
560.06(a) (2) same as 2923.20(A) (4).
560.06(a) (3) same as 2923.20(A) (5).
560.07 same as 2923.21.

Middletown

13-101 same as 2923.11.
13-106 same as 2923.20(A) (4) & (5).
13-107 same as 2923.21.

993.06 Sale of explosives to minors. It shall be unlawful for any person to sell to a minor any cap or other explosive device used in the discharge of toy pistols and torpedo canes, or any blank cartridge, whether for use in pistols, revolvers or cannons.

Millersburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

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549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Millville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Mogadore Village

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Monroeville

545.01 same as 2923.11.
545.06(A) (2) same as 2923.20(A) (4).
545.06(A) (3) same as 2923.20(A) (5).

Montgomery

131.09(A) (1) same as 2923.21(A) (1).
131.09(A) (2) same as 2923.21(A) (2).

Montpelier

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Moraine

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Mount Vernon

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

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549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Navarre

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

New Albany

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

New Athens

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Newburgh Heights

1. Permit to dispose of concealable weapons. It shall be unlawful for any person, firm or corporation to engage in the business of selling, or to sell or give away to any person, within the Village, any pistol, hand gun, revolver, derringer, *** or other weapon of like character, which can be concealed on the person, without securing a permit to do so, as hereinafter provided, and no person, firm or corporation having secured such a permit, shall sell or give away any such weapon to any person within this village who has not secured a permit from the Chief of Police to purchase such weapons in the manner hereinafter provided.

5. Sale of firearms or ammunition to minors. No person, firm or corporation shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol, hand gun, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

7. Sale of ammunition—record required. It shall be unlawful for any person, firm or corporation to sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, hand gun, revolver, or other weapon of like character which can be concealed on the person, unless every such trans-

action is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it; which entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift or exchange or other disposition of ammunition and the means or method of such identification shall be recorded in the book required to be kept hereunder.

8. Permit to purchase concealable weapons. It shall be unlawful for any person to purchase any pistol, hand gun, revolver, derringer, *** or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so.

New Carlisle

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

New Philadelphia

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Newton Falls

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Niles

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.
549.14 Sale of Weapons; License Required (a) No person shall engage in the business of selling or shall sell or give away to any person within the City any pistol, revolver, derringer, *** or other weapons of

like character which can be concealed, without first securing a license to do so. ***.

549.15 Purchase of Weapons; Permit Required. (a) No person shall purchase any pistol, revolver, derringer, *** or other weapon of like character which can be concealed, without first securing from a Committee, composed of the Chief of Police and the Mayor, a permit to do so.

North Baltimore

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Bend

13-101 same as 2923.11.
13-106(A) (2) same as 2923.20(A) (4).
13-106(A) (3) same as 2923.20(A) (5).
13-107 same as 2923.21.

North Canton

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Fairfield

545.01 same as 2923.11.
545.05 same as 2923.17.
545.06(A) (2) same as 2923.20(A) (4).
545.06(A) (3) same as 2923.20(A) (5).

Northfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Olmsted

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

North Randall

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

North Royalton

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.
672.15 Sale or gift of concealable firearms. (a) No person shall sell, barter, furnish or give to any other person any pistol, revolver, derringer or other firearm of like character and caliber, which can be concealed on the person, without providing the Chief of Police with a copy of the United States Department of the Treasury Form 4473, at least seventy-two hours prior to such purchaser or donee taking possession of such firearm. * * * *

Norwalk

513.01 same as 2923.11.
513.06 same as 2923.20(A) (4) & (5).
513.07 same as 2923.21.

Norwood

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oakwood

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oberlin

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A) (4).

549.07(a)(3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Olmstead Falls

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Ontario

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18(A), (B) (1), (C), (D), (E), and (F).
672.08. Failure to secure dangerous ordinance. (a) No person, in acquiring, possessing, carrying or using any dangerous ordinance, shall negligently fail to take proper precautions:
(1) To secure the dangerous ordinance against theft or against its acquisition or use by any unauthorized or incompetent person;
(2) To insure the safety of persons and property.
672.09(a) (2) same as 2923.20(A) (4).
672.10 same as 2923.21.

Orange, Village of

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Orrville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oxford

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Parma

553.08. Sale of explosives, firearms and ammunition to minors. (a) No person shall sell, give away or otherwise dispose of or de-

liver to any person under twenty-one years of age any explosives, as defined in Ohio R.C. 3743.01(A), whether such person is acting for himself or for any other person.

(b) No person shall sell, give, barter or otherwise dispose of any air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, to a minor under the age of seventeen years.

787.01. Definition. As used in this chapter, "person" means individual persons, firms or corporations.

787.02. Sales license and purchase permit required. No person shall engage in the business of selling, or sell or give away to any person, or barter or exchange with any person, within the City, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without securing a license to do so as hereinafter provided. No person, having secured a license, shall sell, give away, barter or exchange any weapon to any person within the City who has not secured a permit from the Director of Public Safety to purchase or otherwise receive such weapon in the manner hereinafter provided.

787.06. Purchase permit: application information. No person shall purchase or receive as donee or as one who barter or exchanges, any pistol, revolver, derringer, * * * or other weapon of like character which can be concealed on the person, without first securing from the Director of Public Safety a permit to do so. Before any permit is granted, an application in writing shall be made therefor [contact local authorities for required contents] * * *

Parma Heights

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09 (a) (2) same as 2923.20(A) (4).
672.09 (a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Pepper Pike

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07 (a) (2) same as 2923.20(A) (4).
549.07 (a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Perrysburg

672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).

672.09(a) (3) same as 2933.20(A) (5).
672.10 same as 2923.21.

Pleasant Hill

Sec. 38.10 Sale of explosives to minors. It shall be unlawful to sell, offer for sale or give away to a minor any explosive cap, cartridge, shell, guncotton or other similar article containing explosives.

Plymouth

3-74P. * * * * Section 2: The Ohio Criminal Code as set forth in Chapter 29 of the Ohio Revised Code, together with all amendments thereof shall be and are * * * adopted * * *

Pomeroy

929.06 same as 2923.21.

Port Clinton

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Portsmouth

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

705.32. Dealers in firearms and ammunition; * * * All dealers in guns, revolvers, pistols, firearms, ammunition for firearms or dangerous weapons shall pay a license fee of ten dollars (\$10.00) per annum.

Ravenna

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Reading

10-106 same as 2923.20(A) (4) & (5).
10-107 same as 2923.21.

Reminderville

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Reynoldsburg

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Richfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Ridgeville

513.01 same as 2923.11.
513.06(a) (2) same as 2923.20(A) (4).
513.06(a) (3) same as 2923.20(A) (5).
513.07 same as 2923.21.

Rittman

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Rocky River

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

Rossford

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Sandusky

13-106. Unlawful transactions in weapons. (A) No person shall: * * * (2) When transferring any dangerous ordinance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordinance pursuant to Section 13-105 of the General Offense Code or 2923.17 of the Ohio Revised Code * * *
13-107(A) (1) same as 2923.21(A) (1).
13-107(A) (2) same as 2923.21(A) (2).
13-107(A) (3) same as 2923.21(A) (3).

Scio

549.01 same as 2023.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Sebring

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Seven Hills

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Shaker Heights

General Offense Code

753.01 Definitions. As used in this chapter:
(A) "Firearm" means any deadly weapon capable of expelling or propelling one or more

projectiles by the action of an explosive or combustible propellant. "Firearm" includes an unloaded firearm, and any firearm which is inoperable but which can readily be rendered operable.

(B) "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceeding twelve (12) inches in length, measured by the insertion of a rod with the receiver or slide closed, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant but does not include inoperable handguns which cannot be rendered operable, curios, relics, or antique handguns as presently or hereafter defined in Title 26, Part 178 of the Code of Federal Regulations, Commerce In Firearms.

(C) "Dealer" means any person, firm or corporation engaged in the business of selling or trading firearms or firearm ammunition at wholesale or retail within the limits of the City of Shaker Heights, Ohio, whether as the principal business of such person, firm, or corporation, or in addition thereto.

(D) "Resident" means any person who has a place of residence within the limits of the City of Shaker Heights, Ohio.

(E) "Non-resident" means any person who does not have a place of residence within the limits of the City of Shaker Heights, Ohio.

(G) "Identification Card" means a Handgun Owner's Identification Card issued pursuant to Section 753.04.

(H) "Registration Card" means a Handgun Registration Card issued pursuant to Section 753.05.

753.02 Prohibitions. (A) No person shall sell, purchase, own, possess, transfer, give, deliver, receive or have on or about his person or use any handgun which does not contain an engraved serial number or other numerical identification, or which has had the serial number or other numerical identification obliterated; ***.

(B) No person shall receive, or possess any handgun unless such person has an Identification Card issued to him and in effect and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

(C) No person shall have on or about his person, or use any handgun unless such person has in his possession an Identification Card issued to him and in effect, and a Registration Card for each handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

(D) No person shall deliver, transfer or furnish any handgun to any person unless the transferee exhibits at the time of transfer an

Identification Card valid on its face and issued to the transferee, and a Registration Card for each such handgun, except to the extent that he is exempt pursuant to Section 753.06 from such requirement.

753.06 Exemptions. (A) The following shall be exempt from the provisions of this Chapter except sub-section (A) of Section 753.02.

(1) Any state of the United States, the United States or any political subdivision, department or agency of either;

(2) An officer or agent of any state or the United States, or any political subdivision, department, or agency of either, a member of the organized militia of any state or the armed forces of the United States, or a law enforcement officer of any political subdivision, but only to the extent that his official duties require him to purchase, own, possess, receive, carry, or use handguns and not for the personal use of such individuals.

(B) The requirement of an Identification Card and Registration Card contained in Sections 753.04 and 753.05 shall not apply:

(1) To a holder of a dealer's license issued pursuant to Section 753.07.

(2) To a non-resident of the City of Shaker Heights who holds and exhibits upon request a valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of his place of residence to purchase, own, possess, receive, carry, or use any handgun; ***.

(3) To a non-resident of the City of Shaker Heights, moving to this City for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of his entry into this City for such purpose; provided that such person shall possess and exhibit upon request such valid permit, authorization, or identification as may be required by the laws of his former domicile to own, possess, receive, or have on or about the person any handgun, or proof of residence in a jurisdiction which does not require the same.

(6) To carriers, warehousemen, and others engaged in the business of transportation and/or storage and their employees to the extent that the possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this State or the United States, but not for the personal use of any such person.

(8) To a federally licensed manufacturer of handguns.

753.07 Dealer's license (A) Every Dealer in this City shall procure a license to engage in such business. Any Dealer engaged in such business at more than one location in this City

shall procure a separate license for each such location. *****

Sharonville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Sheffield Lake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.
672.15 Sale and possession of firearms and explosives.

(a) Definitions. As used in this section:

(1) "Firearm" means any weapon, including a starter gun, which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; or the frame or receiver of any such weapon; or any firearm muffler or firearm silencer.

(2) "Pistol" means any firearm with a barrel less than twelve inches in length.

(3) "Manufacturer" or "dealer" means any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(4) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(5) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the Government of the United States, or of any state or political subdivision thereof, by the use of force, violence, military measures or threats of one or more of the foregoing.

(b) Possession Restricted.

(1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealth countries or the District of Columbia, or who is a fugitive from justice, of unsound mind, a drug addict or an habitual drunkard, shall possess a firearm within the City.

(2) No person who is a member of a subversive organization shall possess a firearm within the City.

(3) No person under the age of twenty-one shall possess a handgun. This subparagraph shall not apply to the issue of pistols to members of the Armed Forces of the United

States, active or reserve, State Militia or ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent, guardian or adult instructor.

(c) Nonserialized Pistols. No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(d) Sales, Transfers and Displays Regulated.

(1) No manufacturer or dealer, except a manufacturer or dealer having a license issued by the Sheffield Lake Division of Police, shall sell any firearm at wholesale or retail.

(2) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or who is a fugitive from justice, of unsound mind, a drug addict, an habitual drunkard or a member of a subversive organization.

(3) When delivered, all pistols must be securely wrapped and must be unloaded.

(e) False Information Prohibited.

(1) No person, in applying for a license as a manufacturer or dealer, shall give false information or offer false evidence of his identity.

(2) No person shall give false information concerning the matters referred to in subsections (b)(1) and (b)(2) hereof or concerning his age or his name and address or offer false evidence of his identity when purchasing a pistol.

(f) Confiscation and Destruction. Any firearm of any type or explosive of any type sold or possessed in violation of any provision of this section shall be confiscated by the Sheffield Lake Division of Police and destroyed by such Division.

(g) Penalty. Whoever violated any of the provisions of this section is guilty of a misdemeanor of the second degree. Punishment shall be as provided in Section 698.92.

Shelby

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Shiloh

545.01 same as 2923.11.
545.06(A) (2) same as 2923.20(A) (4).
545.06(A) (3) same as 2923.20(A) (5).

Sidney

672.01 same as 2923.11.
672.05 same as 2923.17.

672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Solon

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

South Euclid

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

672.14. License required for sale of weapons. No person shall engage in the business of selling, or sell or give away to any person within the City any pistol, revolver, derringer, *** or other weapon of like character, which can be concealed on or about the person, without first securing a license to do so as hereinafter provided. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not first secured from the Chief of Police a permit to purchase such weapon in the manner hereinafter provided.

672.15. Application for license. Any person desiring a license authorizing the sale of any of the deadly weapons specified in Section 672.14 shall make application in writing to the Director of Public Safety, [contact local authorities for required information] ***.

672.18. Permit to buy weapon. No person shall purchase or acquire by gift or otherwise any pistol, revolver, derringer, *** or other weapon of like character, which can be concealed on or about the person, without first securing a permit to do so. Before any such permit is granted, an application in writing shall be made therefor to the Chief of Police [contact local authorities for required information] ***.

South Russell Village

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Springdale

672.05 same as 2923.17.
672.07 adopts 2923.18.

Springfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

St. Bernard

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

St. Clairsville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Steubenville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.08 same as 2923.21.

Stone Creek Village

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Stow

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.
672.17 Possession and transfer of firearms.

(a) Definitions. As used in this section: (1) "Pistol" means any firearm with a barrel less than twelve inches in length.

(2) "Manufacturer" and "dealer" mean any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail.

(3) "Fugitive from justice" means any person who has fled or is fleeing from any law enforcement officer to avoid prosecution or incarceration for a felony or to avoid giving testimony in any criminal proceeding.

(4) "Subversive organization" means any group, committee, club, league, society, association or combination of individuals, as listed by the United States Government Justice Department.

(b) **Unlawful Possession.** (1) No person who has been convicted of a felony in any court of the United States, the several states, territories, possessions, commonwealths, countries or the District of Columbia, or who is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, shall possess a firearm within the City.

(2) No person who is a member of a subversive organization shall possess a firearm in the City.

(3) No person under the age of eighteen shall possess a pistol. The provisions of this subsection shall not apply to the issue of pistols to members of the Armed Forces of the United States, active or reserve, the State Militia, or the ROTC, when on duty or training, or to the temporary loan of pistols for instruction under the immediate supervision of a parent or guardian or adult instructor.

(c) **Manufacturers and Dealers.** (1) No person shall receive, possess, sell, lease or otherwise transfer any pistol from which the manufacturer's serial numbers or letters have been removed.

(2) No manufacturer or dealer, except a manufacturer or dealer having a license issued under the provisions of this section, shall sell any firearm at wholesale or retail within the City.

(3) No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a felony, or is a fugitive from justice, or of unsound mind, or a drug addict, or an habitual drunkard, or a member of a subversive organization.

(4) When delivered all firearms must be unloaded.

(5) No person shall sell, lease, lend or otherwise transfer a pistol to any person under eighteen years of age except as provided in subparagraph (b)(3) hereof.

(6) Application for a manufacturer's or dealer's license required by subparagraph (c)(2) hereof shall be made to the Director of Public Safety on forms prescribed and furnished by the City. *****

Strongsville

672.01 same as 2923.11.

672.05 same as 2923.17.

672.07 adopts 2923.18.

672.09(a) (2) same as 2923.20(A) (4).

672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Stryker

549.01 same as 2923.11.

549.05 same as 2923.17.

549.07(a) (2) same as 2923.20(A) (4).

549.08 same as 2923.21.

Tallmadge

71.2.2 Sale of firearms to minors. 1. No person shall sell, order, furnish or give to a minor under the age of seventeen years, an air gun, musket, rifle, shot gun, revolver, pistol or other firearm, or ammunition therefore, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Terrace Park

549.01 same as 2923.11.

549.05 same as 2923.17.

549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).

549.08 same as 2923.21.

Tiffin

549.01 same as 2923.11.

549.05 same as 2923.17.

549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).

549.08 same as 2923.21.

Tipp City

140.01 same as 2923.11.

140.06(A) (2) same as 2923.20(A) (4).

140.06(A) (3) same as 2923.20(A) (5).

140.07 same as 2923.21.

Toledo

17-13-101. **Definitions.** As used in Sections 17-13-101 to 17-13-124 of the General Offense Code:

A. "Deadly Weapon" same as 2923.11(A).

B. "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver, or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

C. "Handgun" means any pistol, revolver, or other firearm, having a barrel not exceed-

ing twelve (12) inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

D. "Semi-Automatic Firearm" same as 2923.11(D).

E. "Automatic Firearm" same as 2923.11(E).

F. "Sawed-off Firearm" same as 2923.11(F).

G. "Zip-gun" same as 2923.11(G).

H. "Shotgun" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned, and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

I. "Rifle" means any weapon designed or redesigned, made or remade, and intended to be fired from the shoulder, and designed or redesigned, and made or remade to use the energy of the explosive in a fixed metallic cartridge to fire a single projectile through a rifled bore for each single pull of the trigger.

J. "Fixed Place of Business" means an established location of a commercial or industrial enterprise owned, managed, or operated by a person, firm or corporation.

K. "Unencased" means not enclosed in a case, container, or receptacle designed and constructed specifically for the purpose of encasing a firearm, but shall not include a holster for a pistol or revolver.

L. "Loaded" means any pistol, revolver, rifle, shotgun, or any other weapon, by whatever name known, designed to expel a projectile or projectiles by the action of expanding gases, which contains a round or rounds of ammunition in the chamber, slide, receiver, barrel, or cylinder, or clip attached thereto.

M. "Unloaded" means any pistol, revolver, rifle, shotgun, or any other weapon, by whatever name known, designed to expel or projectile or projectiles by the action of expanding gases, which does not contain a round or rounds of ammunition in the chamber, receiver, slide, barrel, cylinder or clip attached thereto.

N. "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City of Toledo, whether as the principal business of such person, firm or corporation, or in addition thereto.

O. "Fugitive from Justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any for-

eign country with which the United States has a treaty of extradition in effect.

P. "Resident" means any person who has a factual place of residence within the limits of the City of Toledo.

Q. "Non-resident" means any person who does not have a factual place of residence within the limits of the City of Toledo.

R. "Minor" means any person under the age of twenty-one (21) years.

S. "Explosive device" same as 2923.11(H).

T. "Incendiary device" same as 2923.11(I).

U. "Dangerous Ordnance" same as 2923.11(J).

V. "Dangerous ordnance" same as 2923.11(K).

17-13-103. **Prohibitions.** A. No person shall purchase, own, possess, receive, have on or about his person, or use any firearm or ammunition, if such person is a fugitive from justice or is under adjudication of mental incompetence.

B. No person shall purchase, receive, have on or about his person, or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen, or other dangerous drug, or drug of abuse.

C. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun or handgun ammunition, if such person has been convicted of a felony involving the use or the threat of use of force or violence under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia, or any foreign country with which the United States has a treaty of extradition in effect, provided however, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

D. No person shall knowingly sell, transfer, give, deliver, or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving, having on or about his person, or using such firearm or ammunition.

17-13-105. **Identification Card Required.**

A. No person shall purchase, own, possess, receive, have on or about his person, or use any handgun except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code. ***

17-13-106. **Exemptions.** A. The requirements of a handgun owner's identification card contained in Section 17-13-105 of the Toledo Municipal Code do not apply to the purchase, ownership, possession, receipt, having

on or about the person, or use of any handgun or handgun ammunition by:

1. Any state of the United States, or any political subdivision, department, or agency of either;

2. Officers or agents of any state or the United States or any political subdivision, department, or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry, or use handguns;

3. Licensed manufacturers and dealers, and their agents and servants, to the extent that the purchase, ownership, possession, receipt, or use of any handgun is in the ordinary course of business;

4. Non-residents of the City of Toledo who are residents of the State of Ohio; provided that such persons are not prohibited by the provisions of Section 17-13-103 or 17-13-105 of the Toledo Municipal Code, and possess and exhibit upon request such valid permit, authorization, or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry, or use any handgun ***.

5. Non-residents of the City of Toledo, Ohio, removing to this city for the purpose of establishing residence herein, during a period not exceeding thirty (30) days from the date of their entry into this city for such purpose; provided that such persons shall possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive, or have on or about the person any handgun.

6. Executors, administrators, guardians, receivers, trustees in bankruptcy, and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys.

7. Heirs and legatees acquiring any handgun or handgun ammunition through distribution of an estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty (60) days from the date of their coming into possession any handgun.

8. Carriers, warehousemen, and others engaged in the business of transporting or storing firearms, handguns and their agents, servants, to the extent that the ownership, possession, receipt, or having on or about the person of any handgun by such persons is in the ordinary course of business and in conformity with the laws of this state or the United States. *****

Section 17-13-107. **Further Prohibitions.** A. No person in this city shall purchase or otherwise obtain ownership or possession of,

or as security for a loan, any handgun from any person unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 17-13-105 of the Toledo Municipal Code, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

B. No person in this City shall sell, deliver, transfer, or furnish any handgun to any person in this City, unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 17-13-105, or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 17-13-106 of the Toledo Municipal Code.

17-13-108. **Dealers License.** A. Every firearms dealer in this City shall procure a license to engage in such business ***.

Section 17-13-110. **Records.** A. Every firearms dealer shall maintain a record of the sale of handguns. Such record of sale shall contain the (information required by the local authorities; contact them for record entries required under Sec. 17-13-110) ***. Each such record of sale shall be signed by the purchaser and the salesman and no sale shall be made unless such identification card or permit is exhibited by the purchaser. In the instance of sales from a wholesale distributor to a dealer the license number of the dealer shall be recorded in lieu of the aforesaid identification card. (see 17-13-105)

C. No firearms dealer or any agent or employee of such dealer shall fail to comply with this section or knowingly cause any false information to be entered on a record of sale of any handgun, and no purchaser of any handgun shall give any false information for entry on such record of sale.

D. As used in this section the term "wholesale distributor" shall be an individual, partnership, or corporation, selling only to licensed dealers and not at retail or otherwise to individual consumers.

17-13-120(A) (2) same as 2923.20(A) (4).

17-13-120(A) (3) same as 2923.20(A) (5).

17-13-122 same as 2923.21.

Section 17-13-123. **Exceptions.** A. The provisions of this Article shall not apply to officers or agents of any State or of the United States, or any political subdivision, division or agency of either, members of the organized militia of any state or the armed forces of the United States, or law enforcement officers of any political subdivision to the extent that the official duties of any such person require him to carry, be in possession of, or have on or about his person any such firearm or weapon, nor to a person whose

terms of employment require him to carry, possess, or have on or about his person during the hours of his employment such firearm or weapon; nor to the members of a color guard, military unit, or marching unit, while such color guard, military unit, or marching unit is participating in a duly authorized parade, athletic event, funeral, or while so participating in such other civic events and functions in which the flag of the United States is displayed, provided, however, that any firearms borne by members of any such color guard, military unit, or marching unit while so participating in such events shall at all times remain unloaded.

B. Nothing in this Article shall be construed to limit, restrict, or modify the legitimate use of firearms as provided by the laws of the United States, or of the State of Ohio, nor shall it be construed to restrict, limit, prohibit or modify the conduct of legitimate business with manufacturers, wholesale dealers and retail dealers of firearms licensed by the Federal Government, or retail dealers of firearms licensed by the City of Toledo, or with or by persons, firms or corporations engaged in the business of repairing, altering, assembling, cleaning, polishing, engraving, or trueing or who performs any mechanical operation upon any firearm.

Section 17-13-127. Explosive Devices. A. No person shall make, use, or possess on his person or have under his control a Molotov cocktail, or any other explosive device containing a flammable, combustible or explosive material or substance which can be used as a firebomb either by igniting a fuse and/or breaking the device.

B. Persons engaged in a lawful activity, business, calling, employment or occupation are hereby exempt from the operation of this section. ***

Tremont

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Trenton

135.01 same as 2923.11.
135.06(B) same as 2923.20(A) (4).
135.06(C) same as 2923.20(A) (5).
135.07 same as 2923.21.

Trotwood

545.01 same as 2923.11.
545.03 same as 2923.17.

545.07(A) (2) same as 2923.20(A) (4).
545.07(A) (3) same as 2923.20(A) (5).
545.08 same as 2923.21.

545.15 Sale License, Purchase Permit Required (A) No person, firm or corporation shall give, sell, offer to sell, exhibit for sale or engage in the business of selling firearms, *** ammunition, explosives or fireworks without first securing a license to do so from the Chief of Police. No person, firm or corporation shall sell or give away any weapon, as herein defined, which is concealable on the person, to any person within the Municipality who has not secured a permit from the Chief of Police to purchase such weapons.

545.20 Records of Sales (A) Any person, firm or corporation who shall sell any firearms, *** or other weapon, ammunition, explosives or fireworks shall make and keep a permanent written record of such sale. Such record shall contain [information required by local authorities; contact them for required contents] *** and the signature of the purchaser.

Troy

519.01 same as 2923.11.
519.05 same as 2923.17.
519.06(a) (2) same as 2923.20(A) (4).
519.06(a) (3) same as 2923.20(A) (5).
519.07 same as 2923.21.

University Heights

626.01. Definitions. As used in this chapter: (a) "Firearm" means any weapon, including a handgun, by whatever name known, or the barrel, receiver or any part of the firing mechanism of such weapon, which is designed to eject or propel a projectile by the action of an explosive or combustible propellant, but does not include inoperable firearms which cannot be rendered operable.

(b) "Handgun" means any pistol, revolver or other firearm, having a barrel not exceeding twelve inches in length, measured by the insertion therein of a rod with the receiver or slide closed, but does not include handguns designed and safe only for use with black powder.

(c) "Firearms dealer" means any person, firm or corporation regularly engaged in the business of selling or trading firearms or ammunition at wholesale or retail within the limits of the City, whether as the principal business of such person, firm or corporation, or in addition thereto.

(d) "Fugitive from justice" means a person who flees, escapes from custody, conceals or attempts to use any other unlawful means to avoid prosecution or punishment for a felony

under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect.

(e) "Resident" means any person who has a factual place of residence within the limits of the City.

(f) "Nonresident" means any person who does not have a factual place of residence within the limits of the City.

(g) "Minor" means any person under the age of twenty-one years.

626.02. Prohibitions. (a) No person shall purchase, own, possess, receive, have on or about his person or use any firearm or ammunition if such person is a fugitive from justice or is under adjudication of mental incompetence.

(b) No person shall purchase, receive, have on or about his person or use any firearm or ammunition while under the influence of alcohol, any narcotic drug, hallucinogen or other dangerous drug.

(c) No person shall purchase, own, possess, receive, have on or about his person or use any handgun or handgun ammunition if such person has been convicted of a felony under the laws of this or any other state, the United States or any of its territories or possessions, the District of Columbia or any foreign country with which the United States has a treaty of extradition in effect. However, such person shall be eligible to possess, purchase, own, receive or have on or about his person or use a handgun or handgun ammunition after ten years have elapsed from the date of completion of any sentence, probationary period or parole imposed upon such person so convicted.

(d) No person shall knowingly sell, transfer, give, deliver or furnish any firearm or ammunition to any person prohibited by this section from purchasing, owning, possessing, receiving or having on or about his person or using such firearm or ammunition. ***

626.04. Identification card required. (a) No person shall purchase, own, possess, receive, have on or about his person or use any handgun, except upon a suitable firing range, unless such person has a handgun owner's identification card issued to him and in effect pursuant to this section, or unless such person is exempt from the requirements of an identification card pursuant to Section 626.05. *****

626.05 Exemptions. (a) The requirements of a handgun owner's identification card obtained pursuant to Section 626.04 do not apply to the purchase, ownership, possession, receipt, having on or about the person or use of any handgun or handgun ammunition by:

(1) Any state of the United States or any political subdivision, department or agency of either;

(2) Officers or agents of any state of the United States or any political subdivision, department or agency of either, members of the organized militia of any state or the Armed Forces of the United States, or law enforcement officers of any political subdivision, to the extent that the official duties of any such person require him to purchase, own, possess, receive, carry or use handguns;

(3) Licensed manufacturers and dealers and their agents and servants, to the extent that the purchase, ownership, possession, receipt or use of any handgun is in the ordinary course of business;

(4) Nonresidents of the City who are residents of the State, provided that such persons are not prohibited by the provisions of Section 626.02 or 626.04 and possess and exhibit upon request such valid permit, authorization or identification issued by the Chief of Police or the Sheriff of their place of residence to purchase, own, possess, receive, carry or use any handgun. ***The requirements of a valid permit, authorization or identification as required by this subsection shall not apply to a nonresident who enters the City with firearms for the sole purpose of exhibiting or trading such firearms at a public firearms display, show or exhibition, or for the sole purpose of participating in an organized and sanctioned pistol match. The permit, authorization or identification provided for in this subsection shall be valid for only thirty days from the date thereof;

(5) Nonresidents of the City moving into the City for the purpose of establishing residence herein, during a period not exceeding thirty days from the date of their entry into the City for such purpose, provided that such persons possess and exhibit upon request such valid permit, authorization or identification as may be required by the laws of their former domicile to own, possess, receive or have on or about the person any handgun;

(6) Executors, administrators, guardians, receivers, trustees in bankruptcy and other fiduciaries duly qualified and appointed by a court of competent jurisdiction, when acting in their fiduciary capacity, and their attorneys;

(7) Heirs and legatees acquiring any handgun or handgun ammunition through distribution of any estate, and other persons other than fiduciaries acquiring any handgun through operation of law, during a period not exceeding sixty days from the date of their coming into possession of any handgun;

(8) Carriers, warehousemen and others engaged in the business of transporting or storing firearms or handguns, and their agents and servants, to the extent that the ownership, possession, receipt or having on or about the person of any handgun by such persons is in the ordinary course of business and in con-

formity with the laws of this State or the United States.

626.06. Further prohibitions; sales; purchases; transfers. (a) No person in the City shall purchase or otherwise obtain ownership or possession of, or as security for a loan, any handgun from any person, unless the transferor exhibits a handgun owner's identification card valid on its face, issued to the transferor pursuant to Section 626.04, or unless the transferor exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.05.

(b) No person in the City shall sell, deliver, transfer or furnish any handgun to any person in the City unless the transferee exhibits a handgun owner's identification card valid on its face and issued to the transferee pursuant to Section 626.04 or unless the transferee exhibits evidence that he is exempt from the requirement of an identification card pursuant to Section 626.05.

626.07. Dealer's license required. (a) Every firearms dealer in the City shall procure a license to engage in such business. Any firearms dealer engaged in such business at more than one permanent location in the City shall procure a separate license for each such permanent location. Application for such license shall be made under oath to the Chief of Police.

672.09. Improperly furnishing firearms to a minor. (a) No person shall:

(1) Sell any firearm to a person under age of eighteen;

(2) Sell any handgun to a person under the age of twenty-one; ***

Upper Arlington

523.01 same as 2923.11
523.04 same as 2923.17.

Vermilion

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Wadsworth

529.02. Sale of firearms. No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or being the owner or having charge or control thereof

knowingly permit it to be used by a minor under such age.

This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Ohio R.C. 1533.13 or to persons exempted under Ohio R.C. 2903.07.

Wakeman

10-101 same as 2923.11.
10-106(A) (2) same as 2923.20(A) (4).
10-106(A) (3) same as 2923.20(A) (5).
10-107 same as 2923.21.

Walbridge

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Waldo

Section 6: Unlawful Transactions in Weapons. (A) No person shall: *****

2) When transferring any dangerous ordnance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordnance pursuant to Article XIV, Section 5 of the General Offense Code or 2923.17 of The Ohio Revised Code, or negligently fail to take a complete record of the transaction and forthwith forward a copy of such record to the sheriff of the county or safety director or police chief of the municipality where the transaction takes place;

3) Knowingly fail to report to law enforcement authorities forthwith the loss or theft of any firearm or dangerous ordnance in such person's possession or under his control.

Section 7 same as 2923.21.

Wapakoneta

134.03. Sale of firearms to minors. (A) No person shall sell, barter, furnish or give to a minor under the age of seventeen years an air gun, musket, rifle, shotgun, revolver, pistol or other firearm, or ammunition therefor, or, being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

Warren

515.01 same as 2923.11.
515.06(A) (2) same as 2023.20(A) (4).

515.06(A) (3) same as 2023.20(A) (5).
515.07 same as 2923.21.
545.04. Sale of firearms; dealer's license; purchaser's permit. No person shall engage in the business of selling or sell or give away to any person within the City any pistol, revolver, derringer, *** or other weapon of like character, which can be concealed on the person, without securing a license to do so ***. No person, having secured such a license, shall sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon.

545.08. Permit required of purchaser. No person shall purchase any pistol, revolver, derringer, *** or any weapon of like character which can be concealed on the person, without first securing from the Police Chief a permit to do so.

Warrensville

741.01 Permit to dispose of concealable weapons. No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any pistol, revolver, derringer, *** or other weapon of similar character, which can be concealed on the person, without securing a permit to do so as hereinafter provided. No person having secured such permit shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

741.05 Permit to purchase concealable weapons; application. No person shall purchase any pistol, revolver, *** or other weapon of similar character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. Before any such permit is granted, an application in writing shall be made therefor, (which shall contain the information required under 741.05; contact the Chief of Police for assistance) ***

741.09 Sale of ammunitions; record required. No person shall sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, revolver or other weapon of similar character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it. Such entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of

Police within thirty days of each such transaction on such forms as he may prescribe. Satisfactory proof of identity shall be required of the recipient by the person making such sale, gift, exchange or other disposition of ammunition. The means or method of such identification shall be recorded in the book required to be kept hereunder.

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Warrensville Heights

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 same as 2923.18(A), (B) (1), (C), (D), (E), and (F).
672.08. Failure to secure dangerous ordinance. (a) No person, in acquiring, possessing, carrying or using any dangerous ordinance shall negligently fail to take proper precautions:

(1) To secure the dangerous ordinance against theft or against its acquisition or use by any unauthorized or incompetent person;
(2) To insure the safety of persons and property.

672.09(a) (2) same as 2923.20(A) (4).
672.10 same as 2923.21.

741.01 Permit to Dispose of Concealable Weapons No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any pistol, revolver, derringer, *** or other weapon of similar character, which can be concealed on the person, without securing a permit to do so as hereinafter provided. No person having secured such permit shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

741.09 Sale of Ammunition; Record Required No person shall sell, give, barter or otherwise dispose of any ammunition which is capable of use in any pistol, revolver or other weapon of similar character which can be concealed on the person, unless every such transaction is entered into a book by the person making such sale, gift, exchange or other disposition, together with the address of the recipient, the date and the description of the ammunition sufficient to identify it. Such entry shall be signed by the recipient and witnessed by the person required to make such record. A report shall be made to the Chief of Police within thirty days of each such transaction on such forms as he may prescribe.

Satisfactory proof of identity shall be required of the recipient by the person making

such sale, gift, exchange or other disposition of ammunition. The means or method of such identification shall be recorded in the book required to be kept hereunder.

Washington C.H.

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Waterville

510.06. Unlawful transactions in weapons. (A) No person shall: (2) When transferring any dangerous ordinance to another, negligently fail to require the transferee to exhibit such identification, license, or permit showing him to be authorized to acquire dangerous ordinance pursuant to Section 510.05 of the General Offense Code or 2923.17 of the Ohio Revised Code, ***.

510.07(A) (1) same as 2923.21(A) (1).
510.07(A) (2) same as 2923.21(A) (2).
510.07(A) (3) same as 2923.21(A) (3).

Wellston

131.06. Sale of firearms to minors. (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen years, an air gun, musket, rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

West Alexandria

672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

West Carrollton

519.01 same as 2923.11.
519.06 same as 2923.20(A) (4) & (5).
519.07 same as 2923.21.

Westerville

523.01 same as 2923.11.
523.06 same as 2923.17.

Westlake

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Westfield Center

672.01 same as 2923.11.
672.05 same as 2923.11.
672.07 same as 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

West Milton

131.06 - Sale of Firearms to Minors. (A) No person shall sell, barter, furnish, or give to a minor under the age of seventeen, an *** rifle, shotgun, revolver, pistol, or other firearm, or ammunition therefor, or being the owner or having charge or control thereof, knowingly permit it to be used by a minor under such age.

(B) This section is not applicable to a minor under the age of seventeen years who is hunting in accordance with Section 1533.13 of the Revised Code.

Weston

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Whitehall

549.01 same as 2923.11
549.05 same as 2923.17
549.07. Unlawful transactions in weapons. (a) No person shall: (2) When transferring any dangerous ordinance to another, negligently fail to require the transferee to exhibit such identification, license or permit showing him to be authorized to acquire dangerous ordinance pursuant to Section 549.05, ***
549.08(a) (1) same as 2923.21(A) (1).
549.08(a) (2) same as 2923.21(A) (2).
549.08(a) (3) same as 2923.21(A) (3).

549.16. Sale or gift of deadly weapons; license required. (A) No person shall sell or give away to any person within the City any pistol, revolver, derringer, *** or other weapon of like character which can be concealed on the person, nor shall any person doing business as a pawnbroker sell or give away or permit to be redeemed or removed from deposit or pledge, any of the deadly weapons hereinabove mentioned without securing a license to do so from the Chief of Police; and no person having secured such a license shall sell or give away, or permit to be redeemed or removed from deposit or pledge, any such weapon unless the person so purchasing, acquiring, redeeming or removing such property shall have secured a permit as required by Section 549.17.

549.17. Purchase of deadly weapons; permit required. (A) No person shall purchase, redeem or remove from deposit or pledge any pistol, revolver, derringer, bowie knife, dirk or other weapon of like character which can be concealed on the person without first securing from the Chief of Police a permit to do so.

Wickliffe

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

549.14 Permit to Sell or Purchase Concealable Weapon Required. (a) Permit Required. No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver or similar weapon, which can be concealed on the person, without securing a permit to do so, as hereinafter provided. No person having secured such a permit shall sell or give away any such weapon to any person within this City who has not secured a permit from the Chief of Police to purchase such weapon in the manner hereinafter provided.

Willard

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a)(2) same as 2923.20(A)(4).
672.09(a)(3) same as 2923.20(A)(5).
672.10 same as 2923.21.

Willoughby

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.
785.01 License to dispose of concealable weapons. No person shall engage in the business of selling, or sell or give away to any person within the City, any pistol, revolver, derringer *** or other weapon of like character, which can be concealed on the person, without securing a license to do so ***. No person having secured such a license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police to purchase such weapon ***.

785.05 Permit to purchase concealable weapons. No person shall purchase any pistol, revolver, derringer, *** or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. ***

Willoughby Hills

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Windham

549.07 same as 2923.20 (A) (4) & (5).
549.08 same as 2923.21.

Wintersville

771-1: It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person within the Village, any pistol, revolver, derringer *** or other weapon of like character, which can be concealed on the person, without securing a license to do so, as hereinafter provided, and no person having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon ***.

771-2: It shall be unlawful for any person to purchase any pistol, revolver, derringer *** other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. ***

771-3: It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either of

sale or to purchase firearms by any person not a citizen of the United States.

Woodlawn

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Woodsfield

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a)(2) same as 2923.20(A)(4).
549.07(a)(3) same as 2923.20(A)(5).
549.08 same as 2923.21.

Woodville

13-101 same as 2923.11.
13-106(A) (2) same as 2923.20(A) (4).
13-106(A) (3) same as 2923.20(A) (5).
13-107 same as 2923.21.

Wooster

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Worthington

549.01 same as 2923.11.
549.06 same as 2923.20(A) (4) & (5).
549.07 same as 2923.21.

Wyoming

672.01 same as 2923.11.
672.10 same as 2923.17.
672.12 same as 2923.18.
672.14(a) (2) same as 2923.20(A) (4).
672.14(a) (3) same as 2923.20(A) (5).
672.15 same as 2923.21.

Xenia

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).

NOTICES

549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Yellow Springs

672.01 same as 2923.11.
672.05 same as 2923.17.
672.07 adopts 2923.18.
672.09(a) (2) same as 2923.20(A) (4).
672.09(a) (3) same as 2923.20(A) (5).
672.10 same as 2923.21.

Yorkville

774-1. License required. It shall be unlawful for any person, firm, or corporation, to engage in the business of selling, or to sell or give away to any person within the Village of Yorkville, any pistol, revolver, derringer *** or other weapon of like character, which can be concealed on the person, without securing a license to do so ***; and no person, firm, or corporation having secured such a license, shall sell or give away any such weapon to any person within this Village who has not secured a permit from the Chief of Police to purchase or receive the weapon ***.

774-5. Application for permit by individual to purchase. It shall be unlawful for any person to purchase any pistol, revolver, derringer, *** or other weapon of like character, which can be concealed on the person, without first securing from the Chief of Police a permit to do so. ***

774-7. American citizenship required for sale or purchase of firearms. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the limits of the Village and no permit shall be issued under the provisions of this chapter either for sale or to purchase firearms by any person not a citizen of the United States.

Youngstown

Sec. 133.04 Possession of firearms by aliens. It shall be unlawful for any person other than a citizen of the United States to own or possess firearms within the city. ***

Sec. 133.05 License to sell weapons required. (a) It shall be unlawful for any person to engage in the business of selling, or to sell or give away to any person, within the city any pistol, revolver, *** machine gun, bomb, or other weapon of like character, which can be concealed, without securing a license ***.

(b) It shall be unlawful for any person whether or not licensed under the provisions of this section, to sell or give away or loan to any person under the age of twenty-one years any pistol, revolver, derringer *** or other weapon of like character, which can be concealed.

Sec. 133.09 Weapon purchaser. It shall be unlawful for any person to purchase any weapon mentioned in section 133.05 unless he furnishes to the dealer the information required by section 133.08 (the name of the purchaser or donee with his address and age, and the purpose given by such person for the purchase of the weapon). It shall be unlawful for any person to purchase any weapon for a person under the age of twenty-one or to otherwise give, sell or loan such weapon to a person under the age of twenty-one years.

Zanesville

549.01 same as 2923.11.
549.05 same as 2923.17.
549.07(a) (2) same as 2923.20(A) (4).
549.07(a) (3) same as 2923.20(A) (5).
549.08 same as 2923.21.

Oklahoma

State Law

Okla. Stat. Ann.

Title 21

Chapter 53—Manufacturing, Selling and Wearing Weapons

Sec. 1272. Carrying weapons—Exceptions. It shall be unlawful for any person to carry upon or about his person, or in his portfolio or purse, any pistol, revolver *** or any other offensive weapon, except as in this article provided. Provided further, that this Section shall not prohibit the proper use of guns and knives for hunting, fishing or recreational purposes, nor shall this Section be construed to prohibit any use of weapons in a manner

otherwise permitted by statute. Any person convicted of violating the foregoing provision shall be guilty of a misdemeanor.

Sec. 1273. Selling weapons to minors. It shall be unlawful for any person within this State, to sell or give to any minor any of the arms or weapons designated, in the two preceding sections.

Sec. 1288. Purchases of firearms, ammunition and equipment in contiguous states

by Oklahoma residents—Purchases in Oklahoma by residents of contiguous states. (a) Residents of the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in a state contiguous to the State of Oklahoma, provided that such residents conform to the applicable provisions of the Federal Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the contiguous state in which the purchase is made.

(b) Residents of a state contiguous to the State of Oklahoma may purchase rifles, shotguns, ammunition, cartridge and shotgun shell handloading components and equipment in the State of Oklahoma, provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury and provided further that such residents conform to the provisions of law applicable to such purchase in the State of Oklahoma and in the state in which such persons reside.

Sec. 1289.3 "Pistols" defined. "Pistols" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include flare guns, underwater fishing guns or blank pistols.

Sec. 1289.4 "Rifles" defined. "Rifles" as used herein shall mean any firearm capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than sixteen (16) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

Sec. 1289.5 "Shotguns" defined. "Shotguns" as used herein shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels more than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion, but not to include any weapon so designed with a barrel less than eighteen (18) inches in length. In addition, any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

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Sec. 1289.10 Furnishing firearms to mentally incompetent or insane persons. It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane.

Sec. 1289.12 Selling or transferring of firearms to convicted felons, disturbed persons or persons under influence of alcohol or drugs—Displaying notice. It shall be unlawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, nor shall it be lawful for any person within this state to knowingly sell, trade, give, transmit or otherwise cause the transfer of any shotgun, rifle or pistol to any individual who is under the influence of alcohol or drugs or is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this section prominently in full view at or near the point of normal firearms sale, trade or transfer.

Ada

Sec. 17-26. Sale or furnishing of weapons to minors. It shall be unlawful for any person within the city to sell or give to any minor any of the arms or weapons designated in section 17-25.

Bethany

Section 1. Pistol and Revolvers Defined. The word pistol or revolver as used in this ordinance shall be construed as meaning any firearm with a barrel less than 12" long.

Section 3. Sale to Person Without Permit—Exceptions. No person, firm or corporation shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver or like firearm within the City of Bethany to any person who is not a holder of a written permit from the Chief of Police of Bethany authorizing such person to purchase, receive or accept such revolver, pistol or like firearm; and in no case shall any person, firm, or corporation deliver a pistol or revolver or like firearm to the person to whom it is to be sold or transferred until approved by the Chief of Police in the manner provided hereafter.

Section 4. Application for Permit. Applications for permits to purchase, receive, or accept any revolver, pistol, or other like firearm shall be made to the Chief of Police of Bethany upon blanks to be provided therefore *** [contact local authorities for required contents]

Section 8. Duty of Seller. It shall be the duty of any person, firm or corporation who sells, transfers, or gives away any pistol, revolver or other like firearm, as provided in this ordinance, at the time of such sale, gift, or delivery is made, to require the holder of such permit to deliver the said permit to such person, firm, or corporation who sells, transfers or gives away any pistol, revolver or other like firearm; and it shall be the duty of any such person, firm or corporation who sells, transfers, or gives away any pistol, revolver or like firearm to deliver such permit to the Chief of Police of Bethany, at the time the report of such sale or gift is made, as provided in this ordinance.

Colcord

Title 15—Weapons

Section 6: Sales Permitted—Rules All persons trading, or selling or offering for sale, any pistol, revolver, *** capable of being carried concealed upon the person, shall at the time any such weapons are sold or delivered, require such persons receiving or purchasing such weapons to sign an application for the purchase of the weapon, upon blanks to be furnished by the Town of Colcord to the dealers in weapons of the above occupation, description, place, of residence, the time such (applicant has been a resident) at such place and description of the weapon for the purchase of which such application is made, including the make, calibre and factory number, if any (are) there on.

Provided, the provisions of this section shall not apply to the sale or transfer of weapons herein defined between individuals who are not dealers in such weapons, nor to the sale of weapons usually used in hunting game and which are not capable of being carried concealed upon the body of the person carrying the same.

Healdton

2. It shall be unlawful for any person to sell to a minor any pistol, revolver, *** or instrument manufactured or sold for the purpose of defense or offense, within the corporate limits of the City of Healdton.

Hominy

14c. Weapons, selling or giving them to minors. The act of selling or giving to any

minor any pistol, revolver, device, *** or any other dangerous weapon is a public offense.

Hugo

Article 3. Firearms

Sec. 14-40. Pistol permit required. It shall be unlawful and an offense for any person to purchase, receive or accept in any manner any revolver, pistol or other like firearm within the City of Hugo, Oklahoma without first having obtained a written permit from the chief of police of the City of Hugo, authorizing such person to receive or accept such revolver, pistol or other like firearm.

Sec. 14-41. Definition. The word "pistol" or "revolver" as used in this article shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

Sec. 14-42. Sale allowed only to permit holders. No person, firm or corporation shall sell, deliver, barter or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Hugo to any person who is not the holder of a written permit from the chief of police of Hugo authorizing such person to purchase, receive or accept such revolver, pistol, or other like firearm; and in no case shall any person, firm or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the chief of police of Hugo in the manner provided hereinafter.

Sec. 14-50. Sale restricted to certain hours. It shall be unlawful and an offense for any person, firm or corporation to purchase, receive or accept in any manner, or to barter or give away any pistol, revolver or other like firearm, as defined herein between the hours of five o'clock p.m. and one o'clock a.m.

Lawton

Sec. 7-116. Purchase and sale of pistol: Permit required. (a) No person shall purchase, receive, or accept in any manner any revolver, pistol, or like firearm within the City, without first having obtained a written permit from the police department authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm. Regular dealers in such articles may accept such articles without a permit.

(b) No person shall sell, deliver, barter, or give, or otherwise transfer a pistol, revolver, or other like firearm within the City, to any person who is not a holder of a written permit from the police department authorizing such person to purchase, receive, or accept such revolver, pistol, or other like firearm; and in no case shall any person deliver a pistol, revolver, or other like firearm to the person to

whom it is to be sold or transferred until approved by the police department in the manner provided hereinafter.

Sec. 7-117. Application for permit. Applications for a permit to purchase, receive, or accept any revolver, pistol, or other like firearm shall be made to the police department upon forms to be provided therefor. [contact local authorities for required contents] ***

Sec. 7-118. Persons ineligible for permit; investigation. The police department shall refuse permits to all persons having been convicted of a felony under the laws of the State of Oklahoma or of any other state or of the United States, and to all minors, drug addicts, aliens and such other persons as it has reasonable cause to believe are not of sound mind and discretion and of good moral character. ***

When it has reasonable cause to believe that such revolver, pistol, or other like firearm is to be used for lawful purposes the Police Department shall issue a qualified applicant a written permit authorizing him to purchase, receive, or accept such revolver, pistol, or other like firearm. Any permit so issued shall not be valid for a period in excess of thirty (30) days.

Sec. 7-121. Duty of seller. Any person who sells, transfers, or gives away any pistol, revolver, or like firearm, as provided in this article, at the time such sale, gift, or delivery is made, shall require the holder of such permit to deliver the permit to him, and he in turn shall deliver such permit to the police department at the time the report of such sale or gift is made, as provided in this article.

Sec. 7-122. Purchaser not authorized to carry pistol. Nothing contained in this article shall in any manner be construed as a permit to carry a revolver, pistol, or like firearm contrary to any ordinance of the City or the laws of the State.

Sec. 7-123. Antique pistols exempt from article. Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being fired at the time of sale.

Sec. 7-124. Regular dealers exempt from permit requirement. The provision of this article pertaining to permits for transactions involving revolvers, pistols, or other like firearms shall not be applicable to transactions solely involving regular dealers in such articles.

Midwest City

Ordinance 258

Section 1. Pistol and Revolver Defined. The word "pistol" or "revolver," as used in

this ordinance, shall be construed as meaning any firearm with a barrel less than twelve (12) inches long.

Section 2. Purchase of Pistol—Permit Required. It shall be unlawful and an offense for any person to purchase, receive, or accept in any manner any revolver, pistol or other like firearm within the City of Midwest City without first having obtained a written permit from the Chief of Police of the City of Midwest City, authorizing such person to receive or accept such revolver, pistol or other like firearm.

Section 3. Sale to Person Without Permit—Exception. No person, firm or corporation shall sell, deliver, barter or give, or otherwise transfer a pistol, revolver or other like firearm within the City of Midwest City to any person who is not the holder of a written permit from the Chief of Police of Midwest City authorizing such person to purchase, receive or accept such revolver, pistol or other like firearm; and in no case shall any person, firm or corporation deliver a pistol or revolver or other like firearm to the person to whom it is to be sold or transferred until approved by the Chief of Police of Midwest City ***.

Section 11. Sales After 5:00 O'clock Prohibited. It shall be unlawful and an offense for any person, firm, or corporation to purchase, receive or accept in any manner, or to barter or give away any pistol, revolver, or other like firearm, as defined herein, between the hours of 5:00 o'clock P. M. and 8:00 o'clock A. M.

Moore

Sec. 14-31. Unlawful weapons prohibited. It shall be unlawful for any person to carry upon or about his person any pistol, revolver *** or any other offensive or defensive weapon, except as herein provided.

Sec. 14-32. Not to sell unlawful weapons to minors. It shall be unlawful for any person to sell or give to any minor any of the arms or weapons designated in section 14-31.

Muskogee

18-7. Application for purchase of weapons. (a) All persons handling, selling or offering for sale, transferring or delivering any pistol, revolver, *** or any similar dangerous or deadly weapon capable of being carried or concealed upon the person, shall, at the time of the sale or delivery thereof to any purchaser or other person receiving such a weapon, require the purchaser or other person receiving the same to sign and swear to an application [contact local authorities for required contents] ***. The dealer or person selling or delivering any such weapon shall, at

the time of the sale or delivery to such purchaser, require that the application have shown thereon, for the purpose of identification, the fingerprints of the purchaser.

(b) It shall be the duty of all persons subject to the provisions of this section to deliver to the police department of the city, not later than the day following any delivery or sale of any weapon hereunder, the application containing the information above required and the signature and fingerprints of the purchaser.

(c) The provisions of this section shall not apply to the sale, delivery or transfer of weapons between individuals who are not dealers therein, nor shall the provisions hereof apply to weapons commonly and usually used in hunting game and not capable of being carried concealed about the person.

Oklahoma City

Sec. 21-47. Pistol defined. As used herein:

Pistol shall mean any pistol, revolver, or like firearm with a barrel less than twelve (12") inches long.

Transfer shall mean any transfer, sale, gift, barter or delivery.

Sec. 21-53. Receipt of pistol; permit required. No person shall purchase, receive, or accept in any manner any pistol without first having obtained a written permit from the Chief of Police authorizing the person to receive or accept the pistol.

Sec. 21-54. Transfer of pistol to person without permit. (a) Transfer without permit. No person shall transfer a pistol to any person who is not a holder of a written permit from the Chief of Police authorizing the person to purchase, receive or accept the pistol. (b) Delivery of pistol only after Police approval. No person shall deliver a pistol to the person to whom it is to be transferred until approved by the Chief of Police in the manner provided in this Division.

Sec. 21-56. Persons ineligible for pistol permit; investigation. The Chief of Police shall refuse to issue the permits described in Sections 21-53 and 21-55 to all persons having been convicted of a felony under the laws of the State, or of any other state, or of the United States, and to all minors, drug addicts, unnaturalized foreign born persons and such other persons as he has reasonable cause to believe are not of sound mind. If the Chief of Police shall be satisfied after an investigation that the applicant is a suitable person of sound mind and discretion and of good moral character, and that the pistol is to be used for lawful purposes, he shall issue the applicant a written permit authorizing him to purchase, receive or accept the pistol.

Sec. 21-57. Register of pistol permits. The Chief of Police shall at all times keep on

file in his office a register containing the name, address, and description of all persons to whom a permit has been granted under this Division.

Sec. 21-58. Transfer of pistols to be reported; separate offense for each day of failure to report. Every person who transfers to any person, except to regular dealers in these articles, any pistol shall, within twenty-four (24) hours after making the transfer, make and file with the Chief of Police a legible report, written in the English language, stating the date of the transfer, the correct name, age, residence, height, weight, color of hair, eyes, race and nationality of the transferee. This written report shall also contain the make, kind, description, caliber, model, manufacturer's number, or other marks of identification of the pistol transferred. Each day of failure to make this report shall be a separate offense.

Sec. 21-59. Transfers of pistols. No person shall purchase, receive or accept in any manner, or transfer any pistol between 5:00 P.M. and 8:00 A.M.

21-62. Antique pistols excepted. Nothing contained in this Division shall be deemed to apply to antique pistols which are incapable of being used as pistols.

Shawnee

48-3. Sale of weapons to minors prohibited. It shall be unlawful for any person in the city to sell to any minor any of the arms or weapons enumerated in section 48-1. It shall be unlawful for any person, in the city to sell to a minor any rifle, shotgun or any firearm of any character without a written consent of parent or guardian of such minor.

48-6. "Pistol" and "revolver" defined. The words "pistol" and "revolver", as used in this article, shall be construed as meaning any firearm with a barrel less than twenty inches long.

48-7. Applicability of article. Nothing contained in this article shall be in any manner construed as a permit to carry such revolver, pistol or similar firearm contrary to any regulation of the city or the laws of the state.

Nothing contained in this article shall be deemed to apply to antique pistols or revolvers which are incapable of being used as such.

48-8. Permit to purchase, receive, etc.—Required. No person shall purchase, receive or accept in any manner any revolver, pistol or other similar firearm within the city, without first obtaining a written permit from the chief of police authorizing such person to receive or accept such revolver, pistol or other similar firearm.

48-12. Sale of pistols, revolvers, etc. (a) No person shall sell, deliver, barter, give or otherwise transfer a pistol, revolver or other

similar firearm within the city to any person who is not the holder of a written permit from the chief of police authorizing such person to purchase, receive or accept such revolver, pistol or other similar firearm; and in no case shall any person deliver a pistol or revolver or other similar firearm to the person to whom it is to be sold or transferred until approved by the chief of police in the manner provided in this chapter.

(c) It shall be the duty of any person who sells, transfers or gives away any pistol, revolver or similar firearm as provided in this section, at the time such sale, gift or delivery is made, to require the holder of the required permit to deliver the permit to such person who sells, transfers or gives away any pistol, revolver or similar firearm; and it shall be the duty of any such person who sells, transfers or gives away any pistol, revolver or similar firearm to deliver such permit to the chief of police at the time the report of such sale or gift is made.

Tulsa

Section 441. Pistol Defined. The term "pistol" as used herein shall mean and include any firearm with a barrel or barrels less than sixteen (16) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to cause lethal injury, but not including flare guns or blank pistols.

Section 442. Rifle Defined. The term "rifle" as used herein shall mean any firearm with a barrel or barrels more than sixteen (16) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury; but shall not include archery equipment, flare guns or underwater fishing guns. In addition, any rifle capable of firing "shot" but primarily designed to fire single projectiles will be regarded as a "rifle".

Section 443. Shotgun Defined. The term "shotgun" as used herein shall mean and include any firearm with a barrel or barrels more than eighteen (18) inches in length and using either gunpowder, gas or any means of rocket propulsion, capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury. Any "shotgun" capable of firing single projectiles but primarily designed to fire multiple projectiles such as "shot" will be regarded as a "shotgun".

Section 452. Firearms - Furnishing to Convicted Felons, Incompetents or Persons Under the Influence of Alcohol or Drugs. It shall be unlawful for any person to know-

ingly sell, trade, give, transmit, or otherwise cause the transfer of rifles, shotguns or pistols to any convicted felon, individual under the influence of alcohol or drugs or who is mentally or emotionally unbalanced or disturbed. All persons who engage in selling, trading or otherwise transferring firearms will display this Section prominently in full view at or near the point of normal firearm sale, trade or transfer.

Section 453. Firearms—Furnishing to Incompetents or Insane Persons. It shall be unlawful for any person to knowingly transmit, transfer, sell, lend or furnish any shotgun, rifle or pistol to any person who is under an adjudication of mental incompetency, or to any person who is a moron, idiot or is insane.

Section 456. Weapons - Selling to Minors. It shall be unlawful for any person to sell or give to any minor any of the arms or weapons designated in Section 455 (pistol, revolver).

Section 460. Weapons - Sale Procedure. All persons trading, selling or offering for sale any pistol, revolver, shotgun or weapon, as defined in this Chapter, capable of being carried concealed upon the person shall, at the time same are sold or delivered require the person receiving or purchasing same to sign an application for such purchase upon blanks

to be furnished by the City of Tulsa Police Department to dealers. [contact local authorities for required contents] ***. The dealer shall, at the time of sale or delivery, require purchaser to make and leave with such dealer, a record of such purchaser's fingerprints which shall be made on suitable blanks furnished to dealer by the City of Tulsa Police Department. ***

The provisions of this Section shall not apply to the sale or transfer of pistols, revolvers, shotguns or weapons between individuals who are not dealers in same; nor to their sale when used in hunting game and which are not capable of being carried concealed upon the body of the person carrying same.

Vinita

Sec. 14-58. Selling weapons and cartridges and dangerous articles to minors. It shall be unlawful for any person to sell, barter, give or furnish to any minor, any blank or loaded cartridges, or any pistol, revolver, toy or other thing made for the purpose of exploding any blank or loaded cartridges.

* * * * *

Oregon State Law Ore. Rev. Stat.

164.055 * (b) "Firearm"** means a weapon, by whatever name known, which is designed to expel a projectile by the action of black powder or smokeless powder and which is readily capable of use as a weapon.

* * * * *

166.210 Definitions for ORS 166.230 to 166.470. As used in ORS 166.230, 166.250 to 166.270, 166.290, 166.290 and 166.410 to 166.470:

(1) "Pistol," "revolver" and "firearms capable of being concealed upon the person," apply to and include all firearms having a barrel less than 12 inches in length.

(2) "Machine gun" means a weapon of any description by whatever name known, loaded or unloaded, from which two or more shots may be fired by a single pressure on the trigger device.

166.250 Unlawful possession of weapons. (1) Except as otherwise provided in this section, ORS 166.230, 166.260, 166.270, 166.290, 166.290 or 166.410 to 166.470, any person who possesses or has in his possession any machine gun, or carries concealed upon his per-

son or within any vehicle which is under his control or direction any pistol, revolver or other firearm capable of being concealed upon the person, without having a license to carry such firearm as provided in ORS 166.290, is guilty of a misdemeanor, unless he has been convicted previously of any felony or of any crime made punishable by this section, ORS 166.230, 166.260, 166.270, 166.290, 166.290 or 166.410 to 166.470, in which case he is guilty of a felony.

(2) This section does not prohibit any citizen of the United States over the age of 18 years who resides in or is temporarily sojourning within this state, and who is not within the excepted classes prescribed by ORS 166.270, from owning, possessing or keeping within his place of residence or place of business any pistol, revolver or other firearm capable of being concealed upon the person, and no permit or license to purchase, own, possess or keep any such firearm at his place of residence or place of business is required of any such citizen.

(3) Firearms carried openly in belt holsters are not concealed within the meaning of this section.

166.260 Persons not affected by ORS 166.250. ORS 166.250 does not apply to or affect:

(1) Sheriffs, constables, marshals, policemen, whether active or honorably retired, or other duly appointed peace officers.

(2) Any person summoned by any such officer to assist in making arrests or preserving the peace, while said person so summoned is actually engaged in assisting the officer.

(3) The possession or transportation by any merchant of unloaded firearms as merchandise.

(4) Members of the Army, Navy or Marine Corps of the United States, or of the National Guard, when on duty.

(5) Organizations which are by law authorized to purchase or receive weapons described in ORS 166.250 from the United States, or from this state.

(6) Duly authorized military or civil organizations while parading, or the members thereof when going to and from the places of meeting of their organizations.

(7) Members of any club or organization, for the purpose of practicing shooting at targets upon the established target ranges, whether public or private, while such members are using any of the firearms referred to in ORS 166.250 upon such target ranges, or while going to and from such ranges.

(8) Licensed hunters or fishermen while engaged in hunting or fishing, or while going to or returning from a hunting or fishing expedition.

166.270 Certain exconvicts forbidden to possess arms. (1) Any person who has been convicted of a felony under the law of this state or any other state, or who has been convicted of a felony under the laws of the Government of the United States, who owns, or has in his possession or under his custody or control any pistol, revolver, or other firearms capable of being concealed upon the person, or machine gun, commits the crime of exconvict in possession of a firearm.

(2) For the purposes of this section, a person "has been convicted of a felony" if, at the time of his conviction for an offense, that offense was a felony under the law of the jurisdiction in which it was committed. Provided, however, that such conviction shall not be deemed a conviction of a felony if:

(a) At the time of conviction, and pursuant to the law of the jurisdiction in which the offense occurred, the offense was made a misdemeanor by the type or manner of sentence actually imposed; or

(b) The offense was for possession of marijuana.

(3) Subsection (1) of this section shall not apply to any person who has been convicted of only one felony under the law of this state or any other state, or who has been convicted of only one felony under the laws of the United States, which felony did not involve

the possession or use of a firearm, and who has been discharged from imprisonment, parole or probation for said offense for a period of 15 years prior to the date of alleged violation of subsection (1) of this section.

(4) Exconvict in possession of a firearm is a Class C felony.

Sale or transfer of firearms

166.410 Manufacture, importation, sale, gift, loan or possession of firearms. Any person who manufactures or causes to be manufactured within this state, or who imports into this state, or keeps, offers, exposes for sale, gives, lends or possesses a pistol, revolver or machine gun, otherwise than in accordance with ORS 166.230, 166.250 to 166.270, 166.290, 166.290 and 166.420 to 166.470, shall be punished upon conviction by imprisonment in the penitentiary for not more than five years.

166.420 Register of transfers of concealed weapons; form and content of register and by whom to be maintained.

* * * * *

(2) The purchaser of any firearm capable of being concealed upon the person shall sign, and the dealer shall require him to sign, his name and affix his address to the register in duplicate and the salesman shall affix his signature in duplicate as a witness to the signature of the purchaser. Any person signing a fictitious name or address is guilty of a misdemeanor.

* * * * *

166.430 Licenses to sell at retail. Licensing authorities of any city, county, town or other municipality within this state may grant licenses in form prescribed by the Attorney General, effective for not more than one year from date of issue, permitting the licensee to sell at retail within the municipality, pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture:

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed where it can easily be read by the customer.

(3) Before any pistol or revolver shall be delivered:

(a) One hundred twenty hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and

(b) The purchaser either is personally known to the seller or presents clear evidence of his identity.

(4) No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in or on any part of the premises where it can readily be seen from outside the premises.

(5) When a pistol or revolver is delivered it shall be unloaded and securely wrapped.

166.440 Unlicensed persons selling or advertising for sale concealable firearms. Any person who, without being licensed as provided in ORS 166.430, engages in the business of selling or otherwise transferring, or who advertises for sale or offers or exposes for sale or transfer, any pistol, revolver or other firearm capable of being concealed upon the person, is guilty of a misdemeanor.

166.460. Antique firearms excepted. ORS 166.230, 166.250 to 166.270, 166.290, 166.290, 166.410 to 166.450, and 166.470 do not apply to antique pistols or revolvers incapable of use as such.

166.470 Limitations and conditions for sales of concealable firearms. No person shall sell, deliver or otherwise transfer any pistol, revolver or other firearm capable of being concealed upon the person to any person whom he has cause to believe to be within any of the classes prohibited by ORS 166.270 from owning or possessing such firearms, nor to any minor under the age of 18 years. Such firearm shall not be delivered to the purchaser on the day of the application for its purchase, and when delivered it shall be securely wrapped and unloaded. When neither party to the transaction holds a dealers' license, the vendor shall not sell or otherwise transfer any such firearm to any other person within this state who is not personally known to the vendor. Violation of this section is a misdemeanor.

166.480 Sale or gift of explosives and firearms to children. Any person who sells, exchanges, barter or gives to any child, under the age of 14 years, any explosive article or substance, other than an ordinary firecracker containing 10 grains of gunpowder; or who sells, exchanges, barter or gives to any such child any firearms, or other device of a like kind, ordinarily used or ordinarily capable of being used in discharging gunpowder in a greater quantity than 10 grains; or who sells, exchanges, barter or gives to any such child, any instrument or apparatus, the chief utility of which is the fact that it is used, or is ordinarily capable of being used, as an article or device to increase the force or intensity of any explosive, or to direct or control the discharge of any such explosive, is guilty of a misdemeanor.

166.490 Purchase of firearms in certain other states. (1) As used in this section, unless the context requires otherwise:

(a) "Contiguous state" means California, Idaho, Nevada or Washington.

(b) "Resident" includes an individual or a corporation or other business entity that maintains a place of business in this state.

(2) A resident of this state may purchase or otherwise obtain a rifle or shotgun in a contiguous state and receive in this state or transport into this state such rifle or shotgun,

unless the purchase or transfer violates the law of this state, the state in which the purchase or transfer is made or the United States.

(3) This section does not apply to the purchase, receipt or transportation of rifles and shotguns by federally licensed firearms manufacturers, importers, dealers or collectors.

(4) This section expires and stands repealed upon the date that section 922(b) (3) of the Gun Control Act of 1968 (18 U.S.C. 922(b) (3)) and regulations pursuant thereto are repealed or rescinded.

480.070 Fire bombs prohibited; exceptions. (1) No person shall possess a fire bomb. For the purpose of this section a "fire bomb" is a breakable container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having an integral wick or similar device capable of being ignited, but no device commercially manufactured primarily for the purpose of illuminating shall be deemed to be a fire bomb for the purpose of this section.

(2) This section shall not prohibit the authorized use or possession of such fire bomb by a member of the Armed Forces of the United States or by any member of a regularly organized public fire or police department.

Corvallis

41. It shall not be lawful for any person or persons, within the limits of the city of Corvallis, to give or furnish, or sell to any minor or minors, under the age of 18 yrs. any target gun, or airgun, or pistol, or revolver, or shotgun, or any firearms, without the written order of the parent or legal guardian of such minor. ***

Eugene

3.440 Weapons - Conditions of License. Every license issued to a business dealing in deadly weapons or firearms is issued upon the following terms and conditions:

(b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver, or otherwise transfer a weapon to a minor under the age of 18 years.

(f) No pistol or revolver shall be delivered on the day of the application for the purchase, and when delivered, shall be unloaded and securely wrapped, unless the purchaser either is personally known to the seller or shall present clear evidence of his identity.

Fossil

79-2. Unlawful to sell firearms, etc. That hereafter it shall be unlawful for any person or dealer in the Town of Fossil to sell, expose, or offer for sale, or in any manner furnish or dispose of to any resident of the Town of Fossil, or to any person for use in said Town, or to any minor person at any time, any blank cartridge pistol or revolver, or any blank cartridges, or any of the explosives, firecrackers, or fireworks, the use of which is prohibited in Section 1 of this Ordinance.

Gresham

Ordinance 806

* * * * *

Section 2. Any person, firm or corporation within the City of Gresham dealing in the sale of firearms, particularly pistols, revolvers, rifles and other firearms must secure a City of Gresham Business License as well as adhere to all State and Federal Firearms Regulations.

Klamath Falls

Chapter 47

Article III Record of Receipt of Secondhand Firearms

* * * * *

Sec. 47-9. Required; contents. The owner or manager, of a business establishment, such as hardware stores, sporting goods stores and general merchandise stores, which receive from customers secondhand firearms, such as shotguns, rifles, pistols and revolvers, (air rifles excluded) in trade or exchange for merchandise or for cash shall keep a record, on blanks to be furnished by the city, containing (the information required under Sec. 47-9; contact local authorities for required entries) ***

The customer delivering or trading such article shall sign his name and enter his address on the report in a legible manner. The owner or the manager of such business establishment shall prepare such record and report at the time the transaction takes place.

Article IV. Teargas, etc., Guns.

Sec. 47-13. Sale, offering for sale, etc., prohibited. No person shall sell, offer for sale or give away, either as the owner or the

agent of the owner thereof, any gun or device which can be carried on or about a person and used for the purpose of releasing gas, fumes or liquids to blind or impair the eyesight or sicken or disable a human being. Such gun or device is hereby declared to be a dangerous weapon.

Lane County

Ordinance 1-77 License for retail sale of firearms

3.501 License Required. No person shall engage in the business of the retail sale of pistols, revolvers or other firearms capable of being concealed on the person, within the unincorporated areas of Lane County, unless such person holds a valid license issued under this subchapter.

3.510 Planning and Public Safety Approvals. No license shall be granted under this subsection until the location of the proposed retail establishment has been certified to be in conformity with land use regulations by the Planning Division or its designee and until the Sheriff has certified that he has no information which would indicate that the applicant has been convicted within five years preceding the date of application of a felony or Class A misdemeanor. If the applicant is a corporation, the Sheriff shall make the required certification as to each officer thereof. If the applicant is an association, firm, or partnership, the Sheriff shall certify as to each member thereof.

(See local requirements for details of application, investigation, approval, revocation, and appeal.)

Myrtle Creek

5-6.5. (c) Sales to intoxicated persons and minors. No person shall purchase from or sell, loan, or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

Oregon City

6-4-1: Definitions: (A) As used in this Chapter, "firearm" means a pistol, revolver, gun, rifle or other ordinance, including a miniature weapon, which projects a missile or shot by force of gunpowder or any other explosive, by spring or by compressed air. *****

(C) "Deadly weapon" means any instrument, article or substance specifically de-

signed for and presently capable of causing death or serious physical injury.

6-4-7: Sale or Distribution of Miniature Firearms and Ammunition: It is unlawful for any person to give, furnish, loan, sell, offer for sale, or distribute any miniature pistol, firearm, or instrument capable of receiving or discharging any cartridge, charge of powder, or other explosive or any ammunition therefor, within the City.

6-4-9: Sale or Distribution of Deadly Weapons or Ammunition to Minors; Possession By Minors: It is unlawful for any person to give, furnish, loan or sell to any minor under eighteen (18) years of age any deadly weapon as defined in 6-4-1, and it is unlawful for any person to give, furnish, loan or sell any ammunition to any minor to be used or capable of being used in any deadly weapon as defined in 6-4-1; and it is unlawful for any such minor to have any such deadly weapon or ammunition in his or her possession; and it shall be unlawful for any parent or guardian of any minor to permit such minor to have such a deadly weapon or ammunition in his or her possession, except that in the case of concealable deadly weapons, such as pistol or revolver, it is unlawful to sell these weapons to anyone under the age of twenty-one (21) years.

6-4-10: Licenses to Sell At Retail: Licensing authorities of Oregon City may grant licenses in form prescribed by the Attorney General of the State of Oregon, effective for not more than one year from date of issue, permitting the licensee to sell at retail within Oregon City pistols, revolvers and other firearms capable of being concealed upon the person, subject to the following conditions, for breach of any of which the license is subject to forfeiture: *****

(C) Before any pistol or revolver shall be delivered:

1. One hundred twenty (120) hours shall have elapsed after application for the purchase and the register entries required by ORS 166.420 have been completed; and

2. The purchaser either is personally known to the seller or presents clear evidence of his identity. *****

6-4-11: Unlicensed Persons Selling *** Concealable Firearms: It is unlawful for any person, without being licensed as provided in 6-4-10, to engage in the business of selling or otherwise transferring, *** any pistol, revolver or other firearm capable of being concealed upon the person.

Portland

14.32.030 Gas bombs. (a) As used in this section, "gas" includes all liquid, gaseous or solid substances intended to produce temporary physical discomfort, permanent injury or a noxious odor by being vaporized or otherwise dispersed in the air.

(b) It is unlawful for any person to possess or transport in the city any form of shell, cartridge or bomb containing and capable of emitting gas, or any weapon designed for using such shell, cartridge or bomb.

(c) This section does not apply to peace officers or members of the armed forces of this state or of the United States when possessing or transporting such shells, cartridges or bombs for official use.

14.32.040 Explosives and fire bombs. (a) As used in this section:

(1) "Explosives" means any substance or material that on ignition by heat, impact, friction or detonation will explode with such force as to injure a person or damage property in the immediate vicinity of the explosion.

(2) "Fire bomb" means a breakable container containing a flammable liquid or jelly with a flash point of 150 degrees Fahrenheit or less, that is capable of being ignited by an integral wick or similar device or that is capable of being ignited if the container is broken by impact, but no device commercially manufactured primarily for the purpose of illumination shall be deemed a fire bomb.

(c) It is unlawful for any person, other than a peace officer or a member of the armed forces of this state or of the United States, to use, possess or have under his control an explosive or fire bomb.

(d) This section does not apply to the possession of explosives or fire bombs otherwise authorized by this code or Oregon law.

Springfield

8-20-1 Definition. A weapons dealer is any person engaged in the business of selling or offering for sale at retail rifles, pistols, revolvers, derringers, or other weapons or firearms of like character.

8-20-2 Licenses. It shall be unlawful for any person to engage in a business as a weapons dealer without first having obtained a license from the city recorder to do so.

8-20-5 Condition of License. Every license issued to a business dealing in weapons is issued upon the following terms and conditions: ***

(b) The licensee will not sell, deliver, or otherwise transfer a pistol, revolver or other firearm capable of being concealed on the person to a person whom he has cause to believe is an alien or who has been convicted of a felony.

(c) The licensee shall not sell, deliver or otherwise transfer a weapon other than a shotgun or rifle to any person who is under the age of 21 years, nor a shotgun or rifle to any person who is under the age of 18 years, nor any weapon to any person who is intoxi-

Umatilla

Ordinance 371 adopts Chapters 161-167 of the Oregon Criminal Code of 1971 by reference. This includes Oregon Revised Statutes 166.005 through 166.645—Offenses against public order; firearms and other weapons.

Pennsylvania

State Law

Pa. Stat. Ann. (Purdon's)

Uniform Firearms Act

Title 18

Sec. 908. Prohibited offensive weapons.

(a) Offense defined.—A person commits a misdemeanor of the first degree if, except as authorized by law, he makes repairs, sells or otherwise deals in, uses, or possesses any offensive weapon.

(b) Exception.—It is a defense under this section for the defendant to prove by a preponderance of evidence that he possessed or dealt with the weapon solely as a curio or in a dramatic performance, or that he possessed it briefly in consequence of having found it or taken it from an aggressor, or under circumstances similarly negating any intent or likelihood that the weapon would be used unlawfully.

(c) Definition.—As used in this section "offensive weapon" means any bomb, grenade, machine gun, sawed-off shotgun, firearm specially made or specially adapted for concealment or silent discharge *** or other implement for the infliction of serious bodily injury which serves no common lawful purpose.

Sec. 6102. Definitions. Subject to additional definitions contained in subsequent provisions of this subchapter which are applicable to specific provisions of this subchapter, the following words and phrases, when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Firearm." Any pistol or revolver with a barrel less than 12 inches, any shotgun with a barrel less than 24 inches, or any rifle with a barrel less than 15 inches.

"Crime of violence." Any of the following crimes, or an attempt to commit any of the same, namely: murder, rape, aggravated assault, robbery, burglary, entering a building with intent to commit a crime therein, and kidnapping.

Sec. 6105. Former convict not to own a firearm, etc. No person who has been convicted in this Commonwealth or elsewhere of

a crime of violence shall own a firearm, or have one in his possession or under his control.

Sec. 6110. Persons to whom delivery shall not be made. No person shall deliver a firearm to any person under the age of 18 years, or to one he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Sec. 6111. Sale of firearms. (a) Time and manner of delivery.—No seller shall deliver a firearm to the purchaser thereof until 48 hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said firearm shall be securely wrapped and shall be unloaded.

(b) Statement to be signed by purchaser.—At the time of applying for the purchase of a firearm, the purchaser shall sign in quadruplicate and deliver to the seller a statement containing his full name, address, occupation, color, place of birth, the date and hour of application, the caliber, length of barrel, make, model, and manufacturer's number of the firearm to be purchased, and a statement that he has never been convicted in this Commonwealth, or elsewhere, of a crime of violence. ***

(c) Exemption.—This section shall not apply to sales at wholesale.

Sec. 6112. Retail dealer required to be licensed. No retail dealer shall sell, or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or transfer, any firearm without being licensed as provided in this subchapter.

Sec. 6113. Licensing of dealers. (a) General rule.—The chief or head of any police force or police department of a city, and, elsewhere, the sheriff of the county, shall grant to reputable applicants licenses, in form prescribed by the Pennsylvania State Police, effective for not more than one year from date of issue, permitting the licensee to sell firearms direct to the consumer, subject to the following conditions in addition to those specified in section 6111 of this title (relating to sale of firearms), for breach of any of which

the license shall be forfeited and the licensee subject to punishment as provided in this subchapter:

(1) The business shall be carried on only in the building designated in the license.

(2) The license, or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No firearm shall be sold in violation of any provision of this subchapter.

(4) No firearm shall be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(5) A true record in triplicate shall be made of every firearm sold, in a book kept for the purpose, the form of which may be prescribed by the Pennsylvania State Police, and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the information required by section 6111 of this title.

Sec. 6115. Loans on, or lending or giving firearms prohibited. No person shall make any loan secured by mortgage, deposit, or pledge of a firearm; nor shall any person lend or give a firearm to another or otherwise deliver a firearm contrary to the provisions of this subchapter.

Sec. 6117. Altering or obliterating marks of identification. (a) Offense defined.—No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any firearm.

(b) Presumption.—Possession of any firearm upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same.

Sec. 6118. Antique firearms. This subchapter shall not apply to antique firearms unsuitable for use and possessed as curiosities or ornaments.

Sec. 6120. Limitation on municipal regulation of firearms. (a) General rule.—No county, municipality or township may in any manner regulate the lawful ownership, possession or transportation of firearms when carried or transported for purposes not prohibited by the laws of this commonwealth.

(b) Definition.—For the purposes of this section, the term "firearms" shall not include "air rifles" as defined in section 6304 (relating to sale and use of air rifles).

Sec. 6141. Purchase of firearms in contiguous states. (a) General rule.—It is lawful for a person residing in this Commonwealth, including a corporation or other business entity maintaining a place of business in this Commonwealth, to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this Commonwealth and to receive or trans-

port such rifle or shotgun into this Commonwealth.

(b) Applicability of section.—(1) This section applies to residents of this Commonwealth who obtain rifles or shotguns from a state contiguous to this Commonwealth in compliance with the Gun Control Act of 1968, State laws and local ordinances.

(2) This section shall not apply or be construed to affect in any way the purchase, receipt or transportation of rifles and shotguns by Federally licensed firearms manufacturers, importers, dealers or collectors.

(c) Definitions.—(1) As used in this section the term "a state contiguous to this Commonwealth" means any state having a common border with this Commonwealth.

(2) The other terms used in this section shall have the meanings ascribed to them by Public Law 90-618 known as the "Gun Control Act of 1968."

Sec. 6302. Sale or lease of weapons and explosives. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells or causes to be sold or leases to any person under 18 years of age any deadly weapon, cartridge, gunpowder, or other similar dangerous explosive substance.

(b) Exception.—The provisions of subsection (a) of this section shall not prohibit hunting by minors under 18 years of age permitted under provisions of The Game Law.

6303. Sale of starter pistols. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he sells, causes to be sold, gives or furnishes to any person under the age of 18 years, or if he, being under the age of 18 years, purchases, accepts, receives or possesses, any pistol commonly referred to as "starter pistol" specially designed to receive and discharge blank cartridges only or similar pistol.

(b) Exception.—Nothing in this section shall prohibit the use of starter pistols for the purpose of starting or officiating at athletic events, use in dramatic productions, or other similar events.

7306. Incendiary devices. (a) Offense defined.—A person is guilty of a misdemeanor of the first degree if he owns, manufactures, sells, transfers, uses or possesses any incendiary device or similar device or parts thereof, including but not limited to a "molotov cocktail."

(b) Exception.—The provisions of subsection (a) of this section shall not apply to authorized personnel of the United States, the Commonwealth or any political subdivision, who use incendiary devices as part of their duties.

(c) Definition.—As used in this section the phrase "incendiary device," means any inflammable liquid enclosed in a readily break-

able container that can be equipped with an igniter of any type.

Mental Health— Retardation

Title 50

Sec. 4605. Penalties. ***

(2) It shall be unlawful for anyone to directly or indirectly, sell, give or furnish to any person admitted, committed or detained in a facility, any weapon or other instrument which may be used to inflict injury unless the instrument is a tool of the activity in which the person has permission to engage.*****

Abington Township

Sale or furnishing weapons to persons under the age of eighteen years. 2. Whoever knowingly and wilfully sells or causes to be sold, or supplies or furnishes to any person under eighteen (18) years of age any rifle *** of any description in the Township of Abington, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding fifty dollars and in default of the payment of such fine and costs shall be sentenced to imprisonment in the County Jail not exceeding ten (10) days.

Caernarvon Township

Section 2A. No person shall sell or offer to sell or carry, store or discharge any explosives, handgrenades, molotov cocktails or any incendiary of whatsoever kind or nature within the geographic limits of the Township of Caernarvon; ***

California Borough

4-4. Sales to intoxicated persons and minors. No person in the Borough shall sell, loan, or furnish any weapon in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant or to any person in a condition of agitation and excitability, or to minor under the age of 18 years.

Clifton Heights Borough

1. That it shall be unlawful and it is hereby prohibited for any person, persons, firm or corporation to store, sell, offer or expose for sale at retail, use or discharge, or have in their possession with intent to sell at retail or with

intent to use or discharge and/or to use or discharge within the limits of the Borough of Clifton Heights any *** pistol, starter guns, blank guns, *** "At retail" shall mean any sale of less than one dozen such articles, or any sale to anyone not a bona fide dealer therein.

Geistown Borough

B. Handguns to be Stored in a Safe. Any person, proprietor, owner, partner, or officer of any corporation, of any store or place of business located within the Borough of Geistown, who sells or has for sale any hand guns of any brand, make or description, shall provide a proper safe for the storage of said hand guns during the hours in which the store or place of business is not open for business; and said persons shall be charged with the duty and responsibility of seeing that said hand guns shall be placed in said safe during the hours when the store or place of business is not opened for business.

C. Approval of Safe. The required safe shall be of such size, capacity and nature so as to reasonably prevent larceny of said hand guns and shall be approved by the Chief of Police of Geistown Borough and same shall be subject to inspection by the Chief of Police from time to time.

Harrisburg

771.01 Possession of Firearms by Minors. No minor under the age of eighteen years shall have in his possession, except in his place of residence, any firearm, flobert rifle, *** or any implement which impels with force a metal pellet of any kind, unless such minor is accompanied by an adult.

Lower Moreland Township

3. Sale of Certain Weapons to Persons Under Age of 18 Prohibited. It shall be unlawful for any person within the Township of Lower Moreland knowingly and wilfully to sell or cause to be sold, to any person under the age of eighteen (18) years, any rifle, air rifle or air gun, pistol or firearm of any description.

4. Persons Under Age of 18 not to Purchase or Possess Certain Ammunition or Pellets; Exception. It shall be unlawful for any person under the age of eighteen years, unless acting under the supervision of and in the presence of his or her parent or guardian, within the Township of Lower Moreland, to purchase or possess any pellets or shot for an

air gun or ammunition for a rifle or other firearm.

5. Restrictions on Sale or Furnishing of Ammunition or Pellets to Persons Under Age of 18. It shall be unlawful for any person within the Township of Lower Moreland to sell, furnish or give any *** ammunition for a rifle or other firearm to any person under eighteen years of age, unless such minor receiving such shot, pellets or ammunition shall be accompanied by and shall act under the supervision of his or her parent or guardian.

Lower Yoder Township

Ordinance 15
4:1:d

Sales to Intoxicated Persons and Minors. Purchase from, or sell, loan, or furnish any weapon in which any explosive substance can be used to, any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years.

Marcus Hook Borough

The Borough Council of the Borough of Marcus Hook does ordain: 1. That it shall be unlawful for any person or persons to use and/or sell *** guns of any nature which expel, shot or project a bullet, pellets, shot or any article whatsoever by use of air or otherwise within the limits of the Borough of Marcus Hook.

McKeesport

1. *** it shall be unlawful for any person or persons, firm or corporation to engage in the sale, barter or trade of revolvers or pistols without first obtaining a license from the Mayor of the City of McKeesport to so engage in this business, ***

2. It shall be unlawful for any person or persons, firm or corporation to sell to any individual any revolver or pistol without prospective purchaser first having secured a permit from Police Department showing the name of the prospective purchaser, together with said prospective purchaser's address and occupation.

Monongahela

Section 1. *** no license or permit shall be granted to any person or persons for the purchasing transfer or bartering of revolvers

and pistols in the City of Monongahela until and unless the purchaser shall have been finger-printed by the Chief of Police or officer designated by the Mayor for that purpose, and shall have furnished to said Chief of Police or designated officer a recent photograph of himself, of a size as prescribed by Chief of Police, and such description of himself as may be necessary adequately to describe said person, which said data and Bertillion measurements shall be kept as a record by the Police Department.

Mt. Lebanon Township

3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, unless they, or it, shall have first received a written license so to do, signed by the Township Manager of said Township. ***

Mt. Oliver Borough

5. No person other than duly authorized personnel of the Borough, City, County, State or Federal law enforcement agencies, shall carry, sell, or display, barter, loan, give away, transfer, transport, discharge, or use any weapon, ammunition or explosive device of any kind or nature whatsoever including firearms, *** bombs, missiles or any other weapon or device designed or intended to inflict bodily harm or injury to property at any place within the Borough.

Philadelphia

10-814. Acquisition or transfer of firearms. (1) Definition.

(a) Firearm. Any rifle, pistol, revolver, gun or shotgun.

(b) Department. Department of Licenses and Inspections.

(2) Prohibited conduct. No person shall acquire or transfer any firearm in the City, and no person shall acquire a firearm outside of the City, which is brought into the City, unless application has been made to, and license obtained from, the Department.

(4) License. (a) No license shall be issued unless the Police Department, after due investigation, approves the application.

(5) Duty of transferor or vendor. (a) No transferor or vendor shall give, transfer, sell or deliver possession of any firearm to any person unless the transferee or vendee supplies to the transferor or vendor the required license for the scrutiny of the vendor or transferor.

(b) If no manufacturer's number of the firearm appears on the license, the transferor

or vendor shall insert said number in the designated space, and shall forthwith notify the Police Department of the sale or transfer of the particular firearm and advise the Police Department of the manufacturer's number of said firearm which was inserted on the license.

(6) Exclusions. No license shall be required under this section:

(a) by any governmental agency which owns or acquires firearms; or

(b) for transfer of firearms between a manufacturer and a duly licensed dealer, or between one licensed dealer and another dealer, in their usual course of business; or

(c) for licensed pawnbrokers, accepting a firearm as security or pledge for a loan, until the pawnbroker makes a sale or transfer of the firearm pledged to a person other than the owner, at which time a license shall be obtained for the sale or transfer, as provided herein.

9-606. Ammunition. (2) Definitions. In this Section, the following definitions apply: (a) Ammunition. Any material used in discharging any type of firearm or any projectile discharged by said firearm. (b) Minor. Any person under the age of 18 years.

(3) Prohibitions. (a) Any person engaged in the business of selling ammunition shall be required to comply with the following: ***

(b) No person shall sell, give or deliver any ammunition to minors; provided, that this Section shall not apply to ammunition supplied by a parent or guardian to his child or children, for lawful purposes.

(c) No person shall sell any ammunition which can be used in pistols, revolvers or other hand guns unless the purchaser produces satisfactory written identification and registers his name and address.

(4) Licenses. (a) No person shall sell any ammunition unless he first receives a license from the Department.

Rockledge Borough

Ordinance 380

Sec. 9 *** It shall be unlawful and it is hereby prohibited for any person or persons, firm or corporation to sell, offer or expose for sale within the limits of the Borough of Rockledge, to any minor child under the age of eighteen (18) years, any gun, rifle, pistol (whether revolver or automatic) or any other type of firearm.

Ross Township

Section 3. Every person, firm or corporation, engaged in selling or offering for sale, within the limits of the Township of Ross, any

fire-arm *** shall accompany each such sale with a copy of *** Ordinance No. 937.

Scott Township

Ordinance 316

Section 3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle *** unless they, or it, shall have first received a written license so to do, signed by the Secretary of said Township, or his authorized agent, *** No sale shall be permitted to any person under twenty-one (21) years of age, and a copy of this Ordinance shall be issued with each sale.

Scranton

1. *** it shall be unlawful for any person, whether as principal or agent, to sell or otherwise dispose of any pistol, revolver, (including those for discharge of blank cartridges) *** or other deadly weapon readily capable of concealment upon the person, unless a permit for such sale or other disposition has first been obtained from the Superintendent of the Bureau of Police in the manner hereinafter provided.

2. Every person desiring to purchase or acquire any weapon enumerated in Section 1 of this ordinance may make written application therefor *** to the Superintendent of the Bureau of Police [contact local authorities for required contents] ***

3. Such permit shall authorize the applicant within thirty days thereafter to purchase or otherwise lawfully acquire a weapon of the class enumerated in Section 1 of this ordinance, upon the surrender of such permit and the signing thereof for the purposes of comparison in the presence of the person selling or otherwise disposing of said weapon.

Shamokin

Sec. 52-4. Purchase, sale or discharge of fireworks, etc., prohibited; exception. From and after the passage of this ordinance, it shall be unlawful for any person or persons to purchase, sell or discharge any *** guns, pistols, or other firearms *** of any kind within the limits of the Borough of Shamokin (now City) unless a license for exhibition is granted for the same by the Chief Burgess (now Mayor) or the Borough Council (now City Council).

Slatington Borough

Ordinance 368

It shall be unlawful for any person or persons, firm or corporation within the corporate

limits of the Borough of Slatington, Pennsylvania, to possess, deliver possession of, sell or discharge firearms, *** or any other dangerous combustible material unless permission of the Mayor therefore is first procured in writing.

Springfield Township

Sec. 48-5. Sales to minors. It shall be unlawful to knowingly and willfully sell or cause to be sold, or supply or furnish to any minor person any rifle *** or ammunition or pellets for the same *** or shotguns, guns or any firearm or weapon from which a shot or other object is discharged, in the Township of Springfield.

Stowe Township

Ordinance A-458

* * * * *

Section 3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol *** unless they, or it, shall have first received a written license so to do. *** No sale shall be permitted to any person under twenty-one (21) years of age, and a copy of this Ordinance shall be issued with each sale.

Swissvale Borough

1464-3. No person, firm or corporation shall sell or offer for sale any rifle, shot-gun, revolver, pistol, flobert rifle, or air gun, to any person under twenty-one (21) years of age.

1579-2. Every prospective purchaser of any of the foregoing arms shall first apply to the Police Department for a permit, giving such information as to the said Department shall require, and no permit shall be issued until after three (3) days have elapsed from the date of application. No seller of said arms shall sell such arms or guns without said permit.

Upper Southampton

392. Whoever knowingly and willfully sells or causes to be sold or supplies or furnishes to any person under eighteen years of age, any gun, rifle, *** or any firearm of any description in the Township of Upper Southampton, shall upon conviction thereof in a summary proceeding, be sentenced to pay a fine not exceeding One Hundred (\$100.) Dollars, and in default of the payment of such fine and costs, shall be sentenced to imprisonment in

the County Jail for a period not exceeding thirty (30) days.

West Conshohocken Borough

Sec. 54-3. Possession of firearms for sale restricted. It shall be unlawful and it is hereby prohibited for any person, persons, firms or corporations to transfer, store, sell, offer or expose for sale or to have possession with intent to sell any gun, pistol, shotgun, rifle or other firearm within the Borough of West Conshohocken unless duly licensed according to law.

West Pottsgrove Township

Sec. 13-7. Sale of deadly weapons, etc., to minors under sixteen prohibited. It shall be unlawful for any person to knowingly and willfully sell or cause to be sold, to any person under sixteen (16) years of age, any deadly

Puerto Rico

Laws of P.R. Ann.
Title 25

Chapter 51—Weapons

* * * * *

413. Sale or transportation of machine guns. Any person who sells or keeps for sale, or offers, gives, leases, or loans, or otherwise disposes of or transports any instrument or weapon of the kind usually known as a machine gun shall be guilty of a felony. This section shall not apply to the manufacture, sale or delivery of machine guns for the use of the police and other peace officers, or for the use by officers or employees of the Government of Puerto Rico or of the United States, prisons, penitentiaries, Commonwealth or municipal jails, or for the use of the armed forces of the United States or of Puerto Rico.

415. Possession of machine gun or sawed-off shotgun. Any person who possesses or uses a machine gun, or a sawed-off shotgun, shall be guilty of a felony. This section shall not be applicable to the possession or use of machine guns in the discharge of their official duties by members of the police, by wardens, superintendents, or any of their deputies of any prison, penitentiary, district or municipal jail, or other institution for the detention of persons convicted of or charged with any offense or held as witnesses in criminal cases or

weapon, or knowingly or wilfully to sell or cause to be sold to any such minor any cartridge, gun powder or other dangerous and explosive substance.

Williamsburg

3. It shall be unlawful for any person who knowingly and wilfully sells or causes to be sold to any person under 16 years of age, any deadly weapon or knowingly or wilfully to sell any cartridge, gun powder or other dangerous and explosive substance.

Wyomissing Borough

578-1(c) Dealing with Minors and Certain Other Persons. [No person in the Borough shall:] Purchase from, or sell, loan, give, trade, deliver or otherwise furnish any weapon described in sub-section (b) herein, or ammunition therefor, to any person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

any other public peace officers; nor shall it apply to the possession or use of machine guns by any person when on duty in the service of the armed forces of the United States or of Puerto Rico, or in the postal, customs, and immigration services of the United States or in any service of the Government of the United States authorized by the law of its creation to use such weapons, nor to the possession by common carriers while the latter transports them directly for delivery at any point for the use of the officers or persons above named.

Sec. 416. Possession of pistol or firearm without license. Any person who has or possesses any pistol, revolver, or other firearm without having a license therefor issued as hereinafter provided, shall be guilty of a misdemeanor (or felony) ***

Sec. 420. Possession or sale of silencer. Any person who has in his possession, sells, or keeps for sale, loans, offers, gives or disposes of any instrument, attachment, weapon or appliance, for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearm, shall be guilty of a felony. The provisions of this section shall not apply to the members of the Police of Puerto Rico or the National Guard,

nor to the members of the armed forces of the United States.

Sec. 421. Serial number or name of owner on firearm—Removal or defacement. Every firearm shall bear, so as not [to] be easily altered or defaced, the name of the gunsmith or the trade-mark under which the firearm shall be sold or the name of the importer, and furthermore a serial number or the full name of the owner engraved thereon. The requirement that every firearm shall have engraved thereon a serial number or the name of the owner thereof shall not apply to guns or rifles whose barrel is 18 inches long or more, nor to rifles .22 caliber or less, whose barrel is 16 inches long or more, manufactured in Puerto Rico to be exported abroad by the gunsmith himself. The gunsmith shall be under obligation to take all reasonable measures and precautions to prevent that such firearms be stolen or otherwise removed from the gunsmith's warehouses where they are stored pending shipment and that same be offered, held for sale, sold, leased, or delivered to any person within Puerto Rico.

Any person shall be guilty of a felony who: (a) Wilfully removes, defaces, covers, alters, or destroys the serial number of any firearm or the name of the owner thereof; or who:

(b) Knowingly buys, sells, receives, alienates, transfers, carries or has in his possession any firearm from which the serial number or name of the owner thereof has been removed, defaced, altered, or destroyed; or who: (c) Being a dealer in firearms or a gunsmith, or an agent or representative of such dealer or gunsmith, knowingly purchases, sells, receives, delivers, alienates, transfers, carries, or has in his possession any firearm on which the serial number or name of the owner thereof has been removed, defaced, covered, altered, or destroyed.

Sec. 425. License to possess firearms; weapons for farmers. The Chief of Police of Puerto Rico may, when an application therefor is presented to him by any householder, merchant, or farmer, and provided the requirements hereinafter provided for are complied with, issue to such applicant a license to have and possess a pistol or revolver, and authorizing him, if a householder, to have and possess such weapon in his residence, or if a merchant, to have and possess a weapon in his place of business, or, if a farmer, a weapon in his farm. The license provided for by this section shall not authorize to carry such weapon outside the residence, place of business or farm, as the case may be.

The Chief of Police of Puerto Rico may also issue a license to any person to have and possess a shotgun on a farm of which such person may be the owner, possessor, or administrator.

The provisions of this paragraph shall not be construed in the sense of authorizing the Chief of Police of Puerto Rico to issue li-

censes to have and possess in the same farm more than one short weapon (revolver or pistol) and a long weapon (shotgun).

Sec. 427. Grounds for refusing to issue license. The Chief of Police of Puerto Rico shall not issue a license to have and possess a firearm to any person convicted in or outside Puerto Rico of any of the following offenses or of the attempt to commit the same: murder in any degree, voluntary manslaughter, kidnapping, rape, mayhem, assault with the intent to commit murder or manslaughter, aggravated assault and battery, when such offense was committed with a cutting, piercing or fire weapon, robbery, burglary, larceny, arson, incest, or violation of sections 1247-1257 of Title 33, or violation of section 1442 of Title 33; nor to any person who is mentally unbalanced, or a habitual drunkard or a narcotic or drug addict; nor to any person convicted for the violation of the provisions hereof.

Sec. 428. Qualifications of applicant; character, fingerprints. The Chief of Police of Puerto Rico shall not issue licenses to have and possess a firearm unless the said officer is satisfied that the applicant is a person of irreproachable conduct, of good moral repute, that his fingerprints have been duly taken and/or checked with the archives of the police, and unless, in the judgment of the said officer, no reason exists to deny such application.

Sec. 430. Persons who may lawfully carry weapons. (a) The following may lawfully have, possess, bear, transport and carry weapons:

1. Members of the Armed Forces of the United States and of Puerto Rico in the discharge of their duties as such and under the provisions of the laws and regulations of their respective organizations.

2. The members of the Police of Puerto Rico under the provisions of the regulations of the said organization.

3. The Superintendent of Prisons, heads of Commonwealth penitentiaries and jail wardens, under the regulations provided by the Secretary of Justice.

4. Penal guards and convict guards, under the regulations provided by the Secretary of Justice.

5. United States customs and immigration officials, while in the discharge of their duties.

(b) A revolver or pistol may be lawfully owned, possessed, borne, transported, and carried by:

1. The judges and prosecuting attorneys of the courts of justice.

2. Any officer of the Government of Puerto Rico when a permit to carry firearms should, in the opinion of the Chief of Police of Puerto Rico, be issued to the said officer by reason of the duties of his position and the said permit is issued to him by the Chief of Police of Puerto Rico.

3. Mail carriers in the performance of their duties.

4. The marshals and deputy marshals of any tribunal or court.

5. Carriers of public funds while such funds are in their custody.

6. Carriers of private funds and custodians of private funds in banking institutions while such funds are in their custody, upon issuance to them of a permit by the Superior Court of Puerto Rico, before which such carriers or custodians, or their employers, shall have justified their need for such permit.

7. Internal-revenue collectors and agents while in the performance of their duties and provided they have been so authorized by the Chief of Police of Puerto Rico at the request of the Secretary of the Treasury of Puerto Rico to carry a revolver or a pistol.

(c) No person shall be authorized to carry firearms under subdivision (b) of this section if such person is not authorized to own and possess firearms under sections 425, 426, 427, 428 and 429 of this title.

(d) The provisions of this section shall not be interpreted as authorizing the use of firearms in violation of the law.

Sec. 432. License to sell or deal in firearms and ammunition; report of transactions. (a) No person may engage in the business of gunsmith or dealer in firearms and ammunition without having a license therefor issued by the Secretary of the Treasury, upon favorable report of the Police Superintendent of Puerto Rico.

(b) The provisions of subdivision (a) above shall likewise be applicable to dealers who introduce firearms and ammunition into Puerto Rico.

(d) Any dealer in firearms and ammunition who holds a license issued in accordance with this chapter may acquire a firearm registered in the Weapons Register under the provisions of subdivisions (a), (b) and (d) of section 439 of this title, by purchase from the person who has it registered in his name, provided such person has a license to have and possess said firearms, issued in accordance with this chapter. Before a firearm is sold under the provisions of this subdivision, both the vendor and the vendee shall give notice thereof in writing to the Chief of Police, and the former shall deliver to said officer his license to have and possess a firearm. The sale of a firearm under the provisions of this subdivision shall not prevent the vendor from obtaining a new license to have and possess a firearm in accordance with this chapter.

Sec. 434. Qualifications of dealer applicant. No license as gunsmith or dealer in firearms and ammunition shall be issued to a person not over 21 years of age, and not a citizen of Puerto Rico and of the United States.

Sec. 436. Conditions for dealers' operations; records of transactions. Any person, partnership or corporation, to whom or to which a license has been issued under the foregoing sections may engage in the retail sale of firearms and ammunition or in the gunsmith business, under the following conditions:

1. The business shall be operated only on the premises specified in the license.

2. The license, or a copy thereof, certified by the authority issuing the same, shall be posted in the establishment so that it may be easily read.

3. Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer, or the latter clearly establishes his identity. This requirement shall not apply to gunsmith businesses as regards firearms and/or ammunition for export.

4. A record in triplicate shall be kept of each firearm sold and of each sale of ammunition, on books devoted to this purpose which shall be printed in the manner prescribed by the Chief of Police of Puerto Rico, and the record of each sale shall be personally signed by the buyer and by the person making the sale, each in the presence of the other; and such record shall set forth [such information as is required under the laws of Puerto Rico; contact authorities for requirements] * * * Said record shall also set forth if the buyer is personally known to the vendor, and in case he should not be, the manner in which the buyer accredited his identity. * * *

7. Any dealer in firearms or ammunition to whom a license may have been issued under the provisions of this section, who fails to keep the records and books herein required, or who fails to demand the presentation of a license to have and possess a firearm in cases where the presentation of such license is required by this chapter, shall be guilty of a misdemeanor; and when such dealer in firearms or ammunition sells or delivers a firearm to any person to whom a license to have and possess a firearm in accordance with the provisions of section 425 of this title has not been issued, shall be guilty of a felony. * * *

Sec. 437. Acquisition of weapons by persons authorized in section 430. The officials and persons lawfully authorized to have, possess, carry, convey and transport firearms under the provisions of subdivision (a) and paragraphs 4, 5 and 7 of subdivision (b) of section 430 of this title, shall obtain such weapons and the ammunition therefor through the heads of their respective departments or services.

Sec. 438. Sales of weapons and ammunition without licenses prohibited; sales slips. No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the lat-

ter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser [any] other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the sales slip, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the sales slip has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase, and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a license to carry, or a license to have and possess a firearm.

Sec. 445. Hunting and target shooting arms excepted. The provisions of this chapter shall not apply to the possession, bearing, carrying, transportation and use of hunting and target shooting arms to all of which the acts in force on the matter shall apply.

Sec. 446. Collections of antique weapons; certificates of uselessness. No provision hereof shall prevent that private collections of antique weapons, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections of weapons kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Chief of Police of Puerto Rico shall be necessary and the latter shall render such weapons useless, so that the same may not be used as such. The Chief of Police of Puerto Rico shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any weapon not included in said certificate shall be subject to all the provisions hereof.

Sec. 454. Definitions. For the purposes of this chapter, the phrases and terms herein-after listed shall have the following meaning and definition:

(a) "Machine gun" is a weapon of any description, irrespective of size, by whatever name designated or known, loaded or unloaded, from which may be repeatedly or automatically discharged a number of bullets contained in a magazine, ribbon or other removable receptacle by one continued pull of the trigger. The term machine gun also includes a submachine gun.

(b) "Firearm" means any weapon by whatever name known, capable of discharging one or more ammunitions through the expanding action of gases.

(c) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(f) "Gunsmith" means any person, firm, partnership, or corporation engaging in the manufacture, repairing, altering, assembling, cleaning, polishing, engraving, or trueing, or performing any mechanical operation for another on any pistol, revolver, or other firearm.

(g) "Dealer in Firearms or Ammunition" shall mean any person, firm, partnership or corporation who, per se or through its agents, servants, or employees, purchases or introduces for sale, sells, trades, exchanges, offers for sale, or displays for sale, or has for sale, in his business establishment or other place, whether or not also used as a residence or for any other purpose, any pistol, revolver, firearm, or ammunition.

(h) "Merchant" means any person, firm, corporation or partnership who engages on premises open to the public, which are not the residence of anyone, in the sale of merchandise and articles the object of lawful commerce between men.

(i) "Householder" means any person who has established a permanent home, domicile or residence under his own responsibility and authority. There may not be more than one householder in any permanent home, domicile or residence.

(j) "Dwellings" and "Buildings" mean the whole part of a structure used or occupied by a single person or a single family.

(k) "Vehicle" means any device serving for the transportation of persons or things by land, sea, or air.

(l) "Person", "Merchant" and "Farmer" for the purposes of sections 425, 426, 427, 428, 429 of this title, shall include a partnership or corporation, but any license requested for the benefit of such artificial person under the provisions of the sections mentioned, may be granted only in the name of a specific officer or employee of such artificial person, provided such officer or employee meets the requirements prescribed in this chapter.

(m) "Police" means the Police Force of Puerto Rico.

(n) "Chief of Police of Puerto Rico" means the Chief of the Police of Puerto Rico.

Chapter 57—Revolvers, Pistols, etc.

541. Concealed weapons and instruments. It shall be a misdemeanor, punishable as provided in section 546 of this title, to bear, carry, transport, possess or sell any weapon, instrument or device whose general configuration conforms to that of a revolver or pistol and which is capable of detonating blank shells, blank cartridges or any other unit not provided with a missile, that could produce explosion through combustion, including among

such weapons, instruments or devices, those revolvers, pistols, instruments and devices known by the name of starter's pistol, blank cartridge pistols, blank cartridge revolvers, blank starter's pistols, blank pistols, blank revolvers, blank starter's revolvers, or any others whose general configuration conforms to those of a revolver or pistol and which fires blank cartridges, blank capsules, or blank shells. By blank capsule, blank shell or blank cartridge shall be understood any hollow unit, cylindric or cubic in form, not provided with a missile, containing in its interior any chemical agent or compound capable of producing explosion by combustion, and provided with a percussion-sensitive detonator.

542. Exceptions. Excepted from the provisions of section 541 above are revolvers especially manufactured for sportive events and theatrical shows and used for such purposes, provided the barrel thereof is a solid cylinder with no orifice whatsoever and ending in a cone.

Title 24

Chapter 111—Controlled Substances

Sec. 2516. Driving vehicles; carrying firearms. No person who has been convicted of a felony under this chapter or of any law of the United States or of any state in connection with narcotic drugs, marijuana, depressant or stimulant substances, as well as of any foreign country and any person who has been declared addicted to narcotic drugs, may obtain a license from the corresponding authority to drive any kind of motor vehicle nor to hold, possess or carry firearms for a term of five (5) years from and after the serving of the sentence imposed by said conviction or after the date of the declaration. Officers or public employees in charge of the issuance of said licenses shall be prevented from extending them, whenever any of the circumstances expressed above may concur in the applicant for the license and any such licenses which have been issued prior to the conviction or declaration that the person is addicted to narcotic drugs shall immediately be cancelled by the corresponding authority.

Notwithstanding the prohibitions contained in this section, the Secretary of Health may, upon request of an interested party, render ineffective the prohibition that a license to drive a motor vehicle be issued to one of such persons, provided it is shown to his satisfaction that said person is reasonably rehabilitated and that the license request is necessary so that such person may lawfully carry out his work or trade.

The presentation of the certificate from the Secretary of Health relieving a person from the prohibition of possessing a license to drive a motor vehicle shall relieve from responsibility the employee or officer issuing it.

Rhode Island State Law Gen. Laws of R.I.

11-47-2. **Definition of terms.** When used in Secs. 11-47-1 to 11-47-56, inclusive, the following words and phrases shall be construed as follows:

"Pistol" shall include any pistol or revolver, and any shotgun, rifle or similar weapon with overall length less than twenty-six (26) inches, but shall not include any pistol or revolver designed for the use of blank cartridges only.

"Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination of parts designed and intended for use in converting a weapon into a machinegun, and any combination of parts from which a machinegun can be assembled if such parts are in the possession or under the control of a person.

"Firearm" shall include any machine gun, pistol, rifle, air rifle, air pistol, "blank gun," "BB gun," so-called or other instrument from which steel or metal projectiles are propelled, or which may readily be converted to expel a projectile, except such instruments propelling such projectiles which instruments are designed or normally used for a primary purpose other than as a weapon. The frame or receiver of any such weapon shall be construed as a firearm under the provisions of this section.

"Person" shall include individual, partnership, firm, association or corporation.

"Licensing authorities" shall mean the board of police commissioners of a city or town where such board has been instituted, the chief of police or superintendent of police of other cities and towns having a regular organized police force, and in towns where there is no chief of police or superintendent of police it shall mean the town clerk who may issue licenses upon the recommendation of the town sergeant, and it shall also mean any other person or body duly authorized by the city or town charter or by state law.

"Crime of violence" shall mean and include any of the following crimes or an attempt to commit any of the same, viz.; murder, manslaughter, rape, mayhem, robbery, burglary, breaking and entering, assault with a dangerous weapon, assault or battery involving grave bodily injury, and/or assault with intent to commit any offense punishable as a felony.

"Fugitive from justice" shall mean any person who has fled from any state, territory, the District of Columbia, or possession of the United States to avoid prosecution for a

crime of violence or to avoid giving testimony in any criminal proceeding.

"Sell" shall include let or hire, give, lend and transfer, and the word "purchase" shall include hire, accept and borrow, and the expression "purchasing" shall be construed accordingly.

"Sawed-off shotgun" shall mean any shotgun with overall length of less than twenty-six (26) inches and/or barrel length of less than eighteen (18) inches.

"Sawed-off rifle" shall mean any rifle with overall length of less than twenty-six (26) inches and/or barrel length of less than sixteen (16) inches.

"Antique firearm" shall be defined as that term is defined under the provisions of Title 18, United States Code, Subsection 921, entitled Definitions.

11-47-5. **Possession of arms by person convicted of crime of violence or who is a fugitive from justice.** No person who has been convicted in this state or elsewhere of a crime of violence or who is a fugitive from justice shall purchase, own, carry, transport or have in his possession or under his control any firearm.

11-47-6. **Possession of arms by mental incompetents, drug addicts, and persons adjudicated an habitual drunkard.** No person who is under guardianship or treatment or confinement by virtue of being a mental incompetent, or who has been adjudicated or is under treatment or confinement as a drug addict, or who has been adjudicated or is under treatment or confinement as an habitual drunkard shall purchase, own, carry, transport or have in his possession or under his control any firearm. Any person affected by the provisions of this section, other than a person who has been pronounced criminally insane by competent medical authority, after the lapse of a period of five (5) years from the date of being pronounced cured by competent medical authority, may, upon presentation of an affidavit issued by competent medical authority to the effect that he is a mentally stable person and a proper person to possess firearms, make application for the purchase of said firearm(s).

In the event that said application is approved and if said person has no other disqualifying record he will be allowed to purchase and possess firearms.

11-47-7. **Possession of pistol or revolver by alien.** No unnaturalized foreign born person who has resided in the United States for less than ten (10) years shall purchase, own, carry, transport or have in his possession

or under his control any pistol or revolver. The provisions of this section shall be waived in the case of an unnaturalized foreign born person arriving in or passing through this state for the purpose of competing in a match organized under the auspices of a national shooting organization.

11-47-8. **License required for carrying pistol—Possession of machine gun.** (a) ***** No person shall manufacture, sell, purchase or possess a machine gun except as otherwise provided in this chapter.

(b) No person shall have in his possession or under his control any sawed-off shotgun or sawed-off rifle as defined in section 11-47-2.

11-47-9. **Persons exempt from restrictions.** The provisions of Sec. 11-47-8 shall not apply to sheriffs, deputy sheriffs, the superintendent and members of the state police, prison or jail wardens or their deputies, members of the city or town police force, capitol police and railroad police while traveling to and from official assignments or while on assignments, conservation officers, or other duly appointed law enforcement officers, nor to members of the army, navy, air force, marine corps of the United States, the national guard, or organized reserves, when on duty, or to members of organizations by law authorized to purchase or receive firearms from the United States or this state, provided such members are at or are going to or from their places of assembly or target practice, nor to officers or employees of the United States authorized by law to carry a concealed firearm, nor to any civilian guard or criminal investigator carrying sidearms or a concealed firearm in the performance of his official duties under the authority of the commanding officer of the military establishment in the state of Rhode Island where he is employed by the United States; provided, however, that the commanding officer of such military establishment shall have on file with the attorney general of this state a list of the names and addresses of all such civilian guards and criminal investigators so authorized; nor to duly authorized military organizations when on duty, nor to members thereof when at or going to or from their customary places of assembly, nor to the regular and ordinary transportation of pistols as merchandise, nor to any person while carrying a pistol unloaded and securely wrapped from the place of purchase to his home or place of business, or in moving goods from one place of abode or business to another. Persons exempted by the provisions of this section from the provisions of Sec. 11-47-8 shall have the right to carry concealed firearms everywhere within this state; provided, however, that this shall not be construed as giving the right to carry concealed firearms to a person transporting concealable firearms as merchandise or as household or business goods.

11-47-14. **Permits to banks and carriers.** The attorney-general may issue a license or permit to any banking institution doing business in this state or to any public carrier who is in the business of transporting mail, money, securities or other valuables, to possess and use machine guns under such regulations as the attorney-general may prescribe.

11-47-19. **Machine gun manufacturers' permits.** The attorney-general may issue to any person, firm or corporation engaged in manufacturing in this state, a license or permit to manufacture and sell machine guns and any or all machine gun parts under such regulations as the attorney-general may prescribe.

11-47-20. **Sale or possession of silencers.** It shall be unlawful within this state to manufacture, sell, purchase or possess, any muffler, silencer or device for deadening or muffling the sound of a firearm when discharged.

11-47-21. **Restrictions on possession or carrying of explosives or noxious substances.** Any person, except a member of the state police, the sheriff or his deputies, or a member of the police force of any city or town, or a member of the army, navy, air force, or marine corps of the United States, or of the national guard or organized reserves when on duty, who possesses, or carries on or about his person or in a vehicle, a bomb or bombshell, except for blasting or other commercial use, or who, with intent to use the same unlawfully against the person or property of another, possesses or carries any explosive substance, or any noxious liquid, gas or substance, shall be guilty of a violation of this chapter and punished as hereinafter provided.

11-47-25. **Antique firearms and collections.** Sections 11-47-1 to 11-47-56, inclusive, shall not apply to antique firearms unsuitable for use nor to collections of firearms utilized and maintained for educational, scientific or any similar purpose without intent to use such firearms.

11-47-30. **Sale of firearms to minors.** It shall be unlawful within this state for any person to sell any firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of said minor.

11-47-31. **Sale of ammunition to minors.** It shall be unlawful within this state for any person to sell any ammunition, including any priming charge of powder, propelling charge of powder or any form of missile or projectile to be ejected from a firearm to any person under eighteen (18) years of age without the prior approval or consent of the parent or legal guardian of said minor.

11-47-33. **Possession of firearms by minors.** It shall be unlawful within this state for any person under fifteen (15) years of age to possess and use any firearm unless he shall hold a permit therefor as provided in Sec.

11-47-34, and only in the presence of a qualified adult at any regular and recognized camp or rifle range approved by the Rhode Island state police or by the chief of police of the city or town in which such camp or rifle range is located; and provided, further, however, that said person under fifteen (15) years of age may carry such firearm, unloaded, in a suitable case to and from his home and such camp or range and from such camp or range to other such camp or range.

11-47-34. **Firearms permits to minors.** The Rhode Island state police or the chief of police of the city or town in which such person resides shall issue permits to any person under fifteen (15) years of age only upon satisfactory proof of being engaged in a course of training in the use of firearms at a regular and recognized camp or rifle range, and further provided that such person has the written consent of a parent or guardian.

11-47-35. **Sale of concealable weapons.** No seller shall deliver a pistol or revolver to a purchaser thereof until seventy-two (72) hours shall have elapsed from twelve o'clock noon of the day following the day of application for the purchase thereof, and when delivered, said pistol or revolver shall be unloaded and securely wrapped, with the bill of sale therefor to be inclosed within said wrapper with said pistol or revolver. Any loyal law abiding citizen of this state twenty-one (21) years of age or older, and any member of the armed forces of the United States who is stationed in this state and who has the written permission of his commanding officer and who is twenty-one (21) years of age or older, may upon application purchase or acquire a pistol or revolver. At the time of applying for the purchase of a concealable firearm the purchaser shall accomplish and sign in triplicate and deliver to the seller the application form prescribed below, and in no case shall it contain the serial number of the pistol or revolver. (Form deleted)

11-47-37. **Sale to minors and others forbidden.** No person shall sell a pistol or revolver to any person under the age of twenty-

one (21) or to one who he has reasonable cause to believe falls under the provisions of sections 11-47-5, 11-47-6, 11-47-7, or 11-47-23.

11-47-38. **Dealers to be licensed.** No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol, revolver, or other firearm without being licensed as hereinafter provided.

Central Falls

17-23. **Weapons—Possessing, harboring, etc.** No person shall own, possess, harbor, carry or in any manner use or exercise control of any so-called actually or inherently dangerous weapon or instrumentality, such as a *** rifle, gun, musket, blunderbuss, fowling piece, pistol, *** or any contrivance arranged to discharge shot, bullets, arrows, darts, shells or other missiles in the limits of the city, except by special permission of the city council upon the recommendation of the chief of police, who shall prescribe such rules and regulations as each case may require. The city council shall exercise their discretion in each case and shall decide accordingly having in mind the best interests of the populace at large, and more particularly so during any war period.

17-25. **Same—Sale to minors.** No person shall sell or dispose of to any minor who has no special license to have the same in his possession any of the articles or contrivances mentioned in the two preceding sections. Any person violating this section shall be held responsible for any damage or injury caused as a result of his act.

East Providence

Sec. 20-12. **Same—Sale of rifle, pistol, etc., to minors.** No person shall sell or offer to sell any rifle, gun, pistol, *** to any person under the age of eighteen years.

South Carolina State Law Code of Laws of S.C.

Title 16
Chapter 23
Article 1

Sec. 16-23-10. **Definitions.** When used in this article:

(a) "Pistol" means any firearm designed to expel a projectile and designed to be fired from the hand, but shall not include any fire-

arm generally recognized or classified as an antique, curiosity, or collector's item, or any that does not fire fixed cartridges.

(b) The term "dealer" means any person engaged in the business of selling firearms at retail or any person who is a pawnbroker.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents),

rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

(g) The term "Division" shall mean the State Law Enforcement Division.

(h) The terms "purchase" or "sell" mean to knowingly buy, offer to buy, receive, lease, rent, barter, exchange, pawn or accept in pawn.

(i) The term "person" shall mean any individual, corporation, company, association, firm, partnership, society or joint stock company.

Sec. 16-23-30. Sale or delivery of pistol to and possession by certain persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled

to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Article 3

Sec. 16-23-210. Definitions. When used in this article:

(a) The words "machine gun" apply to and include any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot, without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, any combination or parts designed and intended for use in converting a weapon into a machine gun, and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(b) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than eighteen inches in length.

(c) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(d) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches or a barrel or barrels of less than sixteen inches in length.

(e) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire

or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

Sec. 16-23-220. Unlawful transportation of machine gun or sawed-off shotgun or rifle within State. It shall be unlawful for any person in any manner to transport from one place to another in this State or for any railroad company, express company or other common carrier or any officer, agent or employee of any of them or other person acting in their behalf knowingly to ship or to transport from one place to another in this State in any manner or by any means whatsoever, except as provided in Secs. 16-23-250 and 23-31-330, any machine gun or firearm commonly known as a machine gun, sawed-off shotgun or sawed-off rifle.

Sec. 16-23-230. Unlawful storing, keeping or possessing machine gun or sawed-off shotgun or rifle. It shall be unlawful for any person to store, keep, possess or have in possession or permit another to store, keep, possess or have in possession any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle, except as provided in Secs. 16-23-250 and 23-31-330.

Sec. 16-23-240. Unlawful selling, renting or giving away of machine gun or sawed-off shotgun or rifle. It shall be unlawful for any person to sell, rent, give away or participate in any manner, directly or indirectly, in the sale, renting, giving away or otherwise disposing of any machine gun or firearm commonly known as a machine gun, sawed-off shotgun, sawed-off rifle.

Sec. 16-23-250. Exceptions to application of article. The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or

person authorized by law to possess or use a machine gun, or sawed-off shotgun or sawed-off rifle, may possess machine guns, or sawed-off shotguns or sawed-off rifles, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, or sawed-off shotguns or sawed-off rifles, kept for display as relics and which are rendered harmless and not usable.

Sec. 16-23-270. Article not applicable to antique firearms. The provisions of this article shall not apply to antique firearms.

Article 5

Sec. 16-23-470. Illegal possession of tear-gas gun or ammunition. It shall be unlawful for anyone except duly authorized law-enforcement officers to have in possession, use, transport, sell or buy any tear-gas machine or gun or any part thereof or any ammunition or shells or equipment that may be used in a tear-gas gun or machine. Any violation of this section shall be a misdemeanor and punishable by imprisonment for not less than one year nor more than five years or by a fine of not more than five thousand dollars, either or both, in the discretion of the court.

Nothing in this section shall be construed to prohibit the purchase, sale, transportation or use of tear gas for the destruction of insects or rodents, provided such tear gas is not in containers or shells suitable for use in any tear-gas gun, equipment or machine and provided the purchaser has written authority for the purchase and use of such tear gas from the county agent of the county in which he resides.

Sec. 16-23-480. Manufacture or possession of article designed to cause damage by fire or other means. No person shall manufacture, cause to be manufactured, or possess any object or article which is designed to cause damage by fire or any other means to person or property either by ignition, detonation or other means, and further, no person shall possess any object or article when such object or article is possessed solely for the purpose of causing damage by fire or other means to person or property either by ignition, detonation or other means.

Title 23 Chapter 31 Article 1

Sec. 23-31-10. Purchase of rifle or shotgun in contiguous state. Any resident of this State including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same in this State; provided, that the sale

meets the lawful requirements of each such state, meets all lawful requirements of any Federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Article 3

Sec. 23-31-110. Definitions. (Editor's Note: The definitions in this Article are identical to those in Section 16-23-10 above.)

Sec. 23-31-130. Retail dealers shall be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Sec. 23-31-140. Completion and contents of application prior to purchase of pistol; further restrictions on purchase. Prior to the purchase of a pistol, the purchaser shall complete an application in triplicate in the presence of the dealer. The application to be furnished by the Division shall contain *** (that information required in 23-31-140; contact State law enforcement authorities for details)

No person shall be allowed to purchase a pistol from a dealer unless he has fully completed the application.

No person shall be allowed to purchase more than one pistol on each application and no person shall be allowed to purchase more than one pistol during each thirty-day period; provided, however, that a person whose pistol is stolen or irretrievably lost and who feels that it is essential that he immediately purchase a pistol may obtain a special permit which will enable him to purchase a pistol ***

No person shall be allowed to purchase a pistol from a dealer unless he is a resident of the State of South Carolina. For the purpose of this article, the possession of a valid South Carolina driver's license or South Carolina Highway Department Identification Card shall constitute proof of residency.

Sec. 23-31-150. Issuance, duration, conditions and forfeiture of retail dealer's license. The Division shall grant a license to any person doing business in the State not ineligible to purchase, acquire or possess a pistol or be licensed as a dealer under the provisions of this article. Licenses shall be issued on a form furnished by the Division and be effective for two years from the date of issuance. Licensees shall be authorized to sell pistols at retail as dealers within this State subject to the following conditions, for breach of any of which the license shall be forfeited:

(b) No pistol shall knowingly be sold in violation of any provision of this article nor shall any pistol be sold without clear evidence as to the identity of the purchaser being furnished to the dealer.

(c) A true record shall be made of every pistol sold on a firearm transaction record form. The firearm transaction record form which shall be furnished by the Division shall be signed by the purchaser and by the dealer effecting the sale, each in the presence of the other and shall contain such information as may be required by the Division. ***

Sec. 23-31-180. Certain pistols declared to be contraband; forfeiture and destruction of such. No licensed retail dealer shall possess in his place of business or sell any pistol or other handgun which has a die-cast frame or receiver which melts at a temperature of less than eight hundred degrees Fahrenheit.

Article 5

Sec. 23-31-310. Definitions. When used in this article: (Editor's Note: The definitions in this Article are identical to those in Section 16-23-210 above.)

Sec. 23-31-320. Exceptions to application of article. The provisions of this article shall not apply to the Army, Navy or Air Force of the United States, the National Guard and organizations authorized by law to purchase or receive machine guns, or sawed-off shotguns or sawed-off rifles, from the United States or from this State and the members of such organizations. Any peace officer of the State or of any county or other political subdivision thereof, state constable, member of the highway patrol, railway policeman or warden, superintendent, head keeper or deputy of any state prison, penitentiary, workhouse, county jail, city jail or other institution for the detention of persons convicted or accused of crime or held as witnesses in criminal cases or person on duty in the postal service of the United States or any common carrier while transporting direct to any police department, military or naval organization or person authorized by law to possess or use a machine gun, or sawed-off shotgun or sawed-off rifle, may possess machine guns, or sawed-off shotguns or sawed-off rifles, when required in the performance of their duties. Nor shall the provisions hereof be construed to apply to machine guns, or sawed-off shotguns or sawed-off rifles, kept for display as relics and which are rendered harmless and not usable.

Sec. 23-31-330. Application and registration of person allowed to possess machine gun or sawed-off shotgun or rifle. Every person permitted by Sec. 23-31-320 to possess a machine gun, or sawed-off shotgun or sawed-off rifle, and any person elected to or appointed to any office or position which entitles such person to possess a machine gun, or sawed-off shotgun or sawed-off rifle, upon taking office, shall file with the State Law

Enforcement Division on a blank to be supplied by the Division on request therefor an application to be properly sworn to, which shall be approved by the sheriff of the county in which the applicant resides or has his principal place of business and shall include the applicant's name, residence and business address, physical description, whether or not ever charged or convicted of any crime, municipal, state or otherwise, and where, if so charged, and when the same was disposed of. The applicant shall also give a description, including the serial number and make, of the machine gun, or sawed-off shotgun or sawed-off rifle, which he possesses or desires to possess. Thereupon, the State Law Enforcement Division shall file such application in its office, registering such applicant together with the information required in the application in a book or index to be kept for that purpose, assign to him a number and issue to him a card which shall bear the signature of the applicant and which he shall keep with him while he has such machine gun or sawed-off shotgun or sawed-off rifle in his possession. Such registration shall be made on the date application is received and filed with the State Law Enforcement Division and shall expire on December thirty-first of the year in which the license is issued.

Sec. 23-31-350. Article not applicable to antique firearms. The provisions of this article shall not apply to antique firearms.

Aiken

Article I. Pistols and Other Weapons

Sec. 14A-1. Definitions. When used in this article:

(a) *Pistol* means any firearms designed to expel a projectile from a barrel less than twelve inches in length, but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term *dealer* means any person regularly engaged in the business of selling firearms at retail.

(c) The term *crime of violence* means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape, or rob, assault with a dangerous weapon, or assault with intent to commit any of the aforesaid offenses.

(d) The term *fugitive from justice* means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term *subversive organization* means any group, committee, club, league, so-

ciety, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States, the State of South Carolina, or the City of Aiken, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing.

(f) The term *conviction* as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

Sec. 14A-3. Sale to certain persons unlawful; possession or acquisition by such persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, deliver, lease, rent, barter, exchange or transport for sale into this city any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one (21), but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this city.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Sec. 14A-4. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed ***

Sec. 14A-5. Issuance of retail dealer's license; *** conditions: The clerk of the city shall grant a license to any person doing business in the city not ineligible under the provisions of this article *** permitting the license to sell pistols at retail within this city subject to the following conditions, for breach of any of which the license shall be forfeited:

(b) No pistol shall knowingly be sold in violation of any provision of this article nor shall a pistol be sold without clear evidence to the seller of the identity of the purchaser.

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the city attorney, and shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain [such information as is required by the City of Aiken] *** and a statement signed by the purchaser that he has never been convicted of a crime of violence, is not a fugitive from justice nor a member of any subversive organization ***

Sec. 14A-7. Mortgage or pledge of pistol. Only a licensed dealer shall make a loan secured by a mortgage, deposit or pledge of a pistol and the dealer shall keep such records as are required herein. A licensed dealer may mortgage any pistol or stock of pistols but shall not deposit the same with any other person.

Anderson

35-7. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Conviction. The term "conviction" shall include pleas of guilty, pleas of nolo contendere and forfeit of bail.

Crime of violence. Murder, manslaughter, except negligent manslaughter arising out of traffic accidents, rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape; or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one year.

Dealer. Any person regularly engaged in the business of selling firearms at retail.

Fugitive from justice. Any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

Pistol. Any firearm designed to expel a projectile from a barrel less than twelve inches in length, but such term shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage or threats or attempts of any of the foregoing.

35-9. Sale, etc., to certain persons prohibited; possession by such persons. It shall be unlawful for any persons to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into the city any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of armed forces of the United States, active or reserve, national guard, state militia or R.O.T.C. when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in subsections (a), (b), (c), or (d) of this section to possess or acquire pistols within this state.

35-10. Purchase, sale, possession, etc., of stolen, etc., pistol. No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

35-11. Retail dealer's license—required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by this article.

35-13. Same—Giving false information to secure, etc. No person in applying for any license under this article shall give false information or offer false evidence of his identity, or give false information concerning the matters referred to in this article.

Andrews

10-14. Pistols, manufacturing, carrying and selling. It shall be unlawful for any person to possess or carry about the person or about any vehicle owned or controlled by him, whether concealed or not; any pistol less than twenty (20) inches long and three (3) pounds in weight; and, it shall be unlawful for any

person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport any such weapon in the Town; provided however that this does not apply to legally appointed state, county or Town police officers; ***

Charleston

49-2. Possession, sale, etc., of tear gas bombs, etc. It shall be unlawful for any person to have in his possession, sell or offer for sale in the city, any bomb, tube gun, gun or other device containing or intended to contain or discharge tear gas or other noxious or offensive or harmful gases or fluids.

Cheraw

Sec. 12-45. Same—Pistols. It shall be unlawful for any person within the town to carry about his person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight, and it shall be unlawful for any person, firm or corporation to sell or offer for sale, lease, rent, barter, exchange or transport for sale or import for sale into the town any pistol of less length or weight; provided, that this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises. If upon conviction it shall appear to the satisfaction of the mayor or presiding officer of the municipal court before whom such offense is tried that the defendant had good reasons to fear injury to his person or property and carried such weapon to protect himself or property, he may in his discretion suspend the sentence, and nothing herein contained shall abridge the right of self defense as established by the laws of the state.

Upon conviction of the violation of this section, in addition to the general penalty, the weapon so carried shall be forfeited to the town.

Chester

Sec. 10-304.2. Sale, etc., of pistol to certain persons unlawful; possession or acquisition of pistol by such persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this State any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this State.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Sec. 10-304.3. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Sec. 10-304.4. Issuance of retail dealer's license; duration; conditions; forfeiture. The clerk of court of the county shall grant a license to any person doing business in the county not ineligible under the provisions of Sections 10-304 to 10-304.7 ***

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the form of which shall be prescribed by the Attorney General and shall be signed personally by the purchaser and by the person effecting the sale, each in the presence of the other, [Contact local authorities for required contents] *** and a statement [shall also be] signed by the purchaser that he has never been convicted of a crime of violence, is not a fugitive from justice nor a member of any subversive organization. The dealer shall retain the records for a period of three years from the date of sale or transfer to which the records relate.

Clemson

Sec. 9-149 Pistols less than twenty inches long and three pounds in weight. It shall be unlawful for *** any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the

town any pistol [less than twenty (20) inches long and three (3) pounds in weight]. ***

Florence

19-55. Weapons—carrying, sale, etc., of pistols of certain size and weight. It shall be unlawful for anyone to carry about the person, whether concealed or not, any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight. ***; provided, this section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Fort Mill

Sec. 4-22. Pistols—Sale restricted. No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has inquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

Sec. 4-40 B. Definitions when used in this ordinance. (a) "Pistol" means any firearm designed to expel a projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

(b) The term "dealer" means any person regularly engaged in the business of selling firearms at retail.

(c) The term "crime of violence" means murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to commit any offense punishable by imprisonment for more than one year.

(d) The term "fugitive from justice" means any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

(e) The term "subversive organization" means any group, committee, club, league, society, association or combination of individuals the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the govern-

ment of the United States or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage, or threats or attempts of any of the foregoing. (f) The term "conviction" as used herein shall include pleas of guilty, pleas of nolo contendere and forfeiture of bail.

D. Selling Pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this town any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, State Militia or R. O. T. C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this State has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this State or Town, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c), or (d) of this section to possess or acquire pistols within this town.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

E. Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed.

F. Dealer Licenses. The clerk of court of the county shall grant a license to any person doing business in the county not ineligible under the provisions of this act in a standard form prescribed by the Attorney General, effective for two years from date of issuance, permitting the licensee to sell pistols at retail within this State subject to the following conditions, for breach of any of which the license shall be forfeited: *****

(b) No pistol shall knowingly be sold in violation of any provision of this act nor shall a pistol be sold without clear evidence to the seller of the identity of the purchaser.

(c) A true record shall be made of every pistol sold, in a book kept for the purpose, the

form of which shall be prescribed by the Attorney General and shall be signed personally by the purchaser and by the person effecting the sale [contact local authorities for required contents] ***

Greenville

Sec. 31-4. Pistols less than twenty inches long and three pounds in weight. It shall be unlawful for anyone to carry about his person, whether concealed or not, any pistol less than twenty (20) inches long and three (3) pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less length and weight. This section shall not be construed to apply to peace officers in the actual discharge of their duties or to the carrying or keeping of such pistols by persons while on their own premises nor to abridge the right of self-defense.

37-24. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them:

Conviction: Pleas of guilty, pleas of nolo contendere and forfeiture of bail as well as actual conviction by a court.

Crime of violence: Murder, manslaughter (except negligent manslaughter arising out of traffic accidents), rape, mayhem, kidnapping, burglary, robbery, housebreaking, assault with intent to kill, commit rape or rob, assault with a dangerous weapon, or assault with intent to commit any offense punishable by imprisonment for more than one (1) year.

Dealer: Any person regularly engaged in the business of selling firearms at retail.

Fugitive from justice: Any person who has fled from or is fleeing from any law enforcement officer to avoid prosecution or imprisonment for a crime of violence.

Pistol: Any firearm designed to expel a projectile from a barrel less than twelve (12) inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

Subversive organization: Any group, committee, club, league, society, association or combination of individuals the purpose of which, or one (1) of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States, or any state or political subdivision thereof, by the use of force, violence, espionage, sabotage or threats or attempts of any of the foregoing.

37-26. Sale, etc., to certain persons unlawful; possession or acquisition by such persons unlawful; stolen pistols. (a) It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter,

exchange or transport for sale into this state any pistol to:

(1) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Columbia or who is a fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(2) Any person who is a member of a subversive organization.

(3) Any person under the age of twenty-one (21) but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state militia or ROTC, when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(4) Any person who, by order of a circuit judge or county court judge of this state, has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(b) It shall be unlawful for any person covered in subsection (a) to possess or acquire pistols within this state.

(c) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

37-27. Retail dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed *****

Greer

Sec. 31-1. "Pistol" defined. "Pistol" means any firearm designed to expel a projectile from a barrel less than twelve inches in length; but shall not include any firearm generally recognized or classified as an antique, curiosity or collector's item, or any that does not fire fixed cartridges or fixed shotgun shells.

Sec. 31-7. Sale, etc., of pistols to certain persons unlawful; possession or acquisition of pistols by certain persons unlawful; stolen pistols. It shall be unlawful for any person to knowingly sell, offer to sell, deliver, lease, rent, barter, exchange or transport for sale into this state any pistol to:

(a) Any person who has been convicted of a crime of violence in any court of the United States, the several states, commonwealths, territories, possessions or the District of Co-

lumbia or who is fugitive from justice or a habitual drunkard or a drug addict or who has been adjudicated mentally incompetent.

(b) Any person who is a member of a subversive organization.

(c) Any person under the age of twenty-one, but this shall not apply to the issue of pistols to members of Armed Forces of the United States, active or reserve, National Guard, state Militia or R.O.T.C., when on duty or training or the temporary loan of pistols for instruction under the immediate supervision of a parent or adult instructor.

(d) Any person who by order of a circuit judge or county court judge of this state has been adjudged unfit to carry or possess a pistol, such adjudication to be made upon application by any police officer, or by any prosecuting officer of this state, or sua sponte, by the court, but any person who shall be the subject of such an application shall be entitled to reasonable notice and a proper hearing prior to any such adjudication.

(e) It shall be unlawful for any person covered in (a), (b), (c) or (d) of this section to possess or acquire pistols within this state.

(f) No person shall knowingly buy, sell, transport, pawn, receive or possess any stolen pistol or one from which the original serial number has been removed or obliterated.

Inman

Section 12: *** it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into the city any pistol [of less than 20 inches in length and three pounds in weight].

Jackson

3-10(b) *** sale, etc., of pistols. It shall be unlawful *** for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this State any pistol *** [less than twenty inches long and three pounds in weight.]

Jonesville

Section 1. *** it shall be unlawful for any person or persons, firm, corporation or association to sell, barter, exchange, or give away to induce trade; or to offer for sale, exchange, barter or giving away to induce trade any such firearm or weapon as is usually designated and known as a "pistol".

Lake City

11. Firearms—carrying and sale generally. It shall be unlawful for any person to

carry about the person, whether concealed or not, any firearm less than twenty inches long or less than three pounds in weight. It shall also be unlawful for any person to sell or offer for sale any firearm of less length or weight than herein stated; provided, however that this section shall not apply to peace officers in the actual discharge of their duty, nor to keeping and carrying pistols by persons while on their own premises.

Sec. 15-40. Sale of Pistols. No retail dealer in the City shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer, any pistol without being licensed as hereinafter provided.

Laurens

10-25. (A) Manufacture, carriage, sale. It shall be unlawful in the city for anyone to carry about the person, whether concealed or not any pistol less than twenty inches long and three pounds in weight or for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into this city any pistol of less length and weight; ***

Marion

Sec. 12-44. Same—Minimum size of pistols. It shall be unlawful for *** any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the city any pistol of less [than 20 inches in length and three pounds in weight] ***. Any violator of this section shall be guilty of a misdemeanor. This section shall not apply to peace officers in the actual discharge of their duties or to the carrying or keeping of pistols by persons while on their own premises nor abridge the right of self-defense.

Myrtle Beach

Sec. 31-3. Carrying, manufacturing, selling, etc., of certain pistols prohibited; exceptions. It shall be unlawful for any person to possess or carry about the person or about any vehicle owned or controlled by him, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport any such pistol in the city.

The provisions of this section shall not apply to legally appointed state, county or city police officers, nor shall this section prohibit the possession of any such pistol in the home

or upon or within the private premises of a person within the city. *****

Newberry

10-74. Same—Sale of pistols, rifles, etc. It shall be unlawful for any person, or any agent of any person in the city, to sell to any person any pistol, rifle or other species or kinds of firearms, except shotguns, unless the person purchasing the same, if a citizen of the city, has a permit in writing from the chief of police to purchase the same, or if not a citizen of the city, has a permit in writing from the sheriff of the county to purchase the same, such permit to specify the kind and amount of firearms allowed to be purchased thereunder and to be filed with the person from whom the same is purchased, who shall within ten days after any sale file the permit with the officer issuing the same.

10-75. Same—Purchasing or receiving pistol, rifle, etc., without permit. It shall be unlawful for any person to purchase or receive in the city any firearm enumerated in the preceding section, without first having obtained the permit as provided in the preceding section.

New Ellenton

Sec. 11-44 *** Minimum size of pistols. It shall be unlawful in the town *** for any person to manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the town any pistol [less than twenty (20) inches in length and three (3) pounds in weight] *** provided, this section shall not apply to peace officers in the actual discharge of their duties ***

Pacolet

Section 3-12. *** from and after the passage of this ordinance *** it shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale in the corporate limits any pistol [of less than 20 inches in length and three pounds in weight].

Pageland

Sec. 10-41. Adoption of Criminal Law of State of South Carolina. All acts and conduct that constitute violation of the common law and the statutory law of the State of South Carolina are hereby declared unlawful in the Town of Pageland and when such acts,

NOTICES

conduct or violations occur within the town insofar as such provisions and violations can have application within the town and the punishment of which is within the jurisdiction of the town.

Rock Hill

Sec. 25-36. *** (Pistols)—Sale restricted. No person shall sell, deliver, lease, rent, barter, exchange or transport for sale any pistol to any person unless and until he has enquired of and received a report in writing from the chief of police as to whether or not such person has been convicted of a crime of violence, is a fugitive from justice, an habitual drunkard, a drug addict, a mental incompetent, or is a member of a subversive organization, a minor or a person who has been adjudged unfit to carry or possess a weapon by a circuit or county court judge.

South Dakota

State Law

S.D. Codified Laws

22-1-2. Definition of terms. Terms used in this title, and in other statutes which prescribe a penalty for a public offense, unless the context otherwise plainly requires, mean: ***

(7) "Controlled weapon" includes a firearm, machine gun, or short shotgun, as those terms are defined in subdivisions (16), (21) and (43) of this section;

(8) "Crime of violence," any of the following crimes or an attempt to commit, or a conspiracy to commit, any of the same: murder, manslaughter, rape, aggravated assault, riot while armed, robbery, burglary, arson, kidnapping and any other crime in the commission of which the perpetrator used force, or was armed with a dangerous weapon, or used any explosive or destructive device;

(9) "Dangerous weapon" or "deadly weapon," any firearm, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm; ***

(12) "Destructive device," (a) Any bomb, grenade, explosive missile, or similar device or any launching device therefor; or (b) Any breakable container which contains a flammable liquid with a flashpoint of one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited.

Spartanburg

24-72. Same—Firearms—Pistols under twenty inches long or three pounds in weight. It shall be unlawful for any person to carry about his person in the city, whether concealed or not, any pistol less than twenty inches long and three pounds in weight. It shall be unlawful for any person to manufacture, sell or offer for sale, lease, rent, barter, exchange or transport for sale into the city, any pistol of less length and weight. ***

Wagener

Sec. 17-7. Pistols less than twenty inches long and three pounds in weight. It shall be unlawful for anyone to *** manufacture, sell, offer for sale, lease, rent, barter, exchange or transport for sale or into the town any pistol of less [than twenty inches long and three pounds in weight] ***.

The term does not include "permissible fireworks" defined by Sec. 34-37-5; any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety or similar device; surplus ordnance sold, loaned or given by the secretary of the army pursuant to the provisions of section 4684(2), 4685, or 4696 of Title 10 of the United States Code; or any other device which is an antique or is a rifle which the owner intends to use solely for sporting purposes; ***

(15) "Firearm," any weapon from which a projectile or projectiles may be discharged by gunpowder. As used in this subdivision, the word "gunpowder" includes any propellant that upon oxidization emits heat and light and is commonly used in firearms cartridges;

(16) "Firearm silencer," any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle the noise of the firing of any such weapon; ***

(18) "Illegal weapon," any controlled weapon listed in subdivision (7) of this section; ***

(21) "Machine gun," any firearm, whatever its size and usual designation, that automatically discharges two or more cartridges by a single function of the firing device; ***

(30) "Pistol," any firearm with a barrel less than sixteen inches in length, designed to expel a projectile or projectiles by the action of an explosive; ***

(42) "Short rifle," a rifle having a barrel less than sixteen inches long, or an overall length of less than twenty-six inches;

(43) "Short shotgun," a shotgun having a barrel less than eighteen inches long or an overall length of less than twenty-six inches; * * * * *

22-14-5. Possession of firearm with altered serial number as felony—Exception. Any person who possesses any firearm on which the manufacturer's serial number has been changed, altered, removed or obliterated is guilty of a Class 6 felony.

This section shall not apply to persons who have registered such firearms with the secretary of state as provided in sec. 23-7-42.

22-14-6. Possession of controlled weapon—Exceptions. Any person who knowingly possesses a controlled weapon is guilty of a Class 6 felony. Provided that, this section shall not apply to a person who:

(1) Is a law enforcement officer or a member of the armed forces of the United States or South Dakota national guard acting in the lawful discharge of his duties;

(2) Has a valid state or federal license issued pursuant to law for such weapon or has registered such weapon with the proper state or federal authority pursuant to law;

(3) Possesses a controlled weapon briefly after having found it or taken it from an aggressor; or

(4) Possesses a controlled weapon, except a machine gun or short shotgun, under circumstances which negate any purpose or likelihood that the weapon would be used unlawfully.

22-14-15. Possession of firearm by one with prior violent crime conviction as felony—Fifteen-year period. Any person who has been convicted in this state or elsewhere of a crime of violence, who has in his possession or under his control, a firearm, is guilty of a Class 6 felony. This section does not apply to any person who was last discharged from prison, jail, probation or parole, for a crime of violence more than fifteen years prior to the commission of the principal offense.

22-14-16. Providing firearm to person with known prior violent crime conviction as felony. Any person who knows that another person is prohibited by secs. 22-14-15 from possessing a firearm, and who knowingly gives, loans, or sells a firearm to that person is guilty of a Class 6 felony.

22-14-17. Antique firearms exempt from chapter—Firearms incapable of discharge exempt—Antique firearm defined. This chapter shall not apply to antique firearms or to firearms which have been permanently altered so they are incapable of being discharged.

An "antique firearm" is: (1) Any firearm, including any firearm with a matchlock, flintlock, percussion cap or similar type of ignition system manufactured in or before 1898; and (2) Any replica of any firearm described in subdivision (1) of this section if such replica is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

22-14A-4. Sale, transportation, or possession of destructive devices as felony—Increased penalty for prior violent crime conviction. Any person who knowingly sells, offers for sale, transports or possesses any destructive device is guilty of a Class 4 felony. If such person has been previously convicted of a crime of violence in this state or elsewhere, he is guilty of a Class 3 felony.

23-7-1. Definition of terms. "Pistol," as used in this chapter, means any firearm with a barrel less than sixteen inches in length and designed to expel a projectile or projectiles by the action of an explosive.

"Machine gun" applies to and includes a weapon of any description by whatever name known, loaded or unloaded, from which more than five shots or bullets may be rapidly, or automatically, or semiautomatically discharged from a magazine, by a single function of the firing device.

"Crime of violence" as used in this chapter, means any of the following crimes or an attempt to commit or a conspiracy to commit any of the same, namely: murder, manslaughter, rape, mayhem, any assault prohibited by SDCL 22-18-9, 22-18-10, 22-18-11, 22-18-12 or 22-18-14, riot while armed, robbery, burglary, possession of burglary tools, house-breaking, breaking and entering, kidnapping, extortion by force or fear, and any other crime in the commission of which the perpetrator used force, or was armed with a deadly, dangerous or sharp weapon, or used any bomb, explosive or destructive device.

"Person," as used in this chapter, includes firm, partnership, association, or corporation.

23-7-2. Antique pistols excepted from chapter. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

23-7-3. Person convicted of crime of violence not to own or possess pistol—Felony—Punishment. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control. ***

23-7-3.1. Delivery of pistol to person convicted of crime of violence—Misdemeanor. Any person who gives, loans or sells a pistol to a person convicted of a crime of violence in this state or elsewhere, and knows that said

person has been so convicted, is guilty of a misdemeanor.

23-7-9. Delivery of pistol to purchaser—Waiting period—Wrapped and unloaded. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered said pistol shall be securely wrapped and shall be unloaded.

23-7-11. Regulation does not apply to sale of pistols at wholesale. Sections 23-7-9 and 23-7-10 shall not apply to sales at wholesale.

23-7-13. Transfer of pistol contrary to chapter forbidden. No person shall make any loan secured by a mortgage, deposit, or pledge of a pistol; nor shall any person lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

23-7-14. License required of retail dealer. No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided ***.

23-7-18. Sale of pistol by retail dealer—Restrictions. No pistol shall be sold in violation of any provisions of this chapter, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

23-7-19. Sale of pistol by retail dealer—Record in triplicate, form and contents, distribution of copies. A true record in triplicate shall be made of every pistol sold in a book kept for the purpose, the form of which may be prescribed by the secretary of state and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model, and manufacturer's number of the weapon, the name, address, occupation, color, and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. One copy shall within six hours be sent by registered or certified mail to the chief of police of the municipality or the sheriff of the county of which the dealer is a resident; the duplicate the dealer shall within seven days send to the secretary of state; the triplicate the dealer shall retain for six years. * * * * *

23-7-40. Purchase of rifles and shotguns by residents of South Dakota and contiguous states—Implementation of federal provisions. The state of South Dakota herewith permits residents of contiguous states and residents of this state, not otherwise precluded by any applicable laws, to purchase,

sell, trade, convey, deliver, or transport rifles, shotguns, ammunition, reloading components or firearms accessories in South Dakota and in states contiguous to South Dakota. This authorization is enacted to implement for this state the permissive firearms sales and delivery provisions in section 922 (b), (3) (A) of Public Law 90-618 of the 90th United States Congress, second session.

Aberdeen

Pistol Dealers

9.1601 License. Any person, persons, firm or corporation desiring to engage in the business of selling pistols at retail shall, before engaging in such business, file with the City Auditor a written statement and application setting forth his or its intentions to engage in such business ***.

Huron

5.44.010. License to sell. Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the city auditor, a written statement and

application setting forth his or its intention to engage in such business ***.

Pierre

G. Sales to Minors. It shall be unlawful to give, sell, trade, barter or exchange for anything of value any deadly weapon, *** or ammunition for any firearm to any person under the age of 18 years ***.

Sioux Falls

8.1802. Dealers to be licensed. No retail dealer shall sell or otherwise transfer or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer within the limits of the City of Sioux Falls, any pistol without being licensed ***.

Watertown

12.0801: License to Sell. Any person, persons, firm, or corporation, desiring to engage in the business of selling pistols at retail, shall, before engaging in such business, file with the City Auditor, a written statement and application setting forth his or its intention to engage in such business [contact local authorities for required contents] ***.

Tennessee

State Law

Tenn. Code Ann.

Mental Health Law

33-317 *** Supplying patient or resident [of a mental institution] with harmful substances ***.

(b) *** any person who, without permission of the superintendent [of the institution], shall give or sell to any patient or resident, whether on the premises of the institution or elsewhere, knowing him to be a patient or resident, any firearms ***; is guilty of a felony ***.

Criminal Offenses

39-4904. Selling or disposing of dangerous weapons. It is a misdemeanor to sell, or offer to sell, or to bring into this state for the purpose of selling, giving away, or otherwise disposing of any *** prohibited weapon *** [includes *** a fountain pen pistol or gun, or like instrument containing a firing pin capable

of shooting tear gas or pistol cartridges, or any pistol or revolver of any kind whatever, except the army or navy pistol which shall be carried openly in the hand, or any other dangerous weapon] ***.

Provided, however, any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearm, and the person having the gun for sale,

whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the sheriff of the county wherein such sale is to be made, and with the chief of police if the sale be within a municipality, a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, the sheriff and/or chief of police make no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen (15) days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. Provided, however, the sheriff and/or police chief may issue a written approval of such certificate, after investigation, within the fifteen (15) day period.

The fifteen (15) day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen (15) day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel as defined under Sec. 39-4902. However, all other provisions and requirements of the preceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or second hand gun legally purchased by him without being licensed to do business as such; but whenever such sale is made, the same procedure must be followed as is provided above for persons licensed by the state of Tennessee to engage in such business.

Provided however, before any person, firm or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun, such person, firm or corpora-

tion shall obtain from the commissioner of revenue a permit to engage in such business in the state of Tennessee.

Prior to the issuance of such permit by the commissioner of revenue, the applicant shall furnish the commissioner of revenue a certificate of good moral character signed by the chief of police or the sheriff of the county in which the licensed premises shall be located. In the event the licensed premises are located in the corporate limits of a municipality, said certificate of moral character shall be signed by the chief of police. If the licensed premises are located outside the corporate limits of the municipality, the certificate of moral character shall be signed by the sheriff of the county. The certificate of moral character must state that the applicant or applicants who are to be in actual control of said business are of good moral character and are personally known to the official signing the certificate, and if the applicant be a corporation, that the executive officers of those in control are of good moral character and personally known to the official signing said certificate.

39-4905. Selling or giving weapons to minor—Penalty. Any person who sells, loans, or gives to any minor a pistol *** or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor, ***.

39-4915. Purchase of rifles and shotguns in contiguous states by residents of Tennessee. Any resident of the state of Tennessee who may legally purchase a rifle or shotgun in this state may purchase a rifle or shotgun in a contiguous state provided the sale meets the legal requirements in each state, meets all legal standards of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

39-4917. Prohibited firearms—Definitions. For the purposes of Secs. 39-4917—39-4920 the following terms shall have the meanings ascribed in this section:

(a) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches (18") in length or a weapon made from a shotgun which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than eighteen inches (18") in length.

(b) "Shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed shotgun shell, but does not include an antique firearm as defined in this section.

(c) "Sawed-off rifle" means a rifle having a barrel or barrels of less than sixteen inches

(16") in length or a weapon made from a rifle which as modified has an overall length of less than twenty-six inches (26") or a barrel or barrels of less than sixteen inches (16") in length.

(d) "Rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger. The term includes any such weapon which may be readily restored to fire a fixed cartridge, but does not include an antique firearm as described in this section.

(e) "Machine gun" means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger; the frame or receiver of any such weapon; any combination of parts designed and intended for use in converting a weapon into a machine gun; and any combination of parts from which a machine gun can be assembled if such parts are in the possession or under the control of a person.

(f) "Antique firearm" means any firearm not designed or redesigned for using rim fire or conventional center fire ignition with fixed ammunition and manufactured in or before 1898 (including any matchlock, flintlock, percussion cap, or similar type of ignition system or replica thereof, whether actually manufactured before or after the year 1898) and also any firearm using fixed ammunition manufactured in or before 1898, for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade.

(g) "Unserviceable firearm" means a firearm which is incapable of discharging a shot by means of an explosive and incapable of being readily restored to a firing condition.

(h) "Manufactures any weapon" means making, putting together, altering, modifying, any combination of these, or otherwise producing a sawed-off shotgun, sawed-off rifle, or machine gun.

(i) "Sells or disposes of" means sells, offers for sale, assigns, pledges, leases, loans, gives away, transfers or otherwise disposes of.

(j) "Person" includes a corporation, firm, company, partnership or association.

39-4918. Manufacture, possession or sale of sawed-off shotgun, sawed-off rifle, or machine gun—Penalty. Any person who manufactures, imports, purchases, possesses, sells or disposes of, in this state, any weapon of the kind commonly known as a sawed-off shotgun, sawed-off rifle, or machine gun shall upon conviction thereof, for each offense, be imprisoned in the penitentiary for a term of not less than one (1) nor more than five (5) years; or in the county jail or workhouse for a term not to exceed one (1) year, or by fine not exceeding one thousand dollars (\$1,000), or by

both such fine and jail or workhouse sentence in the discretion of the court.

39-4919. Exceptions to firearms restrictions. The provisions of Sec. 39-4918 relating to sawed-off shotguns, sawed-off rifles, and machine guns shall not apply to or affect the following:

(a) The United States or any department, independent establishment or agency thereof; or the state of Tennessee, or any department or agency thereof, or any political subdivision thereof, or any official police organization or law enforcement agency of such government entity charged with enforcement of criminal laws or detention of persons convicted or accused of crime;

(b) The possession in the pursuit of official duty by a law enforcement, peace, police officer, or official or employee of a penitentiary, jail or other institution in the state of Tennessee for the detention of persons accused or convicted of crime, who is regularly employed and paid by the United States, this state or any political subdivision or governmental entity thereof as set forth in the preceding subsection (a);

(c) The possession by a member of the National Guard or the armed services or reserve forces of the United States who while serving therein possesses such weapon in the line of duty;

(d) Persons licensed by the state of Tennessee as manufacturers, importers, or dealers in such weapons provided that the manufacture, import, purchase, possession, sale or disposition of such weapons is authorized and incident to carrying on the business for which licensed and is for scientific or research purposes or sale or disposition to the classes designated in subsection (a) above;

(e) Any person who acquires or possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is validly registered to such person under federal law in the National Firearms Registration and Transfer Records. A person who acquires or possesses a firearm registered as required by this subsection shall retain proof of registration;

(f) Any person who possesses a sawed-off shotgun, sawed-off rifle, or machine gun which is an unserviceable firearm.

Chattanooga

25-10. Dangerous weapons—Sale. It shall be unlawful for any person to sell or offer for sale in the city any pistol, pistol cartridges, ***; provided, that this section shall not apply to the sale of regular army and navy pistols.

Greenville

5-101. Sale of firearms. Only persons, firms, or corporations licensed by the State of

Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the Town of Greeneville. Firearms may be sold to persons desiring same for the protection of their home or business or for target practice but for no other purpose.

The sale of pistols and/or sidearms within the corporate limits of the Town of Greeneville to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

Any person desiring to purchase a pistol or sidearm within the corporate limits of the Town of Greeneville shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the Town of Greeneville, a copy of the certificate as notice to such law enforcement officer of the pending sale. The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Jackson

19-10.1(c) *** any person licensed by the state of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the

illegal sale of alcoholic beverages, are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the Chief of Police a copy of the certificate as notice of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen days from the time of the receipt of such notice, the Chief of Police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The fifteen days' notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer or officers, as the case may be, personally acknowledge receipt of such notice. The said certificate to be filed with the law enforcement officer shall carry the right thumb print of the applicant along with the information as to race, height, weight, age, color of eyes, color of hair and sex of the applicant. Provided, however, the Chief of Police may issue a written approval of such certificate, after investigation, within the fifteen day period.

The fifteen day waiting period shall not apply to transactions between licensed importers, licensed manufacturers, licensed dealers, or licensed collectors who meet the requirements of the first paragraph above and certify prior to the transaction the legal and licensed status of both parties. The burden shall fall upon the transferor to determine the legality of the transaction in progress. The fifteen day waiting period shall not apply to transactions or transfers between a licensed importer, licensed manufacturer, or licensed dealer and a bona fide law enforcement agency or said agency's personnel ***. However, all other provisions and requirements of the preceding paragraph above must be observed. The burden of proof of the legality of such transactions or transfers shall rest upon the transferor. ***

Knoxville

28-103. Firearms—Sale. (b) Any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts,

and persons who have been convicted of the illegal sale of alcoholic beverages, are excluded.

(c) Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor.

(d) The three (3) day notice of pending sale provided for above must be made by registered mail and return receipt requested unless the officer personally acknowledges receipt of such notice.

(e) The seller shall deliver to the chief of police a legible true copy of the bill of sale showing the name of the firearm, the caliber, serial number, finish of the firearm, such as nickel.

Lawrenceburg

Section 1—Definitions

(3) "Explosive weapon" means any explosive, incendiary, or poison gas: (A) bomb; (B) grenade; (C) rocket; (D) mine; (E) shell, missile, or projectile that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage.

(4) "Firearm" means any weapon designed, made, or adapted to expel a projectile by the action of an explosive, or any device readily convertible to that use.

(5) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(6) "Handgun" means any firearm with a barrel length of less than twelve (12) inches that is designed, made, or adapted to be fired with one hand.

(9) "Machine gun" means any firearm that is capable of shooting more than two (2) shots automatically, without manual reloading, by a single function of the trigger.

(10) "Rifle" means any firearm designed, made, or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire a projectile

through a rifled bore by a single function of the trigger.

(11) "Short barrel" means a barrel length of less than sixteen (16) inches for a rifle and eighteen (18) inches for a shotgun, or an overall firearm length of less than twenty-six (26) inches.

(12) "Shotgun" means any firearm designed, made or adapted to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth-bore barrel either a number of ball shot or a single projectile by a single function of the trigger. *****

Section III—Prohibited Weapons. (a) An individual, corporation, or association commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive or an explosive weapon;
- (2) a device principally designed, made, or adapted for delivering or shooting an explosive weapon;
- (3) a machine gun;
- (4) a short-barrel rifle or shotgun;
- (5) a firearm silencer;
- (b) It is a defense to prosecution under this section that the actor's conduct:

(1) was incident to the performance of official duty by the armed forces or national guard, a governmental law enforcement agency, or a penal institution; or

(2) was incident to engaging in a lawful commercial or business transaction with an organization identified in subdivision (1); or

(3) was incident to using an explosive or an explosive weapon in a manner reasonably related to a lawful industrial or commercial enterprise; or

(4) was incident to using the weapon in a manner reasonably related to a lawful dramatic performance or scientific research; or

(5) was incident to displaying the weapon in a public museum or exhibition.

(c) It is an affirmative defense to prosecution under this section, which the actor must prove by a preponderance of the evidence:

(1) that his conduct was incident to dealing with the weapon solely as a curio, ornament, or keepsake, and if the weapon is a type described in subsections (a)(1)-(a)(5), that it was in a nonfunctioning condition and could not readily be made operable; or

(2) that his possession was brief and occurred as a consequence of having found the weapon or taken it from an aggressor.

(d) An offense under subsections (a)(1)-(a)(5) is a felony; and offense under subsection (a)(6) is a misdemeanor.

Section IV—Unlawful Sale of Firearm.

(a) An individual, corporation, or association commits an offense if:

(1) he intentionally, knowingly, or recklessly sells, loans, or makes a gift of a firearm to a minor; or

(2) he intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to a person who is intoxicated;

(3) he intentionally, knowingly, recklessly, or with criminal negligence violates the provisions of Section V of this Ordinance.

(b) It is a defense to subsection (a)(1) that:

- (1) a rifle or shotgun was sold, loaned, or given to a minor for the purposes of hunting; and
- (2) the actor is not required to obtain a license under Section V of this Ordinance.

(c) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(d) An offense under this section is a misdemeanor.

Section V—Lawful Sale of Firearms.

(a) Only persons, firms or corporations licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms within the corporate limits of the City of Lawrenceburg. Firearms may be sold to persons desiring same for the protection of their homes or business or for target practice but for no other purpose.

(b) The sale of pistols and/or sidearms within the corporate limits of the City of Lawrenceburg to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, or persons who have been convicted of the illegal sale of alcoholic beverages, is prohibited.

(c) Any person desiring to purchase a pistol or sidearm within the corporate limits of the City of Lawrenceburg shall certify to the seller that he is not one of the persons hereinabove designated as being excluded from the legal sale of such firearms. The person having the gun for sale, whether it be a firearm dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police of the City of Lawrenceburg, a copy of the certificate as notice to such law enforcement officer of the pending sale.

(d) The certificate must also show the purpose for which the gun is to be used. If, after three (3) days from the time of the receipt of such notice, the chief of police makes no objection tending to show that such proposed purchaser is excluded by this section from legal purchase as above set out, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. The three (3) day notice of the pending sale provided for above must be made by registered mail and return receipt requested unless the officer to whom such notice must be given personally acknowledges receipt of such notice.

(e) Nothing in this section shall preclude any person eligible to purchase a pistol or sidearm, as set out above, from making an

occasional sale of a used or secondhand gun legally purchased by him even though such person is not licensed to engage in such business. However, when such sale is made, the same procedure must be followed as is described above for persons licensed by the State of Tennessee to engage in such business.

Lebanon

10-212.1. Selling or disposing of dangerous weapons. It shall be unlawful to sell, or offer to sell, or to bring into the City of Lebanon for the purpose of selling, giving away, or otherwise disposing of any *** prohibited weapon mentioned in section 10-212 (pistol, revolver, *** except the army or navy pistol ***). Provided, however, any person licensed by the State of Tennessee to sell rifles or other firearms may stock and sell pistols and/or sidearms to persons desiring them for protection of their home, business, or for target practice; however, sales to aliens, persons who have been convicted of a crime of violence, fugitives from justice, persons of unsound mind, minors, drunkards, drug addicts, and persons who have been convicted of the illegal sale of alcoholic beverages are excluded.

Any person desiring to purchase a pistol or sidearm as above provided shall certify to the seller that he is not one of the persons listed above as excluded from legal sale of such firearms, and the person having the gun for sale, whether it be a firearms dealer engaged in the business of selling firearms, new or used, or any other person, shall file with the chief of police a copy of the certificate as notice to such law enforcement officer of the pending sale. Such certificate must also show the purpose for which the gun is to be used. If, after fifteen (15) days from the time of the receipt of such notice, chief of police makes no objection tending to show that such proposed purchaser is in fact excluded by law from legal purchase, as set out above, the sale may be consummated and the gun delivered to the purchaser, together with a bill of sale therefor. ***

*** before any person, firm, or corporation shall engage in the business of selling, offering for sale, giving away or otherwise disposing of any pistol, revolver or other hand gun in the City of Lebanon, such person, firm, or corporation shall first obtain a permit.

McMinnville

12-54. Selling, giving weapons to minor. Any person who sells, loans, or gives to any minor a pistol, *** or like dangerous weapon,

except a gun for hunting, is guilty of a misdemeanor.

Morristown

34-5. Sale, use, etc., of toy pistols. No person shall sell, keep for sale or use within the town any toy pistol discharged by percussion cap and powder or other means.

Nashville—Davidson, Metro

Sec. 41-2-1. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Murder; manslaughter; rape; mayhem; kidnapping; burglary; house-breaking; assault with intent to kill, commit rape or rob; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment.

Firearm. Any weapon by whatever name known, which is designed to expel a projectile by the action of expanding gases.

Fugitive from justice. Any person who has fled or is fleeing from any law-enforcement officer to avoid prosecution or incarceration for a crime of violence or to avoid giving testimony in any criminal proceeding.

Manufacturer or dealer. Any person engaged in the business of manufacturing, repairing or selling firearms at wholesale or retail, or of accepting or pledging firearms as security for loans.

Pistol. Any firearm with a barrel less than twelve inches in length.

Subversive organization. Any group, committee, club, league, society, association or combination of individuals, the purpose of which, or one of the purposes of which, is the establishment, control, conduct, seizure or overthrow of the government of the United States or of the state or of the metropolitan government by the use of force, violence, military measures or threats of one or more of the foregoing.

Sec. 41-2-2. Persons to whom firearms not to be sold, loaned or otherwise transferred. It shall be unlawful for any person to sell, lease, lend or otherwise transfer a firearm within the urban services district to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or who is a fugitive from justice or who is of unsound mind or who is a drug addict or an habitual drunkard or who is a member of a subversive organization.

Sec. 41-2-3. Persons forbidden to possess firearms. It shall be unlawful for any person who has been convicted of a crime of violence in any court of the United States, the

several states, territories, possessions or the District of Columbia, or who is a fugitive from justice, or is of unsound mind or is a drug addict or an habitual drunkard, to possess a firearm within the urban services district.

It shall be unlawful for any person who is a member of a subversive organization to possess a firearm within the urban services district.

Sec. 41-2-4. Stolen firearms. It shall be unlawful within the urban services district for any person to receive, conceal, store, barter, sell, lease, lend or otherwise transfer, or to pledge or accept as security for a loan, any firearm, knowing or having reasonable cause to believe the same to have been stolen.

Sec. 41-2-5. Obliteration, removal or alteration of manufacturer's identification mark or number. It shall be unlawful for any person to obliterate, remove change or alter the manufacturer's identification mark or number on any pistol. Whenever, in a trial for a violation of this section, the defendant is shown to have or have had possession of any such pistol, such fact shall be presumptive evidence that the defendant obliterated, removed, changed or altered the manufacturer's identification mark or number unless the defendant can produce a bill of sale indicating that the pistol was legally purchased and that the manufacturer's identification mark or serial number was obliterated or destroyed at the time of purchase.

Sec. 41-2-6. Firearms manufacturer's or dealer's license. (a) Application for a firearms manufacturer's or dealer's license shall be made to the metropolitan collections officer on forms prescribed and furnished by him.

Sec. 41-2-9. Sale, lease or transfer to persons under twenty-one. No person shall sell, lease or transfer a pistol, except when the relation of parent and child or guardian and ward exists, to any person under the age of twenty-one years.

Sparta

10-249. Selling, giving weapons to minor. Any person who sells, loans, or gives to any minor a pistol, *** or like dangerous weapon, except a gun for hunting, is guilty of a misdemeanor.

Texas

State Law

Texas Codes Ann. (Vernon's)

Penal Code
Title 10.
Chapter 46. Weapons

Section 46.01. Chapter Definitions. In this chapter: ***** (2) "Explosive weapon" means any explosive, incendiary, or poison gas bomb, grenade, rocket, or mine, that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage, and includes a device principally designed, made, or adapted for delivery or shooting an explosive weapon.

(3) "Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include antique or curio firearms that were manufactured prior to 1899 and that may have, as an integral part, a folding knife blade or other characteristics of weapons made illegal by this chapter.

(4) "Firearm silencer" means any device designed, made, or adapted to muffle the report of a firearm.

(5) "Handgun" means any firearm that is designed, made, or adapted to be fired with one hand.

(9) "Machine gun" means any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

(10) "Short-barrel firearm" means a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches.

Sec. 46.05. Unlawful Possession of Firearm by Felon. (a) A person who has been convicted of a felony involving an act of violence or threatened violence to a person or property commits an offense if he possesses a firearm away from the premises where he lives. ***

Sec. 46.06. Prohibited Weapons. (a) A person commits an offense if he intentionally or knowingly possesses, manufactures, transports, repairs, or sells:

- (1) an explosive weapon;
- (2) a machine gun;
- (3) a short-barrel firearm;
- (4) a firearm silencer; ***

(b) It is a defense to prosecution under this section that the actor's conduct was incidental to the performance of official duty by the armed forces or national guard, a government

tal law enforcement agency, or a penal institution.

(c) It is a defense to prosecution under this section that the actor's possession was pursuant to registration pursuant to the National Firearms Act, as amended.

(d) It is an affirmative defense to prosecution under this section that the actor's conduct was incidental to dealing with a switchblade knife, springblade knife, or short-barrel firearm solely as an antique or curio.***

Sec. 46.07. Unlawful Transfer of Firearm. (a) A person commits an offense if he:

(1) sells, rents, leases, loans, or gives a handgun to any person knowing that the person to whom the handgun is to be delivered intends to use it unlawfully or in the commission of an unlawful act;

(2) intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give to any child younger than 18 years any firearm; or

(3) intentionally, knowingly, or recklessly sells a firearm or ammunition for a firearm to any person who is intoxicated.

(b) For purposes of this section, "intoxicated" means substantial impairment of mental or physical capacity resulting from introduction of any substance into the body.

(c) It is an affirmative defense to prosecution under Subsection (a)(2) of this section that the transfer was to a minor whose parent or the person having legal custody of the minor had given written permission for the sale or, if the transfer was other than a sale, the parent or person having legal custody had given effective consent.***

Sec. 46.08. Interstate Purchase. A resident of this state may, if not otherwise precluded by law, purchase firearms, ammunition, reloading components, or firearm accessories in contiguous states. This authorization is enacted in conformance with Section 922(b)(3)(A), Public Law 90-618, 90th Congress.

2. The words "Molotov Cocktail" as used herein shall mean a gasoline or kerosene filled bottle or container with a fuse or wick inserted in the neck.

Deer Park

1. No person shall make, carry, possess or use any type of "Molotov Cocktail", gasoline or petroleum base fire bomb, or other incendiary missile, within the City of Deer Park, Texas. 2. The words "Molotov Cocktail", as used herein, shall mean a gasoline or kerosene filled bottle or container, with a fuse or wick inserted in the neck.

Fort Worth

15-423. Small arms ammunition. A. "Small arms ammunition" defined. Small arms ammunition, whenever used in this article, shall mean any shotgun, rifle, pistol or revolver cartridge.

B. Manufacture. No person shall manufacture any small arms ammunition within the city. This provision shall not be construed as prohibiting the hand-loading of small arms ammunition for private use and not for resale.

C. Sale, etc. No person shall store for sale, sell or present for sale any small arms ammunition without a permit.

22-1. Definitions. Secondhand dealer. The term "secondhand dealer" is used in its ordinary and usual trade acceptance meaning, and shall also mean and include any person engaged in any of the following:

Collecting, handling, buying, trading, selling or engaging in the sale of traffic of any of the following:

Used or secondhand *** shotguns, rifles, revolvers and all other kinds of firearms; ***

Harlingen

III. It shall hereafter be unlawful for any adult person to deliver to or place in the hands of, any minor under the age of seventeen (17) years any firearm ***

IV. Firearms as used herein shall be defined to include any pistol, rifle, shot-gun, designed to propel any bullet, pellet, slug or metal object or other solid substance by means of force of an explosion of gun powder, explosive liquid of any kind, or explosive gas of any kind.

Houston

Houston Code

Sec. 28-9. "Molotov cocktails", possession in public prohibited. It shall be unlawful

for any person to have in his possession or on or about his person, upon any public street, alley, sidewalk, or other public place within the corporate limits of the city, any gasoline, kerosene, naphtha or any other volatile, inflammable or explosive liquid or substance and at the same time to have in his possession or on or about his person any container, susceptible to being broken, torn, shattered, or disassembled when thrown against or into any building or improvement.

Sec. 44-65. Pistol dealers. (a) There shall be levied and collected from every person engaging in the business of bartering, leasing, selling, exchanging, or otherwise dealing in pistols for profit within the city, whether by wholesale or retail, an annual occupation tax of five dollars (\$5.00), to be paid on or before January first of each year, and to be paid before continuing such business. Before engaging in such business, each such dealer shall obtain a license therefor, to be issued by the city assessor and collector of taxes.

(b) The word "pistol", as used in this section, shall include every kind of pistol, revolver, automatic, semi-automatic, magazine pistol, and every other short firearm intended or designed to be aimed or fired from one hand.

(c) No person shall be required to have the license provided for in this section or pay the tax levied herein where such person is engaged exclusively in selling pistols to the militia of the United States or other agencies of the federal government authorized by law to purchase the same.

Janesville

19.02 *** (2) Selling Certain Weapons Prohibited. No person shall sell any firearm, *** to any minor in the City of Janesville ***.

Midlothian

Ordinance 89

Section 2. No person, firm, company, corporation or association shall exhibit or have in his possession, with intent to give away or sell or offer for sale or sell, within the City of Midlothian, any *** gun, revolver, pistol, cap or cartridge, *** in the City of Midlothian, provided, however, that this section shall not apply to the sale of any such article or articles by wholesalers to each other or to the sale of any such article or articles at wholesale to merchants conducting business entirely without the City of Midlothian, or to the sale by

wholesalers for private or public demonstration as hereinafter provided.

San Antonio

26-27. Explosives, etc.; furnishing to minors. It shall be unlawful for any person within the city to sell to, give to, or place in the possession of, any person under the age of sixteen years any leaded cartridge, or any explosive of any kind, or to sell to, give to, or place in the possession of any person under the age of sixteen years, any gun or toy gun, capable of exploding or discharging any explosive cap or cartridge, or any toy cannon, capable of exploding or discharging any explosive cap or cartridge, or any other firearm of any description, capable of exploding or discharging any explosive cap or cartridge of any description.

15-135. Manufacture prohibited. (a) No person shall manufacture, within the limits of the city, small arms ammunition. This shall not be construed as prohibiting, the hand loading of small arms ammunition for private use and not for resale. For this purpose not more than 15 pounds of smokeless powder and 1,000 small arms primers packed in approved I.C.C. containers shall be permitted to be kept on hand, without a permit.

15-136. Permit required. No person shall store, sell or offer for sale any small arms ammunition without permit.

Southside Place

Sec. 10-9. Sale of firearms *** No person within the city shall sell, offer for sale or have in his possession for the purpose of sale any kind or any character of gun, revolver or pistol, ***.

Stephenville

Sec. 11-2. Sale, exhibit of fireworks. It shall be unlawful for any person to exhibit or have in his possession with intent to give away or sell or offer for sale or sell within the city any *** gun, revolver, pistol, cap or cartridge, ***.

Universal City

III. It shall be unlawful for any person within the corporate limits of the City Of Universal City to sell, give, or place in the possession of any person under the age of 16 years any leaded cartridge or any explosive of any kind, or any gun, toy gun, or cannon capable of exploding or discharging a bullet, pellet, or

missile by means of any explosive cap or cartridge of any description.

Wichita Falls

Sec. 24-8. Sale of pistols. (A) Definitions: *Retailer.* The word "retailer" shall include any person engaged in selling of any items, new or used, in single lots, regardless of price, to persons not commonly known to be in the business of retail selling.

Pistol. The word "pistol" shall include any pistol, derringer or revolver, except that in this section shall not include any antique pistol.

Antique pistol. The term "antique pistol" means:

(1) Any pistol (including any pistol with a matchlock, flintlock, percussion cap or similar type of ignition system) manufactured in or before 1898, and

(2) Any replica of any pistol described in subparagraph (1) if such replica: (a) Is not

designed or redesigned for using rimfire or conventional centerfire ammunition, or (b) Uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade.

(B) It shall be unlawful for any retailer to loan, sell, rent or otherwise transfer or to permit or cause to be loaned, sold, rented, or otherwise transferred, a pistol to any person except as set out in this section.

(C) The retailer shall obtain in writing upon duplicate forms to be supplied by the police department the [information required by local authorities] ***.

(D) Forward the original of the required form, listed in subsection (C), to the police department within ten (10) days after sale or transfer of possession of pistol.

(E) Maintain the duplicate copy on record at the retailer's place of business for twelve (12) months for inspection by any commissioned law enforcement officer.

Utah

State Law

Utah Code Ann.

76-10-306. "Infernal machine" defined. An infernal machine is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, loaded pistol, or gun, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened, or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

76-10-308. Infernal machine—Construction or possession. Every person who knowingly constructs or contrives any infernal machine, or with intent to injure another in his person or property, has any infernal machine in his possession is guilty of a felony of the third degree.

76-10-501. Definitions. For the purpose of this part: (1) "Dangerous weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In construing whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object, or thing; the character of the wound produced, if any; and the manner in which the instrument, object, or thing was used shall be determinative.

(2) "Firearms" means pistols, revolvers, sawed-off shotguns, or sawed-off rifles, and/or any device that could be used as a weapon from which is expelled a projectile by any force.

(3) "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length, or in the case of a rifle, having a barrel or barrels of less than sixteen inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification or otherwise) if the weapon as modified has an overall length of less than 26 inches.

(4) "Prohibited area" means any place where it is unlawful to discharge a weapon.

(5) "Crime of violence" means murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, arson punishable by imprisonment for more than one year, or an attempt to commit any of the foregoing offenses.

(6) "Bureau" means the Utah state bureau of criminal identification.

76-10-503. Possession of dangerous weapon; Persons not permitted to have (1) Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the

United States, the state of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this part. ***

(2) Any person who is on parole for a felony or is incarcerated at the Utah state prison shall not have in his possession or under his custody or control any dangerous weapon as defined in this part. ***

76-10-509. Possession of dangerous weapon by minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

76-10-524. Purchase of firearms in contiguous states pursuant to federal law. This part will allow purchases of firearms and ammunition by residents in contiguous states pursuant to the Federal Fire Arms Gun Control Act of 1968, section 922, paragraph B, no. 3.

Clinton

* * * * *

33. Unlawful to Sell Firearms to Children Under Fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, *** or any other such type instrument designed to propel or throw missiles.

Emery

13-1050-3. Possession of dangerous weapon by convicted person, drug addict, or mentally incompetent person prohibited. Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon ***.

Honeyville

13-1050-3. Possession of dangerous weapon by convicted person, drug addict, or mentally incompetent person prohibited.

Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon ***.

Logan

12-7-10. Revolvers, sale to minors, display prohibited. It shall be unlawful for any person, firm or corporation to exchange with, buy from, or sell to any minor under the age of eighteen (18) years any gun, pistol or revolver; or to show or display any pistol or revolver in any window or showcase in this city.

12-12-9. Sales to intoxicated persons and minors. No person in Logan City shall purchase from, or sell, loan or furnish any weapon in which any explosive substance can be used to any person under the influence of alcohol or any narcotic drug, stimulant or depressant or to any person in a condition of agitation and excitability or to a minor under the age of eighteen (18) years of age.

Mount Pleasant

15-6-5. Unlawful to Sell Firearms to Children Under Fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm ***.

Murray

17-6. Sales of firearms and other weapons prohibited. It shall be unlawful for any person to sell, give or furnish to any minor any firearm ***.

20-23. Firearms and explosives—Permit for purchase. It shall be unlawful for any person, other than a manufacturer or wholesaler thereof to or from a wholesale or retail dealer therein, for the purpose of commerce, directly or indirectly, to buy, sell, borrow, loan, give away, trade, barter, deliver or receive, within the city, any pistol, revolver, gun or similar weapon, or any ammunition, shell, powder, dynamite or other explosive, unless the buyer, borrower or person receiving such weapon, ammunition or explosive shall first obtain and deliver to and the same be demanded and received by the person selling, loaning or delivering such weapon, ammunition or explosive, within thirty days after the issuance thereof, a permit of the chief of po-

lice authorizing such person to acquire such weapon, ammunition or explosive.

Such permit may be issued by the chief of police if he is satisfied that the person applying for the same is of good moral character and of lawful age, and that the purpose for which the same is sought is lawful, and the granting of the same will not endanger public safety. ***

Paragonah

13-1050-3. Possession of Dangerous Weapon by Convicted Person, Drug Addict, or Mentally Incompetent Person Prohibited. Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this part.

13-1050-9. Possession of Dangerous Weapon by Minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

Payson

7-05-040 Minors—Sale to—Prohibited. It shall be unlawful for any person, firm or corporation to give or to sell or to furnish to any minor under the age of fourteen years, any pistol, gun, target gun or other firearm ***.

7-05-050 Sale of Firearms to be Recorded—Purchaser to Register Weapon. It shall be unlawful for any person to sell, loan, or give away any pistol, revolver, gun or similar weapon, without first making a full and complete record in a book kept by him for that purpose ***.

Richmond City

13-1050-3. Possession of Dangerous Weapon by Convicted Person, Drug Addict, or Mentally Incompetent Person Prohibited. Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic

drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon ***.

13-1050-9. Possession of Dangerous Weapon by Minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon ***.

Salt Lake City

Sec. 32-6-5. Unlawful to sell firearms to children under fourteen. It shall be unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen years, any firearm, *** or any other such type instrument designed to propel or throw missiles.

Salt Lake County

16-4-1. Unlawful use of weapons. (1) A person commits the offense of unlawful use of weapons when he knowingly:

- (a) Sells, manufacturers, purchases, possesses or carries any *** shotgun with a barrel less than eighteen inches in length, *** or
- (f) Possesses any device or attachment of a kind designed, used or intended for use in silencing the report of any firearm.

16-4-3. Record of sale. It shall be unlawful for any person to sell, loan or give away any pistol, revolver, gun or similar weapon, powder, dynamite or other explosive without first making a full and complete record in a book kept by him for that purpose, ***

16-4-4. Seller to require permit. It shall be unlawful for any person to sell, trade or otherwise furnish to another any pistol, revolver or concealable gun or weapon unless the person to whom said pistol, revolver, gun or weapon is sold, traded or otherwise furnished exhibits and delivers to the person selling, trading or furnishing such pistol, revolver, gun or weapon a permit issued by the sheriff authorizing and permitting the person to purchase or receive such pistol, revolver, gun or other concealable weapon.

16-4-5. Obtaining weapons without permit illegal. It shall be unlawful for any person to purchase or otherwise obtain a pistol, revolver, gun or other concealable weapon without first obtaining a permit from the sheriff.

16-4-8. Furnishing to minors. It shall be unlawful for any person, firm or corporation except a parent or guardian, to give, or to sell

or to furnish to any minor, any instrumental-ity named in the above-mentioned provisions.

South Salt Lake

Sec. 8B-2-7. Firearms. Any person who sells, gives away, or disposes of, or offers to sell, give away, or dispose of any pistol, gun, target gun, or other firearm to any person under the age of fourteen (14) years is guilty of a misdemeanor.

Tooele City

11-10-24. Possession of dangerous weapon by minor. A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

Vermont State Law Vt. Stat. Ann.

Title 13

Sec. 4006. Record of firearm sales. All pawnbrokers and retail merchants dealing in firearms shall keep a record book in which they shall record the sale by them of all revolvers and pistols, and the purchase by them of all secondhand revolvers and pistols. Such record shall include the date of the transaction, the marks of identification of the firearm, including the manufacturer's name, the caliber, model and manufacturer's number of the firearm, the name, address, birthplace, occupation, age, height, weight and color of eyes and hair of the purchaser or seller. Such purchaser or seller shall sign his name to the record ***.

Sec. 4007. Furnishing firearms to children. A person, firm or corporation, other than a parent or guardian, who sells or furnishes to a minor under the age of sixteen years a firearm or other dangerous weapon or ammunition for firearms shall be fined not more than \$50.00 nor less than \$10.00. This section shall not apply to an instructor or teacher who furnishes firearms to pupils for instruction and drill.

Sec. 4008. Possession of firearms by children. A child under the age of sixteen years

shall not, without the consent of his parents or guardian, have in his possession or control a pistol or revolver constructed or designed for the use of gunpowder or other explosive substance with leaden ball or shot. ***.

Sec. 4010. Gun silencers. A person who manufactures, sells or uses or possesses with intent to sell or use, an appliance known as or used for a gun silencer shall be fined \$25.00 for each offense. ***.

Sec. 4013. Zip guns; *.** A person who possesses, sells or offers for sale a weapon commonly known as a "zip" gun, *** shall be imprisoned not more than ninety days or fined not more than \$100.00.

Sec. 4014. Purchase of firearms in contiguous states. Residents of the state of Vermont may purchase rifles and shotguns in a state contiguous to the state of Vermont provided that such residents conform to the applicable provisions of the Gun Control Act of 1968, and regulations thereunder, as administered by the United States Secretary of the Treasury, and provided further that such residents conform to the provisions of law applicable to such purchase in the state of Vermont and in the contiguous state in which the purchase is made.

Virginia State Law Code of Va.

Title 15

15.1-523. Pistols and revolvers; license tax on dealers. The governing body of any county may impose a license tax of not more

than twenty-five dollars on persons engaged in the business of selling pistols and revolvers to the public.

15.1-525. Same; in certain counties. Chapter 297 of the Acts of 1944, approved

March twenty-nine, nineteen hundred forty-four, requiring permits to sell or purchase pistols or revolvers in any county having a density of population of more than one thousand a square mile, is continued in effect.

Sec. 18.2-284. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges.

Article 5.

Uniform Machine Gun Act.

Sec. 18.2-288. Definitions. When used in this article:

(1) "Machine gun" applies to any weapon which shoots or is designed to shoot automatically more than one shot, without manual reloading, by a single function of the trigger.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, house-breaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

Sec. 18.2-289. Use of machine gun for crime of violence. Possession or use of a machine gun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a Class 2 felony.

Sec. 18.2-290. Use of machine gun for aggressive purpose. Unlawful possession or use of a machine gun for an offensive or aggressive purpose is hereby declared to be a Class 4 felony.

Sec. 18.2-291. What constitutes aggressive purpose. Possession or use of a machine gun shall be presumed to be for an offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented for bona fide permanent residence or business occupancy by the person in whose possession the machine gun may be found;

(2) When the machine gun is in the possession of, or used by, a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions;

(3) When the machine gun has not been registered as required in Sec. 18.2-295; or

(4) When empty or loaded shells which have been or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

Sec. 18.2-292. Presence prima facie evidence of use. The presence of a machine gun in any room, boat or vehicle shall be pri-

ma facie evidence of the possession or use of the machine gun by each person occupying the room, boat, or vehicle where the weapon is found.

Sec. 18.2-293. What article does not apply to. The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, machine guns to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

(2) Machine guns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Sec. 18.2-293.1. What article does not prohibit. Nothing contained in this article shall prohibit or interfere with:

(1) The possession of a machine gun for scientific purposes, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; and

(2) The possession of a machine gun for a purpose manifestly not aggressive or offensive.

Provided, however, that possession of such machine guns shall be subject to the provisions of Sec. 18.2-295.

Sec. 18.2-294. Manufacturer's and dealer's register; inspection of stock. Every manufacturer or dealer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provisions of this section shall be punishable as a Class 3 misdemeanor.

Sec. 18.2-295. Registration of machine guns. Every machine gun in this State shall be registered with the Department of State Police within twenty-four hours after its acquisition. Thereafter it shall be registered annually. Blanks for registration shall be prepared by the Superintendent of State Police, and furnished upon application. To comply with this section the application as filed shall be notarized and shall show the model and serial number of the gun, the name, address

and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The Superintendent of State Police shall immediately upon registration required in this section furnish the registrant with a certificate of registration, which shall be kept by the registrant and produced by him upon demand by any peace officer. Failure to keep or produce such certificate for inspection shall be a Class 3 misdemeanor, and any peace officer, may without warrant, seize the machine gun and apply for its confiscation as provided in Sec. 18.2-296. No registered machine gun shall be transferred without the registrant notifying in writing the Superintendent of State Police the name and address of the transferee. The registration data shall not be subject to inspection by the public. Any person failing to register any gun as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

Article 6.

"Sawed-Off" Shotgun Act.

Sec. 18.2-299. Definitions. When used in this article:

(1) "Sawed-off shotgun" applies to any weapon, loaded or unloaded, originally designed as a shoulder weapon, utilizing a self-contained cartridge from which a number of ball shot pellets or projectiles may be fired simultaneously from a smooth or rifled bore by a single function of the firing device and which has a barrel length of less than eighteen inches for smooth bore weapons and sixteen inches for rifled weapons. Weapons of less than .225 caliber shall not be included.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault with intent to maim, disable, disfigure or kill, robbery, burglary, house-breaking, breaking and entering and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

Sec. 18.2-300. Possession or use of "sawed-off" shotgun for crime of violence. Possession or use of a "sawed-off" shotgun in the perpetration or attempted perpetration of a crime of violence is hereby declared to be a Class 2 felony.

Sec. 18.2-301. Possession or use of "sawed-off" shotgun for offensive or aggressive purpose. Unlawful possession or use of a "sawed-off" shotgun for an offensive or aggressive purpose is hereby declared to be a Class 4 felony.

Sec. 18.2-302. What constitutes offensive or aggressive purpose. Possession or use of a "sawed-off" shotgun shall be presumed to be for an offensive or aggressive purpose:

(1) When the "sawed-off" shotgun is found in the possession of an individual at the scene

of a riot or civil disturbance, unless such possession is on premises owned or rented by the individual for residential, recreational or business purposes and obviously for defense of his person, family or property during such riot or civil disturbance;

(2) When the "sawed-off" shotgun is in the possession of, or used by, a person who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possessions; ***

(4) When the "sawed-off" shotgun is found in the possession of an individual under circumstances indicating his preparation to participate in a riot or civil disturbance or his preparation for the commission of a crime of violence.

Sec. 18.2-303. What article does not apply to. The provisions of this article shall not be applicable to:

(1) The manufacture for, and sale of, "sawed-off" shotguns to the armed forces or law-enforcement officers of the United States or of any state or of any political subdivision thereof, or the transportation required for that purpose; and

(2) "Sawed-off" shotguns and automatic arms issued to the national guard of Virginia by the United States or such arms used by the United States army or navy or in the hands of troops of the national guards of other states or territories of the United States passing through Virginia, or such arms as may be provided for the officers of the State Police or officers of penal institutions.

Sec. 18.2-303.1. What article does not prohibit. Nothing contained in this article shall prohibit or interfere with the possession of a "sawed-off" shotgun for scientific purposes, or the possession of a "sawed-off" shotgun not usable as a firing weapon and possessed as a curiosity, ornament, or keepsake.

Sec. 18.2-304. Manufacturer's and dealer's register; inspection of stock. Every manufacturer or dealer shall keep a register of all "sawed-off" shotguns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt of every "sawed-off" shotgun, the name, address, and occupation of the person to whom, the "sawed off" shotgun was sold, loaned, given or delivered, or from whom it was received. Upon demand every manufacturer or dealer shall permit any marshal, sheriff or police officer to inspect his entire stock of "sawed-off" shotguns, and "sawed-off" shotgun barrels, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable as a Class 3 misdemeanor.

Sec. 18.2-309. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, ***

having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor.

Sec. 58-394. Pistol dealers. Every person, firm or corporation engaged in the business of selling pistols at retail shall pay for such privilege a special license tax of five dollars per annum.

59.1-148.1. Purchase of firearms in contiguous state. Any resident of the Commonwealth of Virginia, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle or shotgun in this State, may purchase a rifle or shotgun in a contiguous state and transport or receive the same into the Commonwealth of Virginia provided the sale meets the lawful requirements of each such state, meets all lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer, or licensed collector.

Abingdon

Sec. 29-6. Selling pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age. ***

Alexandria

Article II

Sec. 41-7. Condition of pistol or revolver when delivered to purchaser. Every pistol or revolver sold or otherwise disposed of by a pistol or revolver dealer shall be securely wrapped and unloaded when delivered.

Sec. 41-8. Procedure for sale of pistols or revolvers; sale to certain persons prohibited. Every person desiring to purchase or otherwise acquire in the city a pistol or revolver shall sign in duplicate and deliver to the seller or person disposing thereof an application for the purchase of a pistol or revolver, [contact local authorities for required contents] ***.

*** No person shall within the city deliver or otherwise dispose of a pistol or revolver until seventy-two hours shall have elapsed from the time of the application.

No person shall within the city sell or otherwise dispose of a pistol or revolver to a person whom he has reasonable cause to believe is not a fit and proper person to possess the same, is not of sound mind, is under the age of eighteen years, is a drug addict, or is a person who has been convicted of a crime of violence.

If, within the seventy-two hour waiting period required by this section, the superintendent of police or anyone designated by him shall inform the proposed seller or person proposing to dispose of a pistol or revolver that the applicant is not a fit and proper person to possess the weapon, is not of sound mind, is under the age of eighteen years, is a drug addict or is a person who has been convicted of a crime of violence, such information shall be prima facie evidence that the seller or person disposing thereof had reasonable cause to believe the applicant is so unqualified to acquire such weapon.

Sec. 41-9. Record of pistols or revolvers sold or disposed of. Every person delivering or disposing of a pistol or revolver shall make in duplicate a true record of every such weapon sold or otherwise disposed of, which record shall be personally signed by the purchaser or person receiving the weapon and also by the person making the sale or disposition in the presence of each other. ***

Division 2. Permits for Engaging In Business as Dealers.

Sec. 41-13. Required. Any person desiring to engage in the business of selling or dealing in pistols or revolvers in the city at retail shall obtain from the superintendent of police to permit to deal in such weapons. This permit shall be in addition to the revenue license required by section 58-394, of the Code of Virginia, and of any city revenue license.

Appomattox

17-4. Sale, etc., of guns ***, to minors under age of eighteen years. If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, air rifle, pistol, cartridge, *** having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Arlington County

Chapter 297

1. In any county having a density of population of more than one thousand a square mile, as shown by the last preceding United States census, any person, firm or corporation engaged in the business of selling pistols or revolvers at retail shall, before making any such sale, register as such a dealer with the chief of police of the county and obtain from him a permit to sell such weapons to persons

entitled to buy them, which permit he shall issue upon his being satisfied with the fitness of the dealer to engage in such business. Such permits shall be issued for a period of one year.

Any person desiring to buy at retail or otherwise acquire a pistol or revolver shall first apply to the chief of police, hereinafter called the Chief, for a permit so to do, and shall at the same time give to the Chief such information as he requires concerning his fitness to own and possess such weapon. The Chief may grant such permit, or refuse same or defer the application until he has made an independent investigation of the applicant; provided no permit shall be granted to any person under the age of eighteen years, nor until the Chief is satisfied that the applicant is a proper person to own and have the weapon in his possession.

No dealer holding a permit issued hereunder shall sell, give, barter, exchange or furnish a pistol or revolver to any person unless he delivers to the dealer the permit of the Chief as required in this act. Upon the delivery of any such weapon to any person by the dealer, he shall endorse on the permit the date of delivery, the name and address of the person to whom delivered, the number, and the make and calibre of the pistol or revolver, and shall return the permit to the Chief not later than the day following that on which the weapon was sold or furnished.

The Chief shall make and preserve in his office a record of all permits issued by him hereunder, showing thereon the dates when and the persons to whom issued.

Any person violating any provision of this act shall be guilty of a misdemeanor.

NOTE: Arlington County, Virginia comes within the purview of the aforementioned act.

11-47. Pistol dealers. Every person selling pistols in the county shall pay for the privilege an annual license tax of twenty-five dollars, which tax shall not be prorated. Before issuing any license under the provisions of this section the Commissioner of the Revenue shall obtain from the applicant evidence that he has obtained a permit from the Chief of Police in accordance with Acts of Assembly 1944, Chapter 297.

Bedford

Sec. 14-72. (Weapons)—Furnishing pistols, *** to minors under eighteen years of age. If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age, such person shall, upon conviction, be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Sec. 14-73. Same—Sale, etc., of toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. ***

Big Stone Gap

10-53. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. ***

Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

10-56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, *** having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Bridgewater

4-37. Prohibiting sales to minors. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, any pistol *** tear gas pen, or gun or other weapon of like kind, having good cause to believe him or her to be a minor under eighteen years of age.

Bristol

9-8. Definition. "Small arms ammunition", wherever used in this division, shall be taken to mean any shotgun, rifle, pistol or revolver cartridges.

9-9. Permit for manufacture, etc. No person shall manufacture or reload within the city any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention.

9-10. Permit for sale, etc. No person shall store for sale, or sell or offer for sale any small arms ammunition, except pursuant to a permit issued by the bureau of fire prevention.

Brunswick County

Sellers to obtain identity of purchaser; *** In obtaining the name and address of the purchaser, *** if the purchaser be not personally known to the seller, the seller shall

use such means and methods to secure the correct name and address as are generally employed in Brunswick County to obtain the correct identity of a person tendering a check for payment ***.

Purchasers to notify sheriff of intention to purchase pistols and revolvers. Any person intending to purchase a pistol or revolver shall first notify the Sheriff of Brunswick County of his intention so to do at least thirty (30) days before said purchase and shall state the type and calibre or calibres of said weapon or weapons and the name of the intended seller and purchaser. Whereupon, the Sheriff shall execute a writing, signed by him, showing thereon said information and shall deliver a copy thereof to the intended purchaser to exhibit to the seller.

Charlottesville

15-47. Dealers in firearms *** No person shall sell firearms, dirks or Bowie knives without having first procured a license therefor. ***

17-35. (Firearms)—Sales, etc., to minors. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, firearms, cartridges, *** having good cause to believe such minor to be under eighteen years of age.

17-36. (Firearms)—Sales of firearms. Permit required. No person shall sell firearms, *** without having first procured an annual permit from the city manager to engage in such business.

Chase City

Sec. 13-20. Minors generally—Furnishing certain weapons *** to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol ***, having good cause to believe him to be a minor under eighteen years of age, *** such person shall be guilty of a misdemeanor ***.

Chesapeake

Sec. 17-60. Same—Permit generally. No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, *** or any weapon of like kind, unless and until a permit, granted by the chief of police, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such

weapon, who shall preserve it for inspection, upon request, by the police of the city.

Chesterfield

Sec. 12-169. Pistol dealers—License required; tax. Any person engaged in the business of selling pistols and revolvers to the public shall obtain an annual county pistol dealer's license ***.

Sec. 15-156. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. *** Nothing in this section shall be construed as preventing the sale of what are commonly known as cap pistols.

Sec. 15-162. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, *** having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor ***.

Clifton Forge

13-44. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given, or furnished to any minor under eighteen (18) years of age, a pistol, *** having good cause to believe him to be a minor under eighteen (18) years of age. ***

Colonial Heights

Sec. 15-53. *** Sales, etc., to persons under age eighteen. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, *** having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than two dollars nor more than one hundred dollars.

Clintwood

Chapter 10

Section 56. Furnishing certain weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, *** having good cause to believe him to be a mi-

nor, such person shall be guilty of a class 4 misdemeanor.

Covington

Sec. 17-3. Furnishing weapon to minor. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen (18) years of age, any pistol, *** having good cause to believe him to be a minor under eighteen years of age.

Sec. 17-4. Furnishing ammunition to minor. It shall be unlawful for any person to sell, give, lend, barter or furnish or cause to be sold, given, lent, bartered or furnished to any person under the age of eighteen years any gunpowder or similar explosive substance, shells, cartridges, shot or pellets.

Sec. 17-5. Possession, transportation of certain weapons by minors. (a) It shall be unlawful for any person under the age of eighteen years to have in his possession or to carry or transport any gun, pistol, cannon or similar instrument capable of shooting or firing any shell, bullet, cartridge, or exploding any powder or similar substance, or propelling any ball, bullet, shot or pellet or similar object, by any means, for a distance of more than fifty (50) feet. ***

Culpeper

27-4. Furnishing certain weapons to minors. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol *** having good cause to believe him to be a minor under eighteen years of age. ***

Damascus

Sec. 14-25. (Weapons)—Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, *** having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor ***.

Elkton

33-2. Sale of certain weapons to minors under age of eighteen years. It shall be unlawful for any person to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, *** tear gas, pen or gun, or other weapon of like kind, having good cause

to believe him to be a minor under eighteen years of age.

Emporia

Sec. 14-75.—Pistol permit required prior to purchase. It shall be unlawful for any person to purchase a pistol of any calibre or description within the city unless such person shall have obtained a written permit from the chief of police of the city authorizing such purchase. ***

Sec. 14-76.—Exhibiting pistol permit to seller. It shall be unlawful for any person to sell a pistol of any calibre or description within the city to any person unless such purchaser shall first exhibit to the person selling the pistol, a written permit, executed by the chief of police of the city, authorizing the sale and purchase of a pistol within the city.

Fairfax City

1966-2B. (A) Definitions. The following terms, whenever used in this article shall have the meanings respectively set forth in this section, unless a different meaning is clearly required by the context:

"Applicant." Any person, firm, or corporation applying to the Chief of Police for certificate of registration to sell firearms or for authority to purchase a pistol.

"Chief of Police." The Chief of the City of Fairfax Police Department or his designated agent.

"Crime of Violence." Any of the following crimes or an attempt to commit any of the same, to-wit: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping, mayhem, and assault.

"Fixed Ammunition." Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

"Habitual Drunkard." Any person who has been convicted of being drunk in public three or more times within a period of one year.

"Licensed Dealer." Any person, firm or corporation engaged in the business of selling at retail or renting pistols in the City of Fairfax, who is either licensed, or required to be licensed, as such under State or Federal Law.

"Person." As used in this Ordinance includes individual, firm, association, or corporation.

"Pistol." Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

(B) Dealers registration required ***. (1) Any person, before engaging in the business of selling at retail or renting pistols in the City of Fairfax, Virginia, shall be required to register with the Chief of Police on

application forms furnished by the Chief of Police. ***

(C) Dealers not to sell, etc., without registration. (1) It shall be unlawful for any person, firm or corporation to engage in the business of selling at retail or renting pistols without having in force a registration approved by the Chief of Police as hereinbefore provided. ***

(E) Dealers not to sell, etc., to minors and other persons. (1) No licensed dealer, or other person, shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under 21 years of age, a pistol, having good cause to believe him to be a minor under 21 years of age nor shall any licensed dealer or other person sell, lend, rent, or otherwise transfer any pistol to any person whom he has reasonable cause to believe has been convicted of a crime of violence or a felony within the past 10 years, or is a drug addict, or is an habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent, or otherwise acquire a pistol by the Chief of Police under the provisions of this article.

(F) Acquisition of pistols from dealers or other persons. (1) Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer or other person shall make application under oath on forms provided by the Chief of Police ***.

(G) Approval of application. (1) No licensed dealer or other person shall sell, rent, or transfer, any pistol to any purchaser who does not exhibit an application approved by the Chief of Police.

(H) Waiting period for sale of pistols. (1) Except as hereinafter provided the Chief of Police shall approve the application of a purchaser of a pistol within 72 hours of the delivery of the same to the Chief of Police, excluding Saturdays, Sundays, and Holidays, unless he shall find one or more of the enumerated statements on the application to be untrue.

(2) Where the applicant is a nonresident of the City of Fairfax, but has been a resident of the State of Virginia for more than 3 years, immediately preceding the date of application the aforesaid time shall be extended to 5 days.

(3) Where the applicant is a nonresident or has not resided in the State of Virginia for a period of 3 years next preceding the date of application the time shall be extended to 30 days.

(I) Notice of rejection. (1) If, within the prescribed period, the Chief of Police shall inform in writing the licensed dealer or other person who proposes to sell the pistol that the application was rejected *** it shall be unlawful for the dealer to deliver the pistol to the applicant.

(2) A copy of the letter of denial of the Chief of Police shall be furnished the applicant by the licensed dealer.

(K) Exemptions. (1) This article shall not apply to: (a) purchases by any licensed dealer registered in accordance with the provisions of this article; (b) rental of pistols by persons eighteen years of age or over while used upon a supervised rifle or pistol range; (c) the delivery of a pistol to its lawful owner by any person with whom such pistol has been left on consignment for safekeeping or for repairs; (d) a wholesale purchase from a licensed dealer by any person, firm or corporation engaged in the business of manufacturing, repairing, or selling pistols at retail.

Fairfax County

Sec. 6-1-1. Definitions. When used in this article, the following words shall have the following meanings, unless the context clearly requires a different meaning:

(2) Firearm shall mean any weapon which will, or is designed to, or may be readily converted to, expel a projectile or projectiles by the action of an explosive; provided, that stud nailing guns, rivet guns and similar construction equipment neither designed nor intended as weapons, shall not be deemed firearms.

(3) Gun shall mean and includes rifles, shotguns, pistols or other firearms, and also includes any air gun, air rifle or other similar device designed and intended to expel a projectile through a gun barrel of any length by means of explosive, expansion or release of compressed gas or compressed air.

(5) Pistol shall mean a gun having a barrel of less than sixteen (16) inches in length.

(7) Rifle shall mean a gun designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive or compressed gas or compressed air to expel a single projectile through a rifled barrel for each pull of the trigger.

(8) Shotgun shall mean a weapon designed, made and intended to be fired from the shoulder and designed and made to use the energy of an explosive in a shotgun shell to fire through smooth bore one or a number of ball shot for each pull of the trigger.

(9) Starting pistols shall mean any device which is designed or functions to [simulate] the firing of a weapon by means of a primer or other explosive charge, but which cannot be readily converted for use as a firearm as defined in this Section.

Sec. 6-1-5. Transfer, etc., of guns to minors prohibited; exceptions. It shall be unlawful for any person to give, sell, rent, lend or otherwise transfer any gun or starting pistol as defined by section 6-1-1, or any projectile therefor within the county to a minor under the age of eighteen (18) years, except

where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

Sec. 6-3-1. Definitions. The following terms, whenever used in this article, shall have the meanings respectively set forth in this section unless a different meaning is clearly required by the context:

(1) Chief of police. The chief of the county police department or his designated agent.

(2) Crime of violence. Any of the following crimes or an attempt to commit any of the same: Murder, voluntary manslaughter, rape, robbery, burglary, kidnapping and assault.

(3) Habitual drunkard. Any person who has been convicted of being drunk in public three or more times within a period of one year.

(4) Fixed ammunition. Any ammunition composed of a projectile or projectiles, a casing and a primer, all of which shall be contained as one unit.

(5) Licensed dealer. Any person engaged in the business of selling at retail or renting pistols in the county who is either licensed or required to be licensed as such under state or federal law.

(6) Pistol. Any firearm with a barrel less than sixteen inches in length that uses fixed ammunition.

Sec. 6-3-2. Registration of dealers—Required; application; *** (a) Any person, before engaging in the business of selling at retail or renting pistols in the county, shall be required to register with the chief of police on application forms furnished by the chief of police.***

Sec. 6-3-3. Dealer's registration certificate required; ***. (a) It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the chief of police as hereinbefore provided. ***

Sec. 6-3-5. Sale of pistols to minors, drug addicts, habitual drunkards, and others prohibited. (a) No licensed dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen (18) years of age a pistol, having good cause to believe him to be a minor under eighteen (18) years of age, nor shall any licensed dealer sell, lend, rent or otherwise transfer any pistol to any person whom such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is an habitual drunkard or is a fugitive from justice or is of unsound mind nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the chief of police under the provisions of this article.

Sec. 6-3-6. Application for acquisition of pistol. Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a licensed dealer shall make application

on forms provided by the chief of police, which shall be signed in duplicate by such person [contact local authorities for required contents] ***.

Sec. 6-3-7. Waiting period prior to delivery of pistol to purchaser—Required. No licensed dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, excluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the chief of police. The chief of police shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

Sec. 6-3-8. Same—Grounds for prohibiting delivery; notice to dealer of prohibition. If, within the seventy-two hour period, the chief of police shall inform, in writing, which shall not be privileged, the licensed dealer who proposes to sell the pistol that the applicant to purchase such pistol is (1) under the age of eighteen years, (2) a person who has been committed to an institution for treatment of mental illness or drug addiction and has not been discharged therefrom for a period of three years preceding the date of such application, (3) has been convicted of a crime of violence or (4) is an habitual drunkard, it shall be unlawful for the dealer to deliver the pistol to the applicant.

Falls Church

Sec. 24-46. Sales of weapons to minors. It shall be unlawful to sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age.

Sec. 40-1. Definitions. For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Crime of violence. Any of the following crimes, or any attempt to commit any of the same: Murder, manslaughter; rape; mayhem; maliciously disfiguring another; abduction; kidnapping; burglary; house-breaking; larceny; any assault with intent to kill, commit rape or robbery; assault with a dangerous weapon; or assault with intent to commit any offense punishable by imprisonment in the penitentiary.

Machine gun. Any weapon which shoots, or is designed to shoot, automatically or semi-automatically, more than one shot, without manually reloading, by a single function of the trigger, but not a shotgun or twenty-two calibre rifle.

Pistols. Any firearm with a barrel less than twelve inches in length.

Sawed-off shotgun. Any shotgun with a barrel less than twenty inches in length.

Sell and purchase. Includes letting or hiring and similar forms of transferring.

Sec. 40-3. Unlawful possession of pistol. (a) No person shall own or keep a pistol, or have a pistol in his possession or under his control, within the city if:

- (1) He is a drug addict.
- (2) He has been convicted in the city or elsewhere of a felony.
- (3) He has been convicted of soliciting for prostitution, vagrancy or keeping a bawdy or disorderly house.

(4) He is not licensed under section 40-10 to sell weapons, and he has been convicted of violating section 40-2.

(5) He is a habitual drunkard.

(b) No person shall keep a pistol for, or intentionally make a pistol available to, such a person, knowing that he has been so convicted or that he is a drug addict or a habitual drunkard. Whoever violates this section shall be punished as provided in this Code, unless the violation occurs after he has been convicted of a violation of this section, in which case he shall be confined for not more than one year in jail.

Sec. 40-7. Sales of pistols to certain persons prohibited. No person shall within the city sell any pistol to a person who he has reasonable cause to believe is not of sound mind, or is forbidden by section 40-3 to possess a pistol, or, except when the relation of parent and child or guardian and ward exists, is under the age of twenty-one years.

Sec. 40-8. Transfers of firearms regulated. No seller shall within the city deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof; except, that the chief of police, in his discretion, may authorize in writing the seller to deliver a pistol to the purchaser during the seventy-two hours period, and, when delivered, the pistol shall be securely wrapped and shall be unloaded. *** The seller shall, within six hours after such application, or not later than 10:00 A.M. on the succeeding day, sign and attach his address and deliver one copy to such person as the chief of police of the city may designate, and shall retain the other copy for six years. The chief of police or his designate shall, upon receipt of an application to purchase a pistol, make such investigation of the applicant and file an information report with the seller stating whether or not the applicant is, in his opinion, prohibited by section 40-3 or 40-7 from purchasing a pistol. No machine gun, sawed-off shotgun or blackjack shall be sold to any person other than the persons designated in section 40-14 as entitled to possess the same and then only after permission to make such sale has been obtained from the chief of police of the city. This section shall not apply to sales at wholesale to licensed dealers.

Sec. 40-9. Weapon dealer's license—Required. No retail dealer shall, within the city, sell or expose for sale or have in his possession with intent to sell, any pistol, machine gun, sawed-off shotgun or blackjack without being licensed as provided in section 40-10. No wholesale dealer shall, within the city, sell, or have in his possession with intent to sell, to any person other than a licensed dealer, any pistol, machine gun, sawed-off shotgun, or blackjack.

Sec. 40-10. Same—Issuance; conditions; records. The city council may, in their discretion, grant licenses and may prescribe the form thereof, effective for not more than one year from date of issue, permitting the licensee to sell pistols, machine guns, sawed-off shotguns and blackjacks at retail within the city subject to the following conditions, in addition to those specified in section 40-9 for breach of any of which the licensee shall be subject to forfeiture and the licensee subject to the punishment as provided in this Code:

- (1) The business shall be carried on only in the building designated in the license.
- (2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.
- (3) No pistol shall be sold (a) if the seller has reasonable cause to believe that the purchaser is not of sound mind or is forbidden by section 40-3 to possess a pistol or is under the age of twenty-one years, and (b) unless the purchaser is personally known to the seller or shall present clear evidence of his identity. No machine gun, sawed-off shotgun, or blackjack shall be sold to any person other than the person designated in section 40-14 as entitled to possess the same, and then only after permission to make such sale has been obtained from the chief of police of the city.

(4) A true record shall be made in a book kept for the purpose [contact local authorities for required contents] ***

(5) A true record in duplicate shall be made of every pistol, machine gun, sawed-off shotgun and blackjack sold, such record to be made in a book kept for the purpose [contact local authorities for required contents] ***

(6) No pistol or imitation thereof or placard advertising the sale thereof shall be displayed in any part of the premises where it can readily be seen from the outside. No license to sell at retail shall be granted to anyone except as provided in this section.

Sec. 40-11. False information forbidden in sale of weapons. No person shall, in purchasing a pistol or in applying for a license to carry same, or in purchasing a machine gun, sawed-off shotgun or blackjack within the city, give false information or offer false evidence of his identity.

Sec. 40-12. Alteration of identifying marks of weapons. No person shall within the city, change, alter, remove or obliterate

the name of the maker, model, manufacturer's number or other mark of identification on any pistol, machine gun or sawed-off shotgun. Possession of any pistol, machine gun or sawed-off shotgun upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered or obliterated the same within the city; provided, that nothing contained in this section shall apply to any officer or agent of any of the departments of the United States or the city engaged in experimental work.

Sec. 40-14. Possession of certain dangerous weapons prohibited. (a) No person shall, within the city, possess any machine gun, sawed-off shotgun *** nor any instrument, attachment or appliance for causing the firing of any firearm to be silent or intended to lessen or muffle the noise of the firing of any firearms; provided, that machine guns or sawed-off shotguns, and blackjacks may be possessed by the members of the Army, Navy or Marine Corps of the United States, the National Guard or organized reserves when on duty, the Post Office Department or its employees when on duty, marshals, sheriffs, prison or jail wardens, or their deputies, policemen, or other duly-appointed law enforcement officers, officers or employees of the United States duly authorized to carry such weapons, banking institutions, public carriers who are engaged in the business of transporting mail, money, securities or other valuables, wholesale dealers and retail dealers licensed under section 40-10.

Farmville

Sec. 18-49. [Weapons]—Permits for purchase and sale. (a) No person within the town shall purchase or otherwise procure as his own property or for temporary use any pistol *** or any weapon of like kind unless and until that person shall procure from the chief of police a permit in writing signed by the chief of police, granting the person permission to make the purchase or procure the weapon. ****

Sec. 18-50. Same—Sale to minors. It shall be unlawful for any person to sell, barter, give, furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol *** having good reason to believe him to be a minor under eighteen years of age.

Follansbee

Sec. 14-44. Weapons—Sale, etc., by merchants of certain weapons to minors prohibited. It shall be unlawful for any store-

keeper, merchant, or proprietor or employee of any business establishment within the city to sell, give, lend, lease or distribute to any minor *** or any other rifle, gun or other weapon, mechanical device or toy of like character capable of shooting bullets, shots *** or other dangerous missiles.

Franklin

31-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor ***.

Fredericksburg

Sec. 17.1-25. Furnishing certain weapons * to minors.** If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under sixteen years of age such person shall be guilty of a misdemeanor and be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Front Royal

Sec. 32-2. Furnishing pistols, * to minors under eighteen years of age.** If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor and fined not less than two dollars and fifty cents nor more than one hundred dollars.

Galax

Sec. 11-93. Same—Sales, etc., to persons under age eighteen. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms, cartridges, *** having good cause to believe such minor to be under eighteen years of age, he shall be fined not less than two dollars nor more than one hundred dollars.

The term "firearms," as used in this section, shall be construed to include any gun, rifle or pistol adapted to the use in any form of powder and shot (or balls) or cartridges, whether

such firearms be called "toy pistols," "toy guns," or otherwise.

Greenville County

*** it shall be unlawful for any person, firm, or organization to purchase a pistol of any calibre or description within Greenville County, Virginia, unless such person, firm, or organization shall have obtained a written permit from the Sheriff of Greenville County, Virginia, authorizing such purchase. *** it shall be unlawful for any person, firm, or organization to sell a pistol of any calibre or description within Greenville County, Virginia, to any person, firm, or organization unless said purchaser exhibits a written permit executed by the Sheriff of Greenville County, Virginia, authorizing such purchase.

Hampton

Sec. 22-81. Pistol Dealers. Every person engaged in the business of selling pistols shall pay an annual license tax ***.

41-4. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, *** having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor ***.

Harrisonburg

19-53. Same—Furnishing to persons under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age any pistol, *** having good cause to believe him to be a minor under eighteen years of age.

Henrico County

Ordinance 80

Section 3. Permits (a) Every person desiring a license *** to sell or offer to sell at retail, pistols or revolvers, or to buy at retail or otherwise acquire a pistol or revolver, shall first apply to the Chief of Police for a permit ***.

Herndon

Sec. 27-4. Transfer, etc., of guns to minors prohibited; exceptions. It shall be unlawful for any dealer to give, sell, rent, lend or

otherwise transfer any gun or any projectile therefor within the town to a minor, except where the relationship of parent and child, guardian and ward or adult instructor and pupil exists between such person and the minor.

Gun Dealers Generally

Sec. 27-8. Permit—Required. It shall be unlawful for any dealer, except a dealer holding a permit under this article, to sell, lend or otherwise transfer any gun or projectile therefor. It shall be unlawful for any dealer to rent any gun or projectile therefor to another person.

Pistols

Sec. 27-13. Registration of dealers—Required; application. (a) Any person, before engaging in the business of selling at retail or renting pistols in the town, shall register with the town sergeant on application forms furnished by the town sergeant. ***

Sec. 27-17. Same—Engaging in business while unregistered prohibited. It shall be unlawful for any person to engage in the business of selling at retail or renting pistols without having in force a registration statement endorsed by the town sergeant as provided in this article.

Sec. 27-18. Sale of pistols to minors, drug addicts, habitual drunkards, etc., prohibited. No dealer shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor a pistol, having good cause to believe him to be a minor under eighteen years of age, nor shall any dealer sell, lend, rent or otherwise transfer any pistol to any person who such dealer has reasonable cause to believe has been convicted of a crime of violence or is a drug addict or is a habitual drunkard or is a fugitive from justice or is of unsound mind, nor to any person who has validly been denied the right to purchase, borrow, rent or otherwise acquire a pistol by the town sergeant under the provisions of this article.

Sec. 27-19. Application for acquisition of pistol. Any person desiring to purchase, borrow, rent or otherwise acquire a pistol from a dealer shall make application on forms provided by the town sergeant, [contact local authorities for required contents] *** Within eight hours after receipt of such application, the dealer who proposes to sell a pistol shall sign and attach his address and mail or deliver one copy of such statement to the town sergeant. A duplicate of the application shall be retained by the dealer for six years.

Sec. 27-20. Waiting period prior to delivery of pistol to purchaser—Required. No dealer shall deliver any pistol to the purchaser thereof until seventy-two hours, ex-

cluding Saturdays, Sundays and holidays, shall have elapsed from the time the application has been received by the town sergeant. The town sergeant shall cause a postal card to be mailed to the dealer on the same day the application is received in his office stating the time and date the application was received.

Sec. 27-21. Same—Grounds for prohibiting delivery; notice to dealer of prohibition. If, within the seventy-two hour period, the town sergeant shall inform, in writing, which shall not be privileged, the dealer who proposes to sell the pistol that the applicant to purchase such pistol is [not eligible]. *** it shall be unlawful for the dealer to deliver the pistol to the applicant. A copy of the letter of denial of the town sergeant shall be furnished the applicant by the dealer.

Hopewell

Sec. 41-3. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, *** having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor and shall be fined not less than two dollars nor more than one hundred dollars.

Jarratt

Section 1. (A) * it shall be unlawful for any person, firm or organization to purchase a pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.**

(B) * it shall be unlawful for any person, firm or organization to sell a pistol of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless said purchaser exhibits a written permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.**

(C) * it shall be unlawful for any person, firm or organization to purchase a rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.**

(D) * it shall be unlawful for any person, firm or organization to sell a rifle of any calibre or description within the Town of Jarratt, Virginia, to any person, firm or organization unless such purchaser exhibits a written**

permit executed by Chief of Police of the Town of Jarratt, Virginia, authorizing such purchase.

Section II. (A) * it shall be unlawful for any person, firm or organization to offer for sale any pistol of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such pistol.**

(B) * it shall be unlawful for any person, firm or organization to offer for sale any rifle of any calibre or description within the Town of Jarratt, Virginia, unless such person, firm or organization shall have obtained a written permit from the Chief of Police of the Town of Jarratt, Virginia, authorizing such person, firm or organization to sell such rifle.**

Kilmarnock

Chapter 26—Weapons

Sec. 26-5. Furnishing pistols, dirks, etc., to minors under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol *** having good cause to believe him to be a minor under eighteen years of age. Any person violating this section shall be fined ***.

Leesburg

24-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor ***.

Lexington

Sec. 27-5. Sale, etc., of guns * to minors under age of eighteen years.** If any person sells, barter, gives or furnishes, or causes to be sold, bartered, given or furnished to any minor under eighteen years of age a gun, rifle, *** pistol, cartridge, *** having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor.

Luray

28-5. Furnishing pistols, * to minors under eighteen years of age.** If any person

sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol *** having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor ***.

Lynchburg

33-2. Selling, etc., dangerous weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, any firearms, cartridges, *** having good cause to believe such minor to be under eighteen years of age, such person shall, upon conviction, be fined not less than ten dollars, nor more than one hundred dollars.

The term "firearms", as used in this section, shall be construed to include any gun, rifle or pistol adapted to use in any form powder and shot, or balls or pellets, or cartridges, whether such firearms be called "toy pistols," "toy guns," or otherwise.

Manassas Park

30-4. Possession of pistols, etc., of home-made construction. It shall be unlawful for any person within the town to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

Middletown

Sec. 16-5. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age.

Narrows

45. * it shall be unlawful for any child under 18 years of age to have in possession within the town of Narrows, any *** small caliber firearm, and that it shall be unlawful for the parent of any child under the age of 18 years to permit such child to possess any such *** small caliber firearm.**

Newport News

Sec. 42-1. Sale of firearms and revolvers. It shall be unlawful for any person to sell to

any individual under eighteen years of age any firearm of any type or any deadly weapon of whatever nature, or the ammunition thereof.

It shall be unlawful for any person to sell to any individual under twenty-one years of age any firearm being a revolver, pistol or handgun, or firearm of similar nature, or the ammunition thereof.

For the purpose of this section, the word "firearm" shall be taken to mean any instrument used in the propulsion of shot, shell, bullet or pellet by the action of gunpowder exploded within it.

Sec. 42-22. Statement of purchases, etc.—Generally. It shall be unlawful for any dealer to sell or otherwise transfer any pistol without first having obtained a signed statement from the purchaser of such pistol or from the transferee thereof [contact local authorities for required statement] ***.

Norfolk

Sec. 51-5. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, *** having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor and be punished by a fine not exceeding one hundred dollars.

Sec. 51-7. Permit for purchase of certain weapons. No person shall sell, lease, rent, give or otherwise furnish within the city any pistol, *** unless and until a permit, granted by the judge of the corporation court in term time, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall surrender to the person furnishing such weapon, ***.

Petersburg

Article II. Purchase, Sale, etc.

Sec. 48-8. Permits to buy, etc., pistol, dirk, etc. No person within the city shall purchase or otherwise procure, as his own property, or for temporary use, any pistol *** unless and until such person shall procure from the chief of police of the city a permit in writing, signed by the chief of police, granting such person permission to make such purchase or to procure such weapon; and such permit shall be delivered to and kept on file by the person from whom such purchase is made or from whom such weapon is procured, and shall be open to inspection by any police officer of the city. No person shall sell, give, or deliver to any person within the city any pistol, *** unless the person to whom such weapon is sold, given or delivered shall

thereupon deliver to the person who shall sell, give or deliver such weapon, a permit such as is referred to above. Nothing in this section shall apply to the sale, gift or delivery, or to the purchase or procurement of low powered rifles or rifle ammunition therefor of twenty-two calibre and under, commonly used for target practice purposes.

Sec. 48-11. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, *** having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor and shall be fined not less than two dollars nor more than one hundred dollars.

Poquoson

Sec. 31-5. Possession of pistols, etc., of home-made construction. It shall be unlawful for any person within the town to have in his possession, make or manufacture and sell or trade any pistol, gun or rifle of home-made construction; provided, however, that this shall in no way apply to pistols, guns and rifles or other like firearms that are manufactured by reputable persons that are engaged in such a manufacturing business.

Sec. 31-7. Sale of certain weapons to minors under age of eighteen years. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, *** having good cause to believe him to be under eighteen years of age, such person shall be guilty of a misdemeanor ***.

Portsmouth

Section 21-35. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. Any person violating the provisions of this section shall be guilty of a class 4 misdemeanor. Each sale of any of the articles hereinbefore specified to any person shall constitute a separate offense.

Section 21-39. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, *** having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Section 21-42. Permit required to obtain weapon from dealer. Before any person purchases or otherwise acquires from a

dealer any pistol, *** or any weapon of a like kind, he shall obtain a permit therefor from the chief of police.

Pound

Chapter 10

* * * * *

Section 56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, *** having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

* * * * *

Section 53. Selling or giving toy firearms. No person shall sell, barter, exchange, furnish, or dispose of by purchase, gift or in any other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. ***

Prince Edward County

(1) No person within the County of Prince Edward shall purchase or otherwise procure as his own property, or for temporary use, any pistol, *** or any weapon of like kind, unless and until, such person shall procure from the Sheriff of Prince Edward County a permit, in writing, signed by the Sheriff, granting such person permission to make such purchase or procure such weapon, and such permit shall be delivered to and kept on file by the person from whom such purchase is made and from whom such weapon is procured and shall be open to inspection to any police officer. No person shall sell, give or deliver to any person within the County of Prince Edward any pistol, *** or any other weapon of like kind, unless the person to whom such weapon is sold, given or delivered shall thereupon deliver to the person whom shall sell, give or deliver such weapon a permit as is referred to above.

* * * * *

Radford

Sec. 14-30. (Weapons)—Sale of certain weapons to minors. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished, to any minor a

pistol, *** having good cause to believe him to be a minor, such person shall be guilty of a misdemeanor and shall be fined not more than one hundred dollars.

Richmond

Sec. 22-38 Weapons—Definitions. When used in sections 22-38 to 22-48 the following words shall have the meanings ascribed to them as follows:

Ammunition. An explosive cap, cartridge, pellet, ball, missile or projectile adapted for use in a firearm, toy pistol or toy rifle.

Firearm. A weapon in which ammunition may be used or discharged by explosion, pneumatic pressure or mechanical contrivance, but shall not mean a toy pistol or toy rifle.

Minor. A person under the age of twenty-one years. A person of the age of eighteen years or older may purchase weapons and ammunition other than hand guns or hand gun ammunition.

Sec. 22-41. Same—Sale or exchange. No person shall sell or exchange within the city limits any pistol, *** or pistol or rifle ammunition, unless and until he shall first have obtained a permit to be granted by the director of public safety to sell or exchange such weapon. Such permit shall be exhibited to the person to whom such weapon is sold or exchanged ***

Sec. 22-42. Same—Purchase. No person shall purchase, or otherwise procure as his own property or for temporary use any pistol, *** or pistol or rifle ammunition, unless and until he shall procure a permit from the director of public safety granting permission to make such purchase or to procure the same for use as aforesaid, which permit shall be filed with the person from whom such purchase or exchange is made; provided, that in this section [nothing] shall apply to the sale or exchange of low-power rifles or rifle ammunition known or designated as 22-calibre, commonly used for target practice purposes.

Sec. 22-48. Same—Same—Sale, etc., of ammunition, firearms to.

If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, *** having good cause to believe him to be a minor, such person shall be guilty of a Class 4 misdemeanor.

Sec. 29-126. Permits from director of public safety required for certain licenses. (a) Every person desiring *** to sell or offer to sell at retail pistols or revolvers or to buy at retail or otherwise acquire a pistol or revolver under the provisions of section 29-238 of this Code, *** shall first apply to the director of

public safety for a permit (contact local authorities for requirements).

Rocky Mount

Sec. 12-86. Furnishing pistols, *** to minors under eighteen years of age. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age, a pistol, *** having good cause to believe him to be a minor under eighteen years of age. *****

Round Hill

Sec. 24-7. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol *** having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor ***.

Salem

Sec. 31-6. Selling, etc., pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, a pistol, *** having good cause to believe him to be a minor under eighteen years of age.

Sec. 31-7. Sale, etc., of toy firearms. It shall be unlawful for any person to sell, barter, exchange, furnish, or dispose of by purchase, gift or in other manner any toy gun, pistol, rifle or other toy firearm, if the same shall, by means of powder or other explosive, discharge blank or ball charges. *****

Smithfield

Sec. 12-14. Any person in the town who offers for sale any pistol or revolver, when requested by a prospective purchaser to sell him such a firearm, shall first send the purchaser to the chief of police ***.

The chief of police shall fill out a report either authorizing or declining to authorize the purchase of the weapon and the purchaser shall return to the seller with this police report. Should the report authorize the sale, the seller may proceed to sell the weapon requested, but if the report does not authorize the sale, the seller shall not complete the sale.

Southampton County

18-1. Pistol permit. No person shall purchase a pistol within the county without ob-

Waverly

*** no person shall be permitted to sell pistols or revolvers within the corporate limits of the Town of Waverly, Virginia, without registration of the sale thereof, together with the name of the seller, name and address of the purchaser, age of purchaser, date of sale, and serial number of the firearm; that the sale of firearms to any person under the age of eighteen years shall be prohibited.

Waynesboro

Sec. 16-14. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished to any minor under eighteen years of age, firearms ***

Wise

Section 56. Furnishing certain weapons to minors. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor a pistol, *** having good cause to believe him to be a minor, such person shall be guilty of a class 4 misdemeanor.

Woodstock

Sec. 28-6. Furnishing pistols, *** to minors under eighteen years of age. It shall be unlawful for any person to sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age.

Wytheville

9-1. Furnishing certain weapons to certain minors. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age ***.

taining a permit from the sheriff to do so. Such pistol shall only be for the use of the purchaser [contact local authorities for additional requirements] ***

18-6. Selling pistols, etc., to minors under eighteen years of age. No person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age.

Stanley

31. Prohibiting sales to minors. It shall be unlawful for any person to sell, barter, give or furnish, to any minor under eighteen years of age, any pistol *** tear gas pen or gun, or any weapon of like kind having good cause to believe him or her under eighteen years of age.

Staunton

30-2. Selling, etc., to minor under eighteen. If any person sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age, he shall be guilty of a misdemeanor and be fined not less than twenty-five dollars nor more than one hundred dollars.

Strasburg

32-5. Furnishing pistols, *** to minors under eighteen years of age. No person shall sell, barter, give or furnish or cause to be sold, bartered, given or furnished, to any minor under eighteen years of age a pistol, *** having good cause to believe him to be a minor under eighteen years of age. Any person violating the foregoing provisions of this section shall be fined not less than two dollars and fifty cents nor more than one hundred dollars.

Suffolk

Section 1: Offense. No person shall sell, lease, rent, give, or otherwise furnish within the City of Suffolk any pistol, revolver, or similar type of handgun unless and until the person who is to acquire such shall present to the proposed seller, lessor or giver a permit issued by the Chief of Police of the City *** authorizing the holder of such permit to acquire such weapon, ***

Section 2: Persons to whom such permits shall not be issued. No permit required by

Section 1 herein shall be issued to any person under the age of eighteen (18) years, to any convicted felon, to any person who at the time of application is charged with a crime involving violence, to any person acquitted of a felony on the basis of insanity, or to any patient of a mental institution, or to any person on furlough therefrom.

Virginia Beach

Chapter 38

* * * * *

Sec. 38-5. Permit prerequisite to purchase of certain weapons. No person shall sell, lease, rent, give or otherwise furnish to any person within the city any pistol, *** or any weapon of like kind, unless a permit granted by the chief of police or such other officer of the police department as may be designated in writing by the chief thereof, shall be presented authorizing the holder of such permit to acquire such weapon, which permit shall be surrendered to the person furnishing such weapon, who shall preserve it for inspection, upon request, by the police of the city. Each person filing for a permit shall pay to the city treasurer an application fee of three dollars.

Section 38-6 Possession and discharge of firearms, etc., by minors. It shall be unlawful for any person under the age of fifteen to have in his possession or use any firearm, shotgun, *** provided, that such minor may possess and use the above mentioned weapons subject, however, to the provisions of Section 38-2 and only under the immediate supervision of an adult. ***

Warrenton

Sec. 24-6. Selling pistols, etc., to minors under eighteen years of age. If any person shall sell, barter, give or furnish, or cause to be sold, bartered, given or furnished to any minor under eighteen years of age a pistol *** having good cause to believe him to be a minor under eighteen years of age, such person shall be guilty of a misdemeanor and fined not less than two dollars and fifty cents nor more than one hundred dollars.

Virgin Islands

V.I. Code

Title 23

Sec. 451. Definitions. As used in this chapter, unless the context clearly requires otherwise—

(a) "Ammunition" means any bullet, cartridge, projectile, buckshot, or any load placed or which may be placed in a firearm to be discharged.

(b) "Commissioner" means the Commissioner of Public Safety of the Virgin Islands.

(c) "Department" means the Department of Public Safety of the Virgin Islands.

(d) "Firearm" means any device by whatever name known, capable of discharging ammunition by means of gas generated from an explosive composition, including any air, gas or spring gun or any "BB" pistols or "BB" guns that have been adapted or modified to discharge projectiles as a firearm.

(e) "Crime of violence" means any of the following crimes, or an attempt to commit any of the same, namely: Murder in any degree, voluntary manslaughter, rape, arson, mayhem, kidnapping, assault in the first degree, assault with or by means of a deadly or dangerous weapon, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering and larceny.

(f) "Dealer in firearms and/or ammunition" means any person engaged in the business of selling firearms and/or ammunition, for a profit or gain.

(g) "Gunsmith" means any person who engages in the business of repairing, altering, cleaning, polishing, engraving, blueing or performing any mechanical operation on any firearm on an individual order basis.

(h) "Machine gun" means any firearm which shoots automatically or semi-automatically more than 12 shots without reloading * * *

Sec. 452. Applicability of chapter. No person shall have, possess, bear, transport or carry a firearm within the Virgin Islands, or engage in the business of dealer in firearms and/or ammunition or the business of gunsmith, except in compliance with the provisions of this chapter.

Sec. 453. Persons who may lawfully carry firearms. (a) The following persons, in the discharge of their official duties, and in accordance with and subject to the conditions and restrictions imposed by the laws and regulations applicable to their conduct, may lawfully have, possess, bear, transport and carry firearms in the Virgin Islands:

(1) Members of the Armed Forces of the United States or of the organized reserves.

(2) Officers and employees of the United States duly authorized by Federal law to carry firearms.

(3) Persons employed in fulfilling defense contracts with the United States Government or agencies thereof where possession or use of firearms is necessary under the provisions of such contracts.

(4) Members of the police force of the Virgin Islands, marshals, or other duly authorized peace officers.

(5) Penitentiary and jail wardens and guards.

(b) The persons authorized by subsection (a) of this section lawfully to have, possess, bear, transport and carry firearms shall obtain such weapons and ammunition therefor only through the duly authorized officers or

heads of their respective services or departments.

Sec. 454. Persons who may be licensed to carry firearms. A firearm may be lawfully had, possessed, borne, transported or carried in the Virgin Islands by the following persons, provided a license for such purpose has been issued by the Commissioner in accordance with the provisions of this chapter:

(1) An officer or employee of the Government of the Virgin Islands in cases where such license, in the judgment of the Commissioner, should be issued to such officer or employee by reason of the duties of his position;

(2) An agent, messenger or other employee of a common carrier, bank or business firm, whose duties require him to protect money, valuables or other property in the discharge of his duties; And provided, That the employer of such person shall have justified to the satisfaction of the Commissioner the need for the issuance of the license;

(3) A person having a bona fide residence or place of business within the Virgin Islands, who established to the satisfaction of the Commissioner that he has good reason to fear death or great injury to his person or property, or who establishes any other proper reason for carrying a firearm, and the circumstances of the case, established by affidavit of the applicant and of at least two credible persons, demonstrate the need for such license;

(4) A person licensed to and actively engaged in the business of manufacturing, repairing or dealing in firearms in the Virgin Islands, or the agents or representatives of any such person, having necessity to handle or use firearms in the usual or ordinary course of business;

(5) With respect to a rifle or a shotgun a person possessing a valid and current Virgin Islands hunting license.

Sec. 461. License to sell firearms and/or ammunition; gunsmiths; report of transactions; private transfer sales to minors or aliens. (a) No person may engage in the business of dealer in firearms and/or ammunition or as a gunsmith without holding a license therefor issued by the Commissioner of Finance upon favorable report of the Commissioner of Public Safety.

(d) No person licensed or otherwise, may sell or furnish firearms or ammunition to a minor, except that a shotgun or rifle of such type or caliber as the Commissioner may prescribe or ammunition therefor, may be sold or furnished by a licensed dealer to a minor who displays a hunting or sporting license issued him in accordance with the laws of the Virgin Islands, and who further displays the written consent of his parent, guardian, or other responsible person acting in their absence and interest, in which such sale or delivery has been authorized.

Sec. 463. Qualifications of dealer or gunsmith. No license to engage in the business of gunsmith or of dealer in firearms and/or ammunition shall be issued to a person not over 21 years of age, and not a resident of the Virgin Islands and a citizen of the United States.

When the applicant is a corporation, it shall be organized under the laws of the Virgin Islands, and if a partnership, all partners shall be residents of the Virgin Islands and citizens of the United States.

Sec. 465. Conditions for dealers' operations * * * Any person, to whom a license has been issued under section 461 of this chapter may engage in the business of gunsmith or of dealer in firearms and/or ammunition under the following conditions.

(3) Under no circumstance shall a weapon or shall ammunition be sold unless the vendor is personally acquainted with the buyer or the latter clearly establishes his identity.

Sec. 466. Sales of weapons and ammunition without licenses prohibited; sales slips. No dealer in firearms or ammunition shall deliver a firearm to a purchaser without the latter's handing over to him a license to have and possess a firearm, duly issued in accordance with the provisions of this chapter, and unless said license contains an authorization for the purchase of such firearm, and said dealer shall not sell to such purchaser any other weapon than the one described in said license. The dealer in firearms and ammunition shall separate from such license and keep the dealer's coupon, and shall return the license to the purchaser. No weapon shall be sold to the holder of a license from which the coupon has been removed, and in no case shall a pistol, revolver, or other firearm be delivered to the purchaser thereof until after forty-eight (48) hours have elapsed from the time he applies for the purchase and the same shall be delivered to him unloaded and securely wrapped.

No dealer in firearms or ammunition shall sell any quantity of ammunition to any person failing to present a firearm license.

Sec. 467. Selling firearms without a license. Whoever, without being licensed in accordance with the provisions of this chapter, sells, has in his possession with the intent to sell, exposes for sale, or advertises for sale, any firearm or ammunition, or without being so licensed engages in the business of a gunsmith, shall be punished [as prescribed by law] * * *.

Sec. 476. Collections of antique firearms; certificates of uselessness. No provision hereof shall prevent that private collections of antique firearms, which may not be used as weapons, be preserved and maintained and that their owners possess them as ornaments or as matters of curiosity, nor the collections

of firearms kept as relics, but for the preservation of any weapon of those included in this section the prior inspection thereof and approval therefor by the Commissioner shall be necessary and he shall render such firearms useless, so that the same may not be used as

such. The Commissioner shall issue a certificate of uselessness of all the weapons possessed under the provisions of this section, and the possession of any firearm not included in said certificate shall be subject to all the provisions hereof.

Washington

State Law

Wash. Rev. Code Ann.

Title 9

9.40.110 "Fire bombs"—Definitions. For the purposes of RCW 9.40.110 through 9.40.130, as now or hereafter amended, unless the context indicates otherwise:

(1) "Disposes of" means to give, give away, loan, offer, offer for sale, sell, or transfer.

(2) "Incendiary device" means any material, substance, device, or combination thereof which is capable of supplying the initial ignition and/or fuel for a fire and is designed to be used as an instrument of wilful destruction. However, no device commercially manufactured primarily for the purpose of illumination shall be deemed to be an incendiary device for purposes of this section.

9.40.120—Penalty. Every person who possesses, manufactures, or disposes of an incendiary device knowing it to be such is guilty of a felony, and upon conviction, shall be punished by imprisonment in a state prison for a term of not more than twenty-five years.

9.40.130—Exceptions. RCW 9.40.120, as now or hereafter amended, shall not prohibit the authorized use or possession of any material, substance, or device described therein by a member of the armed forces of the United States or by firemen, or peace officers, nor shall these sections prohibit the use or possession of any material, substance, or device described therein when used solely for scientific research or educational purposes or for any lawful purpose. RCW 9.40.120, as now or hereafter amended, shall not prohibit the manufacture or disposal of an incendiary device for the parties or purposes described in this section.

Chapter 9.41—Firearms and Dangerous Weapons

9.41.010 Terms defined.

"Short firearm" or "pistol" as used in RCW 9.41.010 through 9.41.160 means any firearm with a barrel less than twelve inches in length.

"Crime of violence" as used in RCW 9.41.010 through 9.41.160 means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot,

mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

9.41.040. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. Such person upon being convicted of a violation of this section shall be guilty of a felony and punished by imprisonment in the state penitentiary for not less than one year nor more than ten years.

9.41.080. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.41.090. Sales regulated—Application to purchase—Grounds for denial. In addition to the other requirements of RCW sections 9.41.010 through 9.41.150 as now or hereinafter amended, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing his full name, address, occupation, place of birth, and the date and hour of the application; and a description of the weapon including, the make, model, caliber and manufacturer's number; and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, or is legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the municipality or the sheriff of the county of which the seller is a resident. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter unless the seller is notified in writing by the chief of police of the municipality or the sheriff of the county, whichever is ap-

plicable, denying the purchaser's application to purchase and the grounds thereof. The application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind. The chief of police of the municipality or the county sheriff shall maintain a file containing the original of the application to purchase a pistol.

9.41.093. Exemptions. The following shall be exempt from the provisions of section 9.41.090 RCW as now or hereinafter amended: sales by wholesalers to dealers; and the sale of antique pistols exempted by the provisions of RCW 9.41.150, as amended.

9.41.110. Dealer's licenses, by whom granted and conditions thereof—Wholesale sales excepted—Permits prohibited. The duly constituted licensing authorities of any city, town, or political subdivision of this state shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue permitting the licensee to sell pistols within this state subject to the following conditions, for breach of any of which the license shall be forfeited and the licensee subject to punishment as provided in RCW 9.41.010 through 9.41.160.

(1) The business shall be carried on only in the building designated in the license.

(2) The license or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can easily be read.

(3) No pistol shall be sold (a) in violation of any provisions of RCW 9.41.010 through 9.41.160, nor (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

(4) A true record in triplicate shall be made of every pistol sold, in a book kept for the purpose, the form of which may be prescribed by the director of licenses and shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation, and place of birth of the purchaser and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence. * * *

(5) This section shall not apply to sales at wholesale.

(6) The dealer's licenses authorized to be issued by this section are general licenses covering all sales by the licensee within the effective period of the licenses.

(7) Except as provided in RCW 9.41.090 as now or hereinafter amended, every city, town and political subdivision of this state is prohibited from requiring the purchaser to secure a permit to purchase or from requiring

the dealer to secure an individual permit for each sale.

The fee paid for issuing said license shall be five dollars which fee shall be paid into the state treasury.

9.41.140. Alteration of identifying marks—Exceptions. No person shall change, alter, remove, or obliterate the name of the maker, model, manufacturer's number, or other mark of identification on any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed, or obliterated, shall be prima facie evidence that the possessor has changed, altered, removed, or obliterated the same. This shall not apply to replacement barrels in old revolvers, which barrels are produced by current manufacturers and therefore do not have the markings on the barrels of the original manufacturers who are no longer in business.

9.41.150. Exemptions. RCW 9.41.010 through 9.41.160 shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.41.170. Alien's license to carry firearms. It shall be unlawful for any person who is not a citizen of the United States, or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time any shotgun, rifle, or other firearm, without first having obtained a license from the director of motor vehicles, and such license is not to be issued by the director of motor vehicles except upon the certificate of the consul domiciled in the state and representing the country of such alien, that he is a responsible person and upon the payment for the license of the sum of fifteen dollars: PROVIDED, That this section shall not apply to Canadian citizens resident in a province which has an enactment or public policy providing substantially similar privilege to residents of the state of Washington and who are carrying or possessing weapons for the purpose of using them in the hunting of game while such persons are in the act of hunting, or while on a hunting trip, or while such persons are competing in a bona fide trap or skeet shoot or any other organized contest where rifles, pistols, or shotguns are used as to weapons used in such contest. Nothing in this section shall be construed to allow aliens to hunt or fish in this state without first having obtained a regular hunting or fishing license. Any person violating the provisions of this section shall be guilty of a misdemeanor.

9.41.190. Machine guns prohibited. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun: Provided, however, That such limitation shall not apply to any peace officer in the discharge of official duty, or to any officer or

member of the armed forces of the United States or the state of Washington.

9.41.200. Machine gun defined. For the purpose of RCW 9.41.190 through 9.41.220 a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at the rate of five or more shots per second.

9.41.240. Use of firearms by minor. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Title 19

19.70.010. Out-of-state purchasing authorized. Residents of Washington may purchase rifles and shotguns in a state other than Washington: Provided, That such residents conform to the applicable provisions of the federal Gun Control Act of 1968, Title IV, Pub. L. 90-351 as administered by the United States Secretary of the Treasury: And provided further, That such residents are eligible to purchase or possess such weapons in Washington and in the state in which such purchase is made.

Title 26

26.28.080. Certain acts prohibited ***
Every person who: ***

(5) Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol;

Shall be guilty of a gross misdemeanor.

Aberdeen

4565-4. It shall be unlawful for any person within the City of Aberdeen to sell, give away, loan or cause to be sold, given or loaned, to any minor under the age of 18 years, any gun, revolver, pistol or the cartridges therefor.

4565-8. It shall be unlawful for any person who is not a citizen of the United States or who has not declared his intention to become a citizen of the United States, to carry or have in his possession at any time within the City of Aberdeen any shotgun, rifle or other firearms without first having obtained a license from the Director of Licenses ***

Arlington

9.28.010 Definitions. (a) "Dangerous weapon" includes but is not limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and includes compressed air rifles and pistols and slingshots.

(b) "Firearm" includes but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

9.28.020 Possession of arms. Every person who has been convicted in this state or elsewhere of a crime of violence, who owns a firearm or has one in his possession under his control, is guilty of a misdemeanor.

9.28.050 Forbidden deliveries. Every person who delivers a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind, is guilty of a misdemeanor.

9.28.060 Forbidden transfers. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another who is known, or with reasonable knowledge believed to have suicidal tendencies, or otherwise deliver a pistol contrary to the provisions of this title. Every person violating this section is guilty of a misdemeanor.

9.28.080 False information forbidden. Every person who, in purchasing or otherwise securing delivery of a pistol, gives false information or offers false evidence of his identity, is guilty of a misdemeanor.

9.28.090 Exceptions. The provisions of this chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

9.28.100 Machine guns and parts contraband. All machine guns, or parts thereof, illegally held or possessed are declared to be

contraband, and it shall be the duty of all peace officers, and/or any officer or member of the armed forces of the United States or the state of Washington, to seize said machine gun, or parts thereof, wherever and whenever found.

9.28.110 Dangerous weapons. Every person who *** uses any contrivance or device for suppressing the noise of any firearm, is guilty of a misdemeanor.

9.28.140 Use of firearms by minor. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind for hunting or target practice or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, is guilty of a misdemeanor.

Auburn

7.04.360 Short firearm * defined.** "Short firearm" as used in Sections 7.04.370 through 7.04.530 means any firearm with a barrel less than twelve inches in length. ***

7.04.371 Definitions. The following words and phrases shall have the following meanings:

(1) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and so held as collector's items.

(2) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(3) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(4) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

7.04.372 Pistol sale—Record sent to police chief. It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any such merchant, business or secondhand dealer, to sell, give away, or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record, in triplicate, of every pistol sold or disposed of. The written

record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other [contact local authorities for required contents] *** One copy of the record shall within six hours after the signing be sent by registered mail to the chief of police, or in the alternative, may be personally delivered to the office of the chief of police within such period of time, and the chief of police, shall, within seventy-two hours, exclusive of Sundays and legal holidays, investigate the information contained in the record, and shall notify the merchant within such time period if the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter.

7.04.373 Pistol sale—Waiting period required. It is unlawful for any merchant, business, or secondhand dealer, or any clerk, agent, representative or employee of any merchant, business or secondhand dealer, to deliver any pistol to any purchaser unless the merchant, business or secondhand dealer has mailed or personally delivered a copy of the record to the chief of police as required by Section 7.04.372 and the seventy-two hour waiting period after delivery of the notice as provided in Section 7.04.372 has expired without the receipt of a notice from the chief of police that the prospective purchaser is a person prohibited to purchase a pistol by the terms of this chapter, provided that this section shall not apply to sales at wholesale, and further shall not apply to the sale of antique pistols exempt by the provisions of RCW 9.41.150, as amended, and provided further that when delivered said pistol shall be securely wrapped and shall be unloaded.

7.04.374 Pistol purchase forbidden to convicted persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol, in the city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

7.04.380 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

7.04.420 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

7.04.430 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise trans-

fer, any pistol without being licensed as hereinafter provided.

7.04.450 Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

7.04.490 Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession or under control, any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

7.04.500 Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at the rate of five or more shots per second.

7.04.510 Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband and it shall be the duty of all police officers to seize said machine gun or parts thereof, wherever and whenever found.

Bellevue

Firearms and Weapons

10.20.010. Definitions. "Short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than 12 inches in length. "Crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary, and kidnapping.

10.20.030. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a

mental institution shall own a pistol or have one in his possession or under his control.

10.20.070. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

10.20.080. Pistol Sales Regulated. A. No pistol shall be sold:

1. In violation of any provision of RCW 9.41.010 through 9.41.160; nor

2. Shall a pistol be sold under any circumstances unless the purchaser is personally known to the sellers or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application *** and a statement *** [contact local authorities for required contents]. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police ***.

10.20.090. Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

10.20.120. False information in obtaining pistol. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

10.20.140. Machine guns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

10.20.150. Machine gun defined. For the purpose of this chapter a machine gun means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical de-

vice for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shots per second.

10.20.160. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

10.20.270 Application. It shall be unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other and shall contain *** a statement signed by the purchaser [contact local authorities for required contents] ***. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within, seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

10.20.280 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 10.20.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

10.28.290 Prohibited transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addition or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any person to fail to disclose

such information when applying for the purchase of a pistol.

Bellingham

17.32.040. Sale to minor prohibited. The sale, giving away or other disposition of any revolver or pistol or any ammunition for same to persons under the age of 18 years in the City of Bellingham, be, and hereby is, prohibited.

Blaine

6-2647: "Short Firearms"; "Crime of Violence" Defined: "Short Firearm" as used in this Chapter means any firearm with a barrel less than twelve inches (12") in length.

"Crime of Violence" as used in this Chapter means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

6-2650: Certain persons forbidden to possess arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

6-2654: Delivery to minors and others forbidden: No person shall deliver a pistol to any person under the age of twenty one (21) or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard, or of unsound mind.

6-2655: Sales regulated: No seller shall deliver a pistol to the purchaser thereof until forty eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement containing his full name, address, occupation, birthplace, the date and hour of application, the calibre, make, model and manufacturer's number of the pistol to be purchased and statement that he has never been convicted in this State or elsewhere of a crime of violence. ***

6-2656: Dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington, Section 9.41.110.

6-2657: Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan; shall keep such records and make such reports as are provided by law

for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Chapter.

6-2661: Machine guns; Prohibition: It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use; or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the Armed Forces of the United States or the State of Washington.

6-2662: Machine gun defined: For the purpose of this Chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five (5) or more shots per second.

Bonney Lake

5.07.010 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015 Sales regulated. No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] ***

5.07.016 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017 Certain transfers forbidden. A duly licensed dealer may mortgage any pistol

or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies or otherwise deliver a pistol contrary to the provisions of this Ordinance.

Bothell

10.1. Firearm defined. The word firearm shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or spring, or similar device.

10.2. Dangerous weapon defined. The word dangerous weapon shall include but not be limited to mean any weapon or device capable of propelling a missile through the force of compressed air or gas, or through the contraction or expansion of any rubber band or spring, or similar device, and shall include compressed air rifles and pistols and slingshots.

10.3. Pistol defined. The word pistol as used in this ordinance means any firearm with a barrel less than twelve (12) inches in length.

10.4. Certain persons forbidden to possess firearms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession or under his control.

10.7. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.9. Sale of cartridge, ammunition or gunpowder forbidden to certain minors. No person shall give, sell, or otherwise make available to any minor under the age of 16 years any cartridge or ammunition for firearms or the ingredients thereof: Provided that this section shall not apply to a parent or guardian who provides such minor with ammunition for a use which is lawful.

10.12. Sales regulated. No seller shall deliver a pistol to the purchaser thereof unless said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] *** The seller, within 6 hours after such application is made, shall sign and attach his address and forward by registered mail or deliver by hand one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within 7 days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.13. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

10.14. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit, or pledge of a firearm for a loan. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a firearm to another known, or with reasonable knowledge believed, to have suicidal tendencies, or otherwise deliver a pistol contrary to the provision of this ordinance.

10.16. False information forbidden. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity or address.

10.17. Exceptions. This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

10.18. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of a police officer to seize said machine gun, or parts thereof.

10.19. Dangerous Weapons. Every person *** who shall possess or use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor. ***

Bremerton

9.45.010 Record of Revolver Sales—Report. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose any revolver or pistol to any person at retail, without entering in a book to be kept for that purpose, in the English language, written in ink, at the time of such sale or disposition [the contents required by local authorities] *** and requiring the person to whom such revolver or pistol is sold, given away or disposed of to sign his name, in ink, in such a book opposite the record of such transaction, or to fail, neglect or refuse to allow the chief of police, or any police officer to inspect said book at any reasonable time or to fail, neglect or refuse to send to the city clerk before the hour of nine

a.m. of any day, a complete transcript of the entries of said book for the previous day.

Brier

The city of Brier has adopted the language of the State firearms laws, including sections 9.40.110 through 9.41.240 shown at the beginning of the Washington State listing in this publication.

Buckley

10.40.040 Certain persons forbidden to possess arms: No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

10.40.080 Delivery restricted: No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

10.40.090 Selling. In addition to the other requirements or RCW sections 9.41.010 through 9.41.150, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof *** and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

10.40.100 Pistol dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110 and 18 U.S.C. Sec. 923.

10.40.110 Dealer loans—transfer of pistols: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

10.40.140 Antique pistols excepted: This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

10.40.150 Machine guns prohibited: It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation

shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

10.40.160 Machine gun defined: For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, a submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

10.40.170 Machine guns or parts contraband: All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine guns, or parts thereof, wherever and whenever found.

Camas

6.12.010 Giving to minors under eighteen or intoxicated persons prohibited. It shall be unlawful for any person, persons, firm or corporation, to sell, barter, exchange, give or otherwise dispose of any firearm or dangerous explosive, to any minor under the age of eighteen (18) years, or to any person in an intoxicated condition within the city limits of the City of Camas, Washington.

Carnation

H. Delivery to Minors and Other Forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

I. Pistol Sales Regulated. No person shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] *** and statement that he has never been convicted in this state or elsewhere of a crime of violence. The seller within six hours after such application shall sign and attach his address and forward by registered mail one copy of such statement to the Town Marshall or Chief of Police, ***. This section shall not apply to sales at wholesale.

J. Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in this possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

K. Certain Transfers of Pistols Forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock or pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

O. Machine Guns Prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

P. Machine Gun Defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Q. Machine Guns or Parts Contraband. All machine guns or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof wherever and whenever found.

R. Penalty for Dangerous Weapons. Every person *** who shall use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

Centralia

Ordinance 462

Dealer in deadly weapons or fire arms. Sec. 1. License. Any person engaging in the business of selling or offering to sell any pistol, revolver, derringer, *** or other weapon of like character that can be concealed on the

person, shall first obtain a license as a dealer in deadly weapons or firearms, and it shall be unlawful for any person licensed, to sell or give away any such weapon without reporting said sale or gift in the manner elsewhere provided, and it shall be unlawful for any person licensed, to sell or give away any such weapon to any person who has not secured a permit from the Chief of Police to purchase such weapon as herein provided.

Sec. 2. It shall be unlawful for any person to purchase any pistol, revolver, derringer, *** which can be concealed on the person, without first securing from the Chief of Police a permit so to do. Before any such permit is granted, an application in writing shall be made therefor [contact local authorities for required contents] ***

Chelan

27. Minors, *** selling *** firearm to. Every person who: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

Des Moines

9.24.010. "Short Firearm" and "Crime of Violence" Defined: "Short Firearm" or "Pistol" used in this Article means any firearm with a barrel less than twelve inches (12") in length. "Crime of Violence" as used in this Article means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

9.24.030. Certain Persons Forbidden to Possess Arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

9.24.080. Delivery to Minors and Others Forbidden: No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

9.24.090. Sales Regulated: No seller shall deliver a pistol to the purchaser thereof until 72 hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped, and shall be unloaded. [At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement containing such information as the municipality may prescribe]. ***

9.24.100. Dealers to be Licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington, Section 9.41.110.

9.24.110. Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title.

9.24.120. Exceptions: This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

9.24.150. Machine Guns—Prohibition: That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

9.24.160. Machine Gun Defined: For the purpose of this title a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

East Wenatchee

8.04.113 Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 years or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

Edmonds

5.12.068 Certain persons forbidden to possess arms. No person who has been con-

victed in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control. ***

No person shall deliver a pistol to any person under the age of twenty-one, or to anyone whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, habitual drunkard, or of unsound mind.

No person shall, in the purchasing or securing delivery of a pistol or in applying for a license to carry the same, give false information or other false evidence of his identity.

The provisions of this section shall not apply to any antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

5.12.076 Dangerous weapons. Any person who shall, *** use any contrivance or device for suppressing the noise of any firearm, shall be guilty of a misdemeanor.

Elma

9.98.070 Pistol—Delivery to certain persons prohibited. No person shall deliver a pistol to a person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

9.98.090 Pistol—Sales regulation procedure. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours have elapsed from the time of the application for the purchase thereof; ***

9.98.100 Pistol—Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

9.98.110 Pistol—Certain transfers prohibited or restricted. No person, other than a duly licensed dealer under RCW 9.41.110, shall make any loan secured by a mortgage, deposit or pledge for a loan. *** A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

9.98.140 Antique pistols excepted. This chapter does not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Enumclaw

Enumclaw RCW
9.30.030 adopts 9.41.040
9.30.070 adopts 9.41.080

9.30.080 adopts 9.41.090
9.30.090 adopts 9.41.093
9.30.110 adopts 9.41.100
9.30.130 adopts 9.41.120

Everett

9.76.010 Sale of firearms to minor. It is unlawful for any person or persons to sell or offer for sale any revolver or pistol, within this city, to any person under the age of eighteen years, and every person who sells, gives, furnishes or causes to be furnished to any person under the age of eighteen years, any revolver or pistol or other pocket weapon in which explosives may be used, is guilty of a misdemeanor, and upon conviction shall be fined not to exceed five hundred dollars or shall be imprisoned for six months or both such fine and imprisonment.

9.92.030 Prohibited purchasers. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Ferndale

521.09A.010 Definitions.

A. "Crime of violence," as used in this article, means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, riot, mayhem, first degree assault, second degree assault, robbery, burglary and kidnapping.

B. "Short firearm" or "pistol," as used in this article, means any firearm with a barrel less than twelve inches in length.

521.09A.030 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

521.09A.070 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

521.09A.080 Pistol sales regulated. A. No pistol shall be sold:

1. In violation of any provisions of RCW 9.41.160; nor
2. Shall a pistol be sold under any circumstances unless the purchaser is personally

known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] * * * and a statement that he has never been convicted in this state or elsewhere of a crime of violence, drug addiction or habitual drunkenness, and is not legally judged to be of unsound mind. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police. * * * This section shall not apply to sales at wholesale.

521.09A.090 Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

521.09A.130 Exceptions of unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

521.09A.140 Machine guns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States of the state.

521.09A.150 Machine gun defined. For the purpose of this article a "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun and or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument and fired therefrom at a rate of five or more shots per second.

521.09B Pistols

521.09B.010 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape,

mayhem, first-degree assault, robbery, burglary and kidnapping.

B. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1889 and held as collector's items.

521.09B.020 Application. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain the date of sale, the caliber, make, model and manufacturer's number of the weapon, the name, address, occupation and place of birth of the purchaser, and a statement signed by the purchaser that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

521.09B.030 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police [see 521.09A.080(B), (C)] that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police * * * then such merchant or secondhand dealer may deliver the pistol to

the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to person exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

521.09B.040 Prohibited transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Fircrest

Section VI. Firearms.

a. "Short firearm" and "crime of violence" defined. "Short Firearm" as used in this ordinance means any firearm with a barrel less than 12 inches in length.

"Crime of violence" as used in this ordinance means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

d. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

g. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

h. Dealer's licenses. Any person desiring to sell pistols within the Town of Fircrest shall obtain a license in the form prescribed by statute * * *

3. No pistol shall be sold in violation of state law or this ordinance, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

5. This section shall not apply to sales at wholesale. * * *

i. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not

deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this ordinance, and the laws of the State of Washington.

l. Exceptions. This ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

m. Machine guns—Prohibition. That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine guns, Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

n. Machine gun defined. For the purposes of this ordinance a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, sub-machine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir, clip, disc, drum, belt, or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

Grandview

I. Firearms and weapons

7.78.010 Definitions. A. "Crime of violence," as used in this article, means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, riot, mayhem, first-degree assault, second-degree assault, robbery, burglary and kidnapping.

B. "Short firearm" or "pistol" as used in this article, means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include pistols or revolvers manufactured prior to 1898 and held as collector's items.

7.78.070 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of eighteen or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of chronic alcoholism or has been confined to a mental institution.

7.78.080 Pistol sales regulated. A. No pistol shall be sold:

1. In violation of any provisions of RCW 9.41.010 through 9.41.160; nor

2. Under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application containing (the information and purchaser's statement required by 7.78.080(C); contact local authorities for requirements) * * *. The chief of police shall maintain a file containing the original of the application to purchase a pistol. This section shall not apply to sales at wholesale.

7.78.090 Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol, without being licensed as provided by law under the requirements of RCW 9.41.110.

7.78.110 Alteration of identifying marks on pistol prohibited. No person shall change, alter, remove or obliterate the name of the maker, model, manufacturer's number or other mark of identification of any pistol. Possession of any pistol upon which any such mark shall have been changed, altered, removed or obliterated shall be prima facie evidence that the possessor has changed, altered, removed or obliterated the same.

7.78.140 Machineguns prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machinegun or any part thereof capable of use or assembling or repairing any machinegun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state.

7.78.150 Machinegun defined. For the purpose of this article a "machinegun" means any firearm or weapon known as a machinegun, mechanical rifle, submachinegun and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at a rate of five or more shots per second.

II. Pistols

7.78.260 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first-degree assault, robbery, burglary and kidnapping.

B. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who, by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include pistols or revolvers manufactured prior to 1898 and held as collector's items.

7.78.270 Application. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain (the information and purchaser's statement required by 7.78.270; contact local authorities for details) ***. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

7.78.280 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or chronic alcoholism and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 7.78.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; pro-

vided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

7.78.290 Prohibited transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction, or of habitual drunkenness or chronic alcoholism or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Kennewick

10.24.050. Sale to minors prohibited. It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

King County

12.48.010 Definitions. The following words and phrases used herein shall be construed as follows: (a) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

(b) "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

(c) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(d) "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

12.48.020 Sale and registration. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of [contact local authorities for required contents] ***

12.48.030 Delivery following sheriff's report. It is unlawful for any merchant or secondhand dealer or any clerk, agent or em-

ployee of any merchant or secondhand dealer to deliver any pistol to any purchaser until the merchant or secondhand dealer has received a report from the sheriff *** provided that if such merchant or secondhand dealer does not receive such report from the sheriff within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the sheriff as required by Section 12.48.020, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

12.48.040 Purchase unlawful for certain persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Kirkland

11.28.030 Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

11.28.120 Pistol—Delivery to purchaser. In addition to the other requirements of Sections 11.28.110 through 11.28.180, no seller shall deliver a pistol to the purchaser thereof until seventy-two hours have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

11.28.130 Pistol—Purchasing—Information required—Procedure. At the time of applying for the purchase of a pistol, the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] ***. The seller shall, by the end of the business day, sign and attach his address and deliver the original of such application to the chief of police of the city. The seller shall deliver the pistol to the purchaser following seventy-two hours thereafter, unless the seller is notified in writing by the chief of police of the city of denial. ***

11.28.150 Pistol—Dealer—License required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or

otherwise transfer any pistol without being licensed as a dealer pursuant to RCW Chapter 9.41.

11.28.160 Sale of pistols—Conformance required. No pistol shall be sold in violation of any provisions of Sections 11.28.110 through 11.28.180, nor shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity. Sales by wholesalers to dealers and the sale of antique pistols as herein defined shall be exempt from the provisions of Sections 11.28.110 through 11.28.180.

11.28.170 Possession of firearms by prohibited persons unlawful. It is unlawful for any person prohibited from possessing a firearm (as therein defined) under Title VII of the "Omnibus Crime Control and Safe Streets Act of 1968" as amended by Title III of the "Gun Control Act of 1968" (Sections 1201 through 1203 inclusive) to possess such a firearm within the corporate limits of the city.

11.28.180 Noncitizens—License required. It is unlawful for any person subject to the licensing requirements of RCW 9.41.170 relating to noncitizens of the United States to carry or possess any shotgun, rifle or other firearm without first obtaining such license.

Kitsap County

Ordinance 25

1. No person who has been convicted in this State or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

3. No person shall deliver a pistol to any person under the age of twenty-one years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a drunkard or of unsound mind.

4. No person other than a dealer duly licensed by the State of Washington shall make any loan secured by a mortgage, deposit or pledge of a pistol. ***

7. This Ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

8. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as hereinafter provided.

9. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement

[contact local authorities for required contents] ***.

Lake Forest Park

Chapter 6. Firearms.

6.1. "Crime of Violence" Defined. "Crime of Violence" as used in this ordinance means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary, and kidnapping.

6.2 Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession under his control.

6.6. Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] ***

The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the Chief of Police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

6.7. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6.8. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of the Revised Code of Washington, Section 9.41.110.

6.9. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or other-

wise deliver a pistol contrary to the provisions of this ordinance.

6.11. False information forbidden. Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

6.12. Exceptions. This ordinance shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Langley

121-6: Every person who shall sell, give, furnish or cause to be furnished to any person under the age of sixteen (16) years, any revolver, pistol, toy pistol, or other pocket weapon in which explosives may be used, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than Five Dollars (\$5.00), or more than Twenty-five Dollars (\$25.00).

Longview

15-4. Possession by convicted persons. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

15-7. Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

15-8. Sales by dealers. Sales by dealers shall be regulated as hereinafter provided: (a) The City Clerk of said city shall grant licenses in forms prescribed by the Washington State Director of Licenses *** (3) No pistol shall be sold (a) in violation of any provisions of this Chapter, nor, (b) shall a pistol be sold under any circumstances unless the purchaser is personally known to the seller or shall present clear evidence of his identity.

15-9. Dealer's license. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any short firearm without being licensed as provided by law.

15-13. Antiques; excepted. This Chapter shall not apply to antique pistols and revolvers manufactured prior to 1898 and held as collector's items.

15-15. Machine guns—Defined. A machine gun is herein defined as any firearm or weapon known as a machine gun, mechanical

rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

15-16. Same—Prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

Lynwood

10.04.360. Crime of violence defined. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

10.04.370. Firearm defined. The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

10.04.400. Persons convicted of crimes of violence not to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

10.04.450. Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

10.04.460. Use of firearms by minor. No minor under the age of sixteen years shall handle or have in his possession, or under his control, except while accompanied by or under the immediate charge of his parent or guardian, any firearm of any kind, for hunting or target practice, or for other purposes. Every person violating any of the foregoing provisions, or aiding or knowingly permitting any such party to violate the same, shall be guilty of a misdemeanor.

10.04.470. Regulating sales—Purchaser's statement. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the appli-

cation for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] *** The seller within six hours after such application, shall sign and attach his address and forward by registered mail one copy of such statement to the chief of police; and the duplicate duly signed by the seller shall within seven days be sent by him with his address to the director of licenses; the triplicate he shall retain for six years. This section shall not apply to sales at wholesale.

10.04.480. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

10.04.490. Certain transfers of weapons prohibited. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan. He shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

10.04.510. Purchasing weapon by use of false information. Any person who shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity shall be guilty of a misdemeanor.

10.04.520. Antique pistols excepted. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Marysville

6.64.010. Definitions. Short firearm, pistol. The term "short firearm" or "pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length. Crime of violence. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

6.64.040. Convicted persons. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol

or have one in his possession or under his control.

6.64.080. Prohibited pistol delivery. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

6.64.090. Commercial sales of pistols—records. The chief of police shall grant licenses in forms prescribed by the director of licenses effective for not more than one year from the date of issue, permitting the licensee to sell pistols within this city ***.

6.64.100. Pistol dealers—license required. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

6.64.110. Prohibited transfer of pistols. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter. ***

6.64.140. Unusable pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6.64.150. Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

6.64.160. Machine gun defined. For the purpose of this chapter a "machine gun" is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separate mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and

fired therefrom at a rate of five or more shots per second.

McCleary

Ordinance 70

Section I It shall be unlawful for any person under the age of sixteen years to have in his possession any fire arms *** within the city limits of the Town of McCleary unless accompanied by and under the supervision of a parent or legal guardian.

Medical Lake

258. Section 29. Minors * Selling *** Firearms to:** Every person who— ***** 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years, any revolver, or pistol, shall be guilty of a misdemeanor.

Mercer Island

7.505.07. Certain acts prohibited—belief minor in representative capacity, no defense—penalty. Every person who: ***: 5. Shall sell, or give, or permit to be sold or given to any person under the age of eighteen years any revolver or pistol, shall be guilty of a misdemeanor.

Monroe City

9.18.030 Certain Persons Forbidden to Possess Arms. No person who has been convicted in this state or elsewhere of a crime of violence or of drug addiction or of habitual drunkenness or who has been confined in a mental institution shall own a pistol or have one in his possession or under his control.

9.18.070 Delivery to Minors and Certain Others Forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence or of drug addiction or of habitual drunkenness or has been confined to a mental institution.

9.18.080 Pistol Sales Regulated. A. No pistol shall be sold:

1. In violation of any provisions of R.C.W. 9.41.010 through 9.41.160; nor

2. Shall a pistol be sold under any circumstances unless the purchaser is personally

known to the seller or shall present clear evidence of his identity.

B. No seller shall deliver a pistol to the purchaser thereof until seventy-two hours shall have elapsed from the time of the application for the purchase thereof as provided herein, and when delivered, the pistol shall be securely wrapped and shall be unloaded.

C. At the time of applying for the purchase of a pistol the purchaser shall sign in duplicate and deliver to the seller an application [contact local authorities for required contents] ***

9.18.090 Pistol Dealers to be Licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer any pistol without being licensed as provided by law under the requirements of R.C.W. 9.41.110.

9.18.100 Certain Transfer of Pistols Forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers as provided by R.C.W. Chapter 19.60. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person.

9.18.120 False Information in Obtaining Pistol. No person shall, in purchasing or otherwise delivery of a pistol or in applying for a license to carry the pistol, give false information or offer false evidence of his identity.

9.18.130 Exceptions for Unusable Pistols. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

9.18.140 Machine Guns Prohibited. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession or under control any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state.

9.18.150 Machine Gun Defined. For the purpose of this article a "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon,

mechanism or instrument and fired therefrom at a rate of five or more shots per second.

9.18.170 Dangerous Weapons—Evidence. Every person who *** uses any contrivance or device for suppressing the noise of any firearm, is guilty of a misdemeanor.

II. Pistols

9.18.260 Definitions. The following words and phrases used herein shall be construed as follows:

A. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first-degree assault, robbery, burglary, and kidnapping.

B. "Fugitive from justice" mean a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

C. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

D. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

9.18.270 Application. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or presents clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, *** [contact local authorities for required contents] *** and a statement [shall also be] signed by the purchaser that he not a fugitive from justice and that he has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution. One copy shall within six hours be sent by registered mail to the chief of police of the city who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report his findings to the merchant or secondhand dealer.

9.18.280 Delivery. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand

dealer has received a report from the chief of police that the purchaser is not a fugitive from justice and that the purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined in a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police with seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 9.18.270, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to R.C.W. 9.41.070, or to sales to law enforcement officers.

9.18.290 Prohibited Transactions. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state of elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution, to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Mountlake Terrace

5.07.010. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a firearm or have one in his possession under his control.

5.07.014. Delivery to minors and others forbidden. No person shall deliver a pistol to any person under the age of 21 or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

5.07.015. Sales regulated. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of [contact local authorities for required contents] *** One copy shall within six hours be sent by registered mail to the chief of police of the City of Mountlake Terrace who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

5.07.0151. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand

dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, nor an offense involving narcotics nor of repeated drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 2, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

5.07.0152. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or an offense involving narcotics or of repeated drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

5.07.016. Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of Revised Code of Washington Section 9.41.110, as the same now is or hereafter may be amended.

5.07.017. Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit, or pledge for a loan. *** No person shall lend or give a firearm to another known, or with reasonable knowledge believed to have suicidal tendencies or otherwise deliver a pistol contrary to the provisions of this ordinance.

5.07.019. False information forbidden. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same give false information or offer false evidence of his identity.

5.07.020. Exceptions. This ordinance shall not apply to antique firearms unsuitable for use as firearms and possessed as curiosities or ornaments.

5.07.021. Machine guns or parts contraband. All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband, and it shall be the duty of all police officers to seize said machine gun, or parts thereof, wherever and whenever found.

5.07.023. Definitions. The word firearm shall include but be not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion of gunpowder or similar substance.

Normandy Park

7.24.030 Delivery restricted. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.24.080 Possession restrictions. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

7.24.110 Certain transfers forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan, shall keep such records and make such reports as are provided by law for pawnbrokers and secondhand dealers in cities of the first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title.

7.24.140 Antique pistols exempted. This title shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

7.24.150 Machine guns. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; Provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

7.24.160 Machine gun defined. For the purpose of this title, "machine gun" means any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, bolt, or other separable mechanical device for steering, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

North Bend

9.72.030: No person shall deliver a pistol to any person under the age of eighteen years

or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

9.72.040 Pistol—Purchase—False information. No person shall, if purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

9.72.070 Firearm—Possession by minor unlawful when. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for other purposes.

Ocean Shores

7.28.040. Certain persons forbidden to possess arms. No person who has been convicted in this state or elsewhere of a crime of violence shall own a pistol or have one in his possession or under his control.

7.28.080. Delivery to minors and certain others forbidden. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard, or of unsound mind.

7.28.090. Pistol sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, ***

7.28.100. Pistol dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.28.110. Certain transfers of pistols forbidden. No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the first class (RCW Chapter 19.60). A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this chapter.

7.28.140. Exceptions for unusable pistols. This chapter shall not apply to antique pistols

unsuitable for use as firearms and possessed as curiosities or ornaments.

7.28.150. Machine guns prohibited. It shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

7.28.160. Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism, or instrument and fired therefrom at a rate of five or more shots per second.

Olympia

Section 1. It shall be unlawful for any person, firm or corporation, to purchase any gun, pistol, firearm, or other deadly weapon, or any ammunition or explosive of any kind or character, without first obtaining a written permit therefor from the Chief of Police of the City of Olympia.

Section 2: The application for such permit shall be in writing and shall state the name of the person, firm or corporation, from whom such purchase is to be made, the kind of firearm, ammunition, or explosive desired, and the purpose for which it is to be used.

Section 3: The issuance of such permit shall be in the discretion of the Chief of Police. *** no person, firm, or corporation, shall sell any gun, pistol, firearm, deadly weapon, ammunition, or explosive without first obtaining from the purchaser a permit so issued by the Chief of Police. ***

Pasco

9.24.060 Selling revolvers and pistols to minors. It is unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Raymond

Ordinance No. 931

Section 1. It shall be unlawful for any person, firm, or corporation to sell any firearms *** to minors.

Redmond

Redmond has adopted, by reference, Chapter 9.41 of the Washington Revised Code Annotated.

Renton

Firearms

6-137: "Short Firearm" and "Crime of Violence" Defined: "Short Firearm" as used in this Chapter means any firearm with a barrel less than twelve inches (12") in length.

6-140: Certain persons forbidden to possess arms: No person who has been convicted in this State or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

6-144: Delivery to minors and others forbidden: No person shall deliver a pistol to any person under the age of twenty one (21) years or to one whom he has reasonable cause to believe has been convicted of a crime of violence or is a drug addict, a habitual drunkard or of unsound mind.

6-145: Sales regulated: No seller shall deliver a pistol to the purchaser thereof until forty eight (48) hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol the purchaser shall sign in triplicate and deliver to the seller a statement [contact local authorities for required contents] *** The seller shall within six (6) hours after such application, sign and attach his address and forward by registered mail one (1) copy of such statement to the Chief of Police; the duplicate duly signed by the seller, shall within seven (7) days be sent by him with his address to the Director of Licenses; the triplicate he shall retain for six (6) years. This Section shall not apply to sales at wholesale.

6-146: Dealers to be licensed: No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell or otherwise transfer, any pistol without being licensed as provided by law.

6-147: Certain transfers forbidden: No person other than a duly licensed dealer shall make any loan secured by a mortgage, deposit or pledge of a pistol. Any licensed dealer receiving a pistol as a deposit or pledge for a loan shall keep such records and make such reports as are provided by law for pawnbrokers and second-hand dealers in cities of the

first class. A duly licensed dealer may mortgage any pistol or stock of pistols but shall not deposit or pledge the same with any other person. No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this Chapter.

6-148: False information forbidden: No person shall, in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give false information or offer false evidence of his identity.

6-150: Exceptions: This Chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

6-151: Machine guns; prohibited: That it shall be unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport or have in possession or under control, any machine gun or any part thereof capable of use or assembling or repairing any machine gun; provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the State of Washington.

6-152: Machine gun defined: For the purpose of this Chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt or other separable mechanical device for storing, carrying or supplying ammunition which can be loaded into such weapon, mechanism or instrument, and fired therefrom at the rate of five or more shots per second.

6-153: Machine guns or parts contraband: All machine guns, or parts thereof, illegally held or possessed are hereby declared to be contraband and it shall be the duty of all police officers to seize said machine gun or parts thereof, wherever and whenever found.

Richland

9.04.280. Selling, etc., of revolvers and pistols to minors less than eighteen. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of eighteen years, any revolver or pistol.

Seattle

Section 12A.17.010 Definitions. The following definitions apply in this chapter.

(1) "pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical,

combustion, or otherwise and having a barrel less than twelve inches in length.

(2) "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

(5) "gas pen," "gas pencil," "gas bomb" and "gas pistol" mean any pen, pencil, bomb, pistol or other device which is capable of containing and emitting tear gas or any noxious liquid, gas or substance.

Section 12A.17.080 Unlawful sale of pistol. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer, to knowingly sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, or without completing a true record in triplicate of every pistol sold or disposed of. Such record, which shall be in the form of an application for purchase, shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other [contact local authorities for required contents] * * *. One copy shall within six hours be sent by registered mail to the chief of police of the city of Seattle who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in the record and report in writing his findings to the merchant or secondhand dealer, and if the chief of police denies such application to purchase, he shall in such report so notify said merchant or secondhand dealer stating the grounds for such denial; provided, that such application shall not be denied unless the purchaser has been convicted in this state or elsewhere of a crime of violence, drug addiction, or habitual drunkenness, or is legally judged to be of unsound mind; provided further, that this section and Section 12A.17.100 shall not apply to sales by wholesalers to dealers, or to the sale of antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

Section 12A.17.100 Unlawful delivery to purchaser. It is unlawful for any merchant or secondhand dealer or as any clerk, agent, or employee of any merchant or secondhand dealer to knowingly deliver any pistol to any purchaser until seventy-two hours, exclusive of Sundays and holidays, shall have elapsed from the time of application for the purchase thereof as provided in Section 2 hereof; and it is further unlawful for any merchant or secondhand dealer, or any such clerk, agent or employee to knowingly deliver any pistol to any purchaser whose application to purchase has been denied by the chief of police and the merchant or secondhand dealer so notified in writing as provided in Section 2 hereof within such seventy-two hour period. * * *. Provided, that if such merchant or secondhand dealer does not receive such report from the chief of

police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 12A.17.080, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9A.1070 or 12A.17.040 of this title or to sales to peace officers.

Section 12A.17.120 Unlawful purchases—False statements. It is unlawful for any person who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or who is legally judged to be of unsound mind to purchase a pistol in this city, and it is further unlawful for any person to knowingly make any false statement in his application to purchase a pistol.

Section 12A.24.040 Unlawful purchase, acquisition, possession or use of arms. A person is guilty of unlawful purchase, acquisition, possession or use of arms if he is under the age of eighteen (18) years and knowingly purchases, attempts to purchase, acquires, possesses or uses any firearm of any kind or any spring gun, air gun or slingshot, or any ammunition for any such firearm or gun, except while accompanied by or under the immediate charge of his parent or legal guardian or other adult approved for the purpose of this section by such parent or guardian, or while under the supervision of a certified safety instructor at an established gun range or firearm training class.

Section 12A.24.050 Unlawful aiding the purchase, acquisition, possession or use of arms. A person is guilty of unlawfully aiding the purchase, acquisition, possession or use of arms if he knowingly aids in a violation of or permits any person to violate the provisions of Section 12A.24.040.

Section 12A.24.060 Unlawful furnishing, purchase, acquisition, possession or use of pistol. Notwithstanding the provisions of 12A.24.040 and 12A.24.050 a person is guilty of unlawful furnishing, purchase, acquisition, possession or use of a pistol if he is under the age of eighteen (18) years and knowingly purchases, attempts to purchase, acquires, possesses or uses a pistol as defined by Section 12A.17.010(1), or if he is a person who knowingly sells, gives, furnishes or causes to be furnished or permits to be sold, given or furnished a pistol to any person under the age of eighteen (18) years, or if he is a person who knowingly permits a person under the age of eighteen (18) years to possess or use a pistol.

Sedro Woolley

9.76.010 Pistol defined. "Pistol" as used in this chapter means any firearm with a barrel less than twelve inches in length.

9.76.020 Convicted persons owning pistol. No person who has been convicted in this state, or elsewhere, of a crime of violence shall own a pistol or have one in his possession or under his control.

9.76.080 Use by minors. No minor under the age of fourteen years shall handle or have in his possession or under his control, except while accompanied by or under the immediate charge of his parent or guardian or other adult approved for the purpose of this section by the parent or guardian, or while under the supervision of a certified safety instructor as at an established gun range or firearm training class, any firearm of any kind for hunting or target practice or for any other purposes. Any person violating any of the foregoing provisions, or aiding or knowingly permitting any such minor to violate the same, shall be guilty of a misdemeanor.

Shelton City

9.04.270 Selling or giving revolvers or pistols to minors. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Snohomish

941-36 Selling, etc., of revolvers and pistols to minors. It shall be unlawful for any person within the city to sell, give, or permit to be sold or given to any person under the age of twenty-one years, any revolver or pistol.

Spokane

The city of Spokane has adopted the language of the State firearms laws including Sections 9.40.110 through 9.41.240 shown at the beginning of the Washington State listing in this publication.

Spokane County

6.05.050. Persons prohibited from owning or possessing pistol. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

6.05.060 Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and, when delivered, said pistol shall be securely wrapped and shall be unloaded.

6.05.070. Giving of false information prohibited. No person shall in purchasing or otherwise securing delivery of a pistol or in applying for a license to carry the same, give

false information or offer false evidence of his identity.

6.05.090. Delivery to minors and others prohibited. No person shall deliver a pistol to any person under the age of twenty-one or to one who he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

Sumas

8.44.040 Possession—Restrictions. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession under his control.

8.44.080 Restrictions on delivery. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, a habitual drunkard, or of unsound mind.

8.44.090 Sales regulated. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, * * *.

8.44.100 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9A.110.

8.44.150 Machine guns—Prohibition. It is unlawful for any person to manufacture, own, buy, sell, loan, furnish, transport, or to have in possession, or under control, any machine gun, or any part thereof capable of use or assembling or repairing any machine gun, provided, however, that such limitation shall not apply to any police officer in the discharge of official duty, or to any officer or member of the armed forces of the United States or the state of Washington.

8.44.160 Machine gun defined. For the purpose of this chapter a machine gun is defined as any firearm or weapon known as a machine gun, mechanical rifle, submachine gun, and/or any other weapon, mechanism, or instrument not requiring that the trigger be pressed for each shot and having a reservoir clip, disc, drum, belt, or other separable mechanical device for storing, carrying, or supplying ammunition which can be loaded into the weapon, mechanism, or instrument, and fired therefrom at a rate of five or more shots per second.

Tacoma

8.66.030. Sale to minors under eighteen. No person shall, within the City of Tacoma,

sell, give or loan, or cause to be sold, given or loaned, to any minor under the age of eighteen years, any gun, revolver, pistol, toy pistol, or the cartridges therefor, * * *

8.66.080. Definitions. The following words and phrases used in Sections 8.66.080 to 8.66.120, inclusive, shall be construed as follows:

1. "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length, but shall not include antique pistols or revolvers manufactured prior to 1898 and held as collector's items.

2. "Crime of violence" means any of the following crimes or an attempt to commit any of the same: Murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

3. "Fugitive from justice" means a person who, having committed a crime, flees from the jurisdiction where it was committed to evade arrest.

4. "Law enforcement officer" means any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses.

8.66.090. Records required before sale. It is unlawful for any merchant or secondhand dealer, or any clerk, agent or employee of any merchant or secondhand dealer, to sell, give away or dispose of any pistol to any person at retail, unless such person is personally known to the seller or shall present clear evidence of his identity, nor without completing a true record in triplicate of every pistol sold or disposed of. Such record shall be personally signed by the purchaser and by the person effecting the sale, each in the presence of the other, and shall contain [such information as is required by the locality; Contact local authorities for required contents] * * *. One copy shall within six hours be sent by registered mail to the chief of police of the City of Tacoma who shall, within seventy-two hours, exclusive of Sundays and holidays, investigate the information contained in said record and report his findings to the merchant or secondhand dealer.

8.66.100. Delivery prohibited prior to receipt of records. It is unlawful for any merchant or secondhand dealer or any clerk, agent or employee of any merchant or secondhand dealer to deliver any pistol to any purchaser until said merchant or secondhand dealer has received a report from the chief of police that said purchaser is not a fugitive from justice and that said purchaser has never been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness and has never been confined to a mental institution; provided, that if such merchant or secondhand dealer does not

receive such report from the chief of police within seventy-two hours, exclusive of Sundays and holidays, after he has mailed a copy of the record to the chief of police as required by Section 8.66.090, then such merchant or secondhand dealer may deliver the pistol to the purchaser; provided further, that this section shall not apply to sales at wholesale, or to sales to persons exhibiting a valid license to carry a pistol concealed issued pursuant to RCW 9.41.070, or to sales to law enforcement officers.

8.66.110. Sales prohibited to certain persons. It is unlawful for any person who is a fugitive from justice or who has been convicted in this state or elsewhere of a crime of violence, or of drug addiction or of habitual drunkenness or has been confined to a mental institution to purchase a pistol in this city, and it is further unlawful for any such person to fail to disclose such information when applying for the purchase of a pistol.

Tukwila

8.12.010. Definitions. *** (d) "Other dangerous weapon" means any instrument not elsewhere defined in this chapter which is capable of producing bodily harm and which is carried or possessed with intent to use the same unlawfully against another. *** (f) "Pistol" means any firearm or other weapon for the purpose of discharging a projectile by means of compressed air, chemical combustion or otherwise and having a barrel less than twelve inches in length. ***

8.12.020. Unlawful use of weapons. (a) It is unlawful for anyone to: *** (2) *** sell or give away to any person under eighteen years of age any *** other dangerous weapon, or for any such person to purchase or possess any such *** other dangerous weapon; or *** (5) Use any device or attachment of any kind designed, used or intended for use in silencing the noise of any firearm.

Tumwater

7.04.350 Crime of violence defined. The term "crime of violence" as used in this chapter means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

7.04.360 Firearm defined. The word "firearm" shall include but is not limited to mean any weapon or device capable of propelling a missile through the force of combustion or explosion or gunpowder or similar substance.

7.04.430 Delivery to minors and certain other persons. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause

to believe has been convicted of a crime of violence, or is a drug addict, an habitual drunkard or of unsound mind.

7.04.450 Regulating sales—Purchaser's statement. No seller shall deliver a pistol to the purchaser thereof until forty-eight hours shall have elapsed from the time of the application for the purchase thereof, and when delivered, said pistol shall be securely wrapped and shall be unloaded. At the time of applying for the purchase of a pistol, the purchaser shall sign in triplicate and deliver to the seller a statement *** that he has never been convicted in this state or elsewhere of a crime of violence.

7.04.460 Dealers to be licensed. No retail dealer shall sell or otherwise transfer, or expose for sale or transfer, or have in his possession with intent to sell, or otherwise transfer any pistol without being licensed as provided by law under the requirements of RCW 9.41.110.

7.04.470 Certain transfers of weapons prohibited. No person other than a duly licensed dealer under RCW 9.41.110 shall make any loan secured by a mortgage, deposit or pledge for a loan.

7.04.500 Antique pistols excepted. This chapter shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Section 10: Handguns and Minors Less than Eighteen: No person shall sell or give or permit to be sold or given to any person under the age of eighteen years any revolver or pistol.

Section 11: Sale and Loaning of Firearms: No person shall sell, loan, or furnish any firearm or dangerous weapon to any person under the influence of alcohol or any narcotic or controlled substance, or to any person in a condition of agitation or excitability.

Winslow

Section 10: Handguns and Minors Less than Eighteen: No person shall sell or give or permit to be sold or given to any person

West Virginia

State Law W. Va. Code

Sec. 27-12-3. Miscellaneous offenses. If any person shall *** without the permission of the superintendent of any such [state] hospital, give or sell to any such patient, whether on the premises thereof or elsewhere, any

under the age of eighteen years any revolver or pistol.

Section 11: Sale and Loaning of Firearms: No person shall sell, loan, or furnish any firearm or dangerous weapon to any person under the influence of alcohol or any narcotic or controlled substance, or to any person in a condition of agitation or excitability.

Woodland

9.80.010 Definitions. *** "Crime of violence" as used in this title means any of the following crimes or an attempt to commit any of the same: murder, manslaughter, rape, mayhem, first degree assault, robbery, burglary and kidnapping.

9.80.040 Possession—Prohibited. No person who has been convicted in this state or elsewhere of a crime of violence, shall own a pistol or have one in his possession or under his control.

9.80.050 Delivery to minors and addicts. No person shall deliver a pistol to any person under the age of twenty-one or to one whom he has reasonable cause to believe has been convicted of a crime of violence, or is a drug addict, or habitual drunkard or of unsound mind.

9.80.060 Certain transfers prohibited. *** No person shall lend or give a pistol to another or otherwise deliver a pistol contrary to the provisions of this title, and the laws of the state.

9.80.080 Antique pistols. Chapters 9.80, 9.84 and 9.88 shall not apply to antique pistols unsuitable for use as firearms and possessed as curiosities or ornaments.

Yakima

8.28.010. Use by minors. No person under the age of twenty-one years shall be issued a county license for the possession and use of a handgun or pistol. Persons twenty-one years of age or over may be issued licenses for handguns and pistols subject to RCW 9.41.070.

firearms, *** he shall be guilty of a misdemeanor, ***.

Sec. 28-1-8. Offenses relating to youth facilities; penalties; escape; arrest and re-

turn. If any person shall *** give or sell, or aid or abet any other person to give or sell, to any youth in the youth facility, whether on the premises of such institution or otherwise, any *** firearms, *** such person shall be guilty of a misdemeanor, *** more than one hundred dollars, or to be confined not more than twelve months in the county jail, or, in the discretion of the court, both fined and imprisoned. ***

Sec. 61-7-8. Possession of machine guns, high-powered rifles, or ammunition therefor; permits; unnaturalized persons may not possess firearms; exception. It shall be unlawful for any person to carry, transport, or have in his possession, any machine gun, submachine gun, or what is commonly known as a high-powered rifle, or any gun of similar kind or character, or any ammunition therefor, except on his own premises or premises leased to him for a fixed term, until such person shall have first obtained a permit from the superintendent of the department of public safety of this State, and approved by the governor, or until a license therefor shall have been obtained from the circuit court as in the case of revolvers and pistols, and all such licenses, together with the numbers identifying such firearms, shall be certified to the superintendent of the department of public safety: Provided, that nothing herein contained shall prevent the use of rifles by bona fide rifle club members who are freeholders or tenants for a fixed term in this State, at their usual or customary place of practice, and: Provided, however, that notwithstanding any other provision of this article or any other provision of this Code, any resident, nonresident and unnaturalized person may lawfully possess, transport, carry and use any firearm he is permitted to use for hunting under any valid license he has been issued by the department of natural resources and which he holds in his possession. At all times such person shall comply with all of the requirements of law set forth in this Code and the rules and regulations promulgated thereunder pertaining to possessing, transporting, carrying and using firearms for hunting.

No such permit shall be granted by the superintendent except in cases of riot, public danger and emergency until such applicant shall have filed his written application with the superintendent in accordance with the rules and regulations that may be from time to time prescribed by the department of public safety relative thereto, ***.

No unnaturalized person may own, keep, possess, transport, carry or use any firearm of any kind or character, except for hunting as provided in sections three and eight [Secs. 61-7-3 and 61-7-8] of this article and article two [Sec. 20-2-1 et seq.], chapter twenty of this Code.

Sec. 61-7-9. Display of dangerous weapons for sale or hire; sale to unnaturalized

person; penalties for violation of this section or Sec. 61-7-8. It shall be unlawful for any person, firm or corporation to place or keep on public display to passersby on the streets, roads or alleys, for rent or sale, any revolver, pistol, *** or other dangerous weapons of like kind or character, or any machine gun, submachine gun or high-powered rifle, or any gun of similar kind or character, or any ammunition for the same. *** It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in this article to an unnaturalized person: Provided, that a person may lawfully sell, rent, give or lend any firearm which may lawfully be used for hunting to any unnaturalized person who has been issued and holds a valid permit in accordance with the provisions of section twenty-nine [Sec. 20-2-29], article two, chapter twenty of this Code and the unnaturalized person shows such permit to such person when the sale, rental, gift or loan is made.

Sec. 61-7-14. Purchase of firearms in contiguous state. Any resident of this State, including a corporation or other business entity maintaining a place of business in this State, who may lawfully purchase and receive delivery of a rifle, shotgun or any other legal firearm, or any part thereof, in this State, may purchase the same in a state contiguous to this State and transport or receive the same into this State provided the sale meets the lawful requirements of any federal statute, and is made by a licensed importer, licensed manufacturer, licensed dealer or private collector.

Beckley

25-3. Sale or rental of weapons to minors under eighteen. It shall be unlawful for any person to rent or sell any machine gun, high-powered rifle or any gun of similar kind or character, or revolver, pistol, *** or other dangerous weapon of like kind or character, or any ammunition for any such weapon, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his parents, or one of them, or by the minor's legal guardian.

Benwood

210.02. Selling or giving to minors. No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol *** or any other dangerous or deadly weapon of like kind or character.

210.06. Sale to person not holding permit. No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other firearms of the kind described in Section 210.05, to any person who is not the holder of a written permit, bearing the signature of the

Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

210.07. Purchase without permit. No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 210.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

210.09 Issuance and Duration of Permits. It shall be the duty of the Chief of Police to issue to such applicant a written permit, on a standard form to be prescribed and provided by the Chief of Police, authorizing the applicant to purchase, receive or accept such pistol, revolver or other firearm of the kind described in Section 210.05, *** provided, however, that a permit to purchase, receive or accept a pistol, revolver or other firearm of the kind described in Section 210.05 shall not be issued to minors, drug addicts, unnaturalized foreign-born persons, habitual drunkards, persons of unsound mind or to anyone who has been convicted of a felony under the laws of the United States, the State of West Virginia or any other state. Permits shall be valid for a period of ten days only.

210.10 Vendor to Demand Permit from Purchaser. At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 210.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

210.13. Exceptions. Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

Bluefield

13-215. Weapons. A license shall be required to sell or expose for sale pistols, revolvers, *** or weapons of any kind, ***.

Charleston

Sec. 18-70. Same—Possession by persons under age sixteen. No person under the age of sixteen years shall carry or have in his possession upon any street, park or other public space in the city any gun, pistol, rifle, *** or other dangerous weapon of any character; provided, that nothing in this section shall be so construed as to prohibit members of duly authorized military, cadet corps or similar or-

ganizations from the proper use of their guns and other equipment as members of such organizations.

Chesapeake

Sec. 5. Sale or rental. It shall be unlawful for any person to rent or sell any revolver, pistol, *** or other dangerous weapon of like kind or character, or any machine gun or high powered rifle, or any gun of similar kind or character, or any ammunition for the same, to any person under the age of eighteen years, unless at the time of such rental or sale such minor shall be accompanied by his or her parents, or one of them, or by the minor's legal guardian.

Clarksburg

17-72. Same—Sale to person under sixteen years of age; sale of explosives to persons under sixteen prohibited. It shall be unlawful for any person to sell, offer or give to any child or children under the age of sixteen years, firearms, gunpowder, gun caps, *** or other explosives of like kind and character in any quantity whatever.

Davis

No. 20. It shall be unlawful for any person to *** furnish or sell any such weapon to any other person under the age of 21 years. ***

Fairmont

Sec. 16-6. Dangerous or deadly weapons—Carrying; sale, etc., to minors. If any person shall carry about his person any revolver or other pistol, *** or any other dangerous or deadly weapon of like kind or character, he shall be punished as provided ***. If any person shall sell or furnish any such weapon as is hereinabove mentioned to a person whom he knows or has reason from his appearance or otherwise to believe to be under the age of twenty-one years he shall be punished ***

Logan

15-4. Sale, etc., to minor under sixteen of firearms or explosives. It shall be unlawful for any person to sell or give to any minor under the age of sixteen years firearms or

gunpowder or other explosives in any quantity.

Mannington

Chapter 22, Section 2m. No person without a city license therefore, shall sell pistols, revolvers, or weapons of like or kind.

Martinsburg

15-59. Display of dangerous weapons for sale or hire; sale to unnaturalized person. *** It shall be unlawful for any person to sell, rent, give or lend any of the arms mentioned in article 7, chapter 61, Michie's West Virginia Code, 1961, to an unnaturalized person.

Mason

Art. 3 Section 4. Dangerous Weapons: Sale of. No person shall sell or furnish any revolver or other pistol, *** to a person whom he knows, or has reason, from his appearance, or otherwise, to believe to be under the age of 18 years.

Morgantown

31-8. License—Required. No person shall sell, offer for sale, display, rent or exchange any dangerous or deadly weapon, including, but not by way of limitation, any revolver, pistol, *** or other weapons of like kind within the city without first obtaining a license to engage in any such business.

31-15. Sale, etc., to intoxicated persons, minors under eighteen, etc. It shall be unlawful for any person or dealer licensed under this article to sell, loan or furnish any of the dangerous or deadly weapons mentioned and described in this article to any person under the influence of alcohol, or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of eighteen years, or to an unnaturalized person.

Moundsville

Sec. 14-81. Weapons. The annual license fee to sell or offer for sale pistols, revolvers, *** shall be ten dollars. No license shall be

issued without the prior certification of the chief of police of the city.

Mullens

Sec. 20-50. No person shall carry about his person any revolver, pistol *** No person shall sell or furnish any such weapon as is hereinbefore mentioned to a person whom he knows, or has reason from his appearance or otherwise to believe, to be under the age of twenty-one years. ***

Rupert

7-304 Dangerous Weapons: Sale of. No person shall sell or furnish any of the dangerous weapons referred in Section 3 (revolver or other pistol) of this article to a person when he knows, or has reason from his appearance or otherwise, to believe, to be under the age of twenty-one years.

Summersville

*** it shall be unlawful for any person, firm, or corporation to place or keep on public display to passers-by on the streets, roads, or alleys of said Town, for rent or sale, any revolver, pistol *** or other dangerous weapon of like kind or character or any machine gun, sub-machine gun, or high powered rifle, or any gun of similar kind or character, or any ammunition for the same. *** It shall be unlawful for any person to sell, rent, give, or lend any of the arms mentioned in this article to an unnaturalized person.

Thomas

Section 26. It shall be unlawful for any person to carry about his person any revolver or other pistol, *** nor shall any person sell or furnish any such weapon as is hereinbefore mentioned, to a person whom he knows, or has reason to believe, from his appearance or otherwise, to be under the age of twenty-one years; ***

Weirton

553.07 Display of Dangerous Weapons; Reporting Purchases. No person shall place or keep on public display for rent or sale to passers-by on the street, roads or alleys, any revolver, pistol, *** any machine gun, submachine gun or high-powered rifle, any gun of similar kind or character or any ammunition for the same. All dealers licensed to sell any of the foregoing arms or weapons shall

take the name, address, age and general appearance of the purchaser, as well as the maker of the gun, manufacturer's serial number and the caliber and report the same at once in writing to the Police Chief.

553.08 Sale of arms to unnaturalized person or minor. No person shall sell, rent, give or lend any of the arms mentioned in this article to any unnaturalized person and no person shall sell any of the arms mentioned in this article to any minor under the age of sixteen years.

Wheeling

537.02 Selling or giving to minors. No person shall sell or give away to a person under twenty-one years of age, any revolver or other pistol *** or any other dangerous or deadly weapon of like kind or character.

537.05 Sale, transfer of concealed weapons. No person shall sell, lend, give away, exchange or transfer, or purchase, receive or accept, any pistol, revolver or firearms of any kind whatsoever which is capable of being concealed on the person, except as authorized and provided by this article.

537.06 Sale to person not holding permit. No person shall sell, deliver, transfer or otherwise dispose of any pistol, revolver or other

firearms of the kind described in Section 537.05, to any person who is not the holder of a written permit, bearing the signature of the Chief of Police, authorizing such person to purchase, receive or accept such pistol, revolver or other firearm.

537.07 Purchase without permit. No person shall purchase, receive or accept any pistol, revolver or other firearm of the kind described in Section 537.05 without first obtaining a written permit from the Chief of Police authorizing such person to purchase, receive or accept such pistol, revolver or other firearms.

537.10 Vendor to demand permit from purchaser. At the time of the sale or delivery of a pistol, revolver or other firearm of the kind described in Section 537.05, the vendor or transferor thereof shall demand of and receive from the purchaser or recipient of such pistol, revolver or other firearm, a permit, issued pursuant to the provisions of this article authorizing such purchaser or recipient to purchase or receive such pistol, revolver or other firearm.

537.13 Exceptions. Nothing contained in this article shall be deemed to apply to the sale, transfer, purchase or receipt of antique pistols or revolvers which are incapable of being used as firearms.

Wisconsin

State Law

Wisc. Stat. Ann.

164.01 Definitions. (1) "Machine gun" applies to and includes a weapon of any description by whatever name known from which more than two shots or bullets may be discharged by a single function of the firing device.

(2) "Crime of violence" applies to and includes any of the following crimes or an attempt to commit any of the same, namely, murder, manslaughter, kidnapping, rape, mayhem, assault to do great bodily harm, robbery, burglary, housebreaking, breaking and entering, and larceny.

(3) "Person" applies to and includes firm, partnership, association or corporation.

164.03 Possession for aggressive purpose. Possession or use of a machine gun for offensive or aggressive purpose is hereby declared to be a crime punishable by imprisonment in the state penitentiary for a term of not less than 10 years.

164.04 Possession when presumed for aggressive purpose. Possession or use of a machine gun shall be presumed to be for offensive or aggressive purpose:

(1) When the machine gun is on premises not owned or rented, for bona fide permanent residence or business occupancy, by the person in whose possession the machine gun may be found; or

(2) When in the possession of, or used by, an unnaturalized foreign-born person, or a person, who has been convicted of a crime of violence in any court of record, state or federal, of the United States of America, its territories or insular possession; or

(3) When the machine gun is of the kind described in section 164.08 and has not been registered as in said section required; or

(4) When empty or loaded pistol shells of 30 (.30 in. or 7.63 mm.) or larger caliber which have been used or are susceptible of use in the machine gun are found in the immediate vicinity thereof.

164.06 Exceptions. Nothing contained in this chapter shall prohibit or interfere with the manufacture for, and sale of, machine guns to the military forces or the peace officers of the United States or of any political subdivision thereof, or the transportation re-

quired for that purpose; the possession of a machine gun for scientific purpose, or the possession of a machine gun not usable as a weapon and possessed as a curiosity, ornament, or keepsake; the possession of a machine gun other than one adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber, for a purpose manifestly not aggressive or offensive.

164.07 Manufacturer to register machine guns. Every manufacturer shall keep a register of all machine guns manufactured or handled by him. This register shall show the model and serial number, date of manufacture, sale, loan, gift, delivery or receipt, of every machine gun, the name, address, and occupation of the person to whom the machine gun was sold, loaned, given or delivered, or from whom it was received; and the purpose for which it was acquired by the person to whom the machine gun was sold, loaned, given or delivered, or from whom received. Upon demand every manufacturer shall permit any marshal, sheriff or police officer to inspect his entire stock of machine guns, parts, and supplies therefor, and shall produce the register, herein required, for inspection. A violation of any provision of this section shall be punishable by a fine of not less than one hundred dollars or more than five hundred dollars.

164.08 Owner to register machine gun. Every machine gun now in this state adapted to use pistol cartridges of 30 (.30 in. or 7.63 mm.) or larger caliber shall be registered by the owner in the office of the secretary of state on May 15, 1933 and annually thereafter. If acquired hereafter it shall be registered within 24 hours after its acquisition. Blanks for registration shall be prepared by the secretary of state, and furnished upon application. To comply with this section the application as filed must show the model and serial number of the gun, the name, address and occupation of the person in possession, and from whom and the purpose for which, the gun was acquired. The registration data shall not be subject to inspection by the public. Any person failing to register any guns, as required by this section, shall be presumed to possess the same for offensive or aggressive purpose.

164.20 Machine guns and other weapons; use in certain cases; penalty. (1) No person shall sell, possess, use or transport any machine gun or other full automatic firearm, nor shall any person sell, possess, use, or transport any bomb, hand grenade, projectile, shell or other container of any kind or character into which tear gas or any similar substance is used or placed for use to cause bodily discomfort, panic, or damage to property.

(2) Any person violating any of the provisions of this section shall be punished by imprisonment in the state prison for a term of

not less than one year nor more than three years.

(3) The provisions of this section shall not apply to the sale, possession, use or transportation of any such weapons or containers to or by any national guardsman in line of duty, any civil enforcement officer of the state or of any city or county, or any person duly authorized by the chief of police of any city or the sheriff of any county to sell, possess, use or transport such weapons or containers; nor shall the restriction on transportation apply to common carriers.

175.30 Purchase of firearms in contiguous states permitted. It is lawful for a resident of this state or a corporation or other business entity maintaining a place of business in this state to purchase or otherwise obtain a rifle or shotgun in a state contiguous to this state if the transfer complies with federal law and the laws of both states.

175.35 Waiting period for purchase of handguns. (1) In this section, "handgun" means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.

(2) (a) No firearms dealer licensed by the U.S. department of the treasury may transfer possession of any handgun to any person for 48 hours following purchase of such handgun.

(b) This section shall not apply to the transfer of any handgun classed as an antique by regulations of the treasury department or to transfers between licensed firearms dealers or between wholesalers and dealers.

939.22 Words and phrases defined. In the criminal code, the following words and phrases have the designated meanings unless the context of a specific section manifestly requires a different construction:

(10) "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm.

941.22 Possession of pistol by minor. (1) Any minor who goes armed with a pistol or any person who intentionally sells, loans or gives a pistol to a minor may be fined not more than \$500 or imprisoned not more than one year in county jail or both.

(4) In this section "pistol" means any firearm having a barrel less than 12 inches long. **943.06 Molotov cocktails.** (1) As used in this section, "fire bomb" means a breakable

container containing a flammable liquid with a flash point of 150 degrees Fahrenheit or less, having a wick or similar device capable of being ignited, but does not mean a device commercially manufactured primarily for the purpose of illumination.

(2) Whoever possesses, manufactures, sells, offers for sale, gives or transfers a fire bomb may be fined not more than \$500 or imprisoned not more than 6 months or both.

(3) This section shall not prohibit the authorized use or possession of any such device by a member of the armed forces or by firemen or law enforcement officers.

Appleton

8.01 Offenses endangering public safety.

***** (4) Sale of dangerous weapons to minors prohibited. No person shall buy for, sell or give away to any minor any dangerous weapon *** without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following instruments: *** pistol, revolver, *** any weapon in which loaded or blank cartridges are used. ***

Beloit

15.01 Offenses against state laws subject to forfeiture. (Am. #1304) The following statutes defining offenses against the peace and good order of the State are adopted by reference to define offenses against the peace and good order of the municipality, provided the penalty for commission of such offenses hereunder shall be limited to a forfeiture. ***** **943.06 Molotov Cocktails.** *****

15.07 Firearms and Weapons, use of. ***** (3) Sale of firearms and weapons to minors forbidden. No person shall sell any firearm, *** or loan such items to any minor within the City.

Big Bend

Chapter XI

11.01. Dangerous and Concealed Weapons. (1) Definitions. A. Dangerous Weapon. The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: *** pistol, revolver ***.

(3) License for Sale of Weapons. A. No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person,

within the Village, any weapon listed or defined as dangerous except rifles or shotguns used for hunting purposes, *** (or) weapons used solely for target practice purposes, *** without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon. ***

(4) Selling weapons to Minors Prohibited. No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, ***.

(6) Permit Required for Purchase of Dangerous Weapons. No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, *** (or) weapon used solely for target practice purposes ***. Before any such permit is granted an application in writing shall be made therefor *** (contact local authorities for required contents).

Cudahy

Section 15.02(2)(b) It shall be unlawful for any person under the age of eighteen (18) to purchase any *** revolver or pistol upon which any loaded or blank cartridges are used. Every person who deals in dangerous weapons or guns shall keep a record of sales of such dangerous weapons or guns, [contact local authorities for required contents] *** No sale shall be made to persons having been convicted of a felony.

Glendale

24.20. Making, possession, transfer or use of fire bombs and other similar devices. (a) No person shall make, carry, possess, sell, give, transfer to another or use any type of fire or explosive creating device which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device, flammable liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

Hales Corners

14.01 Dangerous and Concealed Weapons. (1) Definitions. (a) Dangerous Weapon.

The term "dangerous weapon" shall include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: *** pistol, revolver, *** any weapon upon which loaded or blank cartridges are used, ***.

(b) Concealed Weapon. The term "concealed weapon" shall include any dangerous weapon which is hidden from ordinary observation. Absolute invisibility is not necessary to constitute a weapon as being concealed. Any weapon which is carried within a case is not to be construed as a concealed weapon if the case is plainly visible.

(3) License for Sale of Weapons. (a) No person shall engage in the business of buying or selling, or shall sell or give away to any person, or buy or receive of any person, within the Village, any weapon listed or defined as dangerous, except rifles or shotguns used for hunting purposes, *** without securing a license to do so, and no person having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon ***.

(4) Selling Weapons to Minors Prohibited. No person shall engage in the business of buying or selling or shall sell or give away to any minor under the age of 21, any weapon listed or defined as dangerous, ***.

(6) Permit Required for Purchase of Dangerous Weapons. No person shall purchase or obtain by gift or otherwise without first securing from the Chief of Police a permit, any dangerous weapon, except a rifle, or shotgun used for hunting purposes, ***. Before any such permit is granted, an application in writing shall be made therefor [contact local authorities for required contents]. ***

Kenosha

11.02-R. Possession or use of fire bombs and other similar devices. (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

11.06. Dangerous weapons. B. "Sale Forbidden". No person shall sell, loan or give away any gun, pistol, revolver or other dan-

gerous or deadly weapon to any minor or intoxicated person.

Ladysmith

11.02 Concealed Weapons *** (2) *** no person shall intentionally sell, loan or give a pistol to any minor. ***

Madison

25.01 Sale of Firearms.

(1) Definitions: For the purpose of this section:

Firearm. The term "firearm" means a shotgun or a rifle or any weapon made from a rifle or shotgun (modification or otherwise) or any other weapon, including a pistol or revolver, from which a shot is discharged by an explosive or propellant, but not including a stud gun when used for its intended purpose.

Handgun. The term "handgun" means any weapon designed or redesigned, made or remade, and intended to be fired while held in one hand, having a barrel of less than ten (10) inches in length, designed or redesigned, made or remade, to use the energy of an explosive to expel a projectile or projectiles through a smooth or rifled bore, including weapons commonly referred to as pistols or revolvers, but not including a stud gun.

Rifle. The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire only a single projectile through a rifle bore for each single pull of the trigger.

Shotgun. The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of a propellant to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

(2) It shall be unlawful for any person, firm, association or corporation to sell, give away, trade or transfer a firearm to any other person, firm, association or corporation in the City of Madison unless within twenty-four (24) hours, excluding those hours falling on any Saturday, Sunday or holiday, after the transfer of possession of said firearm, such person, firm, association or corporation shall report such transfer to the Chief of Police, or his designee, giving a complete description of the firearm so sold [contact local authorities for required contents] ***.

(4) *** no person shall intentionally sell, loan or give a pistol or revolver to any person under eighteen (18) years of age. ***

(5) *** no person under the age of eighteen (18) years shall have in his possession any ammunition for any firearm and no person shall intentionally sell, loan or give any firearm *** or ammunition therefor to any person under the age of eighteen (18) years. This subsection shall not apply to anyone under eighteen (18) years of age who is armed with a firearm under the supervision of an adult when such firearm is being used in target practice or hunting, nor does it apply to an adult who transfers a firearm to a person under eighteen (18) years of age for use only in target practice or any hunting under his direct supervision.

(6) Notwithstanding any other provision of this section to the contrary, this section shall not apply to any person, firm, association or corporation acting under the control and at the direction of the state of Wisconsin or the United States Government.

(10) Sale of Handguns and Handgun Ammunition Unlawful.

(a) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any handgun to any other person, firm, association, or corporation within the corporate boundaries of the City of Madison.

(b) It shall be unlawful for any person, firm, association, or corporation to sell, give away, trade, or transfer any ammunition made exclusively for use in any handgun to any other person, firm, association, or corporation within the corporate boundaries within the City of Madison.

(c) The United States Government, the State of Wisconsin and its municipal subdivisions, the State Crime Laboratory, the University of Wisconsin, the Historical Society of the State of Wisconsin, their employees and peace officers thereof, shall be exempt from the provisions of this subsection with respect to handguns or ammunition made exclusively for use in any handgun which is owned, possessed, sold, given away, traded or transferred by them in the ordinary course of their official business.

(d) Persons manufacturing or selling ammunition made exclusively for use in handguns shall be exempt from the provisions of this subsection with respect to ammunition made exclusively for use in handguns which are owned, possessed, sold, given away, traded or transferred by them to any organization or person described in Subdivision (c) above.

25.04 Fireworks Regulated. (1) It is unlawful for any person to sell, expose or offer for sale, *** blank cartridges, toy pistols or cannons, toy canes or cannons in which explosives are used, *** within the City of Madison, except as hereinafter provided.

(3) Nothing herein contained shall prohibit the use or sale of blank cartridges for circus or theatrical purposes, or signal purposes in athletic contests or sports events ***.

Menomonee Falls

10.01 Offenses Endangering Public Safety. (i) ***** (i) Sale to Minors. No person shall sell or give away any firearm, rifle, shotgun, *** or ammunition therefor, to any person under the age of 18 years.

(j) Possession by Minor. No person under the age of 18 years shall go armed with a firearm of any type, *** nor have in his possession any ammunition therefor.*****.

Middleton

16.01-(b) Possession of Ammunition and sale to minors. No minor person under the age of 18 years shall have in his possession any ammunition for any firearm, rifle, ***. No person shall intentionally sell or give away any firearm, rifle, *** or ammunition therefor, to any person under the age of 18 years.

Milwaukee

Section 105-34. Carrying Dangerous or Concealed Weapons.

(2) Definitions. The term "concealed weapon" shall mean and include any dangerous weapon which is hidden from ordinary observation. Absolute invisibility is not necessary to constitute a weapon as being concealed. Any weapon which is carried within a case is not to be construed as a concealed weapon if the case is plainly visible.

The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: *** pistol, revolver *** any weapon upon which loaded or blank cartridges are used. *** Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

105-43. Sale of Dangerous Weapons.

(1) License Required. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the city, any weapon listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, *** weapons used solely for target practice purposes, *** without se-

curing a license so to do as provided in Section 105-43(1) and (3) and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the city who has not secured a permit from the chief of police to purchase such weapon in the manner provided in subsection (5). It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further interest in the commonly accepted fields of sport.

(2) Unlawful to Sell Weapons to Minors. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18, any weapon listed or defined as dangerous in Section 105-34; or to any person under the age of 21 in the case of handguns, ***

(5) Permit Required to Purchase. (a) From Chief of Police.

It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in Section 105-34, except rifles or shotguns used for hunting purposes, *** weapons used solely for target practice purposes ***.

(b) Permit to be Filed. *** No such permit shall be granted to persons having been convicted of crime or to minors under the age of 18. Said permit or permits shall be delivered to the person, firm or corporation or agent thereof from whom such instrument or weapon is purchased and shall be preserved by said person, firm or corporation, or agent thereof, and the same shall be filed by him or them in the office of the city clerk of the city of Milwaukee within three months from the date of the issuance of the same.

105-43.2. Waiting Period Required for Purchase of Handguns. No person, firm, or corporation who is licensed to deal in the sale of weapons, pursuant to the requirements of Section 105-43, shall transfer possession of any handgun to any person for 48 hours following the application for purchase of such handgun.

Monticello

19.01(2) Definition. The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: pistol, revolver, *** any weapon upon which loaded or blank cartridges are used. Instruments not herein specifically enumerated are none the less dangerous weapons when they fall within the terms of the above definition.

(3) Sale of dangerous weapons. It shall be unlawful for any person, firm, or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the Village of Monticello any weapon listed or defined as dangerous in Section 19.01(1), except rifles or shotguns used for hunting purposes, weapons used solely for target practice purposes, without securing a license to do so as provided in Section 19.01(2) and (5) and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village of Monticello who has not secured a permit from the chief of police to purchase such weapon in the manner provided in subsection (5). It is the intent of this section that no permit to purchase or no license to sell shall be required for the purchase or sale of sporting goods, which are defined as any of those items that further the interest in the commonly accepted fields of sport.

(4) Unlawful to sell weapons to minors. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor under the age of 18, any weapon listed or defined as dangerous in subsection (2); or to any person under the age of 21 in the case of handguns.

(5) Permit required to purchase. (a) From Chief of Police. It shall be unlawful for any person to purchase or obtain by gift or any other method, scheme or device by which possession is obtained, without first securing from the chief of police a permit so to do, any weapons listed or defined as dangerous in subsection (2), except rifles or shotguns used for hunting purposes and weapons used solely for target practice purposes.

Oshkosh

18-24. Furnishing firearms to minors prohibited. No person shall sell, loan or furnish to any minor any gun, pistol, fowling piece or other firearm within the city.

Port Washington

9.11. Sale of weapons. (1) License required. No person shall engage in the business of selling, or shall sell or give away to any person, within the City, any *** revolver, pistol, *** or other instrument or weapon which uses loaded or blank cartridges, except rifles and shotguns used for hunting purposes, without securing a license so to do as herein provided, and no person having such license shall sell or give away any such weapon to any person within the City who has not secured a permit from the Chief of Police ***.

(5). Permit to purchase. No person shall purchase or possess any of the weapons or articles enumerated in subsection (1) until he has obtained a permit for such purpose from the Chief of Police.

Racine

25.06. Dangerous or concealed weapons. (2) The term "dangerous weapon" means any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: *** pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used, ***. Instruments not herein specifically enumerated are nonetheless dangerous weapons when they fall within the terms of the above definition.

(5) No person shall engage in the business of buying or selling, or sell or give away to any minor under the age of 18, any dangerous weapon, ***

25.41 Possession or use of fire bombs and other similar devices. (1) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of "Molotov Cocktail" which is defined to mean a flammable-liquid filled bottle or container with a fuse, wick, or any other type of ignition or detonating device.

(2) It shall be unlawful for any person to make, carry, possess, sell, give, or use any type of flammable-liquid fire bomb or any other device or missile which can be ignited and cause ignition of any premises or material or which can cause damage by explosion.

(3) The provisions of paragraphs 1 and 2 of this Section shall not apply to any device used in any training program authorized by the Chief of the Racine Fire Department or the Chief of the Racine Police Department, nor to any person engaged in such an authorized training program while so engaged.

Reedsville

7.01 *** (c) Sale to Minors.** No person shall sell, loan or give any pistol to any person under eighteen (18) years of age.

River Falls

Ordinance 22.01

Section 1. Sales Prohibited. No person shall buy for, sell or give away to any minor, any dangerous weapon, without first having obtained the written consent of the parent or guardian of such minor. The term "dangerous weapon" shall mean and include the following

instruments: pistol, revolver, *** and any weapon in which loaded or blank cartridges are used.

Shorewood

Section 13-601 Definition. The term "dangerous weapon" shall mean and include any instrument which by its capabilities of use is liable to produce death or great bodily harm. The following are dangerous per se: *** pistol, revolver, any instrument which impels a missile by compressed air, spring, or other means, any weapon upon which loaded or blank cartridges are used ***

Section 13-603 Permit Required for Purchase of Dangerous Weapons. A. It shall be unlawful for any person to purchase or obtain by gift or any method, scheme or device by which possession is obtained, without first securing from the Chief of Police a permit so to do, any weapons listed or defined as dangerous in Section 13-601 except rifles or shotguns used for hunting purposes, *** weapons used solely for target practice purposes, ***

Section 13-604 License for Sale of Weapons. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any person, or to buy or receive of any person, within the Village, any weapon listed or defined as dangerous in Section 13-601, except rifles or shotguns used for hunting purposes, *** weapons used solely for target practice purposes, *** and no person, firm or corporation having such license shall sell or give away any such weapon to any person within the Village who has not secured a permit from the Chief of Police to purchase such weapon in the manner provided in Section 13-603.

Section 13-605 Unlawful to Sell to Minors. It shall be unlawful for any person, firm or corporation to engage in the business of buying or selling, or to sell or give away to any minor, any weapon listed or defined as dangerous in Section 13-601 ***

Section 13-609 Possession of Pistol by Minor. A. It shall be unlawful for a minor to be armed with a pistol or for any person to intentionally sell, loan or give a pistol to a minor.

D. In this section, "pistol" means any firearm having a barrel less than 12 inches long.

Section 13-610 Use of Fire Bombs Prohibited. No person shall make, carry, possess, sell, give or use any type of "molotov cocktail," which is defined to mean a flammable liquid filled bottle or container with a fuse, wick or any other type of ignition or detonating device, flammable liquid fire bomb, or any other device or missile which can be ignited and cause ignition of any premises or material, or which can cause damage by explosion.

Section 13-612 Fireworks Prohibited. A. No person, firm, partnership, or corporation shall sell, offer for sale, expose for sale, or possess or use or explode any blank cartridges, toy pistols or cannons, toy canes or toy cannons in which explosives are used ***

B. Nothing herein contained shall prohibit *** the use or sale of blank cartridges for theatrical purposes, or for signal purposes in athletic contests, sport events or by railroads for signal purposes, or for the use by militia, police, or military organizations.

Stevens Point

24.13 Firearms to minors. *** any person who intentionally sells, loans, or gives a gun or other type of firearm *** or ammunition for same, to a minor may suffer a forfeiture of not more than \$200 and in lieu of such payment assessed, imprisonment for not more than sixty (60) days in the county jail.

Superior

Sec. 23-49. Furnishing firearms to minors. No person shall sell, give away or furnish to any person under twenty-one (21) years of age any revolver, pistol, shotgun, rifle or other firearm, intended for and capable of shooting powder, balls or cartridges, without the consent in person or writing, of the parent or guardian of the minor.

Twin Lakes Village

9.88.020 Sale or giving weapons prohibited. No person shall sell, loan or give away any gun, pistol, revolver or other deadly or dangerous weapon to any minor or intoxicated person.

Waunakee

11.03 Firearms It shall be unlawful for any dealer or other person to sell, loan, or give any pistol or revolver to any minor.

Wauwatosa

6.84.010 Definitions. In this chapter, unless the context otherwise requires:

1. "Dangerous gun" means any revolver, pistol, *** rifle, shotgun, or any instrument or weapon in which loaded or blank cartridges or shells are used.

3. "Person" means any person, firm or corporation.

6.84.020 Sale or giving away—License required—Exceptions. A. No person shall engage in the business of selling or giving away any dangerous *** gun without obtaining a license ***, and no person having such license shall sell or give away any such dangerous *** gun who has not secured a permit from the chief of police to obtain such dangerous *** gun ***.

B. This provision does not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods item defined as any of those items that further interest in the commonly accepted fields of sport ***.

6.84.040 * Handguns of any caliber** shall not be sold to persons convicted of a felony or to minors.

6.84.050 Purchase—Permit required—Exception. No person shall purchase any dangerous *** gun without securing a permit therefor from the chief of police. *** This section shall not apply to rifles or shotguns used for hunting purposes, target practice weapons, or any sporting goods items defined as any of those items that further interest in the commonly accepted fields of sport *** except as to persons convicted of crime or to minors.

West Milwaukee

Ordinance 422

3.15 Firearms.

* * * * *

(2) **Sale and Display Regulated.** No person, firm, or corporation shall engage in the business of selling, sell or give away any *** revolvers, pistols, rifles, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives, or other projectiles are intended to be used, or display or exhibit for sale any such weapon, cartridges, shells, gas, explosives or projectiles, except in accordance with a seller's permit or dealer's license issued pursuant to subsection (3), and such sale or gift shall be made only to a person not otherwise prohibited from purchasing or using such items by the provisions of subsection (4).

(3) **Dealers' Licenses.** Dealers' licenses shall be issued by the Chief of Police ***.

(4) **Purchase of.** No person shall purchase or receive any of the weapons or items mentioned in subsection (2) if said person:

- Is under eighteen years of age.
- Is under indictment in any court for a crime punishable by imprisonment for a term exceeding one year.
- Has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year.

d. Is a fugitive from justice.

e. Is an unlawful user of, or addicted to, marihuana or a depressant, stimulant, or narcotic drug.

f. Is under the influence of a drug or is intoxicated.

g. Has ever been adjudged mentally defective or has ever been committed to a mental institution.

h. Has been discharged from the Armed Forces under dishonorable conditions.

i. Is an alien illegally in the United States.

j. Is a person who, having been a citizen of the United States, has renounced his citizenship.

White Fish Bay

15.12. Weapon dealers (1) Sale and display prohibited. No person shall engage in the business of selling, sell or give away any *** revolvers, pistols, shot gun, machine gun, grenade, bomb or any other weapon in which loaded or blank cartridges, shells, gas, explosives or other projectiles are intended to be used, *** except in accordance with a dealer's license issued pursuant to subsection (2) and shall make such sale or gift only to a person holding a buyer's license issued and in effect pursuant to subsection (3).

(2) **Dealers' licenses.** Dealers' licenses shall be issued by the Chief of Police and shall

expire automatically on May 1 following the date thereof, and shall be issued upon the filing of a written application in form approved by said Chief of Police ***.

(3) **Buyers' Licenses.** Buyers' licenses shall be issued by the Chief of Police upon an application in writing [contact local authorities for required contents] ***.

(4) **Purchase of.** No person shall purchase or receive any of the weapons mentioned in subsection (1) without first securing a license so to do as provided in subsection (3).

(5) **Rifles and shot guns for hunting purposes excepted.** The provisions of subsections (1) to (4), both inclusive, shall not apply to rifles or shot guns under twenty (20) inches length of barrel and ammunition for same, commonly and lawfully used for hunting purposes in this state.

Whitewater

15.03(a) No person, firm, partnership, association, or corporation shall display for sale, offer for sale, or sell any loaded pistol, gun, shot gun, *** or other firearms within the City Limits of the City of Whitewater.***

Wisconsin Dells

18.01(1)(b) Sale of Certain Weapons. No person shall sell any firearm *** to any minor in the City of Wisconsin Dells ***.

Wyoming

State Law

Wyo. Stat.

Sec. 6-241. Possession of weapons by aliens. Every person, not being a citizen of the United States, who shall own, possess, wear or carry any *** pistol, shot gun, rifle, or other fire arm, *** or any other dangerous or deadly weapon, shall upon conviction thereof, be adjudged guilty of a misdemeanor, ***.

Sec. 6-244. * (Dealer's and pawnbroker's firearms register) To be signed by purchasers.** Every person who purchases any firearm from any retailer, pawn broker or dealer, shall sign his name or make his mark properly witnessed, if he cannot write, on said firearm register, at the time of the delivery to him of any firearm so purchased.

Sec. 6-246.1. Rifles and shotguns—Defined. Rifle—a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed metallic cartridge

to fire only a single projectile through a rifled bore for each single pull of the trigger.

Shotgun—a weapon designed and redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.

Sec. 6-246.3. Same—Resident may purchase or receive delivery; restrictions and requirements. It is hereby declared by the State of Wyoming that it is lawful for a resident of the State of Wyoming, otherwise qualified, to purchase or receive delivery of a rifle or shotgun in a state contiguous to the State of Wyoming, subject to the following restrictions and requirements:

(a) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(b) The purchaser and the licensee must have, prior to the sale or delivery for sale, of the rifle or shotgun, complied with all of the requirements of section 922(c) of the Federal Gun Control Act of 1968 [18 U.S.C. Sec. 922(c)], applicable to interstate transactions other than at the licensee's business premises.

Afton

6-302. Sales to intoxicated persons. No person in the town of Afton shall purchase from or sell, loan or furnish any weapon in which explosive substance can be used, to any person under the influence of alcohol or any narcotic drugs, stimulant or depressant, or to any person in a condition of agitation or excitability.

6-303. Sales to minors. No person in the town of Afton shall purchase from or sell, or loan, or furnish any weapon in which an explosive substance can be used, to any person under the age of 14 years.

Cheyenne

30-51. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Dealer: Any person engaged in the business of selling firearms at wholesale or retail or of accepting pledges of pistols as security for loans.

Firearm: Any weapon which is designed to expel a projectile by the action of expanding gases.

30-52. Exceptions. This article shall not apply to duly appointed officers of the city, county or state or of the United States in the lawful discharge of their duties as such officers, nor to transactions in which delivery is made of a pistol by mail or other common carrier to a destination not within the city.

30-56. Possession of firearms—Criminals, drug addicts, etc. No person who has been convicted of a crime of violence in any court of the United States, the several states, territories, possessions or the District of Columbia or who is a fugitive from justice or is of unsound mind or is a drug addict or an habitual drunkard or is a member of a subversive organization shall possess a firearm within the city.

Arrests, without a warrant, and searches and seizures pursuant thereto, may be made for violations of this section by police officers, as in the case of a felony, upon probable cause that the person arrested is carrying a pistol in violation of this section at the time of arrest.

30-57. Same—Minors. No person under the age of eighteen (18) years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the state militia, ROTC, or the armed forces of the

United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

30-58. Sale, possession, etc., of firearms without manufacturer's identification mark prohibited. No person shall receive, possess, sell, lease or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

30-65. License—Required. No person shall sell any firearm at wholesale or retail or shall lease, pledge or accept any firearm as security for a loan without obtaining a license therefor. ~

30-69. Pistols—Sale and delivery. When any sale of a pistol, the overall length of which is less than six (6) inches, is made under this article, forty-eight (48) hours must elapse between the time of the sale and the time of delivery to the purchaser. All pistols shall be securely wrapped and unloaded when delivered to the purchaser.

30-71. Sales, etc., to criminals, dope addicts, etc. No person shall sell, lease, lend or otherwise transfer a firearm to any person whom he knows or has reasonable cause to believe has been convicted of a crime of violence or is a fugitive from justice or is of unsound mind or is intoxicated or is a drug addict or an habitual drunkard or is a member of a subversive organization.

30-72. Sales, etc., to minors. No dealer shall sell, lease, lend or otherwise transfer a firearm to any minor except as provided in section 30-57.

Cody

34-4. Furnishing deadly weapons * to minors.** It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, *** or any other deadly weapon of any kind whatsoever, which can be worn or concealed upon the person, and it shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Guernsey

69-9-503 Firearms *** Any person who shall, within the Town of Guernsey, sell *** any cannon, gun, fowling piece, pistol, revolver, rifle or firearms of any description, without permission from the Council, or written permission of the Mayor, *** shall be guilty of a misdemeanor ***.

Mountain View

Sec. 14-4. Furnishing deadly weapons and certain cartridges to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, *** or any other deadly weapon of any kind, which can be worn or concealed upon the person.

It shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

Pine Bluffs

Section 7. Possession of firearms—Minors. No person under the age of nineteen years shall possess a firearm. This section shall not apply to the issuance of pistols to members of the State Militia, R.O.T.C., or the armed forces of the United States for training or active duty or to temporary loans of pistols for instruction under the immediate supervision of a parent or guardian.

Section 8. Sale, possession, etc., of firearms, without manufacturer's identification mark prohibited. No person shall receive, possess, sell, lease, or otherwise transfer any firearm from which the manufacturer's identification mark or serial number has been removed.

Powell

8.24. Disposing of weapons to minors. It shall be unlawful for any person to sell, barter, give away, or to dispose of in any other way, to any person under the age of twenty-one years, any pistol, *** or any other deadly weapon of any other kind whatsoever, which can be worn or concealed upon the person, and it shall further be unlawful to sell, barter, give to or dispose of in any other way to any person under the age of sixteen years any cartridges manufactured and designed for use in a pistol.

8.25. Police excepted. The provisions of this Article shall not apply to any duly appointed law enforcement officer in the lawful discharge of his duties as such officer.

Sheridan

Sec. 19-44. Same—Sale, etc., to minors. It shall be unlawful for any person to sell, barter or give to any other person under the age of twenty-one years any pistol *** or other deadly weapon that can be worn, carried or concealed upon or about the person, or to sell, barter or give to any person under the age of sixteen years any cartridges manufactured and designated for use in a pistol.

[FR Doc. 78-14730 Filed 5-26-78; 8:45 am]

TUESDAY, MAY 30, 1978
PART IV



**DEPARTMENT OF
COMMERCE**

Office of the Secretary

**VOLUNTARY CONSUMER
PRODUCT INFORMATION
LABELING PROGRAM**

**Labeling of Thermal Insulation for
Homes; Suspension of Fees for
Participation**

**Registered
Product**

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DEPARTMENT OF COMMERCE

Office of the Secretary

VOLUNTARY CONSUMER PRODUCT
INFORMATION LABELING PROGRAMProposed Specification for Labeling of Thermal
Insulation for Homes

AGENCY: Assistant Secretary of Commerce for Science and Technology, Commerce.

ACTION: Proposed performance information labeling specification.

SUMMARY: Pursuant to the procedures for a voluntary consumer product information labeling program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated November 4, 1977; and 43 FR 8254, dated March 1, 1978), this notice announces the Department's proposed performance information labeling specification for the labeling of thermal insulation for homes under the program and invites interested persons to comment thereon. The proposed specification includes a description of the product and the performance characteristics covered, identification of product test methods to be used, label designs and label display requirements, and requirements for participation in the program with respect to thermal insulation for homes.

A separate notice is also being published in this issue of the FEDERAL REGISTER announcing the Secretary's intention to suspend fees for participation in this program with respect to thermal insulation for homes.

DATE: Comments must be received on or before July 14, 1978.

FOR FURTHER INFORMATION
CONTACT:

Dr. Howard I. Forman, Deputy Assistant Secretary for Product Standards, Room 3876, U.S. Department of Commerce, Washington, D.C. 20230, 202-377-3221.

SUPPLEMENTARY INFORMATION: On December 14, 1977, the Department announced in the FEDERAL REGISTER (42 FR 62946-62949) a finding of need to label thermal insulation for homes under the voluntary consumer product information labeling program and further announced that a performance information labeling specification (specification) was being developed for such insulation. These actions were taken in response to requests that thermal insulation for homes be labeled and were in accordance with §16.4(d) of the Department's published Procedures for a voluntary consumer product information labeling program as amended (15 CFR Part 16; 42 FR 26647 at 26649, dated May 25, 1977; 42 FR 57686, dated November 4, 1977; and 43 FR 8254, dated

NOTICES

March 1, 1978) (procedures). The effort to develop the specification has resulted in this notice, which is hereby presented for public comment in accordance with §16.5(a) of the procedures.

Under §16.2(b) of the procedures, the Department of Commerce may include on product performance labels information on product performance characteristics also covered by labeling programs of other Federal agencies, provided the other Federal agencies agree to such inclusion. The Department is cognizant of other Federal agency requirements and proposed requirements for labeling of thermal insulation for homes. Efforts have been made to coordinate the proposed specification with those requirements of other agencies so as to avoid the need for separate labels to meet differing agency requirements. These coordination efforts will continue as the final specification is written.

Interested persons desiring to comment on the proposed specification set out below are invited to submit such comments on or before July 14, 1978, to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230.

Any person desiring to express his or her views relative to the proposed specification in an informal hearing may do so by communicating that desire in writing, on or before June 14, 1978, to the Assistant Secretary for Science and Technology at the address shown in the preceding paragraph. Upon receipt of such request informal hearings will be held so as to give all interested persons an opportunity for the oral presentation of data, views, or arguments in addition to the opportunity to make written submissions. Notice of such hearings will be published in the FEDERAL REGISTER.

Upon receipt of the comments submitted in response to this notice, including the testimony of individuals at any hearings that may be held in conjunction therewith, a complete evaluation of such comments and testimony will be made. Upon completion of that evaluation a notice will be published in the FEDERAL REGISTER either (1) giving the complete text of a final specification, (2) stating that the proposed specification will undergo further development before final publication, or (3) withdrawing the proposed specification from further consideration.

Being published simultaneously in this issue of the FEDERAL REGISTER with this notice is a separate notice announcing that pursuant to §§16.6 (a) and (d) of the procedures the Secretary intends, at such time as a final specification for the labeling of thermal insulation for homes is issued, to

suspend all fees and charges for participation in the program with respect to thermal insulation for homes.

Issued: May 23, 1978.

JORDAN J. BARUCH,
Assistant Secretary for
Science and Technology.

The following is the proposed specification under consideration for the labeling of thermal insulation for homes:

PROPOSED PERFORMANCE INFORMATION LABELING
SPECIFICATION FOR THERMAL INSULATION
FOR HOMES

- 1.0 Purpose.
- 2.0 Scope.
- 3.0 Definitions.
- 4.0 Initiation and termination of participation in program.
- 5.0 General conditions for participation.
- 6.0 Identification of material, form, and recommended application.
- 7.0 Testing and rating for area covered.
- 8.0 Testing and rating for R value.
- 9.0 Rating for thermal coverage and pricing factor.
- 10.0 Testing and rating for resistance to surface flame spread.
- 11.0 Testing and rating for resistance to smoldering.
- 12.0 Testing and rating for FSC number.
- 13.0 Testing and rating for corrosiveness.
- 14.0 Product labeling.
- 15.0 Use of program information in advertising.
- 16.0 Amendment.

FIGURE 1. Label for Loose Fill Type Insulation.

FIGURE 2. Label for Blanket, Batt, or Board Type Insulation.

APPENDIX A. Form for Notification of Desire To Participate in Program.

1.0 Purpose

The purpose of this Performance Information Labeling Specification is to establish procedures for the testing and labeling of thermal insulation for homes in accordance with the Procedures for a Voluntary Consumer Product Information Labeling Program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated Nov. 4, 1977; and 43 FR 8254, dated Mar. 1, 1978) and to define requirements for participation in that program with respect to such insulation.

2.0 Scope

2.1 This Specification shall apply to the product class consisting of all insulation as defined in §3.9 of this Specification.

2.2 Insulation covered by this Specification shall be labeled with respect to its material, form, recommended application, R value, area covered, pricing factor, resistance to surface flame spread, resistance to smoldering, FSC number, and corrosiveness.

3.0 Definitions

3.1 The term "Secretary" means the Secretary of Commerce or her designee.

3.2 The term "participant" means a manufacturer, assembler or private brand labeler of insulation, or an importer of insulation for resale, who participates in the Program with respect to insulation.

3.3 The term "designated agent" means a person, as defined in §16.3(e) of the Procedures, who has been designated by the Sec-

retary to carry out appropriate operational procedures on behalf of more than one participant in accordance with §16.9 of the Procedures.

3.4 The term "Program" means the Voluntary Consumer Product Information Labeling Program.

3.5 The term "Procedures" means the Procedures for a Voluntary Consumer Product Information Labeling Program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated Nov. 4, 1977; and 43 FR 8254, dated Mar. 1, 1978).

3.6 The term "Specification" means the Performance Information Labeling Specification for Thermal Insulation for Homes.

3.7 The term "Label" means printed matter affixed to or otherwise provided with insulation and meeting the requirements of §14.0 of this Specification.

3.8 The term "Department of Commerce Mark" means the mark indicated in Figures 1 and 2, which is registrable in the U.S. Patent and Trademark Office under 15 U.S.C. 1054.

3.9 The term "insulation" means thermal insulation intended for use in the ceiling, walls, floors, or other structural elements of private dwellings and customarily available to consumers for their use in the retrofitting of existing buildings or in the initial fitting of new buildings. The term includes loose-fill, batt, blanket, and board type insulation consisting of either organic or mineral materials in either cellular or fiber form.

3.10 The terms "ASTM Standard Test Method" and "ASTM Standard Recommended Practice," when used as references to specific documents and when used without identifying dates, means the current version of the specific American Society for Testing and Materials standard test method or standard recommended practice referenced. Copies of these documents may be obtained from the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

3.11 The term "Proposed Federal Specification" means the proposed version of the designated Federal purchase specification published by the Federal Supply Service, General Services Administration, for the use of all Federal agencies. The referenced portions of Proposed Federal Specifications may be obtained from the National Bureau of Standards, Division 761, Washington, D.C. 20234.

4.0 Initiation and Termination of Participation in Program

4.1 Any manufacturer, assembler, or private brand labeler of insulation, or importer of insulation for resale, desiring to participate in the Program with respect to insulation will notify the Secretary. The notification shall list the brand name(s) for which the prospective participant proposes to use Labels and the proposed date of entry into the Program for each brand name. The notification shall also include a statement that if accepted as a participant in the Program the prospective participant will (1) abide by all conditions imposed by the Procedures, (2) abide by all conditions imposed by this Specification, and (3) desist from using the Department of Commerce Label and Mark if its participation in the Program is terminated. The notification shall be addressed to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230. The notification may be in the form shown in Appendix A.

4.2 The Secretary shall act expeditiously on all requests to participate in the Programs and shall notify each prospective participant of her decision in writing. In those instances where the Secretary declines a request, she shall state the reasons for so declining.

4.3 If a prospective participant seeking to participate in the Program is notified by the Secretary that she proposes to deny that prospective participant the right to participate, that prospective participant shall have 30 days from the receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed denial shall become final through the issuance of a written decision to such prospective participant in the event that he does not appeal such notification by the end of the 30-day period. If, however, such prospective participant requests a hearing within that 30-day period, the Secretary's proposed denial shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

4.4 A participant may at any time terminate his participation and responsibilities under this Program with respect to a given brand of insulation by giving written notice to the Secretary that he has discontinued use of the Department of Commerce Label and Mark for all insulation of that brand.

4.5 The Secretary, upon finding that a participant is not complying with the conditions set out in the Procedures or in this Specification, may terminate upon 30 days' notice the participant's right to continue his participation in the Program with respect to insulation: *Provided*, That the participant shall first be given an opportunity to show cause why the participation should not be terminated.

4.6 Upon receipt from the Secretary of a notice of proposed termination of participation, which notice shall set forth the reasons for such proposed termination, the participant shall have 30 days from the date of receipt of such notification to request a hearing under the provisions of 5 U.S.C. 556. The Secretary's proposed termination shall become final through the issuance of a written decision to the participant in the event such participant does not appeal the proposed termination within the 30-day period. If, however, the participant requests a hearing within the 30-day period, the Secretary's proposed termination shall be stayed pending the outcome of the hearing held pursuant to 5 U.S.C. 556.

5.0 General Conditions for Participation

5.1 Prior to the use of a Label participants shall make or have made the tests and ratings and the identifications required under §§6.0 through 13.0 of this Specification and shall retain adequate records of the tests and computations involved. Such records shall be kept on file by the participant or his agent for three years and shall, if requested by the Secretary within that three-year period, be forwarded to the Secretary within 30 days of such request.

5.2 Participants should make or have made tests on sufficient samples of insulation to provide a valid basis for determining ratings and should maintain such quality control programs, to include testing, as are necessary to insure that no insulation having a Label is mislabeled.

5.3 Participants shall enter product ratings and other information on their Labels, and shall display their Labels in accordance with the requirements of §14.0 of this Specification.

5.4 Each participant shall be identified on Labels used by that participant as the organization certifying the accuracy of ratings on the Labels.

5.5 In addition to the testing referred to in §§5.1 and 5.2 of this Specification, participants shall, if requested by the Secretary in accordance with §16.7(d)4 of the Procedures, make or have made at their expense further tests or provide samples of insulation for further testing to determine whether testing has been done according to this Specification. The results of the requested tests, or the requested samples, shall be provided to the Secretary as soon as practicable, preferably within 30 days of receipt of such requests. This requirement does not preclude the Department of Commerce from testing or having tested any insulation at its own expense.

5.6 The requirement in §§5.1 and 5.5 of this Specification and the recommendation in §5.2 of this Specification that participants "make or have made" tests of insulation may be fulfilled through the use of in-house testing, testing by other laboratories, testing associated with certification programs, or a combination of these three types of testing. However, for the purposes of this Program, accountability shall remain with the participant for information entered on Labels by that participant.

5.7 Participants may reproduce or may authorize non-participants such as retail sales organizations to reproduce Labels, including the Department of Commerce Mark, in the advertising of insulation labeled under the Program: *Provided*, That the requirements in §15.0 of this Specification are satisfied.

5.8 Participants may utilize the services of designated agents who have been designated by the Secretary under §16.9 of the Procedures to carry out specified operational procedures on behalf of participants in the Program with respect to insulation.

6.0 Identification of Material, Form, and Recommended Application

6.1 Insulation shall be identified with respect to its basic material through the use of the most appropriate of the following descriptive terms on Labels: mineral wool, cellular glass, perlite, vermiculite, cellulose, polystyrene, polyurethane, polyisocyanurate. If none of the above terms is appropriate, a descriptive term provided and published by the Secretary under §6.4 of this Specification shall be used.

6.2 Insulation shall be identified with respect to its basic form through the use of the most appropriate of the following terms on Labels: board type, board type with vapor barrier, blanket type, blanket type with vapor barrier, batt-type, batt type with vapor barrier, loose fill type for pouring, loose fill type for blowing, loose fill type for pouring or blowing. If none of the above terms is appropriate, a descriptive term provided and published by the Secretary under §6.4 of this Specification shall be used.

6.3 Insulation shall be identified with respect to its recommended application by checking one or more of the following descriptive terms on Labels: attic floors, basement ceilings, floors over crawl spaces, enclosed walls, open walls. If none of the above terms is appropriate, one or more descriptive terms provided and published by the Secretary under §6.4 of this Specification shall be used.

6.4 Participants or potential participants desiring to describe on Labels an insulation with respect to its material, form, or recom-

mended application, for which insulation the descriptive terms listed in § 6.1, 8.2, or 8.3 of this Specification are not appropriate, should notify the Secretary of the need for additional descriptive terms. Any such notification shall describe the material, form, and recommended application of the subject insulation and shall include proposed additional descriptive terms. Such notifications shall be addressed to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230. The Secretary shall provide additional descriptive terms if needed, or shall inform the submitter of the notification as to which of the previously listed descriptive terms should be used for the subject insulation, within 30 days of receipt of the notice. When additional descriptive terms are provided to the submitter, the Secretary shall also, as soon as practicable, publish in the *FEDERAL REGISTER* a notice of such provision.

6.5 Insulation shall be considered mislabeled if the material or form of the insulation is different from the approved descriptive terms for material and form listed on the Label, or if the insulation is deemed by the Secretary to be inappropriate for one or more of the approved recommended applications checked on the Label.

7.0 Testing and Rating for Area Covered

7.1 For loose fill type insulation, area covered shall be computed using the relationship $A = M/(D \cdot t/12)$, where A is the area covered, in square feet; M is the weight of insulation in a package, in pounds; D is the settled density in pounds per cubic foot determined in accordance with section 4.5.1 of Proposed Federal Specification HH-1-515D, Insulation, Thermal (Loose Fill for Pneumatic or Poured Applications); Cellulosic or Wood Fiber, as proposed November 4, 1977, or section 4.5.1 of Proposed Federal Specification HH-1-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or Poured Application), as proposed November 4, 1977, as appropriate; and t is the settled thickness of the installed insulation, in inches. (See section 3.1.1 of this Specification.) Area covered shall be computed for settled thicknesses of 1.0, 3.5, and 5.5 inches, and for the settled thicknesses in inches corresponding to R values of R = 30 and R = 40 as determined under section 8.1 of this Specification. Area covered values of less than 50-square feet shall be expressed in tenths of a unit and area covered values of 50-square feet or more shall be expressed in whole numbers on Labels.

7.2 For blanket and batt type insulation, area covered shall be computed using the relationship $A = W \cdot L$, where A is the area covered in square feet and W and L are the width and total length in feet of the package piece or pieces, measured on a flat horizontal surface in as-installed condition. Measurements of W and L may be made with any measuring device of suitable accuracy but care must be taken not to distort the insulation in the measurement process. During the measurement process, normal installed thickness in inches shall also be determined in accordance with section 4.1.1 of ASTM C 167, Standard Test Methods for Thickness and Density of Blanket or Batt Type Thermal Insulating Materials. Area covered values of less than 50-square feet shall be expressed in tenths of a unit and area covered values of 50-square feet or more shall be expressed in whole numbers on Labels.

7.3 For board type insulation, the area covered shall be computed using the rela-

tionship $A = W \cdot L$, where A is the area covered in square feet and W and L are the width and total length of the packaged piece or pieces, in feet. Measurements may be made with any measuring device of suitable accuracy. During the measurement process, normal installed thickness in inches shall also be determined. Area covered values of less than 50-square feet shall be expressed in tenths of a unit and area covered values of 50-square feet or more shall be expressed in whole numbers on Labels.

7.4 When tests to determine if insulation is mislabeled are conducted in accordance with section 7.1, 7.2, or 7.3 of this Specification and any value for area covered so determined is found to be less than the value shown on the Label for the same thickness of insulation by 0.2-square foot or 3 percent of the labeled value, whichever is greater, the insulation shall be considered mislabeled.

8.0 Testing and Rating for R Value

8.1 For loose fill type insulation, R value (thermal resistance) shall be determined in accordance with ASTM C 687, Standard Recommended Practice for Determination of the Thermal Resistance of Low-Density Fibrous Loose Fill Type Building Insulation. R values shall be determined at a mean temperature of 75°F for the settled density as determined under section 7.1 of this Specification. R values shall be computed for settled thicknesses of 1.0, 3.5, and 5.5 inches, and the settled thicknesses in inches corresponding to R values of R = 30 and R = 40 shall also be computed. R values shall be given in "F · h · ft²/Btu where "F means temperature difference in degrees Fahrenheit, h means hours, ft² means square feet, and Btu means British thermal units. R values of less than 10 shall be expressed in tenths of a unit and R values of 10 or more shall be expressed in whole numbers on Labels.

8.2 For blanket and batt type insulation, R value shall be determined in accordance with ASTM C 653, Standard Recommended Practice for Determination of the Thermal Resistance of Low-Density Mineral-Fiber Blanket-Type Building Insulation. R value shall be determined at a mean temperature of 75°F for the normal installed thickness as determined under section 7.2 of this Specification. R value shall be given in "F · h · ft²/Btu, where "F means temperature difference in degrees Fahrenheit, h means hours, ft² means square feet, and Btu means British thermal units. R values of less than 10 shall be expressed in tenths of a unit, and R values of 10 or more shall be expressed in whole numbers on Labels.

8.3 For board type insulation, R value shall be determined in accordance with either ASTM C 177, Standard Test Method for Thermal Conductivity of Materials by Means of the Guarded Hot Plate; ASTM C 236, Standard Test Method for Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box; or ASTM C 518, Standard Test Method for Steady State Thermal Transmission Properties by Means of the Heat Flow Meter. Measurements shall be made at a mean temperature of 75°F on aged test specimens representative of the density and thickness of the labeled insulation. R value shall be computed for the installed thickness as determined under section 7.3 of this Specification and shall be given in "F · h · ft²/Btu, where "F means temperature difference in degrees Fahrenheit, h means hours, ft² means square feet, and Btu means Brit-

ish thermal units. R values of less than 10 shall be expressed in tenths of a unit and R values of 10 or more shall be expressed in whole numbers on Labels.

8.4 Since in sections 8.1 and 8.2 of this Specification the referenced recommended practices provide alternative test methods for determining R value, and since in section 8.3 of this Specification alternative test methods are also provided, then in all cases where an R value rating comes into dispute the following order of precedence shall be held to prevail: R values determined in accordance with ASTM C 177, Standard Test Method for Thermal Conductivity of Materials by Means of the Guarded Hot Plate, shall prevail over R values determined in accordance with other methods, and R values determined in accordance with ASTM C 236, Standard Test Method for Thermal Conductance and Transmittance of Built-Up Sections by Means of the Guarded Hot Box, shall prevail over R values determined in accordance with ASTM C 518, Standard Test Method for Steady State Thermal Transmission Properties by Means of the Heat Flow Meter.

8.5 When tests to determine if insulation is mislabeled are conducted in accordance with section 8.1, 8.2, or 8.3 of this Specification and any R value so determined is found to be less than 95 percent of the R value shown on the Label for the same thickness of insulation, the insulation shall be considered mislabeled.

9.0 Rating for Thermal Coverage and Pricing Factor

9.1 For loose fill, blanket, batt and board type insulation, a thermal coverage rating shall be computed using the relationship $TCR = R \cdot A$ where TCR is the thermal coverage rating, R is the R value determined under § 8.1, 8.2, or 8.3 of this Specification and A is the area covered value, corresponding to this R value, determined under § 7.1, 7.2, or 7.3 of this Specification. For loose fill type insulation TCR shall be computed using the R value and area covered value corresponding to a settled thickness of one inch. For batt, blanket and board type insulation, TCR shall be computed for the R value and area covered corresponding to the installed thickness.

9.2 For display on the Label, a pricing factor shall be calculated using the relationship $PF = 1000/TCR$, where PF is the pricing factor and TCR is the thermal coverage rating determined in accordance with § 9.1 of this Specification. Pricing factor shall be expressed in hundredths of a unit on Labels.

9.3 When ratings to determine if insulation is mislabeled are made in accordance with §§ 9.1 and 9.2 of this Specification and the pricing factor so determined is found to be not in agreement with the pricing factor shown on the Label, the insulation shall be considered mislabeled.

10.0 Testing and Rating for Resistance to Surface Flame Spread

10.1 For loose fill, blanket, batt, and board type insulation, resistance to surface flame spread shall be determined in accordance with the surface flame spread test referenced in the following three specifications: § 4.5.7 of Proposed Federal Specification HH-1-515D, Insulation, Thermal (Loose Fill for Pneumatic or Poured Applications); Cellulosic or Wood Fiber, as proposed November 4, 1977; § 4.5.8 of Proposed Federal Specification HH-1-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or

Poured Applications), as proposed November 4, 1977; and § 4.7.8 of Proposed Federal Specification HH-1-521F, Insulation Blankets, Thermal (Mineral Fiber, for Ambient Temperatures), as proposed November 9, 1977. (See § 3.1.1 of this Specification.) However, the following requirements shall apply to the testing of insulation having a vapor barrier or other membrane: Insulation having a vapor barrier or other membrane shall be tested both with the membrane exposed to the radiant panel and with the membrane either removed from the insulation or intact but not exposed, and the lower of the resulting values of resistance to surface flame spread shall be shown on Labels: *Except* That insulation which is clearly and conspicuously marked on the membrane that an exposed membrane may present a fire hazard and should not be installed so as to expose said membrane may be tested only with the membrane intact but not exposed to the radiant panel and the resulting value of resistance to surface flame spread shown on Labels. Resistance to surface flame spread shall be determined at the density used in the determination of R value under § 8.1, 8.2, or 8.3 of this Specification. Resistance to surface flame spread shall be given as the critical radiant flux in watts per square centimeter, shall be expressed in hundredths of a unit, and indicated at the appropriate position on the resistance to surface flame spread scale on Labels.

10.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 10.1 of this Specification and the resistance to surface flame spread so determined is found to be less than 95 percent of the resistance to surface flame spread shown on the Label, the insulation shall be considered mislabeled.

11.0 Testing and Rating for Resistance to Smoldering

11.1 For loose fill, blanket, batt, and board type insulation, resistance to smoldering shall be determined in accordance with the smoldering test referenced in the following three specifications: § 4.5.8 of Proposed Federal Specification HH-1-515D, Insulation, Thermal (Loose Fill for Pneumatic or Poured Application); Cellulosic or Wood Fiber, as proposed November 4, 1977; § 4.5.9 of Proposed Federal Specification HH-1-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or Poured Applications), as proposed November 4, 1977; and § 4.7.7 of Proposed Federal Specification HH-1-521F, Insulation Blankets, Thermal (Mineral Fiber, for Ambient Temperatures) as proposed November 9, 1977. (See § 3.1.1 of this Specification.) For board type insulation, the hole for insertion of the ignition source may be formed by drilling with an 8-mm drill. Resistance to smoldering shall be determined at the density used in the determination of R value under § 8.1, 8.2, or 8.3 of this Specification. Resistance to smoldering shall be computed as (100-weight loss in percent)/10 and shall be expressed in halves of a unit and indicated at the appropriate position on the resistance to smoldering scale on Labels.

11.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 11.1 of this Specification and the resistance to smoldering so determined is found to be less than the resistance to smoldering shown on the Label by more than one-half unit, the insulation shall be considered mislabeled.

12.0 Testing and Rating for FSC Number

12.1 For loose fill, blanket, batt, and board type insulation, FSC number (Flame Spread Classification) shall be determined in accordance with ASTM E 84, Standard Test Method for Surface Burning Characteristic of Building Materials. However, the following requirements shall apply to the testing of insulation having a vapor barrier or other membrane: Insulation having a vapor barrier or other membrane shall be tested both with the membrane exposed and with the membrane either removed from the insulation or intact but not exposed, and the higher of the resulting FSC numbers shall be shown on Labels: *Except* That insulation that is clearly and conspicuously marked on the membrane that an exposed membrane may present a fire hazard and should not be installed so as to expose said membrane may be tested only with the membrane intact but not exposed and the resulting FSC number shown on Labels. FSC number shall be determined at the density used in the determination of R value under § 8.1, 8.2, or 8.3 of this Specification. FSC numbers (Flame Spread Classification) shall be expressed in whole numbers evenly divisible by five on Labels.

12.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 12.1 of this Specification and the FSC number so determined is found to be more than five numbers greater than the FSC number shown on the Label, the insulation shall be considered mislabeled.

13.0 Testing and Rating for Corrosiveness

13.1 For loose fill, blanket, batt, and board type insulation, corrosiveness shall be determined in accordance with both § 4.5.5 of Proposed Federal Specification HH-1-515D, Insulation, Thermal (Loose Fill for Pneumatic or Poured Application); Cellulosic or Wood Fiber, as proposed November 4, 1977, and § 4.5.6 of Proposed Federal Specification HH-1-1030B, Insulation, Thermal (Mineral Fiber, for Pneumatic or Poured Application), as proposed November 4, 1977, with the further provision that all metal specimens shall be degreased before testing by washing with 1.1.1 trichloroethane or trichloroethylene until completely free of water breaks. (See § 3.1.1 of this Specification.) Degreased specimens shall be handled only with clean forceps. In making tests in accordance with HH-1-1030B, contact between the metal specimen and the stainless steel woven wire cloth shall be avoided. Corrosive effects to be noted shall be those listed in § 3.1.9 of Proposed Federal Specification HH-1-515D and § 3.2.8 of proposed Federal Specification HH-1-1030B. When the specified corrosive effects are noted with respect to the aluminum, copper, steel, or galvanized steel corrosion test specimens, the affected metals shall be checked on Labels. If the specified corrosive effects are not noted, the phrase "none of these" shall be checked on Labels.

13.2 When tests to determine if insulation is mislabeled are conducted in accordance with § 13.1 of this specification and the affected metals so determined are found to be not checked on the Label, the insulation shall be considered mislabeled.

14.0 Product Labeling

14.1 The size and design of Labels shall be as shown in figure 1 for loose fill type insulation and Figure 2 for batt, blanket, and board type insulation, except that proportional reproductions of Labels from a mini-

mum size of one half the indicated dimensions to a maximum size of 1.5 times the indicated dimensions may be used. The size of the Label shall be such as to clearly and conspicuously display the labeled information. All information and ratings called for in Figure 1 or 2 shall be shown on Labels, and no information or marks other than those indicated in Figures 1 and 2 shall be shown within the borders of Labels.

14.2 The Secretary shall provide each participant with camera-ready art suitable for use in printing Labels, except that such art will not contain numerical product ratings or other individualized information that is to be developed and provided by participants. Labels shall be based on accurate reproductions of the camera-ready art provided. However, participants may apply for permission to make minor variations in Label appearance, such as variations made necessary by the use of special printing techniques. Permission for such variations may be requested by application to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230. Applications shall be accompanied by an example of the proposed variation.

14.3 Labels may be printed separately, printed on a container or wrapping that contains insulation and is conveniently visible to consumers before sale, or may be printed directly on the insulation if the insulation is clearly visible to consumers before sale. The Label lettering and the Label background shall be of contrasting colors. Separately printed Labels may be fastened with adhesive, attached as hang-tags, or affixed by any other secure means that does not detract from their visibility.

14.4 Labels shall be printed on or affixed to a conspicuous portion of each insulation package or other sales unit of insulation offered for sale to consumers. When Labels are printed or affixed along with other information, the Labels shall appear clearly distinct from the other information so that the Department of Commerce Mark on the Label cannot reasonably be considered to be associated with the other information.

14.5 Except for those packages or other sales units of insulation exported from the United States, every package or other sales unit of a labeled brand name of insulation that is listed in accordance with § 4.1 of this Specification shall carry a Label. However, participants utilizing more than one brand name may label some or all of those brand names of insulation in accordance with this Specification.

15.0 Use of Program Information in Advertising

15.1 Participants may reproduce Labels, including the Department of Commerce Mark, in the advertising of insulation labeled under the Program: *Provided*, That entire Labels, complete with all information required to be displayed at the point of retail sale, are shown legibly and are not combined or associated directly with any other mark or logo. However, the use of such reproductions, which may be of any legible size, shall not be a substitute for labeling of insulation in accordance with this Specification.

15.2 Participants may authorize non-participants, such as retail sales organizations, to reproduce Labels, including the Department of Commerce Mark, in the advertising of insulation labeled under the Program: *Provided*, That the requirements in § 15.1 of this Specification are satisfied.

16.0 Amendment

This Specification is subject to amendment or revision as provided in § 16.11 of the Procedures, except that new descriptive terms may be provided by the Secretary and published in the **FEDERAL REGISTER** as provided in § 6.4 of this Specification without first publishing notice of the proposed change in the **FEDERAL REGISTER**. Amendments and revisions shall not apply to insulation manufactured prior to the effective date of the amendment or revisions.

TYPE STYLE GUIDE

"R" = Megaron Bold



U.S. Department of Commerce
VOLUNTARY CONSUMER PRODUCT
INFORMATION LABELING PROGRAM
INFOTAG

Department of Commerce Part
as defined in section 3.9

Material as identified under
section 6.1

Form as identified under
section 6.2

Check recommended applications as
identified under section 6.3

Area covered as determined
under section 7.1

R value as determined under
section 8.1

Thickness as determined under
section 8.1

Pricing factor as determined
under section 9.2

Resistance to surface flame spread
as determined under section 10.1

Resistance to smoldering as
determined under section 11.1

FSC number as determined
under section 12.1

Check affected metals as identified
under section 13.1

Name of participant as required
under section 5.5

Thermal Insulation for Homes
Cellulose
Loose Fill for Blowing

For use in:
☒ Attic floors
☐ Basement ceilings
☐ Floors over crawl spaces
☐ Open walls
☒ Enclosed walls

CAUTION: Follow instructions. Proper installation is necessary for safety and effectiveness.

The contents of this package will provide:

An R value* of	And will cover (square feet)	To give a settled thickness of (inches)
3.8	186	1.0
13	53	3.5
21	33.8	5.5
30	23.6	7.9
40	17.7	10.5

*NOTE: A higher R value means less energy loss. Find the best R value for your location and home. For the best dollar value, compare fuel savings to insulation cost.

Price Comparison
 The Price Comparison Numbers should be used to find your best value. To find the Price Comparison Number for this package, multiply 1.41 by the price per package.
1.41 × Price of this Package = PRICE COMPARISON NUMBER

The smaller the Price Comparison Number, the less your cost for insulation.

Fire Resistance Ratings
 Resistance to Surface Flame Spread: 43
 The higher the number, the more resistant to burning. Remember, any material might burn under extreme conditions.

Resistance to Smoldering: 6
 The higher the number, the more resistant to burning. Remember, any material might burn under extreme conditions.

Building Code Compliance
 Some building codes and other regulations require that the FSC number not exceed a certain value. Check with your local authorities. The FSC number for this package is 45.

Corrosion
 This material may corrode:
☐ Aluminum
☐ Copper
☐ Steel
☐ Galvanized steel
☒ None of these

Data on this label certified by:

Type style to be selected by participant

FIGURE 1. LABEL FOR LOOSE FILL TYPE INSULATION

LABEL DIMENSIONS:
12 3/4 inches high
8 3/4 inches wide

[illegible]

FIGURE 2. LABEL FOR BLANKET, BATT, OR BOARD TYPE INSULATION

PERFORMANCE INFORMATION LABELING SPECIFICATION FOR THERMAL INSULATION FOR HOMES

**APPENDIX A.—FORM FOR NOTIFICATION OF
DESIRE TO PARTICIPATE IN PROGRAM**

**Assistant Secretary for Science and Technology,
Room 3862,
U.S. Department of Commerce,
Washington, D.C. 20230.**

(Insert name of prospective participant) desires to participate in the Department of Commerce Voluntary Consumer Product Information Labeling Program (Program) with respect to thermal insulation for homes. If accepted as a participant in the Program, (Insert name of prospective participant) intends to label thermal insulation offered for sale under the brand name(s) (Insert name or names of brands to be labeled), effective (Insert date on which labeling will start).

If accepted as a participant in the Program, (Insert name of prospective participant) agrees to:

- (1) Abide by all conditions imposed by the Procedures for a Voluntary Consumer Product Information Labeling Program, 15 CFR Part 16;
- (2) Abide by all conditions imposed by the Performance Information Labeling Specification for Thermal Insulation for Homes;

- (3) Desist from using the Department of Commerce Label and Mark if its participation in the Program is terminated.

(Date)

.....
(Signature)

.....
(Signer's title)

[FR Doc. 78-14921 Filed 5-26-78; 8:45 am]

[3510-13]

**VOLUNTARY CONSUMER PRODUCT
INFORMATION LABELING PROGRAM**

Suspension of Fees for Participation

In a separate notice appearing in this issue of the FEDERAL REGISTER the Department of Commerce announces for public comment a proposed Performance Information Labeling Specification for thermal insulation for homes (Specification) under the procedures for a Voluntary Consumer Product Information Labeling Program, as amended (15 CFR Part 16; 42 FR 26647, dated May 25, 1977; 42 FR 57686, dated November 4, 1977; and 43

FR 8254 dated March 1, 1978) (Procedures). Under section 16.6 of the Procedures the Secretary must announce simultaneously with the publication of the notice of the proposed Specification her intention with respect to fees and charges for participation in the program for thermal insulation for homes.

Accordingly, pursuant to § 16.6(d) of the Procedures notice is hereby given that the Secretary intends, at such time as a final Performance Information Labeling Specification for thermal insulation for homes is issued, to suspend all fees and charges for participation in the program with respect to thermal insulation for homes.

This notice is furnished for information and guidance purposes only in order that the public may evaluate the proposed Specification in light of the Secretary's intention announced above.

Issued: May 23, 1978.

JORDAN J. BARUCH,
*Assistant Secretary for
Science and Technology.*

[FR Doc. 78-14922 Filed 2-26-78; 8:45 am]

TUESDAY, MAY 30, 1978
PART V



DEPARTMENT OF ENERGY

ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECT

Performance Standards for
Demonstrations

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[3128-01]

Title 10—Energy

CHAPTER II—DEPARTMENT OF ENERGY

PART 475—ELECTRIC AND HYBRID VEHICLE RESEARCH, DEVELOPMENT, AND DEMONSTRATION PROJECT

Performance Standards for Demonstrations

AGENCY: Department of Energy.

ACTION: Final rule.

SUMMARY: This rule prescribes minimum performance standards for electric and hybrid vehicles to be purchased or leased for the first phase of a demonstration program under the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976.

EFFECTIVE DATE: July 3, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles E. Pax, Office of Assistant Secretary, Conservation and Solar Applications, 20 Massachusetts Avenue NW., Washington, D.C. 20545, 202-376-4893.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On February 6, 1978, the Department of Energy (DOE) issued proposed regulations (43 FR 5841, February 10, 1978) to establish minimum performance standards for electric and hybrid vehicles which are to be purchased or leased for the first phase of a demonstration program as required under section 4 of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976 (Pub. L. 94-413) (Act). The proposed regulations, issued as Part 1010 of Chapter X, Title 10, of the Code of Federal Regulations, followed an earlier request for comment on standards recommended by contractors (42 FR 53630, October 3, 1977). The scheduled public hearing on the proposal was canceled since only two respondents requested an opportunity to make an oral presentation and both subsequently elected to submit their comments in writing.

DISCUSSION OF COMMENTS

Twenty-five written comments were received by DOE. Several contended that no performance standards should be set. However, the Act requires that minimum performance standards be promulgated by rule for both personal-use vehicles and commercial vehicles.

A number of comments recommended easing specific minimum perform-

ance levels, citing the low level of maturity of available technology, while other comments recommended raising these levels to avoid the adverse effects of demonstrating vehicles of disappointing or marginal capability. A considerable amount of judgment was involved to determine a reasonable common ground among these differing approaches. As discussed in particular below, the regulations issued today meet several of the concerns expressed in the comments and define some of the specific standards with greater clarity.

1. *General—Establish a single set of standards applicable to commercial and personal-use vehicles.* Some comments suggested making a single set of performance standards applicable to both vehicle classifications. Section 7(b)(2) of the Act, however, requires that "[s]eparate performance standards shall be established . . . with respect to (A) electric or hybrid vehicles for personal use, and (B) commercial electric or hybrid vehicles." In many instances the minimum performance standard for a particular category is identical for both commercial and personal-use vehicles. For other categories it has been judged appropriate to select different performance standards for the two vehicle types in view of differences in use and in consideration of constraints imposed by the available technology.

2. *Section 475.2 Definitions—Commercial vehicle and personal-use vehicle.* A suggestion was made to limit personal-use vehicles to those designed for six passengers or less. There are, however, in use a number of vehicles capable of transporting up to 10 passengers, which vehicles are used primarily as personal automobiles, with similar performance demands, rather than as commercial buses. Therefore, vehicles designed to carry up to 10 passengers may be personal vehicles under the regulations.

Another comment suggested that a commercial vehicle be defined as designed primarily to transport material. However, the performance demanded of a large personal carrier (such as a bus) may be considerably different from that of a smaller passenger vehicle, and such a vehicle is judged to be more appropriately considered as a commercial vehicle.

Comments also suggested that the commercial vehicle definition permit various performance standards based on rated gross vehicle mass or vehicle purpose. There are, indeed, numerous subdivisions which could be made in the commercial vehicle standards. However, it is not the intent of these minimum performance standards to regulate the product development, performance specifications or design goals of industry. It is also not intended that the demonstration conducted

under the Act impose a limit on industry's scope of development or preclude interaction between industry and consumers to explore other vehicle types and performance levels. The definitions of commercial vehicles and personal-use vehicles are, therefore, unchanged.

3. *Section 475.2—Electric vehicle should be defined as requiring 100 percent wall-plug energy.* This suggestion is not accepted since there may be considerable advantage in permitting non-electric fueling of accessories, such as a heater having a high peak power demand but overall low annual energy demand. Nonelectric energy use for other than accessories on the electric vehicle is limited by sections 475.10(h)(1) and 475.11(h)(1) of the regulations which both state "[f]or an electric vehicle, the maximum amount of nonelectrical energy consumed shall be that used for operation of the accessories only."

4. *Section 475.2—Redefine vital accessories to include heater blowers only if the vehicle is equipped with a heater.* It was suggested that since a heater was required to be available only if selected by the user, heater blowers should be required as vital accessories only if the vehicle was equipped with a heater. DOE agrees with this comment, and this suggestion has been adopted.

5. *Section 475.10(a) and 475.11(a)—Acceleration.* Several comments requested relaxing the proposed acceleration standards and other comments indicated that the proposed acceleration standards were already too lenient. After considering these comments, DOE has determined that the proposed acceleration standard for commercial vehicles appropriately reflects consideration of consumer preference, what technology can presently provide at a reasonable cost, and existing time constraints; and promotes the acquisition and use of such vehicles as required for the initial standards by section 7(b)(2) of the Act. The commercial vehicle acceleration standard is, therefore, adopted as proposed. In order to enhance the opportunity for obtaining a cross section of personal-use vehicles in the demonstrations, as required by section 7(c)(1) of the Act, as amended by section 601 of Pub. L. 95-238, the suggestion to lower the personal-use minimum performance standard for 0 to 50 km/hr acceleration time from 12 seconds to 15 seconds is accepted. Although the technology currently exists for achieving the more stringent acceleration, time constraints may prohibit the technology from being effectively utilized in the first vehicle purchase. However, subsequent purchases may not be subject to the same limitations.

6. *Section 475.10(b) and 475.11(b)—Gradeability at speed.* Several com-

ments recommended relaxing the performance standard for gradeability at speed due to the level of available technology. This recommendation is also adopted to ensure a reasonable cross section of vehicles in the first phase of the demonstration. The standards for gradeability at speeds for both personal-use vehicles and commercial vehicles are therefore set at 25 km/hr on a 10 percent grade.

7. *Section 475.10(c) and 475.11(c)—Gradeability limit.* Several comments recommended relaxing the steepness or the duration of the gradeability limit to reduce the difficulty of compliance. These recommendations were not accepted since it was judged from available test data that sufficient capability existed to meet this standard, and this capability was considered important to a successful demonstration.

8. *Section 475.10(d) and 475.11(d)—Forward speed capability.* Comments were received which recommended relaxing the forward speed capability standard due to the level of technology available. Comments were also received which recommended raising the forward speed capability performance due to user requirements.

Lowering this forward speed capability standard is considered tolerable provided the use environment of the initial demonstration vehicles is selected carefully. To permit more latitude in manufacturer trade-offs for vehicles in the initial demonstrations, as discussed above in comments (5) and (6), the minimum performance standards for forward speed capability are reduced to 80 km/hr for personal-use vehicles and 70 km/hr for commercial vehicles.

9. *Section 475.10(e) and 475.11(e)—Range.* A few comments recommended lower electric vehicle range standards on the basis of vehicle capabilities, and several comments recommended higher electric vehicle range standards to satisfy more user needs. No comments were received on proposed hybrid vehicle range standards. User data indicate a strong desire for range improvement beyond that achievable by state-of-the-art electric vehicles. The levels for the minimum standards for range previously proposed by DOE are judged to be achievable by good application of state-of-the-art technology, allow some latitude for trade-offs and are capable of fulfilling initial demonstration vehicle needs. Therefore, the range standards are adopted as proposed.

10. *Section 475.10(f) and 475.11(f)—Battery recharge time.* In response to several comments which recommended clarification of the initial and final battery condition associated with this standard, the wording of the final standard has been clarified. Several comments also recommended longer recharge times and deleting the re-

quirement of an onboard charger for personal-use vehicles. DOE has determined that sufficient types of vehicles are available which meet these standards and, therefore, such changes are unnecessary to obtain an appropriate cross section of vehicles and would impose undesirable restrictions on users of the demonstration vehicles.

11. *Section 475.10(g) and 475.11(g)—Recharge control.* A few comments indicated confusion as to which requirements of energy, life, maintenance, and safety were involved. The standard has accordingly been clarified to read as follows: "The vehicle shall have a recharge control which is adequate to meet the requirements of energy, life, and safety as such requirements are stated by these performance standards." Since no performance standards specifically for vehicle maintenance are being promulgated at this time, the reference to maintenance has been deleted.

12. *Section 475.10(i) and 475.11(i)—Battery life.* A considerable amount of comment was received on the standard for battery life. Several comments recommended lowering the standard on the basis that it was beyond the current state-of-the-art and that batteries would not give a year of service before replacement, as required by the proposed standard. Other comments recommended the standard be adopted as proposed or made more demanding to provide a more satisfactory demonstration. Several comments noted the difficulty of determining compliance with battery life standards considering the time constraints, and recommended replacing the proposed standard with a warranty by the vehicle manufacturer.

The DOE considers it important to the success of the demonstration that the vehicles continue to perform at or above certain levels for some minimum duration of use. The battery life standard has been modified to require repair and replacement of the batteries by the vehicle manufacturer if necessary to continue vehicle performance at or above certain levels. This takes into account possible failure or degradation of batteries, permits achieving the limits of the state-of-the-art at low risk while providing incentive for vehicle operation at high performance levels without battery failures, and overcomes the difficulty of determining compliance with the battery life standard within the time constraints of the program.

13. *Section 475.10(j) and (k) and 475.11(j) and (k)—State-of-charge meter and odometer.* Several comments recommended requiring more instrumentation on vehicles, but DOE considers it appropriate that any instrumentation, other than a certain minimum, be determined by interaction between manufacturers and users and not be mandated by DOE.

A comment recommended clarification of the term "state-of-charge" in these sections and this has been done.

14. *Section 475.10(l) and 475.11(l)—Heater.* A comment recommended making the heater mandatory, but DOE has not adopted this recommendation due to the additional cost which could be involved and the possibility of users not needing the heater in some climates.

15. *Section 475.10(o) and 475.11(o)—Safety.* A comment recommended that although the Department of Transportation has granted exceptions to safety standards in the past, the Department of Energy should specify that no exceptions from basic safety standards will be accepted because this would threaten the life and health of vehicle owners. This recommendation has not been adopted since the Department of Transportation is considering the appropriate body for determining the applicability of its safety standards to electric and hybrid vehicles.

Several comments recommended a clarification of the term "explosive proof" in paragraph (o)(2)(iii). Therefore, this section has been revised to read as follows: "Vehicles with battery caps or battery vents shall have flame barrier provisions to inhibit battery explosions."

A comment recommended modification to avoid vagueness of the term "system malfunction" in paragraph (o)(2)(iv) by substituting the term "maintenance." This has been adopted by DOE.

A few comments recommended deletion or modification of paragraph (o)(2)(v) for positive battery disconnect. However, DOE considers this standard an important safety feature and is issuing the standard as proposed.

Several comments questioned whether paragraph (o)(2)(vi) required specific dynamic performance levels over the expanded temperature range of -25° C to 50° C. Specific minimum dynamic performance levels are required only within the temperature range specified by § 475.3. Paragraph (o)(2)(vi) has been restated for clarity.

FINAL REGULATIONS

The regulations are adopted as proposed except for modifications described above.

These performance standards only specify the minimum criteria for the selection of vehicles to be leased or purchased for the demonstration projects to be conducted by DOE under section 7 of the Act. As part of its solicitation and selection process, DOE may specify varying priorities for increased performance levels and additional considerations within and among the designated categories in order to provide a broad spectrum of

vehicles that best meet the needs of the demonstration program. Those vehicles meeting the minimum performance standards will be eligible to be considered for selection using criteria which may include user needs and preferences, reliability, durability, ease of maintenance, safety, passenger and cargo capability, energy use, noise, costs, warranties and other qualitative factors which will provide the project, to the extent practicable, pursuant to section 7(c)(1) of the Act, as amended, with demonstration vehicles which represent a cross section of available technologies and of actual or potential vehicle use.

The performance standards issued today are the initial standards to be used by DOE. These standards, as required by section 7(b)(3) of the Act, as amended, will be revised periodically as the state-of-the-art improves. It is expected that vehicles procured for demonstration subsequent to the initial procurements would be required to meet progressively more stringent minimum performance standards.

(Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1978, Pub. L. 94-413, as amended by Department of Energy Act of 1978—Civilian Applications, Pub. L. 95-238; Energy Reorganization Act of 1974, Pub. L. 93-438; Department of Energy Organization Act, Pub. L. 95-91.)

In consideration of the foregoing, Chapter II of Title 10, Code of Federal Regulations is amended by establishing Part 475, as set forth below.

Issued in Washington, D.C., May 24, 1978.

WILLIAM P. DAVIS,
Deputy Director of
Administration.

Chapter II of Title 10, Code of Federal Regulations, is amended by establishing Part 475 as follows:

Subpart A—General Provisions

- Sec.
475.1 Purpose and scope.
475.2 Definitions.
475.3 Test conditions and procedures.
475.4 Units.

Subpart B—Minimum Levels of Performance

- 475.10 Minimum levels of performance for personal-use vehicles.
475.11 Minimum levels of performance for commercial vehicles.

AUTHORITY: Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1978, Pub. L. 94-413, as amended by Department of Energy Act of 1978—Civilian Applications, Pub. L. 95-238; Energy Reorganization Act of 1974, Pub. L. 93-438; Department of Energy Organization Act, Pub. L. 95-91.

Subpart A—General Provisions

§ 475.1 Purpose and scope.

This part contains performance standards for electric and hybrid vehi-

cles required to be prescribed by the Department of Energy pursuant to section 7(b)(1) of the Act.

§ 475.2 Definitions.

As used in this part:

"Act" means the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1978 (Pub. L. 94-413, 90 Stat. 1263 et seq.), as amended by Department of Energy Act of 1978—Civilian Applications (Pub. L. 95-238; 92 Stat. 47, 91-94).

"Commercial vehicle" means a vehicle other than a personal-use vehicle.

"Electric vehicle" means a vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof.

"Hybrid vehicle" means a vehicle propelled by a combination of an electric motor and an internal combustion engine or other power source and components thereof.

"Personal-use vehicle" means a vehicle designed to carry 10 persons or less and which is designed and primarily used for transporting the vehicle operator and passengers.

"Vehicle" means an electric or hybrid vehicle.

"Vital accessories" means headlights, taillights, windshield wipers, windshield defroster and defroster blowers. Heater blowers also shall be considered as vital accessories if the vehicle is equipped with a heater.

§ 475.3 Test conditions and procedures.

The conditions and procedures in Electric Vehicle Test Procedure—SAE J227a, as revised February 1976, of the Society of Automotive Engineers, shall be used to determine the levels of performance of vehicles for those categories for which minimum levels of performance are prescribed in Subpart B.

§ 475.4 Units.

The units and unit symbols and abbreviations used in this part are those of the International System of Units (Système International) or SI as established by the General Conference of Weights and Measures in 1960 and interpreted and modified for the United States pursuant to the U.S. Department of Commerce notice on the Interpretation and Modification of the International System of Units for the United States (41 FR 54018, December 10, 1976).

Subpart B—Minimum Levels of Performance

§ 475.10 Minimum levels of performance for personal-use vehicles.

The following minimum levels of performance are required with respect

to any personal-use vehicles purchased or leased pursuant to section 7(c) of the Act.

(a) *Acceleration.* The time required to accelerate from rest to 50 km/h shall not exceed 15s.

(b) *Gradeability at speed.* The grade which can be traversed up at 25 km/h shall be at least 10 percent.

(c) *Gradeability limit.* The grade on which the vehicle can start and climb for 20s either backward or forward shall be no less than 20 percent.

(d) *Forward speed capability.* The speed which can be maintained for 5 minutes shall be 80 km/h.

(e) *Range.* The distance which the vehicle can be operated with vital accessories on or equivalent shall be:

(1) For an electric vehicle, at least 50 km on the SAE J227a/C cycle, and

(2) For a hybrid vehicle, at least 200 km on the SAE J227a/C cycle.

(f) *Battery recharge time.* The vehicle shall be capable of satisfying the range requirement of § 475.10(e) above, after being recharged for no more than 10 hours by use of an on-board charger. At the start of this recharge the vehicle shall have 80 percent discharged batteries as specified by the vehicle test conditions and procedures of § 475.3. The onboard charger shall be compatible with an electric power outlet of 110V or 220V AC, as specified by the vehicle manufacturer.

(g) *Recharge control.* The vehicle shall have a recharge control which is adequate to meet the requirements of energy, life, and safety as such requirements are stated by these performance standards.

(h) *Energy consumption.* (1) For an electric vehicle, the maximum amount of nonelectrical energy consumed shall be that used for operation of the accessories only.

(2) For a hybrid vehicle, nonelectrical energy consumed shall not exceed 1.3 MJ/km and shall also not exceed 75 percent of total energy consumed for propulsion and vital accessories, based on being fully loaded on a driving schedule of 33 km on SAE J227 a/C cycle plus 33 km at 75 km/h (higher heating value of gasoline taken as 32.7 MJ/L) and with vital accessories on.

(i) *Battery life.* (1) The vehicle shall be capable of at least 75 percent of the range specified in § 475.10(e) after 12 months or 15,000 km of normal use, whichever occurs first.

(2) The vehicle shall be capable of 100 percent of the acceleration and gradeability specified in § 475.10 (a), (b), and (c), for all test conditions and procedures specified by § 475.3, for 12 months or 15,000 km of normal use, whichever occurs first.

(3) The batteries shall, if necessary, be repaired or replaced by the vehicle manufacturer at no cost to the user of the vehicle in order to meet requirements of (1) and (2) of § 475.10(i).

(j) *State-of-charge meter.* The vehicle shall have a state-of-charge meter for the propulsion battery system or other means of providing an indication of remaining range.

(k) *Odometer.* The vehicle shall have an odometer.

(l) *Passenger comfort heater.* The vehicle shall have a passenger comfort heater available as an option.

(m) *Documentation.* Adequate user manuals, maintenance (service) manuals and parts lists shall be provided.

(n) *Emissions.* The vehicle shall comply with all applicable Federal emissions regulations for motor vehicles.

(o) *Safety, crashworthiness, damageability, crash avoidance and hazards.* (1) The vehicle shall comply with all applicable Federal regulations for motor vehicles concerning safety, crashworthiness, damageability, crash avoidance and hazards, unless a waiver or modification is obtained from the Department of Transportation.

(2) Until the Department of Transportation issues regulations which cover the same subjects, the vehicle shall also have the following performance characteristics:

(i) The electric propulsion circuit shall be electrically isolated from other conductive portions of the vehicle.

(ii) The vehicle shall be capable of undergoing the test procedure of Federal Motor Vehicle Safety Standards 208 and 301 with all battery materials remaining outside the passenger compartment.

(iii) Vehicles with battery caps or battery vents shall have flame barrier provisions to inhibit battery explosions.

(iv) Ventilation shall be adequate within the battery compartment to maintain the concentration of hydrogen below 4 percent by volume during vehicle operation (including charging and maintenance).

(v) The vehicle shall have a device which provides for the positive disconnection of the battery and which is operable from the normal operator position.

(vi) The vehicle shall be capable of being parked for up to 8 hours in temperatures of -25° C to 50° C and subsequently operated at any temperature within this temperature range without damage to the vehicle or hazard to persons.

§ 475.11 Minimum levels of performance for commercial vehicles.

The following minimum levels of performance are required with respect

to any commercial vehicles purchased or leased pursuant to section 7(c) of the Act.

(a) *Acceleration.* The time required to accelerate from rest to 50 km/h shall not exceed 15s.

(b) *Gradeability at speed.* The grade which can be traversed up at 25 km/h shall be at least 10 percent.

(c) *Gradeability limit.* The grade on which the vehicle can start and climb for 20s either backward or forward shall be no less than 20 percent.

(d) *Forward speed capability.* The speed which can be maintained for 5 minutes shall be 70 km/h.

(e) *Range.* The distance which the vehicle can be operated with vital accessories on or equivalent shall be:

(1) For an electric vehicle, at least 50 km on the SAE J227a/B cycle, and

(2) For a hybrid vehicle, at least 200 km on the SAE J227a/B cycle.

(f) *Battery recharge time.* The vehicle shall be capable of satisfying the range requirement of § 475.11(e) above, after being recharged for no more than 10 hours. At the start of this recharge the vehicle shall have 80 percent discharged batteries as specified by the vehicle test conditions and procedures of § 475.3.

(g) *Recharge control.* The vehicle shall have a recharge control which is adequate to meet the requirements of energy, life, and safety as such requirements are stated by these performance standards.

(h) *Energy consumption.* (1) For an electric vehicle, the maximum amount of nonelectrical energy consumed shall be that used for operation of the accessories only.

(2) For a hybrid vehicle, nonelectrical energy consumed shall not exceed 9.8 kJ/kmkg of cargo and shall also not exceed 75 percent of total energy consumed for propulsion and vital accessories, based on being fully loaded on a driving schedule of 100 km on SAE J227a/B cycle, the cargo not including the operator, and with vital accessories on.

(i) *Battery life.* (1) The vehicle shall be capable of at least 75 percent of the range specified in § 475.11(e) after 12 months or 15,000 km of normal use, whichever occurs first.

(2) The vehicle shall be capable of 100 percent of the acceleration and gradeability specified in § 475.11 (a), (b), and (c), for all test conditions and procedures specified by § 475.3, for 12 months or 15,000 km of normal use, whichever occurs first.

(3) The batteries shall, if necessary, be repaired or replaced by the vehicle

manufacturer at no cost to the user of the vehicle in order to meet requirements of (1) and (2) of § 475.11(i).

(j) *State-of-charge meter.* The vehicle shall have a state-of-charge meter for the propulsion battery system or other means of providing an indication of remaining range.

(k) *Odometer.* The vehicle shall have an odometer.

(l) *Passenger comfort heater.* The vehicle shall have a passenger comfort heater available as an option.

(m) *Documentation.* Adequate user manuals, maintenance (service) manuals and parts lists shall be provided.

(n) *Emissions.* The vehicle shall comply with all applicable Federal emissions regulations for motor vehicles.

(o) *Safety, crashworthiness, damageability, crash avoidance and hazards.* (1) The vehicle shall comply with all applicable Federal regulations for motor vehicles concerning safety, crashworthiness, damageability, crash avoidance and hazards, unless a waiver or modification is obtained from the Department of Transportation.

(2) Until the Department of Transportation issues regulations which cover the same subjects, the vehicles shall also have the following performance characteristics:

(i) The electric propulsion circuit shall be electrically isolated from other conductive portions of the vehicle.

(ii) The vehicle shall be capable of undergoing the test procedure of Federal Motor Vehicle Safety Standards 208 and 301 with all battery materials remaining outside the passenger compartment.

(iii) Vehicles with battery caps or battery vents shall have flame barrier provisions to inhibit battery explosions.

(iv) Ventilation shall be adequate within the battery compartment to maintain the concentration of hydrogen below 4 percent by volume during vehicle operation (including charging and maintenance).

(v) The vehicle shall have a device which provides for the positive disconnection of the battery and which is operable from the normal operator position.

(vi) The vehicle shall be capable of being parked for up to 8 hours in temperatures of -25° C to 50° C and subsequently operated at any temperature within this temperature range without damage to the vehicle or hazard to persons.

[FR Doc. 78-14887 Filed 5-26-78; 8:45 am]

TUESDAY, MAY 30, 1978

PART VI



**DEPARTMENT OF
LABOR**

**Employment and
Training Administration**

**YOUTH INCENTIVE
ENTITLEMENT
PILOT PROJECTS**

**Final Rules; Corrections and
Clarifications**

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Title 29—Labor

Subtitle A—Office of the Secretary of Labor

PART 94—GENERAL PROVISIONS FOR PROGRAMS UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

PART 97—SPECIAL FEDERAL PROGRAMS AND RESPONSIBILITIES UNDER THE COMPREHENSIVE EMPLOYMENT AND TRAINING ACT

Youth Incentive Entitlement Pilot Projects; Correction and Clarification

AGENCY: Department of Labor.

ACTION: Corrections and clarifications to final rules.

SUMMARY: On December 9, 1977, the Department of Labor published in the *FEDERAL REGISTER* final regulations to implement the Youth Incentive Entitlement Pilot Projects under the Youth Employment and Demonstration Projects Act of 1977 (YEDPA). The purpose of this publication is to amend those final regulations by correcting typographical and compilation errors and by clarifying policy. Many of these changes were made as a result of comments received.

DATE: Effective date; June 29, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert Taggart, Administrator, Office of Youth Programs, U.S. Department of Labor, 601 D Street NW., Washington, D.C. 20213.

SUPPLEMENTARY INFORMATION:

SUMMARY OF CHANGES

The Youth Employment and Demonstration Projects Act (YEDPA) of 1977, Pub. L. 95-93, became effective on August 5, 1977. It amended the Comprehensive Employment and Training Act (CETA) of 1973 by adding several new programs for youth. The purpose of these new programs is to employ and increase the future employability of young persons, to help coordinate and improve existing career development, employment and training programs, and to test different approaches in solving the employment problems of youth.

In order to move as rapidly as possible to implement YEDPA, the Department found it to be in the public interest to publish the Youth Incentive Entitlement Pilot Project regulations in final form so that program implementation may rapidly respond to the critical employment needs of youth.

This finding constituted a waiver of the Department's regulation 29 CFR 2.7. Nevertheless, in keeping with the spirit of 29 CFR 2.7, comments were accepted during the 30-day period subsequent to the publication date.

At this time the Department is making revisions and corrections to these regulations primarily as a result of the comments which were received. The regulations are reprinted in their entirety for the convenience of the public.

The following sections include revisions or typographical corrections: Sections 94.3, 97.501(b), 97.505, 97.507(g)(1)(i), 97.507(i)(1), 97.507(j)(1)(i), 97.507(j)(1)(iv), 97.515(f), 97.515(g), 97.516(a)(1), 97.516(a)(4), 97.516(a)(5)(ii), 97.516(g), 97.516(h), 97.522, 97.523, and 97.524.

The major revisions which are being made in order to clarify program requirements are as follows:

In § 97.507, *Preapplication specifications*, Paragraph (i)(1)(ii) and in § 97.516 *Eligibility of participants*, Paragraph (a)(5)(ii), corrections were made to show that youth may participate in an approved or certified GED program rather than only in a State-certified GED program. As originally published, this requirement was more restrictive than intended, since many States do not have a process for certifying GED programs.

In § 97.507, *Preapplication specifications*, Paragraph (i)(1)(iv) has been clarified to reference the definition of job restructuring at § 97.702(g)(1) of this Part as applicable to the Entitlement program.

In paragraph (j)(1)(i) a correction was made to identify that the amount of paid program time during the school year is a maximum of 20 hours per week for a youth in the Entitlement program.

In § 97.516, *Eligibility of participants*, Paragraph (a)(4) was corrected to show that this paragraph contains the definition of economically disadvantaged which applies to the Entitlement program.

In paragraph (g) a sentence has been added to clarify that for projects serving youth ages 19-25, the requirements of this paragraph apply to youths reaching 26 years of age.

Section 97.522 has been changed to *Maintenance of effort*, which was moved from § 97.523. A clarification has been made in the *Maintenance of effort* section to identify that § 97.720 of this Part applies to the Entitlement program.

The provisions regarding limitations on use of funds have been moved from § 97.522 to paragraphs (d) and (e) of § 97.523.

Section 97.523 has been changed to *Administrative provisions; Hearing provisions; and Limitations on use of*

funds. Paragraphs (b) and (c) have been added to state that due to the Congressional intent that Entitlement must be rigorously tested, the applicability of the regulations contained in Part 98 of this title are limited to the extent that the research, demonstration, and informational requirements of this subpart do not conflict with Part 98. In such cases, the regulations of the subpart prevail.

In paragraph (d) a sentence has been added to state that the minimum paid program time guaranteed for each employed youth shall be 10 hours per week during the school year and 30 hours per week during the summer. This addition was made to maintain the Congressional intent of providing meaningful work experience to youths in the Entitlement program. This document has been prepared under the direction and control of Robert Taggart, Administrator, Office of Youth Programs.

Accordingly, Title 29 of the Code of Federal Regulations is amended as follows:

§ 94.3 [Amended]

1. In § 94.3, *Consolidated table of contents for Parts 94-99*; the table of contents for Part 97, Subpart F is revised to read as follows:

Subpart F—Youth Incentive Entitlement Pilot Projects

Sec.

- 97.500 Scope and purpose of subpart.
- 97.501 Regulations governing entitlement; definitions.
- 97.502 Funding of entitlement projects.
- 97.503 Eligibility for funds.
- 97.504 Entitlement project application process (general).
- 97.505 Entitlement project application schedule.
- 97.506 Submittal of preapplications.
- 97.507 Preapplication specifications.
- 97.508 Selection of final applications.
- 97.509 Planning grants.
- 97.510 Final application process.
- 97.511 Program operation-related documentation.
- 97.512 Program budget: Estimated costs.
- 97.513 Agreements.
- 97.514 Assurances and certifications.
- 97.515 Review of final applications; selection of projects.
- 97.516 Eligibility of participants.
- 97.517 Work sites.
- 97.518 Allowable activities.
- 97.519 Participant benefits.
- 97.520 Academic credit.
- 97.521 Disregarding earnings.
- 97.522 Maintenance of effort.
- 97.523 Administrative provisions; hearing provisions; and limitations on use of funds.

2. Subpart F of 29 CFR Part 97 is revised to read as follows:

Subpart F—Youth Incentive Entitlement Pilot Projects

Sec.

- 97.500 Scope and purpose of subpart.
- 97.501 Regulations governing entitlement; definitions.

Sec.

- 97.502 Funding of entitlement projects.
- 97.503 Eligibility for funds.
- 97.504 Entitlement project application process (general).
- 97.505 Entitlement project application schedule.
- 97.506 Submittal of preapplications.
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- 97.508 Selection of final applications.
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- 97.517 Work sites.
- 97.518 Allowable activities.
- 97.519 Participant benefits.
- 97.520 Academic credit.
- 97.521 Disregarding earnings.
- 97.522 Maintenance of effort.
- 97.523 Administrative provisions; hearing provisions; and limitations on use of funds.

AUTHORITY: Sec. 702(a), Comprehensive Employment and Training Act of 1973, as amended, unless otherwise noted.

Subpart F—Youth Incentive Entitlement Pilot Projects

§ 97.500 Scope and purpose of subpart.

(a) This subpart contains the regulations governing the Youth Incentive Entitlement Pilot Projects (Entitlement Projects) under Title III, Part C, Subpart I of the Comprehensive Employment and Training Act. The Youth Incentive Entitlement Pilot Projects were established by Title II of the Youth Employment and Demonstration Projects Act (YEDPA) of 1977.

(b) The basic purpose of the Entitlement Projects is to test the experimental idea of guaranteeing jobs, or in some cases a combination of jobs and training, to economically disadvantaged youth. The program will operate only in certain prime sponsor areas, or portions of prime sponsor areas, chosen by the Department of Labor. Within those areas during the school-year, otherwise unavailable part-time employment, or a combination of part-time employment and training, will be guaranteed to those economically disadvantaged youth, between the ages of 16 to 19 inclusive, who are in secondary school or who are in a program leading to a certificate of high school equivalency. In addition, in those same areas during the summer, otherwise unavailable full-time employment, or a combination of part-time employment and training, will be guaranteed to economically disadvantaged youth, between the ages of 16 to 19 inclusive, who are in a secondary school or who are in a program leading to a certificate of high school equivalency. (Sec. 325(a)).

(c) Congress mandated that the entitlement approach be rigorously tested

under varying geographic, economic, and other circumstances. Because of the high cost of guaranteeing year-round jobs to all in-school disadvantaged youths, only a limited number of demonstrations can be undertaken with available funds. In order to test whether jurisdictions can feasibly implement substantial programs, only a limited number of Tier I projects will be implemented. These will cover entire jurisdictions or neighborhoods. In order to test a number of innovative approaches authorized by the Act and to get a wider geographic spread, a somewhat larger number of Tier II projects will be funded, demonstrating specific innovative entitlement approaches. These projects might cover only the area served by a particular school or small school district.

(d) To make sure that Entitlement Projects would be selected and operated as a national experiment, with the necessary flexibility to develop and test new and improved ideas, Congress did not authorize the Secretary to allocate funds to CETA prime sponsors by formula. Instead, the Secretary of Labor is required to determine how many Entitlement Projects are to be established and where they should be located.

§ 97.501 Regulations governing entitlement projects; definitions.

(a) The regulations governing Entitlement Projects shall be those in this subpart. The regulations at Part 98 of this title shall also apply to Entitlement Projects. However, to the extent a regulation in this subpart conflicts with a regulation at Part 98 of this title, the regulations in this subpart shall prevail.

(b) Definitions for terms used in this subpart may be found at § 94.4 of this title, except as stated within this subpart.

§ 97.502 Funding of entitlement projects.

(a) Of the funds available under this subpart, the Secretary shall reserve a portion of the funds for research, technical assistance, consultants, and other appropriate purposes.

(b) The Secretary shall use the remaining funds under this subpart to fund selected Entitlement Projects.

§ 97.503 Eligibility for funds.

All prime sponsors under Title I of the Act shall be eligible to apply for Entitlement Project funds.

§ 97.504 Entitlement project application process (general).

(a) The Entitlement Project application shall consist of two steps, a pre-application procedure and a final application procedure.

(b) Selected projects will be financed to operate during the 18-month period from January 1978 through June 1979.

It is anticipated that youth participation will generally coincide with the start of the second (or winter) semester of the 1977-78 school year, and that project completion will generally take place at the close of the 1978-79 school year.

§ 97.505 Entitlement project application schedule.

(a) *Letter of Intent.* By September 16, 1977, it is requested that prime sponsors under Title I of the Act who plan to apply for an Entitlement Project submit a letter indicating such intent.

(b) *Preapplication.*—(1) By October 3, 1977, 5 p.m. e.d.t., preapplication submissions must be received in the ETA national office to be considered for funding.

(2) By October 26, 1977, a group of the more promising proposed Tier I and Tier II projects will be selected by the Department. Planning grants will be provided shortly thereafter.

(c) *Final Application.*—(1) By December 14, 1977, 5 p.m., e.s.t., final application submissions must be received for consideration for full funding.

(2) By January 10, 1978, projects to be funded will be selected.

(3) After January 10, 1978, project grants will be awarded for the period of January 1978 through June 1979.

§ 97.506 Submittal of preapplications.

(a) Prime sponsors planning to submit a preapplication for an Entitlement Project are requested to send a letter of such intent to the Employment and Training Administration (ETA) national office. A copy of the letter shall be sent to the appropriate Regional Administrator.

(b) The prime sponsor's preapplication is to be submitted as follows:

(1) Five copies are to be sent to the Regional Administrator of the appropriate ETA regional office (none need to have original signatures).

(2) One signed original and 14 copies are to be sent to the ETA national office.

§ 97.507 Preapplication specifications.

This section sets forth the types of information and data to be provided in the prime sponsor's preapplication. The preapplication should clearly indicate whether it is for a Tier I or Tier II project.

(a) The following information, which may be obtained from the approved Prime Sponsor Agreement, shall be provided with respect to the prime sponsor:

- (i) Geographic and political boundaries;
- (ii) Most recent population survey data, by age, race, and sex;
- (iii) Most recent data on poverty levels in the area, by age, race, and sex;

(iv) Labor force data including employment and unemployment figures by age, race, and sex; and

(v) Principal characteristics of the labor market (size of major industries, growth, trends, etc.)

(2) Information on the following items should be based on the prime sponsor's best estimates using the 1970 census and updates, the Office of Education Survey of Income and Education, and local school data.

(i) The size of the eligible youth population (16-19 years old, economically disadvantaged with no high school diploma or equivalent.)

(ii) Breakdown of the eligible youth population showing those currently in-school and out-of-school, and, for each of these groups, the total employed (part-time, full-time), unemployed, and not in the labor force.

(b) *Proposed Entitlement Area.*—(1) *General.* (i) Preapplications must identify the geographic area to be designated as the Entitlement Area. The Entitlement Area must be a discrete geographic area which can be delineated by a single set of boundaries on a map.

(ii) The Entitlement Area for Tier I projects must contain at least 3,500 and no more than 12,000 eligible youth. For Tier II projects, the Entitlement Area must include 1,500 or less eligible youth. Prime sponsors may propose to administer an Entitlement Project under Tier I in an area with more than 12,000, or under Tier II in an area with more than 1,500, eligible youth provided they promise to finance 100 percent of the extra costs.

(iii) For Tier I projects, it is preferable that the geographic boundaries of the Entitlement Area coincide with the boundaries of the public secondary school system or an identifiable subpart of that system to minimize the number of eligible youth residing in the Entitlement Area who attend public schools located outside the Entitlement Area.

(iv) In designating the Tier I Entitlement Area, prime sponsors should consider locating jobs primarily in that area, for example, by including low-residential commercial districts as part of the Entitlement Area.

(2) *Information requested.* If the Entitlement Area is different from the prime sponsor's jurisdictional area, the information requested in paragraph (a) of this section should also be submitted for the Entitlement Area.

(c) *Estimated Job Demand in the Entitlement Area.*—(1) *General.* Since employment opportunities must be provided to all eligible youth in the Entitlement Area, it is critically important to estimate the number of eligible youth who will seek jobs. The estimate must consider not only unemployed in-school youth, but those not looking for jobs who would take them if avail-

able, those who would choose in-school project jobs over possible employment alternatives, and those not currently in school who would return.

(2) *Information Requested.* Estimate, by the best available data, the number of youth who will seek entitlement jobs. Describe the estimation methodology.

(d) *Schools in Entitlement Area.*—(1) *General.* The pre-application shall describe the public and private secondary school systems attended by project eligible youth residing in the proposed Entitlement Area.

(2) *Information Requested.* For each public and private school system, provide:

(i) A description of the organization and administration of the secondary school system;

(ii) An identification of the proportion of the Entitlement Area's eligible secondary school population who are attending schools in the Entitlement Area;

(iii) A list of the names and addresses of the secondary schools (Grades 9-12) located in the Entitlement Area, and for each such secondary school:

(A) Identification of the most recent and reliable data on total pupil population, total pupil population of youths eligible for the Entitlement Project, and school dropout rates. The information on dropout rates should be as detailed as possible and describe the method by which these rates were calculated;

(B) A description of current formalized workstudy, cooperative and special career-education programs, and the numbers enrolled; and

(C) A description of notable special programs already being undertaken for economically disadvantaged youth to promote retention in, return to, and completion of school, including alternative education and programs; and

(iv) One or more maps of the proposed Entitlement Area which are marked to clearly:

(A) Delineate the geographic boundaries for each school system in the Entitlement Area;

(B) Identify the street location of each public and private secondary school in that area; and

(C) Show the attendance zone for each public secondary school.

(e) *Description of Existing Youth Programs.* Each pre-application shall:

(1) Describe the prime sponsor's existing Title I and Title II programs for the 16-19 year old youth population. The description should include funding levels and numbers of participating youth, separately calculated for each of the program activities listed below. To the extent possible, actual funding levels and numbers of youth served should be provided for Fiscal Year 1977 and planned figures for Fiscal Year 1978. Where applicable,

the number of youth being served in each category should be broken out between in-school and out-of-school participants:

- (i) Classroom training;
- (ii) On-the-job training;
- (iii) Public Service employment;
- (iv) Work experience; and
- (v) Summer Youth program.

(2) To the degree possible, also describe the programs to be funded and number of youth to be served under the Youth Community Conservation and Improvement Projects, and Youth Employment and Training Programs.

(3) Provide the best possible dollar estimates of CETA youth program operations in the Entitlement Area in Fiscal Year 1977 and the level in Fiscal Year 1978 not counting Entitlement funds.

(4) Describe how current CETA youth programs will complement and be integrated with the Entitlement project; and

(5) Describe any innovative or model program in the prime sponsor area which would indicate a unique capacity to fulfill responsibilities under the Entitlement Project.

(f) *Innovative Approaches.*—(1) *General.* (i) Prime sponsors may test a variety of innovative employment and training approaches within the larger context of the Entitlement program. These approaches should not cover an entire Tier I project, of which the basic purpose is to test the Entitlement notion itself, but may be used as a component of Tier I projects Tier II projects should include one or more of the following innovative approaches:

(A) The use of subsidies to private for-profit employers to encourage such employers to provide employment and training opportunities;

(B) Arrangements with unions to enable eligible youth to enter into apprenticeship training as part of the employment entitlement;

(C) Inclusion of economically disadvantaged youth between the ages of 19 and 25 inclusive who have not received their high school diploma or equivalent;

(D) Inclusion of occupational and career counseling, outreach, career exploration, and on-the-job training as part of the employment entitlement;

(E) Inclusion of youth under the jurisdiction of the juvenile or criminal justice system with the approval of the appropriate authorities.

(ii) The Department of Labor is especially interested in receiving proposals concerning the use of Entitlement funds to promote completion of high school by young unwed mothers.

(iii) Prime sponsors may propose to undertake other innovative approaches provided adequate justification is provided in their pre-applications.

(2) *Information Requested.* Pre-applications shall describe innovative ap-

proaches, identify how these will be implemented and administered, describe the area in which these would be implemented, and estimate the size of the eligible population that would be involved.

(g) *Project Organization and Administration.*—(1) *General.* (i) Because of the size and complexity of the Entitlement Projects, a single governmental, private nonprofit, or educational agency should be designated to assume overall management responsibility for program operations, including coordinating participant recruitment, work site development, operational relationships among schools, training activities and support services, program monitoring, report preparation, and maintenance of management information. The prime sponsor may delegate this responsibility.

(ii) For the Entitlement Project, the entire youth participant payroll shall be centrally administered by the prime sponsor or its delegatee management agency. Finally, since this is a demonstration project, extensive research, monitoring, and evaluation must be carried out by the prime sponsor under the supervision of the Department of Labor.

(2) *Information Requested.* (i) Identify the responsible management agency and describe its proposed staffing structure for the Entitlement Project, its previous experience with employment and training programs, its specific capabilities for managing the Entitlement Project, and, if other than the prime sponsor, its relationship to the prime sponsor.

(ii) Indicate whether the prime sponsor or a management agency will administer the payroll and explain the rationale for the choice.

(iii) Indicate procedures which will be used for monitoring program operations.

(iv) Provide an assurance from the prime sponsor that it will cooperate fully in the design, implementation, and evaluation of the Entitlement Project.

(h) *Recruitment.*—(1) *General.* The "Entitlement" concept can only be meaningfully tested if eligible youth are aware of the program. Therefore, prime sponsors shall provide information and do active outreach with respect to potential participants.

(2) *Information Requested.* The procedures for informing, referring, recruiting, and determining eligibility of participants (both in-school and out-of-school) should be detailed, including identification of the private and/or public agencies to be utilized for this purpose. Particular reference should be made to the proposed role of the State Employment Service with respect to these functions.

(i) *Work-Site Development.*—(1) *General.* (i) The employment or combina-

tion of employment and training guaranteed under this program is intended to be year-round with no limitation on the period of enrollment. However, this guarantee shall not exceed 20 hours per week for each youth employed during the school year nor 40 hours per week during the summer. During the school year, the guarantee must extend for at least 6 months and during the summer for at least 8 weeks. This guarantee shall not be provided to each youth for less than 10 hours per week during the school year and not less than 30 hours per week during the summer.

(ii) The opportunities guaranteed may take any of the forms specified in Section 326 of the Act, and are guaranteed to an eligible youth only so long as the youth remains enrolled in high school or in a certified or approved high school equivalency program. Out-of-school youth must return to school or enter an equivalency program in order to be eligible for the employment guarantee.

(iii) Based on estimates of the number of eligible youth who will seek employment in the Entitlement Project, the prime sponsor should plan for a larger number of jobs as a cushion in case the estimates are too low. The concept of an entitlement must be maintained; therefore, make work jobs for unexpected numbers of applicants are not permissible. In Tier I projects, jobs must be primarily located in the Entitlement Area.

(iv) Emphasis in work site development shall be placed on jobs having careful supervision and which provide youth with structured, productive work settings. Jobs shall be designed to introduce youth to the habits of successful work life and entry level or preparatory skills. Prime sponsors should make every effort to create new and different job classifications, occupations, and restructured jobs (as defined in § 97.702(g)(1)). (Sec. 327(a)(3).)

(2) *Information Requested.* (i) The types and locations of jobs;

(ii) What phase-in, if any, would be necessary;

(iii) Anticipated work site (hiring agent) administration and supervisory structure for its role in Entitlement;

(iv) Types of hiring agencies (government, nonprofit, education institution, private); and

(v) Procedures to assure that restructured job proposals will be discussed with appropriate labor organizations, and that jobs will not be substituted for existing jobs.

(j) *Training Support Services.*—(1) *General.* (i) The basic intent of Entitlement Projects is to provide employment. Training and support services, however, may be provided. For the purpose of planning, it should be assumed that a participant will spend

most of paid program time (a maximum of 20 hours per week during the school year, 40 hours during the summer) engaged in direct job performance at the work site.

(ii) Any training that is conducted during paid program time should be directly related to the participant's specific work assignment.

(iii) Participants are to be paid for time spent in training in accordance with § 97.519.

(iv) Participants shall not be paid for time spent in supportive services (as defined in § 94.4(eee) of this title).

(v) Prime sponsors are discouraged from paying for staff and overhead costs for training and support services out of Entitlement funds. Prime sponsors should use funds from other sources to cover these costs.

(2) *Information Requested.* Identify and describe the nature and extent of any proposed training and services, how these will relate to the proposed jobs, and the organizations and funds that will provide them.

(k) *Entitlement Project-School Relationship.* Each pre-application shall: (1) Describe planned cooperation between public and private secondary school system officials and the prime sponsor. At a minimum, the application should include written statements from school officials indicating their agreement to:

(i) Assist in participant (including dropout) recruitment and eligibility determinations;

(ii) Cooperate in the ongoing monitoring of enrollment and academic and attendance requirements; and

(iii) Provide necessary information for effective project management and evaluation;

(2) Describe special procedures and actions that will be taken to facilitate the return of school dropouts.

(3) Identify area agencies which offer high school equivalency programs and provide agreements comparable to those described above for school systems.

(l) *Commitment of Local Institutions and Organizations.*—(1) *General.* (i) Prime sponsors shall consult with the appropriate labor organizations in developing restructured and/or newly classified jobs during the pre-application stage.

(ii) Sec. 327(a)(4)(D) of the Act also requires that prime sponsors consult and work with a number of other local institutions and organizations in planning and implementing Entitlement Projects, including law enforcement and judicial agencies, youth groups, community-based organizations, the private sector, and the State Employment Service. Arrangements should be made with all appropriate groups during the pre-application period to obtain their assistance in implementing the program.

(2) *Information Requested.* The pre-application should contain letters of intent to cooperate from appropriate labor organizations, government officials, the State Employment Service, and other local organizations, associations or agencies involved with the eligible youth population.

(m) *Data Collection Systems.*—(1) *General.* It is anticipated that the national evaluation of Entitlement Projects will rely heavily on existing CETA and school system data collection systems. Effectively operating systems, therefore, are of great importance.

(2) *Information Requested.* (i) Describe the currently operating prime sponsor data collection and processing systems, indicating whether the system is automated or manual, the types and availability of information kept on individual participants, and the typical lag-time between a participant's enrollment or status change and the availability of that information in the data system.

(ii) Describe data system reports, if any, which may be appropriate for the Entitlement program that are used for prime sponsor management purposes, but which differ from the regular reports on program and financial performance required by the CETA regulations for other CETA programs; indicate the frequency of their production.

(iii) Describe the currently operating data collection systems used by the secondary school systems in the proposed Entitlement Area with respect to student enrollment, attendance, performance and dropouts.

(n) *Budget.*—(1) *General.* Costs shall be estimated for the period January 1978, through June 1979 (or the end of the 1978-79 school year, whichever comes first). Prime sponsors should commit funds available under other programs (in particular, funds under Titles I and III of the Act) to the Entitlement Project.

(2) *Information Requested.* The pre-application shall specify separately the amount of Entitlement funds and non-Entitlement funds proposed to be used, broken down by the following cost categories:

- (i) Administration:
 - (A) Personnel; and
 - (B) Nonpersonnel;
- (ii) Allowances;
- (iii) Wages;
 - (A) School year; and
 - (B) Summer;
- (iv) Fringe benefits;
- (v) Work site supervisor salaries:
 - (A) School year; and
 - (B) Summer;
- (vi) Work site expenses:
 - (A) Equipment; and
 - (B) Supplies;
- (vii) Training; and
- (viii) Services

§ 97.508 Selection of final applicants.

(a) *Pre-Application review criteria.* (1) The following basic criteria shall be used to evaluate both Tier I and Tier II pre-applications:

(i) Quality and thoroughness of documentation required by § 97.507;

(ii) Managerial, administrative, operating, and fiscal capability of the prime sponsor and, if applicable, the designated management agency.

(iii) Level of commitment of other resources to the Entitlement Project, especially funds under Title I and Sec. 304(a) (1), (2) and (3) of the Act;

(iv) Degree to which the Entitlement project will be integrated with local education, career development, and employment and training programs for economically disadvantaged youth;

(v) Commitment of cooperation and participation from local school systems, labor organizations, and other local groups;

(vi) The prime sponsor's and, if applicable, the managing agency's previous experience in administering in-school employment programs and career education and special programs for dropouts;

(vii) Proposed total cost, unit cost, and cost structure; and

(viii) Commitment and ability to satisfy the data needs required by the research and demonstration character of the Entitlement program;

(2) The following criteria shall be used to evaluate all pre-applications but shall have greater importance for Tier I pre-applications:

(i) Estimated rate of eligible youth participation within the proposed Entitlement Area; and

(ii) Capability of proposed local worksites to provide employment and training opportunities of sufficient quantity and quality to satisfy the objectives of the Entitlement program;

(3) The following criteria shall be used to evaluate all pre-applications but shall have greater importance for Tier II pre-applications:

(i) The extent to which quality work sites are proposed which include new and different job classifications, occupations, or restructured jobs; and

(ii) The quality and feasibility of proposed innovative approaches such as those listed in Section 327(b) of the Act.

(b) Each ETA regional office shall review pre-applications submitted by prime sponsors in its region, particularly those parts of the pre-applications which deal with managerial and administrative capability and fiscal and operational effectiveness. In making this review, each regional office shall take into account the prime sponsor's past performance with respect to other CETA programs.

(c) After regional office review, the Assistant Secretary for Employment and Training may make use of an im-

partial Review Panel to review each pre-application and the comments of the regional offices in accordance with the criteria set forth in paragraph (a) of this section, and to make recommendations to the Assistant Secretary for Employment and Training.

(d) The Assistant Secretary will review all the pre-applications and shall select final applicants based on the criteria set forth in paragraph (a) of this section taking into account any Review Panel recommendations and/or regional office comments. The Assistant Secretary shall select final applicants from areas with different socio-economic and regional circumstances such as different unemployment rates, school dropout rates, urban and rural variations, size and other such factors designed to test the efficacy of a youth job entitlement in a variety of different locations and circumstances (Sec. 327(a)(1)). Pre-applicants not selected shall be notified in writing of their nonselection, the reasons therefor, and that further documentation on their nonselection will be made available to them on written request.

§ 97.509 Planning grants.

(a) The Assistant Secretary shall notify selected final applicants in writing of the reasons for their selection, emphasizing the particular experimental aspects of their pre-applications which the Assistant Secretary judged especially meritorious.

(b) The Assistant Secretary shall award planning grants to the final applicants so that they can develop their grant applications along the lines initially set out in the approved pre-application.

(c) If, at the time of the planning grant, or during the planning phase, the final applicant determines that it is unable to develop its final application along the authorized lines, the final applicant shall notify the Assistant Secretary in writing immediately.

§ 97.510 Final application process.

(a) By 5 p.m., e.s.t., December 14, 1977, final applicants shall submit one signed original and 14 copies of their final applications to the Assistant Secretary or to any Review Panel designated by the Assistant Secretary. Two copies shall also be sent to the appropriate Regional Administrator.

(b) Every final application shall contain, in detail, the information required by §§ 97.511-97.514.

(c) Only those prime sponsors which are selected to receive planning grants under § 97.509 shall be eligible to submit final applications.

§ 97.511 Program operation-related documentation.

Each final application shall describe: (a) All additions, changes, and clarifications to the materials submitted in

the preapplication, especially those materials requested by ETA as a result of its review of the preapplication;

(b) (1) Which of the following groups of youth, if any, will be considered by the prime sponsor to "reside" in the Entitlement Area and therefore be eligible (if otherwise eligible) for program participation:

(i) Youths confined in prisons or other correctional institutions in the area;

(ii) Youths in area hospitals, drug rehabilitation centers, half-way houses, etc.; and

(2) How the enrollment eligibility criteria and procedures will be applied to any of these or other groups of youth in institutional "residences" selected to be included in the program. Each such institutional "residence" included in the program shall be listed and briefly described;

(c) The procedures for verification and reverification of eligibility criteria and the method by which these will be implemented, and how the eligibility criteria and verification procedures will be explained to participants at the time of enrollment;

(d) Proposed policies for defining good cause for the rejection of a job or other nonparticipation by a participant; proposed procedures and timetables for making another job offer in such cases; and proposed procedures for the resolution of grievances.

(e) In detail, proposed standards for determining satisfactory performance including policies on attendance and lateness on the job or at training, suspension and termination policies and procedures, and the procedures and staff responsibilities for monitoring program performance.

(f) And attach agreements obtained from participating schools and high school equivalency (GED) programs indicating their willingness to provide a monthly status report for each participant certifying the participant's compliance or noncompliance with the school's or GED program's minimum academic and attendance requirements, including, from each participating secondary school and GED program, a description of the standards and policies for determining its minimum academic and attendance requirements;

(g) All worksites, proposed wages, and proposed employment and training opportunities.

(h) Proposed procedures for complying with the Family Education Rights and Privacy Act; include agreements with school systems with respect to this item; and

(i) (1) Payroll, audit, and other fiscal procedures;

(2) The current prime sponsor accounting and reporting system, with attention to the requirements of this subpart; and the current system for al-

locating personnel charges to multiple funding sources;

(3) The system used to requisition for periodic advances or reimbursements used for existing DOL funded programs. If the system is a Letter of Credit, indicate the average number and amounts of cash requests for the last 6 months; and

(4) The fiscal organization and staffing, internal controls, and other procedures for fiscal integrity and accountability. Attach:

(i) A copy of any Management Agency's last Certified Financial Statement;

(ii) A copy of the last DOL audit of the Prime Sponsor, along with response and further documentation regarding the outcome of open items; and

(iii) Copies of payroll, accounting and financial forms relevant to the Entitlement program.

§ 97.512 Program budget: Estimated costs.

Each final application shall describe program expenses whether proposed to be paid from Entitlement, other CETA, or other funds in sufficient detail and with sufficient justification to show the basis and rationale for the estimates and calculations. All budgetary material shall be organized by four categories of expense: Program Management, Participant Costs (wages and allowances), Work Site Supervision and Expenses and Training. Each of these major categories shall be subdivided into personnel and nonpersonnel costs. With respect to each major category and subcategory, the final application shall indicate which of the estimated costs are to be paid directly by the Prime Sponsor or its designee management agency, and which are to be paid under agreements with subcontractors and vendors.

§ 97.513 Agreements.

Each final application shall include all agreements which the prime sponsor has entered into for the purpose of the Entitlement program. These agreements shall include:

(a) All wage agreements entered into pursuant to § 97.519(a);

(b) An agreement with the State Employment Service agency;

(c) Agreements with every public, private nonprofit, and private-for-profit school in the Entitlement project area which is attended by eligible youths, and, to the extent feasible and appropriate, with every such school outside the Entitlement Project area which eligible youths from the Entitlement Project area attend;

(d) Agreements with all agencies, schools, and institutions in the Entitlement Project area which will offer, under the program, courses which result in a certificate of high school equivalency, and, to the extent possi-

ble and appropriate, with similar entities outside the Entitlement Project area which are open to eligible youths from the Entitlement Project area;

(e) All on-the-job training, employment guarantee and other agreements entered into with private nonprofit and for-profit employers;

(f) Any agreements with unions with respect to apprenticeship training; and

(g) Any other agreements entered into in order to run the Entitlement program.

97.514 Assurances and certifications.

Each application shall contain an assurance that the prime sponsor, in operating its Entitlement Project, will comply with the Prime Sponsor Agreement (PSA) including assurances and Certifications in the PSA and with the following additional assurances:

(a) Compliance with Title III, Part C, Subpart 1 of the Act, with other applicable provisions of the Act, and with the regulations in this subpart; and

(b) Compliance with the Hazardous Occupations Orders issued pursuant to the Fair Labor Standards Act and set forth at 29 CFR 570.50 et seq. with respect to the employment of youths under 18 years of age.

§ 97.515 Review of final applications; Selection of Projects.

(a) The review of final applications will take into account the requirement of sec. 327(a)(1) of the Act that prime sponsors selected to operate Entitlement projects be "from areas with differing socioeconomic and regional circumstances such as differing unemployment rates, school dropout rates, urban and rural variations, size, and other such factors . . ."

(b) (1) To implement sec. 327(a)(1), the Tier I final applications shall be separated into three classifications:

(i) Classification No. 1—Metropolitan cities or counties where the Entitlement Area encompasses only a portion of one or more local political jurisdictions (units of general local government)

(ii) Classification No. 2—Non-metropolitan areas (primarily rural areas) where the Entitlement Area encompasses a number of complete local political jurisdictions (units of general local government)

(iii) Classification No. 3—Metropolitan cities or counties where the Entitlement Area encompasses one or more complete local political jurisdictions (units of general local government).

(2) Each Tier I final application shall be reviewed only in competition with others within its classification. Within each classification, each application will be ranked against the others in the classification with respect to each of the Tier I project cri-

teria described in paragraph (d) of this section.

A composite of the separate rankings with respect to each criterion shall be used to determine the final overall ranking of applications in each classification.

(c) Overall ranking will be made of all Tier II final applications using the Tier II project criteria described in paragraph (d) of this section.

(d) Final applications shall be reviewed against the following criteria. The first four criteria, equally weighted, shall be used to review Tier I projects. All five criteria, equally weighted, shall be used to review Tier II projects.

(1) *Management capability, feasibility and commitment.* This criterion will take into account:

(i) Managerial, administrative, and operating capability of the designated management agency;

(ii) Operational and management feasibility of the proposed Entitlement Area;

(iii) Commitment of cooperation and participation from local schools, GED programs, labor organizations, and other interested local groups.

(2) *Operational plans.* This criterion will take into account:

(i) Prime sponsor's estimated youth participation rate and plans for recruiting the eligible population, including procedures for verifying eligibility criteria;

(ii) Nature and quality of work sites, including proposed supervisory structure;

(iii) Procedures for review, control, and coordination of all operational components.

(3) *Financial system and program data system quality and commitment.* This criterion will take into account:

(i) Quality of procedures and systems to be used to comply with payroll, fiscal and accounting requirements;

(ii) Commitment and ability to satisfy data collection and reporting needs required by the research demonstration character of the Entitlement program.

(4) *Quality of budget and resource commitment.* This criterion will take into account:

(i) Analysis of proposed budget in terms of total cost, unit cost, and cost structure;

(ii) Level and nature of commitment of other local resources to the program, including the degree to which the Entitlement program will be integrated with existing local programs.

(5) *Innovative features.* This criterion will take into account the quality and feasibility of the innovative approaches of the Tier II Entitlement projects.

(e) Each ETA regional office shall review the final applications submit-

ted by prime sponsors in its region to identify (1) any inaccuracies in estimates concerning planned use of other local funding resources, and (2) any mistakes of fact.

(f) The Assistant Secretary for Employment and Training may utilize a review panel to consider the Tier I and Tier II final applications, the results of onsite reviews and regional office assessments. If a panel is used, the panel shall provide rankings to the Department of Labor as described in this section, and shall make Entitlement project recommendations to the Assistant Secretary based on these rankings and the requirements of sec. 327(a)(1) of the Act.

(g) The Assistant Secretary shall make final selection of Entitlement projects on January 10, 1978, based on the specifications set forth in paragraphs (a), (b), (c), (d), and (e) of this section and on the recommendations of the panel. Final Tier I selections will include not more than two Classification No. 1 areas, one Classification No. 2 area, and two or three (depending on available resources) Classification No. 3 areas as described in paragraph (b) of this section. The number of final Tier II selections will depend on the cost of selected projects in relation to the available resources. Applicants shall be notified in writing of their selection. Those who have not been selected shall also be notified and justification for nonselection will be available upon request.

§ 97.516 Eligibility of participants.

(a) Every youth who resides in the geographic area of the Entitlement Project shall be entitled to participate in the program provided that, at the time of application and selection, the youth provides documented evidence which shows that:

(1) The youth is aged 16-19 inclusive, unless the Department has authorized the prime sponsor to administer an Entitlement Project for youths between 19 and 25 years of age inclusive;

(2) The youth has not received a high school diploma or certificate of high school equivalency;

(3) The youth has resided in the Entitlement Project area for 30 days. Newly discharged veterans however, are exempt from the 30 day residency requirement;

(4) The youth is economically disadvantaged. For purposes of this subpart, economically disadvantaged shall mean that the youth:

(i) Either constitutes a family of one, or is a member of a family,

(ii) And receives cash welfare payments under a Federal, State or local program, or whose income is at or below the poverty level as determined by the Office of Management and Budget (OMB).

For the purposes of this paragraph, a "family" is as defined in § 94.4(v) of this title, and the term "family income" is as defined in § 94.4(xxx) of this title. Family income shall be computed pursuant to § 94.4(s)(2) (i) and (ii) of this title. In the case of newly discharged veterans, income received while in military service shall be disregarded in computing family income; and

(5) The youth is:

(i) Enrolled in and attending a State-certified secondary school program leading to a high school diploma, or enrolled in such a program scheduled to begin within 30 days of the Youth's Entitlement program enrollment; or

(ii) Enrolled in and attending a certified or approved program leading to a certificate of high school equivalency (GED), or enrolled in such a program scheduled to begin within 30 days of the Youth's Entitlement program enrollment.

(b) If the youth is under the juvenile or criminal justice system, the appropriate authorities must approve the youth's participation or continued participation in writing.

(c) The citizenship provisions of § 95.32(d) of this title shall apply to the Entitlement program.

(d) (1) No otherwise eligible youth shall be excluded from participation because of any mental or physical handicap unless a qualified physician or psychologist certifies that the youth is mentally or physically incapable of obtaining a high school diploma or certificate of high school equivalency.

(2) All otherwise eligible mentally or physically handicapped youths, who are not certified as provided in paragraph (d)(1) of this section, are entitled to participate in the program. The prime sponsor must take every step necessary to insure that such youths can participate. The prime sponsor may not segregate such youths from regular program activities, but must redesign these activities to ensure participation.

(e) Section 327(a)(4)(I) of the Act prohibits a youth from taking a job under this subpart if his or her relative has responsibility for hiring persons into that job. Therefore, prime sponsors shall assure that eligible youths are not placed in jobs by their relatives.

(f) Since jobs during the school year must last at least 6 months, and jobs in the summer must last at least 8 weeks, no youth may be enrolled in the program if the grant will end before the youth can complete the required period of employment. No youths may be enrolled in the program after December 31, 1978.

(g) A participant reaching 20 years of age while in the program may remain in the program only until the

participant completes either 8 weeks of full-time summer employment or 6 months part-time school-year employment. If upon reaching the 20th birthday the participant has already completed either 8 weeks of full-time summer employment or 6 months of part-time school-year employment, the participant shall be immediately terminated from the program. For projects that are serving youth 19-25, this requirement applies to youth reaching 26 years of age.

(h) A participant must continue to be economically disadvantaged as defined in § 97.516(a)(4) and to reside within the Entitlement Area or be terminated from the program. The prime sponsor shall re-verify participant economically disadvantaged status and residency after every 6 months of enrollment. In re-verifying economically disadvantaged status, however, wages and allowances received under the Entitlement program shall not be included when computing family income.

(i) A participant must meet minimum academic and attendance requirements of the secondary school or high school equivalency program in which the participant is enrolled or be terminated from the Entitlement program. The secondary school or GED program must provide monthly assurances that the participant is meeting minimum academic and attendance requirements.

(j) A participant who receives a high school diploma or a certificate of high school equivalency while in the program may remain in the program until the completion of either 8 weeks of full-time summer employment or 6 months of part-time school-year employment.

(k) A participant who has been found by the prime sponsor, after notice and an opportunity for a hearing, to have refused a job or to be otherwise refusing to participate in the program without good cause, shall be terminated from the program. The participant shall be given a termination notice which states that the participant may appeal the termination to the appropriate ETA regional office. Upon receipt of such an appeal the regional office shall process it as a formal allegation pursuant to Part 98 of this title.

(l) Any participant who has been terminated from the Entitlement program may re-enroll at any time provided the participant meets the eligibility criteria in this section, except that participants who have been terminated for failure to participate without good cause must wait 60 days before they may apply for re-enrollment.

§ 97.517 Work sites.

(a) Work sites shall:

(1) Not detract from or interfere with the educational curriculum of the

participants and, whenever possible, shall complement that curriculum;

(2) Be primarily in the Entitlement Area or easily accessible, and in reasonable proximity to the residences of eligible youth;

(4) Maintain a cooperative relationship with local business, union and community group interests;

(5) Provide monitorable attendance and productivity standards, and capable on-site supervision; and

(6) Be developed and committed in such numbers and in such a way as to minimize the time between enrollment and assignment to a work site of any participant.

(b) Participants shall spend a majority of paid program time on the work site engaged in direct job performance. Training may be provided during the remaining time, provided the training is directly related to the specific work assignment.

§ 97.518 Allowable activities.

The Entitlement project may include any type of employment or training activity authorized under Title I of the Act.

§ 97.519 Participant benefits.

(a) The wage provisions of § 97.718 shall apply to the Entitlement program. In addition:

(1) In Entitlement projects in which the subsidization of private-for-profit employers is authorized, up to 100 percent of the wages may be paid. However, in the case of participants working at jobs and/or engaged in training provided by private-for-profit organizations, wages (and/or allowances) shall be paid, as in all cases, by the central payroll facility required by § 97.507(g)(1)(ii). No additional subsidies shall be provided by the Entitlement program to any such for-profit organization.

(2) Each participant shall spend the majority of his/her paid time in the Entitlement program in either work or training which is directly related to the assignment. Consequently, participants should be paid wages for both work time and training time, except when more than 50 percent of scheduled program time is spent in training. In such cases, allowances shall be paid in accordance with § 95.34 of this title for the period spent in training.

(b) Each participant, while in on-the-job training, work experience, or public service employment, shall be assured of the general benefits and working conditions for program participants required by § 98.24 of this title.

(c) No funds under the Entitlement program may be used for retirement benefits or costs.

§ 97.520 Academic credit.

Prime sponsors shall make appropriate efforts to encourage educational

agencies to award academic credit for the competencies participants gain in the Entitlement program.

§ 97.521 Disregarding earnings.

The provisions of § 97.630 of this Part shall apply to the Entitlement program.

§ 97.522 Maintenance of effort.

The provisions of §§ 97.719 and 97.720 shall apply to the Entitlement program.

§ 97.523 Administrative provisions; hearing provisions; and limitations on use of funds.

(a) All the provisions of Part 98 of this title shall apply to the Entitlement program except to the extent they conflict with the regulations in this subpart.

(b) To the extent that the research, demonstration, and informational requirements of this subpart conflict with the regulations contained in Subpart 98, the regulations in this subpart shall prevail. In order to determine whether a conflict exists, grantees shall consider both the regulations in this subpart and the terms of the Entitlement grants which implement the regulations in this subpart. For example, the regulations throughout this subpart contain requirements that the grantee submit detailed information not required by the regulations in Part 98. Because of the research and demonstration nature of the Entitlement program such information is essential. As a result, the Entitlement grants, which implement the regulations contained in this subpart, contain reporting and other requirements which are both different from and more detailed than those in Part 98. In such cases, the grantees shall follow the Entitlement grant requirements. Other specific examples of such conflicts are as follows:

(1) Since under the regulations in this subpart, the Entitlement program is administered by the national office, the terms regional office and Regional Administrator in Subparts A and B of Part 98, should be interpreted to mean national office and Grant Officer; and

(2) To the extent that Entitlement grants require the use of categories for allocating costs for reporting purposes which are different from or more detailed than the allocable cost categories in § 98.12 of this title, the grantee shall allocate costs pursuant to the categories in the Entitlement grant.

(c) Questions regarding the applicability of specific provisions of Part 98 which may appear to conflict with the regulations or grant shall be addressed to the Grant Officer.

(d) No funds under the Entitlement program may be used to pay for time spent in the Entitlement program in excess of 20 hours a week during the

school year or 40 hours per week during the summer. The minimum paid program time guaranteed for each employed youth shall be 10 hours per week.

(e) Prime sponsors may use program funds under both Title I and sec. 304(a)(3) of the Act for the Entitlement Project. Funds under sections 304(a)(1) and 304(a)(2) of the Act may also be used provided modifications are obtained for those grants. Funds received under Section 304 shall be integrated with funds received under this subpart. Therefore, the regulations under this subpart shall apply to such funds. Title I funds, however, may not be integrated, but must be separately accounted for. The Title I regulations shall apply to such funds. This, for example, Entitlement Project wages and allowances paid for with Title I funds, shall be paid at the wage rates and allowance rates set forth in the Title I regulations. Also, for exam-

ple, only 20 percent of the Title I funds used for the Entitlement project may be spent for administration.

(c) Questions regarding the applicability of specific provisions of Part 98 which may appear to conflict with the regulations or grant shall be addressed to the Grant Officer.

(d) No funds under the Entitlement program may be used to pay for time spent in the Entitlement program in excess of 20 hours a week during the school year or 40 hours per week during the summer. The minimum paid program time guaranteed for each employed youth shall be 10 hours per week during the school year and 30 hours per week during the summer.

(e) Prime sponsors may use program funds under both Title I and sec. 304(a)(3) of the Act for the Entitlement Project. Funds under sections 304(a)(1) and 304(a)(2) of the Act may also be used provided modifications

are obtained for those grants. Funds received under section 304 shall be integrated with funds received under this subpart. Therefore, the regulations under this subpart shall apply to such funds. Title I funds, however, may not be integrated, but must be separately accounted for. The Title I regulations shall apply to such funds. Thus, for example, Entitlement Project wages and allowances paid for with title I funds, shall be paid at the wage rates and allowance rates set forth in the Title I regulations. Also, for example, only 20 percent of the Title I funds used for the Entitlement project may be spent for administration.

Signed at Washington, D.C., this 18th day of May 1978.

ERNEST G. GREEN,
Assistant Secretary for
Employment and Training.

[FR Doc. 78-14949 Filed 5-26-78; 8:45 am]

TUESDAY, MAY 30, 1978

PART VII



DEPARTMENT OF LABOR

Mine Safety and Health
Administration

FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

Civil Penalties for Violations

Registered for Federal

[4510-43]

Title 30—Mineral Resources

CHAPTER I—MINE SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF THE INTERIOR

SUBCHAPTER P—CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

PART 100—CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

Final Rule

AGENCY: Mine Safety and Health Administration, Department of Labor.

ACTION: Final rule.

SUMMARY: These rules govern the proposed assessment of civil penalties against operators of coal and other (metal and nonmetal) mines by the Mine Safety and Health Administration under the Federal Mine Safety and Health Act of 1977. The rule includes both the guidelines to be used by MSHA in determining the amount of the proposed penalty and the procedures to be followed in issuing and contesting the proposed penalty.

EFFECTIVE DATE: May 26, 1978.

FOR FURTHER INFORMATION CONTACT:

Madison McCulloch, Acting Director, Office of Assessments, Mine Safety and Health Administration, Room 914, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, Va. 22203, phone: 703-235-1484.

SUPPLEMENTARY INFORMATION:

BACKGROUND INFORMATION

On March 3, 1978, the Secretary of Labor published in the FEDERAL REGISTER (43 FR 9120) proposed rules governing the proposed assessment of civil penalties under the Federal Mine Safety and Health Act of 1977, Pub. L. 95-164 (Act). Interested persons were given a period of 30 days within which to submit written comments, data, views or arguments.

As a result of requests, the comment period was extended until May 3, 1978 (43 FR 14691). Comments were received from a large number of individuals and organizations. The comments are discussed below.

DISCUSSION OF COMMENTS AND CHANGES

1. *General discussion.* In proposing the rules relating to civil penalties, the Secretary was guided by a few basic principles or assumptions. First, the "formula system", which was developed in 1974 and put into effect at

that time, has proven to be an extremely effective tool for the assessment and collection of civil penalties under the Federal Coal Mine Health and Safety Act of 1969 (Coal Act). It has also been widely accepted by the coal industry as a fair method of carrying out the general requirements of that Act that civil penalties be assessed for all violations of that Act and that the maximum penalty be \$10,000. The dramatic increase in the collection of civil penalties since the inception of the formula system is evidence of its success. In enacting the 1977 Act, Congress encouraged the continued use of the formula system. An additional principle or assumption was that while Congress did not want excessive penalties levied against non-coal operators, it also was concerned that, as a whole, penalties were too low to be an effective deterrent of unsafe or unhealthful conditions or practices.

It is also believed that, to the extent possible, penalties against a metal and nonmetal mine operator should be equal to those assessed against a coal operator where the same type of violation is involved. At the same time, however, since there has been no experience in levying fines against metal and nonmetal mine operators, it is likely that no formula would be completely successful in achieving this result and modifications might have to be made as experience is gained.

It was stated in the preamble to the proposed rule that no Economic Impact Statement under Executive Order 11821, as amended, was required with respect to the proposal. Several commenters protested this finding. The amount of penalties collected during calendar year 1977 by the Office of Assessments was \$12.8 million under the Coal Act. It was estimated that the proposed rules would result in an overall doubling of proposed penalties, which would amount to an annual impact of an additional \$12.8 million on the coal mining industry, assuming the current payment experience were to be maintained. With respect to the metal and nonmetal mining industries, the total annual impact of the proposed rule would be between \$20-25 million, although it is difficult to predict the level of compliance under the new law. Thus, the anticipated economic impact of these rules falls below the Departmental criteria for the preparation of an Economic Impact Statement.

There were several requests for a public hearing with respect to the proposed rules. The comments received concerning proposed Part 100 were in most cases very detailed and thorough. The 60-day comment period has provided a sufficient time for response by all segments of the mining industry on this important area. The Secretary

has had to weigh the potential additional advantages of holding a public hearing against the need to begin to implement the penalty assessment process. To hold a public hearing would add at least 60 days to the rule-making process. Congress was especially insistent that there be as little delay as possible between the issuance of a citation or order and the assessment of a penalty. The Mine Safety and Health Administration (MSHA) has been issuing citations since March 9, 1978, and until rules are adopted for the assessment of civil penalties, MSHA is unable to make proposed assessments and the inventory of cases which must be handled will continue to grow. Therefore, on balance, the Secretary has decided not to hold a public hearing.

2. *Section 100.2.* It was suggested that the reference to "determinations" of "liability" be omitted from this section since the Office of Assessments in MSHA only proposes penalties. This is true, and section 100.2 has been modified to reflect this suggestion.

3. *Section 100.3(b).* There were several comments which criticized the use of the size of the operator's business as a criterion for determining the amount of the proposed penalty. The Act specifically requires that this factor be considered in arriving at penalty amounts. Making this factor a part of the formula itself is appropriate to ensure the greatest degree of consistency in its application.

Under the Coal Act regulations, any coal mine producing less than 50,000 tons annually would be given zero points for size. Twenty-five percent of assessments were against mines that fell in this category. The proposed rule would give zero points for size only to those mines with an annual production of less than 15,000 tons. The resultant increase in points assessed at each size level was criticized. However, the Secretary believes that it is important for the size scale to be an accurate reflection of the coal industry in terms of the number of mines affected at each level of the scale. This is the most equitable method of carrying out Congress' mandate to consider size in determining the amount of the proposed penalty. The proposed changes are therefore adopted in the final rule.

Commenters recommended that the basis for determining mine size be the same for both coal and metal and non-metal mines. In the long run, "hours worked" is probably the appropriate basis for determining size and as experience is gained under these rules, a conversion will be proposed. It is believed, however, that until MSHA has established an adequate information base for both coal and noncoal industries, the proposed rule, which is adopted as the final rule, will result in

approximately equivalent points being assessed against the same size mines in both the coal and noncoal industries.

Some commenters stated that evaluations of size should not be equalized between coal and noncoal operators, since there is such a great disparity between the price of a ton of coal and, for example, the price of a ton of aggregate. However, since the primary goal of the Act is to protect worker safety and health, the critical element in determining size should be worker exposure rather than the price of the product or profitability of the business.

There were also inquiries concerning the application of the size criterion to independent contractors that are considered to be mine operators under the Act. Contractors should be assessed based upon hours worked and once MSHA accumulates sufficient information relating to their activities at mine sites, necessary changes in the formula will be proposed. Until that time, contractors will be assessed under the special assessment provisions of the rule. In taking this approach, MSHA will make every effort to ensure that assessments against contractors are equivalent to those against other coal and noncoal operators.

It was suggested that the term "annual hours worked at mine" be clarified to indicate more specifically which categories of worker hours should be included. "Annual hours worked" is intended to include hours of production workers in the mine or mill and maintenance workers in those areas, and is not intended to include office and clerical workers. The intent is to correlate mine size to worker exposure.

There were several comments which criticized the use of the size of the "controlling company" as a factor in the penalty formula. However, Congress specifically required that the size not merely of the particular mine involved in the violation but the size of the operator's "business" be taken into account. Since the primary purpose of imposing civil penalties is to induce compliance with the Act and health and safety standards, penalties must be of a sufficient magnitude to provide such an inducement. It is necessary to recognize that business judgments affecting health and safety may be made at various levels of a business structure and that penalties must be such as to encourage management at all levels to respond positively to health and safety concerns.

Commenters asked whether a company which was assessed a penalty for a violation in a noncoal mine would be given points based only upon the hours worked in its other noncoal mines or whether hours worked in any coal mines which the company might

operate would be counted as well. For violations in metal and nonmetal mines, points for company size will be based only upon the company's metal and nonmetal mining interests.

4. *Section 100.3(c).* It was contended by some commenters that applying the same scale for number of violations per inspection day in both coal and noncoal mines would be prejudicial to noncoal operators because those mines have been inspected less frequently than coal mines and therefore receive, on the average, more violations per inspection day. This might be the result if the prior statutes were still in effect. However, inspection rates will be the same under the new Act and the development of a history of violations for metal and nonmetal mines under the new Act will begin from March 9, 1978, the Act's effective date.

It should also be clarified, in response to comments, that the history of previous violations is derived from the particular mine that has been cited rather than from the controlling company.

Commenters suggested that rather than having a scale based solely on the number of violations assessed, MSHA should take into account, for example, whether certain types of violations occur repeatedly or certain types of violations occur in combination. Congress was concerned about these considerations and in enacting the Act retained the special sanctions which had been applicable to "unwarrantable failures" under the Coal Act. In addition, Congress added a provision applying the same types of special sanctions to "patterns of violations." Since these unique provisions will be assessed under the special assessments provision (§ 100.4), the proposed scale relating to history of violations is adopted in the final rule.

It was recommended by some commenters that the basis for determining which violations would be included in history of violations under the proposed rule, i.e., "violations presently assessed that have not been vacated or dismissed," be changed to include only "violations finally assessed." Waiting for a final determination with respect to each penalty would create too great a "lag" in compiling the history at a particular mine. This lag might be justified if there were a significant difference between the number of violations initially assessed and the number finally assessed. However, less than one percent of proposed assessments are ultimately dismissed or vacated. It should also be pointed out that if a violation is ultimately dismissed or vacated, the history for that operator will be changed to reflect that determination.

5. *Section 100.3(d).* The most frequent comments concerning the negli-

gence scale were directed toward the proposed changes in the dividing line between ordinary negligence and gross negligence. The negligence criterion is of the utmost importance in determining the amount of a penalty. Experience under the Coal Act has demonstrated that the vast majority of cases are assessed points for ordinary negligence. This is as it should be since a finding of gross negligence must be based upon reckless or intentional conduct which should occur in relatively few cases. At the same time, over 85 percent of the total number of cases under the Coal Act receive between 9 and 12 points on the scale. Two conclusions emerge. First, there needs to be more flexibility in the assessment of points for ordinary negligence since the vast majority of cases are compressed into the top 3 points of the ordinary negligence range. Second, there is little justification for providing an equal degree of flexibility with respect to a finding of gross negligence, which is only found in six percent of the cases. In addition, the seriousness of a finding of gross negligence is emphasized by raising the minimum number of points associated with it. Therefore, the proposed rule is adopted.

Commenters also stated that the criteria contained in the proposed rules defining what is meant by "gross" and "ordinary" negligence are too vague and that inconsistencies in application will result, particularly if more flexibility is provided in the determination of ordinary negligence. To date, application of this criterion under the Coal Act has resulted in relatively few problems of this nature. Furthermore, subjective criteria, such as negligence, are not amenable to precise definition.

It was suggested that any fatality which is found to be due to gross negligence should be assessed the maximum penalty. All fatalities are removed from the formula system and are assessed by special assessment. It is likely in most cases that any fatality which resulted from a violation which occurred due to gross negligence would be assessed at or near the maximum amount.

6. *Section 100.3(e).* It was suggested that the points be increased for the scales relating to probability of occurrence and gravity of injury or illness normally expected. Since the gravity criterion already accounts for a total of 30 points, and is the most significant criterion in terms of the potential points accumulated, adding more points would tend to underemphasize the relative importance of the other criteria which the Act requires to be applied.

Commenters suggested that the definition of "probable" should be changed to mean "that which is more likely to occur than not." This would require the addition of a fourth cate-

gory to fill the gap that would be left between "improbable" and "probable." This suggestion would not, therefore, result in a net improvement in the formula.

Commenters also stated their belief that the definitions of the various key terms used in this section are not specific enough to prevent arbitrary and inconsistent judgments from being made. The question of "gravity" inherently calls for an element of subjectiveness. More elaborate criteria would not eliminate this element.

7. *Section 100.3(f)*. Commenters suggested that a greater number of negative points be made available for rapid compliance. Since the basic purpose of civil penalties is to deter future violations, it would not be appropriate to put further emphasis upon the correction of the condition once the violation has already been committed.

However, more flexibility should be provided in assessing points for compliance efforts. The fact that the point differential under the proposed regulations (and under the current Coal Act rules) is so great between normal compliance and rapid compliance or lack of good faith makes it extremely likely that an assessment officer will award zero points. Statistically, normal compliance under the Coal Act, or zero points, is achieved in 95 percent of the cases. Under the Coal Act, slightly over two percent of the cases are assessed positive points for noncompliance and slightly under three percent are awarded negative points for rapid compliance. It is realistic to assume that while most efforts to achieve compliance will not be "extraordinary," many operators do make special efforts to achieve compliance. By the same token, however, an operator who is somewhat dilatory, although not truly acting in bad faith, should not be given credit for normal compliance. Consequently, the final rules will permit the assessment of from minus one to minus ten points for rapid compliance, which is redefined to include less than "extraordinary measures," and from plus one to plus ten points for lack of good faith.

8. *Section 100.3(g)*. The penalty table was criticized as being "skewed" in the sense that in order to be assessed \$5,000, which is only half of the statutory maximum, it would be necessary to accumulate 91 points, which rarely occurs given the way the formula is constructed. If the application of the formula were the only mechanism for the assessment of penalties, this criticism would be well-founded. However, the formula system is not applied to certain types of cases, including fatalities and serious injuries, unwarrantable failures, patterns of violations and operating a mine in the face of a closure order. These cases, and others, are assessed by way of a special assess-

ment. Since they generally constitute the more serious violations, special assessment cases have been, on the average, assessed at between \$3,500 and \$4,500 under the Coal Act. The average formula assessment has been approximately \$125. MSHA believes the use of the special assessment provision is responsive to criticisms of the penalty table.

MSHA acknowledges that the proposed formula system is not a perfect one and that improvements can be made. However, rather than attempt to make piecemeal revisions based upon inadequate experience under the new Act at this time, MSHA will adopt the proposed rule as a final rule, with the changes noted, and will seriously consider the need for a revamped penalty assessment formula once there has been some experience under this system.

9. *Section 100.4*. It was requested that a more complete list of the types of cases subject to the special assessments provision be included. This has been done.

Commenters believed that unwarrantable failure should not be a part of the special assessment system, since they are not really special "types" of violations and may involve only ordinary negligence. When the special assessment concept was first utilized, unwarrantable failures were always given special assessments. However, recent case law has construed the term broadly, and these cases will, therefore, be handled in a flexible manner. Where appropriate, an unwarrantable failure case which is initially referred for a special assessment may be "pulled out" of that status upon review and given an assessment under the formula.

10. *Section 100.5*. Commenters believed that seven days is an inadequate period within which to request a conference. MSHA acknowledges that this is a brief period for an operator to determine what action to take with respect to a particular case and then to respond accordingly. However, Congress expressed deep concern over what it perceived to be an unjustifiably protracted assessment process.

Since it is to everyone's benefit that an operator be given sufficient time to make an intelligent assessment of the initial review, the final rule gives a 10 day period to request and a 33 day period to hold a conference. MSHA cannot permit more time without ignoring the congressional mandate to expedite the process. It may be incumbent upon operators to begin reviewing violations at the time of citation or abatement rather than at the time of assessment in order to have ample time to determine which course of action to take. It should also be made clear that a request for a conference may be made by phone.

It was also commented that service of the initial review should include a return receipt in order to avoid questions over whether a request for a conference was made within 7 days of "receipt" of the initial review. MSHA does not foresee that problems of this nature will arise except in rare instances. In questionable cases, the benefit of the doubt will generally be given to the person claiming compliance with the rule.

Confusion was expressed over the role of the representative of miners in the conference process. Paragraph (c) has been changed to clarify that the representative must indicate on the return mailing card included with the initial review whether he wants either to ask for a conference or be notified about any conference that might be held at the request of the operator. There will be separate spaces on the card go "check off" which option the representative chooses. If the miners' representative wishes to participate in a conference requested by an operator and indicates this on the card, MSHA will notify the representative of the time and place of the conference.

Commenters criticized the fact that under the proposed rules, the ultimate decision of whether or not to conduct a conference and of the type of conference to be conducted would be left to MSHA. If it were possible, MSHA would conduct a conference in all cases in which a request was received. However, it is not feasible from a resource standpoint for MSHA to hold conferences in each case, considering both the new time limitations contained in the rule and the anticipated increase in the total number of requests under the new law. The mining community can be assured that MSHA will conduct as many conferences as its limited resources will permit within the time constraints of the rule. In addition, if a request for a conference is denied, the requesting part will be apprised of the reasons for denying the request.

DRAFTING INFORMATION

The principal persons responsible for the preparation of this final rule are: Frank A. White, Office of Standards, Regulations and Variances, MSHA, and Madison McCulloch, Acting Director, Office of Assessments, MSHA.

Dates: May 23, 1978.

ROBERT B. LAGATHER,
Assistant Secretary
for Mine Safety and Health.

1. The table of contents of Chapter I of 30 CFR is revised by removing Part 100 from Subchapter O and transferring it to a new Subchapter P as follows:

SUBCHAPTER P—CIVIL PENALTIES FOR VIOLATIONS OF THE FEDERAL MINE SAFETY AND HEALTH ACT OF 1977

Part 100 Civil penalties for violations of the Federal Mine Safety and Health Act of 1977.

2. Part 100 is removed from Subchapter O and transferred to a new Subchapter P, and Part 100 is revised as follows:

- Sec.
100.1 Scope and purpose.
100.2 Applicability.
100.3 Determination of penalty; regular assessment.
100.4 Determination of penalty amount; special assessment.
100.5 Procedures for assessment of civil penalties; initial review and conferences.
100.6 Issuance of notice of proposed penalty; notice of contest.
100.7 Service.

AUTHORITY: Secs. 105, 110, 508 of the Federal Mine Safety and Health Act of 1977 (Pub. L. 95-164, as amended by Pub. L. 95-164), and sec. 307 of the Federal Mine Safety and Health Amendments Act of 1977 (Pub. L. 95-164).

§100.1 Scope and purpose.

This part sets forth the criteria and procedures for the proposed assessment of civil penalties under sections 105 and 110 of the Federal Mine Safety and Health Act of 1977. It is the purpose of these rules to provide for the prompt and efficient proposal and collection of penalties in order to insure maximum compliance by the coal and metal/nonmetal mining industries with the requirements of the Act and the standards and regulations promulgated pursuant to the Act.

§100.2 Applicability.

The criteria and procedures contained in this part are applicable with respect to all initial reviews and proposed assessments issued on or after (the effective date of these regulations). The Office of Assessments, Mine Safety and Health Administration, United States Department of Labor, shall review each citation and order and shall make proposed assessments of civil penalties pursuant to this part.

§100.3 Determination of penalty amount; regular assessment.

(a) *Generally*. The amount of the civil penalty imposed in a regular case shall be based upon the formula set forth in this section. The formula is based on the general criteria described in sections 105(b) and 110(i) of the Act. These criteria are as follows:

- (1) The appropriateness of the penalty to the size of the business of the operator charged,
- (2) The operator's history of previous violations,
- (3) Whether the operator was negligent,

- (4) The gravity of the violation,
- (5) The demonstrated good faith of the operator charged in attempting to achieve rapid compliance after notification of a violation, and
- (6) The effect of the penalty on the operator's ability to continue in business.

The penalty amount in a regular case shall be determined by first assigning the appropriate number of penalty points to the violation for each of the criteria by utilizing the schedules set forth in paragraphs (b) through (f) of this section. The number of penalty points assigned for all criteria will then be totaled. This total point accumulation will be converted into a penalty amount by using the penalty conversion table in paragraph (g) of this section.

(b) *The appropriateness of the penalty to the size of the operator's business*. The appropriateness of the penalty to the size of the operator's business is calculated on both the size of the mine cited and the size of the controlling company of which the mine is a part and may account for a maximum of 15 penalty points. The size of the mine is taken into account by selecting the appropriate number of penalty points from the table contained in subparagraph (1)(i) in the case of a coal mine or (1)(ii) in the case of a non-coal mine. The size of the controlling company is taken into account by selecting the appropriate number of penalty points from the table contained in subparagraph (2)(i) in the case of a coal mine or (2)(ii) in the case of a non-coal mine.

(1)(i) Size of coal mine.

Annual tonnage of mine:	Penalty points
Under 15,000	0
Over 15,000 to 30,000	1
Over 30,000 to 50,000	2
Over 50,000 to 100,000	3
Over 100,000 to 200,000	4
Over 200,000 to 300,000	5
Over 300,000 to 500,000	6
Over 500,000 to 800,000	7
Over 800,000 to 1.1 million	8
Over 1.1 million to 2 million	9
Over 2 million	10

(1)(ii) Size of non-coal mine.

Annual hours worked at mine:	Penalty points
Under 10,000	0
Over 10,000 to 20,000	1
Over 20,000 to 30,000	2
Over 30,000 to 60,000	3
Over 60,000 to 100,000	4
Over 100,000 to 200,000	5
Over 200,000 to 300,000	6
Over 300,000 to 500,000	7
Over 500,000 to 700,000	8
Over 700,000 to 1 million	9
Over 1 million	10

(2)(i) Size of controlling company—coal mine.

Annual tonnage of controlling company—coal mine:	Penalty points
Under 100,000	0
Over 100,000 to 700,000	1
Over 700,000 to 1.5 million	2
Over 1.5 million to 5 million	3

Annual tonnage of controlling company—coal mine—Continued:	Penalty points
Over 5 million to 10 million	4
Over 10 million	5

(2)(ii) Size of controlling company—non-coal mine:

Annual hours worked—controlling company—non-coal mines:	Penalty points
Under 60,000	0
Over 60,000 to 400,000	1
Over 400,000 to 900,000	2
Over 900,000 to 3 million	3
Over 3 million to 6 million	4
Over 6 million	5

As used in subparagraphs (1) and (2) of this paragraph the terms "annual tonnage" and "annual hours worked" means tonnage produced and hours worked in the previous calendar year or in the case of a mine opened or owned less than one full calendar year the tonnage and hours worked prorated to an annual basis.

(c) *History of previous violations*. The history of previous violations of the Act may account for a maximum of 20 penalty points, which are derived from the following schedules:

(1) Average number of violations assessed per year in the preceding 24 months:

Number of violations:	Penalty points
1 to 10	0
11 to 20	1
21 to 30	2
31 to 40	3
41 to 50	4
Over 50	5

(2) Average number of violations assessed per inspection day in the preceding 24 months:

Violations per inspection day:	Penalty points
Under 0.3	0
Over 0.3 to 0.4	1
Over 0.4 to 0.5	2
Over 0.5 to 0.6	3
Over 0.6 to 0.7	4
Over 0.7 to 0.8	5
Over 0.8 to 0.9	6
Over 0.9 to 1.0	7
Over 1.0 to 1.1	8
Over 1.1 to 1.2	9
Over 1.2 to 1.3	10
Over 1.3 to 1.4	11
Over 1.4 to 1.5	12
Over 1.5 to 1.6	13
Over 1.6 to 1.7	14
Over 1.7	15

Previous History means all violations presently assessed that have not been vacated or dismissed.

(d) *Negligence*. Negligence generally means committed or omitted conduct which falls below a standard of care established by law to protect persons against the risks of harm. The standard of care established under the Act is that the operator of a mine owes a high degree of care to the miners employed in that mine. A mine operator is required to be on the alert for conditions and hazards in the mine which affect the safety or health of the employees and to take the steps necessary to correct or prevent such conditions or practices. For purposes of assessing a penalty under this part, fail-

ure to do so is negligence on the part of the operator. This criterion may account for a maximum of 25 penalty points and the violation will be categorized as involving either no negligence, ordinary negligence, or gross negligence. A violation which occurs through no negligence of the operator will be assigned no penalty points for negligence. A violation which occurs through ordinary negligence of the operator will be assigned from 1 to 20 points depending on the specific facts involved. A violation which occurs through gross negligence of the operator will be assigned 21 through 25 penalty points depending on the specific facts involved. In determining the degree of negligence involved in a violation and the amount of penalty points to be assessed, the following definitions apply:

(1) "No Negligence" means that the operator could not reasonably have known of the violation or under the circumstances the operator had taken reasonable precautions to prevent the violation.

(2) "Ordinary Negligence" means the operator failed to exercise reasonable care either to prevent or to correct the conditions or practices which caused the violation and which were known or should have been known to exist.

(3) "Gross Negligence" means an operator either caused the condition or practice which occasioned the violation by exercising reckless disregard of mandatory health and safety standards or recklessly or deliberately failed to correct an unsafe condition or practice which was known to exist.

(e) *Gravity*. This criterion may contribute a maximum of 30 penalty points. The points will be derived from the following schedules:

(1) Probability of the occurrence of the event against which a standard is directed may account for a maximum total of 10 penalty points using the listed definitions and schedules.

Probability of occurrence:	Penalty points
Improbable.....	0
Probable.....	3
Imminent.....	7
Occurred.....	10

As used in this paragraph the following terms have the following meanings:

Improbable: That which is unlikely to happen.

Probable: That which is likely to occur.

Imminent: That which is likely to occur before the violation can be abated.

(2) Gravity of injury if it occurred or were to occur, using the listed definitions and the following schedule, may account for a maximum of 10 penalty points:

Gravity of injury or illness normally expected:	Penalty points
No lost work days.....	0
Lost work days or restricted duty.....	3
Permanent disabling.....	7
Fatal.....	10

Types of injury or illness expected if the event caused or could cause injury or illness are defined as follows:

No lost work days: All occupational injuries and illnesses as defined in 30 CFR Part 50 except those listed below.

Lost work days: Any injury or illness which would cause the injured or ill person to lose one full day of work or more after the day of the injury or illness, or which would cause one full day or more of restricted duty.

Permanent disabling: Any injury or illness which results in the total or partial loss of use of any member or function of the body.

Fatal: Any work-related injury or illness resulting in death, or which has a reasonable potential to cause death.

(3) Number of personnel affected if event occurred or were to occur:

Number of persons affected:	Penalty points
0.....	0
1.....	1
2.....	2
3.....	3
4 to 5.....	4
6 to 9.....	8
More than 9.....	10

(f) *Demonstrated good faith of the operator charged in attempting to achieve rapid compliance*. This criterion awards negative points for a manifestly conscientious effort to achieve rapid compliance, and can contribute a maximum of 10 points as indicated in the following schedule and definitions:

Degree of good faith:	Penalty points
Rapid.....	-10 to -1
Normal.....	0
Lack of good faith.....	1 to 10

In determining the operator's good faith in attempting to achieve rapid compliance, the following definitions apply:

"Rapid Compliance" means there is demonstrated evidence that the operator has made special efforts to insure abatement of the violation within the time given for abatement either originally or as extended.

"Normal Compliance" means the operator has abated the violation within the time given for abatement either originally or as extended.

"Lack of Good Faith" means the operator has been untimely and has not shown diligence and effort in attempting to abate the violation.

(g) *Penalty conversion table*. The penalty conversion table shall be used to convert the accumulation of penalty points to the appropriate assessment.

Points	Penalty
1.....	\$2
2.....	4
3.....	6
4.....	8
5.....	10
6.....	12
7.....	14
8.....	16
9.....	18
10.....	20
11.....	22

Penalty conversion table—Continued

Points	Penalty
12.....	24
13.....	26
14.....	28
15.....	30
16.....	32
17.....	34
18.....	36
19.....	38
20.....	40
21.....	44
22.....	48
23.....	52
24.....	56
25.....	60
26.....	66
27.....	72
28.....	78
29.....	84
30.....	90
31.....	98
32.....	106
33.....	114
34.....	122
35.....	130
36.....	140
37.....	150
38.....	160
39.....	170
40.....	180
41.....	195
42.....	210
43.....	225
44.....	240
45.....	255
46.....	275
47.....	295
48.....	305
49.....	325
50.....	345
51.....	370
52.....	395
53.....	420
54.....	445
55.....	470
56.....	500
57.....	530
58.....	560
59.....	590
60.....	620
61.....	655
62.....	690
63.....	725
64.....	760
65.....	800
66.....	840
67.....	880
68.....	920
69.....	960
70.....	1000
71.....	1050
72.....	1100
73.....	1150
74.....	1200
75.....	1250
76.....	1300
77.....	1400
78.....	1500
79.....	1600
80.....	1700
81.....	1800
82.....	2100
83.....	2300
84.....	2500
85.....	2700
86.....	3000
87.....	3400
88.....	3800
89.....	4200
90.....	4600
91.....	5000
92.....	5500
93.....	6000
94.....	6500
95.....	7000
96.....	7500
97.....	8000
98.....	8500
99.....	9000
100.....	10000

(h) *The effect on the operator's ability to continue in business*. It is initially presumed that the operator's ability to continue in business will not be affected by the proposed assessment. The operator may submit information to the Office of Assessments concerning his financial status to show that payment of the proposed assessment will affect his ability to continue in business. If the information provided by the operator indicates that the proposed assessment will adversely affect his ability to continue in business, the Office of Assessments may reduce the penalty.

§100.4 Determination of penalty amount: special assessment.

The Office of Assessments may elect to waive in whole or in part the use of the assessment formula contained in §100.3 if it determines that conditions surrounding the violation warrant such a waiver. Although an effective penalty can generally be derived from the formula in the usual case, some types of violations may be of such a nature or seriousness that it is not possible to arrive at an appropriate penalty by resorting only to the formula. Accordingly, it may be appropriate in certain types of cases, such as fatalities and serious injuries, unwarrantable failures to comply with mandatory health and safety standards or patterns of violations under section 104 of the Act, the operation of a mine in the face of a closure order, the failure to permit an authorized representative of the Secretary of Labor to perform an inspection or investigation, discrimination violations under section 105(c) of the Act, failure to abate a violation within the prescribed period, violations by individuals, violations by designated independent contractors, and in other appropriate cases, to make a special assessment without resort to the formula contained in this part. Such special assessments shall take into account the six criteria enumerated in §100.3(a) and all findings shall be in narrative form.

§100.5 Procedures for assessment of civil penalties; initial review and conferences.

(a) All citations which have been abated and all closure orders, regardless of termination or abatement, will be promptly referred by MSHA to the Office of Assessments for a determination of the fact of the violation and the amount, if any, of the penalty to be proposed.

(b) The Office of Assessments shall make an initial review of the citation or order and shall immediately serve, by regular mail, a copy of the results of the initial review, including the formula computations made by the Office, upon the party to be charged

and the miners or their representatives at the mine.

(c) Upon receipt of the results of the initial review, all parties shall have ten (10) days, within which to either request a conference or to submit additional evidence for consideration. The Office of Assessments shall provide a return mailing card with the results of the initial review which will permit any party (1) to request a conference, (2) to request to participate in and be notified of the time and place of a conference requested by any other party or (3) to submit additional facts. In requesting a conference, a party must either make reference on the card or immediately contact the appropriate assessment office concerning the date and time proposed for the requested conference. All conferences shall be held at the appropriate assessment field office unless that office agrees to another location.

(d) It is within the sole discretion of the Office of Assessments to conduct a conference or deny a request for a conference and, if a conference is to be conducted, to determine the nature of the conference.

(e) All conferences shall be conducted within 33 days of the service of the results of the initial review by the Office of Assessments unless it is not feasible to conduct a conference within that period and the party requesting a conference demonstrates to the Office a substantial likelihood that a conference will result in a suitable resolution of the issues involved in the case. However, under no circumstances may a conference be conducted or evidence considered later than 30 days after the issuance of a proposed penalty under §100.6(a) or after the date the Office of Assessments receives a timely notice of contest under §100.6(b).

(f)(1) The Office of Assessments will consider all relevant information, submitted in a timely manner, presented by all the parties with respect to the alleged violation. When the facts warrant a finding that no violation occurred, a penalty will not be proposed.

(2) If a conference is conducted, the parties may submit any additional relevant information relating to the alleged violation, either prior to or at the conference. To expedite the conference, the official assigned to the case may contact the parties to discuss the issues involved prior to the conference.

(g) With respect to those issues which are resolved either as the result of a conference or based upon information submitted to the Office of Assessments, payment of any amount agreed upon must be received by the Office within 20 days from the date of receipt of the proposed penalty by the party charged under §100.6(a). Acceptance by the Office of Assessments of

payment tendered by the party charged will close the case.

§100.6 Issuance of notice of proposed penalty; notice of contest.

(a) A notice of proposed penalty will be issued and served by certified mail upon the parties under the following circumstances:

(1) Upon the failure of any party to file a timely response to the results of the initial review;

(2) Upon the completion of a conference or upon review of timely submitted information for review by the Office of Assessments;

(3) Upon the expiration of 33 days from the service of the results of the initial review in a case in which no conference can be held within such 33 day period.

(b) Upon receipt of the notice of proposed penalty, the party charged shall have 30 days to notify the Office of Assessments in writing that he wishes to contest the proposed assessment. The Office shall provide a return mailing card with each notice of proposed penalty to allow the person charged to request a hearing before the Federal Mine Safety and Health Review Commission under section 105 of the Act. Such a request should be sent to the field assessment office listed on such notification. When the Office of Assessments receives the notice of contest, it shall immediately forward the case to the Office of the Solicitor, and shall immediately advise the the Commission of such notice. No proposed penalty which has been contested before the Commission shall be compromised, mitigated or settled except with the approval of the Commission.

(c) The failure to contest the proposed penalty within 30 days of receipt of notice thereof shall result in the proposed penalty being deemed a final order of the Commission and not subject to review by any court or agency.

§100.7 Service.

(a) All operators are required by 30 CFR 41.11 to file with the Mine Safety and Health Administration the name and address of record of the operator. All representatives of the miners are required by 30 CFR Part 40 to file with the Mine Safety and Health Administration the mailing address of the person or organization acting in a representative capacity. Initial findings and proposed penalty assessments delivered to those addresses shall constitute service.

(b) If any of the parties choose to have these documents mailed to a different address, the Office of Assessments must be notified in writing of the new address. Delivery to this address shall constitute service.

[FR Doc. 78-14789 Filed 5-26-78; 11:15 am]

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

Rules Going Into Effect Today

NOTE: There were no items eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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Peaches (fresh) grown in Georgia; proposed expenses, rate of assessment; comments by 6-5-78.. 21003; 5-16-78
Agricultural Stabilization and Conservation Service—
Termination of marketing quotas on cigar-binder (types 51 and 52) tobacco for 1978-79 marketing year; comments by 6-8-78..... 19856; 5-9-78
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Forest Service—
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Rural Telephone Programs; comments by 6-8-78 (2 documents)... 19857; 5-9-78
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Soil Conservation Service—
Rural abandoned mine program requirements; comments period extended to 6-5-78..... 19235; 5-4-78
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CIVIL AERONAUTICS BOARD

Expedited procedures for licensing and rates cases; comments by 6-5-78..... 19403; 5-5-78
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National Oceanic and Atmospheric Administration—
Gulf of Alaska trawl fishery and the sablefish (Blackcod) fishery; comments by 6-6-78..... 17013; 4-21-78

DEFENSE DEPARTMENT

Defense Investigative Service—
Privacy Act of 1974, proposed amendment of exemption rule; comments by 6-7-78..... 19689; 5-8-78

ENERGY DEPARTMENT

Economic Regulatory Administration—
Emergency Standby Mandatory Crude Oil and Refinery Yield Programs; comments by 6-5-78..... 12332; 3-24-78
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ENVIRONMENTAL PROTECTION AGENCY

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Approval of delayed compliance order issued by State of Connecticut Department of Environmental Protection to Turner & Seymour Manufacturing Co.; comments by 6-9-78..... 20023; 5-10-78
Disapproval of administrative order issued by Illinois Pollution Control Board to Central Illinois Public Service Co.; comments by 6-9-78..... 20022; 5-10-78
Modification of secondary treatment requirements for discharges into marine waters; comments by 6-9-78 17484; 4-25-78 20025; 5-10-78
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EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

706 agencies; proposed designations; comments by 6-8-78 22220; 5-24-78

FEDERAL COMMUNICATIONS COMMISSION

Cable television pole attachments; comments by 6-9-78 19886; 5-9-78
Interconnection and upgrading of public coast facilities providing radiotelegraph service; comments by 6-5-78 21701; 5-19-78
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New public coast stations, aeronautical advisory stations and radionavigation land stations in the aviation services; requiring notification upon commencement of services; comments by 6-5-78 19690; 5-8-78
Radiotelegraph services; interconnection and upgrading of public coast facilities; comments by 6-7-78.. 10414; 3-13-78— 16356; 4-18-78

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Food labeling; ingredient in bakery products at levels of 2 percent or less; comments by 6-6-78..... 14677; 4-7-78
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Social Security Administration—
Aged, blind and disabled; adjudication of disability claims in which vocational factors must be considered; comment period extended to 6-8-78 19238; 5-4-78
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HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Federal Housing Commissioner—
Mortgage insurance and assistance payments for homeownership and project rehabilitation; downpayments lowered; subsidies increased; comments by 6-5-78 9273; 3-7-78

INTERIOR DEPARTMENT

Indian Affairs Bureau—
Preparation of rolls of certain tribes and bands of Indians; qualifications for enrollment and deadline for filing; comments by 6-7-78..... 19674; 5-8-78
Land Management Bureau—
Recordation of mining claims and filing of proof of annual assessment work or notice of intention to hold mining claims, mill or tunnel sites; comments by 6-9-78..... 15102; 4-10-78

INTERSTATE COMMERCE COMMISSION

Canons of conduct; comments by 6-9-78 20208; 5-10-78
Practices of motor common carriers of household goods; use of credit card systems; comments by 6-5-78 17004; 4-21-78

JUSTICE DEPARTMENT

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Air brake systems; "No lockup" requirements for trailers; comments by 6-7-78 9626; 3-9-78
Procedures for considering claims that business information should be treated as confidential; comments by 7-10-78 22412; 5-25-78

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California, San Diego, Calif. (open), 6-8 and 6-9-78 (2 documents) 20523; 5-12-78
Connecticut, Wallingford, Conn. (open), 6-7-78 21922; 5-22-78
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National Oceanic and Atmospheric Administration—
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Mid-Atlantic Fishery Management Council's Advisory Panel, Dover, Del. 6-9-78 22064; 5-23-78
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Pacific Fishery Management Council and Scientific and Statistical Committee, Arcata, Calif. (partially open), 6-7 through 6-9-78 19258; 5-4-78

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Navy Department—
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Command and Control Systems Management, Defense Science Board Task Force, Arlington, Va. (closed), 6-6 and 6-7-78 17857; 4-26-78
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Crime and Delinquency Review Committee, Washington, D.C. (partially open), 6-7 through 6-9-78 18252; 4-28-78
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Disease Control Center—
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Food and Drug Administration—
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JUSTICE DEPARTMENT

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Shipping Coordinating Committee, Subcommittee on Safety of Life at Sea, Washington, D.C. (open) 6-7-78 ... 19093; 5-3-78
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ENERGY DEPARTMENT

Economic Regulatory Administration—
Emergency Standby Mandatory Crude Oil and Refinery Yield Programs, Washington, D.C., 6-6-78 12332; 3-24-78

ENVIRONMENTAL PROTECTION AGENCY

Criteria for classification of solid waste disposal facilities, Cincinnati, Ohio, 6-5-78 17374; 4-24-78
Modification of secondary treatment requirements for discharges into marine waters, Seattle, Wash., 6-8-78 ... 20024; 5-10-78
Petroleum liquids storage vessels; standards of performance for new stationary sources, Washington, D.C., 6-7-78 21625; 5-18-78

FEDERAL TRADE COMMISSION

Mobile home sales and service; proceeding regarding telephone survey by the Housing Advocates, Inc., Washington, D.C., 6-9-78 19668; 5-8-78

List of Public Laws

NOTE: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's List of PUBLIC LAWS.

(LAST LISTING: MAY 30, 1978)

presidential documents

[3195-01]

Title 3—The President

PROCLAMATION 4573

Flag Day and National Flag Week, 1978

By the President of the United States of America

A Proclamation

The American flag has grown and changed with the Nation. But for two hundred years, the United States remained unchanging in its commitment to the ideals which gave birth to that flag.

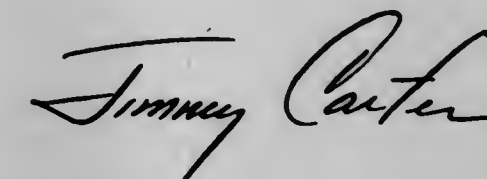
To commemorate the anniversary of the adoption on June 14, 1777 by the Continental Congress of the Stars and Stripes as the official flag of the United States of America, the Congress has requested the President to issue a proclamation calling for the observance of the fourteenth day of June of each year as Flag Day and the week in which that day occurs as National Flag Week (36 U.S.C. 157 and 157a).

To encourage the American people to reflect upon their Nation, its heritage, and its course in the years ahead, the Congress, by joint resolution of June 13, 1975, has set aside the twenty-one days from Flag Day through Independence Day as a period to honor America (36 U.S.C. 157b).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby call upon the American people to observe June 14, 1978 as Flag Day and the week beginning June 11, 1978 as National Flag Week. I direct the appropriate officials of the Government to display the flag on all Government buildings during that week and ask the American people to display our flag at their homes and other suitable places for the same period.

I also ask each American to observe the period from Flag Day through Independence Day as a period to honor America. To that end, I ask all Americans to participate in local activities that reflect an understanding and appreciation of America and its institutions.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of May, in the year of our Lord nineteen hundred seventy-eight, and of the Independence of the United States of America the two hundred and second.



[FR Doc. 78-15325 Filed 5-30-78; 12:04 pm]

[3195-01]

Executive Order 12062

May 26, 1978

President's Commission on the Coal Industry

By the authority vested in me as President by the Constitution of the United States of America, and in order to establish, pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. I), a balanced forum to review the state of the Nation's coal industry, it is hereby ordered as follows:

1-1. *Establishment and Membership.*

1-101. There is hereby established the President's Commission on the Coal Industry.

1-102. The membership of the Commission shall be as follows:

(a) Five members shall be appointed by the President. One shall represent the interests of labor, one shall represent management and three shall represent the general public. The labor and management representatives shall be chosen from among candidates recommended by the United Mine Workers of America and the Bituminous Coal Operators Association of America, but shall not be members of these organizations. The President shall designate one of the members representing the general public to chair the Commission.

(b) The President of the Senate and the Speaker of the House of Representatives may designate three members of their respective Houses to serve as non-voting members of the Commission.

(c) The Secretary of Labor and the Secretary of Energy or their designees shall also serve as non-voting members of the Commission.

1-2. *Functions.*

1-201. The Commission shall conduct a comprehensive review of the state of the coal industry in the United States with particular emphasis on matters pertaining to productivity, capital investment, and the general economic health of the industry; collective bargaining, grievance procedures, and such other aspects of labor-management relations as the Commission deems appropriate; health, safety and living conditions in the Nation's coal fields; the development and application of new technologies to the industry; the impact on the coal industry of Federal regulations; and such other matters as the Commission deems appropriate.

1-202. The five members appointed by the President shall prepare and transmit a final report of their findings and recommendations to the President, the Secretary of Labor and the Secretary of Energy.

1-203. To assist the Commission in the exercise of its functions, the Commission may sponsor a White House Conference on the future of the coal industry.

1-3. *Administration.*

1-301. To the extent authorized by law, the General Services Administration shall provide the Commission with all necessary administrative services, facilities and support on a reimbursable basis.

1-302. The Department of Labor and the Department of Energy shall, to the extent permitted by law and subject to the availability of funds, provide the Commission with such information, advice, services and funds as may be necessary for the effective performance of its functions.

1-303. Each member of the Commission who is not otherwise employed

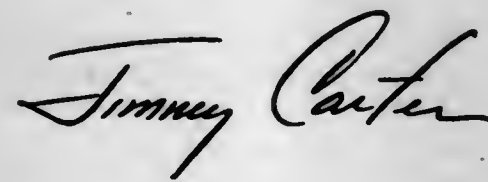
in the Government may receive compensation at the rate now or hereafter prescribed by law for GS-15 of the General Schedule for each day such member is engaged in the work of the Commission. Each member may also receive travel expenses, including per diem in lieu of subsistence (5 U.S.C. 5702 and 5703).

1-304. The functions of the President under the Federal Advisory Committee Act (5 U.S.C. App. I) which are applicable to the Commission, except that of reporting annually to the Congress, shall be performed by the Administrator of General Services.

1-4. *Final Report and Termination.*

1-401. The final report required by Section 1-202 of this Order shall be transmitted not later than one year from the date of the first meeting of the Commission.

1-402. The Commission shall terminate thirty days after submission of its final report.



THE WHITE HOUSE,
May 26, 1978.

[FR Doc. 78-15326 Filed 5-30-78; 12:06 pm]

rules and regulations

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510. The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each month.

[3410-02]

Title 7—Agriculture

CHAPTER IX—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS, FRUITS, VEGETABLES, NUTS) DEPARTMENT OF AGRICULTURE

Part 915—Avocados Grown in South Florida

Rules and Regulations; Amendment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This amendment adds a new paragraph to the section *Avocados not subject to regulation* of the Rules and Regulations currently in effect under Marketing Order No. 915. The purpose of the amendment is to permit the handling of avocados to be used for seed purposes exempt from assessments, regulations and inspection requirements. The amendment to exempt avocados used for seed is needed because such avocados are immature, and it requires certification by the receiver that such avocados were used for the intended purpose, as a safeguard to prevent avocados so handled from entering commercial channels of trade.

EFFECTIVE DATE: June 30, 1978

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Notice was published in the FEDERAL REGISTER issue on May 4, 1978, (43 FR 19235), that the Department was giving consideration to a proposal to amend the rules and regulations (Subpart—Rules and Regulations; 7 CFR 915.110-915.155) under provisions of the marketing agreement and Order No. 915, both as amended (7 CFR Part 915), regulating the handling of Avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). No comments regarding the proposal were received.

After consideration of all relevant matters presented, including that in the aforesaid notice which was submit-

ted by the Avocado Administrative Committee (established pursuant to the said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the rules and regulations (Subpart—Rules and Regulations), pursuant to said amended marketing agreement and order is in accordance with the provisions of said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

Accordingly, Subpart—Rules and Regulations of the said amended marketing agreement and order should be and is hereby amended by adding a new paragraph (d) in § 915.140 *Avocados not subject to regulation*, so that after such revision such section reads as follows:

§ 915.140 Avocados not subject to regulation.

(d) *Avocados for seed.* Any handler may ship avocados to be used for seed purposes exempt from the provisions of §§ 915.41, 915.51, and 915.54, and the regulations issued thereunder: *Provided*, That such handler shall make application to the committee for an exemption prior to the loading of each shipment and that the receiver of each such shipment shall certify, on a form provided by the committee, that such fruit was used for the intended purpose, and that the residue from the seed separation process will not be allowed to enter fresh channels of trade.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.)

Dated: May 25, 1978. To become effective June 30, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-15080 Filed 5-30-78; 8:45 am]

[3410-02]

CHAPTER XI—AGRICULTURE MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation authorizes expenses of \$2,085,000 and establishes a rate of assessment of one cent per hundredweight of potatoes for the functioning of the National Potato Promotion Board for the 1978-79 fiscal period. The regulation will enable the Board to collect assessments from designated handlers on assessable potatoes and to use the resulting funds for its expenses.

EFFECTIVE DATE: July 1, 1978.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director, Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: The Potato Board is the administrative agency established under the Potato Research and Promotion Plan (7 CFR 1207). This program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

Notice was published in the April 28 FEDERAL REGISTER (43 FR 18193) regarding the proposals. It afforded interested persons an opportunity to submit written comments not later than May 15, 1978. One comment was received in which it was requested that there be a public hearing on the proposal based on the presumption that such a hearing was required under the Administrative Procedure Act. The instant rule is being promulgated under procedures set forth in section 553 of the Administrative Procedure Act which provides for public participation in agency rulemaking through submission of written data,

views, and arguments. Therefore, the request is denied. The commenter interpreted the proposed assessment as a user or consumer tax, and therefore questioned its appropriateness. The basic interpretation is incorrect. This is not a tax on consumers but, rather is an assessment authorized by Congress on handlers, who may in turn deduct the assessment from the proceeds paid to producers. It is a voluntary assessment to the extent that the producer may request a refund of the assessments paid on his potatoes. It is authorized by the Potato Research and Promotion Act and the Potato Research and Promotion Plan, promulgated pursuant to applicable procedures of said act including a public hearing during which issues related to financing potato promotion were thoroughly explored.

After consideration of all relevant matters, including the proposal in the notice, it is found that the following expenses and rate of assessment should be approved.

The regulation is as follows:

§ 1207.407 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1978, and ending June 30, 1979, by the National Potato Promotion Board for its maintenance and functioning and for such purposes as the Secretary determines to be appropriate will amount to \$2,085,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the Plan shall be one cent (\$0.01) per hundred-weight of assessable potatoes handled by him during said fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as an operating monetary reserve.

(d) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan. (Title III of Pub. L. 91-670; 84 Stat. 2041; 7 U.S.C. 2611-2627.)

Dated: May 23, 1978 to become effective July 1, 1978.

WILLIAM T. MANLEY,
Deputy Administrator,
Marketing Program Operations.
[FR Doc. 78-15131 Filed 5-30-78; 8:45 am]

[4410-10]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 214—NONIMMIGRANT CLASSES

Designation of Hartford, Conn. and Newark, N.J. as TWOV Ports of Entry

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Final rule.

SUMMARY: This final rulemaking order amends the regulations of the Immigration and Naturalization Service to add Hartford, Conn. and Newark, N.J. to the list of places in the United States at which aliens may enter the United States in transit without a visa. (TWOV) This amendment is necessary because Bradley Airport, Hartford, Conn. and Newark Airport, Newark, N.J. have been designated TWOV ports and the TWOV ports are listed in the Service regulations. The addition of these TWOV ports is intended for the convenience of the traveling public.

EFFECTIVE DATE: May 30, 1978.

FOR FURTHER INFORMATION CONTACT:

James G. Hoofnagle, Jr., Instructions Officer, Immigration and Naturalization Service, 425 Eye Street NW., Washington, D.C. 20536, telephone 202-376-8373.

SUPPLEMENTARY INFORMATION: This final rulemaking order amends 8 CFR 214.2(c)(1) by adding Hartford, Conn. and Newark, N.J. to the list of ports where aliens may enter the United States in transit without a visa, under the conditions specified in the regulation. These additional locations are being designated as TWOV ports for the convenience of the traveling public.

In the light of the foregoing, the following amendment is hereby prescribed to Chapter I of Title 8 of the Code of Federal Regulations:

Section 214.2(c)(1) is revised by amending the fourth sentence by adding Hartford, Conn. and Newark, N.J., and by rearranging the ports listed there in alphabetical sequence. As revised, the fourth sentence of 8 CFR 214.2(c)(1) reads as follows:

§ 214.2 Special requirements for admission, extension and maintenance of status.

(c) Transits—(1) Without visas. . . . Except for transit from one part of

foreign contiguous territory to another part of the same territory, application for direct transit without a visa must be made at one of the following ports of entry: Agana, Guam, Anchorage, Alaska, Atlanta, Ga., Baltimore, Md., Bangor, Maine, Boston, Mass., Brownsville, Tex., Buffalo, N.Y., Charlotte Amalie, V.I., Chicago, Ill., Christiansted, V.I., Dallas, Tex., Denver, Colo., Detroit, Mich., Fairbanks, Alaska, Great Falls, Mont., Hartford, Conn., Honolulu, Hawaii, Houston, Tex., Los Angeles, Calif., Miami, Fla., Newark, N.J., New Orleans, La., New York, N.Y., Niagara Falls, N.Y., Norfolk, Va., Philadelphia, Pa., Pittsburgh, Pa., Ponce, P.R., Port Everglades Fla., Portland, Oreg., San Antonio, Tex., San Diego, Calif., San Francisco, Calif., San Juan, P.R., Seattle, Wash., St. Paul, Minn., Tampa, Fla., Washington, D.C. . . .

(Sec. 103; (8 U.S.C. 1103).)

These amendments are published pursuant to section 552 of Title 5 of the United States Code (80 Stat. 383), as amended by Pub. L. 93-502 (88 Stat. 1561), and the authority contained in section 103 of the Immigration and Nationality Act (8 U.S.C. 1103), 28 CFR 0.105(b), and 8 CFR 2.1. Compliance with the provisions of section 553 of Title 5 of the United States Code as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance because the amendments contained in this order relate to agency organization and management.

Effective date: These amendments become effective on May 30, 1978.

Dated: May 25, 1978.

LEONEL J. CASTILLO,
Commissioner of
Immigration and Naturalization.
[FR Doc. 78-15103 Filed 5-30-78; 8:45 am]

[6714-01]

Title 12—Banks and Banking

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

SUBCHAPTER B—REGULATIONS AND STATEMENTS OF GENERAL POLICY

PART 329—INTEREST ON DEPOSITS

Maximum Rates of Interest Payable on Time Deposits in the State of Washington by Mutual Savings Banks

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Final rule.

SUMMARY: Effective June 1, 1978, the Board of Directors of FDIC, the

Board of Governors of the Federal Reserve System and the Federal Home Loan Bank Board amended their agencies' respective interest rate regulations to authorize, in part, a new category of consumer deposit in an amount of at least \$1,000 with a minimum maturity of 8 years. The maximum rate of interest payable on this new deposit category is 7% percent for commercial banks and 8 percent for mutual savings banks. Since the amendments were adopted, FDIC's Board of Directors learned that mutual savings banks in the State of Washington are not permitted to pay fixed rates of interest on deposits with maturities in excess of 6 years. This amendment to FDIC's regulations is designed to alleviate competitive problems which may arise from present Washington law by permitting mutual savings banks in the State of Washington to issue 8 percent certificates of deposit with 8-year maturities which must be paid in 6 years if no action is taken by the State legislature to change the present law.

EFFECTIVE DATE: June 1, 1978.

FOR FURTHER INFORMATION CONTACT:

F. Douglas Birdzell, Senior Attorney, Bank Regulation Section, Legal Division, Federal Deposit Insurance Corporation, 550 17th St. NW., Washington, D.C. 20429, 202-389-4324.

SUPPLEMENTARY INFORMATION: Effective June 1, 1978, the Board of Directors of FDIC, the Board of Governors of the Federal Reserve System, and the Federal Home Loan Bank Board authorized a new category of time deposit. This is a consumer deposit with a minimum maturity of 8 years in a minimum amount of \$1,000. The maximum interest rate on this deposit is 7% percent for commercial banks and 8 percent for mutual savings banks.

Since this new deposit category was authorized, FDIC has learned that in the State of Washington, no deposit with a fixed rate of interest issued by a mutual savings bank may have a maturity in excess of 6 years (see RCW 32.08.150). Under § 329.7 of FDIC's regulations (12 CFR 329.7), the maximum rate of interest that mutual savings banks may pay on time deposits of 6 years' maturity in minimum amounts of \$1,000 is 7% percent. Hence, because of Washington law, FDIC-insured mutual savings banks in the State of Washington will be unable to pay the 8-percent maximum rate authorized for the new 8-year, \$1,000 deposit, unless action is taken by either the Washington State legislature or FDIC. FDIC's new deposit category goes into effect on June 1, 1978. The Washington State legislature does not meet again until January of 1979. Because of this 6-month

lag, the Board of Directors, in the interest of preserving the competitive position occupied by insured nonmember mutual savings banks in Washington State, is amending the provisions of §§ 329.7 and 329.8 of FDIC's regulations to allow mutual savings banks to issue 8-year, 8 percent certificates of deposit of at least \$1,000. However, these certificates of deposit must be paid by the issuing bank at the end of 6 years if the Washington State legislature has not, by then, authorized 8-year deposits. Payment at the end of 6 years would be without any penalty for premature withdrawal.

The authority of mutual savings banks to issue such certificates of deposit will expire on December 31, 1979, or when Washington law is changed by the State legislature, whichever is sooner.

Eight-year, 8 percent certificates of deposit issued under these amendments must contain a disclosure statement to the effect that if the laws of Washington 6 years from the date of issue do not permit mutual savings banks to issue fixed rate deposits with maturities of 8 years (1) the bank shall pay the time deposit without penalty 6 years from the date of issue, and (2) the maturity of the deposit may not be extended. Advertising of such deposits will be limited to the State of Washington to the extent practicable. All advertisements will refer to an 8 percent, 8-year certificate of deposit but will also contain a reference to the contingent payment feature in order to avoid misleading prospective depositors.

Pursuant to its authority under sections 9 and 18 of the Federal Deposit Insurance Act, effective June 1978 FDIC's Board is amending §§ 329.7 and 329.8 of FDIC's regulations by adding a new subparagraph (8) to § 329.7(b) and adding a new paragraph (j) to § 329.8 as follows:

§ 329.7 Maximum rates of interest or dividends payable on deposits of insured nonmember mutual savings banks.¹⁴

(b) *Maximum rates payable.* . . .

(8) *Time deposits of insured nonmember mutual savings banks in the State of Washington.* Until December 31, 1979, or action of the Washington State legislature permitting mutual savings banks in Washington to issue certificates of deposit of 8 year's maturity, whichever is sooner, insured nonmember mutual savings banks chartered in the State of Washington may issue 8-year time certificates of deposit in minimum amounts of \$1,000 at the maximum rate permitted for such deposits under the provisions of

§ 329.7(b)(4). However, if 6 years from the date of issue of any such certificate of deposit, the laws of the State of Washington do not permit mutual savings banks to issue fixed rate certificates of deposit with maturities of 8 years, such certificate of deposit must be paid by the bank and its maturity may not be extended. Payment shall be made without assessment of the withdrawal penalty prescribed under § 329.4(d). Any instrument representing a certificate of deposit issued under the provisions of this subparagraph shall contain the following statement in prominent type:

This deposit is payable on [insert date]. However, if Washington State law 6 years from the issue date of this deposit does not permit mutual savings banks to issue fixed rate deposits with maturities of 8 years, then the bank shall immediately pay this certificate without penalty and may not extend its maturity.

§ 329.8 Advertising of interest or dividends on deposits.

(j) *Certain time deposits of mutual savings banks in the State of Washington.* (1) The dissemination of any advertisement, announcement, or solicitation by an insured nonmember mutual savings bank in the State of Washington relating to any interest or dividend-bearing deposit issued under the provisions of § 329.7(b)(8) shall be limited, to the extent practicable after considering the media or means chosen to the State of Washington.

(2) Written advertisements, announcements, or solicitations relating to any interest or dividend-bearing deposit issued under the provisions of § 329.7(b)(8) shall contain the following language either in the text or in a prominent footnote.

This certificate will be paid in 8 years unless Washington law requires prior payment.

The provisions of sections 553(b) and 553(d) of Title 5 of the United States Code and §§ 302.1, 302.2, and 302.5, part 302 of FDIC's regulations respecting notice, public participation, and deferred effective date were not followed in connection with the issuance of these amendments because of their emergency nature and because they expand existing rights.

By Order of the Board of Directors.

Dated: May 24, 1978.

FEDERAL DEPOSIT INSURANCE
CORPORATION,
ALAN R. MILLER,
Executive Secretary.

[FR Doc. 78-15106 Filed 5-30-78; 8:45 am]

[6355-01]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT
SAFETY COMMISSION

SUBCHAPTER A—GENERAL

PART 1050—FINANCIAL COMPENSA-
TION OF PARTICIPANTS IN INFOR-
MAL RULEMAKING PROCEEDINGSInterim Policies and Procedures for
Temporary ProgramAGENCY: Consumer Product Safety
Commission.

ACTION: Interim regulation.

SUMMARY: The Commission is issuing an interim regulation that concerns the financial compensation of participants in the Commission's informal rulemaking proceedings and other proceedings related to informal rulemaking. This regulation establishes the criteria for compensation and the procedures that applicants for compensation must follow. The Commission believes that this regulation will increase participation in its rulemaking proceedings by consumers and other participants who represent viewpoints and interests that will contribute in a positive way to the Commission's rulemaking decisions. The Commission is also establishing a temporary program under which it will actively solicit applications for funding in selected proceedings and will compensate participants in accordance with the interim regulation. (Under an existing ad hoc program the Commission merely considers whatever funding requests participants submit.)

DATES: The regulation becomes effective as interim on May 31, 1978. The temporary program will begin as soon after this date as possible.

FOR FURTHER INFORMATION
CONTACT:

Catherine Bolger, Office of Public Participation, Consumer Product Safety Commission, Washington, D.C. 20207, telephone 202-254-6241.

SUPPLEMENTARY INFORMATION:

BACKGROUND

A. OFFICE OF PUBLIC PARTICIPATION

In January 1977 the Commission approved the creation of an Office of Public Participation (OPP). As an office located within the Commission, OPP's primary purpose will be to administer a funding program for participants in Commission proceedings.

In April 1977 the Commission received a report, written under contract by Nancy H. Chasen and Robert Jay Stein, which discusses some basic

issues relating to OPP and to the financial compensation program. (Copies of the report, entitled CPSC's Office of Public Participation and Financial Compensation Program, and all other documents mentioned in this FEDERAL REGISTER notice are available from the Commission's Office of the Secretary, 1111 18th Street NW., Washington, D.C. 20207.) Examples of issues relating to OPP are staffing of the office, the different ways that OPP could encourage participation in the financial compensation program, and the different functions that OPP could perform. The Commission believes that the OPP Director should be actively involved in all major decisions that will affect the policies and operations of OPP. Therefore, the Commission will make no such decisions until after it has selected a Director.

Selection of a Director will begin as soon as the CPSC has established the position in accordance with the requirements of the Civil Service Commission. Although the Civil Service Commission has disapproved a requested Schedule C exclusion for the Director position, the CPSC plans to appeal this ruling. Once the position is established and a Director begins working, OPP will be ready to administer the financial compensation program on a permanent basis.

B. FINANCIAL COMPENSATION

In March 1977 the Commission proposed a regulation that included criteria and procedures for a financial compensation program (42 FR 15711-17, March 23, 1977). The purpose of the program is to fund selected participants in the Commission's proceedings.

Twenty-two individuals and groups submitted comments on the proposed financial compensation regulation. Thirteen of these supported the concept of a financial compensation program and nine did not. Of the comments from people who did not affiliate themselves with any organization or interest group, two people supported the program (one with a minor reservation) and four opposed it.

The National Legal Center for the Public Interest, the Grocery Manufacturers of America, the Chamber of Commerce of the United States, The Proprietary Association, and the Pacific Legal Foundation criticized the proposed financial compensation program. Their objections included the following: (1) It will be impossible to choose fairly among the groups and people that will request funding; (2) funding will be very expensive and is not needed because "the legal public interest movement is well-represented and well-financed" (National Legal Center); (3) the Commission lacks legal authority for the program; (4) in view of the bills pending in Congress

to provide specific statutory authority and financing for compensation programs in numerous federal agencies, the Commission's proposal is premature; (5) the program "would invite dilatory litigation challenging the agency's exercise of its discretion in granting or denying funds" (Pacific Legal Foundation); and (6) the program "raises the ominous possibility of agency co-option of 'public interest' participants by application of the agency's discretion as to whom funds will be made available" (Pacific Legal Foundation).

The following groups supported the financial compensation program: National Consumers League, Center for Auto Safety, Environmental Defense Fund, Public Action Coalition on Toys, Arizona Consumers Council, and the Consumer Affairs Department of Detroit. Some of the comments from these groups which supported the program made specific suggestions for changes in the regulation. Nearly all of these suggestions addressed issues that the Commission had considered before it published the proposed regulation, and had discussed in the preamble to the proposal. As one example, several comments urged that financial compensation be made available for costs involved in preparation of funding applications. (In March 1977 the Commission's view of this issue was that the costs incurred during the application process would be insubstantial because, in part, the application provisions in the regulation were specifically drafted to minimize these costs (42 FR 15715).)

C. AD HOC PROGRAM

Since 1974 the Commission has funded participants in its rulemaking proceedings on an ad hoc basis. However, such funding has been limited to a handful of cases.

Under its ad hoc program, the Commission considers on a case-by-case basis all applications for funding that individuals or groups submit. The Commission does not solicit applications from participants. In addition, the Commission does not indicate which proceedings it believes would be benefited by the increased participation that would probably result from Commission funding.

TEMPORARY PROGRAM

A. INTRODUCTION

The Commission's ad hoc program for funding participants in its proceedings serves a limited purpose. The Commission proposed the March 1977 financial compensation regulation to serve as the basis of a broader and more effective program.

Until an OPP Director is ready to run a permanent Office of Public Participation, a financial compensation

program cannot fully meet the Commission's expectations. However, the Commission believes that a temporary program can remedy many of the deficiencies of the ad hoc program and can smooth the way for establishment of an effective permanent financial compensation program.

B. INTERIM REGULATION

The primary difference between an ad hoc program and the new temporary program is that the financial compensation regulation will now be in effect on an interim basis. When the Commission issues the regulation in final form, it may well want to modify some of the provisions. There are numerous issues, including those raised in the comments to the March 1977 proposal, which the Commission must fully consider before ultimately resolving. However, the experience of using the regulation is likely to contribute to an understanding of these issues and may even suggest some improvements to the regulation. For now, the Commission has made just one slight change in the proposed regulation (babysitting costs have been added to \$1050.7(e)(5) as an additional example of reasonable costs that are compensable).

All provisions of the proposed regulation are fully discussed in the preamble to the March 1977 FEDERAL REGISTER document (42 FR 15711-16). Since the regulation issued below in interim form is nearly identical to the proposed version, that discussion is applicable. Nevertheless, the most important aspects of the financial compensation regulation will be summarized here:

1. PURPOSE

The primary purpose of the regulation (§1050.1) is to increase participation in the Commission's informal rulemaking proceedings by those who represent viewpoints and interests that will contribute substantially to fair and full decisions in such proceedings. The Commission believes that the complexity of the technical issues involving rulemaking demands that it receive and consider evidence and opinion from the many segments of the affected public. Only in this way can the Commission ensure that its actions reflect the public interest.

Industries have a direct interest in a proposed safety standard with which they must comply. For this and other reasons, many industries have found it a good business practice to make substantial expenditures for research and other preparations that support comments on proposed Commission rulemaking actions.

By contrast, comments from nonregulated interests have been relatively infrequent. One reason may be that the immediate effect of Commission

regulation on consumers is less discernible than on the regulated industries. Another reason is that consumers often have insufficient funds to present a position fully and effectively before the Commission.

The Commission hopes that the financial compensation regulation will encourage participation in CPSC rulemaking proceedings by those who represent interests and viewpoints which are currently underrepresented.

2. AUTHORITY

The Comptroller General of the United States, in decisions dated February 19 and May 10, 1976, held that the Commission has authority to provide financial assistance to those who cannot afford to participate in its proceedings, but whose participation is necessary to full and fair proceedings.

The U.S. Court of Appeals for the Second Circuit questioned the validity of these Comptroller General decisions in an opinion issued June 1977 (*Greene County Planning Board v. Federal Power Commission* 559 F. 2d, 122 cert. den., February 21, 1977 (No. 77-481)). This opinion, which held that the Federal Power Commission lacked the statutory authority to pay the counsel fees for intervenors in a licensing proceeding, has been cited to the CPSC as authority for the illegality of the CPSC's financial compensation program. (Although the timely comments on the March 1977 proposal could not cite this June 1977 decision, a follow-up comment from the Pacific Legal Foundation did so.)

The Commission considered the *Greene County* decision in August 1977 and decided unanimously to continue with its financial compensation program as planned. On March 1, 1978 the Department of Justice's Office of Legal Counsel also considered the *Greene County* decision and concluded that no Federal agency (other than possibly the Federal Energy Regulatory Commission, which has taken over the authority and functions of the no-longer-existing Federal Power Commission) is bound by the holding in that case.

3. SCOPE

The financial compensation regulation below applies to all of the Commission's informal notice and comment rulemaking proceedings. In addition, it applies to any hearings, meetings, or other proceedings which are "related to" informal rulemaking. By covering these categories of proceedings, the regulation will apply to most of the Commission's activities in which participation by the public is now sought.

The Commission also plans to issue a financial compensation regulation that will apply to its formal rulemaking and adjudicatory proceedings.

Until such a regulation is issued, the Commission will continue to consider on an ad hoc basis all requests for funding from participants in those proceedings.

4. CRITERIA AND PROCEDURES FOR
FUNDING

The regulation below includes the criteria that the Commission will consider before funding participants and the procedures that it will follow. (The Commission discussed these in great detail in the preamble to the March 1977 proposed regulation (42 FR 15712-15).)

To summarize the criteria, there are three factors which the Commission must consider prior to authorizing any funding under the regulation. These concern the importance of the proceeding; the need for representation of particular interests or viewpoints in the proceeding; and the expected representation of particular interests or viewpoints in the proceeding absent Commission funding.

In addition, there are three requirements that participants must meet to be eligible for funding. These concern the interest or viewpoint of the participant; the size of the participant's economic interest in the proceeding compared with the participant's costs of effective participation; and the participant's available financial resources.

The Commission believes that these factors and requirements will channel available compensation to participants and proceedings in such a way that the Commission will receive the greatest possible assistance in making rulemaking decisions.

The procedures included in the regulation have the same intent as the criteria, and they have the additional intent of preventing unnecessary delay in rulemaking proceedings. Under the procedures, the Commission would focus its funding efforts on particular rulemaking proceedings. The Commission will do this by soliciting applications for funding in selected proceedings and by setting a deadline for receipt of the applications. The Commission will then consider the applications and authorize funding according to the criteria already discussed. The Commission will respond in writing to all applications for funding and will provide reasons for its decisions to authorize or not authorize funding.

The regulation contains additional provisions: Funding is available for such reasonable costs as salaries, travel, and fees for consultants and attorneys. Funded participants may be subject to accounting and recordkeeping requirements. Even if the Commission does not solicit applications for funding, it will consider requests for funding in all proceedings that are subject to the regulation.

C. STAFFING

Catherine Bolger will be responsible for the day-to-day operation of the Commission's temporary financial compensation program. She has been assigned, on a temporary basis, to OPP (where a secretary has also been assigned). Her duties will include preparation of necessary forms, receiving and evaluating applications (the regulation requires funding applications to be submitted to the Office of the Secretary, but they will be immediately forwarded to OPP), and responding to questions from the public concerning the compensation program.

In addition, the Commission has formed a Financial Compensation Program committee to assist in the operation of the temporary program. Each Commission's office is represented on the committee, along with the Office of General Counsel and the Bethesda technical staff.

Although the committee's functions are flexible and partially undetermined, one of its functions will be to keep the Commissioners informed about the progress of the temporary program. The Commission itself, under the interim regulation, will be selecting the proceedings in which applications are solicited and will be authorizing or denying compensation.

Ms. Bolger, in conjunction with the committee, will do as much as possible to encourage participation in the temporary financial compensation program. As a minimum, solicitation of funding applications will be published in the FEDERAL REGISTER, in accordance with § 1050.6(a)(1) of the regulation.

D. FINANCIAL RESOURCES AVAILABLE

The basis of a financial compensation program is the reimbursement of selected participants in CPSC proceedings, but the Commission can only estimate the financial resources that will be necessary for an effective program. One purpose of a temporary program is to help determine how much money a permanent program might require.

Fiscal year 1978 ends on September 30, 1978 and the Commission has at least \$30,000 available for funding between now and then. This should prove to be a sufficient amount for the beginning months of the program. During fiscal year 1979, which begins on October 1, 1978, the Commission expects to have available a larger amount.

By selecting appropriate proceedings one or two at a time, the Commission will make sure that the available financial resources do not become overextended. Whatever the number of proceedings selected, it is crucial that sufficient funds be available in advance of every proceeding in which applications are solicited.

ISSUANCE OF INTERIM REGULATION

The financial compensation regulation issued below formalizes funding procedures that have been available for public comment for more than a year. In addition, these procedures will apply to a program which is currently operating on an ad hoc basis, without any applicable procedures. Making the regulation effective will provide much-needed guidance and will not adversely affect the rights of any individuals or organizations. Therefore, the Commission finds, under 5 U.S.C. 553(d)(3) of the Administrative Procedure Act, that good cause exists for making the regulation effective immediately.

In accordance with provisions of the Consumer Product Safety Act (15 U.S.C. 2051-81), the Federal Hazardous Substances Act (15 U.S.C. 1261-74), the Flammable Fabrics Act (15 U.S.C. 1191-1204), and the Poison Prevention Packaging Act (15 U.S.C. 1471-76), the Commission issues, on an interim basis, the following new Part 1050 of Title 16, Chapter II, Subchapter A:

- Sec.
1050.1 Purpose.
1050.2 Scope.
1050.3 Definitions.
1050.4 Criteria for financial compensation.
1050.5 Submission of applications by participants.
1050.6 Commission solicitations of and decisions on applications.
1050.7 Amounts of financial compensation and procedures for payment.

AUTHORITY: Consumer Product Safety Act (15 U.S.C. 2051-81); Federal Hazardous Substances Act (15 U.S.C. 1261-74); Flammable Fabrics Act (15 U.S.C. 1191-1204); Poison Prevention Packaging Act (15 U.S.C. 1471-76).

§ 1050.1 Purpose.

(a) The Consumer Product Safety Commission, in carrying out its statutory purposes, issues numerous rules that concern the procedures of the Commission and the manufacture and distribution of products. These rules can have far-reaching effects on the health and safety of the public and on the operations of industry.

(b) The Commission seeks the involvement of all interested persons in most of its rulemaking proceedings, but seeking such involvement does not ensure that it will take place. When rules present complex legal or technical issues, interested persons may be unable to comment on them because of the costs of effective participation. When any interested individual consumers, organized groups representing consumer viewpoints, small business interests, or others cannot participate in a rulemaking proceeding, the ability of the Commission to regulate effectively is impaired. If the Commission is to reach fair and balanced decisions in rulemaking matters, the diverse in-

terests and viewpoints of all interested persons should be represented in rulemaking proceedings.

(c) The Commission's policy is to provide financial compensation to participants in its rulemaking proceedings to obtain the representation of interests and viewpoints expected to contribute to full and fair decision-making, if those interests and viewpoints would not be represented effectively without the Commission's financial compensation. The Commission provides such compensation to the fullest extent possible within its budgetary constraints and in accordance with appropriate priority considerations. The purpose of this part is to establish procedures and guidelines to carry out the Commission's policy of providing financial compensation.

§ 1050.2 Scope.

The Commission may provide financial compensation under this part to participants in any proceedings related to informal rulemaking in which the Commission seeks written and/or oral comments from all interested members of the public under the authority of one or more of the following statutory provisions:

- (a) In the Consumer Product Safety Act, sections 7(d)(3), 9(a), 9(e), 10(c), 14(b), 14(c), 16(b), 26(c), 27(a), 27(e), and 30(d);
(b) In the Federal Hazardous Substances Act, sections 2(f)(1)(D), 2(q)(1)(B), 3, 10, and 18(b)(3);
(c) In the Flammable Fabrics Act, sections 4, 5, and 16(c);
(d) In the Poison Prevention Packaging Act, sections 3, 4(c), and 8(c);
(e) Any other statutory provision under which the Commission seeks public comment in accordance with 5 U.S.C. 553 of the Administrative Procedure Act or in accordance with similar informal notice and comment rulemaking procedures.

§ 1050.3 Definitions.

As used in this part—
(a) "Commission" means the Consumer Product Safety Commission, established by section 4 of the Consumer Product Safety Act.

(b) "Proceeding" or "proceeding related to informal rulemaking" means any of the Commission's procedures, held under the authority of one or more of the statutory provisions listed in § 1050.2, for soliciting written and/or oral comments from the public on matters related to rulemaking.

(c) "Participant" means any interested individual, group of individuals, public or private organization or association, partnership, or corporation who or which is taking part or intends to take part in a Commission proceeding.

(d) "Application" means a written request by a participant for financial

compensation submitted in accordance with § 1050.5.

§ 1050.4 Criteria for financial compensation.

(a) The Commission shall consider the following factors in connection with authorization of financial compensation for participation in a proceeding:

(1) The importance of a particular proceeding, compared with other Commission proceedings, in terms of the potential impact of the proceeding on the public health and safety;

(2) The need for representation of one or more particular interests or points of view in the proceeding; and

(3) The extent to which particular interests or points of view can reasonably be expected to be represented in a proceeding if the Commission does not provide any financial compensation.

(b) The Commission may authorize financial compensation only for participants who meet all of the following criteria:

(1) The participant represents a particular interest or point of view that can reasonably be expected to contribute substantially to a full and fair determination of the issues involved in the proceeding.

(2) The economic interest of the participant in any Commission determination related to the proceeding is small in comparison to the participant's costs of effective participation in the proceeding. If the participant consists of more than one individual or group, the economic interest of each of the individuals or groups comprising the participant shall also be considered, if practicable and appropriate.

(3) The participant does not have sufficient financial resources available for effective participation in the proceeding, in the absence of financial compensation under this part.

§ 1050.5 Submission of applications by participants.

(a) A participant must submit a written application to the Commission in order to be authorized to receive compensation. The application shall contain, to the fullest extent possible and appropriate, the following information:

(1) A description of the point of view that the participant intends to represent in the proceeding and a discussion of the participant's capability to represent such point of view;

(2) The reason(s) that representation of the participant's interest or point of view can reasonably be expected to contribute substantially to a full and fair determination of the issues involved in the proceeding;

(3) An explanation of the economic interest, if any, that the participant has (and individuals or groups com-

prising the participant have) in any Commission determination related to the proceeding;

(4) A discussion, with supporting documentation, of the reason(s) a participant is unable to participate effectively in the proceeding without financial compensation;

(5) A description of the participant's employment or organization, as appropriate; and

(6) A specific and itemized estimate of the costs for which compensation is sought.

(b) Applications must be submitted to the Office of the Secretary, 1111 18th Street NW., Washington, D.C. 20207 in accordance with the applicable deadlines or guidelines on timeliness set forth in § 1050.6.

§ 1050.6 Commission solicitations of and decisions on applications.

(a) Whenever the Commission anticipates that financial compensation of participants in a particular proceeding can reasonably be expected to contribute substantially to full and fair decision-making, it may solicit applications for compensation in that proceeding. With regard to any such proceeding, the Commission shall:

(1) Publish in the FEDERAL REGISTER the solicitation and as full a description as possible of the nature of the proceeding, including any relevant facts the Commission is seeking, the policy and legal questions at issue, and the potential rulemaking actions being considered (the Commission may decide that this description will include the text of the proposed rule);

(2) Set a deadline for receipt of applications that is at least 30 days after publication in the FEDERAL REGISTER of the solicitation and description;

(3) Notify every participant who submits an application prior to the deadline whether compensation has or has not been authorized, in accordance with the following:

(i) All notifications must be in writing and must include the reason(s) that compensation has or has not been authorized.

(ii) All notifications that compensation has been authorized must specify the amount authorized.

(iii) All notifications responding to applications for compensation in oral proceedings shall be made as far as possible in advance of the scheduled participation of the participant and in no case later than five days before such scheduled participation.

(iv) All notifications responding to applications for compensation in written proceedings shall be made as far as possible in advance of the date on which the public comment period begins. If any participant is notified after this date, the Commission may extend or delay the comment period if it believes that any participant will

not otherwise have a comment period of a reasonable length that begins on the date of notification to such participant under this paragraph.

(v) Notifications shall be considered to be made when either mailed or delivered by hand to the participant or an authorized representative of the participant;

(4) Consider any application submitted after the deadline only to the extent practicable.

(b) The Commission shall consider applications at any time by participants in any proceeding for which the Commission has not solicited applications according to paragraph (a) of this section. The Commission shall notify every participant who submits such an application whether compensation has or has not been authorized, in accordance with the following:

(1) All notifications must be in writing and must include the reason(s) that compensation has or has not been authorized.

(2) All notifications that compensation has been authorized must specify the amount authorized.

(3) All notifications must be made in a timely manner as possible.

§ 1050.7 Amounts of financial compensation and procedures for payment.

(a) The Commission may establish a limit on the total amount of financial compensation to be made to all participants in a particular proceeding and/or may establish a limit on the total amount of compensation to be made to any one participant in a particular proceeding.

(b) The Commission shall compensate participants only for costs that have been authorized and only for such costs actually incurred for participation in a proceeding.

(c) The participant shall be paid upon submission of an itemized voucher listing each item of expense. Each item of expense exceeding \$15 must be substantiated by a copy of a receipt, invoice, or appropriate document evidencing the fact that the cost was incurred.

(d) The Commission shall compensate participants only for costs that it determines are reasonable. As guidelines in these determinations, the Commission shall consider market rates and rates normally paid by the Commission for comparable goods and services, as appropriate.

(e) The Commission may compensate participants for any or all of the following costs:

- (1) Salaries for participants or employees of participants;
- (2) Fees for consultants, experts, contractual services, and attorneys that are incurred by participants;
- (3) Transportation costs;
- (4) Travel-related costs such as lodging, meals, tipping, telephone calls, etc.; and

(5) All other reasonable costs incurred, such as document reproduction, postage, baby-sitting, etc.

(f) The Commission shall compensate participants within 30 days following the date on which the participant submits an itemized voucher of actual costs pursuant to paragraph (c) of this section.

(g) The Commission and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of audit and examination to any pertinent books, documents, papers and records of a participant receiving compensation pursuant to this section. The Commission may establish additional guidelines for accounting, recordkeeping, and other administrative procedures with which participants must comply as a condition of receiving compensation.

Effective date: May 31, 1978.

Dated: May 24, 1978.

SADYE E. DUNN,
Acting Secretary, Consumer
Product Safety Commission.

[FR Doc. 78-14963 Filed 5-30-78; 8:45 am]

[6740-02]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL ENERGY REGULATORY COMMISSION

[Docket No. R-441; Order No. 455-C]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Further Amendment of Statement of Policy Relating to Optional Procedure for Certifying New Producer Sales of Natural Gas

MAY 19, 1978.

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rulemaking.

SUMMARY: The Commission extends the 9-month period of review during which deliveries are made at the prevailing nationwide ceiling rate until a final order has been issued determining the contract rate just and reasonable. If the rate determined by the Commission is higher than the nationwide rate collected, the final order will allow a surcharge to be collected for the difference in rates during the extended period. The purpose of this rulemaking is to provide consumers with the protection intended by the Natural Gas Act.

EFFECTIVE DATE: May 19, 1978.

FOR FURTHER INFORMATION CONTACT:

Elisabeth Pendley, Office of the

General Counsel, Federal Energy Regulatory Commission, 202-275-4216.

SUPPLEMENTARY INFORMATION: Pursuant to 5 U.S.C. 553, sections 4, 5, 7, 8, 14, 15, and 16 of the Natural Gas Act (52 Stat. 822, 823, 824, 825, 828, 829, 830; 15 U.S.C. 717c, 717d, 717f, 717g, 717m, 717n, 717o), and pursuant to section 403(a) of the DOE Act (91 Stat. 565), the Commission issues an amendment to the: General Rules under the Natural Gas Act, Subchapter A, Chapter I, Title 18, CFR.

The Commission's optional certificate procedure was established by Order No. 455, Optional Procedure for Certifying New Producer Sales of Natural Gas, 48 F.P.C. 218 (1972), affirmed in part and reversed in part sub nom., *Moss v. F.P.C.*, 502 F.2d 461 (D.C. Cir. 1974), reversed in part, 424 U.S. 494 (1976). Originally § 2.75 of the regulation, which implemented Order No. 455, contained, in paragraph (o), a provision which permitted producers to collect their contract rate without any refund obligation 6 months after the commencement of deliveries¹ until such time as the Commission entered a final order on the application. This provision was operative despite the possibility that the Commission might ultimately conclude that the contract rate was in excess of the just and reasonable rate for the sale of the gas.

After 2 years of experience under Order No. 455, the Commission, in Order No. 455-B, issued November 25, 1974, concluded that the 6-month period within which to analyze the optional pricing applications was inadequate. The Commission increased the time period for analysis to 9 months, stating:

that the "public interest requires a disposition of the certificate applications under the optional procedure for certifying new producer sales of natural gas, prior to the effectuation of a non-refundable contract rate. Accordingly the Commission finds that the extension of the time period from six to nine months is justly warranted and compelled by the public interest." (52 FPC 1418)

The change did not however, prevent producers from collecting the contract rate, without refund obligation, after the 9-month period, if the Commission had not yet been able to issue a final order.

Recent applications under the optional pricing alternative have proven to be extremely complex, multiblock ventures which require significant

¹In its May 8, 1978 order in *Pennzoil Louisiana and Texas Offshore Company, Inc., et al.*, Docket Nos. C177-702, et al., the Commission found that the applicable time period before the applicants were permitted to collect the contract rate ran from the date the Commission was notified of commencement of deliveries as required by § 2.75(n).

time by staff to properly and completely analyze. Often additional information from the applicant is required. It is our experience that the production of such additional information is often not made in a timely manner in order to enable the Commission to complete its analysis within the 9-month period. Additionally, the applications, particularly in the complicated multiblock cases, are usually contested. The result is that the applications are set for hearing, and the administrative process requires substantially more time than the 9-month period originally anticipated to be adequate.

The consequences of allowing producers to automatically collect their contract rate following the expiration of the 9-month period have become much more severe in their effect on consumers. We note that in certain recent cases producers have sought to collect rates of \$2.54 and \$3.30. Other applications before the Commission indicate that the price levels sought are also substantially in excess of the nationwide just and reasonable rate.² Typically, the optional price gas is sold from offshore blocks, and involve large reserves. In many of the cases the Commission cannot, due to factors noted above, reach a final decision in the 9-month period. Accordingly the contract rate goes into effect without refund obligation. The effect on consumers is immediate and substantial. Under the present § 2.75(o) there does not appear to be a satisfactory method for indemnifying consumers for portions of the rate which might ultimately be determined to be in excess of the just and reasonable rate.

The Commission cannot permit consumers to go unprotected during the period of analysis and administrative proceedings necessary to determine the public interest and the necessity of allowing sales of gas at prices substantially in excess of the nationwide norm.

Conversely, where Commission proceedings are quite extended it appears inequitable to require producers to sell at the national rate for excessive periods of time where the just and reasonable rate is ultimately determined to be in excess of the national rate.

Accordingly the Commission amends paragraph (o) of § 2.75 to permit it, in appropriate cases, to extend the time for consideration of applications filed under § 2.75. The right of the producer to sell at the prevailing nationwide ceiling rate for 9 months is preserved. However, if the Commission deter-

²In *Pennzoil Louisiana and Texas Offshore Company Inc.*, Docket No. C178-767, the applicants have sought a rate of \$4.74 plus \$0.05 per Mcf compression charge, Btu adjustment and tax reimbursements for its interest in 50 offshore blocks.

mines that it will be unable to complete the proceeding within the 9-month period, the Commission may issue an order extending the time for its consideration of the application. If the Commission extends the 9-month period, the producer is required to continue sales at the nationwide ceiling rate for the period of the extension.

Upon issuance of a final order by the Commission which finds that the just and reasonable rate is in excess of the nationwide prevailing rate, the Commission, if it extended the 9-month period, will permit the producer to recoup the portion of such excess that accrued during the period of any extension ordered by the Commission. More specifically the total surcharge will be an amount equal to the difference between the rate collected by the producer during the extension period, and the rate the Commission ultimately finds to be just and reasonable, plus the applicable interest rate on refunds. The surcharge may be collected in a manner and over a period of time prescribed by the Commission in its final order on the application.

If the Commission does not extend the 9-month period, the present procedure under § 2.75(o) would remain applicable.

The Commission is making this amendment effective with respect to applications filed after the date of issuance of this order upon a finding that good cause exists to proceed without compliance with the notice, public procedure, and effective date provisions of 5 U.S.C. 553. The Commission is concerned that a delay in the effective date of this rule until after public comment would trigger a flood of applications during the comment period from producers wishing to collect contract rates after the 9-month period without refund obligation. Such a result would defeat the Commission's purpose of protecting consumers from the economic burden of non-refundable rate collections in excess of the just and reasonable rate and could so overwhelm the Commission with § 2.75 applications that existing as well as new applications could not be processed within the 9-month period. For these reasons, the Commission has found it necessary to make this amendment effective with respect to § 2.75 filings made after the date of issuance of this order.

The Commission finds. (1) Good cause exists to proceed without compliance with the notice, public procedure and effective date provisions of 5 U.S.C. 553. It is contrary to the public interest in this particular case to provide for notice where we seek to protect consumers against the collection by producers of rates in excess of the national ceiling rate, without refund obligation. Any delay in the issuance

and effectiveness of this order will delay the protection consumers are required to receive under the Natural Gas Act.

(2) The Amendment of Part 2, General rules of practice and procedure, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations; § 2.75(o) Optional Procedure For Certifying New Producer Sales of Natural Gas, as herein prescribed, is necessary and appropriate for the Administration of the Natural Gas Act.

(3) In view of the purpose, intent and effect of the amendment herein ordered, good cause exists for making it effective upon issuance of this order.

Acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7 and 16 thereof (52 Stat. 822, 823, 824, 825 and 830; 15 U.S.C. 717c, 717d, 717f, and 717o) and pursuant to Section 403 (a) of the DOE Act (91 Stat. 565).

The Commission orders. (A) Part 2 of the Commission's General Rules of Practice and Procedure, General Policy and Interpretations, Subchapter A, Chapter I, Title 18 of the Code of Federal Regulations is amended by revising § 2.75(o) as follows:

§ 2.75 Optional procedure for certifying new producer sales of natural gas.

(o)(1) If the parties elect to commence deliveries as set forth in paragraph (n) of this section, such deliveries will be made at rates no higher than the prevailing nationwide ceiling rate and shall so continue for 9 months.

(2) If the Commission determines that it will not be able before the expiration of the 9-month period to issue its final order, it may issue an order extending the 9-month period until such final order is issued. Deliveries during the period of the extension will continue to be made at rates no higher than the prevailing nationwide rate.

(3) If the final Commission order establishes a just and reasonable rate in excess of the prevailing nationwide rate which was charged during the period of any extension under paragraph (o)(2) of this section, the applicant may recoup by means of a surcharge the excess of (1) the amount which would have been collected had such just and reasonable rate been in effect during such period over (2) the amount actually collected during such period, plus interest on such excess. The surcharge shall be collected over such period and in such manner as the Commission prescribes in its final order.

(4) If the Commission does not extend the 9-month period in the accordance with paragraph (o)(2) of this section, then at the end of such 9-month period (if the Commission has not made its final order), the seller upon the filing of a notice of change in rate pursuant to § 154.94 of this chapter of the Commission's regulations shall be entitled to receive without refund obligation and the purchaser shall be entitled to pay, the rates specified in the contract initially filed, and such contract rates shall continue as the effective rates until the Commission enters its final order on the certificate application.

(B) This amendment provided for herein is effective on date of issuance, and shall apply to all applications filed after the date of issuance of this order.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15089 Filed 5-30-78; 8:45 am]

[1505-01]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE; DEPARTMENT OF THE TREASURY

[T.D. 78-138]

PART 111—CUSTOMHOUSE BROKERS

Custom Regulations Amended

Correction

In FR Doc. 78-13616 appearing at page 21877 in the issue for Monday, May 22, 1978, at the end of the document, the signatures in the second column of page 21880 should have read as follows:

G. R. DICKERSON,
Acting Commissioner of
Customs.

Approved: May 5, 1978.

RICHARD J. DAVIS,
Assistant Secretary of the
Treasury.

[4810-22]

IT.D. 78-1511

PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE**Unclaimed Merchandise**

AGENCY: United States Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs regulations relating to the cartage of unclaimed merchandise to clarify that the cost of cartage of unclaimed merchandise shall be borne initially by the Customs Service, subject to reimbursement by the importer or from the proceeds of the sale of the merchandise. The amendment will eliminate any uncertainty with regard to the source of the payment to the cartman for the cartage of unclaimed merchandise.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Suellen M. Ferguson, Regulations and Legal Publications Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-8237.

SUPPLEMENTARY INFORMATION:**BACKGROUND**

Section 125.14 of the Customs regulations (19 CFR 125.14) provides that unclaimed merchandise at a port of entry shall be carted to the public stores or to a bonded warehouse chosen by the district director under the cartage arrangement followed at the port for hauling examination packages, as provided for in §§ 125.11 (a) and (b) of the Customs regulations (19 CFR 125.11 (a), (b)).

Under paragraph (a) of § 125.11 of the Customs regulations, the merchandise is required to be carted by a licensed cartman under contract or other specific authority. If there is no contract for Government cartage in effect, paragraph (b) of § 125.11 provides that the district director shall designate a licensed customhouse cartman to cart the merchandise.

It has come to the Commissioner's attention that there may be confusion as to whether paragraph (c) of § 125.11 (19 CFR 125.11(c)), which provides that the cost of cartage shall be paid from the appropriation "Salaries and Expenses; U.S. Customs Service", also applies to the cost of cartage of unclaimed merchandise under § 125.14 of the Customs regulations.

Section 125.14 of the Customs regulations currently provides that reim-

bursment of the costs of cartage performed under that section shall be collected from the importer (prior to the release of the Merchandise) if entry is made or, if the merchandise is unclaimed, from the proceeds of the sale of the merchandise. This provision indicates, but does not specify, that the costs of cartage will be borne initially by the Customs Service.

The amendment to § 125.14 of the Customs regulations provides that all of the provisions of § 125.11, including paragraph (c) thereof, will be applicable to merchandise carted under § 125.14. As a result of this amendment, it should be clear that the Customs Service will pay the costs of the cartage of unclaimed merchandise, subject to reimbursement by the importer (if the merchandise is subsequently entered) or from the proceeds of sale (if the merchandise is subsequently sold as unclaimed).

DRAFTING INFORMATION

The principal author of this document was Suellen M. Ferguson, Regulations and Legal Publications Division of the Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices of the Customs Service participated in its development.

AMENDMENT TO THE REGULATIONS

Under the authority of R.S. 251, as amended (19 U.S.C. 66), and sections 565, 624, 46 Stat. 747, as amended, 759 (19 U.S.C. 1565, 1624), the first sentence of § 125.14 of the Customs Regulations (19 CFR 125.14) is amended to read as follows:

§ 125.14 Cartage of unclaimed merchandise.

Unclaimed merchandise shall be carted to the public stores or a bonded warehouse designated by the district director under the cartage arrangements established at the port for hauling examination packages under the provisions of § 125.11. . . .

(R.S. 251, as amended, secs. 565, 624, 46 Stat. 747, as amended, 759 (19 U.S.C. 66, 1565, 1624).)

INAPPLICABILITY OF ADVANCE NOTICE AND DELAYED EFFECTIVE DATE REQUIREMENTS

This amendment merely clarifies an existing Customs regulation and imposes no duty or burden on the public. Accordingly, the Commissioner of Customs has determined that neither an advance notice of the amendment nor a solicitation of public comment prior to its implementation was necessary under 5 U.S.C. 553. For the same reasons, a delay in the effective date of the amendment is not required.

R. E. CHASEN,
Commissioner of Customs.

Approved: May 16, 1978.

RICHARD J. DAVIS,
Assistant Secretary
of the Treasury.

(FR Doc. 78-15072 Filed 5-30-78; 8:45 am)

[4210-01]

Title 24—Housing and Urban Development**CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING—FEDERAL HOUSING COMMISSIONER, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

(Docket No. R-78-536)

PART 236—MORTGAGE INSURANCE AND INTEREST REDUCTION PAYMENTS FOR RENTAL PROJECTS**Implementation of the Tax and Utility Subsidy Program**

AGENCY: Office of the Assistant Secretary for Housing-Federal Housing Commissioner, Department of Housing and Urban Development.

ACTION: Interim rule.

SUMMARY: The Department of Housing and Urban Development is hereby issuing an interim rule establishing procedures for implementing the Tax and Utility Cost Subsidy Program as prescribed by the Housing and Community Development (HCD) Act of 1977 which amended paragraphs (f)(3), (g) and (i) of Section 236 of the National Housing Act.

The interim rule establishes new categories of temporary basic rental charges and adjusted basic rental charges to provide for reduced rents; establishes that excess income collected above the basic rental charges as adjusted to provide for reduced rents shall be remitted monthly to the Secretary; and establishes the basis for determining the amount of the subsidy payments, the procedures for selecting projects and the basic contract provisions.

DATES: Effective date: May 31, 1978. Written comments and suggestions will be received until June 30, 1978.

ADDRESS: Comments should be submitted to the Rules Docket Clerk, Office of the General Counsel, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410. A copy of each communication will be available for public inspection during the regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

James J. Tahash, Director, Insured Project Mortgage Division, Office of

Loan Management, Office of Insured and Direct Loan Programs, Department of Housing and Urban Development, Washington, D.C. 20410, 202-755-5756.

SUPPLEMENTARY INFORMATION: The statute contemplates that tax and utility subsidy payments shall be made as soon as practicable after establishment of the initial operating expense level and that payments will commence during the fiscal year ending September 30, 1978. Since the project selection and contracting process cannot be accomplished until these amendments are in effect, provision for comment and public participation before making these amendments effective would make it impossible to commence payment prior to September 30. Because of this consideration and in view of the immediate and urgent need for reduction in the rental charges paid by lower income tenants residing in projects with the greatest need, the Department has determined that these amendments should be effective upon publication on an interim basis.

Section 206 of the HCDA of 1977 required the Secretary to establish initial operating expense levels (IOEL) for all Section 236 projects within 180 days from the date of enactment of the statute which was October 10, 1977.

In order to comply with this requirement, HUD directed the owners of all Section 236 projects to submit, by March 31, 1978, the information needed to calculate the amount of the tax and utility cost subsidy. This information included IOELs and tax and utility costs as of the effective date of the last rent increase as well as those costs experienced from March 1, 1977 to February 28, 1978.

The Department has an obligation under the HCDA of 1977 to implement a tax and utility cost subsidy program, subject to the availability of funds. Congress has yet to appropriate funds for this purpose, though it has provided another source of funding, specifically the reserve fund. Unfortunately those funds are extremely limited compared to the need the program is to serve. They are so limited that pro rata distribution would not result in any meaningful benefit to projects or tenants (approximately \$1.60 per tenant per month) which is within the objective of the Act. Accordingly, the Department has determined that the objective of the Act would be served best by limiting distribution of available funds to those most in need of assistance.

Working with the information submitted by field offices, Headquarters staff will identify those projects which are experiencing the greatest increase in taxes and utility costs and which also have the largest proportion of low-income tenants in need of addi-

tional assistance. Subsidy will go first to the owners of these projects to reduce basic or temporary basic rental charges.

The projects to be given priority will be selected in the following ways:

a. Eliminate all projects in which more than 40 percent of the tenants already receive additional assistance under a HUD program aimed at reducing rentals for lower-income persons. This would include the Section 8 Program, the Section 23 Leased Housing program, the Rent Supplement program, and the Rental Assistance Payments program. The rationale for this criterion is that the subsidy provided under each of these programs assists the neediest tenants in a project; that a project with more than 40 percent of its tenants receiving such assistance will not be among those with the greatest proportion of tenants in need of further assistance; and that this initial screening mechanism is essential to reduce the class of potential beneficiaries so that the Department may effectively assess individual tenant need.

b. In addition, all remaining projects for which an additional subsidy is to be provided will be divided into two categories, i.e., federally insured projects and non-insured State and local agency projects. The projects selected in each category will share the money in the reserve fund in proportion to the amount paid into the reserve fund by the projects in each category.

c. Headquarters staff will then rank the projects on the basis of per unit tax and utility cost increases since the date that the initial operating expense level was calculated. For each category, a list of projects experiencing the greatest per unit increases will be made. The list will contain three times our estimate of the number of projects that available funds can serve, so that tenant need can be determined appropriately in the final selection.

d. For listed projects, the field offices will be directed to obtain tenant rent and income data for very low-income tenants, that is, those tenants whose incomes do not exceed 50 percent of the area median and who are receiving no other tenant subsidy.

e. Projects will then be ranked as to those projects whose tenants have the greatest need. To the extent of funds available, the Department will prepare and forward to project owners for signatures, contracts providing for 12 monthly payments in stated amounts.

The Department expects that initial contracts will be signed by July 31, 1978, with the first subsidy payments to be made in August 1978. The Department intends to use the monies accruing to the reserve funds in Fiscal Year 1978 to make tax and utility cost subsidy payments according to the plan of distribution outlined above. Accordingly, the Department will, after August 1st, execute additional

contracts or amend existing contracts in the amounts necessary to use all monies that accrue in the reserve fund during this Fiscal Year. Payments made under these contracts are intended to be in discharge of any statutory obligation that the Secretary may have to provide a tax and utility cost subsidy for the period from October 1, 1977 through September 30, 1978.

The Department proposes to make tax and utility cost subsidy payments prospectively rather than retroactively because it is obvious that the Secretary lacks sufficient funds to pay the maximum amount permissible under the statute to all eligible projects. In these circumstances, the costs of administration are such that it would be wasteful to require project owners to go back in time to compute tax and utility cost increases, and tenant income to rent ratios from October 1, 1977 forward. It is likely that such administrative costs would be passed on to the tenant in a rent increase.

Subsidy payments shall be paid to eligible Section 236 project owners for the sole purpose of effecting a reduction in basic rental or temporary basic rental charge or carrying charges. To the extent funds are available, such payments shall be in an amount up to the amount by which the sum of the cost of utilities and local property taxes, as reflected in the current HUD-approved basic or temporary basic rental charges, exceeds the IOEL established for the project.

The Department has determined that an Environmental Impact Statement is not required with respect to this rule. The Finding of Inapplicability in accordance with HUD's environmental procedures handbook (HUD Handbook 1390.1) is available for inspection at the Office of the Rules Docket Clerk, at the above address.

HUD will make such modifications as it deems appropriate in the final regulations.

Accordingly, Part 236 is amended as follows:

1. The Table of Contents is amended as follows to include a new

Subpart E—Tax and Utility Subsidy Program

Sec.
236.901 Scope of tax and utility subsidy program.
236.905 Project eligible for benefits.
236.906 Procedures for selecting projects which will receive the tax and utility subsidy funding.
236.910 Funding for tax and utility subsidy program.
236.915 Tax and utility subsidy contract.

2. Section 236.55 is amended as follows:

a. By amending paragraph (a)(1);
b. By redesignating paragraph (a)(2) as (a)(4) and adding a new paragraph (a)(2);
c. By amending paragraph (a)(3); and

d. By amending paragraph (b)(1).

§ 236.55 Rental charges.

(a) . . .

(1) A basic monthly rental charge for each dwelling unit determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of one percent per annum, and

(2) A temporary basic rental charge for those selected projects receiving the Tax and Utility Subsidy to raise the basic rent during the term of the contract to reflect the cost of the taxes and utilities as of February 28, 1978, to the extent they exceed the cost shown in the approved basic rent computation.

(3) An adjusted basic monthly rental charge for each dwelling unit in the selected projects determined on the basis of operating the project with payments of principal and interest due under a mortgage bearing interest at the rate of one percent per annum, subtracting from the approved basic rent or temporary basic rental charge the adjustment for the monthly tax and utility subsidy payment attributable to such unit for those projects selected for the subsidy and

(i) With the payment of the cost of utility services used by the dwelling units, when such charges are paid by the project owner, or

(ii) Without the payment of the cost of utility services used by the dwelling units, when the units have separated meters and some or all such charges are paid directly by the tenants.

(4) A fair market monthly rental charge for each dwelling unit determined on the basis of operating the project with payments of principal, interest and mortgage insurance premium which the mortgagor is obligated to pay under the mortgage, and

(b) . . .

(1) The monthly rental for each dwelling unit shall be greater of the basic rental or temporary basic rent (as adjusted, if applicable, for the tax and utility subsidy payment) or

Section 236.60 is amended to read as follows:

§ 236.60 Excess rental charge.

The mortgagor shall agree to pay monthly to the Commissioner the total of all rental charges collected in excess of the sum of the approved basic or temporary basic rental charges (as adjusted, if applicable, for tenant-paid utilities and/or tax and

utility subsidy program) for all occupied units exclusive of the Tax and Utility Subsidy payment.

4. A new Subpart E is added to read as follows:

Subpart E—Tax and Utility Subsidy Payments

§ 236.901 Scope of tax and utility subsidy program.

(a) The Secretary shall make and contract to make monthly tax and utility subsidy payments to owners of the selected Section 236 projects.

(1) Such payments shall be used by the project owner solely to reduce the basic rental or temporary basic rental charges established for the project.

(2) Such reduced basic or temporary basic rental charges shall be defined as adjusted basic rental charges.

(b) An initial operating expense level shall be established for each Section 236 project, which shall be the sum of the cost of utilities and local property taxes payable by the owner at the time the Secretary determines the property to be fully occupied, taking into account anticipated and customary vacancy rates. The tax and utility subsidy payment shall be in an amount up to the amount by which the sum of the cost of utilities and local property taxes, as currently reflected in the HUD-approved basic rents or temporary basic rental charges exceeds the initial operating expense level.

(1) In order to determine the initial occupancy expense level, it shall be a prerequisite that a project shall have achieved full occupancy which, for the purposes of this program, is administratively defined as sustaining (95 percent) occupancy.

(2) In determining the initial operating expense level for local property taxes, the costs should be those assessed on a fully completed and so taxed project after the date of sustaining occupancy.

(3) In determining the initial operating expense level for utilities, the costs should be those for the 12-month period immediately following the date of sustaining occupancy or those costs which represent available data annualized for that period if 12 months have not elapsed.

(c) Tax and utility subsidy payments shall be made to these selected projects unless the Secretary finds that the increase in the cost of utilities or local property costs for the project is not reasonable or not comparable to cost increases affecting other similar rental projects in the community.

§ 236.905 Projects eligible for benefits.

Section 236 rental or cooperative projects which have reached sustaining (95 percent) occupancy, including HUD-insured, HUD-held or non-insured State-financed projects which

receive assistance under a Section 236 interest reduction contract are eligible for the program.

§ 236.906 Procedures for selecting projects which will receive the tax and utility subsidy funding.

Projects eligible for benefits will be divided into two categories: (i) Projects with HUD-insured or HUD-held mortgages and (ii) non-insured projects financed under a State or local agency program. Any project in which more than 40 percent of the units receive further assistance, i.e., rent supplement, rental assistance, housing assistance under the loan management special allocation program or Section 23 leasing shall be excluded from further selection determinations. For projects remaining in each of these categories, the following procedures will be used to select from the eligible projects those which will receive tax and utility subsidy payments.

(1) For each project determine the amount of per unit per annum increase in tax and utility costs since the initial operating expense level and list the projects in accordance with the amount of increase, listing the project with the greatest increase first.

(2) Starting with the first project in the listing, select the number of projects which have an aggregate annual increase in tax and utility costs equal to 3 times the amount which the Secretary determines is available for tax and utility subsidy contracts in the reserve fund attributable to the project category.

(3) For each of the projects selected in paragraph (2) of this section, determine the percentage of unassisted tenants who pay the basic rental charges or temporary basic rental charge without further HUD assistance and whose incomes are at or below 50 percent of the median income for the area in which the project is located and list the projects in accordance with the percent amount, listing the project with the highest percentage first.

(4) Starting with the first project in the listing developed under paragraph (3) of this section, select the number of projects which have an aggregate increase in tax and utility costs which does not exceed the amount available for tax and utility contracts in the reserve fund attributable to the project category.

(5) HUD will offer to the owner of projects selected under paragraph (4) of this section, contracts providing for tax and utility subsidy payments.

§ 236.910 Funding for tax and utility subsidy program.

(a) A reserve fund credited with all excess income rental charges paid monthly by Section 236 project owners to the Secretary separated as to the monies paid by State and local finance

ACTION: Final rule.

SUMMARY: The Department of Defense (DOD) is revising its regulation on off-base housing to update (1) complaint inquiry/investigative procedures, (2) reporting requirements, and (3) to emphasize liaison with other Government agencies; because current regulation lacks detail in procedural matters. In addition, DOD is removing a duplicate regulation on the same subject.

EFFECTIVE DATE: June 2, 1977.

FOR FURTHER INFORMATION CONTACT:

Captain James E. Wilson, Jr., USN, Office of the Deputy Assistant Secretary (Equal Opportunity), Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), Room 3E326, Pentagon, Washington, D.C. 20301, 202-695-0110.

SUPPLEMENTARY INFORMATION: In FR Doc 72-3143 appearing in the FEDERAL REGISTER (37 FR 4337) on March 2, 1972, the Office of the Secretary of Defense published DOD Instruction 1100.16 effective on January 20, 1972 prescribing the policies and procedures of the DOD Equal Opportunity in the Off-Base Housing program. This instruction was reissued on February 28, 1973 (38 FR 26720). A change to this instruction was issued on April 5, 1973. This change was incorporated into a further revision and published in the FEDERAL REGISTER as FR Doc 75-24169, appearing as Part 197, 40 FR 42186. The following constitutes a further revision to DOD Instruction 1100.16.

MAURICE W. ROCHE,
Director, Correspondence and
Directives, Washington Headquarters Services, Department
of Defense.

MAY 24, 1978

Accordingly, 32 CFR Chapter I is amended by deleting Part 197 in its entirety and revising Part 301 reading as follows.

Sec.
301.1 Reissuance and purpose.
301.2 Applicability and scope.
301.3 Objectives and policies
301.4 Responsibilities of commanders.
301.5 Information requirements.
301.6 Definitions.
301.7 Checklist for commanders.
301.8 Procedures and reports.

AUTHORITY: Sec 301, 80 Stat. 379 (5 U.S.C. 301, 10 U.S.C. 133).

§ 301.1 Reissuance and purpose.

(a) This part is reissued to (1) revise the policies and procedures covering off-base housing and fair housing enforcement, (2) outline discrimination complaint inquiry/investigative proce-

dures and hearing requirements, (3) update reporting requirements, and (4) emphasize liaison with other government (local, State, or Federal) agencies.

(b) Incorporates the provisions of 32 CFR Part 191 relating to equal opportunity in off-base housing and fair housing enforcement.

§ 301.2 Applicability and scope.

The provisions of this part apply to the Office of the Secretary of Defense, the Military Departments, the Defense Agencies, the Specified and Unified Commands, and other DOD activities (hereinafter referred to as "DOD Components") having members of the Armed Forces assigned. DOD civilian employees (as defined in § 301.6) will be offered the same services that members of the Armed Forces receive.

§ 301.3 Objectives and policies.

32 CFR Part 191 establishes the policy that the Department of Defense is fully committed to the goal of obtaining equal treatment for all DOD personnel. Specific guidance with respect to off-base housing and fair housing enforcement is as follows:

(a) *National housing policy.* Federal legislation prohibits discrimination in housing in the United States against any person because of race, color, religion, sex, or national origin.

(1) Title VIII of the Civil Rights Act of 1968 contains the fair housing provisions; outlines the responsibilities of the Secretary of Housing and Urban Development with regard to the Act; and requires all executive departments and agencies to administer housing and urban development programs and activities under their jurisdiction in a manner which will reflect "affirmatively" the furthering of the purposes to Title VIII.

(2) Title IX of the Civil Rights Act of 1968 makes it a crime to willfully intimidate or interfere with any person by force or threat because of their activities in support of fair housing.

(3) Title 42 U.S.C. 1982 states that all citizens shall have the same right as is enjoyed by white citizens to purchase, lease, sell, and convey real and personal property.

(b) *DOD fair housing policy.* The Department of Defense intends that Federal fair housing legislation be supported and that DOD personnel have equal opportunity for available housing regardless of race, color, religion, sex, or national origin.

(1) This policy includes the objective of eliminating discrimination against DOD personnel in off-base housing. This is not achieved simply by finding a place to live in a particular part of town or in a particular facility for a person from a minority group.

(2) The intent is achieved when a person who meets the ordinary stand-

agency non-insured section 236 projects and the monies paid by HUD-insured and/or held section 236 projects shall be used to make payments under the tax and utility subsidy program. Tax and utility subsidy payments shall be made to the full extent of monies in the excess income reserve fund and to the extent approved for this purpose.

(b) The availability of such reserve funds or the appropriation of other funding by Congress shall determine the continuation of payments, as well as appropriate adjustments in the amount of the subsidy payment.

§ 236.915 Tax and utility subsidy contract.

(a) The Secretary shall enter into tax and utility subsidy contracts with the owners of the selected section 236 projects. The initial contracts shall have a term which will commence on or about August 1, 1978.

(1) Term—The contract shall be limited to a 12-month period.

(2) Time of payments—The contract shall provide for monthly payments, representing 1/12 of the annual contract amount.

(3) Adjustments—to the extent of the funds available for this purpose, the amount of the contract may be periodically adjusted to provide for increased tax and utility costs as reflected in subsequent HUD-approved rent increases which occur within the specified 12-month contract period.

(4) Renewal—The renewal of contracts for additional 12-month periods shall at all times be contingent upon the availability of monies in the excess income reserve fund or the appropriation of other funds for this purpose.

(Sec. 7(d), of the HUD Act; 42 U.S.C. 3535(d).)

Issued at Washington, D.C., May 19, 1978.

MARILYN MELKONIAN,
Acting Assistant Secretary for
Housing, Federal Housing
Commissioner.

[FR Doc. 78-14968 Filed 5-30-78; 8:45 am]

[3810-70]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

[DOD Instruction 1100.16]

PART 197—EQUAL OPPORTUNITY IN OFF-BASE HOUSING

PART 301—EQUAL OPPORTUNITY IN OFF-BASE HOUSING

Final Rule

AGENCY: Office of the Secretary of Defense.

ards of character and financial responsibility is able to obtain off-base housing in the same manner as any other person anywhere in the area surrounding the installation, without suffering refusal and humiliation because of arbitrary discrimination based on race, color, religion, sex, or national origin.

(i) The accomplishment of the objective shall not be hampered by requiring the submission of a formal complaint of discrimination. A suspected discriminatory act, with or without the filing of a formal complaint, is a valid basis for investigation and, if discrimination is substantiated, imposition of restrictive sanctions.

(ii) Restrictive sanctions shall be imposed for a minimum of 180 days upon substantiation that discrimination was practiced by an agent.

(iii) The fact that 42 U.S.C. 1982 and Pub. L. 90-284 may or may not provide a remedy in a given case of discrimination affecting DOD personnel does not relieve a commander of the responsibility to ensure equal treatment and equal opportunity for such personnel or to impose restrictive sanctions against the agent/facility when appropriate.

(iv) An information program to apprise DOD personnel and the civilian community of the DOD policy and program for equal opportunity in off-base housing shall be developed at each installation. Local community resources, such as civil rights organizations, religious and service groups, and local information media should be used in support of this program.

§ 301.4 Responsibilities of commanders.

Responsibilities of installation commanders are specified herein. Commanders shall:

(a) Ensure nondiscrimination in referring DOD personnel to off-base housing facilities.

(b) Continue efforts (as described in 32 CFR Part 239a and 32 CFR Part 239b) to identify and solicit nondiscriminatory assurances for housing facilities within the commuting area which are considered to be suitable for occupancy by DOD personnel.

(c) Ensure that an office and staff as required by 32 CFR Part 239b are available to advise DOD personnel concerning:

(1) The procedures set forth in this part.

(2) The application of 42 U.S.C. 1982 and Pub. L. 90-284 in specific situations.

(3) The rights of individuals to pursue remedies through civilian channels, without recourse and in addition to the procedures prescribed herein including the right to:

(i) Make a complaint directly to the Department of Housing and Urban Development (HUD) and/or to the Department of Justice (DOJ) in the United States.

(ii) Bring a private civil action in any court of competent jurisdiction.

(d) Periodically review off-base housing procedures and policies to ensure effectiveness and compliance with this Instruction. In order to assist the commander in accomplishing this review, a checklist is provided in § 301.7.

(e) Cooperate to the fullest extent possible with other Government agencies investigating housing discrimination complaints filed by DOD personnel.

§ 301.5 Information requirements.

(a) Detailed procedures for assisting personnel, investigating housing complaints, and reporting requirements for each housing discrimination complaint are contained in § 301.8.

(b) The complaint and investigative report required in § 301.8 is exempt from formal approval and licensing pursuant to subsection VII.F., enclosure 3, of DOD directive 5000.19.¹

(c) A semiannual report is required and is assigned RCS DD-M(SA) 1146. This report is explained in section (d) of § 301.8.

§ 301.6 Definitions.

(a) *Agent.* Real estate agency, manager, landlord, or owner, as appropriate, of a housing facility doing business with Department of Defense (DOD) personnel or a Housing Referral Office (HRO).

(b) *Area outside the United States.* An area in which DOD personnel reside but which is not subject to U.S. laws or regulations.

(c) *Commander.* The military or civilian head of any installation, organization or agency of the DOD who is assigned responsibility for the off-base housing program.

(d) *Commuting area.* That area as defined in DOD Instruction 4165.45.¹

(e) *Complainant.* A member of an Armed Force (or authorized dependent designated by the military member) or a civilian employee of the DOD (or authorized dependent designated by the civilian employee) who submits a complaint of discrimination.

(f) *Discrimination.* An act, policy, or procedure that arbitrarily denied equal treatment in housing because of race, color, religion, sex, or national origin to an individual or group of individuals.

(g) *DOD Personnel.* (1) Members of the Armed Forces (and their dependents) authorized to live off base.

(2) DOD civilian employees (and their dependents) who are transferred from one place of residence to another

¹Filed as part of original. Copies may be obtained if needed from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, Pa. 19120, Attention Code 301.

because of job requirements, or recruited for job opportunities away from their current place of residence in the United States, and all DOD U.S. citizen appropriated fund and nonappropriated fund civilian employees and their dependents outside the United States.

(h) *Listed facility.* A suitable housing facility (not on restrictive sanction) listed with the HRO as available for occupancy by DOD personnel and whose agent has provided a nondiscriminatory assurance.

(i) *Minority.* Any person who is or may become subject to discrimination because of race, color, religion, sex, or national origin.

(j) *Relief for the complainant.* Action taken by a commander for the benefit of a complainant.

(k) *Restrictive sanctions.* Action taken by a commander to preclude military personnel from entering into a rental, lease, or purchase arrangement with, or moving into, a housing facility, the agent of which has been found to have discriminated against DOD personnel. Restrictive sanctions are effective against the agent and the facility.

(l) *Survey.* The procedure by which the HRO identifies housing resources to ascertain the availability of housing facilities for occupancy by DOD personnel.

(m) *Verifiers.* Volunteers used by the commander during the course of a housing discrimination investigation to determine if, in fact, housing discrimination is being practiced by an agent as alleged. Verifiers are not required to be prospective tenants.

§ 301.7 Checklist for commanders.

(a) Are all assigned personnel informed of the Equal Opportunity in Off-Base Housing Program requirements prior to obtaining housing off-base?

(b) Is there an effective Equal Opportunity in Off-Base Housing information program?

(c) Are community resources being used to support the Equal Opportunity in Off-Base Housing information program?

(d) Are housing discrimination complaints being processed within the required time?

(e) Are complainants being informed in writing of the results of housing discrimination inquiry/investigation actions?

(f) Are housing surveys being conducted periodically to obtain new listings?

(g) Are restrictive sanctions being imposed immediately for a minimum of 180 days on agents found to be practicing discrimination?

(h) Are the services of command representatives provided to assist applicants in their search for housing?

(i) Are HRO personnel and Equal Opportunity personnel aware of and sensitive to housing problems encountered by DOD personnel?

(j) Are Equal Opportunity in Off-Base Housing Reports being submitted accurately and on time?

§ 301.8 Procedures and reports.

(a) *Off-base housing procedures.* DOD personnel seeking off-base housing shall be (1) processed through the HRO when available (optional for DOD civilian personnel), and (2) provided assistance in seeking temporary and permanent off-base housing as follows:

(1) Counseling concerning the Equal Opportunity in Off-Base Housing Program with particular emphasis placed on the desirability to report any indication of discrimination against them in their search for housing.

(2) Counseling and personal assistance shall include the following services:

(i) Offering to check by telephone the availability of selected listings. A record shall be made and retained for future reference of the date, time and nature of any conversation confirming the availability of a facility. The race, color, religion, sex, or national origin of the applicant will not be divulged. Caution must be exercised to ensure that a pattern of "confirmation only for minorities" does not develop.

(ii) Offering the services of a command representative (such as a unit sponsor or other designated person when available) to accompany and assist the applicant in the search for housing.

(iii) Explaining various discriminatory methods that may be employed by agents. For instance, if an agent arbitrarily refuses to accept or consider the applicant as a tenant, falsely indicates the unit sought has been rented to another applicant, or refuses to make the unit available under the same terms and conditions as are ordinarily applied to applicants of the facilities.

(A) In such instances the agent should be queried concerning the reasons why the unit is not available. After all reasonable steps have been taken to ascertain whether any valid nondiscriminatory reason can be shown for the agent's rejection of the applicant, and there appears to be no such reason, a reasonable effort should be made to persuade the agent to make the unit available to the applicant.

(B) The incident shall be reported immediately by the command representative and the complainant to the HRO for appropriate command action.

(b) *Complaint procedures—United States.* Commanders will ensure that all DOD personnel are informed of the scope and provisions of the DOD

Equal Opportunity in Off-Base Housing Program and advised to immediately report to the HRO (when available) any form of discrimination encountered as a tenant or prospective tenant. Incidents reported to base agencies or representatives other than the HRO (for example, equal opportunity officer, unit commander, supervisor) should be brought to the immediate attention of the HRO for appropriate action. A verbal or written statement of discriminatory policy by an agent is considered to be an act or incident of discrimination and the investigative procedures outlined in this enclosure shall be followed.

(1) *Inquiry into complaint.* Complaints of off-base housing discrimination must receive prompt attention. An inquiry into the complaint will begin within 3 working days after receipt of the complaint. The inquiry may be informal but must be detailed sufficiently to indicate if discrimination occurred. Upon receipt of a discrimination complaint, the HRO (or in the event there is no HRO, a command designated representative) will take the following action:

(i) Immediately notify the commander.

(ii) Promptly interview the complainant to determine the details and circumstances of the alleged discriminatory act.

(iii) Inform HRO personnel to advise all prospective tenants that a discrimination complaint has been received against a particular agent/facility, that substantiated discrimination has not been determined, and allow prospective tenants to decide if they desire to view the facility involved.

(iv) Immediately telephone or visit the facility/agent concerned, if the complaint is received shortly after the time of the alleged act and it concerns the change in availability of a vacancy (such as, "just rented," etc.). Attempt to determine if a vacancy exists without making reference to the complaint received. Request the commander to authorize the use of verifiers as necessary. (See subsection § 301.8(b)(2).)

(v) Advise the complainant of the provisions and procedures contained in this Instruction and of the right to pursue further actions through HUD, DOJ, and local, or State agencies. Coordinate effort with the judge advocate's office to determine to what extent legal assistance can be provided. Assist the complainant in completing seven signed, dated, and notarized copies of HUD Form 903, Housing Discrimination Complaint. The fact that a complainant might report an act of alleged discriminatory treatment but decline completing a HUD Form 903 does not relieve the command of responsibility for making further inquiry and taking such subsequent actions as may be appropriate.

(vi) Document the above action for future reference and inform the commander of the results of the HRO preliminary inquiry and actions taken. The commander will take action to assist the complainant in obtaining suitable housing. If, due to discriminatory practices in the community, suitable housing cannot be obtained by the complainant in a reasonable amount of time, the complainant and the commander may use this fact to justify a request for priority in obtaining military housing or for humanitarian reassignment. Reassignment action is a last resort and must be justified fully through command channels.

(2) *Use of verifiers.* Verifiers are authorized to determine if a vacancy exists and whether or not rental practices are discriminatory. Verifiers shall not be used for the sole purpose of determining sincerity or normal practices of an agent about whom the HRO has not received a housing discrimination complaint.

(i) When selecting and using verifiers, the following applies:

(A) Verification of the vacancy should be made as soon as possible after an alleged act of discrimination.

(B) Verifiers should be volunteers (the Equal Opportunity Office is a possible source for identifying individuals to be used as verifiers).

(C) The purpose of the verifier is to isolate the characteristic of race, color, religion, sex, or national origin which is the suspected basis for the complainant's exclusion. Verifiers should possess characteristics as close as possible to those of the complainant except for characteristics which are suspect as discriminatory. If two verifiers are used, one may possess similar characteristics to the complainant. Ideally, two verifiers should be used.

(ii) Instructions provided to the verifiers by HRO personnel should include the following:

(A) Explanation of the Equal Opportunity in Off-Base Housing and Off-Base Housing Referral Programs.

(B) Verifiers are to obtain information only on agent/facility operating policies, practices, and procedures for subsequent determination of complaint validity.

(C) Verifiers are not to make verbal or written contract for the apartment, pay any money, or say they want the apartment.

(D) Verifiers should be knowledgeable as the family composition, pets, and housing requirements of the complainant so they may ask for identical housing requirements.

(E) The following information should be obtained by the verifier, if possible:

(1) *Concerning the facility.* What is available? Did it meet the requirements of what the complainant re-

questioned? Amount of rent? Deposit required? Are children/pets accepted? Is an application required? What is the time between filing application and permission to move in? Are there minority families and/or singles in the facility? Make a note of the presence or absence of a vacancy sign, and any other information deemed appropriate.

(2) *Concerning the prospective tenants.* If possible, ascertain criteria and qualifications prospective tenants must meet (credit rating, salary, marital status, children, deposit, written application, and the like), and a complete description of all procedures for becoming a tenant, including all steps from initial inquiry to moving in. Does the manager's subjective impression of the applicant appear to play any part in the decision to rent an apartment?

(F) The verifier's statement should be completed immediately after the verification visit. It should be accurate, objective, and factual. Include the following:

(1) Date, time of visit, person contacted, position of person contacted. Include any other pertinent information obtained during visit, i.e., length of time employed at facility, in addition to the information in subparagraph § 301.8(b)(2)(ii)(E).

(2) When reconstructing conversation, write in first person and try to use direct quotes. Do not use pronouns such as "he," "she," or "they." Clearly identify who said what to whom.

(3) Sign and date statement. Give full name, address, telephone number (duty or home) and race, etc., as relevant to complaint.

(3) *Complaint process.* If the basic facts of the HRO preliminary inquiry appear to substantiate the complaint, the commander will ensure the following actions begin within 3 working days of receipt of the inquiry report:

(i) *Informal hearing.* Give written notice to the agent explaining the nature of the complaint and the agent's right to request an informal hearing with the commander. The notification will specifically state the nature of the discrimination complaint, the right of the agent to appear personally at the hearing, be represented by an attorney, and to present evidence and call witnesses. The notification will also state that the agent has 5 days after receipt of the written notice to request a hearing. If no request is received within 5 days, the lack of response will be considered as a waiver of the right to such hearing. The written notification will either be delivered to the agent personally by a representative of the commander or will be sent to the agent by certified mail with return receipt.

(A) *Composition of an informal hearing.* The informal hearing will be conducted by the commander at a con-

venient location. The agent, agent's attorney, the complainant, complainant's attorney, Equal Opportunity Officer, HRO, Judge Advocate, or other designated persons may attend.

(B) *Disclosure of information.* The agent (or agent's attorney) will not be given copies of the HUD Form 903, or other pertinent statements that may later be required for subsequent HUD/DOJ actions. Freedom of Information and Privacy Act considerations will be determined in accordance with the respective Military Department instructions.

(C) *Record of hearing.* A summary of the hearing will be made a part of the complaint file.

(ii) *Legal review.* A legal review will be accomplished subsequent to the inquiry and informal hearing (if applicable) and prior to the commander's final decision that the inquiry supports or fails to support the complaint. The report will be reviewed for content and completeness and a statement that such a review was conducted, signed by the judge advocate performing the review, will be made a part of the case file. The statement will include:

(A) Any necessary explanatory remarks, including comments concerning the facts and evidence presented.

(B) Information known concerning pending complaints, brought by private parties with respect to the same facility/agent.

(C) Comments pertaining to relevant civil rights laws to the particular case.

(4) *Commander's decision.* The responsibility for imposition of restrictive sanctions rests with the commander and cannot be delegated. The commander's decision will be based on a full and impartial review of all facts and the policies and requirements as stated in this Part. The commander's options include:

(i) If the commander determine that more information is required, or for any reason further inquiry is deemed necessary, an officer will be appointed from sources other than the HRO to conduct a formal inquiry or investigation as the situation warrants. The officer, if not an attorney, will be afforded the advice and assistance of a judge advocate.

(ii) If, in the commander's judgment, the inquiry or investigation fails to support the complaint the case will be considered closed and the commander will:

(A) Inform the complainant in writing of all actions taken and advise the complainant of rights to pursue further actions to include:

(1) The right to submit a complaint to HUD and DOJ.

(2) The right to bring a private civil action in a State or Federal court.

(3) The right to obtain whatever legal assistance is appropriate and can

be legally provided in pursuing civil redress.

(B) Direct HRO to terminate action outlined in § 301.8(b)(1)(iii).

(C) Summarize in the report file the practices giving rise to the complaint, the actions and results of the inquiry or investigation and a written assurance from the agent concerning future facility/agent practices. The following statement, completed by the complainant, will also be included as part of the case file: "I (am) (am not) satisfied with the efforts taken by the commander in my behalf to achieve satisfactory resolution of my off-base housing discrimination complaint." If the complainant indicates a lack of satisfaction, the reasons must be included in the case file.

(D) Inform the agent of the results of the inquiry by command correspondence if an informal hearing was held. Such correspondence should reiterate DOD policy and requirements for equal opportunity in off-base housing.

(E) Forward unsubstantiated complaint reports and HUD Form 903 to HUD and DOJ if requested by the complainant.

(F) Retain a copy of the report file for future reference.

(iii) If the inquiry or investigation supports the complainant's charge of discrimination and the discriminatory act is determined by the commander to conflict with DOD policy, the commander shall:

(A) Impose restrictive sanctions against the agent/facility for a minimum of 180 days. Sanctions will remain in effect until the provisions of subparagraph § 301.8(b)(6)(i) (A) or (B) are met. Restrictive sanctions shall also be imposed when a suspected discriminatory act, despite the absence of a formal complaint, is investigated and found valid. The fact that a validated discrimination complaint/incident has been or is scheduled to be forwarded to another agency (HUD, DOJ, etc.) is not cause for withholding sanction action pending the outcome of that agency's further review or investigation. When imposing a restrictive sanction, the commander shall:

(1) Remove the facility listing(s) from the HRO files.

(2) Impose restrictive sanctions (effective the date of notification, as per paragraph (4) below) against all facilities owned or operated by the agent concerned.

(3) Place the facility on the restrictive sanction list maintained by the HRO. The restrictive sanction list will be prepared on official letterhead stationery, signed by the commander, and include the authority for and conditions of the restrictive sanctions.

(4) Inform the agent concerned, by command correspondence, that restrictive sanctions have been imposed, the reasons, the nature and minimum du-

ration of the restrictions, and the action required for their removal at the conclusion of the minimum period. The notification of restrictive sanctions may be sent by certified mail with return receipt or delivered to the agent personally by a command representative.

(5) Provide all DOD personnel reporting to the HRO with a copy of the restrictive sanction list, and advise members of the armed forces that they may not rent, lease, purchase, or reside in any of the listed facilities. Obtain a signed acknowledgment of receipt of the restrictive sanction list using a DD Form 1668, Off-Base Housing Application.

(6) Advise other military installations of the restrictive sanction action taken when the sanctioned facility is located within the commuting area of the military installation.

(B) Inform the complainant in writing of all actions taken, advise the complainant that the complaint will receive continuing base action to include if the complainant requests, forwarding the case file to HUD and/or DOJ for action. The complainant will also be counseled concerning the right to pursue remedies through civilian channels other than HUD/DOJ for action. (See subparagraph § 301.8(b)(4)(ii)(A).)

(C) Prior to forwarding the report, prepare a memorandum outlining:

(1) The base efforts made to obtain housing relief for the complainant.

(2) The impact of restrictive sanctions upon the Off-Base Housing Program and DOD personnel and their dependents.

(3) Any other considerations deemed relevant.

(D) Include a statement, completed by the complainant, as part of the case file (see subparagraph § 301.8(b)(4)(ii)(C)).

(E) If the act of discrimination falls within existing laws, and if the complainant concurs, forward a copy of the complaint and investigation report directly to HUD within 180 days after the occurrence of the alleged discrimination act, using HUD Form 903. The original report shall be sent to Fair Housing, c/o Department of Housing and Urban Development, Washington, D.C. 20410. A copy of the complaint and investigation report shall be forwarded to the Department of Justice (Civil Rights Division), Washington, D.C. 20530.

(F) When more than one complaint alleging discrimination in the same facility or by the same agent has been received, consolidate the complaints for the purpose of the inquiry, legal review, and commander's memorandum. The consolidated case file must include a separate HUD Form 903 from each complainant who has filed one.

(iv) When a commander receives a complaint alleging further discrimination in a facility or by an agent after a completed case file has been forwarded, the commander will forward a summary of the facts relating to the subsequent complaint, outlined in § 301.8(b)(4)(iii)(F). Include brief comments indicating the extent to which the new complaint, and information developed with respect to it, affect the previous action.

(5) *Followup actions.* Subsequent to forwarding the report and all required attachments to HUD and DOJ, it is important that the commander, to the maximum extent possible, take the following actions:

(i) Cooperate with HUD, DOJ, and local/State agency representatives during their investigation and processing of the case, should these agencies seek assistance.

(ii) Periodically determine the status of the case by maintaining liaison with the HUD area/regional office concerned. Contact will be maintained until such time as the case is resolved and/or closed by HUD.

(iii) Ensure that the complainant is kept informed on information received and actions taken by HUD/DOJ.

(iv) Ensure that DOD personnel comply with the restrictive sanctions imposed on the facility/agent.

(A) Military personnel moving into or changing the place of residence in the commuting area of a military installation or activity may not enter into a rental, purchase or lease arrangement with an agent of a facility which is under restrictive sanction.

(B) Implement procedures for ensuring that DOD personnel seeking housing are made aware of, and are counseled concerning current restrictive sanctions. HROs must also ensure that controls are effective for determining where members ultimately locate housing. As a minimum, these controls will include the careful screening of returned DD Forms 1670, Notification of Housing Selection.

(C) Sanctions are not applicable to DOD personnel who may be residing in a facility at the time the sanction is imposed or to the extension or renewal of a rental or lease agreement originally entered into prior to the imposition of the sanction. Relocation of a military tenant within a restricted facility, however, is prohibited without the written approval of the commander.

(D) If it is determined that a member of an Armed Force has intentionally taken residency in a restricted facility contrary to instructions, the commander will take appropriate disciplinary action.

(E) Periodically, publish a current listing of restricted facilities in the base bulletin (or other appropriate means of internal distribution). As a

minimum, this will be done when there has been an addition, deletion, or change to the list.

(6) *Removal of restrictive sanction.* (i) A facility/agent may be removed from sanction only if one of the following actions is taken:

(A) The sanction may be removed before completion of the 180 days restrictive period if an approved waiver request is obtained from the Head of the DOD Component concerned, or his/her designee. Consideration will be given to lifting an imposed sanction only in exceptional circumstances and in concert with a written assurance of nondiscrimination from the agent concerned.

(B) After completion of 180 days on restrictive sanction, if the agent provides written assurance of future nondiscrimination to the HRO.

(ii) The commander shall inform the HRO, Race Relation/Equal Opportunity Office and the agent in writing of the removal from restrictive sanctions.

(7) *Privacy Act and Freedom of Information Act inquiries.* Requests for information regarding reports that have been referred to HUD, DOJ, and/or local or State agencies for action shall be referred to the appropriate agency for response. Requests for information from reports not referred to those agencies for action shall be processed in accordance with the appropriate Military Department instructions concerning the Privacy Act and Freedom of Information Act.

(c) *Complaint procedures—Outside the United States.* Commanders of installations or activities outside the United States will ensure that all DOD personnel, upon reporting to the HRO, are clearly informed of the scope and provisions of the DOD Equal Opportunity in Off-Base Housing Program and advised to immediately report to the HRO (when available) any form of discrimination encountered as a tenant or prospective tenant. Incidents reported to base agencies or representatives other than the HRO (for example, equal opportunity officer, unit commander, supervisor) should be brought to the immediate attention of the HRO for appropriate action. Upon receiving a complaint of discrimination the commander and HRO shall:

(1) Consult with staff judge advocate attorneys to determine if the laws of the country concerned (or any subdivision thereof) prohibit any of the actions outlined in § 301.8(b).

(2) Take actions outlined in § 301.8(b) except that a HUD Form 903 will not be completed as cases processed outside the United States are not forwarded to HUD or DOJ. Complainants should understand that the fair housing provisions of the Civil Rights Act are not applicable in areas outside the United States.

(3) Determine, with judge advocate advice, whether the discriminatory act can be pursued for civil redress. Redress will be based on the laws of the country (or subdivision thereof) concerned.

(d) *Reporting requirements.* (1) A copy of each complaint and investigative report that substantiates a housing discrimination shall be submitted to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics) not later than 45 days from the date the case is forwarded from the installation. Under normal circumstances, the commander of the installation concerned shall complete required investigation and processing of complaints within 45 days from the date that a housing complaint is filed by a complainant. The Military Departments shall summarize and make appropriate comments to include the affirmative action taken in the case prior to submission of the report to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

(2) A copy of complaint and investigative reports that do not substantiate allegations of housing discrimination shall be kept on file at the installation level for a period of 24 months. Normally, request for these reports to be forwarded to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) will be made only when other Government or civilian agencies have expressed an interest.

(3) Each military Department shall submit semiannual reports (for the periods ending June 30 and December 31) to the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics) no later than 60 days following the end of the reporting period. Reports will contain the following information:

(i) Total number of housing facilities (rentals and sales) surveyed during the reporting period.

(ii) Total number of housing facilities listed during the reporting period and the total number of housing facilities listed as of the last day of the reporting period.

(iii) Total number of housing facilities under restrictive sanction and total number of housing facilities restricted during the reporting period.

(iv) Total number of restrictive sanctions that were lifted prior to completion of the 180 day minimum period.

(v) Total number of discrimination complaints processed during the reporting period.

(vi) Total number of discrimination complaints forwarded to HUD/DOJ during the reporting period.

(vii) A short, narrative report summarizing servicewide significant Equal Opportunity in Off-Base Housing activities, problems, and experiences, and appropriate explanatory com-

ments concerning the statistical portion of the report.

[FR Doc. 78-15086 Filed 5-30-78; 8:45 am]

[3410-11]

Title 36—Parks, Forests and Public Property

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 264—PROPERTY MANAGEMENT

Protection of Insignia

AGENCY: Forest Service, USDA.

ACTION: Final rule.

SUMMARY: The Forest Service, Department of Agriculture, is adding a section relating to property management. Under this section the subpart establishes an official Forest Service Insignia and provides for its future protection. The insignia has long been recognized by the public as representing the Forest Service. This rule will prevent all unauthorized use of the insignia. As a result of responses received during comment period, minor modification of the wording has been made and an addition was made for an exception for employee business or calling cards.

DATES: Rule becomes effective May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Elmer Moyer, Personnel Management Staff, Forest Service, Department of Agriculture, P.O. Box 2417, Washington, D.C. 20013, 703-235-8012.

This amends 36 CFR, Chapter II by adding the following:

Subpart A—Official Forest Service Insignia

Sec.

264.1 Definitions.

264.2 Use of insignia.

264.3 Commercial use.

264.4 Unauthorized use.

264.5 Power to revoke.

AUTHORITY: (7 U.S.C. 2201.)

§ 264.1 Definitions.

(a) The term "Insignia" means the Official Forest Service Insignia



or a facsimile or simulation thereof, in total or in part, which is used in such a manner as to suggest the insignia.

(b) The terms "Chief" means the Chief of the Forest Service, U.S. Department of Agriculture, or a person designated to act for him.

§ 264.2 Use of insignia.

Subject to the provisions in § 264.3, the use of the insignia is restricted to official Forest Service materials.

§ 264.3 Commercial use.

(a) The Chief may authorize the commercial manufacture, importation, reproduction or use of the insignia upon the following findings:

(1) That the proposed use will contribute to the public recognition of the Forest Service in an official capacity.

(2) That the proposed use is consistent with the status of a national insignia and that such use lends prestige and respect to the Forest Service.

(3) That a use charge, royalty charge, or payment in kind, to be paid by the licensee, which is reasonably related to the commercial value, has been established.

(4) That such other conditions as the Chief may deem necessary in each case have been established.

(b) Requirements for licenses: Licenses when granted, shall confirm to the following:

(1) A definite expiration date shall be specified.

(2) The Chief shall retain the right to issue additional licenses which in his judgment would be in public and Forest Service interest. License issued under these provisions will be nonexclusive.

(3) The licensee shall be required to have the licensed item available for sale, and promotion within a specified period, or show cause why this could not be done.

(4) The licensee shall be required to invest a specified minimum amount of money in the development, production, and promotion of the licensed item, as determined by the Chief.

(5) In addition to the Chief's power to revoke under Part 264.5, the Chief shall retain the right to revoke any license for failure of the licensee to comply with any of the terms and conditions of the license.

(6) The licensee shall be required to submit periodic progress reports to appraise the Forest Service of his activities and progress in achieving stated objectives.

(7) The license shall not be subject to transfer or assignment, except as approved in writing by the Chief.

(8) The licensee shall not be authorized to grant sublicenses in connection with the manufacture and sale of the item, except as approved in writing by the chief.

(c) Business or calling cards commercially prepared for employees, at employee expense, may use the insignia without special license.

§ 264.4 Unauthorized use.

Whoever manufactures, sells or possesses the insignia, except as provided under §§ 264.2 and 264.3, may be sub-

ject to criminal penalty under 18 U.S.C. 701.

§ 264.5 Power to revoke.

It is the intention of these regulations that the Chief, in exercising the authorities designated hereunder, will at all times consider the primary purpose of the insignia. All authorities and licenses granted under these regulations shall be subject to abrogation by the Chief at any time he finds that the use involved is injurious to the image of the Forest Service, is offensive to decency or good taste, or similar reasons, in addition to any other limitations and terms contained in the licenses and other authorities.

DAVID G. UNGER,
Deputy Assistant Secretary for
Conservation, Research, &
Education.

MAY 25, 1978.

[FR Doc. 78-15083 Filed 5-30-78; 8:45 am]

[6820-24]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

[FSS P 2800.8B CHGES 19-261]

PROCUREMENT PROCEDURES AND CONTRACT CLAUSES

Miscellaneous Amendments

AGENCY: Federal Supply Service, General Services Administration.

ACTION: Final rule.

SUMMARY: This amendment to the General Services Administration Procurement Regulations (GSPR 5A) adds instructions to contracting officers to standardize operational practices in connection with special types of procurements, revises instructional material to update and supplement existing procedures, deletes obsolete instructions, and adds or revises contract clauses. The purpose of these regulations is to improve Federal Supply Service procurement procedures and contract clauses.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Einar Windingland, Director, Policy and Procedures Division, Office of Procurement, Federal Supply Service, General Services Administration, Washington, D.C. 20406, 703-557-8344.

SUPPLEMENTARY INFORMATION: The principal changes are as follows: (1) A new part is added to provide pro-

TIME OF SHIPMENT

Shipment is required within — calendar days after receipt of order. Each delivery order issued under this contract will specify that shipment is required no later than the number of days shown above. If such order also states that "Early Shipment is Precluded" the Contractor agrees to make shipment no sooner than — calendar days after receipt of order. Earlier shipments may result in nonacceptance of the supplies at the delivery point at the time of arrival.

(The second number to be inserted should be 15 calendar days less than the first number.)

Subpart 5A-1.12—Responsible Prospective Contractors

1. Section 5A-1.1205(c) is revised as follows:

§ 5A-1.1205 Procedures for determining responsibility of prospective contractors.

(c) Advice and assistance should be obtained from all appropriate activities, including legal counsel, quality control, and finance, in arriving at a determination that a bidder qualifies as responsible under the standards set forth in § 1-1.1203.

§ 5A-1.1205-2 [Amended]

2. Section 5A-1.1205-2(c) is revised by deleting the correspondence symbol "BI" wherever it appears and inserting "AWI" in lieu thereof.

3. Section 5A-1.1205-4(b)(1) is revised as follows:

§ 5A-1.1205-4 Preaward surveys.

(b) * * *

(1) Prepare an original and three copies of GSA Form 353. The original and first copy shall be forwarded to the Quality Control Division in the region in which the plant facilities are located, the second copy shall be sent to the Quality Control Division, Central Office, and the third copy retained as a file copy. The original and each of the two forwarded copies shall be accompanied by:

(i) A copy of the invitation for bids;

(ii) A copy of all pertinent information submitted by the bidder in his bid, including delivery time and, where applicable, the bidder's indicated monthly production capacity or supply potential (in lieu of extracting such information from the bid, copies of the bid or pertinent pages thereof may be furnished.);

(iii) Any pertinent correspondence between GSA and the bidder; and

(iv) Any other information the buying activity has which should be

cedural guidelines applicable to the procurement of nonstock items other than those purchased under the Federal Supply Schedule Program; (2) A new subpart is added to provide instructions regarding procurements for agencies located in Alaska; (3) A new section is added to provide procedures for handling suspected violations of the mandatory use provisions of Federal Supply Schedules; (4) A section covering the Review List of Bidders is deleted based on a determination to discontinue this list; (5) Various sections are revised to update and clarify instructions regarding the waiving of bid sample requirements, the dissemination of procurement information concerning contracts negotiated on a competitive basis, and the procurement of items for self-service stores; and (6) Various procurement forms and exhibits are updated.

The table of parts for Chapter 5A is amended to add new Part 5A-71 as follows:

Part

5A-71 Procurement of nonstock/nonschedule items.

PART 5A-1—GENERAL

The table of contents for Part 5A-1 is amended to delete § 5A-1.1205-50, Review List of Bidders.

Subpart 5A-1.3—General Policies

1. Section 5A-1.307-6 is amended by adding the following footnote at the end of the section:

(If bid samples are requested for "brand name or equal" procurements, the above notice shall not be included in the solicitation.)

§ 5A-1.307-8 [Amended]

2. Section 5A-1.307-8 is amended by deleting the words "under § 5A-72.103" at the end of the second sentence, and inserting a period after the word "negotiation."

3. Section 5A-1.316-5(c)(1) is revised as follows:

§ 5A-1.316-5 Time of delivery clauses.

(c) *Requirements contracts.*

(1) *Stock replenishment contracts* (only applicable to those contracts which do not include an Availability for Inspection and Testing and Shipment clause). When the required time for shipment is 45 calendar days or less after receipt of order, the time of shipment provision set forth in paragraph (c)(2), below, shall be used. When the required time for shipment specified is more than 45 calendar days after receipt of order, the following clause shall be used.

considered by the Quality Control Division in making the evaluation.

§ 5A-1.1205-50 [Deleted]

4. Section 5A-1.1205-50 is deleted.

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

Section 5A-2.202-4(k) is revised as follows:

§ 5A-2.202-4 Bid samples.

(k) If bid samples were required on a prior solicitation, written approval of the Office of Standards and Quality Control (FM) or the appropriate commodity center specification activity is required prior to waiving the bid sample requirement in the event the specification changes before the next solicitation.

PART 5A-3—PROCUREMENT BY NEGOTIATION

Subpart 5A-3.1—Use of Negotiation

Section 5A-3.103 is revised as follows:

§ 5A-3.103 Dissemination of procurement information.

(a) During the preaward period, no information contained in any proposal or quotation or information regarding the number or identity of the offerors shall be made available to the public or to anyone within the Government not having a legitimate interest therein.

(b) Proposed procurements and awards of negotiated contracts shall be reported to the Commerce Business Daily in accordance with §§ 1-1.1003 and 1-1.1004. The provisions of § 5A-2.407-84 regarding notification of proposed substantial awards and awards involving congressional interest also apply to negotiated procurements.

(c) The provisions of § 5A-1.350 shall apply when issuing advance notices of award for all negotiated contracts.

(d) Within 1 workday after negotiated contracts are awarded on the basis of initial offers received; i.e., no discussions or negotiations were conducted with offerors, a tabulation sheet shall be prepared and a legible copy shall be furnished promptly to the local Business Service Center where it will be made available for public examination. Such tabulation sheets shall show the applicable solicitation number and may be typed or handwritten. Entries shall include the names of offerors

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and the prices offered, including any discounts, to the Government. The successful offeror and the total dollar amount of the award shall be indicated.

(e) For negotiated contracts which involve negotiations and discussions with offerors before award, only the names of successful offerors and the prices, including discounts, at which awards were made shall be publicly disclosed (§§ 1-3.103 and 5A-3.103(b)). If requests in writing are received after award for the final offers of unsuccessful offerors, information as to the identity and the final prices, including discounts, of such unsuccessful offerors shall be released by the contracting officer along with any other information as may be properly released in accordance with the Freedom of Information Act pursuant to procedures in GSA Order, GSA Regulations Pursuant to "Freedom of Information Act" (ADM 7900.3).

(f) The provisions of § 5A-2.407-1(c) regarding the avoidance of creating false impressions in the eyes of prospective contractors about forthcoming awards also apply to negotiated procurements.

PART 5A-7—CONTRACT CLAUSES

The table of contents for Part 5A-7 is amended to add the following new entry:

Sec.

5A-7.103-98 Placarding railcars.

Subpart 5A-7.1—Fixed-Price Supply Contracts

1. Section 5A-7.103-75 is revised as follows:

§ 5A-7.103-75. Standard and nonstandard pack items.

The following clause shall be included in solicitations for stock items. The clause is shown as No. 30, GSA Form 1424.

PACKAGING AND PACKING FOR DELIVERIES TO GSA SUPPLY DISTRIBUTION FACILITIES

(a) *Standard Pack Items.* To facilitate the distribution and handling of certain items of stock, the General Services Administration has established standard packs of a specified number of units per container. Where standard packing has been cited for an item in the schedule or the referenced specification, such packing is necessary. A bid offering to furnish an item in other than the pack specified shall be considered nonresponsive with respect to that particular item.

(b) *Nonstandard Pack Items.* Except for those items for which packaging and packing requirements are cited in the schedule or included in a referenced specification,

items covered by this Invitation for Bid may be shipped in commercial containers. Provided: (i) Each shipping container of each item in a shipment is of uniform size and content, except for residual quantities; (ii) the gross weight of each shipping container does not exceed 80 pounds except when the weight of a single item within the shipping container is of a higher weight; and (iii) shipping containers comply with requirements of the Uniform Freight Classification or the National Motor Freight Classification (issue in effect at time of shipment).

(c) *Improperly Packaged and Packed Materials.* In the event any shipment is not packaged and packed in accordance with the contract requirements, the Government shall have the right, without prior notice to the Contractor, notwithstanding Article 5 of Standard Form 32, to: (i) reject the shipment; (ii) perform the required repackaging/repacking by use of Government personnel and charge the Contractor therefor at a rate of \$16 per manhour for the first or fractional hour and \$10 for any succeeding or fractional hour; or (iii) have the repackaging/repacking performed by an independent Contractor and charge the Contractor therefor at the above rates. In connection with any prompt payment discount offered, time will be computed from the date of completion of such repackaging/repacking service.

2. Section 5A-7.103-98 is added as follows:

§ 5A-7.103-98 Placarding railcars.

The following clause (included in GSA Form 1424) shall be included in all solicitations.

PLACARDING RAILCAR SHIPMENTS

When a railcar is loaded in such a manner that it can be or should be unloaded from only one side, the contractor is required to placard the car with two placards; one placard placed on the appropriate car door reading "UNLOAD FROM THIS SIDE" and the other placed on the opposite door reading "UNLOAD FROM OTHER SIDE".

PART 5A-10—BONDS AND INSURANCE

The table of contents for Part 5A-10 is amended to add the following new entry:

Sec.

5A-10.350 Responsibility of contractor and indemnification agreement.

Subpart 5A-10.3—Insurance—General

Section 5A-10.350 is added as follows:

§ 5A-10.350 Responsibility of contractor and indemnification agreement.

The following clause shall be included in all solicitations for car rental:

RESPONSIBILITY OF CONTRACTOR AND INDEMNIFICATION AGREEMENT

(a) The Contractor assumes full responsibility for any and all loss or damage to the

rented motor vehicle and relieves the United States of America, any of its agencies, or any of its officers, employees, or rentees of all responsibility for any and all loss or damage to the Contractor's motor vehicle furnished under the terms of this contract.

(b) The Contractor shall save, and keep harmless, and agrees to indemnify the United States of America, any of its agencies, or any of its officers, employees, or rentees furnished a motor vehicle by the Contractor from any or all liability and all cost for injury to or death of any person or persons and for loss or damage to any property arising directly or indirectly, or attributable in any way to a Government rentee's use or operation of a motor vehicle furnished under the terms of this contract; Provided, however, That the provisions of this subpart (b) shall not apply to any liability directly attributable to the willful tortious act of any rentee.

(c) The responsibility of the Contractor and the indemnification agreement as stated above shall be sole and controlling, notwithstanding any other agreements required by the Contractor to be signed by a Government rentee prior to obtaining a motor vehicle under the terms of this contract.

(d) It is further understood and agreed that the minimum and mileage charges as specified in the schedule include all charges allowable under this contract, including any charge for full collision coverage on the Contractor's vehicle.

(e) Notwithstanding the provisions of (a) through (d) above, the Government requires the Contractor to maintain automobile liability insurance coverage in amounts not less than:

- (1) \$100,000 bodily injury, one person;
 - (2) \$300,000 bodily injury, more than one person; and
 - (3) \$25,000 property damage, per accident.
- (f) Failure on the part of the Contractor to maintain the insurance set forth in (e) above, shall constitute grounds for default within the meaning of Article 11(a)(ii) of the General Provisions.

PART 5A-14—INSPECTION AND ACCEPTANCE

Subpart 5A-14.1—Inspection

Section 5A-14.105-1 is amended as follows:

§ 5A-14.105-1 General.

(a) . . .

(1) National requirements regardless of dollar amounts (including shipments to key GSA supply distribution facilities, and contracts issued under the Improved Federal Supply Schedule Program);

(2) Federal Supply Schedules selected for source inspection (§ 5A-73.212);

(b) . . .

(3) With lower dollar values than those listed in (a)(4) and (a)(5), above,

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unless otherwise excepted under (a)(6) and (a)(7).

PART 5A-16—PROCUREMENT FORMS

The table of contents for Part 5A-16 is amended to revise the entry for § 5A-16.950-1535A as follows:

Sec.

5A-16.950-1535-A GSA Form 1535-A, Recommendation for Award(s) (continuation).

Subpart 5A-16.9—Illustrations of Forms¹

§ 5A-16.950-1535 [Revised]

1. Section 5A-16.950-1535 is revised to illustrate the November 1977 edition of GSA Form 1535, Recommendation for Award(s).

§ 5A-16.950-1535-A [Revised]

2. Section 5A-16.950-1535-A is revised to illustrate the November 1977 edition of GSA Form 1535-A, Recommendation for Award(s) (continuation).

§ 5A-16.950-1535-1 [Revised]

3. Section 5A-16.950-1535-1 is revised to provide new instructions for completing GSA Form 1535.

PART 5A-19—TRANSPORTATION

The table of contents for Part 5A-19 is amended to add the following new entries:

Sec.

5A-19.180 Placarding railcar shipments.

5A-19.302 F.o.b. origin shipments.

5A-19.302-1 F.o.b. origin, freight prepaid.

Subpart 5A-19.5—Contracting for Agencies Located in Alaska

5A-19.500 General.

5A-19.501 Policy.

Subpart 5A-19.1—General

Section 5A-19.180 is added as follows:

§ 5A-19.180 Placarding railcar shipments.

From time to time railcars are loaded in such a manner that the ma-

¹NOTE.—Copies of the revised forms illustrated in Part 5A-16 are filed with the original document.

terial can be unloaded from one side only. It is essential that the railcar is "spotted" for unloading with the proper car door positioned next to the unloading dock, platform, or warehouse door. Therefore, placards shall be placed on each door; one reading "UNLOAD FROM OTHER SIDE" and the other "UNLOAD FROM THIS SIDE." When applicable, the solicitation shall include the contract provisions in § 5A-7.103-98.

Subpart 5A-19.3—Contract Delivery Terms

Sections 5A-19.302 and 5A-19.302-1 are added as follows:

§ 5A-19.302 F.o.b. origin shipments.

(a) When a contract specifies "f.o.b. origin," a Government bill of lading shall normally be issued prior to shipment for use by the contractor unless the shipment will be made via postal or parcel services (see § 1-19.302(b)(5)). If the shipment is extremely urgent and a Government bill of lading cannot be issued in a timely manner, contracting officers may, after coordination with the transportation officer concerned, authorize shipment on a commercial bill of lading. If the transportation cost is estimated not to exceed \$100, the contractor shall be requested to ship on a prepaid basis and add the transportation charges to the invoice as provided in § 5A-19.302-1.

(b) When f.o.b. origin shipments are authorized by the contracting officer to be made by commercial bill of lading, the contracting officer shall instruct the contractor to (1) obtain the signature of the origin carrier's agent on the original and all copies of the commercial bill of lading; (2) annotate the original and all copies of the commercial bill of lading with the phrase "TO BE CONVERTED TO U.S. GOVERNMENT BILL OF LADING"; and (3) forward the original to the authorizing Government office for conversion to a Government bill of lading.

§ 5A-19.302-1 F.o.b. origin, freight prepaid.

When the contract specifies "f.o.b. origin, freight prepaid," the contractor shall be requested to make shipment on a commercial bill of lading and make payment to the transportation company. These prepaid commercial bills of lading shall not be converted to Government bills of lading. The contracting officer shall instruct the contractor, in writing, to show the transportation charges as a separate item on the invoice for each individual shipment and include a copy of the prepaid freight bill. This method shall only be used when transportation costs are estimated not to exceed \$100, unless a larger amount has been specifically authorized in writing by the

contracting officer or his designated transportation officer.

Subpart 5A-19.5 is added as follows:

Subpart 5A-19.5—Contracting for Agencies Located in Alaska

§ 5A-19.500 General.

When supplies are purchased for use in Alaska, it is the policy of the Federal Supply Service to procure from firms located in Alaska, when possible.

§ 5A-19.501 Policy.

(a) Solicitations for requirements of Federal agencies located in Alaska shall solicit offers on the basis of alternate delivery terms including f.o.b. Alaskan destination basis. When the requiring agency specifically requests delivery on other than an f.o.b. Alaskan destination basis, contracting officers shall verify the validity of such requests and document the case file.

(b) Where feasible, offers involving delivery in Alaska shall be solicited f.o.b. origin, f.o.b. port of exit (Seattle), and f.o.b. Alaskan destination. (See FPR 1-19.202-7.) All offers shall be evaluated on the basis of the lowest delivered cost to the ultimate destination.

(c) Federal Supply Schedules should include a delivery zone providing for delivery f.o.b. named Alaskan destination to the extent that such destinations are served by regularly scheduled surface transportation. Contracting officers shall request assistance from the appropriate Transportation Services Division in determining Alaskan destination with regularly scheduled surface transportation.

A new Part 5A-71 is added as follows:

PART 5A-71—PROCUREMENT OF NONSTOCK/NONSCHEDULE ITEMS

Sec.

5A-71.000 Scope of part.

Subpart 5A-71.1—General Policies for Nonstock/Nonschedule Procurements

5A-71.101 General.

5A-71.102 Authority to establish, renew, and discontinue nonstock contracts.

5A-71.103 Production plans and status reports for national nonstock term contracts.

5A-71.104 Use of contracts.

5A-71.105 Types of contracts.

5A-71.106 Preparation of solicitations.

5A-71.107 Specifications.

5A-71.108 Contract awards.

5A-71.109 Distribution of contractual documents.

5A-71.110 Inspection.

§ 5A-71.000 Scope of part.

This part sets forth policies and procedures for the procurement of nonstock and nonschedule commodity(s) (see § 5A-72 for the procurement of

stock items and § 5A-73 for commodities under the Federal Supply Schedules Program).

Subpart 5A-71.1—General Policies for Nonstock/Nonschedule Procurements

§ 5A-71.101 General.

The procurement assignments for commodities and items which are not supported through either Federal supply schedules or the GSA stock programs are made by nonstock definite quantity (DQ), requirements contracts, and indefinite delivery type contracts. Nonstock contracts may be regional, interregional, or national depending upon agency need and/or geographical demand for the item(s) involved and the assignments made by the Assistant Commissioner for Procurement.

§ 5A-71.102 Authority to establish, renew, and discontinue nonstock contracts.

(a) Procuring directors may make demand purchases and/or establish, renew, or discontinue nonstock term and regularly scheduled DQ contracts for commodities assigned to their respective procuring activity.

(b) When regularly scheduled solicitations for nonstock commodities are established, the procuring activity shall provide the Federal Supply Schedule Management Division (FPS) with a copy of the solicitation and the additional information listed below.

(1) Appropriate background information.

(2) Information about prospective users, including identification of agencies agreeable to using resulting contracts as primary sources of supply.

(3) A statement of the reasons why customer agencies should not be authorized to place orders directly with the contractor if it is proposed that the contract provide for centralized order placement by the issuing office.

(4) Estimated dollar volume of sales, projected on a 3-year basis, if feasible.

(5) Estimated manhours involved in production and maintenance of the contract.

(c) FPS shall also be advised by procuring activities when regularly scheduled procurements for nonstock commodities are discontinued.

§ 5A-71.103 Production plans and status reports for national nonstock term contracts.

Production plans for nonstock term contracts shall be prepared pursuant to § 5A-73.105-2.

§ 5A-71.104 Use of contracts.

Criteria for choosing the appropriate procurement method are outlined in § 5A-72.103-1.

§ 5A-71.105 Types of contracts.

(a) Definite quantity contracts (see § 1-3.409(a)). Definite quantity contracts may be regularly scheduled procurements or demand purchases. This type of contract provides for a definite quantity of supplies to be delivered at a fixed price, for a fixed period, to specific locations.

(b) Requirements contracts (see § 1-3.409(b)). This type of contract is generally used when actual needs cannot be ascertained. Users are provided with a guaranteed source of supply from which to order their requirements within certain minimum and maximum order limitations.

(c) Indefinite delivery (see § 1-3.409(c)). This type of contract is suitable when advance knowledge of a definite quantity will be required for a specific period and material is required on a short lead time.

§ 5A-71.106 Preparation of solicitations.

(a) Solicitations shall be prepared in accordance with normal advertised or negotiated procedures (see § 5A-1.402-71 for availability of funds).

(b) Subparts 1-7.1 and 5A-7.1 contain clauses for use in fixed-price supply contracts. The FSS Procurement Clause Manual prescribes the format, sequence, and additional clauses for solicitations.

§ 5A-71.107 Specifications.

(a) Contracting officers shall follow the procedures prescribed in §§ 1-1.305, 1-1.306, and 5A-1.305 when citing specifications and standards, and § 1-1.307 when citing purchase descriptions and brand names. Individual items with a total of \$500 or less shall be exempt from this requirement.

(b) In many instances agencies cannot identify incoming direct delivery shipments because either the agency requisition numbers are omitted from shipping containers and/or requisitions are combined on a single purchase order. To alleviate this problem direct deliveries require contractual provisions to ensure that contractors send a duplicate (facsimile) copy of the purchase/delivery order with each shipment to facilitate identification for the consignee (see § 5A-7.103-97).

§ 5A-71.108 Contract awards.

(a) Evaluation of offers and award of contract shall be made in accordance with the normal procedures governing formal advertising and negotiation. GSA Form 1535, Recommendation for Award(s), is required and contract numbers shall be assigned in accordance with § 5A-1.352.

(b) For definite quantity procurements, including repurchase actions, the contracting activity shall prepare the award documentation and the buying activity in the originating

region shall issue the purchase order. Where the originating region and contracting activity are different, the contracting activity shall update PTR contract records and forward the award documentation with a copy of GSA Form 2885, Contract Data Checklist, annotated with the DUNS ID number in the upper right hand corner, to the originating buying activity who will issue the purchase order. Where the originating region and the contracting activity are the same, the purchase order will be issued by that procurement activity and all PTR records updated. In addition the procurement activity will:

(1) Accomplish re-entry through ADO to create the purchase order and updating of PTR and 2790 A II records;

(2) Include any special instructions (concerning shipping, packing, etc.) specified in the requisition; and

(3) Distribute the purchase order to paying offices in accordance with § 5A-76.307(b).

§ 5A-71.109 Distribution of contractual documents.

Contract documents, including GSA Form 1584, Contract Summary, when used, shall be distributed in accordance with § 5A-76.201. Final disposition shall be made as prescribed in the HB, GSA Records Maintenance and Disposition System, ch. 61B110 (OAD P 1820.2).

§ 5A-71.110 Inspection.

The criteria for designating the place of inspection (source or destination) shall be in accordance with § 5A-14.105. DD Form 250, Material Inspection and Receiving Report, is authorized for use when military requisitioning activities involved request its use. (See § 5A-7.102-5.)

PART 5A-72—PROCUREMENT OF STOCK ITEMS

The table of contents for Part 5A-72 is amended to revise the entries for Subpart 5A-72.5 as follows:

Sec.

Subpart 5A-72.5—Procurement of Items for Self-Service Stores

5A-72.501 General.

5A-72.502 Purchasing items for self-service stores.

5A-72.502-1 Stock items.

5A-72.502-2 Nonstock items available from established national sources.

5A-72.502-3 Special items stocked in stores.

5A-72.503 Establishing blanket purchase arrangements.

5A-72.504 Buyers assigned to self-service stores.

5A-72.505 Control procedures.

Subpart 5A-72.5—Procurement of Items for Self-Service Stores

Subpart 5A-72.5 is revised as follows:

§ 5A-72.501 General.

• • • • •

§ 5A-72.502 Purchasing items for self-service stores.

§ 5A-72.502-1 Stock items.

(a) Stock items carried in self-service stores normally shall be replenished by submission of an order from the store manager to the responsible order control activity, in accordance with standard procedures. When such an order cannot be filled due to nonavailability of stock, the item will be back-ordered.

(b) When the item is in backorder and the estimated date of availability from a supply distribution facility will not satisfy requirements, the store manager is authorized to take the following actions:

(1) Request the inventory manager (through channels) to expedite delivery, arrange for interwarehouse transfer or substitution, or initiate an emergency purchase request to the procuring activity.

(2) Purchase from local sources up to \$500.

(3) Place an order against a local blanket purchase arrangement (BPA) established by the regional procuring activity (see § 5A-72.503) for not more than a 30-day supply or the maximum order limitation (MOL) of the BPA, whichever is less, with delivery to be made within 10 days.

§ 5A-72.502-2 Nonstock items available from established national sources.

(a) Store managers are authorized to place orders against established BPA's covering Federal supply schedules and other established sources of supply (see § 5A-72.503) for not more than the MOL set forth in the BPA.

(b) If no BPA is available, store managers shall request the Retail Services Division in Region 3 to coordinate with Region 3 buying division (3FP) to establish one. See § 5A-72.503, below. In the meantime, store managers may take the following actions:

(1) Request the regional procuring activity to place an order against the schedule; or

(2) Issue a purchase order directly against the established source for not more than \$500 total or a 30-day supply, whichever is less. Standard Form 44, Purchase Order-Invoice-Voucher, should not be used when other purchase order forms are available.

§ 5A-72.502-3 Special items stocked in stores.

(a) Store managers are authorized to place orders against local term con-

tracts or BPA's established by the procuring activity in that region (see § 5A-72.503).

(b) For items not available from established local contracts or BPA's, the store manager may procure requirements not exceeding \$500 per line item under small purchase procedures. Store managers are responsible for strict compliance with the rules set forth in § 5A-3.606 and the Federal Procurement Regulations. When in doubt, guidance shall be obtained from the regional procurement activity. Oral purchases shall be made in accordance with §§ 5A-3.606-50 and 5A-3.7002.

(c) Requirements greater than \$500 in value shall be forwarded to the Procurement Division in the appropriate region for purchase action.

§ 5A-72.503 Establishing blanket purchase arrangements.

(a) Identifying need for BPA. Self-service store managers shall send to the Procurement Division in their region a list of those items with a history of backorder problems and those items that are carried in the stores but are not available from established FSS sources. Self-service store managers shall also send a list of identifying national Federal supply schedules for which a BPA is desirable to the Retail Services Division (3FR), Washington, D.C. The Retail Services Division shall then send a consolidated list to the Procurement Division, Region 3.

(b) Regional BPA's. Regional procuring activities shall establish local BPA's at the request of the self-service store managers (see (a), above), in accordance with § 5A-3.606-70. Orders against regional BPA's shall not exceed \$500 per line item or a 30-day supply, whichever is less.

(c) BPA's under Federal supply schedules.

(1) The Region 3 Procurement Division shall establish national scope BPA's for both single source and multiple-award schedules covering items carried in the self-service stores. The MOL of the schedule shall not be exceeded. On multiple-award schedules, more than one item is authorized for stocking. Using agencies are required to submit justification for not ordering the low cost item. Therefore, the Region 3 Procurement Division may be required to establish more than one BPA for similar items.

(2) A copy of the BPA shall be distributed within Region 3 and one copy shall be sent to the Office of Customer Service and Support (FF) for distribution to other regions for use by all self-service stores.

§ 5A-72.504 Buyers assigned to self-service stores.

(a) When warranted by the volume of store purchases of items which are

not available from GSA supply distribution facilities or which are not stocked for customer agencies, a full-time buyer should be assigned to the self-service store. This applies particularly to stores located in cities other than the regional headquarters city. Buyers thus assigned shall be authorized to place orders directly on Federal supply schedule contracts and other established sources of supply within the limits provided in such contracts, and to handle open market small purchases for \$10,000 or less in value.

(b) Buyers permanently assigned to self-service stores shall be under the administrative supervision of the store manager but shall receive technical guidance directly from the regional Procurement Division.

§ 5A-72.505 Control procedures.

(a) Self-service store managers shall maintain a GSA Form 1667, Register of Purchases (Self-Service Store), on which all purchases made by the store shall be recorded. The purpose of this record is to provide a control to prevent abuse of the procurement authorities set forth in this subpart and to ensure that items which are similar or like items in the GSA buying program are not being purchased, except when buying out of backorder.

(b) Other controls shall be maintained, including obligation and fund controls, receipt records, and invoice and payment records.

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

The table of contents for Part 5A-73 is amended to add the following new entry:

Sec.

5A-73.510 Suspected violations of mandatory use provisions.

Subpart 5A-73.5—Administration of Federal Supply Schedules/Contracts

Section 5A-73.510 is added as follows:

§ 5A-73.510 Suspected violations of mandatory use provisions.

(a) Suspected violations of the mandatory use provision in Federal Supply Service contracts may be based on a review of planned procurements published in the Commerce Business Daily and of open market procurements by other agencies. This review is the responsibility of the Market Research and Marketing Division (FFM). FFM shall contact the office suspected

of violating the mandatory use provisions to determine whether the items involved are mandatory schedule items or similar items. FFM shall also determine if the separate procurement is made (1) subsequent to the issuance of a waiver; (2) because agency requirements exceed the maximum order limitation; (3) because it involves an urgent requirement; or (4) because it is a small requirement excluded by § 101-26.401-4(b).

(b) Suspected violations may come to the attention of the contracting officer from various sources, particularly from contractors where an agency has purchased a contract item from some other source. In these instances, contracting officers shall provide the related information to FFM for appropriate action with agencies as stated in paragraph (d), below.

(c) To provide FFM with the information needed in communicating with the customer agency, the contracting officer shall furnish a copy of the authorizations granted agencies to procure over the MOL (contract maximum order limitation). Contracting officers who return Military Interdepartmental Purchase Requests (MIPR) for local procurement shall record information on an informal letter identifying the requisition involved, the item, and the dollars. A copy of this letter shall be sent to FFM.

(d) If a violation of the mandatory use provisions is believed to be present, FFM shall proceed as follows:

(1) Where an item to be procured is identical to a mandatory use schedule item, the agency shall be requested to cancel the solicitation and order from the existing Federal Supply Schedule.

(2) Where an item to be procured is similar to a mandatory schedule item, the agency shall be requested to either cancel the solicitation and use the existing Federal Supply Schedule, or stop action on the procurement and submit a request for waiver in accordance with § 101-26.401-3.

(3) Where a procurement is in excess of the maximum order limitation, and the contracting officer has not formally authorized the agency to procure on its own, the agency shall be requested to submit its requirements to GSA in accordance with the instructions in article 3 of GSA Form 2891, Instructions to Users of Federal Supply Schedules.

(4) If award has been made contrary to the mandatory use provisions of a Federal Supply Schedule, FFM shall request the agency responsible for the action to take appropriate steps to avoid recurrence. Copies of all exchanges of communication between FFM and customer agencies concerning Federal Supply Schedules shall be furnished to FPS.

(e) FFM shall maintain a record of agencies which violate the schedule mandatory use provisions and advise FPS of difficulties in arranging corrective action. FPS shall take appropriate action through the Interagency Committee for the Review of Federal Supply Schedules, or at other levels, to resolve the problems.

PART 5A-76—EXHIBITS

The table of contents for Part 5A-76 is amended to add the following new entry:

Sec.

5A-76.201-9 GSA Form 1535, Recommendation for Award(s).

Subpart 5A-76.2—Distribution of Documents

§ 5A-76.201-5 [Revised]

1. Section 5A-76.201-5(a) is revised to clarify distribution instructions regarding stock replenishment orders and stock/nonstock direct delivery orders.

§ 5A-76.201-9 [Added]

2. Section 5A-76.201-9 is added to provide for the distribution of GSA Form 1535, Recommendation for Award(s), to certain activities for coding purposes.

Subpart 5A-76.3—Miscellaneous Exhibits

§ 5A-76.314 [Revised]

Section 5A-76.314 is revised to make editorial changes.

Subpart 5A-76.4—Procurement Assignments

§§ 5A-76.402, 5A-76.403, 5A-76.404 [Revised]

Sections 5A-76.402, 5A-76.403, and 5A-76.404 are revised to reflect current procurement assignments.

NOTE.—Copies of the revised exhibits shown in Part 5A-76 are filed with the original document.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c).)

Dated: May 5, 1978.

ROBERT P. GRAHAM,
Commissioner,
Federal Supply Service.

[FR Doc. 78-15121 Filed 5-30-78; 8:45 am]

[7035-01]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Revised Service Order No. 1296]

PART 1033—CAR SERVICE

Substitution of Refrigerator Cars for Boxcars

AGENCY: Interstate Commerce Commission.

ACTION: Emergency Order Revised Service Order No. 1296.

SUMMARY: Revised Service Order No. 1296 authorizes the Atchison, Topeka & Santa Fe (ATSF) to substitute two refrigerator cars for each boxcar ordered for transporting shipments of cotton from stations on its line to other station on its line or to stations on the Kansas City Southern, the Missouri Pacific, the St. Louis-San Francisco, the Seaboard Coast Line or the Southern Railway because of an acute shortage of boxcars on the lines of the ATSF. The original order being replaced by Revised Service Order No. 1296 applied only between stations or the ATSF.

DATES: Effective 12:01 a.m., May 26, 1978; Expires 11:59 p.m., July 31, 1978.

FOR FURTHER INFORMATION CONTACT:

C. C. Robinson, Chief, Utilization and Distribution Branch, Interstate Commerce Commission, Washington, D.C. 20423, telephone 202-275-7840, telex 89-2742.

SUPPLEMENTARY INFORMATION: The order is printed in full below.

An acute shortage of boxcars for transporting shipments of cotton exists on The Atchison, Topeka & Santa Fe Railway Co. (ATSF) at stations on its lines in Texas and New Mexico. The ATSF has an available supply of certain refrigerator cars that may be substituted for this traffic at the ratio of two refrigerator cars for each boxcar, and use of these refrigerator cars for the transportation of cotton is precluded by certain tariff provisions, thus curtailing shipments of cotton. There is a need for the use of these refrigerator cars to supplement the supplies of plain boxcars for transporting shipments of cotton. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure herein are impracticable and contrary to the public interest,

and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered,

§ 1033.1296 Substitution of refrigerator cars for boxcars.

(a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) *Substitution of cars.* The Atchison, Topeka & Santa Fe Railway Co. (ATSF) may substitute two refrigerator cars as described in paragraph (2) herein for each boxcar ordered for shipments of cotton from any station on the ATSF in Texas or New Mexico and destined to any other station on the ATSF, or on the lines of the Kansas City Southern Railway Co., Missouri Pacific Railroad Co., St. Louis-San Francisco Railway Co., Seaboard Coast Line Railroad Co. or Southern Railway Co., and subject to the conditions provided in paragraphs (2) through (6) of this order.

(2) *List of refrigerator cars to be applied.* SFRC 1000-1899, SFRC 2300-2799, SFRC 50000-50199, SFRP 1972-2287.

(3) *Concurrence of shipper required.* The concurrence of the shipper must be obtained before two refrigerator cars are substituted for each boxcar ordered.

(4) *Rerouting restrictions.* Shipments of cotton for which two refrigerator cars are substituted for one boxcar must originate and terminate at stations on the railroads named in Section (a)(1) of this order and must not be routed over any other carrier; except that shipments may originate or terminate in terminal switching service on connecting lines which do not participate in the line-haul.

(5) *Minimum weights.* The minimum weight per shipment of cotton for which two refrigerator cars have been substituted for one boxcar shall be that specified in the applicable tariff for the car ordered.

(6) *Endorsement of billing.* Bills of lading and waybills covering movements authorized by this order shall contain a notation that shipment is moving under authority of Revised Service Order No. 1296.

(b) *Rules and regulations suspended.* The operation of tariffs or other rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

¹The Kansas City Southern Railway Co., Missouri Pacific Railroad Co., St. Louis-San Francisco Railway Co., Seaboard Coast Line Railroad Co. and Southern Railway Co., added.

(d) Effective date. This order shall become effective at 12:01 a.m., May 26, 1978.

(e) Expiration date. The provisions of this order shall expire at 11:59 p.m., July 31, 1978, unless otherwise modified, changed, or suspended by the order of this Commission.

(49 U.S.C. 1(10-17).)

Copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association. Notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

Decided May 24, 1978.

By the Commission, Railroad Service Board, members Joel E. Burns, Robert S. Turkington and John R. Michael. Joel E. Burns not participating.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15139 Filed 5-30-78; 8:45 am]

[4310-55]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 32—SPORT HUNTING

Opening of Crescent Lake National Wildlife Refuge, Nebraska, to Sport Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport hunting of Crescent Lake National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Antelope—Archery: August 20 through September 29 and October 9 through October 31, 1978. Rifle: September 30 through October 8, 1978. Deer—Archery: September 16 through November 10 and November 20 through December 31, 1978. Rifle: November 11 through November 19, 1978.

FOR FURTHER INFORMATION CONTACT:

C. Fred Zeilemaker, Refuge Man-

ager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr. 69340, telephone 308-762-4893.

SUPPLEMENTARY INFORMATION:

§ 32.32 Special regulations; sport hunting; big game; for individual wildlife refuge areas.

Sport hunting is permitted on the Crescent Lake National Wildlife Refuge, Nebraska, only on the areas designated by signs as being open to hunting. These areas, comprising approximately 40,900 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colo. 80225. Sport hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Vehicle entrance and travel will be permitted only on designated well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.
2. No overnight camping is permitted.
3. No open fires are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: April 27, 1978.

C. FRED ZEILLEMAKER,
Refuge Manager.

[FR Doc. 78-15118 Filed 5-30-78; 8:45 am]

[4310-55]

PART 32—SPORT HUNTING

Opening of Crescent Lake National Wildlife Refuge, Nebraska, to Sport Hunting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport hunting of Crescent Lake National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a renewable natural resource, and will provide additional recreational opportunity to the public.

DATES: Hunting shall be in accordance with all applicable State regulations and seasons.

FOR FURTHER INFORMATION CONTACT:

C. Fred Zeillemaker, Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr. 69340, telephone 308-762-4893.

SUPPLEMENTARY INFORMATION:

§ 32.22 Special regulations; sport hunting; upland game; for individual wildlife refuge areas.

Sport hunting is permitted on the Crescent Lake National Wildlife Refuge, Nebraska, only on the areas designated by signs as being open to hunting. These areas, comprising approximately 40,900 acres, are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colo. 80225. Sport hunting shall be in accordance with all applicable State regulations subject to the following conditions:

1. Vehicle entrance and travel will be permitted only on designated, well-defined trails. No vehicle travel is permitted beyond posted points, or off the designated trails in the hills or meadows.
2. No overnight camping is permitted.
3. No open fires are permitted.

The provisions of this special regulation supplement the regulations which govern hunting on wildlife refuge areas generally which are set forth in Title 50 Code of Federal Regulations, Part 32. The public is invited to offer suggestions and comments at any time.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: April 27, 1978.

C. FRED ZEILLEMAKER,
Refuge Manager.

[FR Doc. 78-15119 Filed 5-30-78; 8:45 am]

[4310-55]

PART 33—SPORT FISHING

Opening of Crescent Lake National Wildlife Refuge, Nebraska, to Sport Fishing

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Special regulation.

SUMMARY: The Director has determined that the opening to sport fishing of Crescent Lake National Wildlife Refuge is compatible with the objectives for which the area was established, will utilize a removable natural resource, and will provide additional recreational opportunity to the public.

DATES: January 1, 1979, through December 31, 1979.

FOR FURTHER INFORMATION CONTACT:

C. Fred Zeillemaker, Refuge Manager, Crescent Lake National Wildlife Refuge, Ellsworth, Nebr. 69340, telephone 308-762-4893.

SUPPLEMENTARY INFORMATION:

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

Sport fishing is permitted on the Crescent Lake National Wildlife Refuge, Nebraska, only on Crane and Hackberry Lakes designated by signs as being open to fishing. These areas, comprising approximately 500 acres (Crane Lake 128, Hackberry Lake 375), are delineated on maps available at the refuge headquarters and from the office of the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver, Colo. 80225. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

1. Boats propelled with poles, oars, paddles, or electric motors only may be used for fishing.
2. The use or possession of live or dead minnows or whole fish for bait or the possession of any seine or net for capturing live minnows is prohibited. Parts of dead fish or minnows may be used as bait.
3. Overnight camping is not permitted.
4. Open fires are not permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in Title 50, Code of Federal Regulations, Part 33. The public is invited to offer suggestions and comments at anytime.

NOTE.—The U.S. Fish and Wildlife Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: April 27, 1978.

C. FRED ZEILLEMAKER,
Refuge Manager.

[FR Doc. 78-15117 Filed 5-30-78; 8:45 am]

proposed rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

[6820-49]

NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD, 1979

[1 CFR Part 465]

PRIVACY ACT OF 1974

Proposed Regulations for Implementation

AGENCY: National Commission on the International Year of the Child, 1979.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing regulations implementing the Privacy Act of 1974. The regulations set forth the procedures under which the public may determine what systems of records are maintained by the Commission and procedures on how access may be gained for purpose of review, amendment and/or correction of those records.

DATES: Comments are due on or before June 30, 1978.

ADDRESS: Comments should be addressed to the Administrative Officer, National Commission on the International Year of the Child, 1979, c/o GSA Liaison Division, Washington, D.C. 20405.

FOR FURTHER INFORMATION CONTACT:

Benedict J. Latteri telephone 202-456-6672.
Signed this 18th day of May 1978.

B. J. LATTERI,
Administrative Officer.

It is proposed to add the following Part 465 to Title 1 of the CFR.

PART 465—PRIVACY ACT IMPLEMENTATION

- Sec.
- 465.1 Purpose and scope.
- 465.2 Definitions.
- 465.3 Procedures for requests pertaining to individual records in a record system.
- 465.4 Times, places, and requirements for the identification of the individual making a request.
- 465.5 Disclosure of requested information to the individual.
- 465.6 Request for correction or amendment to the record.
- 465.7 Agency review of request for correction or amendment of the record.
- 465.8 Appeal of an initial adverse agency determination on correction or amendment of the record.
- 465.9 Disclosure of record to a person other than the individual to whom the record pertains.

Sec.
465.10 Fees.

AUTHORITY: 5 U.S.C. 552a; Pub. L. 93-579.

§ 465.1 Purpose and scope.

The purposes of these regulations are to:

- (a) Establish a procedure by which an individual can determine if the National Commission on the International Year of the Child, 1979 (hereafter known as the Commission) maintains a system of records which includes a record pertaining to the individual; and
- (b) Establish a procedure by which an individual can gain access to a record pertaining to him or her for the purpose of review, amendment and/or correction.

§ 465.2 Definitions.

For the purpose of these regulations:

- (a) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;
- (b) The term "maintain" includes maintain, collect, use or disseminate;
- (c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Commission including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;
- (d) The term "system of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and
- (e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

For the purpose of these regulations:

- (a) the term "individual" means a citizen of the United States or an alien lawfully admitted for permanent residence;
- (b) The term "maintain" includes maintain, collect, use or disseminate;
- (c) The term "record" means any item, collection or grouping of information about an individual that is maintained by the Commission including, but not limited to, his or her employment history, payroll information, and financial transactions and that contains his or her name, or the identifying number, symbol, or other identifying particular assigned to the individual, such as social security number;
- (d) The term "system of records" means a group of any records under the control of the Commission from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual; and
- (e) The term "routine use" means, with respect to the disclosure of a record, the use of such record for a purpose which is compatible with the purpose for which it was collected.

§ 465.3 Procedures for requests pertaining to individual records in a record system.

An individual shall submit a request to the Administrative Officer of the Commission to determine if a system of records named by the individual contains a record pertaining to the individual. The individual shall submit a request to the Administrative Officer of the Commission which states the

individual's desire to review his or her record.

§ 465.4 Times, places, and requirements for the identification of the individual making a request.

An individual making a request to the Administrative Officer of the Commission pursuant to Section 1800.3 shall present the request at the Commission's offices, c/o of General Services Administration, 18th and F Streets NW., Room G 340 Washington, D.C. 20405, on any business day between the hours of 8 a.m. and 4:30 p.m. The individual submitting the request should present himself or herself at the Commission's offices with a form of identification which will permit the Commission to verify that the individual is the same individual as contained in the record requested.

§ 465.5 Disclosure of requested information to the individual.

Upon verification of identity the Commission shall disclose to the individual the information contained in the record which pertains to that individual.

§ 465.6 Request for correction or amendment to the record.

The individual should submit a request to the Administrative Officer of the Commission which states the individual's desire to correct or to amend his or her record. This request is to be made in accord with the provisions of § 465.4.

§ 465.7 Agency review of request for correction or amendment of the record.

Within ten working days of the receipt of the request to correct or to amend the record, the Administrative Officer of the Commission will acknowledge in writing such receipt and promptly either:

- (a) Make any correction or amendment of any portion thereof which the individual believes is not accurate, relevant, timely, or complete; or
- (b) Inform the individual of his or her refusal to correct or to amend the record in accordance with the request, the reason for refusal, and the procedures established by the Commission for the individual to request a review of that refusal.

§ 465.8 Appeal of an initial adverse agency determination on correction or amendment of the record.

An individual who disagrees with the refusal of the Administrative Officer

of the Commission to correct or to amend his or her record may submit a request for a review of such refusal to the Executive Director, National Commission on the International Year of the Child, 1979. The Executive Director will, not later than thirty working days from the date on which the individual requests such review, complete such review and make a final determination unless for good cause shown, the Executive Director extends such thirty day period. If after his or her review, the Executive Director also refuses to correct or to amend the record in accordance with the request, the individual may file with the Commission a concise statement setting forth the reasons for his or her disagreement with the refusal of the Commission and may seek judicial review of the Executive Director's determination under 5 U.S.C. 552a(g)(1)(A).

§ 465.9 Disclosure of record to a person other than the individual to whom the record pertains.

The Commission will not disclose a record to any individual other than to the individual to whom the record pertains without receiving the prior written consent of the individual to whom the record pertains, unless the disclosure has been listed as a "routine use" in the Commission's notices of its system of records, or falls within one of the special disclosure situations listed in the Privacy Act of 1974 (5 U.S.C. 552a(b)).

§ 465.10 Fees.

If an individual requests copies of his or her record, he or she shall be charged ten cents per page excluding the cost of any search for review of the record in advance of receipt of the pages.

[FR Doc. 78-15075 Filed 5-30-78; 8:45 am]

[3410-02]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 917]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Proposed Handling Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal would continue through May 31, 1979, current minimum grade and size requirements applicable to fresh shipments of California peaches except that it would specify a larger minimum size for unlisted varieties shipped from July 3, 1978, through October 31, 1978. The proposal is designed to provide for orderly marketing in the interest of producers and consumers.

DATE: Comments must be received on or before June 19, 1978.

ADDRESS: Send comments to: Hearing Clerk, Room 1077, South Building, USDA, Washington, D.C. 20250.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: The proposed amendment was submitted by the Peach Commodity Committee, established pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917) which regulates the handling of fresh pears, plums, and peaches grown in California. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal is to amend § 917.446 (Peach Regulation 10; 43 FR 20219) by (1) continuing through May 31, 1979, the U.S. No. 1 minimum grade requirement applicable to all varieties of California peaches in fresh shipments, and (2) continuing through such date specified minimum size requirements except that from July 3, 1978, through October 31, 1978, size 80 would be the minimum size for varieties not listed in the regulation. Peach Regulation 10 is currently effective during the period May 12 through July 2, 1978. The proposal is designed to continue to provide markets with an ample supply of desirable size and quality peaches consistent with the available supply in the interest of producers and consumers.

Data, views, or arguments for consideration in connection with this proposed amendment shall be filed, in duplicate, with the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, not later than June 19, 1978. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Under the proposal, the provisions of Peach Regulation 10 (§ 917.446; 43 FR 20219) are revised to read as follows:

§ 917.446 Peach Regulation 10.

Order. (a) During the period July 3, 1978, through May 31, 1979, no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade.

(2) Any package or container of Armgold, Desertgold, Pat's Pride, Royal April, Royal Gold, Springgold, or Springtime variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the require-

ments of standard pack, not more than 96 peaches in the box; or

(ii) Such peaches in any container when packed other than as specified in subdivision (i) of this subparagraph (2) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 96 peaches.

(3) Any package or container of any type of Babcock, Blazing Gold, Bonjour, Cardinal, Dixired, June Lady, Merrill Gemfree, Royal May, Early Coronet, Flavorcrest, Springcrest, Early Royal May, or May Lady variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 84 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (3) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 79 peaches.

(4) Any package or container of Aurora, Coronet, Indian Red, Merrill Gem, Peterson Elberta, Redhaven, Regina, or Redtop variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (4) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

(5) Any package or container of Alamar, Angelus, Belmont, Carnival, Fairtime, Fay Elberta, Fayette, Fiesta, Fortyniner, Franciscan, Halloween, John Gee, Jody Gaye, July Elberta, (Early Elberta, Kim Elberta, and Socala), Madera Gem, Mardigras, Mericle, O'Henry, Pacifica, Pageant, Parade, Paradise, Preuss Suncrest, Regular Elberta, Redglobe, Red Lady, Rio Oso Gem, Scarlet Lady, Summer-set, Summertime, Suncrest, Toreador, July Lady, Windsor, Gem Crest, Autumn Gem, Cal Red, Early Fairtime, Early O'Henry, Fire Red, Red

Cal, Sparkle, Flamecrest, Treasure, or Williams Gem variety peaches unless:

(i) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 72 peaches in the box;

(ii) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 65 peaches in the box; or

(iii) Such peaches in any container when packed other than as specified in subdivisions (i) and (ii) of this subparagraph (5) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 64 peaches.

(b) During the period July 3 through October 31, 1978, no handler shall handle any package or container of any variety of peaches not specifically named in subparagraphs (2), (3), (4), or (5) of paragraph (a) unless:

(1) Such peaches when packed in molded forms (tray pack) in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the box; or

(2) Such peaches when packed in a No. 12B standard fruit (peach) box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(3) Such peaches in any container when packed other than as specified in subparagraphs (1) or (2) of this paragraph (b) are of a size that a 16-pound sample, representative of the peaches in the package or container, contains not more than 71 peaches.

Dated: May 25, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-15081 Filed 5-30-78; 8:45 am]

[3410-02]

[7 CFR Part 922]

FRESH APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Handling Regulations

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposal invites written comments with respect to minimum grade, maturity, and size requirements applicable to fresh shipments of Washington apricots. These would require Washington apricots to

grade Washington No. 1 and have a minimum diameter (size) of 1½ inches. The proposal is designed to maintain orderly marketing conditions in the interest of producers and consumers.

DATES: Comments must be received on or before June 19, 1978.

ADDRESSES: Send comments to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: The proposed regulation was submitted by the Washington Apricot Marketing Committee, established pursuant to the marketing agreement, as amended, and Order No. 922, as amended (7 CFR part 922) which regulates the handling of apricots grown in Washington. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposed regulation is based on an appraisal of current and prospective crop and market conditions. Production during the 1978 season is estimated by the Committee at 2,500 tons, with 2,000 tons expected to be marketed fresh and 500 tons processed. The proposed regulation is designed to assure shipment of fruit of acceptable quality in the interest of producers and consumers consistent with the objectives of the act.

The proposal reads as follows:

§ 922.318 Apricot Regulation 18.

(a) During the period July 1, 1978, through July 31, 1979, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) *Minimum grade and maturity requirements.* Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided*, That such apricots of the Moorpark variety in open containers shall be generally well matured; and

(2) *Minimum size requirements.* Such apricots measure not less than 1½ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than 1¼ inches: *Provided*, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirements.

(3) Notwithstanding any other provisions of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale.

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially effect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 3 on the U.S. Department of Agriculture Standard Ground Color Chart of Apples and Pears in the Western States.

(c) Apricot Regulation 17 (42 FR 30492; 41268) is terminated July 1, 1978.

Dated: May 24, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc 78-15082 Filed 5-30-78; 8:45 am]

[3410-02]

[7 CFR Part 923]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Proposed Extension of Grade, Size, and Container Requirements

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice proposes to continue through June 30, 1979, the current effective grade, size, and container requirements on the handling of sweet cherries grown in designated counties in Washington. These requirements are designed to provide for

orderly marketing in the interest of producers and consumers.

DATES: Written comments must be received on or before June 22, 1978. Proposed effective dates: July 14, 1978, through June 30, 1979.

ADDRESSES: Send two copies of comments to the Hearing Clerk, United States Department of Agriculture, Room 1077, South Building, Washington, D.C. 20250, where they will be made available for public inspection during regular business hours (7 CFR 1.27(b)).

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, 202-447-6393.

SUPPLEMENTARY INFORMATION: Cherry Regulation 17 (§ 923.317; 43 FR 21867) sets forth the current grade, size, and container requirements on the handling of fresh Washington sweet cherries through July 13, 1978. This proposed amendment would continue these requirements for the period July 14, 1978, through June 30, 1979, as recommended by the Washington Cherry Marketing Committee, established under the marketing agreement and Order No. 923 (7 CFR Part 923). This marketing order regulates the handling of sweet cherries grown in designated counties in Washington and is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The committee estimates that 34,500 tons of sweet cherries will be available for fresh shipment during the 1978 season compared to actual shipment of 31,978 tons last season. The 1978 Washington sweet cherry crop is reported to be of good quality at this time. The committee reports that under the grade and size requirements, ample supplies of cherries of the better grades and more desirable sizes would be available in the interest of producers and consumers pursuant to the declared policy of the act. Orderly marketing conditions would be maintained by preventing the demoralizing effect on the market caused by the shipment of lower quality and smaller-sized cherries when more than ample supplies of the more desirable grades and sizes are available to serve consumers' needs. The container requirements are designed to prevent deceptive packaging practices and to promote buyer confidence.

The proposal is that § 923.317 Cherry Regulation 17 (43 FR 21867) be amended to read as follows:

§ 923.317 Cherry regulation 17.

Order. (a) *Grade and sizes.* During the period July 14, 1978, through June 30, 1979, no handler shall handle, except as otherwise provided in paragraphs (b) and (c) of this section, any

lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties commonly referred to as "light sweet cherries," unless such cherries meet each of the following applicable requirements:

(1) Washington No. 1 grade except that the following tolerances, by count, of the cherries in the lot shall apply in lieu of the tolerances for defects provided in the Washington State Standards for Grades of Sweet Cherries:

(i) A total of 10 percent for defects including in this amount not more than 5 percent, by count, of the cherries in the lot, for serious damage, and including in this latter amount not more than one percent, by count, of the cherries in the lot, for cherries affected by decay; *Provided*, That the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(2) At least 95 percent, by count, of the cherries in the lot shall measure not less than $\frac{3}{4}$ inch in diameter, except as hereinafter provided in paragraph (b)(2)(ii) of this section and subparagraph (3) of this paragraph.

(3) At least 90 percent, by count, of the cherries in any lot of face-packed containers or any containers of 20 pounds, net weight, or more shall measure not less than $\frac{3}{4}$ inch in diameter and not more than 5 percent, by count, of such cherries may be less than $\frac{3}{4}$ inch in diameter.

(b) *Containers.* During the period July 14, 1978, through June 30, 1979, no handler shall handle any lot of cherries, except cherries of the Rainier, Royal Anne, and similar varieties commonly referred to as "light sweet cherries," unless such cherries are in containers which meet each of the following applicable requirements:

(1) The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15 $\frac{1}{2}$ by 10 $\frac{1}{2}$ by 4 inches shall not be less than 20 pounds; and all containers of cherries shall contain at least 12 pounds, net weight, of cherries.

(2) Subject to the provisions of subdivisions (i) and (ii) of this subparagraph, shipments of cherries may be handled in such experimental containers as have been approved by the Washington Cherry Marketing Committee:

(i) All shipments handled in such containers shall be under the supervision of the committee; and

(ii) At least 90 percent, by count, of the cherries in any lot of such containers shall measure not less than $\frac{3}{4}$ inch in diameter, and not more than 5 percent, by count, of such cherries may be less than $\frac{3}{4}$ inch in diameter.

(c) *Exceptions.* Notwithstanding any other provisions of this section, any in-

dividual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of paragraph (a) and (b) of this section, and of §§ 923.41 and 923.55 of this part:

(1) The shipment consists of cherries sold for home use and not for resale;

(2) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(3) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(d) *Definitions.* When used herein, "Washington No. 1" and "diameter" shall have the same meaning as when used in the Washington State Standards for Grades of Sweet Cherries (Order 1550 effective April 29, 1978, WAC 16-414-050); "face-packed" means that cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Dated: May 25, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-15122 Filed 5-30-78; 8:45 am]

[3410-02]

[7 CFR Part 948]

IRISH POTATOES GROWN IN COLORADO— AREA NO. 3

Proposed Expenses and Rate of Assessment

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on proposed expenses of \$2,424 and an assessment rate of one-half cent per hundredweight on potatoes for the functioning of the Colorado Area No. 3 Potato Committee for the 1978-79 fiscal period. The regulation would enable the committee to collect assessments from first handlers on assessable potatoes handled and to use the resulting funds for its expenses.

DATES: Comments due June 15, 1978.

ADDRESSES: Comments should be sent to: Hearing Clerk, Room 1077, South Building, U.S. Department of Agriculture, Washington, D.C. 20250. Two copies of all written materials shall be submitted, and they will be made available for public inspection at the office of the Hearing Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT:

Charles R. Brader, Deputy Director,

Fruit and Vegetable Division, AMS, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-6393.

SUPPLEMENTARY INFORMATION: Marketing Agreement No. 97 and Order No. 948, both as amended, regulate the handling of potatoes grown in designated counties of Colorado. It is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The Area No. 3 Committee, established under the order, is responsible for its local administration in Area 3, consisting of certain counties in Northern Colorado. The proposals are as follows:

§ 948.279 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1978, by the Area No. 3 Committee for its maintenance and functioning, and for such purpose as the Secretary determines to be appropriate will amount to \$2,424.

(b) The rate of assessment to be paid by each handler in accordance with this part shall be one-half cent (\$0.005) per hundredweight or equivalent quantity of assessable potatoes handled by him as the first handler during the fiscal period.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve to the extent authorized in § 948.78.

(d) Terms used in this section have the same meaning as when used in the marketing agreement and this part.

Dated: May 25, 1978.

CHARLES R. BRADER,
Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc. 78-15079 Filed 5-30-78; 8:45 am]

[3128-01]

DEPARTMENT OF ENERGY

Economic Regulatory Administration

[10 CFR Parts 211 and 212]

EMERGENCY STANDBY MANDATORY CRUDE OIL AND REFINERY YIELD CONTROL PROGRAMS¹

Cancellation of Regional Hearing

AGENCY: Economic Regulatory Administration, Department of Energy.

ACTION: Notice of cancellation of regional hearing.

SUMMARY: The Economic Regulatory Administration (ERA) of the Department of Energy (DOE) hereby

¹43 FR 6611, February 15, 1978; 43 FR 12332, March 24, 1978.

gives notice of the cancellation of the Dallas, Texas public hearing on the Emergency Standby Mandatory Crude Oil and Refinery Yield Control Programs most recently scheduled for June 1, 1978, due to lack of public interest. The Washington, D.C. hearing on this matter remains scheduled for June 6, 1978.

FOR FURTHER INFORMATION CONTACT:

Robert C. Gillette (Hearing Procedures), 2000 M Street NW., Room 2222A, Washington, D.C. 20461, 202-254-5201.

Sabina Cooper (Office of General Counsel), 12th and Pennsylvania Avenue NW., Room 7132, Washington, D.C. 20461, 202-566-2454.

Issued in Washington, D.C. May 24, 1978.

DOUGLAS G. ROBINSON,
Assistant Administrator, Regulations and Emergency Planning, Economic Regulatory Administration.

[FR Doc. 78-15120 Filed 5-30-78; 8:45 am]

[6715-01]

FEDERAL ELECTION COMMISSION

[11 CFR Part 120]

[Notice 1978-5]

PRESIDENTIAL ELECTION CAMPAIGN FUND; FEDERAL FINANCING OF CONVENTIONS, PRESIDENTIAL PRIMARY MATCHING FUND AND GENERAL ELECTION FINANCING

Public Hearing on Proposed Revision of Regulations

AGENCY: Federal Election Commission.

ACTION: Notice of hearing, proposed rulemaking.

SUMMARY: The Federal Election Commission requests comments on needed changes on the proposed revision of FEC Regulations on the Presidential Election Campaign Fund: The Federal Financing of Conventions, the Presidential Primary Matching Fund, and General Election Financing. The Commission proposes these revisions in order to simplify and clarify the regulations and because the Commission also is of the opinion that the regulations should be reviewed and evaluated in light of the experience of both the Commission and the participants in the 1976 Presidential election process.

DATE: Hearing will be held at 10 a.m. on June 20, 1978. Comments will be received until 5 p.m. June 30, 1978.

ADDRESS: Send comment to: Regulation Section, Office of the General Counsel, Federal Election Commission, 1325 K Street NW., Washington, D.C. 20463. Hearing location: Same address (fifth floor).

FOR FURTHER INFORMATION CONTACT:

Brenda A. Robinson, 202-523-4175 to

schedule testimony; Gary Johanson, 202-523-4175.

Dated: May 22, 1978.

JOAN D. AIKENS,
Chairman for the
Federal Election Commission.

PROPOSED REVISION OF FEC REGULATIONS ON THE PRESIDENTIAL ELECTION CAMPAIGN FUND: THE FEDERAL FINANCING OF CONVENTIONS, THE PRESIDENTIAL PRIMARY MATCHING FUND, AND GENERAL ELECTION FINANCING, SUBCHAPTER B, C, AND D, 11 CFR PART 120

The Federal Election Commission administers the Presidential Election Campaign Fund Act, 26 U.S.C. 9001, et seq., and the Presidential Primary Matching Payment Account Act, 26 U.S.C. 9031, et seq. The Commission has the responsibility under these Acts to determine who is eligible to receive payments from the Presidential Election Campaign Fund, to certify to the United States Treasury the amount of payments to which a party or candidate is entitled, and to audit the recipient of Federal funds to determine whether the funds were used in accord with the provisions of the Acts. On April 13, 1976, the Commission prescribed regulations to implement the provisions of the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act. These regulations are found in 11 CFR Parts 120-146.

The Commission is reviewing these regulations and solicits comment from interested persons on needed changes in these regulations. The Commission's purpose in proposing a revision of these regulations is two-fold. First, the Commission intends to simplify and to clarify the regulations. Second, the commission is of the opinion that the regulations should be reviewed and evaluated in light of the experience of both the Commission and the participants in the 1976 Presidential election process. The Commission is particularly interested in comments from parties as to administrative burdens of the current regulations, the type of problems, if any, experienced with the record keeping requirements, and any areas of the Act or the regulations which need further clarification.

The Commission will hold a hearing on the Presidential Election Campaign Fund Act and the Presidential Primary Matching Payment Account Act. This hearing is scheduled for Tuesday, June 20, 1978, at 10 a.m. The hearing will be held at the Federal Election Commission, 1325 K Street NW., Fifth Floor, Washington, D.C. Persons interested in testifying should contact Brenda Robinson at 202-523-4175, by close of business Friday, June 16, 1978.

Thirty copies of written testimony should be delivered to the Commission by close of business Friday, June 16, 1978.

Interested persons may also submit written comments to the Commission. The comment period will be open through Friday, June 30, 1978. If you have any questions about this notice, you may contact Gary Johansen, Office of General Counsel, 1325 K Street NW., Washington, D.C. 20463, 202-523-4175.

[FR Doc. 78-15062 Filed 5-30-78; 8:45 am]

[6210-01]

FEDERAL RESERVE SYSTEM

[12 CFR Part 220]

[Reg. T; Docket No. R-0165]

CREDIT BY BROKERS AND DEALERS

Subordinated Credit Extended for Capital Purposes

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: This proposal will relax the rule covering subordinated loans between brokers and dealers so as to permit any individual or firm subject to Regulation T to extend and maintain subordinated credit to another broker or dealer for capital purposes. The present rule limits these loans to intra-company loans and loans between members of the same exchange. In addition, the proposal removes certain restrictions on the use of the loan proceeds if the borrower has no other customer relationship with the lender. The Board is proposing this rule change under authority of section 7 of the Securities Exchange Act of 1934 in order to improve the capital-raising ability of the entire industry and, by removing existing requirements related to exchange membership, to provide equal treatment for all brokers and dealers.

DATE: Comments must be received on or before June 28, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material should be in writing and should include the docket number R-0165.

FOR FURTHER INFORMATION CONTACT:

Theodore W. Prush, Securities Regulations Analyst, Securities Regulation Section, Division of Banking Supervision and Regulation, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-2781.

SUPPLEMENTARY INFORMATION: The Board of Governors proposes to

amend Regulation T (12 CFR 220) to permit brokers and dealers who are not members of an exchange to extend and maintain subordinated credit to other brokers and dealers for capital purposes. The proposal will permit individuals and firms who are not members of a national securities exchange, but who are nonetheless subject to Regulation T e.g., brokers and dealers in the over-the-counter market and certain individuals associated with member firms of a national securities exchange, to make subordinated loans.

Under the Board's existing rule a creditor is prohibited from using the proceeds of any subordinated credit received from another creditor for the purpose of increasing the security dealings of his firm or any of its corporate affiliates. The Board's proposal would allow a creditor receiving subordinated credit from another creditor to use the proceeds of such loans in the ordinary course of his business, provided that he has no other financial relationships that might make him a customer of the broker. The loans would be subject to the approval of the national securities exchange, national securities association or regional office of the SEC, whichever is the borrower's appropriate Examining Authority.

To aid in the consideration of this material by the Board, interested persons are invited to submit relevant data, views, comments, or arguments. The Board is specifically requesting comments as to any potential conflict-of-interest, control or restraint-of-trade problems that might develop if the amendment is adopted. Any such material should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than June 28, 1978. All material submitted should include the docket number R-0165. Such information will be made available for inspection and copying upon request except as provided in section 261.6(a) of the Board's Rules Regarding Availability of Information (12 CFR 261.6(a)).

Accordingly, pursuant to sections 7 and 23 of the Securities Exchange Act of 1934, as amended (15 U.S.C. 78g and w) the Board proposes to amend 12 CFR part 220 as follows:

§ 220.4 Special accounts.

(f) *Special miscellaneous account.* In a special miscellaneous account, a creditor may:

- (2)
- (ii) Extend and maintain a subordinated loan to another creditor for capital purposes. Provided, That

(a) Either the lender or the borrower is a firm or corporation which is a member of a national securities exchange or national securities association, the other party to the credit is an affiliated corporation of such firm or corporation, the credit is not in contravention of any rule of the exchange or association and the credit has the approval of appropriate committees of the exchange or association, or

(b) The lender as well as the borrower is a creditor as defined in § 220.2(b), the subordinated loan agreement has the approval of the appropriate Examining Authority as defined in Securities and Exchange Commission Rule 15c3-1(c)(12) (12 CFR 240.15c3-1(c)(12)) and such Examining Authority is satisfied, in the case of a borrower who would be considered a customer of the lender apart from the subordinated loan, that the loan will not be used to increase the amount of dealing in securities for the account of the borrower, his firm or corporation or an affiliated corporation of such firm or corporation.

By order of the Board of Governors, May 24, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary
of the Board.

[FR Doc. 78-15078 Filed 5-30-78; 8:45 am]

[6210-01]

[12 CFR Part 225]

[Reg. Y; Docket No. R-0050-B]

BANK HOLDING COMPANIES

Proposed Rule

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Proposed rule.

SUMMARY: The Board proposes to review that portion of its Regulation Y that permits bank holding companies to act as agents or brokers, in offices at which they or their subsidiaries otherwise engage in business, with respect to any insurance sold in a community that has a population not exceeding 5,000 persons or that has been demonstrated to have inadequate insurance agency facilities. This action is being taken because the U.S. Court of Appeals for the Fifth Circuit remanded (or sent back) that part of Regulation Y to the Board for further consideration. The Board intends to solicit public comment regarding whether the activity of acting as insurance agent in a community that has a population not exceeding 5,000 persons or that has been demonstrated to have inadequate insurance agency facilities is closely related to banking within the meaning of Section 4(c)(8) of the Bank Holding Company Act of 1956 (the "Act").

DATE: Comments must be received on or before June 23, 1978.

ADDRESS: Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. All material submitted should include the docket number R-0050-B.

FOR FURTHER INFORMATION CONTACT:

Robert E. Mannion, Associate General Counsel, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3274, or Richard Whiting, Attorney, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, 202-452-3786.

SUPPLEMENTARY INFORMATION: As a result of a series of decisions by the U.S. Court of Appeals for the Fifth Circuit, *Alabama Association of Insurance Agents, Inc. v. Board of Governors of the Federal Reserve System*, 533 F. 2d 224 (5th Cir. 1976); rehearing denied, 558 F. 2d 729 (5th Cir. 1977); cert. denied, 48 USLW 3539 (No. 77-668, February 27, 1978), that part of the Board's Regulation Y relating to permissible insurance agency activities in which bank holding companies may engage (12 CFR 225.4(a)(9)), adopted in 1971 pursuant to 4(c)(8) of the Bank Holding Company Act of 1956, as amended (12 U.S.C. 1843(c)(8)) (the "Act"), has been upheld in part, invalidated in part, and remanded in part. Section 225.4(a)(9)(iii) of Regulation Y permits bank holding companies to act as agents or brokers, in offices at which they or their subsidiaries otherwise engage in business, with respect to any insurance sold in a community that has a population not exceeding 5,000 persons or that has been demonstrated to have inadequate insurance agency facilities. The Board proposes to review that portion of the regulation (12 CFR 225.4(a)(9)(iii)(a)) that the Court of Appeals remanded to the Board.

The Fifth Circuit Court of Appeals remanded to the Board for further consideration that part of 12 CFR 225.4(a)(9) that authorized bank holding companies to engage in general insurance agency activities in towns with fewer than 5,000 inhabitants. The Court instructed the Board to make further findings with respect to 12 CFR 225.4(a)(9)(iii)(a) that would establish the necessary close relationship of banking to general insurance agency activity in towns with populations not exceeding 5,000. In this connection, the Court also instructed the Board to make findings directed toward determining whether the wording of the regulation would permit remote insurance agency activity not intended to be authorized by section 4(c)(8) of the Act. In addition, the Board intends to solicit public com-

ment regarding whether the activity of acting as insurance agent in communities demonstrated to have inadequate insurance agency facilities (12 CFR 225.4(a)(9)(iii)(b)) is closely related to banking within the meaning of section 4(c)(8) of the Act.

Accordingly, the Board invites interested persons to submit relevant data, comments, views, or arguments bearing on, but not limited to, the above issues as they relate to the following portion of its regulation (12 CFR 225.4(a)(9)(iii)):

§ 225.4 Nonbanking activities.

(a)
(9) Acting as insurance agent or broker in offices at which the holding company or its subsidiaries are otherwise engaged in business (or in an office adjacent thereto) with respect to the following types of insurance:

(iii) Any insurance sold in a community that (a) has a population not exceeding 5,000 inhabitants or (b) the holding company demonstrates has inadequate insurance agency facilities;

Any requests for a hearing on this matter should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

Any views or requests for a hearing should be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 23, 1978. All material submitted should include the docket number R-0050-B. All views expressed in written comments on the proposal and received by that date will be considered by the Board. Such material will be made available for inspection and copying upon request, except as provided in the Board's Rules Regarding Availability of Information (12 CFR Part 261).

By order of the Board of Governors, effective May 22, 1978.

GRIFFITH L. GARWOOD,
Deputy Secretary of the Board.
[FR Doc. 78-15012 Filed 5-30-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-10252, File No. S7-743]

BEARING OF DISTRIBUTION EXPENSES BY MUTUAL FUNDS

Advance Notice of Proposed Rulemaking

AGENCY: Securities and Exchange Commission.

ACTION: Advance notice of proposed rulemaking.

SUMMARY: The Securities and Exchange Commission ("Commission") is requesting public comment with respect to the question of whether there might be conditions under which registered open-end management investment companies ("mutual funds" or "funds") could be permitted to utilize their assets to pay expenses incurred in connection with the distribution of their shares. This action is being taken so the Commission can explore whether the use of mutual fund assets to pay distribution expenses could benefit fund shareholders under some circumstances, and, if so, what conditions could be designed to protect the interests of investors. The Commission has not decided whether this should be done, but, in order to provide structure to the comment process, the release suggests a variety of possible approaches.

DATES: Comments must be submitted on or before August 22, 1978.

ADDRESSES: Send comments in triplicate to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. All communications with respect to this matter should refer to File No. S7-743. Such communications will be available for public inspection at the Commission's Public Reference Room, Room 6101, 1100 L Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Richard W. Grant, Esq. (202-755-0242); or Dianne E. O'Donnell, Esq. (202-755-1796); Division of Investment Management, Securities and Exchange Commission, Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION: In the past, the Commission and its staff have taken the position, with certain exceptions, that any use of mutual fund assets for the purpose of financing the distribution of mutual fund shares would be improper.¹ Thus,

¹The Commission's most recent statement with regard to this matter is set forth in Investment Company Act Release No. 9915, Footnotes continued on next page

most fund distribution activities have been, and continue to be, financed largely by sales loads charged the purchaser at the time of investment, with the fund's adviser, either directly or through an affiliated underwriter, financing whatever distribution expenses are not met by sales loads. Where no sales load is charged, the fund's adviser generally pays all distribution expenses.

However, in response to suggestions that the Commission's position in this area should be re-examined, the Commission held public hearings on November 17, 18, 22, and 23, 1976, and received written statements concerning the policy and legal implications of arrangements whereby mutual funds would, directly or indirectly, bear expenses related to the distribution of their shares.²

A number of commentators asserted that mutual funds, as a group, at that time were experiencing significant net redemptions of their shares; i.e., redemptions by existing shareholders exceeded sales of shares. It was asserted that this was harmful to shareholders since net redemptions have the effect of reducing the fund's asset size, thereby causing an increase in the expense ratio and possibly affecting the ability of fund portfolio managers to achieve maximum investment performance. Commentators also argued that the use of fund assets to finance distribution activities could lead to increased sales of shares, thereby alleviating the difficulties perceived to result from net redemptions or small asset size and helping to ensure that securities redeemable at net asset value would continue to be made available to investors.³

It was also argued that the existing system of financing distribution activities primarily or entirely by means of sales charges on new shares is unfair to purchasers of such shares since all shareholders derive some benefit from the continuance of distribution efforts, and that this system is no longer viable because investors are increasingly unwilling to pay a high entrance fee. Accordingly, it was urged that the

Commission take the position that fund directors may, in their discretion, authorize the use of some portion of a fund's assets to promote the sale of its shares.

On the other hand, certain commentators maintained that increased sales of mutual fund shares would benefit mainly the investment advisers of mutual funds since their advisory fees are based upon a percentage of fund assets, and that any benefit to fund shareholders resulting from growth of the fund through increased sales would be speculative at best.

It appears to the Commission, based upon its consideration of the testimony and written statements presented in connection with the public hearings and other relevant matters, that it would be useful to explore further whether permitting mutual fund assets to be used to finance distribution could, under some circumstances, benefit investors, and at the same time to solicit comments about a variety of possible conditions upon such use of assets designed to safeguard the interests of investors. It would seem that any such conditions should be designed to accomplish three objectives: (1) To minimize any conflict of interest on the part of a fund's investment adviser or officers with respect to recommendations that fund assets be used to promote distribution by limiting the degree to which the advisory fee is affected by sales; (2) to help ensure that fund assets are used to finance distribution only when, after appropriate consideration, the disinterested directors of the fund and the fund's shareholders determine that such use of fund assets would be in the interest of the fund, and (3) to help ensure that all shareholders are treated fairly in connection with the bearing of distribution expenses by mutual funds.

After considering the public comments received in response to this notice, the Commission will determine whether it should issue a proposed rule setting forth conditions designed to accomplish the objectives described above. Such a proposed rule would be issued under Section 12(b) (15 U.S.C. 80a-12(b)) of the Investment Company Act of 1940 ("Act") (15 U.S.C. 801-1 et seq.),⁴ and would be accompanied by

⁴Section 12(b) of the Act provides that it shall be unlawful for any registered open-end company (other than a company complying with the provisions of Section 10(d) (15 U.S.C. 80a-10(d))) to act as a distributor of securities of which it is the issuer, except through an underwriter, in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. The Commission is of the view that, to the extent a mutual fund made payments to promote the distribution of shares issued by it, the fund would be acting

proposed rules providing exemptions from other provisions of the Act to the extent that such exemptions would be necessary to permit the implementation of arrangements involving the use of mutual fund assets to finance distribution. The types of conditions which the Commission presently is considering, and upon which it requests the views of interested persons, are described below.⁵

MINIMIZATION OF CONFLICT OF INTEREST

The fact that mutual fund advisers are paid fees based upon a percentage of the fund's assets causes the growth of the fund through the sale of additional shares generally to be in the adviser's interest. This leads to a conflict of interest on the part of the adviser with respect to making recommendations to the fund's board of directors as to whether, and, if so, to what extent, the fund should use its assets to promote the distribution of shares. In order to alleviate that conflict of interest, the Commission is considering as a condition of a fund's bearing distribution expenses that the fee paid to its investment adviser be a fixed dollar amount, rather than a fee based upon a percentage of fund assets which would increase as fund assets increase.⁶ Alternatively, the Commission is considering the possibility that the advisory fee paid by a fund bearing distribution expenses should be com-

puted as a multiple of the fund's net asset value per share rather than its total net assets. The multiple would be a constant which would initially be set in a way which would permit the fee to reflect historical experience.

It would seem necessary to prevent the fixed dollar advisory fee, if such a requirement were adopted, from being inflated to allow for anticipated growth of the fund's assets; therefore, the Commission is soliciting comment on whether it should provide that the fixed dollar amount fee established initially by a fund operating under such a rule could not exceed the amount paid to the adviser during the preceding fiscal year. Similarly, the Commission is considering whether, in order to prevent the fixed fee from being adjusted annually to reflect growth of fund assets during the preceding year, any such condition should provide that the fixed dollar fee may not be increased for a period of time, perhaps two years, after it is set initially. After the expiration of such a period of time, the directors could agree to a new flat fee consistent with their duty under Section 15(c) of the Act (15 U.S.C. 80a-15(c)) to request and evaluate such information as may reasonably be necessary to evaluate the terms of the contract. However, it may be reasonable to permit adjustments to the advisory fee on the basis of portfolio performance, provided that an advisory contract which provided for such adjustment conformed to Section 205 (15 U.S.C. 80b-5) of the Investment Advisers Act of 1940 (15 U.S.C. 80b-1 et seq.).

Manifestly, a requirement for a fixed advisory fee would have to provide for certain exemptions. For example, it might not be feasible for a newly-organized mutual fund which is bearing distribution expenses to have a fixed advisory fee; in any event, there would be no prior fee upon which to base a current fixed fee. Therefore, it might be appropriate to permit the directors of such a fund to determine a reasonable percentage advisory fee for the first year, and to require that the fee be converted to a fixed dollar amount in the next year if the fund continued to finance the distribution of its shares.

Similarly, a requirement for a fixed dollar advisory fee could not apply in the case of a fund which is managed by its own employees rather than an external investment adviser. However, if a prohibition of the type described in note 6, supra, were adopted, such a fund's officers could not be paid salaries which vary directly with changes in the fund's assets.⁷

It could also be argued that a fixed dollar advisory fee should not be required in the case of a fund employing an external investment adviser which provides only portfolio

management services and exercises no substantial influence over decisions of the fund in other areas.

A corollary question in developing regulatory controls on bearing distribution expenses is whether certain types of expenses raise different problems. Accordingly, comment is requested about the different types of distribution expenses funds might incur (e.g., cash payments to dealers in fund shares, advertising expenses, paying for prospectuses sent to prospective investors, etc.) and whether certain types of expenses should be prohibited or regulated differently from other types of expenses. Specifically, the Commission requests comment whether a distinction should be made between transactional fees (e.g., payments to dealers at the time fund shares are purchased) and continuing payments to third parties for distribution services, particularly to dealers in fund shares.

Comment is requested not only with regard to the suggestions described above, but with regard also to any alternative means of minimizing the adviser's conflict of interest.

CONDITIONS RELATING TO APPROVAL BY DISINTERESTED DIRECTORS AND SHAREHOLDERS

Even if the Commission determines that conditions such as those described above can be relied upon to promote objectivity on the part of investment advisers with respect to recommendations concerning the use of mutual fund assets to finance distribution, the protection of shareholders in connection with such use of fund assets will nonetheless depend heavily upon fund directors' meeting their fiduciary obligation not to authorize payments by the fund for distribution unless they are convinced that such action would be in the interest of the fund. To assist fund directors in meeting this fiduciary obligation, the Commission is considering specifying factors which directors should consider in deciding whether, and if so to what extent, a fund should bear distribution expenses. However, the Commission is concerned that a list of factors, no matter how complete or carefully crafted, might omit factors which could be important in given cases and vice versa. Such a list might be construed in ways which would unduly restrict directors in exercising their judgment to exclude, include, or vary the weight given certain factors. Alternatively, such a list of factors might be applied mechanically and be construed as giving directors an unintended "safe harbor." Accordingly, the Commission specifically requests public comment whether a list of factors is appropriate and, if so, the factors which might be included in any

such list. Generally speaking, directors would presumably wish to identify possible benefits to the fund such as reduction of expenses, reduction of the expense ratio due to economies of scale, or improved performance.

Whether or not it proves feasible to develop a list of factors which mutual fund directors should consider in connection with the bearing of distribution expenses, it would seem appropriate to consider provisions designed to help ensure that the determination of a board of directors with regard to this matter is made without undue influence by the investment adviser. Therefore, the Commission is considering requiring that a fund which bears distribution expenses have a board of directors composed entirely of persons who are not interested persons of either the fund or its adviser within the meaning of Section 2(a)(19) of the Act (15 U.S.C. 80a-2(a)(19)). Alternatively, a mutual fund board of directors might wish to have the disinterested directors or a special committee of disinterested directors examine the possibility of the fund's assets being used to pay for distribution and then make a recommendation concerning the matter to the full board.

Further assurance that any proposal for a fund to pay distribution expenses would receive independent consideration by the fund's directors might be obtained by providing that the directors cannot approve such payments unless they are advised concerning the matter by independent legal counsel or other independent experts.

In addition, the importance of any decision by a mutual fund to finance the distribution of its shares and the profound effect which such a decision could have upon a fund's traditional operations suggest that the decision should be approved by both a majority of the fund's outstanding voting securities and at least two-thirds of its disinterested directors. Comment is requested on whether this or some other procedural requirement should be imposed on a fund's decision to bear distribution expenses. In this connection, it may be appropriate to require that the amount of the fund's assets proposed to be spent for distribution be stated as a flat dollar amount, rather than as a percentage of the fund's assets. Such a requirement, by making it possible for fund directors and shareholders to know in advance the actual amount of expenditure which would result from adoption of the proposal, rather than having to estimate, might assist directors and shareholders in making a more reasoned judgment as to whether the expenditure would be in the interest of the fund. It could be argued also that it would be inappropriate in any event for a mutual fund to agree to pay an amount for distribution which would

Footnotes continued from last page
August 31, 1977 (42 FR 44810, September 7, 1977).

²The hearings were announced in Investment Company Act Release No. 9470, October 4, 1976 (41 FR 44770, October 12, 1976). Copies of the transcripts of the hearings and written submissions are filed in File No. 4-186.

³Although mutual funds as a group experienced net sales in 1977 and the first quarter of 1978, the concern over net redemptions has not necessarily been assuaged. Some segments of the industry, particularly equity funds, continue to experience redemptions greater than sales, and future economic conditions may cause the industry as a whole to experience net redemptions again.

fluctuate directly with changes in its assets, since there can be no assurance that the fund's interest in additional sales of its shares would necessarily vary when, and to the extent that, its assets vary.

It seems to the Commission that any rule permitting mutual funds to use their assets to pay distribution expenses should also contain provisions designed to ensure continuing control by shareholders and disinterested directors of such use of a fund's assets after initial approval. Accordingly, the Commission is considering requiring that any arrangement whereby a fund undertakes to bear distribution expenses, whether the arrangement takes the form of an agreement with another person or a policy of the fund, be limited to a period of not more than one year, with any renewals of the arrangement also being limited to not more than one year and having to be approved in the same manner as the original decision to bear distribution expenses. Furthermore, the Commission is considering a requirement that any such arrangement be subject to termination by a simple majority of either the fund's disinterested directors or the outstanding voting securities.⁹ It may also be desirable to require that, where the arrangement takes the form of an agreement between the fund and another person, the fund have the right to terminate the agreement without penalty upon not more than 60 days' notice. Such a requirement would be similar to that set forth in Section 15(a) of the Act (15 U.S.C. 80a-15(a)) with respect to investment Advisory contracts.⁹

In addition, in order to assist fund directors in meeting their responsibility to exercise continuing supervision over use of the fund's assets to pay distribution expenses, the Commission is considering requiring that the directors be furnished with quarterly written reports of the amounts and purposes of such expenditures.

FAIRNESS TO SHAREHOLDERS

The conditions described above would be designed to help ensure that

⁹It can be seen that, under this approach, a decision for a fund to cease bearing distribution expenses could be made more easily than a decision to begin doing so. Such an approach would appear desirable, since it would seem inappropriate to force a fund to continue paying for distribution if a majority of its shareholders or disinterested directors conclude that such payments are not benefiting the fund.

⁹The right part of the fund to terminate the agreement might be of particular importance if the Commission requires that the amount of distribution expense to be borne during the term of the agreement be stated as a fixed dollar amount, since a particular amount which appears reasonable when first approved could prove to be excessive if the fund's assets unexpectedly decline.

mutual fund assets are used to finance distribution only when such use of assets is consistent with the interests of investors. However, it must be recognized that, in some cases, the use of fund assets to pay distribution expenses might be in the interest of one group of investors, but contrary to the interest of another group of investors. Specifically, existing shareholders would in effect be asked to pay further amounts for distribution and, to the extent that they did not invest in additional shares of the fund, they would not enjoy any direct benefit from the reduction or elimination of the sales load.

It might be feasible to avoid any such unfairness to existing shareholders by providing that a mutual fund whose share have previously been sold with a sales load may bear distribution expenses only if such expenses are not charged against shares which were purchased during that prior time. Thus, in effect, such a fund would have to issue a new series of shares in order to bear distribution expenses, with shares of the old series (i.e., those issued prior to the change in distribution method) not being charged for distribution. Of course, the number of outstanding shares in the old series would gradually diminish as those shares were redeemed, and it might be reasonable to provide that, after some period of time, the maintenance of two series of shares need not be continued. Such a period of time could be equal either to the average holding period of shares in the particular fund or the average holding period of mutual fund shareholders in general. Thereafter, all of the fund's outstanding shares could be charged for whatever distribution expenses the fund pays.

Comment is requested not only with regard to the feasibility of the suggestion described above, but with regard also to possible alternative means of avoiding any unfairness to existing shareholders of load funds.

The Commission also wishes to ensure fairness to new shareholders and old shareholders who purchase new shares after a fund begins to pay for distribution. Accordingly, the Commission wishes to consider the impact of sales loads on such shareholders who would be financing distribution both directly and indirectly. The Commission has not reached even a tentative conclusion as to whether mutual funds which bear distribution expenses should be permitted also to have sales loads charged on their shares, or whether the imposition of sales loads in such circumstances should be restricted. Accordingly, the Commission specifically solicits comments on the issue of whether a fund's use of assets for distribution expenses should be permitted to supplement revenue from sales loads or be re-

quired to replace sales loads partially or entirely.

SECTION 36 OF THE ACT

Although rules under Section 12(b) and such other sections of the Act as may be applicable would allow a fund to utilize its assets to finance distribution of its shares if the conditions of the rules were met, the Commission wishes to emphasize that such rules, if formulated and adopted, would not be intended to reduce or limit in any way the fiduciary responsibilities owed by officers, directors, principal underwriters and investment advisers to their funds pursuant to the provisions of Section 36 of the Act (15 U.S.C. 80a-35) or otherwise. Thus, directors would have a greater responsibility than merely assuring technical compliance with a Commission rule in this area. In deciding to authorize the use of a particular amount of fund assets to finance the distribution of shares, a fund's directors would have to determine that such use of fund assets would likely benefit the fund's shareholders as well as be in compliance with any rules which the Commission might adopt.

It should be emphasized also that, whether or not a fund bore distribution expenses in a manner permitted by Commission rules, it would remain incumbent upon those who have fiduciary responsibility to the fund to see that the fund is not bearing distribution expenses in any other manner. For example, where a fund's investment adviser subsidizes distribution of the fund's shares, it would be improper for the investment advisory fee to include any compensation for such subsidization. On the other hand, there would of course be nothing to prevent an investment adviser from using its own resources to promote distribution without being compensated by the fund therefor, whether or not the fund also bears distribution expenses as might be permitted by rule. However, the board must satisfy itself that the advisory fee is fair and is determined without making allowance for any distribution expense which the adviser might bear.

DISCLOSURE

Although the Commission at this time does not contemplate that it would incorporate specific disclosure requirements in any rules that it may adopt under the Act with regard to this matter, the material facts relating to any policy or agreement which provides for the use of fund assets to pay for distribution would have to be disclosed in the company's currently effective prospectus in order that prospective shareholders would be aware that their assets would be subject to a continuing charge to finance the distribution of shares. Disclosure to exist-

ing shareholders would be made in the proxy statement for the annual or special meeting of shareholders where shareholders would vote prior to the adoption of any such agreement or policy or renewal thereof. Furthermore, if a fund had borne distribution expenses during the prior fiscal year, it might be necessary to disclose in the proxy statement the amount of such expenses.

It should be noted that at the present time the Commission is of the opinion that the term "no-load" or equivalent terminology should not be used to characterize a fund whose shares are sold without a sales load at the time of purchase but which uses its assets to pay for distribution. Such a fund might state that it charges no sales commission, but it would have to make clear that shareholders will pay for distribution by means of charges against assets. As a condition to granting a temporary order in the application of the Vanguard Group, Inc. (see note 5, supra) the Commission required that the Vanguard funds not call themselves "no-load" funds. The Commission will give further consideration to this issue in connection with the specific Vanguard application.

AUTHORITY: This advance notice of proposed rulemaking is issued under the authority of Sections 12(b) and 38(a) of the Investment Company Act of 1940 (17 U.S.C. 80a-12(b) and 80a-37(a)).

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

MAY 23, 1978.

[FR Doc. 78-15013 Filed 5-30-78; 8:45 am]

[8120-01]

TENNESSEE VALLEY AUTHORITY

[18 CFR Part 307]

NONDISCRIMINATION WITH RESPECT TO HANDICAP IN PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

Implementation of Section 504 of the Rehabilitation Act of 1973; Extension of Comment Period

AGENCY: Tennessee Valley Authority (TVA).

ACTION: Extension of comment period on proposed rule.

SUMMARY: TVA extends until June 14, 1978, the time for submission of comments on its proposed rule implementing section 504 of the Rehabilitation Act of 1973, and changes the location for public inspection of comments received to the Technical Library, 400 Commerce Avenue, E2B7, Knoxville, Tenn.

DATES: Comments must be received on or before June 14, 1978.

ADDRESS: Comments should be sent to Justin M. Schwamm, Sr., Assistant General Counsel, Tennessee Valley Authority, 400 Commerce Avenue, E11B25, Knoxville, Tenn. 37902.

FOR FURTHER INFORMATION CONTACT:

Edward F. Hilton, Jr., Tennessee Valley Authority, Division of Personnel, 235 Millers Building, 423 Gay Street, Knoxville, Tenn. 37902; telephone 615-632-2755.

SUPPLEMENTARY INFORMATION: On Tuesday, May 2, 1978, TVA published a proposed rule in the FEDERAL REGISTER to implement section 504 of the Rehabilitation Act of 1973 (43 FR 18693). The proposal set the place for public inspection of comments in TVA's Information Office, and requested comments by May 31. It appears that a change in location and an extension of the comment period would be desirable and in the public interest to permit easier public inspection of any comments which may be received and to permit additional time for the submission of views. Therefore, interested persons may submit written comments on the proposed rule through June 14, 1978, to the address above. All comments received will be available for public inspection at TVA's Technical Library, 400 Commerce Avenue, E2B7, Knoxville, Tennessee, between the hours of 9 a.m. and 4 p.m. Monday through Friday, except federal holidays.

Dated: May 24, 1978.

H. N. STROUD, Jr.,
Acting General Manager.

[FR Doc. 78-15073 Filed 5-30-78; 8:45 am]

[4710-01]

DEPARTMENT OF STATE

[22 CFR Part 3a]

[Docket No. SD-137]

ACCEPTANCE OF EMPLOYMENT FROM FOREIGN GOVERNMENT BY RETIRED AND RESERVE OFFICERS

Proposed Rulemaking

AGENCY: Department of State.

ACTION: Proposed rule.

SUMMARY: The Department of State proposes to issue regulations governing the procedure for approving civil employment by a foreign government of retired and Reserve members of the Army, Navy, Air Force, Marine Corps, Coast Guard, and commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration. These regulations implement recent legislation which gives Congressional consent, required by the U.S. Constitution, to such employment

in individual cases approved by the Secretary concerned and by the Secretary of State.

DATES: Written comments must be received by July 31, 1978.

ADDRESSES: Send comments to Commander John E. Burgess, United States Navy, Office of International Security Operations, Bureau of Politico-Military Affairs, Department of State, Washington, D.C. 20520.

FOR FURTHER INFORMATION CONTACT:

Commander John E. Burgess, United States Navy, Office of International Security Operations, Bureau of Politico-Military Affairs, Department of State, Washington, D.C. 20520. Phone 202-632-8688.

SUPPLEMENTARY INFORMATION: Section 509 of the Foreign Relations Authorization Act, fiscal year 1978 (Pub. L. 95-105) gives Congressional consent to retired members of the uniformed services, Armed Forces reservists and commissioned Public Health Service reservists to accept employment with a foreign government. The U.S. Constitution, in Article I, sec. 9, clause 8, provides that no officer of the United States "shall, without the Consent of Congress, accept any present, emolument, office or title, of any kind whatever, from any King, Prince or Foreign State." This clause has been interpreted to apply to retired officers and reservists. The Comptroller General of the United States has ruled that a retired officer who violates this constitutional prohibition by accepting employment with a foreign government without the consent of Congress must forfeit his or her retired pay to the extent of the pay received from the employing foreign government. The new statute grants the necessary Congressional consent to foreign government employment of certain retirees and reservists, contingent on approval of both the Secretary of State and the Secretary in charge of the retiree's or reservist's branch of government service.

The proposed regulation would delegate to the Director, Bureau of Politico-Military Affairs, Department of State, and to persons designated by that officer, the Secretary of State's authority to approve employment by a foreign government. The statute also requires approval by the Secretary of the service with which the applicant is connected (the "Secretary concerned"). This regulation would require approval by the Secretary concerned, or his designee, before the Director, Bureau of Politico-Military Affairs, considers any application. Any application received directly by the Department of State would be referred to the Secretary concerned for initial consideration.

Decisions on applications considered by the Director, Bureau of Politico-Military Affairs, will be made on the basis of whether the proposed foreign government employment would adversely affect the foreign relations of the United States. Notice of approval will be given to the Secretary concerned, who will inform the applicant. In the event of disapproval, the Director, Bureau of Politico-Military Affairs, will give the applicant direct written notice stating the reasons for disapproval and providing an opportunity for reconsideration.

Approval under these regulations does not constitute an exception to the provisions of the Immigration and Nationality Act concerning loss of United States citizenship, for example, by becoming a citizen of or taking an oath of allegiance to another country. See 8 U.S.C. 1481 et seq.

It is therefore proposed to amend 22 CFR Chapter I by adding a new Part 3a to read as follows.

PART 3a—ACCEPTANCE OF EMPLOYMENT FROM FOREIGN GOVERNMENTS BY RETIRED AND RESERVE OFFICERS

Sec.

3a.1 Definitions.

3a.2 Requirement for approval of foreign government employment.

3a.3 Authority to approve or disapprove proposed foreign government employment.

3a.4 Procedure for requesting approval.

3a.5 Basis for approval or disapproval.

3a.6 Notification of approval.

3a.7 Notification of disapproval and reconsideration.

3a.8 Change in status.

AUTHORITY: Sec. 509, 91 Stat. 859 (37 U.S.C. 801 Note); Sec. 4, as amended, 63 Stat. 111 (22 U.S.C. 2658).

§ 3a.1 Definitions.

For purposes of this part—

(a) "Applicant" means any person who requests approval under this part to accept any civil employment (and compensation therefor) from a foreign government and who is: (1) Any retired member of the uniformed services;

(2) Any member of a Reserve component of the Armed Forces; or

(3) Any member of the commissioned Reserve Corps of the Public Health Service.

The term "applicant" also includes persons described in subparagraph (1), (2), or (3), who have already accepted foreign government employment and are requesting approval under this part to continue such employment.

(b) "Uniformed services" means the Armed Forces, the commissioned Regular and Reserve Corps of the Public Health Service, and the commissioned corps of the National Oceanic and Atmospheric Administration.

(c) "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(d) "Secretary concerned" means: (1) The Secretary of the Army, with respect to retired members of the Army and members of the Army Reserve;

(2) The Secretary of the Navy, with respect to retired members of the Navy and the Marine Corps, members of the Navy and Marine Corps Reserves, and retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is operating as a service in the Navy;

(3) The Secretary of the Air Force, with respect to retired members of the Air Force and members of the Air Force Reserve;

(4) The Secretary of Transportation, with respect to retired members of the Coast Guard and members of the Coast Guard Reserve when the Coast Guard is not operating as a service in the Navy;

(5) The Secretary of Commerce, with respect to retired members of the commissioned corps of the National Oceanic and Atmospheric Administration; and

(6) The Secretary of Health, Education, and Welfare, with respect to retired members of the commissioned Regular Corps of the Public Health Service and members of the commissioned Reserve Corps of the Public Health Service.

§ 3a.2 Requirement for approval of foreign government employment.

(a) The United States Constitution (Article I, Section 9, clause 8) prohibits the acceptance of civil employment with a foreign government by an officer of the United States without the consent of Congress. Congress has consented to the acceptance of civil employment (and compensation therefor) by any person described in § 3a.1(b) subject to the approval of the Secretary concerned and the Secretary of State (37 U.S.C. 801 Note). Civil employment with a foreign government may not be accepted without such approval by any person so described.

(b) The Secretary of State has to approve employment with a foreign government by any officer of the United States other than a person described in § 3a.1(a). The acceptance of employment with a foreign government by any other officer of the United States remains subject to the constitutional prohibition described in paragraph (a) of this section.

(c) Any person described in § 3a.1(a) who accepts employment with a foreign government without the approval required by this section or otherwise obtaining the consent of Congress is subject to forfeiture of retired pay to the extent of his or her compensation from the foreign government, according to the Comptroller General of the United States (44 Comp. Gen. 139 (1964)). This forfeiture is in addition

to any other penalty which may be imposed under law or regulation.¹

§ 3a.3 Authority to approve or disapprove proposed foreign government employment.

The Director, Bureau of Politico-Military Affairs, is authorized to approve or disapprove any request by an applicant for approval under this part to accept civil employment (and compensation therefor) from a foreign government. The Director may delegate this authority within the Bureau of Politico-Military Affairs, Department of State.

§ 3a.4 Procedure for requesting approval.

(a) An applicant must submit a request for approval of foreign government employment to the Secretary concerned, whose approval is also required by law for the applicant's acceptance of civil employment from a foreign government. The request must contain information concerning the applicant's status, the nature of the proposed employment in as much detail as possible, the identity of and relationship to the foreign government concerned, and other matters as may be required by the Secretary concerned.

(b) Requests approved by the Secretary concerned will be referred to the Director, Bureau of Politico-Military Affairs, for approval. Requests received by the Director, Bureau of Politico-Military Affairs, directly from an applicant will be initially forwarded to the Secretary concerned, or his designee, for approval or disapproval.

§ 3a.5 Basis for approval or disapproval.

Decisions by the Director, Bureau of Politico-Military Affairs, under this part shall be based on whether the applicant's proposed employment with a foreign government would adversely affect the foreign relations of the United States, in light of the applicant's official status as a retiree or reservist.

§ 3a.6 Notification of approval.

The Director, Bureau of Politico-Military Affairs, will notify the Secretary concerned when an applicant's proposed foreign government employment is approved. Notification of approval to the applicant will be made by the Secretary concerned or his designee.

§ 3a.7 Notification of disapproval and reconsideration.

(a) The Director, Bureau of Politico-Military Affairs, will notify the appli-

¹Approval under this Part does not constitute an exception to the provisions of the Immigration and Nationality Act concerning loss of United States citizenship, for example, by becoming a citizen of or taking an oath of allegiance to another country. See 8 U.S.C. 1481 et seq.

cant directly when an applicant's proposed foreign employment is disapproved, and will inform the Secretary concerned.

(b) Each notification of disapproval under this section must include a statement of the reasons for the disapproval, with as much specificity as security and foreign policy considerations permit, together with a notice of the applicant's right to seek reconsideration of the disapproval under paragraph (c) of this section.

(c) Within 60 days after receipt of the notice of disapproval, an applicant whose request has been disapproved may submit a request for reconsideration by the Director, Bureau of Politico-Military Affairs. A request for reconsideration should provide information relevant to the reasons set forth in the notice of disapproval.

(d) The disapproval of a request by the Director, Bureau of Politico-Military Affairs, will be final, unless a timely request for reconsideration is received. In the event of a request for reconsideration, the Director, Bureau of Politico-Military Affairs, will make a final decision after reviewing the record of the request. A final decision after reconsideration to approve the applicant's proposed employment with a foreign government will be communicated to the Secretary concerned as provided in § 3a.6. A final decision after reconsideration to disapprove the applicant's proposed employment with a foreign government will be communicated directly to the applicant as provided in paragraph (a) of this section and the Secretary concerned will be informed. The Director's authority to make a final decision after reconsideration may not be re-delegated.

§ 3a.8 Change in status.

In the event that an applicant's foreign government employment approved under this part is to be materially changed, either by a substantial change in duties from those described in the request upon which the original approval was based, or by a change of employer, the applicant must obtain further approval in accordance with this part for such changed employment.

WARREN CHRISTOPHER,
The Deputy Secretary.

MAY 9, 1978.

(FR Doc. 78-15066 Filed 5-30-78; 8:45 am)

[4210-01]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1917]

(Docket No. FI-4144)

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the City of Grosse Pointe Park, Wayne County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Grosse Pointe Park, Wayne County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, 15115 East Jefferson, Grosse Pointe Park, Mich. Send comments to: Mr. Robert Slone, City Manager, city of Grosse Pointe Park, City Hall, 15115 East Jefferson, Grosse Pointe Park, Mich. 48230.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Grosse Pointe Park, Mich., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures re-

quired by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake St. Clair.....	Barrington Rd.....	578.5
	Berkshire Rd.....	578.5
	Trombley Rd.....	578.5
	Bedford Rd.....	578.5
	Windmill Pointe Dr.....	578.5
	Fairfax St.....	578.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

(FR Doc. 78-14102 Filed 5-30-78; 8:45 am)

[4210-01]

[24 CFR Part 1917]

(Docket No. FI-4145)

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Grosse Pointe Shores, Wayne County, Mich.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Grosse Pointe Shores, Wayne County, Mich. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Village Hall, 795 Lake Shore Road, Grosse Pointe Shores, Mich. Send comments to: Mr. Gerald Schroeder, Village President, Village of Grosse Pointe Shores, Village Hall, 795 Lake Shore Road, Grosse Pointe Shores, Mich. 48236.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Grosse Pointe Shores, Mich., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Lake St. Clair.....	East of Lake Shore Dr....	578.5

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delega-

PROPOSED RULES

tion of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14103 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4146]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Greenwood, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Greenwood, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at City Hall, Highway 150 and Spruce Street, Greenwood, Mo. 64034. Send comments to: Mayor Everett Carlson, Route 1, Box 361, Greenwood, Mo. 64034.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Greenwood, Jackson County, Mo. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub.

L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Big Creek.....	Southern corporate limits approximately 100 ft. upstream of Missouri Route 150.....	878
	Just downstream of Ransom Rd.	907
		920

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14104 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-3449]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for St. Louis County, Mo.; Correction

AGENCY: Federal Insurance Administration, HUD.

ACTION: Correction of proposed rule.

SUMMARY: This document corrects a proposed rule on base (100-year) flood elevations that appeared on page 54103 of the FEDERAL REGISTER of October 4, 1977.

EFFECTIVE DATE: October 4, 1977.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

The following elevations should be added:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	U.S. Highway 67*.....	437
	Interstate Highway 70**	456
	U.S. Highways 40 and 67*.	487
Mississippi River ..	Jefferson Barracks Bridge* (at Lindergh Blvd.).	421
	Confluence with Missouri River.	435

*Upstream side.
**Downstream side.

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14105 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4147]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Sugar Creek, Jackson County, Mo.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Sugar Creek, Jackson County, Mo. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATE: The period for comment will be ninety (90) days following the second publication of the proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines

of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, City Hall, 103 South Sterling, Sugar Creek, Mo. Send comments to: The Honorable R. J. Roper, Mayor, Sterling, city of Sugar Creek, P.O. Box 8537, city of Sugar Creek, Mo. 64054.

FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Sugar Creek, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Missouri River	Downstream of Missouri Route 291.	733
	1,060 ft upstream from Missouri Route 291.	734
	At the upstream corporate limits.	739
Sugar Creek	95 ft downstream from Santa Fe RR.	739
	80 ft upstream from Santa Fe RR.	747
	80 ft downstream from Amoco Plant Rd. (2,580 ft upstream from Cement City Rd.).	752
	95 ft downstream from Amoco Plant RR spur (4,116 ft upstream from Cement City Rd.).	758

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Just upstream of Amoco Plant RR spur (4,225 ft upstream from Cement City Rd.).	773
	425 ft upstream from Carlisle Ave.	774
	30 ft downstream from Kentucky Ave.	776
	40 ft upstream from Kentucky Ave.	780
	400 ft upstream from Ohio St.	783
	60 ft downstream from Hink St.	786
	40 ft upstream from Hink St.	799
	At the upstream corporate limits.	809
Mill Creek	120 ft upstream from Santa Fe RR.	740
	580 ft upstream from Courtney Rd.	751
	Downstream side of Quarry Rd.	766
	Upstream side of Quarry Rd.	786
	1,740 ft upstream from Quarry Rd.	770
	600 ft downstream from corporate limits.	783

(National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14106 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4148]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Merrimack, Hillsborough County, N.H.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Merrimack, Hillsborough County, N.H. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

PROPOSED RULES

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at Town Hall, Merrimack, N.H. Send comments to: Mr. Donald R. Dwyer, Chairman of the Board of Selectmen, Town Hall, P.O. Box 940, Merrimack, N.H. 03054.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Merrimack, Hillsborough County, N.H. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Merrimack River...	Depot St. (extended).....	121
	Star Dr. (extended).....	117
Souhegan River.....	Just downstream of Amherst Rd. (Breach Bridge).....	213
	Disco Lane (extended).....	189
	Just downstream of Turkey Hill Road Bridge.....	181
	Just upstream of Everett Turnpike Bridge.....	138

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Baboosic Brook	Just downstream of Stowell Road Bridge.....	224
	Just downstream of Parkhurst and Woodward Road Bridge.....	216
	Just upstream of Bedford Road Bridge (upstream crossing).....	210
	Just downstream of Wire Road Bridge.....	178
	Just downstream of Everett Turnpike Bridge.....	172
Pennichuck Brook	Approximately 150 ft. upstream of Millford Rd. (State Route 101A Bridge).....	190
	Just upstream of Tinker Road Bridge.....	175
	Approximately 200 ft. upstream of Everett Turnpike Bridge.....	175
	Manchester Street Bridge.....	170
Naticook Brook	Just downstream of Green Pond Rd. culvert.....	186
	Just downstream of Amherst Rd. culvert.....	153
	Approximately 100 ft. downstream of Everett Turnpike culvert.....	125
McQuade Brook	Just upstream of Willow Bridge Rd. (wooden bridge).....	179
Tributary A.....	Approximately 300 ft. downstream of western corporate limits.....	208
Baboosic Lake.....	Entire shoreline.....	237

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14107 Filed 5-23-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4149]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Andover, Allegany County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Andover, Allegany County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to

either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Village Clerk, 4 Main Street, Andover, N.Y. Send comments to: Honorable Ralph A. Allen, Mayor of Andover, 4 Main Street, Andover, N.Y. 14806.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Andover, Allegany County, N.Y., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Dyke Creek	Western corporate limit.....	1,638
	Second St. (upstream).....	1,654

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	State Route 21 (upstream).....	1,665
	Eastern corporate limit.....	1,690
Railroad Brook.....	Confluence with East Valley Creek.....	1,664
	Dam at Andover Pond (downstream).....	1,666
	Dam at Andover Pond (upstream).....	1,669
East Valley Creek.....	Andover Pond.....	1,669
	Western corporate limit.....	1,639
	Second St. (extended).....	1,653
	Main St. (downstream).....	1,659
	Main St. (upstream).....	1,680
	Water St. (downstream crossing) (upstream).....	1,663
	ConRail crossing approximately 200 ft downstream of State Route 21 crossing (upstream).....	1,664
	State Route 21 (upstream).....	1,666
	Barney St. (upstream).....	1,674
	Water St. (upstream).....	1,683
	Northern corporate limit.....	1,686

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14108 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4150]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Village of Dryden, Tompkins County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the Village of Dryden, Tompkins County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed

rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Village Hall, Dryden, N.Y. Send comments to: The Honorable Almon G. Stevens, Mayor, Village of Dryden, Village Hall, Box 447, Dryden, N.Y. 13053.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the Village of Dryden, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Virgil Creek.....	100 ft upstream from Springhouse Rd.....	1,066
	230 ft upstream from West Main St.....	1,077
	480 ft upstream from confluence with Dryden Lake outlet.....	1,080
	320 ft upstream from Mill St.....	1,085
	At South St.....	1,093
	80 ft upstream from Lake Rd.....	1,102
	At the upstream corporate limits.....	1,111
Dryden Lake Outlet.....	375 ft upstream from confluence with Virgil Creek.....	1,080

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Downstream of Mill St....	1,085
	375 ft upstream from Mill St.....	1,087
	75 ft downstream from Ferguson Rd.....	1,098
	Upstream of Ferguson Rd.....	1,101
	Downstream of ConRail.....	1,102
	Upstream of ConRail.....	1,104
	At the upstream corporate limit.....	1,105
Egypt Creek.....	At Springhouse Rd.....	1,071
	500 ft downstream from lateral D confluence.....	1,072
	Upstream of Lewis St.....	1,081
	Upstream of North St.....	1,095
	80 ft upstream from Lee Rd.....	1,105
	At upstream corporate limits.....	1,108
Lateral A.....	At the confluence with Egypt Creek.....	1,081
	380 ft downstream from North St.....	1,082
	75 ft downstream from North St.....	1,084
	Upstream of North St.....	1,087
	650 ft upstream from lateral C confluence.....	1,087
	At East Main St.....	1,085
	120 ft upstream from James St.....	1,097
	130 ft downstream from end of culvert.....	1,101
	50 ft upstream from the end of culvert.....	1,102
	At start of culvert.....	1,107
	At upstream limit of study.....	1,114
Lateral B.....	At Union St.....	1,098
	500 ft upstream from Union St.....	1,100
	At underground entrance.....	1,115
	At upstream limit of study.....	1,139
Lateral C.....	At confluence with lateral A.....	1,087
	330 ft upstream from the confluence with lateral A.....	1,087
	At upstream limit of study.....	1,093
Lateral D.....	200 ft upstream from confluence with Egypt Creek.....	1,076
	240 ft downstream from Freeville Rd.....	1,078
	At Freeville Rd.....	1,079

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14109 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4151]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Manlius, Onondaga County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Manlius, Onondaga County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the Town Supervisor, 301 Brooklea Drive, Fayetteville, N.Y. Send comments to: Mr. Thomas C. Weedon, Town Supervisor of Manlius, 301 Brooklea Drive, Fayetteville, N.Y. 13066.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Manlius, Onondaga County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more

stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Butternut Creek	Interstate 90	402
	Fremont Rd.	409
	Upstream corporate limits	410
Limestone Creek	Kirkville Rd.	406
	Keyser Dam	406
	East Ave	409
	ConRail at Minoa	414
	Costello Parkway	416
	State Route 290	417
	Downstream Erie Canal	422
	Upstream Erie Canal	428
	Downstream Fayetteville corporate limits	431
	Upstream Fayetteville corporate limit	457
	Downstream Highbridge Rd.	485
	Upstream Highbridge Rd.	496
	Downstream dam	534
	Upstream dam near the village of Manlius	546
	Upstream village of Manlius corporate limit	580
	Downstream Whetstone Rd.	604
	Upstream Whetstone Rd.	610
	Downstream Pompey Center Rd.	718
	Upstream Pompey Center Rd.	724
	Downstream dam	724
	Upstream dam near upstream corporate limits	739
West branch Limestone Creek	At confluence with Limestone Creek	547
	State Route 173	550
	Upstream village of Manlius corporate limit	580
	Upstream town corporate limit	600
Sweet Rd. tributary	Troop K Rd.	550
	Upstream village of Manlius corporate limit	636
	State Route 173	801
	Upstream corporate limit	874
Sweet Rd. tributary No. 1	At confluence with Sweet Rd. tributary	674
	State Route 173	788
	Upstream corporate limit	911

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance

Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14110 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4152]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the Town of Rye, Westchester County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Rye, Westchester County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, 10 Pearl Street, Port Chester, N.Y. Send comments to: Mr. Felix F. Delibus, Town Supervisor of Rye, 10 Pearl Street, Port Chester, N.Y. 10573.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the town of Rye, Westchester County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, above mean sea level
Blind Brook	Downstream corporate limits	35
	Westchester Expressway	36
	Confluence with East branch Blind Creek	37
	Downstream Rye City dam	37
	Upstream Rye City dam	61
	Downstream Bowman Avenue Bridge	62
	Upstream Bowman Avenue Bridge	65
	Westchester Avenue Bridge	77
	Private bridge	88
	Westerleigh Road Bridge	118
	Brookside Way Bridge	128
	Hutchinson River	142
	Parkway Bridge No. 3	154
	Hutchinson River	162
	Parkway Bridge No. 1	162
	Downstream New Blind Brook Country Club dam	180
	Upstream New Blind Brook Country Club dam	217
	Downstream Old Blind Brook Country Club dam	233
	Upstream Old Blind Brook Country Club dam	239
	Upstream Anderson Hill Rd.	246
	College Rd	342
	Lincoln Ave. footbridge No. 1	350
East branch Blind Brook	Confluence with Blind Brook	37
	Downstream Bowman Ave.	37
	Upstream Bowman Ave.	39
	School footbridge No. 2	41
	School footbridge No. 1	42
	Downstream Westchester Ave.	43
	Upstream Westchester Ave.	59
	Downstream private dam	78
	Upstream private dam	93
	Downstream private driveway bridge	110
	Upstream private driveway bridge	111
	Argyle Rd.	131

Source of flooding	Location	Elevation in feet, above mean sea level
	Betsy Brown Rd.	132
	Acker Dr.	132

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14111 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4153]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the town of Southold, Suffolk County, N.Y.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the town of Southold, Suffolk County, N.Y. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Town Hall, Southold, N.Y. Send comments to: Mr. Albert M. Martocchia, Town Supervisor of Southold, Southold Town Hall, Main Road, Southold, N.Y. 11971.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator

gives notice of the proposed determinations of base (100-year) flood elevations for the Town of Southold, Suffolk County, N.Y. in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Long Island Sound	Luther Rd.	11
	Reeve Ave. (extended)	11
	West Phalia Ave.	11
	Duck Pond Rd. (extended)	11
	Kenneys Rd.	11
	Horton Lane	11
	Lighthouse Rd. (extended)	11
	Mill Rd.	11
	North Rd.	11
	Intersection of Robertson Lane and Main Rd. 25.	11
	Rocky Point Rd. (extended)	11
	Westwood Lane (extended)	11
	Youngs Lane (extended)	11
	Greenway East (extended)	11
	Ryder Farm Lane (extended)	11
Peconic Bay	Laurel Lane (extended)	8
	Delmar Dr. (extended)	8
	Bay Ave. (extended)	8
	Camp Minroia Rd.	8
	Marratooka Rd. (extended)	8
	Intersection of Moores Land and New Suffolk Ave.	8
	New Suffolk Ave. (extended)	8
	Aarson Rd. (extended)	8
Gardiners Bay	Intersection of Main Rd. 25 and Albacone Dr.	8
	North Bay View Rd. and Goose Creek	8
	Gin Lane	8
	Manhasset Ave.	8
	Kerwin Blvd	8
	Main Rd. 25 at Pipes Cove	8
	Shore Dr. (extended)	8

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Intersection of Main St. and King St.	8
	Main Rd. 25 along Orient Aarbon.	8
	Main Rd. 25 and Little Bay.	8
	King St. along Orient Beach.	8

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14112 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-2979]

NATIONAL FLOOD INSURANCE PROGRAM

Revision of Proposed Flood Elevation Determinations for the city of Durham, Durham County, N.C.

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Durham, Durham County, N.C. Due to recent engineering analysis, this proposed rule revises the proposed determinations of base (100-year) flood elevations published in 42 FR 34626 on July 6, 1977, and in The Durham Sun published on July 17 and July 24, 1977, and hence supersedes those previously published rules.

DATES: The period for comment will be ninety (90) days following the second publication of this notice in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed flood elevations are available for review at Department of Transportation and Utilities, New City Hall, Durham, N.C. Send comments to: Honorable Wade L. Cavin, Mayor of Durham, P.O. Box 2251, Durham, N.C. 27702.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Ad-

ministrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: Proposed base (100-year) flood elevations are listed below for selected locations in the city of Durham, Durham County, N.C., in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Eno River	Just upstream of U.S. Highway 501.	291
	Just upstream of Guess Rd.	313
Crooked Creek	Just upstream of SR 1448 (Infinity Rd.).	316
Eno River, tributary Z.	Just upstream of Rivermont Dr.	361
	Just upstream of Cole Mill Rd.	417
Eno River, tributary A.	Just upstream of Foxhunt St.	292
Eno River, tributary I.	Just upstream of SR 1656 (Hebron St.).	287
	Just upstream of SR 1648.	314
Warren Creek	Just downstream of Horton St.	308
Warren Creek, tributary A.	Just upstream of Crystal Lake Rd.	354
	Just downstream of Hillandale Rd.	379
Warren Creek, tributary B.	Just upstream of Guess Rd.	312
Ellerbe Creek	Just downstream of East Club Blvd.	287
	Just upstream of Duke St.	323
	Just upstream of Hillandale Rd.	361
Ellerbe Creek, tributary A.	Just upstream of Bluefield St.	305
Ellerbe Creek, tributary B.	Just downstream of Dearborn Dr.	296
South Ellerbe Creek.	Just upstream of Markham Ave.	320
South Ellerbe Creek tributary.	Just upstream of Washington St.	313
	Approximately 370 ft upstream of Guess Rd.	349

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Goose Creek	Just upstream of U.S. Highway 15.	302
	Just upstream of Juniper St.	328
Goose Creek, tributary A.	Just downstream of Cheek Rd.	312
	Just upstream of Miami Blvd.	336
Little Lick Creek	Just upstream of NC 98.	293
Little Lick Creek, tributary 1A.	Just upstream of Clayton Rd.	296
	Just downstream of Chandler Rd.	313
Little Lick Creek, tributary 2.	Just upstream of Lynn Rd.	309
New Hope Creek	Just upstream of Chapel Hill Rd.	251
	Just upstream of U.S. Highway 15-501.	258
New Hope Creek, tributary 1.	Just downstream of western extraterritorial corporate limits.	261
Mud Creek	Just downstream of Pickett Rd.	264
	Just downstream of Erwin Rd.	283
Third Fork Creek	Just upstream of NC 54.	251
	Just upstream of Cornwallis Rd.	282
	Just upstream of Forest Hills Blvd. South.	301
Third Fork Creek, tributary A.	Just downstream of Massey Rd.	259
Third Fork Creek, tributary C.	Just upstream of Hope Valley Rd.	259
	Just upstream of Buckingham Rd.	287
Third Fork Creek, tributary D.	Approximately 1,500 ft upstream of confluence with Third Fork Creek.	257
Third Fork Creek, tributary E.	Just downstream of Roxboro Rd.	291
Rocky Creek	Just downstream of Elmira St.	289
	Approximately 200 ft upstream of Bacon St.	311
Sandy Creek	Just upstream of Garrett Rd.	256
	Just upstream of Cornwallis Rd.	285
Sandy Creek, tributary A.	Just upstream of NC 751	312
	Approximately 1,850 ft upstream of Garrett Rd.	259
Sandy Creek, tributary D.	Just downstream of NC State Route 751.	299
Northeast Creek, north prong.	Just upstream of Cornwallis Rd.	291
	Just downstream of NC 55.	316
Northeast Creek, north prong, tributary A.	Just upstream of Cornwallis Rd.	322
	Just upstream of Alfred St.	337

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 23, 1969 (39 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14113 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4154]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Lima, Allen County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Lima, Allen County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Municipal Building, 219 East Market Street, Lima, Ohio. Send comments to: Honorable Harry Moyer, Mayor of Lima, Municipal Building, 219 East Market Street, Lima, Ohio 45801.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Lima, Allen County, Ohio, in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community

PROPOSED RULES

may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, National geodetic vertical datum
Ottawa River	ConRail Bridge (upstream).	839
	South Metcalf St. (upstream).	843
	Bellafontaine St. (downstream).	849
	Corporate limits (upstream).	853
Lost Creek	Harding Highway Bridge (upstream).	877
	ConRail Bridge (upstream).	882
	Fourth Street Bridge (upstream).	886
Pike Run	Downstream corporate limits.	830
	Drower Rd. (upstream).	837
	Virginia Rd. (upstream).	843
	Karen Ave. (downstream).	849
	Central Street Bridge (upstream).	861
Pike Run tributary.	Confluence Pike Run (upstream).	830
	Upstream corporate limits.	834

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (39 FR 17804, November 28, 1968), as amended (42 U.S.C. 4001-4128); and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14114 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4155]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Mahoning County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Mahoning County, Ohio. These base (100-year) flood elevations are the

basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Office of the County Commission, 120 Market Street, Youngstown, Ohio. Send comments to: Mr. Thomas J. Barrett, President of the County Commissioners of Mahoning County, 120 Market Street, Youngstown, Ohio 44503.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Mahoning County, Ohio in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

PROPOSED RULES

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Mahoning River (below village of Lowellville).	Lowellville Village limit. Ohio and Pennsylvania State line.	810 807
Mahoning River (above city of Alliance).	U.S. Route 63 Lake Park Rd. State Route 173 Fish Creek City of Alliance corporate limits.	1,055 1,052 1,050 1,050 1,048
Yellow Creek	Evans Lake Dam (downstream). Western Reserve Rd. Walker Mill Rd. Village of Poland corporate limits.	1,036 1,031 1,019 1,013
Burgess Run	Calla Rd. Youngstown-Pittsburgh Rd. Unity Rd. Arrel Rd. Collier Lake Dam and Bridge (upstream side). Collier Lake Dam (upstream side). Burgess Lake Dam (upstream side). Burgess Lake Dam (downstream side). Confluence of tributary 1. North Lima Rd. Walker Mill Rd. Confluence with Yellow Creek.	1,166 1,152 1,119 1,106 1,100 1,091 1,088 1,068 1,068 1,065 1,039 1,028 1,018
Tributary 1—Burgess Run.	Easternmost crossing of Dobbins Rd. Westernmost crossing of Dobbins Rd. State Route 170 Confluence with Burgess Run.	1,103 1,098 1,077 1,065
Tributary 2—Burgess Run.	Struthers Rd. Arrel Rd. Confluence with Burgess Run.	1,149 1,125 1,102
Mill Creek	Calla Rd. Western Reserve Rd. Mill Creek Park boundary.	1,011 1,008 1,003
Bears Den Run	Westminster Ave. North Main St. Carnegie Ave. Oakwood Ave. Conrail. South Meridian Rd.	1,024 1,022 1,020 1,016 1,009 1,003
Ax Factory Run	Austintown Fitch High School Dr. South Raccoon Rd. Moorefield Rd. Pembroke Rd. Upstream side of Meridian Lake Dam. Downstream side of Meridian Lake Dam. South Meridian Rd.	1,125 1,119 1,093 1,078 1,056 1,043 1,042
Andersons Run	Kirk Rd. Raccoon Rd. Private Dr. at confluence of tributary 2. Youngstown-Salem Rd. Tippecanoe Rd. Upstream side of dam. Downstream side of dam. Hopkins Rd. Sheban Dr.	1,092 1,081 1,059 1,045 1,032 1,021 1,013 997 989
Cranberry Run	Market St. Glenwood Ave. West Blvd.	1,038 1,018 999
Indian Run	Private Dr. State Routes 14 and 46. Leffingwell Rd. State Route 11. Raccoon Rd. Upstream side of dam. Downstream side of dam. Tippecanoe Rd.	1,125 1,119 1,092 1,085 1,062 1,038 1,031 1,018

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14115 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]
[Docket No. FI-4156]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Norwalk, Huron County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Norwalk, Huron County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the Bulletin Board in the City Hall, 38 Whittlesey Avenue, Norwalk, Ohio. Send comments to: Honorable Wayne Goodsite, Mayor of Norwalk, 38 Whittlesey Avenue, Norwalk, Ohio 44857.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Norwalk, Huron County, Ohio in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain manage-

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
	Mill Creek Park boundary.	1,000
Four Mile Run.....	Lanternman Rd.....	1,048
	Four Mile Run Rd.....	970
	I-680.....	941
Morrison Run.....	Confluence of tributary 2.	1,024
	Mahoning Ave.....	1,014
	Upstream side of dam.....	1,005
	Downstream side of dam.....	996
	State Route 45.....	987
	Silica Rd.....	982
	Ohio Turnpike.....	970
	Confluence of Clemens Ditch.	943
Clemens Ditch.....	Conrail.....	975
	Gladstone Rd.....	960
	Confluence with Morrison Run.	943
Tributary 1— Morrison Run.	Access Rd.....	1,009
	Conrail.....	995
	State Route 45.....	985
	Confluence with Morrison Run.	976
North Jackson Ditch.	Mahoning Ave.....	1,018
	Field Dr.....	1,003
	Farm Lane.....	993
	Confluence with Morrison Run.	984
Tributary 1— Meander Creek.	Confluence of tributary 1B.	1,008
	Dam upstream of Mahoning Ave. (upstream side).	1,005
	Dam upstream of Mahoning Ave (downstream side).	996
	Mahoning Ave. (between two dams).	975
	Dam (upstream side).....	974
	Dam (downstream side)...	966
	Ohio Turnpike.....	945
	Tributary 1A.....	919
	Lipkey Rd.....	918
	Mahoning Ave. State Route 13.	911
Tributary 2— Meander Creek.	Gault Rd.....	1,000
	Lipkey Rd.....	960
North Fork.....	Confluence of Clingeman Ditch.	1,030
	State Route 45.....	1,021
	Gault Rd.....	960
Clingeman Ditch...	Duck Creek Rd.....	1,105
	Farm Rd.....	1,071
	Blott Rd.....	1,063
	Rosemont Rd.....	1,038
	Confluence with North Fork.	1,030

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ment requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
East branch Huron River.	Norfolk & Western RR.	867
Norwalk Creek	U.S. Route 20 Old U.S. Route 20 State Route 61 Southwest St. Pleasant St. (downstream). Pleasant St. (upstream). Benedict Ave. (downstream). Benedict Ave. (upstream). Linwood Ave. East Elm St.	875 877 878 892 894 702 703 709 709 709 709

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14116 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4157]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determination for the Village of Ottawa, Putnam County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the village of Ottawa, Putnam County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Clerk's Office, Ottawa, Ohio. Send comments to: Honorable Louis H. Macke, Mayor of Ottawa, City Clerk's Office, City Building, Ottawa, Ohio 45875.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the village of Ottawa, Putnam County, Ohio in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by § 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Blanchard River	Corporate limits at 19.55-mi mark. Conference with Tawa Run. U.S. 224 State Rd. 65 B. & O. RR. Oak St. Corporate limits at 23.22-mi mark.	720 722 724 725 725 726 726

Source of Flooding	Location	Elevation in feet, national geodetic vertical datum
Tawa Run	Corporate limits at 26.24-mi mark. Confluence with Blanchard River. Perry St. Walnut St. Locust St. Pratt St. Agner St. Corporate limits at 1.44-mi mark. Corporate limits at 1.75-mi mark. Corporate limits at 2.36-mi mark.	720 722 722 724 724 726 731 731 731 735

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc 78-14117 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR Part 1917]

[Docket No. FI-4158]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for Sandusky County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in Sandusky County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the County Courthouse, 100 Park Avenue, Fremont, Ohio. Send comments to: Mr. Edward Sours, Chairman of the County Board of Commissioners of Sandusky County, 100 Park Avenue, Fremont, Ohio 43420.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581, or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for Sandusky County, Ohio in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by §1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Sandusky River	Confluence of Little Bark Creek	580
	Ohio Turnpike	583
	Confluence of Muskellunge Creek	584
	U.S. Route 20	586
	Downstream corporate limits of Fremont	587
	Upstream corporate limits of Fremont	593
Sandusky Bay	Tiffin Rd.	604
	Intersection of Vineyard Rd. and Bay Blvd.	577
	Grant St. in Bay View	577

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

PROPOSED RULES

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14118 Filed 5-30-78; 8:45 am]

[4210-01]

[24 CFR PART 1917]

[Docket No. FI-4159]

NATIONAL FLOOD INSURANCE PROGRAM

Proposed Flood Elevation Determinations for the City of Strongsville, Cuyahoga County, Ohio

AGENCY: Federal Insurance Administration, HUD.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are solicited on the proposed base (100-year) flood elevations listed below for selected locations in the city of Strongsville, Cuyahoga County, Ohio. These base (100-year) flood elevations are the basis for the flood plain management measures that the community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The period for comment will be ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in the above-named community.

ADDRESSES: Maps and other information showing the detailed outlines of the flood-prone areas and the proposed base (100-year) flood elevations are available for review at the City Hall, 18688 Royalton Road, Strongsville, Ohio. Send comments to: Honorable John Pearce, Mayor of Strongsville, 18688 Royalton Road, Strongsville, Ohio 44136.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Krimm, Assistant Administrator, Office of Flood Insurance, Room 5270, 451 Seventh Street SW., Washington, D.C. 20410, 202-755-5581 or toll-free line 800-424-8872.

SUPPLEMENTARY INFORMATION: The Federal Insurance Administrator gives notice of the proposed determinations of base (100-year) flood elevations for the city of Strongsville, Cuyahoga County, Ohio in accordance with section 110 of the Flood Disaster Protection Act of 1973 (Pub. L. 93-234), 87 Stat. 980, which added section 1363 to the National Flood Insurance Act of 1968 (Title XIII of the Housing and Urban Development Act of 1968 (Pub. L. 90-448)), 42 U.S.C. 4001-4128, and 24 CFR 1917.4(a).

These elevations, together with the flood plain management measures required by Section 1910.3 of the program regulations, are the minimum that are required. They should not be construed to mean the community must change any existing ordinances that are more stringent in their flood plain management requirements. The community may at any time enact stricter requirements on its own, or pursuant to policies established by other Federal, State, or regional entities. These proposed elevations will also be used to calculate the appropriate flood insurance premium rates for new buildings and their contents and for the second layer of insurance on existing buildings and their contents.

The proposed base (100-year) flood elevations for selected locations are:

Source of flooding	Location	Elevation in feet, national geodetic vertical datum
Blodgett Creek	Marks Rd. (upstream)	788
	Barton Dr. extended	789
	Berince Dr. extended	792
	Lincolnshire Blvd. extended	795
	Priem Rd. (upstream)	798
	Ashwood Dr. extended	800
Baker Creek	Courtland Dr. (upstream)	805
	Downstream corporate limits	814
	Confluence with tributary No. 1	828
	Baltimore & Ohio RR. (downstream)	854
	Baltimore & Ohio RR. (upstream)	858
	Royalton Rd. (downstream)	862
	Royalton Rd. (upstream)	866
	Prospect Rd. (upstream)	883
	Pinewood Dr. extended	890
	Walnut Creek Dr. extended	904
Tributary No. 1	Confluence with Baker Creek	828
	Royalton Rd. (downstream)	841
	Royalton Rd. (upstream)	848
	1,500 ft upstream Royalton Rd.	856

(National Flood Insurance Act of 1968 (Title XIII of Housing and Urban Development Act of 1968), effective January 28, 1969 (33 FR 17804, November 28, 1968), as amended; 42 U.S.C. 4001-4128; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, February 27, 1969, as amended (39 FR 2787, January 24, 1974).)

Issued: April 11, 1978.

PATRICIA ROBERTS HARRIS,
Secretary.

[FR Doc. 78-14119 Filed 5-30-78; 8:45 am]

[4830-01]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

[LR-269-76]

INCOME TAX

Limitation on Capital Losses

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the limitation on the deductibility of capital losses by taxpayers other than corporations. Changes in the applicable tax law were made by the Tax Reform Act of 1976 and the Tax Reduction and Simplification Act of 1977. The regulations would provide the public with the guidance needed to comply with applicable parts of those Acts.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 31, 1978. The amendments are proposed to be effective for taxable years beginning after December 31, 1976, except for the amendment conforming the regulations under section 1211(b) to the repeal of a special provision with respect to taxpayers paying the tax imposed by section 3, which is proposed to be effective for taxable years beginning after December 31, 1975.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-269-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

David B. Cubeta of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:T), 202-566-3926.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1211 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to sections 501(b)(6) and 1401 of the Tax Reform Act of 1976 (90 Stat. 1559, 1731) and section 102(b)(14) of the Tax Reduction and Simplification Act of 1977 (91 Stat. 138) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

PROPOSED RULES

EXPLANATION OF PROVISIONS

These proposed amendments provide new rules under section 1211(b) relating to the amount of ordinary income against which capital losses may be offset by taxpayers other than corporations. These rules increase the maximum amount of the capital loss deduction against ordinary income from \$1,000 to \$2,000 for taxable years beginning in 1977 and to \$3,000 for taxable years beginning after 1977. These maximum amounts are applicable to losses incurred in and carried over from taxable years beginning both before January 1, 1970, and after December 31, 1969. Special rules are provided for a married taxpayer filing a separate return. If such a taxpayer has only post-1969 loss carryovers, the deduction is limited to one-half of the applicable \$1,000, \$2,000, or \$3,000 amount. However, if losses are carried over from taxable years beginning before January 1, 1970, the deduction is limited to the lesser of the applicable \$1,000, \$2,000, or \$3,000 amount, or the sum of one-half of that amount plus the pre-1970 losses.

The proposed amendments conform the regulations under section 1211(b) to the repeal of a special provision with respect to taxpayers paying the tax imposed by section 3 and to the substitution of the term "capital gain net income" for the term "net capital gain".

The proposed regulations also reflect an amendment to section 1211(b)(1)(A) which, for taxable years beginning after December 31, 1976, limits deductible capital losses to the amount of taxable income for the taxable year reduced (but not below zero) by the zero bracket amount.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these proposed regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the FEDERAL REGISTER.

DRAFTING INFORMATION

The principal author of these proposed regulations was David B. Cubeta of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.1211 [Deleted]

PARAGRAPH 1. Section 1.1211 and the historical note are deleted.

PAR. 2. Paragraph (b) of § 1.1211-1 is amended by striking out "net capital gain" each place it appears in subparagraph (3) (ii) and (iv) and inserting in lieu thereof "capital gain net income (net capital gain for taxable years beginning before January 1, 1977)", by striking out "net capital gains and losses" as it appears in subparagraph (3)(v) and inserting in lieu thereof "capital gain net income (net capital gains for taxable years beginning before January 1, 1977) and net capital losses", by revising subparagraphs (2), (3)(i), (6)(ii), and (7), and by adding new material at the end of each example in subparagraph (8). The revised provisions and added material read as follows:

§ 1.1211-1 Limitation on capital losses.

(b) *Taxpayers other than corporations.*

(2) *Additional Allowance.* Except as otherwise provided by subparagraph (3) of this paragraph, the additional allowance deductible under section 1211(b) for taxable years beginning after December 31, 1969, shall be the least of—

(i) The taxable income for the taxable year reduced, but not below zero, by the zero bracket amount (in the case of taxable years beginning before January 1, 1977, the taxable income for the taxable year);

(ii) \$3,000 (\$2,000 for taxable years beginning in 1977; \$1,000 for taxable years beginning before January 1, 1977); or

(iii) The sum of the excess of the net short-term capital loss over the net long-term capital gain, plus one-half of the excess of the net long-term capital loss over the net short-term capital gain.

(3) *Transitional additional allowance—(i) In general.* If, pursuant to the provisions of § 1.1212-1(b) and subdivision (iii) of this subparagraph, there is carried to the taxable year from a taxable year beginning before January 1, 1970, a long-term capital loss, and if for the taxable year there is an excess of net long-term capital loss over net short-term capital gain, then, in lieu of the additional allowance provided by subparagraph (2) of this paragraph, the transitional additional allowance deductible under section 1211(b) shall be the least of—

(a) The taxable income for the taxable year reduced, but not below zero,

by the zero bracket amount (in the case of taxable years beginning before January 1, 1977, the taxable income for the taxable year);

(b) \$3,000 (\$2,000 for taxable years beginning in 1977; \$1,000 for taxable years beginning before January 1, 1977); or

(c) The sum of the excess of the net short-term capital loss over the net long-term capital gain; that portion of the excess of the net long-term capital loss over the net short-term capital gain computed as provided in subdivision (ii) of this subparagraph; plus one-half of the remaining portion of the excess of the net long-term capital loss over the net short-term capital gain.

(6) Special rules.

(i) For taxable years beginning before January 1, 1976, in case the tax is computed under section 3 and the regulations thereunder (relating to optional tax tables for individuals), the term "taxable income" as used in section 1211(b) and this paragraph shall be read as "adjusted gross income."

(7) *Married taxpayers filing separate returns*—(i) *In general.* In the case of a husband or a wife who files a separate return for a taxable year beginning after December 31, 1969, the \$3,000, \$2,000, and \$1,000 amounts specified in subparagraphs (2)(ii) and (3)(i)(b) of this paragraph shall instead be \$1,500, \$1,000, and \$500, respectively.

(ii) *Special rule.* If, pursuant to the provisions of § 1.1212-1(b) and subparagraph (3) (iii) or (iv) of this paragraph, there is carried to the taxable year from a taxable year beginning before January 1, 1970, a short-term capital loss or a long-term capital loss, the \$1,500, \$1,000, and \$500 amounts specified in subdivision (i) of this subparagraph shall instead be maximum amounts of \$3,000, \$2,000, and \$1,000, respectively, equal to \$1,500, \$1,000, and \$500, respectively, plus the total of the transitional net long-term capital loss component for the taxable year computed as provided by subparagraph (3)(ii) of this paragraph and the transitional net short-term capital loss component for the taxable year computed as provided by subparagraph (3)(iv) of this paragraph.

(8) *Examples.* The provisions of section 1211(b) may be illustrated by the following examples:

Example (1). . . . If A had the same taxable income for purposes of section 1211(b) (after reduction by the zero bracket amount) and the same transactions in 1977, the additional allowance would be \$2,000, and a net long-term capital loss of \$100

would be carried over. For a taxable year beginning in 1978 or thereafter, these facts would give rise to a \$2,050 additional allowance and no carryover.

Example (2). . . . Assuming the same taxable income for purposes of section 1211(b) (after reduction by the zero bracket amount) and the same transactions for taxable years beginning in 1977 or thereafter, the same result would be reached.

Example (3). . . . Assuming the same taxable income for purposes of section 1211(b) (after reduction by the zero bracket amount) and the same transactions for taxable years beginning in 1977 or thereafter, the result would remain unchanged.

Example (4). . . . Assuming the same taxable income for purposes of section 1211(b) (after reduction by the zero bracket amount) and the same transactions for taxable years beginning in 1977 or thereafter, the result would remain unchanged.

Example (5). . . . Assuming the same taxable income for purposes of section 1211(b) (after reduction by the zero bracket amount) and the same transactions for taxable years beginning in 1977 or thereafter, the transitional additional allowance would be \$1,800. No amount would remain to be carried over to the succeeding taxable year.

Example (6). . . . Assuming the same taxable income for purposes of section 1211(b) (after reduction by the zero bracket amount) and the same transactions for taxable years beginning in 1977 or thereafter, the transitional additional allowance would be \$1,800. No amount would remain to be carried over to the succeeding taxable year.

Example (7). . . . Assuming the same taxable income for purposes of section 1211(b) (after reduction by the zero bracket amount) and the same transactions for taxable years beginning in 1977 or thereafter, the transitional additional allowance would be \$1,900. No amount would remain to be carried over to the succeeding taxable year.

Example (8). . . . Assuming the same taxable income for purposes of section 1211(b) (after reduction by the zero bracket amount) and the same transactions as in example (7) for a married individual filing a separate return for a taxable year beginning in 1977 or thereafter, the transitional additional allowance would be \$1,900. No amount would remain to be carried over to the succeeding taxable year.

Example (9). . . . Assuming the same taxable income for purposes of section 1211(b) (after reduction by the zero bracket amount) and the same transactions for a taxable year beginning in 1977, the transitional additional allowance would be \$2,000. A net long-term capital loss of \$800 would remain to be carried over. Of this amount \$100 would be treated as carried over from 1969. Assuming the original facts for a taxable year beginning in 1978, the transitional additional allowance would be \$2,800. No amount would remain to be carried over to the succeeding taxable year.

JEROME KURTZ,
Commissioner of Internal Revenue.

[FR Doc. 78-15138 Filed 5-30-78; 8:45 am]

[4830-01]

[26 CFR Part 1]

[LR-275-76]

INCOME TAX

Gain From Sale or Exchange of Depreciable Property Between Related Taxpayers

AGENCY: Internal Revenue Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document contains proposed regulations relating to the treatment of gain from the sale or exchange of depreciable property between certain related taxpayers. Changes to the applicable tax law were made by the Tax Reform Act of 1976. The regulations would provide the public with the guidance needed to comply with that Act and would affect certain transferors of depreciable property in sales or exchanges between related taxpayers.

DATES: Written comments and requests for a public hearing must be delivered or mailed by July 31, 1978. The amendments are proposed to be effective for sales or exchanges after October 4, 1976.

ADDRESS: Send comments and requests for a public hearing to: Commissioner of Internal Revenue, Attention: CC:LR:T (LR-275-76), Washington, D.C. 20224.

FOR FURTHER INFORMATION CONTACT:

Leonard T. Marcinko of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224, Attention: CC:LR:T, 202-566-3297.

SUPPLEMENTARY INFORMATION:

BACKGROUND

This document contains proposed amendments to the Income Tax Regulations (26 CFR Part 1) under section 1239 of the Internal Revenue Code of 1954. These amendments are proposed to conform the regulations to section 2129 of the Tax Reform Act of 1976 (90 Stat. 1922) and are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

EXPLANATION OF PROVISIONS

Section 1239, as amended by the Tax Reform Act of 1976, provides that in the sale or exchange of depreciable property between related persons after October 4, 1976, any gain recognized shall be treated as ordinary income. For purposes of section 1239, "related persons" include a husband and wife,

an individual and a corporation at least 80 percent of which is owned by that individual, and two or more corporations 80 percent or more of each of which is owned by the same individual.

Section 1.1239-1(c) of the proposed regulations sets forth several rules of construction for applying the general rule of section 1239. First, if on the date of the sale or exchange a taxpayer is legally separated from his spouse under an interlocutory decree of divorce, the taxpayer and spouse are not considered to be husband and wife, if the sale or exchange is made under the divorce decree and if the decree is subsequently finalized. Second, § 1.1239-1(c)(2) provides that, in general, where there is a sale or exchange of depreciable property between related corporations, the gain treated as ordinary income is taxable to the transferor corporation and not the controlling shareholder. An exception to this second rule is provided where the entity of the corporate transferor is properly disregarded for tax purposes. Finally, section 1239(c) and § 1.1239(c)(3) of the proposed regulations provide that the constructive ownership rules of section 318 are generally to be used in determining the ownership of stock for purposes of section 1239.

Section 1.1239-2 of the proposed regulations applies to sales or exchanges occurring on or before October 4, 1976, and reflects the requirements of section 1239 before its amendment by the Tax Reform Act of 1976.

COMMENTS AND REQUESTS FOR A PUBLIC HEARING

Before adopting these regulations, consideration will be given to any written comments that are submitted (preferably six copies) to the Commissioner of Internal Revenue. All comments will be available for public inspection and copying. A public hearing will be held upon written request to the Commissioner by any person who has submitted written comments. If a public hearing is held, notice of the time and place will be published in the *Federal Register*.

DRAFTING INFORMATION

The principal author of these proposed regulations was Leonard T. Marcinko of the Legislation and Regulations Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and the Treasury Department participated in developing the regulation, both on matters of substance and style.

PROPOSED AMENDMENTS TO THE REGULATIONS

The proposed amendments to 26 CFR Part 1 are as follows:

§ 1.1239 [Deleted]

PARAGRAPH 1. Section 1.1239 and the historical note are deleted.

PAR. 2. Section 1.1239-1 is redesignated as § 1.1239-2 and is amended by revising the heading and first two sentences thereof to read as follows:

§ 1.1239-2 Gain from sale or exchange of depreciable property between certain related taxpayers on or before October 4, 1976.

Section 1239 provides in general that any gain from the sale or exchange of depreciable property between a husband and wife or between an individual and a controlled corporation on or before October 4, 1976 (and in the case of a sale or exchange occurring after that date if made under a binding contract entered into on or before that date), shall be treated as ordinary income. Thus, any gain recognized to the transferor from a sale or exchange after May 3, 1951, and on or before October 4, 1976 (or thereafter if pursuant to a binding contract entered into on or before that date), directly or indirectly, between a husband and wife or between an individual and a controlled corporation, of property which, in the hands of the transferee, is property of a character subject to an allowance for depreciation provided in section 167 (including such property on which a deduction for amortization is allowable under section 168 and 169) shall be considered as gain from the sale or exchange of property which is neither a capital asset nor property described in section 1231. . . .

PAR. 3. A new § 1.1239-1 is added, to read as follows:

§ 1.1239-1 Gain from sale or exchange of depreciable property between certain related taxpayers after October 4, 1976.

(a) *In general.* In the case of a sale or exchange of property, directly or indirectly, between related persons after October 4, 1976 (other than a sale or exchange made under a binding contract entered into on or before that date), any gain recognized by the transferor shall be treated as ordinary income if such property is, in the hands of the transferee, subject to the allowance for depreciation provided in section 167. This rule also applies to property which would be subject to the allowance for depreciation provided in section 167 except that the purchaser has elected a different form of deduction, such as those allowed under sections 169, 188, and 191.

(b) *Related persons.* For purposes of paragraph (a), the term "related persons" means—

(1) A husband and wife,
(2) An individual and a corporation 80 percent or more in value of the outstanding stock of which is owned, directly or indirectly, by or for such individual, or

(3) Two or more corporations 80 percent or more in value of the outstanding stock of each of which is owned, directly or indirectly, by or for the same individual.

(c) *Rules of construction*—(1) *Husband and wife.* For purposes of paragraph (b)(1), if on the date of the sale or exchange a taxpayer is legally separated from his spouse under an interlocutory decree of divorce, the taxpayer and his spouse shall not be treated as husband and wife, provided the sale or exchange is made pursuant to the decree and the decree subsequently becomes final. Thus, if pursuant to an interlocutory decree of divorce, an individual transfers depreciable property to his spouse and, because of this section, the gain recognized on the transfer of the property is treated as ordinary income, the individual may, if the interlocutory decree becomes final after his tax return has been filed, file a claim for a refund.

(2) *Sales between commonly controlled corporations.* In general, in the case of a sale or exchange of depreciable property between related corporations (within the meaning of paragraph (b)(3) of this section), gain which is treated as ordinary income by reason of this section shall be taxable to the transferor corporation rather than to a controlling shareholder. However, such gain shall be treated as ordinary income taxable to a controlling shareholder rather than the transferor corporation if the transferor corporation is used by a controlling shareholder as a mere conduit to make a sale to another controlled corporation, or the entity of the corporate transferor is otherwise properly disregarded for tax purposes. Sales between two or more corporations that are related within the meaning of paragraph (b)(3) of this section may also be subject to the rules of section 482 (relating to allocation of income between or among organizations, trades, or businesses which are commonly owned or controlled), and to rules requiring constructive dividend treatment to the controlling shareholder in appropriate circumstances.

(3) *Ownership of stock.* For purposes of determining the ownership of stock under this section, the constructive ownership rules of section 318 shall be applied, except that section 318(a)(2)(C) (relating to attribution of stock ownership from a corporation) and section 318(a)(3)(C) (relating to attribution of stock ownership to a corporation) shall be applied without regard to the 50-percent limitation contained therein. The application of the constructive ownership rules of section 318 to section 1239 is illustrated by the following examples:

Example (1). A, an individual, owns 79 percent of the stock (by value) of Corporation X, and a trust for A's children owns the re-

maintaining 21 percent of the stock. A's children are deemed to own the stock owned for their benefit by the trust in proportion to their actuarial interests in the trust (section 318(a)(2)(B)). A in turn, constructively owns the stock so deemed to be owned by his children (section 318(a)(1)(A)(ii)). Thus, A is treated as owning all the stock of Corporation X, and any gain A recognized from the sale of depreciable property to Corporation X is treated under section 1239 as ordinary income.

Example. (2). Y Corporation owns 80 percent in value of the stock of Z Corporation. Y Corporation sells depreciable property at a gain to Z Corporation. P and his daughter, D, own 80 percent in value of the Y Corporation stock. Under the constructive ownership rules of section 318, as applied to section 1239, P and D are each considered to own the stock in Z Corporation owned by Y Corporation. Also, P and D are each considered to own the stock in Y Corporation owned by the other. As a result, both P and D constructively own 80 percent or more in value of the stock of both Y and Z Corporations. Thus, the sale between Y and Z is governed by section 1239 and produces ordinary income to Y.

JEROME KURTZ,
Commissioner of
Internal Revenue.

[FR Doc. 78-15137 Filed 5-30-78; 8:45 am]

[4830-01]

[26 CFR Part 1]

[LR-1672]

INCOME TAX

Amortization of Certain Railroad Rolling Stock;
Withdrawal of Notice of Proposed Rulemaking

AGENCY: Internal Revenue Service, Treasury.

ACTION: Withdrawal of notice of proposed rulemaking.

SUMMARY: The purpose of this document is to withdraw a notice of proposed rulemaking relating to the amortization of certain railroad rolling stock placed in service after 1968 and before 1976. The notice of proposed rulemaking withdrawn by this document appeared in the FEDERAL REGISTER on August 26, 1971 (36 FR 16922).

FOR FURTHER INFORMATION CONTACT:

Richard L. Johnson of the Legislation and Regulations Division, Office of the Chief Counsel, Internal Revenue Service, 1111 Constitution Avenue NW., Washington, D.C. 20224 (Attention: CC:LR:TLR-1672), 202-566-3603 (not a toll-free number).

SUPPLEMENTARY INFORMATION:

BACKGROUND

The notice of proposed rulemaking withdrawn by this document proposed amendments to the Income Tax Regu-

lations under sections 179 and 184 of the Internal Revenue Code of 1954 to conform the regulations to the amendments made by the portion of section 705 of the Tax Reform Act of 1969 (83 Stat. 670) relating to amortization of certain railroad rolling stock. Code section 184 permits taxpayers to elect five-year amortization of qualified railroad rolling stock placed in service after 1968 and before 1976. Thus, use of the election has not been available for approximately two years.

The Internal Revenue Service does not anticipate issuing a new notice of proposed rulemaking under Code section 184. In the case of a taxpayer who has prepared and filed a return on the basis of the withdrawn notice, the Internal Revenue Service will not assess a deficiency on the basis of rules different from those in the withdrawn notice. A taxpayer election to take the amortization deduction allowed by Code section 184 is effective if made in conformance with either the rules of the withdrawn notice or those of § 13.0 of the Temporary Income Tax Regulations under the Tax Reform Act of 1969 (26 CFR Part 13).

WITHDRAWAL OF PROPOSED AMENDMENTS

Accordingly, the notice of proposed rulemaking relating to the amortization of certain railroad rolling stock which was published in the FEDERAL REGISTER on August 26, 1971 (36 FR 16922) is hereby withdrawn.

JEROME KURTZ,
Commissioner of Internal Revenue.
[FR Doc. 78-15138 Filed 5-30-78; 8:45 am]

[3410-11]

DEPARTMENT OF AGRICULTURE

Forest Service

[36 CFR Part 261]

PROHIBITIONS

Expansion of Scope and Areas Designated by Orders To Include the Wild and Scenic Rivers System

AGENCY: Forest Service, USDA.

ACTION: Proposed rule.

SUMMARY: Management plans for components of the National Wild and Scenic Rivers System establish management practices for the administration of the areas in a manner compatible with the objectives of the legislation establishing the system. At times, these objectives require that limits be placed on the amount and type of use that can be permitted on the areas. This proposed regulation will expand the Cope in Subpart A to include components of the National Wild and Scenic Rivers System. Subpart B would be expanded to provide for the

issuance of orders which will control the amount of use on components of the National Wild and Scenic Rivers System.

DATE: Comments must be in writing and must be received by June 30, 1978.

ADDRESS: Submit comments to: Kenneth L. Evans, Law Enforcement Specialist, Fiscal and Accounting Management, U.S. Forest Service, P.O. Box 2417, Washington, D.C. 20013.

FOR FURTHER INFORMATION CONTACT:

Kenneth L. Evans, 202-447-7850.

It is proposed to amend Title 36 CFR, Chapter II, Part 261 as follows:

1. Section 261.1(a)(4) is amended as follows:

§ 261.1 Scope.

(a) . . .

(4) An act or omission occurs within the designated boundaries of a component of the National Wild and Scenic Rivers System.

2. Section 261.58(2) is added to read as follows:

§ 261.58 Occupancy and use.

.

(z) Entering or being on lands or waters within the boundaries of a component of the National Wild and Scenic Rivers System.

(30 Stat. 35, as amended (16 U.S.C. 551); 82 Stat. 961 (16 U.S.C. 1281(d)); 89 Stat. 1121 (16 U.S.C. 460gg-7).)

DAVID G. UNGER,
Deputy Assistant Secretary for
Conservation, Research, &
Education.

MAY 25, 1978.

[FR Doc. 78-15142 Filed 5-30-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

[FRL 903-8]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Revisions to the Rules of the following Air Pollution Control District in the State of California: Santa Barbara County

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The purpose of this notice is to advise the public of receipt of proposed revisions to the California

State Implementation Plan and to request public comments concerning the revisions. The revisions provide procedures to review new or modified sources of air contaminants prior to construction.

DATES: Public comments will be received for thirty (30) days from publication of this notice (June 30, 1978).

ADDRESSES: Copies of the proposed SIP revisions are available for public inspection during regular business hours at the following locations:

Environmental Protection Agency, Region IX, Enforcement Division, 215 Fremont Street, San Francisco, Calif. 94105.

State of California, Air Resources Board, 1709 Eleventh Street, Sacramento, Calif. 95814.

Santa Barbara County, Air Pollution Control District, 4440 Calle Real, Santa Barbara, Calif. 93110.

Public Information reference Unit, Room 2922, U.S. Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

Interested persons may participate in the rulemaking process by submitting comments to:

Regional Administrator, Attn: Enforcement Division (E-4-3), EPA Region IX (address above).

Comments received will be available for public inspection during regular business hours at:

EPA Region IX (address above).

EPA Public Information reference Unit (address above).

FOR FURTHER INFORMATION CONTACT:

Barry Garellick, Enforcement division, Permits Branch, telephone 415-556-8005.

SUPPLEMENTARY INFORMATION: Since EPA's approval of portions of the California State Implementation Plan (SIP) in 1972, the State of California has submitted, periodically, proposed revisions to the SIP. These proposed revisions have been submitted as local air pollution control districts (APCD) have adopted new or amended existing regulations. Included in the submissions have been the regulations of the Santa Barbara County APCD. In several cases, the submissions for the above-mentioned district had included regulations relating to permits for new sources of air pollution. The list below summarizes the dates upon which such permit regulations were submitted for this district.

SUBMISSION DATES

February 21, 1972
December 13, 1972
July 25, 1973
January 22, 1974
February 2, 1978

As revised, Santa Barbara County APCD Regulation II, Permits Rules 4 through 8, and 9.1 through 14 provide

a procedure by which persons who wish to construct, erect, modify, replace, operate, or use any equipment which may cause, potentially cause, reduce, control or eliminate the emission of air contaminants may be granted a permit to do so. A permit shall be granted only after the district control officer determines that the new or modified stationary source of air contaminants will not prevent the attainment, interfere with the maintenance, or cause a violation of any state or national ambient air quality standard.

The State of California has certified, by letter of August 26, 1976, that the revisions to its SIP for all California air pollution control districts submitted prior to January 1, 1976 were adopted after public hearings were held after notice conforming to 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans was given. The State of California also certified by letter of February 2, 1978, that the revision to its SIP for this air pollution control district was adopted after public hearings were held after notice conforming to 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans was given.

The decision of the Administrator to approve or disapprove the proposed revisions to the SIP discussed above will be based on whether or not they meet the requirements of Clean Air Act Section 110(a)(2) (A)-(K), 129, 171, 172 and 173, the requirements of 40 CFR Part 51, Requirements for Preparation, Adoption and Submittal of Implementation Plans (particularly 40 CFR 51.18) and the Interpretative Ruling (41 FR 55524, December 21, 1976).

This notice is issued under the authority of section 110 and 301(a) of the Clean Air Act, as amended (42 U.S.C. 7410 and 7601(a).)

Dated: May 22, 1978.

SHEILA M. PRINDIVILLE,
Acting Regional Administrator.
[FR Doc. 78-14962 Filed 5-30-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 902-8]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for Division Pumping Station, Cleveland, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an Administrative Order to the City of

Cleveland to require the City to comply with Ohio Air Pollution Control Regulations and federally promulgated sulfur dioxide regulations at its Division Pumping Station at 45th Street in Cleveland. The regulations are part of the approved Ohio Implementation Plan (SIP). The Order requires final compliance by July 1, 1979. The Order has the effect of revising the requirements of the SIP. It would also insulate the City from further federal enforcement action and from citizen enforcement action for violations of the regulation covered by the Order during the period the Order is in effect and the City is complying with its terms. The purpose of this notice is to invite public comment and to offer an opportunity to request a public hearing on the proposed Order.

DATES: Written comments and requests for a public hearing must be received on or before June 30, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn, Chicago, Ill. 60604. Material supporting the order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter J. Kelly, Enforcement Attorney at the above address or phone 312-353-2082.

SUPPLEMENTARY INFORMATION: The City of Cleveland operates coal-fired boilers at the Division Pumping Station at 45th Street in Cleveland, Ohio. The proposed Order addresses emissions from those boilers, which are subject to Ohio Air Pollution Control Regulation AP-3-11 and 40 CFR 52.1881 et seq. AP-3-11 governs the emissions of particulate matter, and is part of the federally approved State Implementation Plan. 40 CFR 52.1881 is the federally promulgated Ohio sulfur dioxide regulation. The Order requires final compliance with both regulations by July 1, 1979, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, compliance with its terms would preclude further EPA enforce-

ment action under Section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded. Comments received by the date specified above will be considered in determining whether EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. Final action on the Order will be published in the **FEDERAL REGISTER**. After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the **FEDERAL REGISTER** the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of an Order under Section 113(d) of the Act. In addition, Part 65 will contain sections listing or including Orders issued, approved, or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

1. By revising § 65.400 to read as follows:

§ 65.400 Federal Delayed Compliance Order Issued Under Section 113(d)(1).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

ORDER

In the matter of the City of Cleveland, Division Pumping Station (45th Street); proceeding under section 113 Clean Air Act, as amended, Order No.: EPA-5-78-A-8.

The following Order is issued this date pursuant to section 113 of the Clean Air Act, as amended, 42 U.S.C. section 7413 (hereinafter referred to as the "Act"). Public notice and opportunity for public hearing have been provided. The Order contains a schedule with a timetable for compliance and interim requirements, but because final compliance will be achieved by shut-down, and because emission monitoring and reporting is unreasonable for this source, none is required. Final compliance is required as expeditiously as practicable, but not later than July 1, 1979. The source is hereby notified that it may be required (depending on the applicability of section 120) to pay a noncompliance penalty in the event it fails to achieve final compliance by such date. The State of Ohio has been given thirty (30) days notice of this Order.

On April 14, 1977, Mr. James O. McDonald, Director, Enforcement Division, Region V, the United States Environmental Protection Agency (hereinafter referred to as U.S. EPA), pursuant to authority delegated to him by the Administrator, issued a

Notice to the City of Cleveland (hereinafter referred to as Cleveland) and the State of Ohio that the boilers owned by Cleveland and located and operated at the Division Pumping Station, 1245 45th Street, Cleveland, were found in violation of the federally enforceable Ohio Implementation Plan as defined in section 110(d) of the act. The boilers are subject to 40 CFR 52.1881(b), dealing with the control of sulfur dioxide; and pursuant to 40 CFR 52.1882(a), Cleveland was required to either certify compliance with 40 CFR 52.1881(b) or submit to the Administrator certain information about control plans for the boilers. Cleveland did neither.

On October 20, 1977, Dale S. Bryson, Acting Director, Enforcement Division, Region V, pursuant to authority delegated to him by the Administrator, issued a Notice to Cleveland and the State of Ohio that the above-mentioned boilers also had been found in violation of Ohio Air Pollution Control Regulation AP-3-11. AP-3-11 establishes limitations on the emission of particulate matter and is part of the federally enforceable Ohio Implementation Plan. Prior to the issuance of this latter Notice and pursuant to section 113(a)(4) of the Act, opportunity to confer with the representatives of U.S. EPA was given to Cleveland and a conference was held on September 28, 1977. At and subsequent to the conference, Cleveland described its ongoing program which would result in compliance with both the SO₂ and particulate portions of the applicable Ohio State Implementation Plan.

Cleveland's Plan calls for the replacement of the violating boilers with alternative systems which will enable the city of Cleveland to comply with the Ohio particulate regulations and the federally promulgated Ohio SO₂ regulations by July 1, 1979.

It is found that the violations have continued beyond the 30th day after the date of notification by the Acting Director, Enforcement Division.

After a thorough investigation of all relevant facts, it has been determined that because immediate compliance is infeasible, compliance in accordance with the schedule hereinafter set forth is reasonable.

Therefore, in consideration of the above: it is hereby ordered:

I. That Cleveland shall continue to install equipment to replace the violating boilers as necessary to comply with the following increments:

A. Not later than April 1, 1978, cease operation of all steam turbines and all boilers except as necessary to provide standby pumping power and for steam to heat Division Avenue complex buildings;

B. Continue and complete construction of surge facilities to replace standby pumping capacity not later than May 1, 1978;

C. Not later than June 1, 1978, commence utilization of complying coal and achieve and demonstrate compliance with 40 CFR 52.1881(b)(23)(v);

D. Not later than June 1, 1978, contract for and commence to utilize coal with ash content of not greater than 6 percent by weight (maintaining compliance with the SO₂ regulations);

E. Not later than July 1, 1979, permanently cease operation of and decommission all coal-fired boilers at Division Pumping Station.

II. That quarterly progress reports be submitted to the Air Compliance Section, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604

with copies to the Ohio Environmental Protection Agency, beginning March 1, 1978. Said reports shall include certification of compliance with each increment falling due during the previous quarter or detailed reasons for failure to do so.

III. That copies of all submissions required to be made pursuant hereto be sent to the Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216 and the Cleveland Division of Air Pollution Control, 2735 Broadway, Cleveland, Ohio.

IV. This Order in no way affects Cleveland's responsibilities to comply with other Federal, State, and local regulations.

V. Commencing immediately and throughout the pendency of this Order Cleveland shall (consistent with good operating practice) operate its boilers so as to reduce to the maximum extent possible emissions of particulate matter.

Date _____
Regional Administrator.

The City of Cleveland by the duly authorized undersigned, agrees that the foregoing is a reasonable means by which to comply with Ohio Air Pollution Control Regulation AP-3-11 and 40 CFR Section 52.1881 et seq.

Date _____
City of Cleveland.

Dated: May 5, 1978.

GEORGE R. ALEXANDER,
Regional Administrator,
Region V.

[FR Doc. 78-14958 Filed 5-30-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 903-1]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for the City of Orrville, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an Administrative Order requiring the city of Orrville, Ohio, to bring its Municipal Powerplant into compliance with Ohio Air Pollution Control Regulations for particulate matter. The applicable regulation is a part of the federally approved Ohio Implementation Plan (SIP). The date for final compliance established by the Order is July 1, 1979. If the Order is issued by EPA, it would insulate the source from further Federal enforcement action under the Clean Air Act and from citizen enforcement action under the Act for violations of the regulation covered by the Order during the period the Order is in effect and the source is complying with its terms. The purpose of this notice is to invite public com-

ment and to offer an opportunity to request a public hearing on the proposed Order.

DATES: Written comments and requests for a public hearing must be received on or before June 30, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and a text or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days prior notice of the date, time, and place as announced in the **FEDERAL REGISTER**.

ADDRESSES: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Peter J. Kelly at the above address, or by telephone at 312-353-2082.

SUPPLEMENTARY INFORMATION: The city of Orrville operates a Municipal Powerplant in Orrville, Ohio. The proposed Order addresses emissions from five coal-fired boilers at this facility, which are subject to Ohio Air Pollution Control Regulation AP-3-11 (OAC 3745-17-10). The regulation governs the emissions of particulate matter, and is part of the federally approved State Implementation Plan. The Order requires final compliance with the regulation by July 1, 1979, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further EPA enforcement action under section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (section 304) would be similarly precluded.

After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the **FEDERAL REGISTER** the Agency's final action on the Orders in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of an Order under section 113(d) of the Act. In addition, Part 65 will contain

sections listing or including Orders issued, approved, or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn and replaced by a notice promulgating these new regulations. Comments received by the date specified above will be considered in determining whether EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. Final action on the Order will be published in the **FEDERAL REGISTER**.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter I, as follows:

1. By revising § 65.400 to read as follows:

§ 65.400 Federal Delayed Compliance Order under Section 113(d)(1) of the Act.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION V

FINDING OF FACT

In the matter of city of Orrville Municipal Powerplant; proceeding under section 113 Clean Air Act, as amended, Order No. EPA-5-78-A-10.

The following Order is issued this date pursuant to section 113 of the Clean Air Act, as amended, 42 U.S.C. Section 7413 (hereinafter referred to as the "Act"). Public notice and opportunity for public hearing have been provided. The Order contains a schedule with a timetable for compliance and interim requirements, and requires emission monitoring and reporting. Final compliance is required as expeditiously as practicable, but not later than July 1, 1979. The source is hereby notified that it may be required (depending on the applicability of section 120) to pay a noncompliance penalty in the event it fails to achieve final compliance by such date. The State of Ohio has been given thirty (30) days notice of this Order.

On December 13, 1977, Mr. James O. McDonald, Director, Enforcement Division, Region V, the United States Environmental Protection Agency (hereinafter referred to as U.S. EPA), pursuant to authority delegated to him by the Administrator, issued a Notice to the city of Orrville (hereinafter referred to as Orrville) and the State of Ohio that four boilers owned by Orrville and located and operated at the Orrville Municipal Utilities, 1115 Perry Street, Orrville, boilers Nos. 10, 11, 12, and 13, were found in violation of the federally enforceable Ohio Implementation Plan as defined in section 110(d) of the Act. The boilers are subject to Ohio Air Pollution Control Regulation OAC 3745-17-10 (formerly AP-3-11), dealing with the control of particulate matter.

The Orrville Municipal Utilities also has a boiler identified as boiler No. 9, connected to the same stack as boilers Nos. 10 and 11, which is currently certified by the State of Ohio and which has not been operated by Orrville for several years.

Boiler No. 12 is equipped with a mechanical collector combined with an electrostatic precipitator, and boiler No. 13 is equipped

with an electrostatic precipitator, both particulate control devices having a design efficiency of 90 percent. It has not been demonstrated by testing that boilers Nos. 12 and 13 are in violation of OAC 3745-17-10, and the city of Orrville does not now concur in such finding. Boilers Nos. 9, 10, and 11 have not been operated since issuance of the above referred to Notice of Violation.

Boilers Nos. 12 and 13 have the capability of supplying all or substantially all of the electrical power needed to supply Orrville Municipal Utilities customers. The particulate control devices on both of these boilers are in need of substantial rehabilitation and upgrading which cannot be done without shutting them down. The combined capability of boilers Nos. 9, 10, and 11 is inadequate to allow either of the main units to be taken out of service long enough for a complete overhaul.

The city of Orrville is presently taking steps to complete a tie-in with the Ohio Power Co. Grid system which will reserve 25 megawatts for the city and allow the main boilers to be taken down and rehabilitated, one at a time. It is contemplated that such tie-in will be completed by July 1, 1978.

Pursuant to section 113(a)(4), a Conference to discuss the Notice of Violation and the alternatives available to bring the cited boilers into compliance with the applicable Ohio regulations was held in Chicago on January 25, 1978. At that Conference, representatives of Orrville described the history, physical condition, and future plans for the Orrville Municipal Utilities Operation. Subsequent to said conference and as set forth in the following Order, U.S. EPA and Orrville agreed to a program for the Municipal Electric Plant.

It is the conclusion of U.S. EPA that violations have continued beyond the 30th day after the date of notification by the director, Enforcement Division.

After a thorough investigation of all relevant facts, it has been determined that immediate compliance is infeasible, and compliance in accordance with the schedule hereinafter set forth is reasonable.

ORDER

Therefore, in consideration of the above: It is hereby ordered: I. Orrville shall complete the interconnection with a suitable Grid system not later than July 1, 1978.

II. Thereafter Orrville shall bring boilers Nos. 12 and 13 into compliance with Ohio regulation AP-3-11 as follows:

A. Not later than 30 days after successfully testing the interconnection at a 30 MVA load, take down either boiler No. 12 or 13 and recondition the particulate control device connected therewith (including replacement of electrodes, as needed, and any other replacement or repair necessary to permit efficient operation of either unit);

B. Within 7 weeks after taking down boiler No. 13, or within 9 weeks after taking down boiler No. 12, put the down boiler in service.

C. Within 4 weeks after putting the first boiler in service, take down the second boiler.

D. Within 7 weeks after taking down the second boiler (9 weeks if boiler No. 12), put the second boiler back in service.

E. Within 2 months after the second boiler is on line, stack test both boilers Nos. 12 and 13 in a manner approved by the U.S. EPA.

F. Notwithstanding any of the foregoing time periods, Orrville shall bring boilers

PROPOSED RULES

Nos. 12 and 13 into compliance not later than July 1, 1979.

III. That with respect to boilers Nos. 9, 10, and 11, the following shall apply:

A. After demonstration of compliance of boilers Nos. 12 and 13, boilers Nos. 10 and 11 shall be used only for emergency standby except at such times as services of boiler No. 12 or 13, or the interconnection, are unavoidably interrupted. "Emergency standby" use is defined as "use only after Units 12 and 13 and the supply of short-term service power from the Grid are unable to meet the demand of the existing Orrville Utilities market". It is understood that as of the date of this Order, boilers Nos. 9 and 10 have not been operated since July of 1975, or longer.

B. In no event may the city of Orrville operate boilers Nos. 9, 10 and 11 after July 1, 1979, without first demonstrating to U.S. EPA that said boilers operate in compliance with the applicable Ohio particulate regulations.

IV. That quarterly progress reports be submitted to the Air Compliance Section, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, with copies to the Ohio Environmental Protection Agency, beginning July 1, 1978. Said reports shall include certification of compliance with each increment falling due during the previous quarter or detailed reasons for failure to do so, and a description of Orrville's compliance with paragraph V hereof.

V. Commencing immediately and throughout the pendency of this Order, Orrville shall (consistent with good operating practice and using coal contracted for) operate its boilers so as to reduce to the maximum extent possible emissions of particulate matter.

VI. That copies of all submissions required to be made pursuant hereto be sent to the Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216.

VII. This Order in no way affects Orrville's responsibilities to comply with other Federal, State, and local regulations.

VIII. That Orrville shall install and maintain, no later than at the time of final compliance as set forth in Paragraph II-E above, a continuous opacity monitor or monitors for monitoring the emissions of boilers Nos. 12 and 13. No later than 3 months prior to such date, the Company shall furnish to U.S. EPA the type, model number and operating specifications of such monitor or monitors. Monitor data shall be retained by Orrville for at least 3 years subsequent to recording.

Date _____

Regional Administrator.

The city of Orrville by the duly authorized undersigned, agrees that the foregoing is a reasonable means by which to comply with Ohio Air Pollution Control Regulation 3745-17-10 (AP-3-11) but does not hereby admit to any violation of that regulation now or in the past.

Date _____

City of Orrville.

Date _____

Administrator of U.S. EPA.

Dated: May 8, 1978.

GEORGE R. ALEXANDER,
Regional Administrator,
Region V.

[FR Doc. 78-14959 Filed 5-30-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 903-2]

STATE AND FEDERAL ADMINISTRATIVE ORDERS PERMITTING A DELAY IN COMPLIANCE WITH STATE IMPLEMENTATION PLAN REQUIREMENTS

Proposed Delayed Compliance Order for
Lawrence Refractories Co., Pedro, Ohio

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to issue an Administrative Order requiring Lawrence Refractories Co. to bring its dryer mixer and crushing mill at Pedro, Ohio, into compliance with Ohio Particulate Air Pollution Control Regulations. The applicable regulation is a part of the federally approved and enforceable Ohio Implementation Plan (SIP). The date for final compliance established by the Order is October 31, 1978. If the Order is issued by EPA, it would insulate the source from further federal enforcement action under the Clean Air Act and from citizen enforcement action under the Act for violations of the regulation covered by the Order during the period the Order is in effect and the source is complying with its terms. The purpose of this notice is to invite public comment and to offer and opportunity to request a public hearing on the proposed Order.

DATES: Written comments and requests for a public hearing must be received on or before June 30, 1978. All requests for a public hearing should be accompanied by a statement of why the hearing would be beneficial and test or summary of any proposed testimony to be offered at the hearing. If there is significant public interest in a hearing, it will be held after thirty days prior notice of the date, time, and place of the hearing has been given in this publication.

ADDRESS: Comments and requests for a public hearing should be submitted to Director, Enforcement Division, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604. Material supporting the Order and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Mr. Peter J. Kelly, Region V, U.S. Environmental Protection Agency, Region V, 230 South Dearborn Street, Chicago, Ill. 60604 or by telephone at 312-353-2082.

SUPPLEMENTARY INFORMATION: Lawrence Refractories Co. operates a dryer mixer and crushing mill at Pedro, Ohio, the proposed Order addresses emissions from those points, which are subject to Ohio Air Pollution Control Regulation AP-3-12. The regulation governs the emission of particulate matter, and is part of the federally approved State Implementation Plan. The Order requires final compliance with the regulation by October 31, 1978, and the source has consented to its terms.

The proposed Order satisfies the applicable requirements of Section 113(d) of the Act. If the Order is issued, source compliance with its terms would preclude further EPA enforcement action under section 113 of the Act against the source for violations of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provisions of the Act (Section 304) would be similarly precluded.

Comments received by the date specified above will be considered in determining whether EPA should issue the Order. Testimony given at any public hearing concerning the Order will also be considered. Final action on the Order will be published in the FEDERAL REGISTER.

After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of an Order under Section 113(d) of the Act. In addition, part 65 will contain sections listing or including Orders issued, approved, or disapproved by EPA. A prior notice proposing regulations for part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

In consideration of the foregoing, it is proposed to amend 40 CFR Chapter 1, as follows:

1. By revising § 65.400 to read as follows:

§ 65.400 Federal Delayed Compliance Order Issued Under Section 113(d)(1).

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

In the matter of Lawrence Refractories Co., Pedro, Ohio. Proceeding under Section

113 Clean Air Act, as amended, order No.: EPA-5-78-A-9.

ORDER

The following order is issued this date pursuant to section 113 of the Clean Air Act, as amended, 42 U.S.C. section 7413 (hereinafter referred to as the "Act"). Public notice and opportunity for public hearing have been provided. The Order contains a schedule with a timetable for compliance, interim requirements, and requires emission monitoring and reporting. Final compliance is required as expeditiously as practicable, but not later than July 1, 1979. The source is hereby notified that it may be required (depending on the applicability of section 120) to pay a noncompliance penalty in the event it fails to achieve final compliance by such date. The State of Ohio has been given thirty (30) days notice of this Order.

On October 14, 1977, Mr. Dale S. Bryson, Acting Director, Enforcement Division, Region V, the United States Environmental Protection Agency (hereinafter referred to as U.S. EPA), pursuant to authority delegated to him by the Administrator, issued a Notice to Lawrence Refractories Co. (hereinafter referred to as the Company) and the State of Ohio that a dryer mixer and crushing mill owned by the Company and located and operated in Pedro, Ohio, were found in violation of the federally enforceable Ohio Implementation Plan as defined in section 110(d) of the Act. The dryer mixer and crushing mill are subject to Ohio Air Pollution Control Regulation AP-3-12, restricting of emissions of particulate matter from industrial processes. Regulation AP-3-12 is a currently enforceable regulation. In response to the Notice, the Company indicated that it intended to achieve compliance with the applicable Ohio State Implementation Plan by installing dust collectors. The Company has proposed to achieve compliance by September 30, 1978.

It is found that the violations have continued beyond the 30th day after the date of notification by the Acting Director, Enforcement Division and after a thorough investigation of all relevant facts, it has been determined that because immediate compliance is infeasible, compliance in accordance with the schedule hereinafter set forth is reasonable. Therefore, it is hereby ordered:

I. That the Company shall select control equipment, not later than January 1, 1978, install same, and achieve compliance with Ohio Regulation AP-3-12 as follows:

Not later than

1. Commence Engineering, 2-15-78.
2. Order Equipment, 4-15-78.
3. Commence Construction, 7-15-78.
4. Achieve and Demonstrate Compliance with Ohio Regulation AP-3-12, 10-31-78.

II. That quarterly progress reports be submitted to the Air Compliance Section, Enforcement Division, U.S. EPA, Region V, 230 South Dearborn Street, Chicago, Ill. 60604, with copies to the Ohio Environmental Protection Agency, beginning April 1, 1978. Said reports shall include certification of compliance with each increment falling due during the previous quarter or detailed reasons for failure to do so, and reports on the Company's compliance with Paragraph VI hereof.

III. That the Company shall install and maintain, no later than the final date for compliance set forth in Paragraph I above,

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a continuous opacity monitor on each stack of the two dust collectors to be constructed under the terms of this Order. No later than three months prior to such date the Company shall furnish to U.S. EPA the type, model number and operating specifications of such monitor. Monitor data shall be retained by the Company for at least three years subsequent to recording.

IV. That copies of all submissions required to be made pursuant hereto be sent to the Ohio Environmental Protection Agency, P.O. Box 1049, Columbus, Ohio 43216, and the Portsmouth Air Pollution Control Agency, Griffin Hall, Second Street, Portsmouth, Ohio 45662.

V. That this Order in no way affects the Company's responsibilities to comply with other Federal, State, and local regulations.

VI. Commencing immediately and throughout the pendency of this Order the Company shall (consistent with good operating practice) operate its dryer mixer, crushing mill and existing control equipment so as to reduce to the maximum extent possible emissions of particulate matter.

Date _____

Regional Administrator

Lawrence Refractories Co. by the duly authorized undersigned, agrees that the foregoing is a reasonable means by which to comply with Ohio Air Pollution Control Regulation AP-3-12.

Date _____

Lawrence Refractories Co.

Dated: May 5, 1978.

GEORGE R. ALEXANDER,
Regional Administrator,
Region V.

[FR Doc. 78-14960 Filed 5-30-78; 8:45 am]

[6560-01]

[40 CFR Part 65]

[FRL 902-7]

STATE AND FEDERAL ADMINISTRATIVE ENFORCEMENT OF IMPLEMENTATION PLAN REQUIREMENTS AFTER STATUTORY DEADLINES

Proposed Approval of an Administrative Order Issued by Northwest Air Pollution Authority to Georgia-Pacific Corp.

AGENCY: Environmental Protection Agency.

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve an Administrative Order issued by the Northwest Air Pollution Authority (NWAPA) to the Georgia-Pacific Corp. The Order requires the Company to bring air emissions from its sulfite pulp mill in Bellingham, Wash. into compliance with certain provisions of the federally-approved Washington State Implementation Plan (SIP) by June 30, 1978. Because the Order has been issued to a major source and permits a delay in compliance with provi-

sions of the SIP, it must be approved by EPA before it becomes effective as a delayed compliance order under the Clean Air Act. If approved by EPA, the Order will constitute an addition to the SIP and will alter the rights of persons to being judicial actions against the source for violations of the SIP. The purpose of this notice is to invite public comment on EPA's proposed approval of the Order as a delayed compliance order.

DATE: Written comments must be received on or before June 30, 1978.

ADDRESSES: Comments should be submitted to Director, Enforcement Division M/S 517, EPA, Region X, 1200 Sixth Avenue, Seattle, Wash. 98101. The supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at this address during normal business hours.

FOR FURTHER INFORMATION CONTACT:

Kenneth D. Brooks, EPA, Region X, 1200 Sixth Avenue M/S 513, Seattle, Wash. 98101 or telephone 206-442-1387.

SUPPLEMENTARY INFORMATION: Georgia-Pacific Corp. operates a sulfite pulp mill at Bellingham, Wash. The order under consideration addresses emissions from three hogged wood waste ("hog fuel") boilers of the facility, which are subject to Washington Administrative Code 18-04-070(3) and NWAPA Regulations: Section 451—Emission of Air Contaminants; Visual Standard Section 455—Emission of Particulate Matter. These regulations limit the emissions of particulate matter, and are part of the federally approved State Implementation Plan. As the source is unable to comply with these regulations at this time, the order requires final compliance with the regulation by June 30, 1979 through the addition of a baghouse to control emissions from the hog fuel boilers. The source has consented to the terms of this order and the first two increments have been satisfied.

After public notice and a thirty-day comment period, the Board of NWAPA held a public hearing on December 14, 1977. Mr. Glen Hallman, Air Pollution Control Officer for NWAPA, gave a status report including what had transpired in the past year with respect to bringing the hog fuel boilers into compliance and discussed the schedule being proposed. Mr. Ed Dahlgren, Director of Engineering Services, Georgia-Pacific Corp., affirmed that the schedule could be met. There was no further discussion.

Because this order has been issued to a major source of particulate emissions and permits a delay in compli-

ance with the applicable regulation, it must be approved by EPA before it becomes effective as a delayed compliance order under Section 113(d) of the Act. If the Order is approved by EPA compliance with its terms would preclude Federal enforcement action under Section 113 of the Act against the source for violation of the regulation covered by the Order during the period the Order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded. If approved, the Order would also constitute an addition to the Washington SIP. EPA proposes here to approve the order because it satisfies the appropriate requirements of section 113(d) of the Act. The elements of the appropriate paragraphs of subsection 113(d) are met in the following Variance Order Certificate issued to the Georgia-Pacific Corp. by the Northwest Air Pollution Authority on December 14, 1977 including subsection 113(d)(7): The Regional Administrator has determined that the interim requirements are reasonable and practicable, provide for the use of the best practicable system of emission reduction, are necessary to avoid an imminent and substantial endangerment to the health of persons, and assure compliance with Washington Administrative Code 18-04-070(3) and NWAPA Regulations: Section 451—Emission of Air Contaminants; Visual Standard, Section 455—Emission of Particulate Matter, a part of the federally approved Washington Implementation Plan insofar as the Georgia-Pacific Corp. is able to comply during the period this order is in effect.

VARIANCE ORDER CERTIFICATE

A Variance from NWAPA Regulations: Section 451 Emission of Air Contaminants; Visual Standard and Section 455—Emission of Particulate Matter, in order to continue operation of their three existing hog fuel boilers (wood waste) until all known, available and reasonable emissions control facilities are installed in as expeditious a manner as practical to bring the emissions into compliance with said regulations, is hereby granted to:

Georgia-Pacific Corp., Bellingham, Wash. 98225, J. H. Dunkak, Vice-President and General Manager. Effective date: January 1, 1978; Expiration date: June 30, 1979. Plant location: 300 West Laurel, Bellingham, Wash. 98225.

This Variance Order is granted by the NWAPA Board of Directors in accordance with NWAPA Regulation Subsection 350.32 after determining that the emissions from the hog fuel boilers will not endanger public health and safety and compliance with the Regulations would produce serious hardship without equal or greater benefit to the public; provided the following conditions are met:

1. Air pollution control facilities shall be installed on the existing hog fuel boilers in accordance with the following time table for compliance.

a. By January 1, 1978 submit to the Control Officer for his approval, detailed information on the proposed control facilities to assure that best practicable control system will be installed, and.

b. By February 1, 1978 submit to the Authority a "Notice of Construction and Application for Approval" for said project.

c. By April 1, 1978, or within 20 days after issuance of all required permits, sign contract and/or order necessary equipment needed.

d. By July 1, 1978, commence on-site construction of control facilities.

e. By May 1, 1979 complete on-site construction of control facilities.

f. By June 15, 1979 complete source emission tests approved by the Control Officer and conducted in his presence or his authorized representative to demonstrate compliance with the regulations from which variance order is granted.

g. By June 30, 1979 the emissions from the hog fuel boilers in full compliance with the applicable regulations of this Authority, the Department of Ecology and the Washington State Clean Air Act.

2. The hog fuel boiler visual emissions shall not exceed forty (40) percent opacity for more than twelve (12) minutes in any one hour period except when a visual emission occurs due to soot blowing and grate cleaning in excess of forty (40) percent opacity for not more than thirty (30) minutes in any eight (8) hour period for each of the three (3) boilers.

Suitable records, approved by the Control Officer, shall be kept to provide evidence of soot blowing and grate cleaning time periods.

Copies of the Lear-Seigler Transmissometer recorder charts for the main stack and a listing of all periods when the opacity exceeded forty (40) percent including the reason, if any, for such excessive emissions to the submitted monthly. (Compliance with this provision shall be determined in part from these charts. Visual observations will also be used to determine compliance.)

3. Every reasonable and practicable effort is to be made to maintain and operate the hog fuel boilers to as nearly as possible comply with the provisions of NWAPA Regulations—Section 451 and Section 455 while the variance order from these sections is in force.

4. The hog fuel boilers, in aggregate, shall not be operated with a heat input of greater than 150 million Btu/hour annual average and a maximum of 161 million Btu/hour monthly average produced by burning hog fuel. When one or more of the three existing hog fuel boilers is not operating, the other boiler(s) shall only be operated at their normal prorated input heat capacity.

5. Failure to achieve final compliance by July 1, 1979 with the regulatory provisions for which said variance order is granted shall require the payment of a non-compliance penalty in accordance with the U.S. Clear Air Act Amendments of 1977, Pub. L. 95-95 Section 120.

6. This Variance Order may be terminated by notice, in writing, to the Georgia-Pacific Corporation at any time any of the above conditions are not met.

Dated: December 14, 1977.

For the Northwest Air Pollution Authority.

GLEN F. HALLMAN,
Secretary,
Northwest Air Pollution Authority.

If the order is approved by EPA, compliance with its terms would preclude federal enforcement action under Section 113 of the Act against the source for violation of the regulation covered by the order during the period the order is in effect. Enforcement against the source under the citizen suit provision of the Act (Section 304) would be similarly precluded.

All interested persons are invited to submit written comments on the proposed order. Written comments received by the date specified above will be considered in determining whether EPA may approve the order. After the public comment period, and after EPA has reviewed any comments received in response to this notice, the Administrator of EPA will publish in the FEDERAL REGISTER the Agency's final action on the Order in 40 CFR Part 65.

The provisions of 40 CFR Part 65 will be promulgated by EPA soon, and will contain the procedures for EPA's issuance, approval, or disapproval of an order under Section 113(d) of the Act. In addition, Part 65 will contain sections listing or including order issued, approved, or disapproved by EPA. A prior notice proposing regulations for Part 65, published at 40 FR 14876 (April 2, 1975), will be withdrawn, and replaced by a notice promulgating these new regulations.

Dated: May 9, 1978.

DONALD P. DUBOIS,
Regional Administrator,
Region X.

[FR Doc. 78-14961 Filed 5-30-78; 8:45 am]

[6712-01]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 74, 78]

[Docket No. 21505; RM-2208]

CABLE TELEVISION RELAY SERVICE

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: On March 1, 1978, the FCC released a notice of proposed rulemaking and notice of inquiry in the matter of amending: Parts 2 and 78 to expand the frequencies available for use by Cable Television Relay Service (CARS) stations; Parts 74 and 78 to set aside 13.15-13.20 GHz for usage by Television and Cable Television Relay Service Pickup Stations on a co-equal basis; and an inquiry to determine

public interest and need to establish similar technical standards for both the Cable Television Relay Service and the Broadcast Auxiliary Service in the 12.7-13.20 GHz band. The National Association of Broadcasters (NAB) filed a petition for an extension of 90 days for filing comments and reply comments in this proceeding. An extension of 60 days is being granted to permit NAB, as well as others, to submit their comments. No further extension beyond this time period is anticipated in light of the Commission's need to act upon rule making proceedings in a timely manner.

DATE: Comments must be received on or before July 12, 1978 and reply comments must be received on or before August 13, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Melvin Murray, Spectrum Allocation Division, Office of Chief Engineer, 202-632-6350.

Adopted: May 10, 1978.

Released: May 11, 1978.

In the matter of amendment of Parts 2 and 78 of the Commission's rules and regulations to expand the frequencies available for use by Cable Television Relay Service stations and, amendment of Parts 74 and 78 of the Commission's rules and regulations to set aside 13.15-13.20 GHz for usage by Television and Cable Television Relay Service pickup stations on a coequal basis and, an inquiry to determine public interest and need to establish similar technical standards for both the Cable Television Relay Service and the Broadcast Auxiliary Service in the 12.7-13.20 GHz band, Docket No. 21505, RM-2208.

1. On March 1, 1978, the Commission released a notice of proposed rulemaking and notice of inquiry in the above captioned matter. Comments were invited on or before May 12, 1978, with reply comments due on or before June 12, 1978. A petition for an extension of time for filing comments has been filed by the National Association of Broadcasters (NAB). In this motion, NAB indicates that it desires to refer the proposal to its Engineering and Advisory Committees and its Board of Directors for review and guidance. Since formal meetings of these groups are not scheduled until the latter part of June 1978; NAB requests a 90-day extension of time.

2. If the petition were to be granted as requested, the new dates for filing comments and reply comments would become August 14, 1978, and September 15, 1978, respectively. In light of

¹See 43 FR 9500, March 8, 1978.

the necessity to act upon rulemaking proceedings in a timely fashion, we consider the amount of time requested for an extension to be excessive. However, we do recognize that the information to be submitted could be useful; therefore, we consider it in the public interest to grant a reasonable extension of time. We believe an additional 60 days is adequate for NAB, as well as others, to file comments in this proceeding. No further extension beyond this time period is anticipated.

3. Accordingly, it is ordered, Pursuant to § 0.251(b) of the Commission's rules and regulations, that the date for filing comments is extended from May 12 to June 12, 1978, and the date for filing reply comments is extended from June 12 to August 12, 1978.

FEDERAL COMMUNICATIONS COMMISSION,
ROBERT K. BRUCE,
General Counsel.

[FR Doc 78-15104 Filed 5-30-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[BC Docket No. 78-152; RM-3004]

FM BROADCAST STATION IN SOLVANG, CALIF.

Proposed Changes in Table of Assignments

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: Action taken herein proposes the assignment of a first Class A FM channel to Solvang, Calif. Petitioner, John Butler, requested a Class B channel. A Class A FM channel is available and appears to represent a better choice to fulfill the need for a first full-time local aural service to this small community.

DATES: Comments must be received on or before July 17, 1978, and reply comments on or before August 7, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTAL INFORMATION:

Adopted: May 16, 1978.

Released: May 19, 1978.

In the matter of amendment of § 73.202(b), Table of Assignments, FM Broadcast Stations (Solvang, Calif.), BC Docket No. 78-152, RM-3004.

1. The Commission has before it a petition for rulemaking¹ seeking

¹Public notice of the petition was given on December 14, 1977, Report No. 1093.

amendment of § 73.202(b) of the Commission's rules, the Table of FM Assignments. Petitioner, John Butler, proposed the assignment of Class B FM Channel 233 to Solvang, Calif., as that community's first FM channel.

2. Solvang (pop. 2,004), in Santa Barbara County, (pop. 264,324)² is located in the Santa Ynez Valley (pop. 11,250)³ approximately 160 kilometers (100 miles) northwest of Los Angeles and 40 kilometers (25 miles) northwest of Santa Barbara, Calif. There is no local aural broadcast service in Solvang.

3. In support of its proposal, petitioner claims that Santa Ynez Valley, being rural in nature, is dependent primarily on agriculture. He asserts that over one-half of the Valley's population is rural residents. Petitioner states that there are no radio stations assigned to any of the communities in the Santa Ynez Valley, and as a result residents are dependent for all their daily news and information on media located outside the Valley. He adds that the Valley's needs and interests are unique in many respects from the rest of Santa Barbara County, and that they cannot be served adequately by stations licensed to communities in other parts of the county. Petitioner claims that, due to limitations imposed by zoning and airspace considerations, a 91 meter (300 feet) tower for a Class A FM station could not be constructed in Santa Ynez Valley. He contends that the station must therefore be located on the Santa Ynez Mountains and must be a Class B station in order to be able to provide the city grade coverage to Solvang. He maintains that broadcast coverage would be provided to the entire Valley.

4. Preclusion studies. Five communities would be precluded on Channels 232A and 233 if the proposed channel were assigned. Lompoc and Santa Maria have FM and AM stations. Arroyo Grande has an AM station and an FM assignment which is used at Pismo Beach. Guadalupe has neither an AM nor an FM assignment. Because of the co-location of the proposed transmitter site with those of two Santa Barbara stations (KRUFM and KTMS-FM), no first or second FM or nighttime aural service would be provided.

5. In this case we cannot find a basis for an exception to the policy of assigning Class B FM channels only to large communities. Exceptions have been made when the assignment would result in first or second FM service to large areas and populations.

²Population figures are taken from the 1970 U.S. Census, unless otherwise indicated.

³Figure is for 1975 and provided by the Santa Barbara County Planning Department.

Here, the Class B channel would provide neither first or second FM nor nighttime aural service. Petitioner alleges that a Class A station could not be constructed in Santa Ynez Valley because of zoning and airspace considerations and must therefore be located in the Santa Ynez Mountains. A staff study indicates that a Class A channel is available for assignment to Solvang with a choice of transmitter sites either in the city or within 13 kilometers (8 miles) north, west or southwest of the community. Although it would not be possible to co-locate the station with the Santa Barbara stations, a site should be available in the Santa Ynez Mountains, from which a Class A station would be able to provide city-grade coverage to Solvang. Since a need has been demonstrated for an FM assignment, we are proposing the assignment of Channel 244A to Solvang which would satisfy its needs for a first local full-time aural broadcast station.

6. In light of the foregoing, the Commission proposes to amend the FM Table of Assignments (§ 73.202(b) of the Commission's rules), with respect to Solvang, Calif., as follows:

City and Channel No.

Solvang, Calif., present —; proposed 244A.

7. The Commission's authority to institute rulemaking proceedings; showings required; cut-off procedures; and filing requirements are contained in the attached Appendix below and are incorporated herein.

NOTE—A continuing interest is required by paragraph 2 of the Appendix before a channel will be assigned.

8. Interested parties may file comments on or before July 17, 1978, and reply comments on or before August 7, 1978.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

APPENDIX

1. Pursuant to authority found in sections 4(i), 5(d)(1), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b)(6) of the Commission's rules, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as set forth in the notice of proposed rulemaking to which this Appendix is attached.

2. *Showings required.* Comments are invited on the proposal(s) discussed in the notice of proposed rulemaking to which this Appendix is attached. Proponent(s) will be expected to answer whatever questions are presented in initial comments. The proponent of a proposed assignment is also expected to file comments even if it only resubmits or incorporates by reference its former pleadings. It should also restate its present intention to apply for the channel if it is assigned, and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

3. *Cut-off procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments. (See § 1.420(d) of Commission rules.)

(b) With respect to petitions for rulemaking which conflict with the proposal(s) in this notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given as long as they are filed before the date for filing initial comments herein. If they are filed later than that, they will not be considered in connection with the decision in this docket.

4. *Comments and reply comments; service.* Pursuant to applicable procedures set out in §§ 1.415 and 1.420 of the Commission's rules and regulations, interested parties may file comments and reply comments on or before the dates set forth in the notice of proposed rulemaking to which this Appendix is attached. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings. Comments shall be served on the petitioner by the person filing the comments. Reply comments shall be served on the person(s) who filed comments to which the reply is directed. Such comments and reply comments shall be accompanied by a certificate of service. (See § 1.420 (a), (b), and (c) of the Commission rules.)

5. *Number of copies.* In accordance with the provisions of § 1.420 of the Commission's rules and regulations, an original and four copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

6. *Public inspection of filings.* All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters, 1919 M Street NW., Washington, D.C.

[FR Doc. 78-15105 Filed 5-30-78; 8:45 am]

[6712-01]

[47 CFR Part 73]

[Docket No. 21502; RM-2737]

SUBSCRIPTION TELEVISION SERVICE

Order Extending Time For Filing Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: The action taken herein extends the time for filing reply comments in a proceeding concerning subscription television service (March 15, 1978, 43 FR 10710). Petitioners, Pay TV Corporation, Subscription Television of America, Inc., Oak Broadcasting Systems, Inc., National Subscription Television, Inc., and Universal Subscription Television, Inc., state that the additional time is needed so that meaningful reply comments can be submitted to the Commission.

DATE: Reply comments must be received on or before June 15, 1978.

ADDRESSES: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Freda Lippert Thyden, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

In the matter of amendment of Part 73 of the Commission's Rules and Regulations in regard to § 73.542(a)(3) and other aspects of the subscription television service, Docket No. 21502, RM-2737.

Adopted: May 22, 1978.

Released: May 23, 1978.

In the matter of amendment of Part 73 of the Commission's Rules and Regulations in regard to § 73.542(a)(3) and other aspects of the subscription television service, Docket No. 21502 RM-2737.

By the Chief, Broadcast Bureau:

1. In a Memorandum Opinion and Order and Notice of Inquiry and Notice of Proposed Rulemaking in the above-captioned proceeding, 43 FR 1516, the dates for filing comments and reply comments were set at March 13, and April 12, 1978, respectively. An extension of time was granted by Order, released March 10, 1978, for the filing of comments and reply comments to and including April 28, and May 26, 1978, respectively.¹

2. The Commission now has before it three motions requesting extension of time for filing reply comments. Pay TV Corp. ("Pay TV") and Subscription Television of America, Inc. ("STA") jointly request an extension of time to June 9, 1978; Oak Broadcasting Systems, Inc. ("Oak") and National Subscription Television ("NST") jointly request an extension to June 30, 1978; and Universal Subscription Television, Inc. ("USTV") request an extension to July 21, 1978.

3. Pay TV and STA state that because a large number of parties have filed in this proceeding it has been difficult to obtain copies of all the comments. They add that although most parties represented by local counsel have been willing to make available copies of their comments, copies of comments filed by nonlocal parties must be obtained through the Commission.

4. Oak and NST state that the large volume of comments, coupled with the complexities of the procedural issues and technical matters make it difficult to draft replies by the present deadline date.

5. USTV states that because of the lengthy comments filed by some parties on the last day for filing, it is impossible for it to digest and formulate

¹See 43 FR 10710, March 15, 1978.

meaningful reply comments within the given time period.

6. On the basis of the reasons represented in the above-mentioned requests for extension of time, we are persuaded that some additional time is warranted in order to assure development of a sound and comprehensive record on which to base a final decision in this proceeding. We are therefore granting an extension of time to and including June 15, 1978, in which to file reply comments. Although this extension is not as long as some parties had requested, it should be sufficient for the preparation of reply comments. Also, we wish to alert parties that we do not contemplate granting any further requests for additional time for the filing of reply comments in this proceeding.

7. Accordingly, it is ordered, that the above motions for extension of time filed by Pay TV Corp. and Subscription Television of America, Inc.; Oak Broadcasting Systems, Inc. and National Subscription Television; and Universal Subscription Television, Inc., are granted to the extent that the present deadline date for filing reply comments is extended through June 15, 1978, and are denied in all other respects.

8. This action is taken pursuant to authority found in sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-15112 Filed 5-30-78; 8:45 am]

[6712-01]

[47 CFR Part 74]

[Docket No. 19918; RM-2235]

FM RADIO BROADCAST TRANSLATOR STATIONS

Order Extending Time for Filing Comments and Reply Comments

AGENCY: Federal Communications Commission.

ACTION: Order.

SUMMARY: Action taken herein extends the time for filing comments and reply comments in a proceeding pertaining to FM Radio Broadcast Translator Stations (May 8, 1978, 43 FR 19695). Petitioners, Television Technology Corporation and National Translator Association, state that the additional time is needed so that they can file meaningful comments.

DATES: Comments must be received on or before July 3, 1978, and reply comments on or before August 2, 1978.

ADDRESS: Federal Communications Commission, Washington, D.C. 20554.

FOR FURTHER INFORMATION CONTACT:

Mildred B. Nesterak, Broadcast Bureau, 202-632-7792.

SUPPLEMENTARY INFORMATION:

Adopted: May 22, 1978.

Released: May 23, 1978.

In the matter of amendment of Part 74, Subpart L, of the Commission's Rules pertaining to FM radio broadcast translator stations, Docket No. 19918 RM-2235.

By the Chief, Broadcast Bureau:

1. On March 22, 1978, the Commission adopted a Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, 43 FR 14695, concerning the above-entitled proceeding. The present dates for filing comments and reply comments are June 2, and June 23, 1978, respectively.¹

2. Motions for extension of time have been filed by Television Technology Corp. ("TTC") and the National Translator Association ("NTA") seeking a 90-day extension of time for filing comments and an additional 60 days for filing reply comments. TTC states that as a manufacturer of FM translator equipment, it intends to submit comments but needs additional time to organize the data. NTA states

¹See 43 FR 19695, May 8, 1978.

that in order to prepare a concise and informative pleading it must solicit information from its members. It notes that NTA operates on a minimal budget, thus making it extremely difficult and time-consuming to expedite the accumulation of information of this nature.

3. On May 5, 1978, the Commission extended the comment and reply comment dates to June 2, and June 23, respectively, at the request of the National Radio Broadcasters Association. It also denied, in part, a request by the National Association of Broadcasters for a forty-five day extension stating that if additional time was needed a further request could be made.

4. On the basis of the reasons represented in the above-mentioned requests for extension of time, we are persuaded that some additional time in fact is warranted in order to assure development of a sound and comprehensive record on which to base a final decision in this proceeding. We are, therefore, granting 30 additional days for filing comments and believe the same amount of time is appropriate for the filing of reply comments.

5. Accordingly, it is ordered, that the requests for extension of time filed by the Television Technology Corp. and the National Translator Association are granted to the extent that the dates for filing comments and reply comments are extended to and including July 3, and August 2, 1978, respectively, and are denied in all other respects.

6. This action is taken pursuant to sections 4(i), 5(d)(1) and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's Rules.

FEDERAL COMMUNICATIONS
COMMISSION,
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc. 78-15111 Filed 5-30-78; 8:45 am]

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and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conser-
vation Service.

[FR Doc. 78-15016 Filed 5-30-78; 8:45 am]

[3410-16]

PERE MARQUETTE RIVER FISHERMEN'S ACCESS
SITE CRITICAL AREA TREATMENT R.C.&D.
MEASURE, MICHIGAN

Intent Not to Prepare Environmental Impact
Statements

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statement is not being prepared for the Pere Marquette River Fishermen's Access Site Critical Area Treatment R.C.&D. Measure, Mason County, Mich.

The environmental assessment of these Federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for this project.

The measure concerns a plan for critical area treatment. The planned works of improvement include the installation of approximately 500 feet of rock riprap, a diversion and erosion control structure, erosion control plantings on approximately 2 acres, rustic rail fence, barrier posts, and three walkways. Total construction costs are approximately \$27,000; \$13,500 R.C.&D. funds and \$13,500 local funds.

The notice of intent not to prepare environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Mich. 48823, 517-372-1910, extension 242. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conser-
vation Service.

[FR Doc. 78-15022 Filed 5-30-78; 8:45 am]

[3410-16]

END OF POINT ABBAYE NATURAL AREA
WATER-BASED FISH & WILDLIFE R.C.&D.
MEASURE, MICHIGAN

Intent Not to Prepare Environmental Impact
Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is not being prepared for the End of Point Abbaye Natural Area Public Water-Based Fish and Wildlife R.C.&D. Measure, Baraga County, Mich.

The environmental assessment of this Federally assisted action indicates that the project will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Arthur H. Cratty, State Conservationist, has determined that the preparation and review of an environmental impact statement are not needed for this project.

The measure concerns a plan for public water-based fish and wildlife. The planned works of improvement include the installation of a parking lot with a vehicle barrier, two vault toilets, a foot trail, and purchasing approximately 258 acres. Landrights costs are approximately \$194,000; \$97,000 R.C.&D. funds and \$97,000 local funds. Basic facilities costs are approximately \$11,500; \$5,750 R.C.&D. funds and \$5,750 local funds.

The notice of intent not to prepare an environmental impact statement has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Arthur H. Cratty, State Conservationist, Soil Conservation Service, 1405 South Harrison Road, East Lansing, Mich. 48823, 517-372-1910, extension 242. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590 a-f, q.)

May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conser-
vation Service.

[FR Doc. 78-15018 Filed 5-30-78; 8:45 am]

[3410-16]

NORTH CENTRAL NEBRASKA R.C. & D. AREA,
CRITICAL AREA TREATMENT R.C. & D. MEAS-
URES, NEBRASKA

Intent Not to Prepare Environmental Impact
Statements

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that environmental impact statements are not being prepared for the North Central Nebraska R.C. & D. Area Critical Area Treatment R.C. & D. Measures in Boyd, Brown, Cherry, Holt, Keya Paha, and Rock Counties, Nebr.

The environmental assessment of these Federally assisted actions indicates that the projects will not cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Benny Martin, State Conservationist, has determined that the preparation and review of environmental impact statements are not needed for these projects.

These measures concern plans for critical area treatment. The planned works of improvement include small grade stabilization structures, diversions, critical area plantings, fencing, and grassed waterways.

The notice of intent not to prepare environmental impact statements has been forwarded to the Environmental Protection Agency. The basic data developed during the environmental assessment are on file and may be reviewed by contacting Mr. Benny Martin, State Conservationist, Soil Conservation Service, Federal Building-U.S. Courthouse, Room 345, Lincoln, Nebr. 68508, 402-471-5300. An environmental impact appraisal has been prepared and sent to various Federal, State, and local agencies and interested parties. A limited number of copies of the environmental impact appraisal are available to fill single copy requests at the above address.

No administrative action on implementation of the proposal will be taken until June 30, 1978.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Public Law 87-703, 16 U.S.C. 590a-f, q.)

Dated: May 19, 1978.

[FR Doc. 78-15020 Filed 5-30-78; 8:45 am]

[3410-16]

NORTH LAKE CREEK FLOOD PREVENTION R.C.
& D. MEASURE, OREGON

Intent to Prepare an Environmental Impact
Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969; the Council on Environmental Quality Guidelines (40 CFR Part 1500); and the Soil Conservation Service Guidelines (7 CFR Part 650); the Soil Conservation Service, U.S. Department of Agriculture, gives notice that an environmental impact statement is being prepared for the North Lake Creek Flood Prevention R.C. & D. Measure, Linn County, Oreg.

The environmental assessment of this Federally assisted action indicates that the project may cause significant local, regional, or national impacts on the environment. As a result of these findings, Mr. Guy W. Nutt, State Conservationist, has determined that the preparation and review of an environmental impact statement are needed for this project.

The measure concerns a plan for flood prevention and includes the enlargement of approximately 6 miles of North Lake Creek and 2,000 feet of Lake Creek.

A draft environmental impact statement will be prepared and circulated for review by agencies and the public. The Soil Conservation Service invites participation of agencies and individuals with expertise or interest in the preparation of the draft environmental impact statement. The draft environmental impact statement will be developed by Mr. Guy W. Nutt, State Conservationist, Soil Conservation Service, Federal Building, 16th Floor, 1220 SW. 3rd Avenue, Portland, Oreg. 97204, 503-221-2991.

(Catalog of Federal Domestic Assistance Program No. 10.901, Resource Conservation and Development Program—Pub. L. 87-703, 16 U.S.C. 590a-f, q.)

Dated: May 19, 1978.

EDWARD E. THOMAS,
Assistant Administrator for
Land Resources, Soil Conser-
vation Service.

[FR Doc. 78-15021 Filed 5-30-78; 8:45 am]

[6320-01]

CIVIL AERONAUTICS BOARD

[Docket 31654]

AEROLINEAS DOMINICANAS, S.A.

Postponement of Prehearing Conference and
Hearing

The prehearing conference scheduled for May 31, 1978, is hereby postponed.

The prehearing conference in this proceeding is now scheduled for June 14, 1978, at 10 a.m. (local time), in Room 1003, Hearing Room B, Universal North Building, 1875 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before June 5, 1978.

This notice supersedes the Notice of Prehearing Conference and Hearing dated May 3, 1978. (43 FR 19897, May 9, 1978.)

Ordinary transcript will be adequate for the proper conduct of this proceeding.

Dated at Washington, D.C., May 24, 1978.

RICHARD V. BACKLEY,
Administrative Law Judge.

[FR Doc. 78-15115 Filed 5-30-78; 8:45 am]

[6320-01]

[Order 78-4-122; Docket 32397]

ALL U.S. AND FOREIGN DIRECT AND INDIRECT AIR CARRIERS AUTHORIZED TO OPERATE PASSENGER CHARTERS

Waiver of the Board's Economic and Special
Regulations

Adopted by the Civil Aeronautics Board at its offices in Washington, D.C. on the 19th day of April, 1978.

In the last several months, the Board has increasingly become aware of the competitive effects of the Super Saver, Skytrain, and other deeply discounted scheduled fares on charter operations. To maintain competitive opportunities for charter service in light of these fare reductions, we liberalized our charter rules on an interim basis,¹ pending completion of a longer range rulemaking proceeding. On March 14,

¹The principal amendments made at that time were (1) reduction of the ABC advance purchase period to 15 days, (2) allowance of 15% fill-up sales on ABC's, (3) elimination of minimum stay requirements for ABC's and OTC's, and (4) reduction of the ABC, OTC and ITC minimum group size to 20 (See SFR-142). Judicial review of these amendments is now pending in *American Airlines, et al v. C.A.B., C.A.D.C. No. 78-10009*, filed January 3, 1978.

1978, we instituted a comprehensive proceeding (SPDR-64, Docket 32242) in which we proposed to liberalize charter regulations even further by eliminating what we had tentatively decided were unnecessarily burdensome restrictions on charter operations.² In that proceeding we discussed fully the reasons for relaxing charter restrictions (which we incorporate by reference here), the foremost being that it will benefit the public by expanding the available low-fare travel options. However, we anticipate that this rulemaking proceeding will not be completed until the end of July, well into the peak travel period for this year.

On March 22, 1978, representatives of two major charter operator groups, the United States Tour Operator Association (USTOA) and the Air Charter Tour Operators of America (ACTOA), addressed the Board. They described market conditions in which charter operators, whose major function is to organize and sell charter flights, are losing ground in the competition with the discount fares now available on scheduled service. They argued that various restrictions, many of which the Board is considering eliminating in the proposed "Public Charter" rule (SPDR-64), prevent competitive marketing of charters, thus forcing cancellations due to insufficient participation. In addition, they argued that advertisements for scheduled discount fares may be misleading, by failing to disclose that only a limited number of seats are available for sale at such fares. They predicted that these conditions shortly will force many charter operators out of business and reduce the low-fare travel options available to the public, and requested emergency action by the Board to alleviate this alleged crisis.

ACTOA recommended five measures of relief: pricing flexibility (i.e., the ability to offer discounts); the sale of up to 25% of the contracted seats on Advance Booking Charters (ABC's) on a one-way basis; advertising guidelines for scheduled discount fares, which would require the carriers to delay advertising such fares until they are approved by the Board and to state in all advertisements that they are capacity limited; suspension of discount fares to countries which will not accept U.S. charter rules; and suspension of charter cancellation penalties when the air carrier contracted to perform the charter(s) institutes a scheduled discount fare over the same route.

ACTOA and USTOA supported their request for emergency relief with data

²The rulemaking proposes the adoption of a new charter type, the "Public Charter", which can be sold using a flexible pricing scheme on a round-up or one-way basis, up to the day of flight departure, and without a required minimum group size.

that suggest that the proliferation of charter cancellations has significantly decreased charter activity and, at the same time, placed the charter operators in severe financial jeopardy, by causing them not only to suffer lost revenues but also forcing them to pay cancellation fees to air carriers when insufficient bookings force them to cancel flights.

In an attempt to determine the validity of the charter operators' claims that emergency action is warranted, we appointed a staff committee to investigate current charter activity. The committee surveyed charter operators and air carriers about actual rates of passenger bookings and flight cancellations this year, as compared with a year ago. The results of the surveys were weighed against recent charter experience as evidenced by the traffic statistics reported by the air carriers.³ The findings of the investigation did not refute the operators' assertions.⁴

During this same general time period, the staff received and reviewed several requests for waivers of various provisions of the charter rules, many of which would be eliminated or changed if the Board were to adopt the proposed Public Charter.⁵ The waiver requests also sought emergency relief for charter operators.

In a calendar meeting on April 10, 1978, the Board tentatively decided to grant a blanket waiver to all direct and indirect air carriers authorizing emergency implementation of several provisions of the pending, Public Charter rule, as well as some of the proposals advanced by charter operators in the waiver requests. We set an expedited oral argument for April 18, 1978 (Order 78-4-49, dated April 11, 1978), to give interested persons an opportunity to comment on our tentative findings.⁶

In a calendar meeting on April 19, 1978, we reconsidered the charter operator emergency in light of the addi-

tional information obtained from the oral argument held the previous day. We concluded that the available information indicates that charter operators are indeed experiencing severe difficulty in trying to compete with the vast number of recently instituted discount fares on scheduled service. The charter operators who responded to our recent survey reported that they had received 35% fewer reservations as of the end of March 1978 than at the same time in 1977. Their reported cancellation rate (i.e., the percentage of seats originally contracted with the direct air carriers which had been cancelled) as of the end of March 1978 for flights to be operated during the months of April through July was 25%, compared to 1.3% at that same point the year before.

These figures, and similar cancellation statistics submitted by individual tour operators through the Early Warning System and the oral argument,⁷ in our judgment signal a charter operator emergency. We have no reason to doubt that charter operators face very serious, and possibly debilitating, competitive impediments because of our charter restrictions, on the one hand, and the rapid proliferation of discount fares on scheduled service, on the other. It is also clear that what happens to charter operators ultimately affects the travelling public and supplemental carriers. Charter operators have played and continue to play an important role in generating air travel by promoting and developing various vacation destinations and creating attractive tour packages. They also serve as vital bulk purchasers of seating capacity of the supplemental carriers. Thus, we believe that reasonable steps should be taken to relax regulatory restrictions on their ability to compete during the period we are re-examining the respective roles of charters and scheduled service.

We stress also the importance of enabling charters to accommodate what we anticipate will be record numbers of travellers during the peak summer months, including many who will wait

³For example, Elkin Tours reported that their bookings from Detroit and Chicago to European destinations (London, Frankfurt, Amsterdam and Zurich) were running 18-36% behind last year's bookings. Charter Travel Corporation, which claims to account for 65% of all transatlantic ABC seats from Chicago and 30% of all transatlantic ABC seats from New York, reported 4,500 transatlantic bookings during January and February 1978, compared with 12,000 for the same period last year. Unitours reported a decrease of 102,750 available charter seats leaving from the west coast (to all destinations) due to cancellations of programs which operated last year and an additional loss of over 61,000 charter seats which were offered in 1977 by charter operators who have since gone out of business.

until shortly before their travel dates to make their arrangements. We firmly believe that low-fare service should be available to all members of the travelling public, to the extent it can be economically provided. The available data suggest that the demand for low-priced seats will probably exceed the available supply on scheduled service by a wide margin; that there will therefore be a need for charter service; and that in the present unsettled situation, in which travellers are postponing making the necessary charter arrangements in the expectation of being able to travel on scheduled service, charter cancellations may make unavailable many low-cost seats that will in fact be required but that tour operators may at that late date be unable to assemble under the restrictions to which they are now subject, with consequent disruption of plans and serious inconvenience to American travellers. In addition, healthy charter programs will foster competition in the industry throughout the peak season, to the benefit of the entire travelling public.

Since we already have tentatively concluded that many of the existing charter restrictions should be removed, charter operators are, in effect, hampered because of the regulatory time lag in effectuating changing Board policy. The need to examine carefully the comments filed in docket 32242 will delay any final decision on the Public Charter rulemaking until mid summer, too late to be useful for the 1978 peak travel season. The charter operator situation, in our view, is serious enough to cause irreparable harm unless we take immediate interim steps to maintain the viability of charter competition. Immediate action of this type may provide some measure of relief for charter operators, while it is not likely to cause permanent damage to the parties who have contested it.

We emphasize additionally that the relief we grant here does not disallow the low competitive fares, as they ask us to do. We do not proceed by imposing restrictions on their competitors. Instead, we proceed only by relaxing artificial restrictions that, whatever their legal justification in the past, the Board itself has imposed, and that limit their ability to compete.

We therefore conclude that a sufficient emergency does exist to warrant the immediate grant of partial relief in the form of a temporary (90 day) blanket waiver to all direct and indirect air carriers. As one court has observed, "The Board is not required to wait for the horse to be stolen before closing the barn door." *United Air Lines v. C.A.B.*, Nos. 75-2165, et al. (D.C. Cir., filed November 28, 1977). The waiver, which applies only to charters whose outbound flight is op-

erated between April 19, 1978, and July 18, 1978, authorizes the following:

(1) Elimination of the existing minimum group size requirements and the prohibition against intermingling passengers on ABC's, One-stop-inclusive Tour Charters (OTC's) and Inclusive Tour Charters (ITC's), as long as the operator contracts with the air carrier for a minimum of 20 seats per charter flight and charter type. This provision will enable charter operators to intermingle on the same flight, and within the same group of 20 or more persons, passengers with different departure or return dates.⁸ This will add flexibility to charter travel by enabling passengers to choose their outbound and return flights from the charter operator's entire program, thus accommodating travellers, such as students and teachers, who wish to travel for extended periods of time.

(2) The sale of one-way ABC's, except to or from points in the United Kingdom.⁹ This measure will enable charter operators to accommodate passengers who want one-way transportation, and to compete more effectively with the deep discount fares that are sold on a one-way basis.¹⁰

(3) The conversion of empty seats on filed ITC and OTC flights to ABC's without operators' having to file complete ABC prospectuses with the Board.¹¹ This will allow charter operators to take full advantage of the one-way feature of ABC's, authorized above.

(4) Price flexibility on ABC's, ITC's and OTC's. The authority we are granting here will enable charter operators to develop marketing strategies by adjusting prices upward and downward to suit changing market circumstances and to attract price-sensitive travellers. Implicit in this grant is the elimination of the applicability of minimum tour price requirements for ITC's and OTC's.¹²

⁸With respect to charter depository requirements, we will require the depository bank to maintain a separate accounting for each charter group, i.e., for all participants following the same itinerary.

⁹On March 17, 1978, the U.S. and U.K. agreed to charterworthiness standards which did not include one-way ABC's, ITC's, or OTC's for flights between the countries.

¹⁰By permitting the sale of one-way ABC's, we are authorizing charter operators to market both one-way charter flights, i.e., those with no provision for return transportation, and one-way seats on round-trip flights. We are not, however, authorizing the sale of round-trip seats with "open return" dates.

¹¹Such conversions are conditioned on notification by the charter operator to the Board's Special Authorities Division within five days of the changes and on receipt of requisite amendments to the bond coverage, if necessary.

¹²Such price variations, of course, must comply with section 404(b) of the Federal Aviation Act of 1958, as amended, which prohibits "unjust discrimination".

(5) In cases where a charter operator is forced to cancel a charter flight due to insufficient participation, transfer of booked passengers, at no additional cost, to comparable, round-trip or one-way scheduled service, as appropriate.¹³ The rate to be charged by the direct air carrier will be negotiable and may be as low as the applicable charter rate. This will enable charter operators to salvage charter programs with insufficient bookings, thus fulfilling the travel plans of charter participants whose trips would otherwise be canceled.¹⁴

(6) Payment to the direct air carrier for split charters a minimum of 15 days before departure, instead of 30 days. By allowing charter operators 15 additional days to collect payments to contribute toward payment to the air carrier, this provision will help minimize charter cancellations. Parts 371 and 378a of the Special Regulations prohibit ABC and OTC operators from cancelling flights due to lack of participation within 15 days before departure. Permitting split charter payments up to 15 days before departure will merely make this provision consistent with the Special Regulations.¹⁵

(7) At the direct air carrier's option, operation of a charter flight where the entire capacity of the aircraft is not under contract. With this authority, split charter operators will be able to accommodate their participants, despite cancellation by the other split charter operator(s) or inability of the air carrier to find an operator to contract for the remainder of the aircraft. This process will also enable air carriers to receive some revenue for what might otherwise have to be operated as non-revenue ferry flights.

Although the charter operators requested other forms of emergency relief, including elimination of the ABC advance purchase and minimum contract size requirements, immediate advertisement of new charter pro-

¹³On April 21, 1978, the National Air Carrier Association (NACA) filed a motion to file an otherwise unauthorized document which objected to this provision; and on April 25, 1978, Brendan Tours, Duncan Tours, Charter Travel Corporation and Sytour filed a motion to file an otherwise unauthorized document refuting that of NACA. We have decided to accept both motions. While we are not convinced that any change in this provision is warranted at this time, we will, in light of the arguments advanced by NACA, monitor the effects of this provision, and if necessary, adopt a standard to prevent abuse of this authority.

¹⁴This provision does not authorize the operator to cancel a trip within 15 days before flight departure. The operator must decide, by that date, whether the charter will operate or whether the passengers can be accommodated on comparable scheduled service.

¹⁵The purpose of these measures is to allow participants of canceled charter flights adequate time to make alternate travel arrangements.

grams pending Board review, and additional fill-up sales on ABC's, we are unable to find that the emergency situation warrants grant of these additional provisions. Since the primary objective of this action is to provide charter operators with temporary, emergency relief, pending a more thorough analysis of the situation, including the review of comments submitted in the Public Charter rulemaking, we will limit this authorization to a period of 90 days. We expect to complete our work on the Public Charter rulemaking before the 90 day period is over. We will require charter operators to report the implementation of those provisions which we have authorized, so that we can monitor the effects of this blanket waiver. Notifications should be sent to the Special Authorities Division, Bureau of Pricing and Domestic Aviation, in lieu of amendments which would otherwise be filed in accordance with the Special Regulations.¹⁶

For the reasons explained above, we conclude that special and unusual circumstances exist and that grant of emergency relief in the form of a blanket waiver is in the public interest.

Accordingly, it is ordered, That:

1. All certificated U.S. air carriers, U.S. charter operators, and those foreign air carriers holding permits under section 402 of the Act to engage in the direct or indirect carriage of passengers are granted blanket waivers of parts 207, 208, 212, 214, 371, 378, and 378a of the Economic and Special Regulations, to the extent necessary to operate ABC's, ITC's, and OTC's subject to the conditions and as described in paragraphs (1) through (7) above.

2. This waiver is conditioned on notification from the charter operator to the Special Authorities Division within 5 days of the implementation of the provisions granted here;

3. This order shall become effective immediately and shall remain in effect until July 18, 1978, or until such earlier date as Board action in Docket 32242 becomes effective;

4. To the extent not granted, the waiver applications described in Attachment A to Order 78-4-49 are denied;

5. The petition for reconsideration filed by British Airways is denied;

6. The motions of NACA and Brendan Tours, Duncan Tours, Charter Travel Corp. and Sytour for leave to file unauthorized documents are granted; and

7. This order may be amended or revoked by the Board at any time without hearing.

¹⁶The Director of the Board's Bureau of Accounts and Statistics will be issuing instructions shortly on other reports which may be needed to monitor charter operations during this waiver period.

This order shall be published in the
FEDERAL REGISTER.

By the Civil Aeronautics Board.¹⁷

PHYLLIS T. KAYLOR,
Secretary.

O'Melia, Member, Dissenting:

Having agreed, with a few misgivings, to sending the Public Charter rule out for comment,¹⁸ I am now confronted with the even more unsettling proposition of granting a blanket 90-day waiver from our existing charter regulations in order to avert the consequences of a perceived tour operator emergency. I cannot agree to this rather drastic remedy for a number of reasons, but principally because it is unlikely to be of significant benefit to the public or to any segment of the industry during this brief interim period and constitutes an unwise and unwarranted precedent.

As a threshold matter, I am mindful that the Board is obliged under the present state of the law to "maintain the required distinction between charter services and that of the regularly scheduled airlines". *Pan American World Airways, Inc. and Trans World Airlines, Inc. v. CAB*, 517 F. 2d 734, 747 (C.A. 2, 1975). I expressed reservations as to whether that duty was being discharged when we issued the proposed liberalizations in the Public Charter rulemaking.¹⁹ I noted there that the proposed changes took us to the very brink of losing that legal distinction. Until we have an opportunity to review the comments to our Public Charter proposed rule, I am loath to grant waiver relief of the variety embodied here.²⁰ The majority insists that they see no reason to allow charter operators to suffer substantial economic losses because our rulemaking procedures require so much time. The fact is, however, that the Administrative Procedure Act was promulgated with the precise objective in mind of forcing agencies to implement rule changes only after carefully weighing public comments.²¹

As the Bureau of Pricing and Domestic Aviation reminded us in presenting the pros and cons of this action, the Board has traditionally declined to permit rulemaking proposals to be pre-empted by granting waivers or exemptions of the basic provisions at issue in the rulemaking proceeding. By granting this waiver before we have had an opportunity to weigh the comments on the public charter, it would appear that the Board is anticipating the outcome of the rulemaking proceeding. Moreover, we are creating, in my judgment, a thoroughly unhealthy precedent that is not warranted by

¹⁷All Members concurred except Member O'Melia who filed the attached dissent.

¹⁸See Separate Statement of Member Richard J. O'Melia, (SPDR-64, Docket 32242).

¹⁹Ibid.

²⁰Waiver relief, by its very nature is intended to be narrowly focused so as to target particular circumstances. The "blanket" waiver here is not that, it is also directed at dangers that are, at best, conjectural at this point.

²¹As Professor Davis has pointed out, the mainstay of rulemaking "is submission of tentative drafts to affected parties for written comments. The simple system of deferred effectiveness of published rules in order to allow criticisms has been quite successful." Davis, *Administrative Law Treatise*, section 6.12, p. 405 (1958).

the circumstances. If a waiver of the dimensions prescribed here can be obtained upon a showing of a mere likelihood of economic losses, the Board can look forward to being deluged by applicants for waiver relief upon a showing of even less speculative damages.²² Given our clear legal obligations in this area, I believe we should be particularly cautious in embarking on such a course.

Furthermore, the evidence of this "emergency" is something less than clear and convincing.²³ Survey results showing the level of charter sales anticipated by the supplemental and scheduled carriers for April and May indicate that 1978 will be a good charter year. Although there has been a large drop in reservations for May, June, and July, the tour operators themselves suggest that consumers are very probably booking late, in order to see what the situation is likely to be with respect to discount fares before committing themselves. In short, the disastrous economic consequences that are relied upon to justify today's action are at present, still speculative. Given this basic reality, I believe any action taken before the conclusion of our rulemaking on Public Charters is premature and unnecessarily precipitous.

Now let us review briefly the elements being waived in this cavalry-charge gesture to see if they are of such significance and of such a lifesaving nature for tour operators that they justify the taking of an extraordinary action. There were seven listed items in the press release, CAB 78-77, that announced the effectiveness of the blanket waiver on April 21. One of the seven, allowing charter operators who cancel flights to place their passengers on scheduled service at charter rates, has already had to be pulled back. In taking its hasty action, the Board inadvertently (it was unkind of the supplemental carriers in their Joint Motion to Stay of May 3, 1978, to characterize this as "unwittingly") may have been authorizing "part charters", an issue presenting far-reaching implications and demanding a more deliberate decision. Accordingly, the Board in Order 78-5-85 of May 15, 1978, granted the motion of the Joint Carriers to stay the effectiveness of this one provision.

Four of the elements in the blanket waiver are designed to correct inconsistencies in the Board's charter regulations or to reduce unnecessary administrative burdens. These waivers would: (1) Permit the conversion of empty seats on ITC and OTC flights to ABC's without having to refile the charter prospectus; (2) lift a restrictive interpretation on the possibility of offering discounts on ABC's, ITC's and OTC's; (3) authorize payment to the direct air carrier for split charters a minimum of 15 days

²²In an effort to apprise the Board of this danger, the Board staff warned of the possibility of such consequences and cited a recent example where the grant of one waiver led to the receipt of 41 similar requests within one week.

²³It should be noted that only 22 percent of the tour operator firms surveyed by the Board submitted information, and this percentage was reached only after a concerted effort of follow-up calls. If the emergency is as dire as the participating tour operators maintain it is, this is a rather low level of response. The evaluation report on the survey informed the Board that the rate of response was not satisfactory and that the data could not be regarded as representative.

before departure, rather than 30 days; and (4) at the direct air carrier's option, authorize the operation of less-than-plane-load charters. I do not question that these provisions could be helpful in some circumstances, when properly implemented. However, none of them can be categorized as a real "shot in the arm".

Two of the provisions, the possibility of intermingling passengers on ABC's, ITC's and OTC's, and the possibility of selling one-way ABC's (except to the United Kingdom), unlike the above four provisions, represent significant changes at issue in the rulemaking, and under certain circumstances would be beneficial to the tour operators. However, notwithstanding a possible need for these modifications (which has not yet been demonstrated both of these waivers present marketing problems and can only be applied internationally to countries that would accept these changes. In a 90-day period, they cannot possibly result in enough material gain to outweigh the preceptual and procedural detriments of acting on a rulemaking before comments are received.

I pointed out during oral argument that it is highly likely that some foreign governments, particularly some European governments, will not accept, as a general rule, these proposed charter liberalizations. In particular, the one-way charters are very likely to be unacceptable. I recognize that our concerns are much broader in this respect than the European area, but we need to recall that of a total of 1,181,292 ABC's of U.S. origin in 1977, 1,104,556 were destined for European points. Although BPDA has suggested that waivers may be more palatable to foreign countries than liberalizations embodied in rule changes, I believe that is hardly the case here. By issuing a waiver before considering the responses received regarding the Public Charter concept, we are exhibiting a lack of restraint that will not auger well as we endeavor to acquire foreign acceptance.²⁴ In the foreign arena, where formal measures and perceptions are as important as substantive provisions, it is ill-advised to leap-frog our procedures as we are doing here.

In conclusion, I am sympathetic to the majority's concern over the effects of the recent low fare tariffs on the tour operators, but I cannot bring myself to elasticize our statutory and legal duties as must be done to grant this waiver. I hope that the Board's action in issuing this blanket waiver will not operate to prejudice the matters at issue in our Public Charter rulemaking.

RICHARD J. O'MELIA.

[FR Doc. 78-15116 Filed 5-30-78; 8:45 am]

²⁴Already several countries have indicated they oppose the Public Charter concept. The European Civil Aviation Conference (ECAC) in a telegram of April 26, 1978, to the Department of State has expressed its opposition to the Public Charter proposal on legal and economic grounds.

[3510-25]

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket No. 6-78]

FOREIGN-TRADE ZONE NO. 22, CHICAGO

Application for Expansion of Zone and Approval of Steel Manufacturing Operations

Notice is hereby given that the Chicago Regional Port District (the Port), Chicago, Ill., Grantee of Foreign-Trade Zone No. 22, has applied to the Foreign-Trade Zones Board (the Board) for authority to expand its zone to include a transit shed, and for approval to permit certain steel processing operations within the existing and expanded areas.

The Chicago zone was authorized by the Board on October 29, 1975, under Board Order 108 (40 FR 51242, 11-4-75). It is on a 25-acre site within the 2,250-acre Lake Calumet Harbor area on Chicago's South Side, with 232,000 square feet of existing warehouse/processing space. Operations got underway during 1977.

The request for expansion, made in accordance with section 400.607 of the Board's regulations (15 CFR Part 400), calls for the addition of a 72,000-square-foot warehouse (transit shed No. 2), contiguous to the present site. The grantee proposes to lease the facility for a steel processing operation which would involve the splitting, bending and rolling of foreign and domestic steel to produce agricultural grain and feed bins, primarily for the domestic market. Employment of 100 persons is estimated.

The applicant also requests approval, pursuant to its grant of authority, for an operation within the existing zone area that would involve the leveling, splitting, shearing and stamping of foreign and domestic coiled steel. The cuttings and stampings would be made to the specifications of domestic and foreign customers. This operation is expected to employ 125 persons.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report thereon to the Board. The committee consists of: Hugh J. Dolan (Chairman), Office of the Secretary, U.S. Department of Commerce, Washington, D.C. 20230; Leo W. Partyka, Director (Inspection and Control Division), Chicago District, U.S. Customs Service, 610 S. Canal Street, Chicago, Ill. 60607; and Lt. Col. Howard N. Nicholas, District Engineer, U.S. Army Engineer District Chicago, 219 S. Dearborn Street, Chicago, Ill. 60604.

As part of its investigation of the proposal, the examiners committee will hold a public hearing, beginning at 9 a.m., on June 20, 1978, in room 204A of the Dirksen Federal Office

Building, 219 S. Dearborn Street, Chicago, Ill. The purpose of the hearing is to help inform interested persons about the proposal, to provide them with an opportunity for comment, and to obtain information useful to the examiners committee.

Interested persons are invited to present their comments at the hearing. Such persons should, by June 16, 1978, notify the Board's Executive Secretary of their desire to be heard in writing at the address below, or by phone 202-377-2862. In lieu of an oral presentation, written statements may be submitted to the examiners committee, care of the Executive Secretary, at any time from the date of this notice through July 20, 1978. The submission of evidence is not desired during the post-hearing period unless it is clearly shown that the matter is new and material and that there are good reasons why it could not be presented before or during the hearing.

In making their comments, persons are asked to take into account section 400.807 of the Board's regulations, which gives the Board authority to exclude from zones operations detrimental to the public interest. This section would apply to cases in which zone activity is claimed to have an adverse impact on domestic industry.

A copy of the Port's application will be available for public inspection until July 20, 1978, at each of the following locations:

Office of the District Director
U.S. Customs Service, Region IX
610 S. Canal Street
Chicago, Ill. 60607

Office of the Executive Secretary
Foreign-Trade Zones Board
U.S. Department of Commerce (room 6886B)
Washington, D.C. 20230.

Dated: May 26, 1978.

JOHN J. DA PONTE, Jr.,
Executive Secretary,
Foreign-Trade Zones Board.

[FR Doc. 78-15220 Filed 5-30-78; 8:45 am]

[3510-25]

Industry and Trade Administration

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE AND COMPUTER PERIPHERALS, COMPONENTS AND RELATED TEST EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Cancelled Joint Meeting

The meeting of the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee as published in the FEDERAL REGISTER on May 15, 1978 (43 FR 20834) scheduled for Wednesday, May 31, 1978, has been cancelled.

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (1976), notice

was given (43 FR 22430) of a meeting of the Computer Systems Technical Advisory Committee to be held on Thursday, June 22, 1978, at 9 a.m. in room 3817, Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C. The notice is hereby amended to include the Computer Peripherals, Components and Related Test Equipment Technical Advisory Committee. The Agenda remains unchanged as published for the Computer Systems Technical Advisory Committee.

Dated: May 26, 1978.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of Trade Regulation, U.S. Department of Commerce.

[FR Doc. 78-15241 Filed 5-30-78; 8:45 am]

[3510-25]

U.S.-JAPAN TRADE-TRADE FACILITATION COMMITTEE

Grievance Procedures

1. *Purpose.* This notice is issued to provide information about filing grievances with the U.S.-Japan Trade Facilitation Committee to U.S. companies and other U.S. exporters that have encountered problems exporting to Japan because of Japanese governmental actions or regulations.

2. *Background.* The Trade Facilitation Committee ("TFC") is a joint effort by the United States and Japan to remove trade impediments that have restricted the entry of U.S. goods into the Japanese market. It provides a new governmental channel to assist U.S. exporting efforts.

The TFC was set up in September 1977 by the U.S. Secretary of Commerce and the Japanese Minister of International Trade and Industry to foster the increase of imports into Japan through cooperation in trade development activities and in the resolution of market access problems. The Committee is under the direction of the Assistant Secretary of Commerce for Industry and Trade and his Japanese counterpart in the Ministry of International Trade and Industry. Examples of Japanese governmental import-restrictive regulations or actions that may be considered to hinder U.S. exports to Japan are arbitrary procurement practices, unreasonable or arbitrary customs procedures, and arbitrary administration of product safety and health standards. Examples of problems not within the scope of the TFC's work are import duty or import quota levels which are being negotiated at the Multilateral Trade Negotiations in Geneva or problems arising from business transactions be-

between private Japanese and American companies such as nonpayment, non-delivery of goods, failure to meet contractual obligations, patent or trademark infringements, etc.

3. *Grievance procedure.* The U.S. side of the TFC, working within the Department of Commerce under the Assistant Secretary for Industry and Trade, has established certain procedures for receiving, handling, and presenting U.S. companies' grievances to the Japanese TFC:

(i) *Initiation of grievance process.* Any U.S. company which believes that the export of its products into Japan has been impeded or prevented by arbitrarily restrictive Japanese governmental regulations or actions is encouraged to send its grievance to:

Trade Facilitation Committee, Industry and Trade Administration (BIEPR/OCA/TFC), Department of Commerce, Washington, D.C. 20230, tel. 202-377-4331. Attention: Norman Glick.

The grievant company may telephone Mr. Glick at 202-377-4331 or, in his absence, Sally Lord Ellis, Office of the Assistant General Counsel for Industry and Trade at 202-377-5128.

(ii) *TFC contact with grievant company.* The grievant company ("grievant") will be contacted by letter or by telephone by a U.S. TFC Staff member in the Department of Commerce ("U.S. TFC Staff") upon receipt of the grievance. Additional information may be requested to enable the U.S. TFC Staff to determine initially whether the problem is within the scope of its mandate and whether it is appropriate for presentation. Upon receipt of the information a tentative decision whether or not to proceed will be made by the U.S. TFC Staff. The preliminary decision whether or not to proceed is within the discretion of the U.S. TFC Staff.

(iii) *Formal request by U.S. TFC Staff for detailed information.* Once a preliminary decision to proceed has been reached, the grievant will be sent a request for detailed information about the nature of the import problem, the grievant's response to it, and the type of relief sought. In particular, the following information will be requested:

The name of any Japanese government agency or agencies, or Japanese official(s) involved (including, if available, any pertinent correspondence and/or documentation).

A brief chronology of the problem: when it first arose; actions taken by the grievant to resolve it; responses by the Japanese (if any) to the grievant's request for favorable action (including, if available, any pertinent correspondence and/or documentation).

Citation of applicable Japanese government laws or regulations relating to the problem (together with an English language abstract, if available).

The estimated annual value of the grievant's or the industry's exports to Japan and worldwide (grievant does not have to provide any information it considers confidential).

Relief requested by the grievant.

(iv) *Final decision to proceed; preparation of the case.* Upon receiving the information requested (subsection (iii) above), the U.S. TFC Staff will make a final decision whether or not to proceed. A final decision whether or not to proceed is within the discretion of the U.S. TFC Staff. If a decision to proceed is made, the grievant's case will be thoroughly reviewed by Department of Commerce technical experts and by the Department of Commerce's Office of the Assistant General Counsel for Industry and Trade.

(v) *Presentation of formal grievance to the Japanese side of the TFC.* Once the legal and factual review of the case is completed, a formal grievance will be drawn up by the Office of the Assistant General Counsel for Industry and Trade and will be presented by the U.S. Embassy in Tokyo, along with supporting documentation, to the Japanese side of the TFC. The Japanese response to the grievance will be communicated to the U.S. TFC Staff for transmittal to the grievant.

If the grievant is not satisfied by the Japanese response, the U.S. Government, if it deems such action appropriate, may request the Japanese Government to reconsider its position.

Further information on the TFC and the grievance procedures may be obtained from:

Norman Glick, Trade Facilitation Committee, Industry and Trade Administration (BIEPR/OCA/TFC), Department of Commerce, Washington, D.C. 20230, tel. 202-377-4331,

or

Sally Lord Ellis, Office of the Assistant General Counsel for Industry and Trade, Department of Commerce, Washington, D.C. 20230, tel. 202-377-5128.

Dated: May 22, 1978.

FRANK A. WEILL,
Assistant Secretary of
Commerce for Industry and Trade.
[FR Doc. 15024 Filed 5-30-78; 8:45 am]

[3510-22]

National Oceanic and Atmospheric
Administration

GULF OF MEXICO FISHERY MANAGEMENT
COUNCIL'S SCIENTIFIC AND STATISTICAL
COMMITTEE AND ADVISORY PANEL

Public Meeting

The standing and special shrimp members of the Scientific and Statistical Committee of the Gulf of Mexico Fishery Management Council, established under section 302(g) of the

Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) will meet June 27-28, 1978, in the Iberville Room (North and South) of the Monteleone Hotel, 214 Royal Street, New Orleans, La. The meeting will start at 10 a.m. on Tuesday, June 27, and adjourn at approximately noon on Wednesday, June 28.

The Subpanel on Shrimp of the Advisory Panel of the Gulf of Mexico Fishery Management Council, will meet June 28-29, 1978, also in the Iberville Room, of the Monteleone Hotel, at New Orleans, La. This meeting will start at 1:30 p.m. on Wednesday, June 28, and adjourn at approximately 1 p.m. on Thursday, June 29.

The proposed agenda is the same for the two meetings: (1) Review of aspects of the Shrimp Management Plan; and (2) Preparation of recommendations to the Shrimp Contractor on socio-economic factors.

Both meetings are open to the public. For more information on seating, changes to the agenda, and/or written comments, contact Wayne E. Swingle, Executive Director, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 881, Tampa, Fla. 33609. Telephone: 813-228-2815.

Dated: May 24, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.
[FR Doc. 78-15054 Filed 5-30-78; 8:45 am]

[3510-22]

NEW ENGLAND FISHERY MANAGEMENT
COUNCIL'S SCIENTIFIC AND STATISTICAL
COMMITTEE

Public Meeting

A meeting of the Scientific and Statistical Committee of the New England Fishery Management Council, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will be held on June 13, 1978, at the Woods Hole Oceanographic Institution, Carriage House, Woods Hole, Mass., from 9:30 a.m. to approximately 4:30 p.m.

The meeting may be extended or shortened depending on progress on the agenda.

Proposed agenda: (1) Groundfish data and analytical needs; (2) groundfish multi-species management; and (3) other business.

The meeting is open to the public. For more information on seating changes to the agenda, and/or written comments, contact Spencer Apollonio, Executive Director, New England Fishery Management Council, Peabody Office Building, One Newbury Street, Peabody, Mass. 01960, telephone: 617-535-5450.

Dated: May 16, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.
[FR Doc. 78-15026 Filed 5-30-78; 8:45 am]

[3510-22]

MID ATLANTIC FISHERY MANAGEMENT
COUNCIL

Public Meeting

The Mid Atlantic Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet June 14-15, 1978, at The Cavalier, 42d and Oceanfront, Virginia Beach, Va. 23451. The meeting starts at 8:30 a.m. on June 14 and will adjourn at about 4 p.m. on June 15.

Proposed agenda: (1) Butterfish management plan; (2) squid management plan; (3) mackerel management plan; and (4) other administrative matters.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact John C. Bryson, Executive Director, Mid Atlantic Fishery Management Council, Room 2115, Federal Building, North and New Streets, Dover, Del. Telephone: 320-674-2331.

Dated: May 17, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.
[FR Doc. 78-15025 Filed 5-30-78; 8:45 am]

[3510-22]

SOUTH ATLANTIC FISHERY MANAGEMENT
COUNCIL

Public Meeting

The South Atlantic Fishery Management Council, established by section 302 of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265), will meet June 27-29, 1978, at Riviera Hyatt House, 1630 Peachtree Street NW., Atlanta, Ga. The meeting starts at 1:30 p.m. on June 27, and will adjourn at about noon on June 29.

Proposed agenda: (1) Ongoing management plan status; (2) future management plans; (3) review foreign fishing permits, if any; and (4) other management business.

Meeting is open to the public. For more information on seating, changes to the agenda, or written comments, contact Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, S.C. 29407. Telephone 803-571-4366.

Dated: May 24, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.
[FR Doc. 78-15055 Filed 5-30-78; 8:45 am]

[3510-22]

SOUTH ATLANTIC FISHERY MANAGEMENT
COUNCIL'S SCIENTIFIC AND STATISTICAL
COMMITTEE AND ADVISORY PANEL

Public Meeting

Notice of a meeting of the Scientific and Statistical Committee and Advisory Panel of the South Atlantic Fishery Management Council, established under section 302(g) of the Fishery Conservation and Management Act of 1976 (Pub. L. 94-265) is hereby given.

The Scientific and Statistical Committee will meet June 21-22, at Council Headquarters, 1 Southpark Circle, Suite 306, Charleston, S.C. 29407. The meeting starts at 1 p.m. on June 21 and will adjourn at about 5 p.m. on June 22.

The Advisory Panel will meet, June 20-21, at Council Headquarters, 1 Southpark Circle, Suite 306, Charleston, S.C. 29407. The meeting starts at 9 a.m. on June 20 and will adjourn at about noon on June 21.

Proposed agenda for both meetings: (1) Discussion relative to development of the snapper-grouper fishery management plan; (2) other management business.

Meeting is open to the public. For more information of seating, changes to the agenda, and/or written comments, contact Ernest D. Premetz, Executive Director, South Atlantic Fishery Management Council, 1 Southpark Circle, Suite 306, Charleston, S.C. 29407. Telephone: 803-571-4366.

Dated: May 16, 1978.

WINFRED H. MEIBOHM,
Associate Director, National
Marine Fisheries Service.
[FR Doc. 78-15027 Filed 5-30-78; 8:45 am]

[3510-22]

JAPAN DEEP SEA TRAWLERS ASSOCIATION,
ET AL

Issuance of General Permits

On May 22, 1978, general permits were issued to the Japan Deep Sea Trawlers Association, Daito Building, 6/F, Ogawa-cho, 3-6 Kanda, Chiyoda-ku, Tokyo, Japan (Category 1); the National Federation of Medium Trawlers, Showa Kiakan, 3-2, Kasumigaseki 3, Chiyoda-ku, Tokyo, Japan (Category 1); and the Hokuyo Longline-Gillnet Association, Zenkeiren Building, 7, Hirakawa-cho 2, Chiyoda-ku, Tokyo,

Japan (Category 5), for the taking of marine mammals incidental to commercial fishing operations within the United States Fishery Conservation Zone, pursuant to 50 CFR section 216.24 (42 FR 64551-64560). The general permits are available for public review in the Office of the Assistant Administrator for Fisheries, 3300 Whitehaven Street NW., Washington, D.C.

Dated: May 22, 1978.

WINFRED H. MEIBOHM,
National Marine Fisheries Service.
[FR Doc. 78-15028 Filed 5-30-78; 8:45 am]

[3810-71]

DEPARTMENT OF DEFENSE

Department of the Navy

SECRETARY OF THE NAVY'S ADVISORY
BOARD ON EDUCATION AND TRAINING
(SABET)

Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C., App. I), notice is hereby given that the Secretary of the Navy's Advisory Board on Education and Training (SABET), will meet on July 19-21, 1978, at the Marine Corps Development and Education Command, Quantico, Va. Sessions of the meeting will commence at 8:00 a.m. each day and terminate at 4:00 p.m. on July 19 and 20, and terminate at 12:00 noon on July 21.

The Board will be briefed on Marine Corps education, training, and manpower initiatives. The members will consider and discuss matters related to integrated training, Instructional Systems Development, leadership/management/executive development training, simulators, attrition, manpower quality, technical training, and training and education with agencies outside Department of Defense in order to provide recommendations to the Secretary of the Navy at the July 21, 1978, meeting.

For further information concerning this notice of meeting, contact: Dr. Francis Kelly, Assistant Branch Head, Professional Education (991 EB), 800 North Quincy Street, Arlington, Va. 22203, telephone 202-696-4636.

Dated: May 24, 1978.

P. A. WILLE,
Captain, JAGC, U.S. Navy,
Acting Deputy Assistant Judge
Advocate, General (Administrative Law).

[FR Doc. 78-15090 Filed 5-30-78; 8:45 am]

[6740-02]

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP74-61 (PGA78-2) and
RP76-10 (PGA78-2)]

ARKANSAS LOUISIANA GAS CO.

Order Accepting for Filing and Suspending
Proposed PGA Rate Increase, Waiving
Notice Requirements, Denying Motion To
Consolidate, Initiating Hearing and Estab-
lishing Procedures

MAY 19, 1978.

On March 28, 1978, Arkansas-Louisiana Gas Co. (Arkla), tendered for filing revised tariff sheets reflecting increases in rates for its G-2 and X-26 rate schedules that are proposed under the purchased gas adjustment (PGA) provisions in Arkla's tariff. In Docket No. RP76-10 (PGA78-2) Arkla proposes a 13.85 cents per Mcf increase to Rate Schedule X-26 for sales to Cities Service Gas Co.¹ This proposed rate change includes a 10.49 cents per Mcf increase in the cost of purchased gas plus a 3.36 cents per Mcf increase in the surcharge to recover the balance in Arkla's deferred purchased gas cost account. In Docket No. RP74-61 (PGA78-2) Arkla proposes a 50.46 cents per Mcf increase to Rate Schedule G-2 for general service.² This includes a 10.55 cents per Mcf increase in purchased gas costs plus a 39.91 cents per Mcf increase in the surcharge to recover the deferred account balance.³ Effective dates of May 1, 1978 were proposed.

Notices of these filings were issued on April 3, 1978, providing for protests or petitions to intervene to be filed on or before April 17, 1978. On April 6, 1978, the City of Winfield, Kans. (Winfield) filed a protest and petition to intervene in Docket No. RP74-61 (PGA78-2) and a motion to consolidate. By letter of April 11, 1978, the Secretary of the Commission informed Arkla that its PGA filings should be supplemented with information on the emergency purchases included in its filings at rates in excess of those established by Opinion No. 770-A and with tabulations of the prices of new purchases, and that no filing date would be assigned until these data were received. Additional information

¹Fifteenth Revised Sheet No. 185 to Arkla's FERC Gas Tariff, Original Volume No.3.

²Seventeenth Revised Sheet No. 4 to Arkla's FERC Gas Tariff, First Revised Volume No. 1.

³The difference in the increases in costs of purchased gas results from the difference in delivery pressure. The large surcharge to the G-2 rate schedule reflects the accrual over the fall and winter months of deferred costs to be recovered over the summer and fall months in which total sales are lower.

was filed by Arkla on April 21, 1978. Arkla also filed an answer to Winfield's protest on April 24, 1978. On May 18, 1978, the Mangum Utilities Authority (Mangum) filed a petition to intervene which also joined in support of Winfield's April 6, 1978, pleading.

The proposed PGA rate increases will be accepted for filing as of April 21, 1978, when Arkla submitted the required data to supplement its original filings in these dockets. Waiver of the thirty day notice requirements will be granted to permit a proposed effective date of May 1, 1978. The proposed rate increases will be suspended for one day and permitted to become effective May 2, 1978, subject to refund and the outcome of a pending consolidated proceeding concerning previous PGA filings by Arkla. A hearing will be ordered on one limited issue, the prudence of an emergency purchase from Oklahoma Natural Gas Co.; and Winfield's motion to consolidate will be denied.

In their protests Winfield and Mangum request a one day suspension of the proposed rates in Docket No. RP74-61 (PGA78-2) and consolidation of this docket with the proceedings in Docket Nos. RP77-55 and RP74-61 (PGA77-5). Several issues are raised. First, Winfield and Mangum question Arkla's methodology for computing the specific increase by appending a portion of a prior protest filed October 25, 1977 in Docket No. RP74-61 (PGA77-5).⁴ Next, Winfield and Mangum make similar allegation with respect to the wholesale rates charged to it by Arkla as compared with the retail rates charged by Arkla to its Oklahoma retail customers reiterate the allegation of "price squeeze" caused by price discrimination between Arkla's wholesale rates to Winfield and its retail rates filed with the State Corporation Commission of Kansas. This issue was first presented in an amendment to Winfield's petition to intervene in Docket Nos. RP77-55 and RP74-61 (PGA77-5) which was filed on February 7, 1978 and is pending before the Commission.

Winfield and Mangum further allege that in this filing Arkla has improperly attempted to collect the increased

⁴On September 30, 1977, Arkla tendered proposed PGA rate increases in Docket Nos. RP74-61 (PGA77-5) and RP76-10 (PGA77-5). Following the issuance of a deficiency letter, Arkla submitted additional information on November 1, 1977. Winfield had submitted, on October 25, 1977, a protest, petition to intervene and motion to consolidate these dockets with the pending proceeding on Arkla's general rate increase filing in Docket No. RP77-55. By order issued December 1, 1977, the Commission suspended the proposed increases for one day, until November 2, 1977, ordered a full hearing, and granted Winfield's motion to consolidate.

PGA revenues attributable to the one day, November 1, 1977, during which Arkla's previous PGA filing had been suspended. Winfield and Mangum suggest that Arkla has "treated the Commission's suspension order on that prior filing as merely deferring the date of collection of the PGA costs not collected on November 1, 1977." Finally, Winfield and Mangum request that the Commission Staff be ordered to investigate the PGA costs in excess of the applicable national or area rate levels and " . . . whether Arkla is receiving all of the low cost, flowing gas it is entitled to from its producer suppliers under its contracts and Commission issued certificates." In an answer filed April 24, 1978, Arkla contends that Winfield's numerous allegations are "unsupported or inaccurate" and opposes the motion to consolidate.⁵

Based on a review of Arkla's filing, as supplemented with detailed information on its emergency purchases, and Winfield's protest, the Commission has determined that Arkla's proposed PGA rate increases have not been shown to be just and reasonable and may be unjust, unreasonable, discriminatory, or otherwise unlawful. Accordingly, the proposed rates will be suspended for one day or until May 2, 1978, when they will be permitted to become effective subject to refund. Collection of these rates will be subject to the outcome of the ongoing consolidated proceeding in Docket Nos. RP77-55 and RP74-61 (PGA77-5) where Winfield has already challenged Arkla's methodology in computing its PGA rate increase. A hearing will be ordered in the current PGA dockets, RP74-61 (PGA78-2) and RP76-10 (PGA78-2); and these dockets will be consolidated for hearing and decision. This hearing shall be limited to a determination of the prudence of Arkla's emergency purchase from Oklahoma Natural Gas Co. at \$1.90 per MMBtu during the subject period.

We do not find it appropriate or necessary to set for hearing the additional allegations of Winfield and Mangum with the exception of the "price squeeze" issue discussed below. Collection of the proposed increases will be subject to the outcome of the prior proceeding that concerns Arkla's method of computing its PGA rate increases.⁶ Furthermore, the issue of whether Arkla is receiving its full entitlement of "low priced flowing gas" shall be made subject to the outcome of the issue in the previous docket.⁷ Formal consolidation and inclusion of these dockets would complicate and

⁵No response has been received to Mangum's pleading.

⁶As to the new contracts not contained in previous Arkla PGA filings, our review indicates the rates charged are in conformance with the applicable national producer rate orders.

unnecessarily delay that ongoing proceeding. The "price squeeze" allegations of Winfield and Mangum will be considered in a separate order addressing the merits of its amended petition to intervene. It is more appropriate that the "price squeeze" allegations be addressed in the consolidated proceedings in Docket Nos. RP77-55 et al., which involve, among other things, an investigation of a general rate increase.

We reject Winfield's and Mangum's suggestion that Arkla is improperly attempting to collect the portion of its PGA rates and charges that was suspended for one day on November 1, 1977. The Commission's regulations permitting PGA tariff provisions provide a mechanism for recovery of all valid costs incurred in purchasing gas supplies.⁸ Through the suspension of Arkla's prior PGA rate filing, Arkla was, in fact, prevented from collecting increased revenues on that day. Arkla was and is permitted to include in its deferred account all valid costs of purchased gas that have not yet been recovered. Later collection of those costs is appropriate unless the charges paid to producers are found to be unlawful or imprudent. We are suspending Arkla's current PGA increases, which include a surcharge to recover the balance in the deferred account. Thus, Arkla's PGA rates can be reduced to reflect the elimination of invalid purchased gas costs. In its protest, Winfield and Mangum have not supported any specific allegation that Arkla is attempting to recover improper costs of purchased gas, except by appending a prior protest of an Arkla filing that was suspended and set for hearing. The current PGA increases will be collected subject to refund upon conclusion of that proceeding. Further, we have reviewed Arkla's current filings, requested and received additional data, and ordered a limited hearing to determine if the costs of one purchase were incurred imprudently.

Last, the Commission finds that Winfield and Mangum have demonstrated an interest in this proceeding within thirty days, in a hearing room on the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, for the purposes of establishing procedures for the investigation and hearing to be held pursuant to this order. The Presiding Judge shall be authorized to modify all procedural dates and to establish further procedures as may in his judgment be required for purposes of the investigation and hearing pursuant to this order. The Presiding Judge shall also be authorized to rule upon all motions except motions to consolidate, sever, or dismiss, as provided for in the rules of practice and procedure.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act that

⁷The rules governing PGA tariff provisions are set forth in §154.38(d)(4) of the Regulations which begins with the statement that "[A] natural gas pipeline company may submit a purchased gas cost adjustment provision (PGA clause) to flow through changes in the costs of purchased gas." As explained in Order No. 452, 47 FPC 1049, 1051 (1972), this section " . . . provides for deferred accounting for certain supplier rate changes, including those of producers, and thus assures recovery of all purchased gas costs."

the Commission enter upon a limited hearing concerning the lawfulness of the rates proposed by Arkla and that the proposed increased PGA rates be accepted for filing and suspended as ordered below.

The Commission orders: (A) Pursuant to the authority of the Natural Gas Act, particularly Sections 4, 5, 8, and 15, and the Commission's rules and regulations, a public hearing shall be held in this proceeding to determine the prudence of the costs of Arkla's emergency purchase from Oklahoma Natural Gas Co. as shown in its filings of March 28, 1978, and April 21, 1978 in these dockets.

(B) Docket Nos. RP74-61 (PGA78-2) and RP76-10 (PGA78-2) are hereby consolidated for purposes of the hearing ordered above and for decision thereupon.

(C) Arkla's proposed PGA rate increases in these dockets are assigned a filing date of April 21, 1978, and waiver of the thirty day notice requirements is granted to permit a proposed effective date of May 1, 1978.

(D) Pending hearing and decision, and subject to the outcome of the pending consolidated proceeding in Docket Nos. RP77-54, RP77-55, RP74-61 (PGA77-5), and RP76-10 (PGA77-5) Arkla's Fifteenth Revised Sheet No. 185 to its FERC Gas Tariff, Original Volume No. 3, and Arkla's Seventeenth Revised Sheet No. 4 to its FERC Gas Tariff, First Revised Volume No. 1, are hereby accepted for filing and suspended for one day, until May 2, 1978, when they shall be permitted to become effective subject to refund.

(E) Winfield's motion to consolidate Docket No. RP74-61 (PGA78-2) with Docket Nos. RP77-54, RP77-55, RP74-61 (PGA7705), and RP76-10 (PGA77-5), filed on April 6, 1978, is hereby denied.

(F) A Presiding Administrative Law Judge, to be designated by the Chief Administrative Law Judge pursuant to 18 CFR 3.5(d), shall convene a pre-hearing conference in this proceeding within thirty days, in a hearing room on the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, for the purposes of establishing procedures for the investigation and hearing to be held pursuant to this order. The Presiding Judge shall be authorized to modify all procedural dates and to establish further procedures as may in his judgment be required for purposes of the investigation and hearing pursuant to this order. The Presiding Judge shall also be authorized to rule upon all motions except motions to consolidate, sever, or dismiss, as provided for in the rules of practice and procedure.

(G) Winfield and Mangum shall be permitted to intervene in this proceed-

ing subject to the Commission's rules and regulations; *Provided, however*, That the participation of intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in their respective petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they might be aggrieved by any order entered in this proceeding.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14997 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. ER78-369]

BOSTON EDISON CO.

Filing

MAY 22, 1978.

Take notice that on May 11, 1978, Boston Edison Co. ("Edison") tendered for filing a proposed rate schedule for purchase by Reading Municipal Light Department of 23,000 kW of capacity and the energy corresponding thereto, of Edison's New Boston Units 1 and 2 for the period November 1, 1980 to October 31, 1981.

Edison requests that, pursuant to § 35.3 of the Commission's regulations, the 90-day notice period be waived and that the Commission allow the proposed rate schedule described herein to become effective more than 90 days prior to the proposed effective date.

Copies of the filing were served upon Reading, according to Edison.

Any person desiring to be heard or to make any protest with reference to the subject matter of this notice should on or before June 9, 1978, file with the Federal Energy Regulatory Commission petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.9, 1.10). All protests filed with the Commission will not serve to make protestants parties to any proceeding. Persons wishing to become a party to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The documents referred to herein are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14998 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket Nos. G-5236, et al.]

CABOT CORP. ET AL.

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

MAY 22, 1978.

In FR Doc. 78-12137 issued April 26, 1978 and appearing at page 19442 of the issue of Friday, May 5, 1978, regarding An-Son Corporation, Docket No. C178-623: Under column headed "Applicant" change the address of "810 Saratoga Building, New Orleans, La. 70112" to read "3814 North Santa Fe, Oklahoma City, Okla. 73118," opposite Docket No. C178-623.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14999 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. ER78-374]

CENTRAL TELEPHONE & UTILITIES CORP.

Filing

MAY 22, 1978.

Take notice that Central Telephone & Utilities Corp. (CTU) on May 15, 1978, tendered for filing proposed changes in its Federal Power Commission Electric Service Tariff No. 33.

CTU states that the filing is Service Schedule P, Participation Power Service, which provides electric power and accompanying energy to be supplied June 1, 1978, through May 31, 1979, to Sunflower Electric Cooperative, Inc. (Sunflower). CTU further states that CTU desires to sell Sunflower 50 MW of capacity of a specific 146 MW steam electric generating unit identified as Judson Large Unit No. 4, which is owned by CTU.

CTU proposes an effective date of June 1, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10. All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15000 Filed 5-30-78; 8:45 am]

[6740-02]

[Project No. 2338]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

Site Inspection

MAY 22, 1978.

Pursuant to an order of the February 22, 1978, Prehearing Conference on the Cornwall Pumped Storage Project, Consolidated Edison Co. of New York, Inc. has arranged the following itinerary for a visit of the Hudson River Project site by Presiding Administrative Law Judge Stephen L. Grossman, the Staff and interested intervenors:

Tuesday, May 23, 1978

9:30 to 10:00, Arrival at Thayer Hotel, West Point, N.Y.
10:00 to 12:00, Helicopter view of Cornwall site and Hudson River environs.
1:00 to 1:15, Introduction to site visits.
1:15 to 5:00, Tour of Cornwall site and Rose-ton Generating Station.

Wednesday, May 24, 1978

9:00, Meet at Verplanck Laboratories of Con Edison, Buchanan, N.Y.
9:00 to 11:30, Introduction to day's activities.
9:30 to 11:30, Laboratory/site tour of main lab, hatchery facility, pressure vessel and NYSEDA simulator.
1:00 to 5:00, Field observations of ichthyoplankton collections, axial trawling, beach seining, gill netting and box trapping.

Thursday, May 25, 1978

8:30, Meet at Indian Point Visitors Center.
9:00 to 12:00, Observation of impingement collections, larval table collections, fine mesh travelling screen, laboratories, submerged weir site and discharge sampling.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15001 Filed 5-30-78; 8:45 am]

[6740-02]

[Project No. 588]

CROWN ZELLERBACH CORP.

Application for New Major License for Constructed Project

MAY 23, 1978.

Public notice is hereby given that an application has been filed under the Federal Power Act ("the Act") (16 U.S.C. 791(a)-825(r) (1970)) by Crown Zellerbach Corp. ("Crown Zellerbach") for a new major license for its constructed Glines Canyon Project, FERC Project No. 588. The project is located on the Elwha River in Clallam County, Wash., near the town of Port Angeles; it occupies lands of Olympic National Park and Olympic National Forest.

The Glines Canyon Project consists of: (a) a concrete arch dam, 185 feet high and 400 feet long at its crest, equipped with five 20- by 18.67-foot

tailor gates; the crest of the dam is at elevation 590.36 feet (sea level datum); (b) a 377-acre reservoir with a usable storage capacity of 40,530 acre-feet at elevation 590.36 feet; the maximum drawdown of the reservoir is 66 feet; (c) water conduits consisting of a tunnel approximately 12 feet in diameter and 350 feet long, a penstock 11 feet 7 inches in diameter and 450 feet long, and a surge tank 135 feet high and 20 feet in diameter; (d) a powerhouse containing one main turbine-generator rated at 12,000 kW and one auxiliary generator rated at 50 kW; (e) a substation adjacent to the powerhouse; and (f) eight miles of 66 kV transmission line from the Glines Project substation to the powerhouse of Crown Zellerbach's Elwha Project, FERC Project No. 2683. All of the power generated by the project is used at Crown Zellerbach's pulp and paper manufacturing plant located in Ediz Hook, Port Angeles, Wash. Crown Zellerbach has not proposed any modification or redevelopment of the project.

Crown Zellerbach has provided a free boat launching ramp on project property near the dam. Other than about 2,500 feet of reservoir frontage at the dam site, the reservoir shoreline is controlled by the National Park Service.

There is also pending before the Commission a contested on-the-record proceeding to determine whether the Commission has jurisdiction over Crown Zellerbach's downstream Elwha Project. One possible basis of jurisdiction being considered in the proceeding is that the Elwha and Glines Canyon Projects are so closely related that they should be licensed as two developments of one project. If that theory is adopted by the Commission the two projects could be licensed under a single license.

Any person desiring to be heard or to make protest with reference to said application should, on or before July 28, 1978 file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.10 or 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act),

Pub. L. 95-91, 91 Stat. 565 (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ("FPC") ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission ("FERC") which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "saving provisions" of section 705(b) of the DOE Act provided that proceedings pending before the FPC on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act and regulations promulgated thereunder. The functions which are the subject of this proceeding were specifically transferred to the FERC by section 402(a)(1) or 402(a)(2) of the DOE Act.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15002 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. ER78-371]

DUKE POWER CO.

Proposed Supplement to Electric Power Contract

MAY 19, 1978.

Take notice that Duke Power Co. (Duke Power) tendered for filing on May 12, 1978 a supplement to the Company's Electric Power Contract with the town of Forest City. Duke Power states that this contract is on file with the Commission and has been designated Duke Power Co. Rate Schedule FPC NO. 237.

Duke Power further states that the Company's contract supplement, made at the request of the customer and with agreement obtained from the customer, provides for the following increases in contract demand: Delivery Point No. 2, from 9,200 KW to 13,000 KW.

Duke Power indicates that this supplement also includes an estimate of sales and revenue for twelve months immediately preceding and for the twelve months immediately succeeding the effective date. Duke Power proposes an effective date of June 20, 1978.

According to Duke Power copies of this filing were mailed to the town of Forest City and the North Carolina Utilities Commission.

Any person desiring to be heard or to protest said filing should file a peti-

tion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14970 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. ER78-375]

DUQUESNE LIGHT CO.

Filing

MAY 22, 1978.

Take notice that on May 15, 1978, the Duquesne Light Company (DLC), tendered for filing a proposed change in its FERC Municipal Electric Resale Service Tariff for Pitsburg, Pennsylvania. DLC indicates that the proposed change would increase revenues from jurisdictional sales by \$48,841.00 based on the 12-month period ending May 31, 1979. DLC further indicates that the present rate schedule was filed in 1972 and that it has experienced substantial increases in the cost of service.

DLC proposes an effective date of June 1, 1978, and therefore requests waiver of the Commission's notice requirements.

According to DLC copies of this filing were mailed to the Pennsylvania Utility Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15003 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RP75-46]

EASTERN SHORE NATURAL GAS CO.

Curtailment Credit Adjustment to Rates and Charges

MAY 23, 1978.

Take notice that Eastern Shore Natural Gas Co. (Eastern Shore) on May 11, 1978, tendered for filing Second Revised Sheet No. 5 and 6, Superseding First Revised Sheets No. 5 and 6, and Second Revised PGA-1: Second Revised Sheets No. 10, 11, and 12, to its FERC Gas Tariff, Original Volume No. 1. These revised Tariff sheets, to be effective June 1, 1978, will increase the commodity or delivery charge of Eastern Shore's Rate Schedules CD-1, CD-E, G-1, E-1, and PS-1 by .033 cents per dekatherm to reflect curtailment credits.

Copies of this filing have been mailed to each of the Company's jurisdictional customers and to interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15004 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. AR70-1, CP69-23, and RP72-155]

EL PASO NATURAL GAS CO.

Intended Disposition of Refunds

MAY 22, 1978.

Take notice that on May 4, 1978, El Paso Natural Gas Co. ("El Paso") tendered for filing in the captioned proceedings an intended disposition of producer-supplier refunds received.

El Paso states that certain of El Paso's gas sales contracts, comprising a portion of the special FS rate schedules included as a part of Volume No. 2A of El Paso's FERC Gas Tariff, pro-

¹By order issued August 21, 1969, at Docket No. CP69-23, the Commission issued a certificate to El Paso granting, *inter alia*, Footnotes continued on next page.

vide for determination of sales rates collected thereunder based upon the weighted average cost of clean, high pressure gas ("CHPG") purchased by El Paso in the Permian Basin area. On April 3, 1978, pursuant to the Commission Order of March 14, 1978, West Lake Natural Gasoline Co. ("West Lake"), as plant operator of the West Lake Natural Gasoline Plant, made a producer-supplier refund to El Paso representing the outstanding 50% interest in the West Lake Plant production attributable to Atlantic Richfield Company.² Said refund comprised the remaining excess amount collected by West Lake under its FERC Gas Rate Schedule No. 1 subject to refund under the provisions of Docket No. AR70-1 and was applicable to residue gas sold by West Lake to El Paso during the period January 1, 1963, through December 31, 1967.

El Paso states that inasmuch as the West Lake Plant is a source of CHPG, the additional refund received from West Lake by El Paso has the corresponding effect of further reducing the CHPG weighted average purchased cost utilized by El Paso in determining the sales rates applicable under certain FS rate schedules during the refund period identified above. Accordingly, El Paso has recomputed the CHPG weighted average purchased cost applicable to such period and has determined that additional refund amounts, aggregating \$21,672.32, are now due those resale customers under the provisions of those El Paso FS rate schedules subject to the weighted average CHPG determination. Such \$21,672.32 includes principal amounts of \$10,606.08, plus interest thereon of \$11,066.24.

El Paso further states that in order to equitably distribute that subject refund to all entitled special FS rate schedule customers, El Paso has determined the appropriate amount of refunds due each entitled special FS rate schedule customer receiving service during the refund period, and will dispose of such amounts as follows:

- (i) Make a direct cash flow-through of the applicable subject refund amounts to those seventeen (17) customers whose sales have been transferred or terminated; and
- (ii) Credit to Account 191, in accordance with the applicable provisions of

Footnotes continued from last page
 authorization to continue service to 13 direct and 27 resale customers, under separate agreements, previously initiated at numerous points in production areas of El Paso's interstate pipeline system. Such order also accepted for filing Original Volume No. 2A to El Paso's FERC Gas tariff, effective as of the date of said order, which contained the service agreements between El Paso and the said customers as special FS Rate Schedules.

²See report of refunds filed April 6, 1978, by West Lake at Docket Nos. R160-30, et al.

the currently effective PGAC-CHPG, the amounts of refunds due the remaining five (5) customers now being served under special FS rate schedules still in effect.

As to item (i) above, El Paso proposes to make the disposition of the principal and interest refunds to the identified seventeen (17) customers, as set forth herein, within fifteen (15) days following receipt of the Commission's approval of the instant report. With respect to item (ii) above, and in accordance with El Paso's currently effective CHPG-PGAC provisions, the appropriate credit to Account 191, applicable to the said five (5) customers, has been recorded on El Paso's books.³

El Paso has served a copy of the instant report upon each of its affected customers and interested state regulatory commissions as required by ordering paragraph (C) of the said order of March 14, 1978, issued at Docket No. AR70-1.

Any person desiring to be heard or to make any protest with reference to said tariff tender should, on or before May 30, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make any protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
 Secretary.

[FR Doc. 78-15005 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. CP78-314]

EL PASO NATURAL GAS CO. AND MICHIGAN WISCONSIN PIPE LINE CO.

Joint Pipeline Application

MAY 23, 1978.

Take notice that on May 4, 1978, El Paso Natural Gas Co. (El Paso), a

¹El Paso on February 7, 1978, filed a similar Report of Intended Disposition of Refund in the referenced proceedings involving certain other refunds received from West Lake to be flowed through to the same customers affected by the instant filing. By order issued April 12, 1978, the Commission approved said Report of Intended Disposition of Refunds.

Delaware corporation, whose mailing address is Post Office Box 1492, El Paso, Tex. 79978, and Michigan Wisconsin Pipe Line Co. (Michigan-Wisconsin), a Delaware corporation, whose mailing address in One Woodward Avenue, Detroit, Mich. 48226, collectively referred to as "Applicants," filed a joint applicant at Docket No. CP78-314 under Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity for the construction and operation of facilities located offshore Texas, all as more fully set forth in the application on file with the Commission and open to public inspection.

The application states that by Federal Power Commission (FPC) order issued July 1, 1977, at Docket No. CP77-294, Texas Gas Transmission Corp. (Texas Gas) was issued a certificate of public convenience and necessity authorizing the construction and operation of certain facilities necessary to connect reserves in various fields to the High Island Offshore System (HIOS).¹ Among the facilities to be constructed were approximately 2.80 miles of 16" O. D. pipeline and related facilities extending from Union Oil Co. of California, et al.'s (Union) "A" Platform Block A-334, High Island Area, to an underwater tap on the HIOS 30" O. D. Eastern Trunk in Block A-345. With respect to the gas reserves underlying Blocks A-334 and A-335, Texas Gas has presently under option or gas purchase contract approximately 44.43% of the production from such reserves and at the time of its filing was negotiating with certain producers to acquire additional portions of such production. Texas Gas, in its application at Docket No. CP77-294, advised the FPC that if it was unsuccessful in its negotiations, it would propose to share the ownership in the facilities constructed with the successful producer(s). Further, Texas Gas stated that the estimated total cost of the pipeline and related facilities associated with Blocks A-334 and A-335, pursuant to a Gas Sales Contract dated January 20, 1978, between El Paso and Mobil Oil Corp (Mobil). Michigan Wisconsin has a preferential right from Northwest Mutual Life Insurance Company (Northwest Mutual) for the purchase from Northwest Mutual of its 22.23% interest in the production attributable to Blocks A-334 and A-335. Upon requisite producer certification, El Paso's and Michigan Wisconsin's respective production can be made available for delivery into the aforementioned facilities with that

²Michigan Wisconsin, the operator of HIOS, will operate the pipeline facilities the subject of this application pursuant to the terms and conditions of an Operating Agreement between the Applicants and Texas Gas dated April 28, 1978.

production to be purchased by Texas Gas.

The application further states that El Paso and Michigan Wisconsin have entered into arrangements wherein each will share in the ownership, with Texas Gas, of the 2.80 mile, 16" O. D. pipeline and related facilities extending from Block A-334. Accordingly, subject to receipt of the authorizations sought by this application, Applicants have agreed to own undivided interests in such pipeline and related facilities.³ El Paso shall reimburse Texas Gas approximately \$1,518,970 and Michigan Wisconsin shall reimburse Texas Gas approximately \$1,047,000 as their respective share of such facilities, which amounts are based on the estimated cost of facilities as set forth in Exhibit K to the application of Texas Gas at Docket No. CP77-294. Applicants do not propose any change in the operation of the subject facilities nor in the operator, Michigan Wisconsin. El Paso, Michigan Wisconsin and Texas Gas shall share the cost of operation and maintenance of the jointly-owned facilities, the actual capital investment associated with the subject pipeline and related facilities and capacity rights therein.

The jointly-owned facilities described herein are required by the present and future public convenience and necessity so as to avoid the construction of duplicative and expensive offshore facilities. In this connection, the FPC, by approval of the application of Texas Gas at Docket No. CP77-294, evidenced its agreement with the proposed multiple ownership of the facilities as described herein. For these reasons, Applicants believe that grant of the requested authorization is required by the present and future public convenience and necessity.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 14, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

³The parties undivided interest in the pipeline and related facilities will be in proportion to the production each will have available from Blocks A-334 and A-335, i.e., Texas Gas 44.43%, El Paso 33.34% and Michigan Wisconsin 22.23%.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7, and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
 Secretary.

[FR Doc. 78-15006 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RP78-18]

EL PASO NATURAL GAS CO.

Technical Conference

MAY 23, 1978.

Take notice that at 9:30 a.m. on Thursday, June 1, 1978, a technical conference will be held between El Paso and the Commission Staff for purposes of clarifying the operations of certain staff settlement proposals. The conference will be at the office of the Commission, 825 N. Capitol Street NE., and all parties are welcome to attend.

KENNETH F. PLUMB,
 Secretary.
 [FR Doc. 78-15007 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. CP78-326]

FLORIDA GAS TRANSMISSION CO.

Application

MAY 23, 1978

Take notice that on May 11, 1978, Florida Gas Transmission Co. (applicant), P.O. Box 44, Winter Park, Fla. 32790, filed in Docket No. CP78-326 an application pursuant to section 7(c) of the Natural Gas Act, and §§ 157.7(b), 157.7(c), 157.7(e), and 157.7(g) of the regulations thereunder (18 CFR 157.7(b), 157.7(c), 157.7(e), and 157.7(g)) for a certificate of public convenience and necessity authorizing the construction during the 12 month period commencing July 1, 1978, and operation of facilities to enable Applicant

to take into its certificated main pipeline system natural gas which would be purchased from producers or other similar sellers thereof; authorizing the construction, for the same time period, and operation of facilities to make miscellaneous rearrangements on its system; for permission and approval to abandon during the same time period, direct sale service and facilities no longer required for deliveries of natural gas to Applicant's customers; and for a certificate authorizing the construction and for permission for and approval of the abandonment, during the same time period, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application on file with the Commission and open to public inspection.

The stated purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in the construction of gas-purchase facilities to enable Applicant to connect its system with the facilities of an independent producer or other similar sellers, authorized by the Commission to make a sale of gas to Applicant for resale in interstate commerce, or the system of another natural gas company authorized to transport gas for the account of, or for the exchange of gas with Applicant; to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements which would not result in any material change in the service presently rendered by Applicant; to augment Applicant's ability to act with reasonable dispatch in abandoning service and removing direct sale measuring, regulating, and related facilities; and to augment Applicant's ability to act with reasonable dispatch in the construction, relocation, and operation and abandonment of facilities which will not result in changing Applicant's system saleable capacity or service from that authorized prior to the filing of the instant application.

Applicant states that the total cost of the proposed gas-purchase facilities will not exceed \$7,500,000, with no single onshore project expenditure to exceed \$1,500,000 and no single offshore project to exceed \$2,500,000, and that the total cost of its proposed construction, relocation, removal or abandonment of field compression facilities would not exceed \$3,000,000, with no single project to exceed \$500,000. Applicant states that these costs will be financed from internally generated funds.

The application states that Applicant would not abandon any direct

¹Applicant states that it would abandon service and facilities only when deliveries to any one direct sale customer would not exceed 100,000 Mcf of natural gas during the last year of service.

service unless it would have received a written request or written permission from the customer to terminate service. In the event such request or permission could not be obtained, a statement certifying that the customer has no further need for service would be filed with the Commission, it is said.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.70). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15008 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. ER78-325]

FLORIDA POWER & LIGHT CO.

Order Accepting Rate Schedule for Filing, Providing for Hearing, Waiving Regulations, Granting Intervention, and Consolidating Proceedings

MAY 19, 1978.

On April 20, 1978, Florida Power & Light Co. (FP&L) submitted for filing

as an initial rate schedule an unexecuted transmission service agreement for service to the city of Homestead, Fla. Although Homestead did not sign the agreement, it requests that the Commission allow FP&L to file it so that the city can receive service within a definite time. FP&L states that under the agreement, it will transmit power and energy for Homestead as is required by the city in the implementation of its interchange agreements with Orlando Utilities Commission, Tampa Electric Co., Florida Power Corp., Fort Pierce Utilities Authority, and the Utilities Commission of the city of New Smyrna Beach, Fla. FP&L requests an effective date of no later than 30 days after the date of the filing. The submittal provides for a yearly charge for transmission service of \$14.48/kw.

Notice of FP&L's filing was issued on April 28, 1978, with protests or petitions to intervene due on or before May 8, 1978. On May 8, 1978, Homestead filed a protest, petition to intervene, request for hearing and consolidation.

Homestead states that the lawfulness of FP&L's transmission terms, conditions, and rates are the subject of proceedings in docket No. ER77-175, which concerns transmission service to the city of New Smyrna Beach, Fla. It indicates that it agrees with and adopts the petition to intervene, request for hearing and the direct case of New Smyrna in docket No. ER77-175. Homestead requests intervention, hearing and consolidation with that docket.

Homestead alleges that FP&L's failure to make general transmission service available inhibits power supply transactions in a "severe, unjustified manner". Homestead protests:

(1) FP&L's refusal to file a generally applicable transmission tariff;

(2) FP&L's refusal to file a "joint transmission rate" or to recognize in rates that where transmission service is made over more than one system, FP&L is providing a limited form of service;

(3) FP&L's anticompetitive use of its transmission monopoly;

FP&L's excessive rates and charges; and

(5) The general conditions of service.

Homestead argues that FP&L is not proposing an initial rate but a rate change. Therefore, it states that the rates, terms, and conditions should be made subject to refund pursuant to section 205 of the Federal Power Act.

Homestead requests:

(1) That it be granted intervention in this proceeding;

(2) That a hearing be ordered; and

(3) That such hearing be consolidated with Docket No. ER77-175.

The Commission will deny Homestead's request for the consolidation of

this proceeding with docket No. ER77-175. The transmission rate filing for New Smyrna Beach in docket No. ER77-175 is based on a 1976 test year. The instant filing is based on a 1978 test year. Additionally, the hearing in the former docket commenced on May 15, 1978. The advanced state of proceedings in that docket makes consolidation impractical and cumbersome. However, the Commission finds good cause to consolidate the instant docket with the proceeding in docket No. ER78-19, et al.; because 1978 test year data has been utilized by FP&L in both proceedings. The hearing in that proceeding on the reasonableness of the proposed rates has not begun.

FP&L's submittal should be properly filed pursuant to § 35.13 of the Commission's regulations as a change in rates and not as an initial rate. FP&L is proposing to render a supplemental or an additional service to Homestead, since it has been selling partial requirements wholesale power to the city.¹ The Commission shall waive the cost support requirements of § 35.13 for the limited purpose of accepting FP&L's submittal for filing. However, it shall be directed to file such cost support within 20 days of the issuance of this order.

FP&L's proposed rates have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. The Commission shall therefore suspend the proposed rates for one day to become effective May 22, 1978, subject to refund, pending the outcome of a hearing and decision thereon.

The Commission finds: (1) Good cause exists to accept and suspend FP&L's proposed rates for one day, until May 22, 1978 subject to refund, pending the outcome of a hearing and decision thereon.

(2) Good cause exists to waive the cost support requirements of § 35.13 of the Commission's regulations for the limited purpose of accepting FP&L's submittal for filing.

(3) Good cause exists to consolidate the instant docket with docket Nos. ER78-19, et al.

(4) Participation by Homestead in this proceeding may be in the public interest.

The Commission further orders: (A) Pending a hearing and decision thereon, FP&L's proposed rates are hereby accepted for filing and suspended for one day, to become effective May 22, 1978, subject to refund.

(B) The Commission shall waive section 35.13 of its regulations for the

¹Florida Power & Light Co., docket No. ER77-175, corrected order accepting for filing and suspending proposed rate change, granting intervention, and establishing procedures, issued April 12, 1977.

limited purpose of accepting FP&L's submittal for filing. FP&L is hereby ordered to file cost support pursuant to section 35.13 for service to Homestead within 20 days of the issuance of this order.

(C) Docket No. ER78-325 is hereby consolidated with docket Nos. ER78-19, et al., for the purpose of a hearing and decision thereon.

(D) Homestead is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That participation of Homestead shall be limited to the matters specifically set forth in its petition to intervene; and *Provided, further*, That the admission of Homestead shall not be construed as recognition by the Commission that it might be aggrieved by any order issued in this proceeding.

(E) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15009 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. ER78-366]

GULF STATES UTILITIES CO.

New Metering Point

MAY 19, 1978.

Take notice that Gulf States Utilities Co. on May 8, 1978 tendered for filing an agreement between Gulf States and Cajug Electric Power Cooperative providing for a new metering point proposed to be effective March 14, 1978.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14971 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. EL78-14]

KENTUCKY UTILITIES CO.

Order Authorizing the Acquisition of Securities

MAY 22, 1978.

Kentucky Utilities Co. (applicant), on March 6, 1978, filed an application with the Commission pursuant to section 203 of the Federal Power Act, seeking authorization to acquire from Old Dominion Power Co. (Old Dominion) the wholly-owned subsidiary of applicant, during the year 1978, unsecured promissory notes in an amount not exceed \$1.5 million.

Applicant is incorporated under the laws of the State of Kentucky, with its principal business office at Lexington, Ky. and is engaged in the generation, transmission, distribution and sale of electrical energy in central, southeastern and western Kentucky.

Old Dominion is incorporated under the laws of the State of Virginia and is engaged in the purchase, transmission, distribution, and sale of electrical energy to about 21,700 customers in 54 communities within that State. Old Dominion is a wholly owned subsidiary of Kentucky Utilities Co. and physically operates as an extension of that system.

The proceeds to be derived from the issuance of the notes will be used by Old Dominion to finance the construction, completion, extension, and improvement of its electric utility facilities. The construction of such facilities will not impair Old Dominion's ability to perform properly its services as a public utility. The proposed construction program will enable Old Dominion to continue to provide reliable service to its customers.

Each such unsecured promissory note (i) shall be dated on the date on which the loan to be evidenced thereby shall be made, (ii) shall bear interest from the date thereof at a rate of interest per annum equal to 1 percent less than the prime rate of interest charged by The First National Bank of Chicago on loans made to its most credit-worthy corporate borrowers as of the date of the loan evidenced by such note, but not less than the average yield for Double A ("Aa") public utility bonds, as reported in Moody's Bond Record, for the latest calendar month preceding the date of the loan for which such average yield has been so reported, (iii) shall mature on a date not more than ten (10) years from the date of such note, and (iv) shall be subject to prepayment by Old Dominion at any time (in whole or in part) without premium or penalty. The rate of interest to be borne by the notes has been determined on the basis of the estimated cost of money (i.e., rate of interest) which would be incurred by Old Dominion were it to

seek to obtain such funds on substantially the same terms as the notes through the issuance of its securities in a public offering or through private placement; and the basis upon which such interest rate will be determined as aforesaid will be authorized or approved by the State Corporation Commission of Virginia in its order authorizing the issuance of the notes by Old Dominion.

Written notice of the application has been given to the Kentucky Public Service Commission, the Virginia State Corporation Commission and to the Governor of each of the aforementioned States. Notice has also been given by publication in the FEDERAL REGISTER on March 20, 1978, stating that any person desiring to be heard or to make any protests with reference to the application shall file petitions or protests on or before April 7, 1978, with the Federal Energy Regulatory Commission, Washington, D. C. 20426. No protest, petition or request to be heard in opposition to the granting of the application has been received.

The Commission finds: (1) Kentucky Utilities Co. and Old Dominion Power Co. are public utilities within the meaning of section 203 of the Federal Power Act, and subject to the jurisdiction of the Federal Energy Regulatory Commission.

(2) By the proposed transaction, Kentucky Utilities Co. will acquire the securities of another public utility within the meaning and subject to the requirements of section 203 of the Federal Power Act.

(3) The acquisition of securities by Kentucky Utilities Co., as described above, upon the terms and conditions as set forth in the application, has been and will be consistent with the Public Interest as expressed in section 203 of the Federal Power Act.

(4) The period of public notice given in this matter is reasonable.

The Commission orders: (A) The acquisition by Kentucky Utilities Co. from Old Dominion Power Co. of unsecured promissory notes from time to time during 1978, in an amount not to exceed \$1,500,000 in the aggregate, as described above, is authorized and approved upon the terms and conditions and for the purposes set forth in the application, subject to the provisions of this order.

(B) The foregoing authorization is without prejudice to the authority of this Commission or any other regulatory body with respect to rates, service, accounts, valuation, estimates or determinations of cost or any other matter whatsoever now pending or which may come before this Commission.

(C) Nothing in this order shall be construed to imply any guarantee or obligation on the part of the United States in respect to any security to which this order relates.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15010 Filed 5-30-78; 8:45 am]

[6740-02]

[Project No. 2741]

KINGS RIVER CONSERVATION DISTRICT

Application for License

MAY 22, 1978.

Public notice is hereby given that an application for a major license was filed on January 31, 1977, under the Federal Power Act (16 U.S.C. 791(a)-825(r)) by the Kings River Conservation District (Correspondence to: Mr. Hugh V. Jones, President, Kings River Conservation District, 4886 East Jensen Avenue, Fresno, Calif. 93725) for the Kings River Hydroelectric Project, FERC Project No. 2741, located on the Kings River in Fresno County, Calif.

Applicant proposes to build a hydroelectric powerplant at the existing Corps of Engineers' Pine Flat Dam. The powerplant would be located at the downstream toe of the Pine Flat Dam and would consist of three generating units at 55 megawatts (MW) each for a total installed capacity of 165 MW. The Applicant would utilize the three existing 13.5-foot diameter penstocks that were installed in the Pine Flat Dam when it was constructed in 1954. Transmission lines connecting the proposed powerhouse to the existing power system grid would be constructed by the California Department of Water Resources under a separate license.

The Applicant is not proposing recreation areas or facilities as part of the project.

The power to be generated would be utilized by the State of California for the State Water Project or by the Pacific Gas & Electric Co. System. The proposed powerplant would utilize the flood control and irrigation releases from the existing Pine Flat reservoir for electric power generation. Applicant states that operation of the powerplant would not change the water releases from the Pine Flat reservoir.

Any person desiring to be heard or to make protest with reference to the subject application should, on or before July 28, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.10 or 1.8 (1977)). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties

ties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing on the application must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

The public should take further notice that on October 1, 1977, pursuant to the provision of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91, 91 Stat. (August 4, 1977), and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary of Energy and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977. The functions which are the subject of these proceedings were specifically transferred to the FERC.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-15011 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RI77-69]

MCGALLIARD & SPARKS, INC.

Amended Petition for Special Relief

MAY 22, 1978.

Take notice that on December 13, 1977, McGalliard & Sparks, Inc. (Petitioner), 1612 C&I Building, Houston, Tex. 77002, filed an amended petition for special relief in Docket No. RI77-69. On April 27, 1977, Petitioner filed its original petition for special relief, which was noticed on May 12, 1977, requesting authorization to charge 1.75 per Mcf for the sale of its gas to Natural Gas Pipeline Co. from the W. C. Leveridge Gas Unit No. 2T in the East Bernard Field, Wharton County, Tex. In its amended petition for special relief Petitioner seeks approval to charge the reduced price of \$1.5642 per Mcf for the sale of its gas to the above named purchaser from the above named well.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 10 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 30, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding.

termining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14984 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RP77-60]

MICHIGAN WISCONSIN PIPE LINE CO.

Proposed Settlement

MAY 19, 1978.

Take notice that on May 12, 1978, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) filed in Docket No. RP77-60 a stipulation and agreement, which, if approved, will resolve all issues in the proceeding. Michigan Wisconsin states that it has served a copy of the stipulation and agreement upon all parties to the proceeding, all jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest the proposed settlement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before May 31, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14972 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. ER78-372]

NEW BEDFORD GAS & EDISON LIGHT CO.

Application

MAY 22, 1978.

Take notice that on May 15, 1978, New Bedford Gas & Edison Light Co. (New Bedford) filed a rate schedule governing the sale by New Bedford of a portion of its entitlement to capacity and related energy produced by Canal Electric Co.'s Unit No. 2 ("the Unit").

New Bedford indicates that by the provisions of the tendered rate schedule, New Bedford proposes to sell to the Electric Light Department of the Town of Danvers, Mass. ("Danvers") a portion of the Net Capability of the Unit (as defined at article III of the tendered rate schedule) plus the energy related thereto as shown below:

PERIOD AND PERCENT OF NET CAPABILITY

June 1, through October 31, 1978—0.2397.
November 1, 1978, through October 31, 1979—0.8849.

New Bedford has requested the Commission to waive its notice requirements to allow said rate schedule to become effective as of June 1, 1978.

According to New Bedford a copy of this filing has been served upon Danvers.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14985 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. ER77-586]

NEW ENGLAND POWER CO.

Compliance Filing

MAY 22, 1978.

Take notice that New England Power Co. ("NEP") on March 9, 1978, tendered for filing proposed revisions to its FERC electric tariff, original volume No. 1.

NEP states that the revisions were filed in compliance with the Commission's order issued February 27, 1978.

NEP states further that the revisions were filed in order to effectuate the terms and conditions for continuation of contract demand service after October 31, 1981, and that copies of the filing were served on NEP's jurisdictional customers and on the state regulatory commissions of Massachusetts, New Hampshire, and Rhode Island.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426 in accordance with the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not

serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14986 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RP77-58]

NORTHERN NATURAL GAS CO.

Certification of Proposed Settlement Agreement

MAY 23, 1978.

Take notice that on April 10, 1978, Presiding Administrative Law Judge Samuel Kanell certified to the Commission for consideration and appropriate disposition a proposed settlement agreement in this proceeding, transcripts of a prehearing conference and hearings held on September 21, 1977, and April 4-5, 1978, and several exhibits and items by reference. The certification document states that approval of the proposed stipulation and agreement would resolve substantially all issues and result in an annual rate increase of approximately \$63 million in lieu of the \$109 million originally requested.

The certification document further notes that the South Dakota Public Utilities Commission takes issue with the depreciation rates proposed in the settlement agreement, and that the Commission Staff objects to affording rate base treatment for certain phase 2 costs of the Arctic and Northern Border projects.

Any person desiring to be heard or to protest said settlement agreement should file comments with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 5, 1978. Reply comments should be filed on or before June 26, 1978. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of this agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14987 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. ER78-368]

NORTHERN STATES POWER CO.

Termination

MAY 19, 1978.

Take notice that Northern States Power Co. (NSPC), on May 12, 1978,

tendered for filing a termination agreement, dated May 5, 1978, terminating the interconnection and interchange agreement, dated March 1, 1963 between Dairyland Power Cooperative, Northern States Power Co. (Minnesota), and Northern States Power Co. (Wisconsin).

This interconnection and interchange agreement is designated in the Commission's files as NSPC (Minnesota) Rate Schedule FERC No. 169 and NSPC (Wisconsin) Rate Schedule FERC No. 25.

NSPC proposes that the terminated agreement be replaced by new agreements between NSPC and Dairyland Power Cooperative. NSPC proposes that this termination become effective on the same date that the new agreement between the parties becomes effective.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions and protests should be filed on or before May 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14973 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RI77-56]

OIL & GAS FUTURES, INC. OF TEXAS, ET AL.

Order Granting Special Relief and Granting Intervention

MAY 22, 1978.

On October 1, 1977, pursuant to the provisions of the Department of Energy Organization Act (DOE Act), Pub. L. 95-91 91 Stat. 565 (August 4, 1977) and Executive Order No. 12009, 42 FR 46267 (September 15, 1977), the Federal Power Commission (FPC) ceased to exist and its functions and regulatory responsibilities were transferred to the Secretary and the Federal Energy Regulatory Commission (FERC) which, as an independent commission within the Department of Energy, was activated on October 1, 1977.

The "savings provision" of section 705(b) of the DOE Act provide that proceedings pending before the FPC

on the date the DOE Act takes effect shall not be affected and that orders shall be issued in such proceedings as if the DOE Act had not been enacted. All such proceedings shall be continued and further actions shall be taken by the appropriate component of DOE now responsible for the function under the DOE Act an regulations promulgated thereunder. The functions which are the subject of these proceedings were specifically transferred to the FERC by section 402(a)(1) of the DOE Act.

The joint regulation adopted on October 1, 1977, by the Secretary and the FERC entitled "Transfer of Proceedings to the Secretary of Energy and the FERC," 10 CFR —, provided that this proceeding would be continued before the FERC. The FERC takes action in this this proceeding in accordance with the above-mentioned authorities.

On April 8, 1977, Oil & Gas Futures, Inc. of Texas, et al.¹ (O & G Futures) filed in docket No. RI77-56 an application for special relief pursuant to order No. 481 and section 2.76 of the Commission's general policy and interpretations (18 CFR § 2.76) with respect to a sale of natural gas to Trunkline Gas Co. (Trunkline) from the Grand Isle block 82 field, offshore Louisiana, in the Federal Domain. The sale covers O & G Futures' 100 percent working interest in gas produced from eight wells drilled from O & G Futures' platform in the Grand Isle block 82 field.

Pursuant to a gas sales agreement dated October 22, 1971, as amended, O & G Futures is currently collecting a total rate of \$1.35 per Mcf for the sale to Trunkline. O & G Futures proposes in its application to perform various reworking operations in order to recover additional gas reserves. O & G Futures states that without some form of price relief, it will be forced to abandon the properties since the current price received for gas renders the project uneconomic and does not allow for reworking operation. By virtue of a contract amendment dated February 23, 1977, Trunkline agreed to pay O & G Futures a rate of \$2.25 per Mcf or any lesser rate authorized by the Commission for the sale from the Grand Isle block 82 field.

In its original application for special relief, O & G Futures requested authorization to collect a rate of \$2.25 per Mcf for the sale. On September 27, 1977, O & G Futures filed in docket No. RI77-56 an application for temporary authorization to make the sale to Trunkline at its requested rate of \$2.25

per Mcf, subject to refund, pending final action on its application for special relief, but on December 9, 1977, O & G Futures filed a notice of withdrawal of the application for temporary authorization. On January 31, 1978, O & G Futures filed an amended application for special relief by which it requested authorization to collect a rate of \$1.8851 per Mcf for the sale to Trunkline.

Notice of O & G Futures' original application for special relief was issued on April 14, 1977, and appeared in the FEDERAL REGISTER on April 21, 1977, at 42 FR 20658. Notice of O & G Futures' amended application for special relief was issued on February 7, 1978, and appeared in the FEDERAL REGISTER on February 14, 1978, at 43 FR 6313. Trunkline filed a timely petition to intervene.

O & G Futures proposes to invest \$150,000 to perform various reworking and recompletion operations on six of the eight wells drilled from its platform in the Grand Isle block 82 field. O & G Futures proposes no additional investment to recover additional reserves from the two remaining wells, although O & G Futures' application pertains to all gas produced and sold from the platform.

Based upon data submitted by O & G Futures and upon Staff's field investigation of O & G Futures' books and records, Staff accepts as reasonable O & G Futures' remaining net book investment of \$1,001,918, its proposed new investment of \$150,000, and its estimated production expenses of \$3,200,514 over the remaining life of the eight wells. Staff estimates that a total of 2,971,000 Mcf of gas reserves remain to be produced from the eight wells over a period of 3.5 years. After deducting for royalties and compressor fuel, Staff estimates the remaining net working interest reserves to be 2,215,800 Mcf.

Staff used these costs and reserves in a traditional cost study² reflecting a composite cost analysis. O & G Futures' estimated abandonment costs were allocated by Staff on the basis of total gas production over the entire production life of the eight wells. Staff allocated costs between gas and liquids using the modified Btu method. With respect to the six wells on which O & G Futures proposes to perform workover operations, Staff has allowed in its cost analysis a return of, and a 15 percent return on, O & G Futures' remaining net book investment as well as its proposed new investment. Since O & G Futures does not propose any additional investment to recover additional reserves from the two remaining wells, as is required under section 2.76, Staff has included in its cost analysis only O & G Fu-

²See app. A. attached hereto.

tures' out-of-pocket expenses associated with maintaining production from these wells. Combining the above costs and reserves in a composite cost analysis,³ Staff has determined that the requested rate is cost-supported.

Upon consideration of the data submitted and Staff's analysis thereof, we conclude that it is in the public interest to grant special relief to O & G Futures.

The Commission orders: (A) The application for special relief filed by O & G Futures in docket No. RI77-56 on April 8, 1977, as amended on January 31, 1978, is hereby granted.

(B) O & G Futures is authorized to collect a total rate of \$1.8851 per Mcf at 14.73 psia for natural gas sold to Trunkline from Well Nos. A-2, A-4, A-5, A-6, A-7, A-9, A-15, and A-17 on O & G Futures' platform located in the Grand Isle block 82 field, offshore Louisiana, in the Federal Domain, effective as of the date of issuance of this order or the date that all of the proposed work is completed on the six wells on which work is to be performed, whichever is later, subject to the conditions set forth in ordering paragraphs (C) and (D).

(C) Within 30 days of the effective date of the rate authorized herein, O & G Futures shall file a statement signed by Trunkline that the proposed work has been completed to the satisfaction of Trunkline.

(D) Within 30 days of the date of issuance of this order, O & G Futures shall file an appropriate notice of rate change reflecting the rate authorized herein in accordance with section 154.94 of the Commission's regulations under the Natural Gas Act (18 CFR § 154.94), and an executed copy of its contract amendment dated February 23, 1977, providing for payment of the rate authorized herein.

(E) Trunkline is permitted to intervene in the above-entitled proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition for leave to intervene; and: *Provided, further*, That the admission of Trunkline in the manner provided shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders entered in this proceeding, and that Trunkline agrees to accept the record as it now stands.

By the Commission.

KENNETH F. PLUMB,
Secretary.

³See "Order Granting Special Relief and Permitting Intervention," Michel T. Halbouty, et al., docket No. RI77-23, issued July 20, 1977.

¹Oil & Gas Futures, Inc. of Texas, filed on behalf of itself and H. W. Bass & Sons, Inc.; SAG Ventures Penna. Co. No. 3; Sharpet, Inc.; Sharoil Ltd.; and The Norwegian Oil Corp. (DNO-U.S.).

Oil & Gas Futures, Inc. of Texas, et al.
Docket No. RI77-56

Line No. and Item (a)	Amount (b)
Unit cost of gas	
1. Net working interest volumes:	
2. Gas—1,000 ft ³ at 14.73 lb/in ² a ¹	2,215,800
3. Liquids—barrels ²	109,083
4. Cost of production:	
5. Return on rate base at 15 pct ³	\$266,860
6. DD&A ⁴	1,151,918
7. Production expense ⁵	3,200,514
8. Abandonment cost ⁶	330,000
9. Subtotal.....	4,949,292
10. Allocated to gas ⁷	4,174,793
11. Regulatory expense ⁸	\$2,216
12. Total cost of production.....	\$4,177,009
13. Unit cost of gas (cents per M ft ³):	
14. Cost of production ⁹	188.51
15. Production tax.....	
16. Total unit cost.....	188.51

¹2,971,000 M ft³ minus 234,066 M ft³ (fuel used) times 0.809592 net working interest.

²134,739 bbls times 0.809592 net working interest.

³Line 11 of sheet 3 times 0.15 times 3.5 yr productive life (6 wells only).

⁴From line 8 of sheet 2 (6 wells only).

⁵Based on operating expenses as estimated by petitioner (\$2,400,384 for the 6 wells undergoing work, and \$800,130 for the remaining 2 wells).

⁶Allocated on basis of total gas production.

⁷\$4,066,864 times 0.8735 plus \$441,314 times 0.4543 plus \$441,314 times 0.9564.

⁸Line 2 times 0.1 cents per M ft³ per opinion No. 749.

⁹Line 12 divided by line 2.

OIL & GAS FUTURES, INC. OF TEXAS, ET AL.—Average investment and annual rate base (6 wells)

[Docket No. RI77-56]

Line No. and year (a)	Annual N.W.I. production (1,000 ft ³) (b)	Beginning of year investment (c)	Depreciation ¹ (d)	End of year investment (e)	Average investment ² (f)
1. Average investment:					
2. 1977.....	759,795	\$1,151,918	\$534,405	\$608,513	\$890,216
3. 1978.....	511,520	608,513	365,839	242,674	425,594
4. 1979.....	242,609	242,674	173,514	69,160	155,917
5. 1980 (6 mo.).....	96,720	69,160	69,174		17,290
6. Totals.....	1,610,644		1,151,932		1,479,017
7. Average annual investment ³					422,576
8. Average annual rate base:					
9. Average annual investment.....					422,576
10. Average annual working capital allowance ⁴					65,728
11. Total annual rate base.....					508,304

¹Col. (b) times line 7 of sheet 2.

²Col. (c) plus col. (e) divided by 2.

³Col. (f) of line 6 divided by 3.5 yr productive life.

⁴0.125 times \$2,400,384 divided by 3.5 yr productive life.

⁵Adj. for 6 mo.

OIL & GAS FUTURES, INC. OF TEXAS, ET AL.—Allocation of costs (2 wells)

[Docket No. RI77-56]

Line No. and Item (a)	Well No. 5 amount (b)	Well No. 17 amount (c)
1. Allocation of costs:		
2. Gas—million Btu.....	\$37,797	\$99,433
3. Liquids—million Btu.....	\$645,926	\$4,536
4. Total—million Btu.....	1,183,723	103,969
5. Percentage allocated to gas.....	\$0.4543	\$0.9564

Line No. and Item (a)	Amount (b)
Investment and allocation of costs (six well)	
1. Investment:	
2. Remaining net book value May 1, 1977.....	\$1,001,918
3. Rework well.....	150,000
4. Total investment.....	1,151,918
5. Less salvage value.....	
6. Total depreciable investment.....	1,151,918
7. Depreciation per unit of production ¹	0.7152
8. Allocation of costs:	
9. Gas—million Btu.....	1,696,008
10. Liquids—million Btu.....	245,722
11. Total—million Btu.....	1,941,730
12. Percentage allocated to gas ²	0.8735

¹Line 6 divided by 1,610,644 M ft³.

²Modified Btu method per opinion No. 749

³1,610,644 M ft³ times 1.053 Btu/per 1000 ft³.

⁴2,116 Bbls. (oil) times 5.8 million Btu/per barrel times 1.5 modifier plus 27,814 Bbls. (cond.) times 5.448 million Btu/per barrel times 1.5 modifier.

⁵Line 9 divided by Line 11.

[6740-02]

[Docket No. RI77-111]

PENNZOIL CO.

Amended Application To Increase Gathering Allowance; Correction

MAY 22, 1978.

In FR Doc. 11432 issued April 20, 1978 and appearing in the issue of Thursday, April 27, 1978, in the heading, the Docket No. should read RI77-111 not RI77-11 and in line 5, the Docket No. should read RI77-111 not RI77-11.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14988 Filed 5-30-78; 8:45 am]

[6740-02]

[Project No. 943]

PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASH.

Application for Approval of Exhibit R

MAY 23, 1978.

Public notice is hereby given that an application for approval of exhibit R for Project No. 943 was filed on March 1, 1978, under the Federal Power Act, 16 U.S.C. 791a-825r, by Public Utility District No. 1 of Chelan County, Wash. (Applicant) (Correspondence to: P.U.D. No. 1 of Chelan County, Attention: Howard C. Elmore, Manager, P.O. Box 1231, Wenatchee, Wash. 98809; David C. Dorsey, Esq., Davis, Arneil, Dorsey, Kight & Parlette, P.O. Box 2136, Wenatchee, Wash. 98801). Project No. 943, known as the Rock Island Project, is located on the Columbia River in Chelan and Douglas Counties, Wash.

The Applicant proposes to develop six new recreation sites and to set aside two sites for future development as follows:

(a) Site No. 1—Dam Overlook on the south side of Rock Island Dam consisting of small interpretive center and restrooms, a parking area, and 10 picnic sites.

(b) Site No. 2—Douglas County consisting of a boat ramp to replace the existing ramp, a floating dock, additional parking and sanitary facilities and 10 picnic sites with a sanitary facility, access road, and parking.

(c) Site No. 3—the Wenatchee Riverfront, located near the central business district of Wenatchee, comprising a boat ramp and dock, parking, restrooms, 20 picnic sites, and a paved shoreline trail;

(d) Site No. 4—Walla Walla Point, between the Wenatchee Riverfront and Wenatchee Confluence South, consisting of 30 camping sites with restrooms and showers, a day-use area with 120 picnic sites and a bathhouse, boat ramp and dock, a shoreline trail and a parking area, and paved access to the trail;

(e) Site No. 5—Wenatchee Confluence South, to be included to preserve it as a natural area, will contain an interpretive area and a shoreline nature trail;

(f) Site No. 6—Wenatchee River Confluence North, along the north side of the Wenatchee River, consisting of a paved trail connecting the US-2/SR2 highway bridge with Olds Bridge; and

(g) Site Nos. 7 and 8—Olds Bridge on the east bank of the Columbia River and Porter's Pond across the river from the Wenatchee Riverfront to be included in the project boundary for future recreational development.

Applicant proposes to undertake all facility development within a 5-year period at a cost of \$6,130,000 in 1976 dollars.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 3, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rule of practice and procedure, 18 CFR § 1.8 or § 1.10 (1977). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any hearing therein must file a petition to intervene in accordance with the Commission's rule.

The application is on file with the Commission and is available for public inspection

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14989 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RP77-20]

RATON NATURAL GAS CO.

Change in Rates

MAY 22, 1978.

Take notice that Raton Natural Gas Co. (Raton), on May 12, 1978, tendered for filing, proposed changes in its FPC Gas Tariff, Volume No. 1, consisting of Seventeenth Revised Sheet No. 3a. The change in rates is for jurisdictional gas service. The proposed effective date is June 1, 1978.

Raton states that the instant notice of change in rates is occasioned solely by increase in the cost of gas purchased from Colorado Interstate Gas Co. (CIG). The tracking of CIG gas cost increase results in increased rate from 118.54¢ to 118.66¢ per MCF commodity. The annual revenue increase, by reason of the tracking, amounts to \$1,267.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C., 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14990 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. CP78-322]

SEA ROBIN PIPELINE CO.

Pipeline Application

MAY 23, 1978.

Take notice that on May 9, 1978, Sea Robin Pipeline Co. (Sea Robin), P.O. Box 1478, Houston, Tex. 77001, filed an application in Docket No. CP78-322, pursuant to section 7(c) of the Natural Gas Act, as amended, requesting authorization to transport gas for Transcontinental Gas Pipe Line Corp. (Transco), all as more fully set forth in the application which is on file with the Federal Energy Regulatory Commission (Commission).

Sea Robin states that pursuant to a transportation agreement dated April 12, 1978, between Sea Robin and Transco, Transco will deliver or cause to be delivered to Sea Robin for transportation up to 50,000 Mcf per day at a subsea tap on Sea Robin's offshore pipeline system in East Cameron Area, Block 263, offshore Louisiana. Sea Robin will redeliver equivalent volumes, less fuel and company-used gas to Transco at an existing delivery point located at the terminus of Sea Robin's system near Erath, Vermilion Parish, La.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 14, 1978, should file with the Federal

Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14991 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. EL78-21]

SEMINOLE ELECTRIC COOPERATIVE, INC. v.
FLORIDA POWER CORP.

COMPLAINT

MAY 19, 1978.

Take notice that Seminole Electric Cooperative, Inc. on May 8, 1978, tendered for filing a complaint praying that the Commission immediately institute an investigation of Florida Power's purchase of fuel oil in the years 1973-75, that after such investigation the Commission order Florida Power to refund to the Complainant its proportionate share of any unlawful amounts which the Commission finds Florida Power has paid for fuel oil, and that the Commission grant to the Complainant such further relief as to it may seem appropriate in the circumstances.

Any person desiring to be heard or to protest said complaint should file a petition to intervene or protest with

the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.10). All such petitions or protests should be filed on or before June 16, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14975 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RP73-64; PGA78-2; DCA78-2]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FERC Gas Tariff

MAY 22, 1978.

Take notice that Southern Natural Gas Co. (Southern), on May 16, 1978, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1, to become effective July 1, 1978. Such filing is pursuant to section 17 (Purchased Gas Adjustment) of the general terms and conditions of Southern's FERC Gas Tariff, Sixth Revised Volume No. 1. The proposed changes would increase Southern's rates as a result of the following items:

(1) A current adjustment, pursuant to section 17.3 of the general terms and conditions of Southern's FERC Gas Tariff, for an increase in cost of purchased gas to jurisdictional customers of \$44,817,400, or 10.076¢ per Mcf.

(2) A surcharge adjustment for purchased gas costs, pursuant to section 17.4 of the general terms and conditions of Southern's FERC Gas Tariff, for unrecovered purchased gas costs of 7.185¢ per Mcf, which is a net decrease of 2.529¢ per Mcf below the present surcharge adjustment. The total of unrecovered purchased gas costs to be recovered is \$19,926,527 and will be collected over the estimated sales for the 6-month period commencing July 1, 1978.

(3) A surcharge adjustment for estimated demand charge credits pursuant to section 9.6(3) of the general terms and conditions of Southern's FERC Gas Tariff of 2.860¢ per Mcf.

Southern states that the balance in Account No. 191, Unrecovered Purchased Gas Costs, as of December 31, 1977, included a credit amount of \$3,543,195 which was due to the one-time special PGA rate increase pursuant to ordering paragraph (C) of the

Commission's Opinion No. 770-A. Since Opinion No. 770-A provided that the PGA surcharge be collected for only a 12-month period and the 12-month period expired on December 31, 1977, Southern requests permission to credit the above balance plus accrued interest to its regular unrecovered purchased gas costs account pursuant to section 17.4 of the general terms and conditions of Southern's FERC Gas Tariff. Southern says that its proposal will have the net effect of reducing the surcharge adjustment to be effective on July 1, 1978 from 9.236¢ per Mcf to 7.815¢ per Mcf, or by 1.421¢ per Mcf.

Copies of the filing are being served upon the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a

petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14992 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket Nos. RP74-6, et al.]

SOUTHERN NATURAL GAS CO.,

Filing of Pipeline Refund Reports and Refund Plans

MAY 22, 1978.

Take notice that the pipelines listed in the Appendix hereto have submitted to the Commission for filing proposed refund reports or refund plans. The date of filing, docket number, and type of filing are also shown on the Appendix.

Any person wishing to do so may submit comments in writing concerning the subject refund reports and plans. All such comments should be filed with or mailed to the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before June 5, 1978. Copies of the respective filings are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Date filed	Docket No.	Company	Type filing
Aug. 18, 1978. Supplemented: Oct. 18, 1978.	RP74-6	Southern Natural Gas Co.	Report.
Dec. 8, 1977.	RP75-102	Panhandle Eastern Pipeline Co.	Do.
Jan. 10, 1978	RP75-108	Natural Gas Pipeline Co. of America	Do.
Jan. 11, 1978	RP77-10	Consolidated Gas Supply Corp.	Plan.
Apr. 3, 1978.	RP74-2, et al.	South Texas Natural Gas Gathering Co.	Do.
Apr. 7, 1978.	AR70-1	West Texas Gathering Co.	Do.
Apr. 17, 1978	RP73-43	Mid-Louisiana Gas Co.	Report.
Apr. 20, 1978	AR70-1	West Texas Gathering Co.	Plan.
Do.	R-478	do.	Report.
Apr. 21, 1978	RP67-9	El Paso Natural Gas Co.	Plan.
Apr. 24, 1978	CP78-254	Michigan Consolidated Gas Co.	Report.
Apr. 28, 1978	R-478	West Texas Gathering Co.	Plan.
May 4, 1978.	AR70-1	El Paso Natural Gas Co.	Do.

[FR Doc. 78-14993 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RI78-47]

SUN OIL CO.

Petition for Special Relief

MAY 23, 1978.

Take notice that on April 6, 1978, Sun Oil Co. (Sun), 2 Northpark East,

P.O. Box 20, Dallas, Tex. 75221, filed a petition for special relief pursuant to 18 CFR 2.76 requesting a base rate of \$1.1351 per Mcf at 14.65 psia, subject to 100 percent State tax reimbursement, gathering allowance and Btu ad-

justment for the sale of its gas from the Furrh-Cooper Gas Unit, Well No. 1, Panola County, Tex., and a base rate of \$1.645 per Mcf at 14.65 psia, subject to 100 percent State tax reimbursement, gathering allowance and Btu adjustment for the Blocker-Fultz Gas Unit, Well No. 1, Panola County, Tex., to United Gas Pipeline Co. This sale is presently being made pursuant to a contract executed May 13, 1977, under Sun's certificate issued in Docket No. CI77-760 and Rate Schedule No. 593 at a base rate of 53.7067¢ per Mcf at 14.65 psia, plus 100 percent tax reimbursement, gathering allowance and subject to Btu adjustment.

Sun states that it submits its petition for the Furrh-Cooper Gas Unit, Well No. 1, for the express purpose of recovering the unit cost of gas in order to keep from prematurely plugging and abandoning the well. Sun further states that the Blocker-Fultz, Well No. 1, is shut-in due to a casing leak and an investment of approximately \$25,000 will be needed to put this well back into production, which cannot be economically justified at the current price level.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14994 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RI78-48]

SUN OIL CO.

Petition for Special Relief

MAY 23, 1978.

Take notice that on April 6, 1978, Sun Oil Co. (Sun), 2 Northpark East, P.O. Box 20, Dallas, Tex., 75221, filed a petition for special relief pursuant to 18 CFR 2.76 requesting a base rate of 56.2837¢ per Mcf at 14.65 psia, plus 100 percent State tax reimbursement and subject to Btu adjustment for the sale of its gas from the Bick, Well No. 1, McMinimy, Well No. 1, E. McMinimy, Well No. 1, and Swayze, Well No. 1,

Clark county, Kans., to Northern Natural Gas Co. This sale is presently being made pursuant to a contract dated September 14, 1961, under Sun's certificate issued in Docket No. CI62-462 and Rate Schedule No. 395 at a base rate of 29.5¢ per Mcf, plus tax reimbursement at 14.73 psia.

This relief would allow Sun to recover the cost of installing a compressor to compress gas from the Bick, Well No. 1, McMinimy, Well No. 1, E. McMinimy, Well No. 1, and Swayze, Well No. 1, in order to continue gas production from these wells. It is estimated that it will cost \$22,622 to install a rental compressor and operating expenses would total \$31,176.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 14, 1978, file with the Federal Energy Regulation Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14995 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RI78-50]

SUN OIL CO.

Petition for Special Relief

MAY 23, 1978.

Take notice that on April 15, 1978, Sun Oil Co. (Sun), 2 Northpark East, P.O. Box 20, Dallas, Tex. 75221, filed a petition for special relief pursuant to 18 CFR 2.76 requesting a base rate of 46.12¢ per Mcf at 14.65 psia, plus 100 percent State tax reimbursement and subject to Btu adjustment for the sale of its gas from the Headlee "A", Well No. 1, Harper County, Okla., to Michigan Wisconsin Pipe Line Co. This sale is presently being made pursuant to a contract dated April 24, 1959, under its certificate Docket No. G-18630 and Rate Schedule No. 365. Sun has filed for a base rate of 24.5¢ per Mcf, plus 4.312¢ per Mcf tax reimbursement and effective January 1, 1978, for subject gas.

Sun now requests an additional 21.62¢ per Mcf at 14.65 psia to allow the recovery of the cost of additional perforations and drilling out of CIBP and swabbing the Headlee "A", Well No. 1.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14996 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RP72-98 (PGA78-5) (DCA78-2)]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FERC Gas Tariff

MAY 22, 1978.

Take notice that Texas Eastern Transmission Corp., on May 17, 1978 tendered for filing as a part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets:

Forty-first Revised Sheet No. 14
Forty-first Revised Sheet No. 14A
Forty-first Revised Sheet No. 14B
Forty-first Revised Sheet No. 14C
Forty-first Revised Sheet No. 14D

These sheets are issued pursuant to the Demand Charge Adjustment Commodity Surcharge provision and Purchased Gas Cost Adjustment provision contained in sections 12.4 and 23, respectively, of the General Terms and Conditions of Texas Eastern's FERC Gas Tariff, Fourth Revised Volume No. 1. The change in proposed rates reflects a Cost of Gas Adjustment, a Surcharge Adjustment, and a Demand Charge Adjustment Commodity Surcharge. The proposed effective date of the above tariff sheets is July 1, 1978. Copies of the filing were served on the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 2, 1978. Protests will be considered by the Commission in determining the appropriate action to be

taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14976 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. CP78-312]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Pipeline Application

MAY 23, 1978.

Take notice that on April 28, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex., 77001, filed in Docket No. CP78-312 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Gulf Oil Corp. (Gulf), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant and Gulf have entered into an exchange agreement wherein Applicant will receive from reserves of Gulf in the High Island Area Block 111 Field, offshore Texas, quantities of gas up to a maximum daily quantity of 20,000 Mcf and a maximum contract quantity of 31 Bcf, and Gulf will receive equivalent quantities of gas purchased by Applicant in the South Timballer Area Block 148 Field, offshore Louisiana.

Applicant states that its proposal will enable it to receive into its system quantities of gas equivalent to those which it purchases in Block 148 Field where it has no facilities, and will enable it to assist Gulf in making quantities equivalent to Gulf's Block 111 Field volumes available to Texas Eastern Transmission Corp. pursuant to a contractual obligation to Gulf.

Applicant further states that volumes exchanged will be thermally equivalent, and that no rate or charge is involved.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 14, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing

to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14977 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. CP78-313]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Pipeline Application

MAY 23, 1978.

Take notice that on April 28, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-313 an application pursuant to section 7(c) of the Natural Gas Act, as amended, and the Rules and Regulations of the Federal Energy Regulatory Commission (Commission), for a certificate of public convenience and necessity authorizing the construction, installation and operation of certain natural gas pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has acquired rights to purchase approximately 37.3 Bcf of natural gas reserves located in Block 263, East Cameron Area, South Addition, offshore Louisiana in the Federal domain pursuant to advance payment agreements with Transco Exploration Co., McMoran Exploration Co. and Mesa Petroleum Co. Applicant further states that it has arrangements with Sea Robin Pipeline Co. (Sea Robin) and Columbia Gulf Transmission Co. (Columbia Gulf) to transport the gas from Block 263, East Cameron to Transco's system. Applicant

proposes to construct and operate a meter and regulatory station on the production platform in Block 263 and 6.83 miles of 16-inch line from the platform to a subsea tap on Sea Robin will receive the gas produced in Block 263 at the interconnection of the proposed pipeline with its system in Block 265, East Cameron and transport the gas to an existing interconnection with Columbia Gulf near Erath, Vermilion Parish, La., and Columbia Gulf will transport Applicant's gas to new interconnection between the Columbia Gulf and Transco system to be installed in Terrebonne Parish, La. It is stated that Applicant proposes to construct, install and maintain the necessary sidetap and value assembly and a meter and regulator station at the new interconnection with Columbia Gulf's pipeline and to reimburse Columbia Gulf for the cost of the sidetap and value assembly which it will install on its line at this point.

Applicant states that the estimated costs of the proposed pipeline, the meter and regulator stations and appurtenant facilities is \$5,300,000 which Applicant states will be financed initially from funds on hand or obtained through short-term loans and permanent financing will be arranged later as part of a long-term financing program. It is also stated that Sea Robin's initial rate for the transportation service will be 18.71 cents per Mcf transported and Columbia Gulf's transportation rate will be 2.34 cents per Mcf transported and both transporting pipelines will retain volumes for fuel used and lost and unaccounted volumes in rendering the transportation services.

Applicant also states that initial deliveries of natural gas from Block 263, East Cameron, are estimated to commence in the first quarter of 1979 and that the proposed 16-inch pipeline and the meter and regulator stations must be constructed in the period of normal good weather for construction in the Gulf of Mexico in 1978 in order to have the facilities in place, tested and ready for service when the gas is expected to be available. Applicant, therefore, has requested a temporary certificate to construct the proposed facilities.

Applicant states that the average daily deliverability of the Block 263 reserves is estimated to be approximately 42,000 Mcf a day during the first year of production and that the proposed 16-inch pipeline from Block 263 to Sea Robin's pipeline will have a maximum capability of 50,000 Mcf a day.

Any person desiring to be heard or to make any protest with reference to said application, on or before June 14, 1978, should file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to

intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required hereip, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14978 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. CP78-334]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Application

MAY 23, 1978.

Take notice that on May 10, 1978, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Tex. 77001, filed in Docket No. CP78-334 application pursuant to Section 7(c) of the Natural Gas Act and Section 2.79 of the Commission's General Policy and Interpretations (18 CFR 2.79) for a certificate of public convenience and necessity authorizing the transportation of up to 1,500 Mcf of natural gas per day for two years for Lithium Corp. of America (LCA), an existing industrial customer of Public Service Co. of North Carolina (Public Service), one of Applicant's resale customers served under Rate Schedule CD-2, all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant requests authorization to transport up to 1,500 Mcf per day (at 15.025 psia), on an interruptible basis,

for LCA pursuant to a transportation agreement dated April 10, 1978, among Applicant, LCA and Public Service. It is stated that LCA has contracted to purchase the subject gas from First Mississippi Corp. (First Mississippi), which gas is to be produced from the No. 1 and No. 1A J. P. Diffrient Wells, the No. 1 Armstrong Well and the No. 1 Olin Geiger Well, Holiday Creek Field, Jefferson Davis County, Miss. LCA would pay First Mississippi a price of \$1.61 per Mcf of gas for the first year of the contract, it is indicated. If the contract is extended beyond the initial one-year term, the parties hereto would mutually agree to renegotiate volumes and prices, it is said. It is stated that the subject gas is not available to the interstate market.

Applicant states that LCA would arrange to have such quantities delivered to a mutually agreeable point on Applicant's system in Jefferson Davis County, Miss., and Applicant would redeliver the transportation quantities to existing points of delivery to Public Service for the account of LCA. It is indicated that Public Service would transport such quantities of natural gas delivered to it by Applicant for LCA to LCA's Bessemer City, N.C. plant where LCA would use the subject for high-priority process use.

Applicant states that it would install a tap and valve assembly on its D Line at Mile Post 690.5 in Jefferson Davis County, Miss., and that First Mississippi would reimburse it for the actual cost, which cost is estimated at \$7,000.

It is stated that Applicant would charge LCA, initially, 55.08 cents per Dekatherm equivalent of natural gas for all quantities delivered hereunder, which rate is to be applicable to similar transportation services providing for deliveries in Applicant's Rate Zone 2. It is further stated Applicant would retain, initially, 3.8 percent of the quantities received for transportation as make-up for compressor fuel and line loss.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14979 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. RP78-42]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Storage Tracking Rate Increase

MAY 19, 1978.

Take notice that Transcontinental Gas Pipe Line Corp. (Transco) on May 3, 1978 tendered for filing a Second Substitute Alternate Fifth Revised Sheet No. 12 to its FERC Gas Tariff, Second Revised Volume No. 1 to become effective on April 1, 1978. Transco also tendered for filing a Substitute Sixth Revised Sheet No. 12 to its FERC Gas Tariff, Second Revised Volume No. 1, which is proposed to become effective on June 1, 1978, in lieu of the revised tariff sheet (Sixth Revised Sheet No. 12) filed by Transco on April 6, 1978 in Docket No. RM77-14, pursuant to the Commission's Opinion No. 11.

Transco states that the revised tariff sheets reflect an increase in rates for Transco's Rate Schedule GSS (General Storage Service) to track the rate increase to Transco from Consolidated Gas Supply Corp. (Con-Gas) under the latter's GSS rate schedule, which rate increase became effective, subject to refund, on April 1, 1978 in Docket No. RP77-140. More specifically, by a revised filing dated April 4, 1978 Con-Gas has increased its effective GSS rates to Transco by approximately \$1.9 million annually.

Transco states that its filing increases only the rates under Transco's Rate Schedule GSS to reflect only the aforesaid increased rates of Con-Gas and is filed to become effective, without suspension, on the same date that

the Con-Gas rate increase became effective, subject to refund, April 1, 1978. Transco agrees and undertakes to refund to its Rate Schedule GSS customers any refunds it may receive from Con-Gas pursuant to a final, non-appealable order reducing Con-Gas' Rate Schedule GSS.

Transco further states that copies of its filing have been mailed to each of its jurisdictional customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NW., Washington, D.C. 20426, in accordance with Sections 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 30, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14980 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. CP78-191]

TRUNKLINE GAS CO.

Petition to Amend

MAY 22, 1978.

Take notice that on May 18, 1978, Trunkline Gas Co. (petitioner), P.O. Box 1642, Houston, Tex. 77001, filed in docket No. CP78-191 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the construction and operation of a natural gas pipeline with certain characteristics other than initially authorized, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

By order of May 12, 1978, petitioner was authorized, inter alia, to construct and operate 8.4 miles of 24-inch pipeline as described in the certificate application. Said application describes the pipe as having a wall thickness of 0.344 inch and a maximum operating pressure of 1,200 psig. The petition to amend states that, in fact, the 24-inch pipe which is needed only requires a wall thickness of 0.312 inch and a maximum operating pressure of 1,123 psig. Petitioner notes that the proper-sized pipe would cost \$77,000 less than

that initially specified and authorized. Petitioner requests that the order issuing the certificate be amended by authorizing the construction and operation of facilities using the proper-sized pipe.

Since the facilities have already been authorized, except with respect to the modification proposed in the instant petition, and petitioner is said to be ready to obtain the pipe for immediate installation, it appears reasonable and consistent with the public interest to provide a shortened period for the filing of protests or petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 2, 1978, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14981 Filed 5-30-78; 8:45 am]

[6740-02]

[Project No. 2716]

VIRGINIA ELECTRIC & POWER CO.

Notice of Application For Approval of Revised Exhibit S (Detailed Plan For Mitigation of Impacts on Fish and Wildlife)

MAY 22, 1978.

Public notice is hereby given that an application for approval of revised exhibit S (detailed plan for mitigation of impacts on fish and wildlife) was filed on January 13, 1978, under the Federal Power Act (16 U.S.C. § 791a-825r), by Virginia Electric and Power Co. (licensee) (correspondence to: Mr. W. L. Proffitt, Senior Vice President, Virginia Electric and Power Co., Richmond, Va. 23261) for the Bath County pumped storage project No. 2716. The unconstructed project is located on Back and Little Back Creek in Bath County near the town of Mountain Grove, Va.

The revised exhibit S filed pursuant to article 44 of the project No. 2716 license sets forth licensee's detailed plan to avoid or mitigate expected ad-

verse impacts on fish and wildlife resources in the project area. The plan would include construction of two recreational ponds totaling about 85 acres downstream of the lower reservoir and adjacent to Back Creek; improvement of fish habitat in a 1.6 mile stretch of Back Creek downstream of the lower reservoir; and measures to minimize impacts on wildlife habitat during clearance of transmission line rights-of-way and to restore wildlife habitat altered during construction of project works.

The plan was prepared in consultation with the U.S. Fish and Wildlife Service, the U.S. Forest Service and the Virginia Commission of Game and Inland Fisheries.

Any person desiring to be heard or to make protest with reference to said application should, on or before July 10, 1978, file with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR § 1.8 or § 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to a proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14982 Filed 5-30-78; 8:45 am]

[6740-02]

[Docket No. ER78-373]

VIRGINIA ELECTRIC AND POWER CO.

Filing

MAY 22, 1978.

Take notice that on May 15, 1978, Virginia Electric and Power Co. (VEPCO) tendered for filing a revised supplement to the contract between VEPCO and Shenandoah Valley Electric Cooperative. VEPCO states that the revised contract supplement has certain items changed as a result of the sale of substation facilities in place at North River delivery point as set forth below:

Delivery point, North River; present FERC No., 84-24; proposed FERC No., 84-44; item corrected, 4, 5 (1), (2), (3), 6, 7, 8, 10, 11.

VEPCO proposes an effective date of April 24, 1978, and therefore requests waiver of the Commission's notice requirements.

Any person desiring to be heard or protest said filing should file a petition to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 5, 1978. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 78-14983 Filed 5-30-78; 8:45 am]

[3128-01]

Office of Energy Technology

LEGAL AND INSTITUTIONAL SUBCOMMITTEE OF ADVISORY COMMITTEE ON GEOTHERMAL ENERGY

Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that the Legal and Institutional Subcommittee of the Advisory Committee on Geothermal Energy will meet on Tuesday, June 20, 1978, from 10 a.m. to 4 p.m., Suite 285, World Trade Center, 350 South Figueroa Street, Los Angeles, Calif.

The purpose of this subcommittee is to make recommendations to the parent committee with regard to the plans and activities of the Division of Geothermal Energy, Department of Energy, and in particular to provide advice on programs and approaches to effective government-industry cooperation with respect to legal and institutional problems.

The purpose of this meeting is to make specific recommendations for accomplishing the President's directive in his April 20, 1977, energy message that "the Departments of Interior and Agriculture will streamline their leasing and environmental review procedures to remove unnecessary barriers to development of geothermal resources."

The tentative agenda for this meeting is as follows:

- 10 a.m.—Opening remarks—Joseph W. Aidlin, chairman.
- 10:15 a.m.—Streamlining task force, purpose and objectives—task force chairman, Weldon B. Short, Bureau of Land Management, Department of Interior.

11 a.m.—The leasing process—Dale Zimmerman, Bureau of Land Management, Department of Interior.

12 noon—Lunch.

1 p.m.—Post-lease permits—Reid Stone, U.S. Geological Survey, Department of Interior.

2 p.m.—Open discussion.

3:45 p.m.—Public comment (10-minute rule). Adjourn.

The meeting is open to the public. The chairman of the subcommittee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the subcommittee will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral statements should inform Georgia Hildreth, Acting Director, Advisory Committee Management Office, 202-566-9969, at least 5 days prior to the meeting and reasonable provisions will be made for their appearance on the agenda.

The transcript of the meeting will be available for public review and copying at the Freedom of Information Public Reading Room, Room 2107, DOE, Federal Building, 12th and Pennsylvania Avenue NW., Washington, D.C. between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the reporter.

Issued at Washington, D.C. on May 25, 1978.

WILLIAM P. DAVIS,
Deputy Director of
Administration.

[FR Doc. 78-15053 Filed 5-30-78; 8:45 am]

[6560-01]

ENVIRONMENTAL PROTECTION AGENCY

[FRL 903-4]

ADMINISTRATOR'S TOXIC SUBSTANCES ADVISORY COMMITTEE

Open Meeting

AGENCY: Environmental Protection Agency.

ACTION: Notice of open meeting.

SUMMARY: There will be a meeting of the Administrator's Toxic Substances Advisory Committee from 7 a.m. to 9:30 p.m. on Sunday, June 25; from 9 a.m. to 4:30 p.m. on Monday, June 26; and if needed for continued discussion from 9 a.m. to 12 noon, Tuesday, June 27, 1978. The meeting will be held in Beekman Parlor, New York Hilton (Rockefeller Center) 1335 Avenue of the Americas, 53rd to 54th Street, New York, and will be open to the public.

FOR FURTHER INFORMATION CONTACT:

Dr. H. Wade Fowler, Jr., Executive Secretary, Administrator's Toxic Substances Advisory Committee, Office of Toxic Substances (TS-788), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460, telephone 703-557-7560.

SUPPLEMENTAL INFORMATION: The agenda for this meeting will include discussions on the following topics:

1. Discussion of major issues involved in setting up premanufacturing notification; and specifically, preliminary discussion regarding rules and regulations for submittal of notices.

2. Organizational activities of the Committee.

3. In addition, the Agency may present status reports on other ongoing programs of the Office of Toxic Substances.

Any member of the public wishing to attend or submit a paper should contact Dr. H. Wade Fowler, Jr., at the address or phone listed above. Interested persons are permitted to file written statements before or after the meeting, and may upon advance notice to the Executive Secretary, present oral statements to the extent that time permits. Persons desirous of making oral statements must notify the Executive Secretary and submit 20 copies of a summary not later than June 21, 1978.

Individuals who wish to file written statements are advised to submit copies of statements to the Executive Secretary in a timely manner to ensure appropriate consideration by the committee.

Dated: May 23, 1978.

STEVEN D. JELLINEK,
Assistant Administrator
for Toxic Substances.

[FR Doc. 78-14955 Filed 5-30-78; 8:45 am]

[6560-01]

[FRL 903-5]

CADMIUM

Decision Documents; Availability of External Review Drafts of Documents Assessing the Public Health Consequences

In accordance with section 122 of the Clean Air Act as amended August 1977, the U.S. Environmental Protection Agency will make available on May 22, 1978, external review drafts of (1) Cadmium Health Risk Assessment, (2) Atmospheric Cadmium: Population Exposure Analysis, and (3) Carcinogenic Assessment of Cadmium. Address all requests for copies to the Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711 (Attn: Ms. Diane Chappell).

The Agency welcomes all comments regarding these documents. Although

the Environmental Criteria and Assessment Office handles distribution of all three documents, for matters of content it is only responsible for Cadmium Health Risk Assessment. Refer comments concerning this document to Dr. J. H. B. Garner at the same address, telephone 919-541-2266, FTS 629-2255.

Direct comments on Atmospheric Cadmium: Population Exposure Analysis to Mr. Richard Johnson, Office of Air Quality Planning and Standards, MD-12, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5355, FTS 629-5355.

Direct comments on Carcinogenic Assessment of Cadmium to Ms. Betty Anderson, 401 M Street SW., Washington, D.C. 20460, telephone 202-245-3039, FTS 245-3039.

The Agency wishes to receive any comments pertaining to these documents by July 22, 1978.

Dated: May 24, 1978.

H. M. BILLS,
Assistant Administrator
for Research and Development.
[FR Doc. 78-14956 Filed 5-30-78; 8:45 am]

[6560-01]

[FRL 903-6]

POLYCYCLIC ORGANIC MATTER

Decision Documents; Availability of External Review Drafts of Documents Assessing the Public Health Consequences

In accordance with section 122 of the Clean Air Act as amended August 1977, the U.S. Environmental Protection Agency will make available on May 22, 1978, external review drafts of (1) Health Effects of Polycyclic Matter (POM) and (2) Atmospheric POM: Sources and Population Exposure Estimates. Address all requests for copies to the Environmental Criteria and Assessment Office, MD-52, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711 (Attn: Ms. Diane Chappell).

The Agency welcomes all comments regarding these documents. Although the Environmental Criteria and Assessment Office handles distribution of both documents, for matters of content it is only responsible for Health Effects of Polycyclic Organic Matter (POM). Refer comments concerning this document to Dr. Robert M. Bruce at the same address, telephone 919-541-2266, FTS 629-2266.

Direct comments on Atmospheric POM: Sources and Population Exposure Estimates to Mr. Justice Manning, Office of Air Quality Planning and Standards, MD-12, U.S. Environmental Protection Agency, Research Triangle Park, N.C. 27711, telephone 919-541-5231, FTS 629-5231.

The Agency wishes to receive any comments pertaining to these documents by July 22, 1978.

Dated: May 24, 1978.

H. M. BILLS,
Acting Assistant Administrator
for Research and Development.
[FR Doc. 78-14965 Filed 5-30-78; 8:45 am]

[6560-01]

[FRL 903-3: OPP-68005]

SOUTHERN AGRICULTURAL INSECTICIDES, INC., ET AL.

Dibromochloropropane (DBCP); Clarification and Amendment of Suspension Order

On September 8, 1977, a notice of intent to suspend and conditionally suspend registrations of pesticide products containing dibromochloropropane (DBCP) was issued under section 6(c) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended. The notice is set forth at 42 FR 48915 (September 26, 1977).

On October 27, 1977, after three timely requests for a hearing (on the question of whether an imminent hazard existed) were withdrawn a suspension order was issued suspending the registrations of all pesticide products containing DBCP. This order is set forth at 42 FR 57543 (November 3, 1977).

The suspension order implemented two separate suspension actions: a conditional suspension of all pesticide products containing DBCP to mitigate the hazards to DBCP applicators and an unconditional "specific food use" suspension of DBCP products registered for use on any of 19 food crops, including strawberries, based on determinations of the likelihood of DBCP residues occurring in the edible portions of these crops. Consequently, the unconditional suspension would have prohibited all uses of DBCP on strawberries, including its use on strawberry plants being grown as transplants or nursery stock, which use will not result in DBCP residues in the fruit harvested for human consumption.

Administrator Douglas M. Costle has determined that it was not the intent of the suspension order to unconditionally suspend that minor use, and therefore issues this clarification and amendment as set forth below.

Dated: May 18, 1978.

EDWIN L. JOHNSON,
Deputy Assistant Administrator
for Pesticide Programs.
[FIFRA Docket Nos. 398, 399, 400]

SOUTHERN AGRICULTURAL INSECTICIDES, INC., ET AL., PETITIONERS

CLARIFICATION AND AMENDMENT OF THE SUSPENSION ORDER DATED OCTOBER 27, 1977, RELATING TO PESTICIDE PRODUCTS CONTAINING DIBROMOCHLOROPROPANE (DBCP)

On September 8, 1977, I issued a notice of intent to suspend and conditionally suspend registrations of pesticide products containing dibromochloropropane (42 FR 48915, September 26, 1977), as the result of my determination that such action was necessary to prevent an imminent hazard from the use of DBCP. Every registrant of a DBCP product had an opportunity under section 6(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136 et seq.) to request a hearing on the question of whether an imminent hazard existed. Only three timely requests for a hearing were submitted, each of which was subsequently withdrawn. Consequently, on October 27, 1977, I issued a suspension order suspending the registrations of all pesticide products containing DBCP (42 FR 57543, November 3, 1977).

The suspension order implemented two separate suspension actions: an unconditional "specific food use" suspension of DBCP products registered for use on any of nineteen (19) food crops, based on determinations of the likelihood of DBCP residues occurring in the edible portions of those crops; and a conditional suspension of all DBCP products, aimed at mitigating hazards to DBCP applicators. With respect to the conditional suspension, registrants were afforded an opportunity to be relieved from the suspension order by obtaining an interim registration amendment implementing certain classification and labeling changes—including the restriction of the product to use only by certified applicators (or persons under their direct supervision) utilizing prescribed protection equipment and respirators. With respect to the specific food use suspension, however, my action was final and unconditional, and no such opportunity for relief was granted.

As indicated above, the unconditional specific food use suspension was aimed exclusively at those uses of DBCP which were identified as involving potential human exposure to DBCP through the consumption of DBCP residues. It was not my intention, as detailed in the notice of intent to suspend, to unconditionally suspend any use which does not present such risks. However, it has come to the Agency's attention that a minor use of DBCP, which does not present such risks of human exposure, appears to have been inadvertently included among the uses which were unconditionally suspended.

The minor use at issue is the use of DBCP as a post-plant sidedressing treatment, to strawberry plants being grown as transplants or as nursery stock. As explained in a letter from the Maryland Secretary of Agriculture, Maryland conducts a strawberry plant certification program which requires two to three post-plant applications of DBCP—the first 4 to 6 weeks after planting, the second 10 to 12 weeks after planting, and the third (when required in certain problem areas) 14 to 16 weeks after plant-

ing. However, plants being grown as transplants are not allowed to fruit and the flowers are removed manually to stimulate vegetative growth and increase subsequent plant production. When the plants are removed from the treated soil and prepared for shipment as transplants, all of the soil is removed from the plant roots and most of the leaves are removed before the plants are packaged. Finally, the recommended practice is to remove the flowers again during the first growing (i.e., post-transplant) season, to increase fruit production in the second and subsequent seasons. Thus, in most cases no fruit will be harvested for human consumption until approximately 20-22 months after the last application of DBCP to the soil in which the plants were originally grown as transplants. Agency chemists have determined that under these circumstances, no residues of DBCP will occur in the fruit that is ultimately harvested for human consumption.

As I have indicated, it was not my intention to unconditionally suspend the use of DBCP in strawberry fields for every use, but only for those uses which could be expected to result in DBCP residues in the edible portions of the plants. Accordingly, I am issuing this clarification of the Suspension Order so that it will properly reflect the action which I initially intended to implement.

Paragraph One of my suspension order of October 27, 1977, is therefore amended to read:

1. "The registrations issued under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 7 U.S.C. 136 et seq. (Supp. V, 1975), of all pesticide products containing dibromochloropropane ("DBCP") registered for use on broccoli, brussels sprouts, cabbage, carrots, cauliflower, celery, cucumbers, eggplant, endive, lettuce, melons, parsnips, peanuts, peppers, radishes, squash, strawberries (except for use on strawberry plants which are being grown as transplants or nursery stock and which are not allowed to fruit until after being transplanted), tomatoes and turnips are hereby suspended and the sale, distribution or other movement in commerce, and the use of all such pesticide products for the foregoing uses is prohibited."

Finally, it is important to emphasize that this clarification and amendment does not affect the status of the minor use at issue under the provisions of Paragraph Two of the suspension order (i.e., the conditional suspension). Registrations of DBCP products for that use are still conditionally suspended and relief from that conditional suspension can only be achieved in accordance with the provisions of Paragraphs Two and Three of the Suspension Order.

"The Agency has also been informed that an identical program is conducted by the State of Delaware and that other states also conducted similar or identical programs.

"Even if the recommended practice of removing the flowers during the first growing season is not followed by the purchaser of the transplant, no fruit will be harvested for human consumption until approximately 8-10 months after the last application of DBCP to the soil in which the plants were originally grown as transplants. Since the strawberry plants will have been removed from the treated soil long before the edible portions are formed, the possibility of residues occurring in those edible portions will still be eliminated.

Dated: May 10, 1978.

DOUGLAS M. COSTLE,
Administrator.

[FR Doc. 78-14957 Filed 5-30-78; 8:45 am]

[6560-01]

[FRL 904-5]

AMBIENT AIR MONITORING REFERENCE AND EQUIVALENT METHODS

Receipt of Application for a Reference Method Determination

Notice is hereby given that on May 11, 1978, the Environmental Protection Agency received an application from Thermo Electron Corp., 108 South Street, Hopkinton, Mass., to determine if its Model 14 B/E Chemiluminescent NO-NO₂-NO_x analyzer should be designated by the Administrator of the EPA as a reference method under 40 CFR Part 53, promulgated February 18, 1975 (40 FR 7044) and amended December 1, 1976 (41 FR 52692). If, after appropriate technical study, the Administrator determines that this method should be so designated, notice thereof will be given in a subsequent issue of the FEDERAL REGISTER.

H. M. BILLS,
(Acting) Assistant Administrator
for Research and Development.

[FR Doc. 78-15154 Filed 5-30-78; 8:45 am]

[6560-01]

[FRL 904-1]

AMERICAN PAPER INSTITUTE AND NATIONAL FOREST PRODUCTS ASSOCIATION

Participation in an Industry Meeting

Notice is hereby given of participation by a representative of the Office of Solid Waste, Hazardous Waste Management Division in the American Paper Institute and National Forest Products Association, Environmental Forum 5. The representative will be discussing the hazardous waste regulatory program under development pursuant to Subtitle C, Resource Conservation and Recovery Act of 1976. The meeting will be held June 14, 1978 beginning at 9:00 a.m. at the Mayflower Hotel, 1127 Connecticut Avenue NW., Washington, D.C.

Information on registration for the meeting is available from: Katherine Robinson, American Paper Institute, 1619 Massachusetts Avenue NW., Washington, D.C. 20036. A registration fee is required.

Dated: May 23, 1978.

THOMAS C. JORLING,
Assistant Administrator
for Water and Hazardous Materials.

[FR Doc. 78-15153 Filed 5-30-78; 8:45 am]

[6560-01]

[FRL904-4; OPP-33000/541 & 542]

PESTICIDE REGISTRATION

Receipt of Application; Data to be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency (EPA) published in the FEDERAL REGISTER (39 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended ("Interim Policy Statement"). On January 22, 1976, EPA published in the FEDERAL REGISTER a document entitled "Registration of a Pesticide Product—Consideration of Data by the Administrator in support of an Application" [41 FR 3339]. This document described the changes in the Agency's procedures for implementing Section 3(c)(1)(D) of FIFRA, as set out in the Interim Policy Statement which were effected by the enactment of the amendments to FIFRA on November 28, 1975 (Pub. L. 94-140), and the regulations governing the registration and reregistration of pesticides which became effective on August 4, 1975 [40 CFR Part 162].

Pursuant to the procedures set forth in these FEDERAL REGISTER documents, EPA hereby gives notice of the applications for pesticide registration listed below. In some cases these applications have recently been received; in other cases, applications have been amended by the submission of additional supporting data, the election of a new method of support, or the submission of new "offer to pay" statements.

In the case of all applications, the labeling furnished by the applicant for the product will be available for inspection at the Environmental Protection Agency, Room 209, East Tower, 401 M Street SW., Washington, D.C. 20460. In the case of applications subject to the section 3 regulations which utilize either the 2(a) or 2(b) method of support specified in the Interim Policy Statement, all data citations submitted or referenced by the applicant in support of the application will be made available for inspection at the above address. This information (proposed labeling and, where applicable, data citations) will also be supplied by mail, upon request. However, such a request should be made only when circumstances make it inconvenient for the inspection to be made at the Agency offices.

Any person who (a) is or has been an applicant, (b) believes that data he developed and submitted to EPA on or after January 1, 1970, are being used to support an application described in this notice, (c) desires to assert a claim under section 3(c)(1)(D) for such use of his data and wishes to preserve his

right to have the Administrator determine the amount of reasonable compensation to which he is entitled for such use of the data, or (d) wishes to assert confidential status under section 10 for his data, must notify the Administrator and the applicant named in the notice in the FEDERAL REGISTER of his claim by certified mail. Notification to the Administrator should be addressed to the Product Control Branch, Registration Division (WH-567), Office of Pesticide Programs, Environmental Protection Agency, 401 M St. SW., Washington, D.C. 20460. Every such claimant must include, at a minimum, the information listed in the Interim Policy Statement of November 19, 1973.

Specific questions concerning applications made to the Agency should be addressed to the designated Product Manager (PM), Registration Division (WH-567), Office of Pesticide Programs, at the above address, or by telephone as follows:

PM 11, 12, and 13—202-755-9315;
PM 21 and 22—202-426-2454;
PM24—202-755-2196;
PM31—202-426-2635;
PM33—202-755-9041
PM15, 16, and 17—202-426-9425;
PM23—202-755-1397;
PM25—202-426-2632;
PM32—202-426-9486;
PM34—202-426-9480.

The Interim Policy Statement requires that claims for compensation be filed on or before July 31, 1978. EPA will not delay any registration pending the assertion of claims for compensation or the determination of reasonable compensation. Inquiries and assertions that data relied upon are subject to protection under section 10 of FIFRA, as amended, should be made on or before June 30, 1978. Registration will be delayed pending resolution of section 10 claims.

Dated: May 22, 1978.

DOUGLAS D. CAMPT,
Acting Director
Registration Division.

APPLICATIONS RECEIVED (OPP-33000/541)

EPA Reg. No. 239-2211. Chevron Chemical Co., Ortho Division, San Francisco, Calif. 94119. ORTHO DIFOLATAN 4 FLOWABLE. Active ingredients: Captafol 39%. Method of support: Application proceeds under 2(b) of interim policy. Amendment. PM21

EPA Reg. No. 303-86. Huntington Laboratories, P.O. Box 710, Huntington, Ind. 46750. MATAR GERMICIDAL DETERGENT. Active ingredients: o-benzyl-p-chlorophenol, 9.12%; o-phenyl-phenol, 5.88%; Isopropanol, 3.03%; p-tert-amyphenol, 2.97%; Tetrasodium ethylenediamine tetraacetate, 1.90%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM32

EPA File Symbol 303-RNU. Huntington Laboratories, Inc. SENZA GERMICIDAL DETERGENT. Active ingredients: N-alkyl (60%, C14; 30%, C16; 5%, C18; 5%, C12) di-

methyl benzyl ammonium chlorides 3.38%. N-alkyl (68%, C12; 32%, C14) dimethylethylbenzyl ammonium chlorides 3.38%; Tetrasodium ethylenediamine tetraacetate 3.00%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA Reg. No. 352-378. E. I. du Pont de Nemours & Co., Wilmington, Del. 19898. KRENITE BRUSH CONTROL AGENT. Active ingredients: Ammonium ethyl carbamoylphosphonate 41.5%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Added uses. PM24

EPA Reg. No. 395-31. Lethelin Products Co., Inc., 15 MacQuesten Parkway South, Mt. Vernon, N.Y. 10550. MAGIKIL JELLY. Active ingredients: o-Isopropoxyphenyl Methylcarbamate 1%. Method of support: Application proceeds under 2(b) of interim policy. Amendment. PM12

EPA Reg. No. 618-73. Merck Chemical Division, Merck & Co., Inc., Rahway, N.J. 07065. MERBAC-35. Active ingredients: Benzyl Bromoacetate 90%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Added uses. PM33

EPA File Symbol 707-RGG. Rhom & Haas, Independence Mall West Philadelphia, Pa. 19105. KATHON WT 1.5% INDUSTRIAL RECIRCULATING WATER COOLING TOWER MICROBICIDE. Active ingredients: 8-Chloro-2-methyl-4-isothiazolin-3-one 1.15%; 2-Methyl-4-isothiazolin-3-one 0.35%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 830-UI. Crain Chemical CO., 2630 Andron Dr., Dallas, Tex. 75220. CRAIN CLEAR POOL. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 830-UO. Crain Chemical Co. CRAIN ABF TOWER AID. Active ingredients: Poly[oxyethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride] 15.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 1021-RGIE. McLaughlin Gormley King Co., 8810 Tenth Avenue North, Minneapolis, Minn. 55427. INSECTICIDE AEROSOL PHENOTHRIN, 2%. Active ingredients: 3-phenoxybenzyl d-cis and trans 2,2-dimethyl-3-(2-methylpropenyl) cyclo-propanecarboxylate 1.92%. Method of support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 1409-LN. Roberts Consolidated Industries. WOODLIFE (WATER-BASED) WOOD PRESERVATIVE CONCENTRATE. Active ingredients: 3-Iodo-2-propynyl butylcarbamate 2.4%. Method of support: Application proceeds under 2(b) of interim policy. PM22

EPA File Symbol 1409-R. Roberts Consolidated Industries. WOODLIFE WOOD PRESERVATIVE READY-TO-USE. Active ingredients: 3-Iodo-2-propynyl butylcarbamate 0.5%. Method of support: Application proceeds under 2(b) of interim policy. PM22

EPA Reg. No. 2831-50. Napasco International Inc., P.O. Box 1219, Thibodaux, La. 70301. MICRO-X LEMON DISINFECTANT. Active ingredients: o-Phenyl-phenol 00.17%; p-tertiary-Amylphenol

00.04%; Isopropanol 52.92%; Essential oils 00.50%. Republished: Formulation change. Method of support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 2831-51. Napasco International Inc. MICRO-X ORANGE DISINFECTANT. Active ingredients: o-Phenyl-phenol 00.176%; p-tertiary-Amylphenol 00.044%; Isopropanol 52.925%; Essential oils 00.350%. Republished: Formulation change. Method of support: Application proceeds under 2(a) of interim policy. PM32

EPA Reg. No. 2831-52. Napasco International Inc. MICRO-X BOUQUET DISINFECTANT. Active ingredients: o-Phenyl-phenol 00.17%; p-tertiary-Amylphenol 00.04%; Isopropanol 52.92%; Essential oils 00.25%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA Reg. No. 2831-53. Napasco International Inc. MICRO-X MINT DISINFECTANT. Active ingredients: o-Phenyl-phenol 00.17%; p-tertiary-Amylphenol 00.04%; Isopropanol 52.92%; Methyl Salicylate 00.50%. Republished: Formulation change. Method of support: Application proceeds under 2(a) of interim policy. PM32

EPA File symbol 5383-UI. Troy Chemical Corp., One Avenue L, Newark, N.J. 07105. TROYSAN ANTI-MILDEW-O. Active ingredients: Fopet(N-(trichloromethylthio) phthalimide) 86%. Method of support: Application proceeds under 2(b) of interim policy. PM21

EPA File symbol 8791-RL. E-Z Clor Systems, a division of Airwick Pool Products, Inc., 4 Cermak Blvd., St. Peter, Mo. 63378. E-Z CLOR SUPER-90-B POOL CHLORINATING TABLETS. Active ingredients: Trichloro-s-triazinetriene 94.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File symbol 8791-RA. E-Z Clor Systems. E-Z CLOR SHARKY CLOR PAC. Active ingredients: Trichloro-s-triazinetriene 99.1%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA Reg. No. 9167-4. Dynasurf Chemical Corp., 1426 Fleet St., Baltimore, Md. 21231. DYNAPHENE DISINFECTANT DETERGENT. Active ingredients: Isopropyl alcohol 9.60%; Potassium laurate and myristate 7.20%; Para-tertiary-amyphenol 2.50%; Ortho-benzyl-para-chlorophenol 2.40%; Ortho-phenylphenol 1.32%; Tetrasodium ethylenediamine tetraacetate 0.41%; 2,2'-methylenebis (3, 4, 6-trichlorophenol) 0.30%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA Reg. No. 9167-8. Dynasurf Chemical Corp. DYNAPINE NO. 5. Active ingredients: Pine oil 10.50%; soap (potassium tall oil) 7.57%; O-benzyl-p-chlorophenol 2.10%; O-phenylphenol 1.40%; Isopropanol 3.00%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Formulation change. PM32

EPA File Symbol 9232-RT. Federal International Chemicals, 1191 South Wheeling Rd., Wheeling, Ill. 60090. FED-SAN. Active ingredients: N-Alkyl (Myristyl 60%, Palmityl 30%, Lauryl 5%, Stearyl 5%) Dimethyl Benzyl Ammonium Chlorides 5%; n-Alkyl (lauryl 68%, Myristyl 32%) Dimethyl Ethylbenzyl Ammonium Chlorides 5%. Method of support: Application pro-

ceeds under 2(b) of interim policy. Amendment. PM31

EPA File Symbol 9594-EN. Intercontinental Chemical Corp., P.O. Box 15318, Sacramento, Calif. 95813. 232 ACIDIC WASH SANITIZER. Active ingredients: Sodium dichloro-s-triazine-trione dihydrate 28% (provides 15.8% available chlorine). Method of support: Application proceeds under 2(b) of interim policy. PM34

APPLICATIONS RECEIVED (OPP-33000/542)

EPA Reg. No. 11273-2. Sandoz, Inc., Crop Protection, 480 Camino Del Rio So., San Diego, Calif. 92108. THURICIDE-HPC HIGH POTENCY AQUEOUS CONCENTRATE. Active ingredients: *Bacillus thuringiensis* Berliner, potency of 4,000 International Units (at least 6 million viable spores) per milligram 0.8%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM17

EPA Reg. No. 11273-3. Sandoz, Inc. THURICIDE-HP SPRAY CONCENTRATE (WETTABLE POWDER). Active ingredients: *Bacillus thuringiensis* Berliner, potency of 16,000 International Units (at least 30 million viable spores) per milligram 3.2%. Method of support: Application proceeds under 2(a) of interim policy. Republished: Added use. PM17

EPA File Symbol 13306-R. Shield, Inc., P.O. Box 1708, Odessa, Tex. 79760. SHIELD TOWERIDE W. Active ingredients: Polyoxethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride 15.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 13306-E. Shield, Inc. SHIELD ALGAE-GO. Active ingredients: Polyoxethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride 15.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 13366-RR. National Chemical Research Corp., Fenne Commerce Ctr., Hwy. 301 North, Sarasota, Fla. 33580. CRYSTAL POOL LIQUID BLEACH. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 17118-R. St. Lucie Chemical and Supply, Inc., 2825 S.E. Jefferson St., Stuart, Fla. 33494. COMMERCIAL BLEACH SOLUTION. Active ingredients: Sodium Hypochlorite 9.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 20653-E. Crescent Pool Supply Co., Inc., 2310 South State Rd. 7, Miramar, Fla. 33023. SODIUM HYPOCHLORITE. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 20719-R. Hodgson Pool Sales, Inc., 5831 Seneca St., Elma, N.Y. 14059. HODGSON'S POOL SALES, INC. Active ingredients: Sodium Hypochlorite 12.5%. Method of support: Application proceeds under 2(b) of the interim policy. PM34

EPA File Symbol 32196-RN. Kare Kemical, Bldg. 148, Opa-Locka Airport, Opa-Locka, Fla. 33054. ALGICIDE II. Active ingredients: Polyoxethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride 10.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 32460-0. Hydrology Laboratories, Inc., P.O. Box 714, Smithtown, N.Y. 11787. SWIM FREE NON-FOAMING ALGAEICIDE. Active ingredients: Polyoxethylene (dimethyliminio) ethylene (dimethyliminio) ethylene dichloride 15.0%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 35571-0. Chem Pro Laboratory, Inc., 941 W. 190th St., Gardena, Calif. 90248. CHEM PRO BIOCIDES NO. 7. Active ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 3.73%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 35571-RE. Chem Pro Laboratory, Inc. CHEM PRO BIOCIDES NO. 54. Active ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 9.76%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 35571-RA. Chem Pro Laboratory, Inc. CHEM PRO BIOCIDES NO. 11. Active ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 7.49%. Method of support: Application proceeds under 2(b) of interim policy. Republished: Revised offer to pay statement submitted. PM31

EPA File Symbol 36245-E. Superior Chemical Products Co., 220 Hubbard Rd., Youngstown, Ohio 44505. SODIUM HYPOCHLORITE. Active ingredients: Sodium Hypochlorite 12.5%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 36488-E. Reuter Laboratories, Inc., 2400 James Madison Hwy., Haymarket, Va. 22069. REUTER LABORATORIES GRANULAR JAPANESE BEETLE ATTRACTANT. Active ingredients: Phenylethyl Propionate 7%; Eugenol 3%. Method of support: Application proceeds under 2(b) of interim policy. PM17

EPA File Symbol 38490-R. NeJame & Sons, 29 Vassar Rd., Red Oaks Mill, Poughkeepsie, N.Y. 12603. SODIUM HYPOCHLORITE. Active ingredients: Sodium Hypochlorite 12.5%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39736-E. Swimming Pool Owners Association, 8221 Pembroke Rd., Hollywood, Fla. 33023. SODIUM HYPOCHLORITE. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39837-R. Glamour Pools, Inc., 5332 South Cleveland Ave., Fort Myers, Fla., 33091. LIQUID SHOCK. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 39997-R. Martec Industries, P.O. Box 3038, Sima Valley, Calif. 93063. MARTEC BACTERIOSTATIC WATER FILTER. Active ingredients: Metallic silver 1.05%. Method of support: Application proceeds under 2(b) of interim policy. PM33

EPA File Symbol 40763-R. Cardinal Pools, Inc., 1268 Clayton Rd., Ellenville, Mo. 63011. CARDINAL POOLS SH12. Active ingredients: Sodium Hypochlorite 12.5%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40764-R. Florsan, Inc., P.O. Box 563, Ellensburg, Wash. 98926.

SODIUM HYPOCHLORITE SOLUTION. Active ingredients: Sodium Hypochlorite 12.5%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40765-R. General Chemical Corp., 4545 S Street, N.E., Washington, D.C. 20027. GENERAL CHEM-CHLOR. Active ingredients: Sodium Hypochlorite 12.5%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40766-R. New Smyrna Pool Service, 121 North Orange, New Smyrna Beach, Fla. 32069. REDI-KLOR. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40767-R. Regal Way Pool Service, Inc., P.O. Box 4548, Margate, Fla. 33063. SODIUM HYPOCHLORITE. Active ingredients: Sodium Hypochlorite 9.2%. Method of support: Application proceeds under 2(b) of interim policy. PM34

EPA File Symbol 40869-R. S. T. Swartz, Chemist, 4101 Larchmont Dr., El Paso, Tex. 79902. ROACH-A-CIDE. Active ingredients: Boric Acid 99.9%. Method of support: Application proceeds under 2(b) of interim policy. PM16

EPA File Symbol 41280-R. Salesco Inc., 333 Mamaki St., Honolulu, HI 96821. SDF CLEANER. Active ingredients: n-Alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chloride 4.8%; Sodium carbonate 3.5%. Method of support: Application proceeds under 2(b) of interim policy. PM31

[FR Doc. 78-15152 Filed 5-30-78; 8:45 am]

[6710-01]

FEDERAL HOME LOAN BANK BOARD

[HC 247]

STATE MANAGEMENT, INC.

Receipt of Application for Permission To Acquire Control of State Savings & Loan Association, Lubbock, Tex.

MAY 25, 1978.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from State Management, Inc. for approval of acquisition of control of State Savings & Loan Association, Lubbock, Tex., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and section 584.4 of the regulations for Savings and Loan Holding Companies, said acquisition to be effected through an exchange of 10 shares of the stock of State Management, Inc., for each outstanding share of State Savings & Loan Association and the assumption by State Management, Inc., of the outstanding debt currently secured by the stock of State Savings & Loan Association. Comments on the proposed acquisition should be submitted to the Director, or Deputy Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the

date this Notice appears in the FEDERAL REGISTER.

J. J. FINN,
Secretary,

Federal Home Loan Bank Board.

[FR Doc. 78-15094 Filed 5-30-78; 8:45 am]

[6325-01]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

OPEN COMMITTEE MEETINGS

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Pub. L. 92-463), notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, June 15, 1978

Thursday, June 22, 1978

Thursday, June 29, 1978

The meetings will convene at 10 a.m., and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The Federal Prevailing Rate Advisory Committee is composed of a chairman, representatives of five labor unions holding exclusive bargaining rights for Federal blue-collar employees, and representatives of five Federal agencies. Entitlement to membership on the committee is provided for in 5 U.S.C. 5347.

The committee's primary responsibility is to review the prevailing rate system and other matters pertinent to the establishment of prevailing rates under subchapter IV, chapter 53, 5 U.S.C., as amended, and from time to time advise the Civil Service Commission thereon.

These scheduled meetings will convene in open session with both labor and management representatives attending. During the meeting either the labor members or the management members may caucus separately with the chairman to devise strategy and formulate positions. Premature disclosure of the matters discussed in these caucuses would impair to an unacceptable degree the ability of the committee to reach a consensus on the matters being considered and disrupt substantially the disposition of its business. Therefore, these caucuses will be closed to the public on the basis of a determination made by the chairman of the Civil Service Commission under the provisions of section 10(d) of the Federal Advisory Committee Act (Pub. L. 92-463) and 5 U.S.C. section 552b(c)(9)(B). These caucuses may, depending on the issues involved, constitute a substantial portion of the meeting.

Annually, the committee publishes for the Civil Service Commission, the President, and Congress a comprehensive report of pay issues discussed,

concluded recommendations thereon, and related activities. These reports are also available to the public, upon written request to the committee secretary.

Members of the public are invited to submit material in writing to the chairman concerning Federal Wage System pay matters felt to be deserving of the committee's attention. Additional information concerning this meeting may be obtained by contacting the Secretary, Federal Prevailing Rate Advisory Committee, Room 1338, 1900 E Street NW., Washington, D.C. 20415, 202-632-9710.

JEROME H. ROSS,
Chairman, Federal Prevailing
Rate Advisory Committee.

MAY 25, 1978.

[FR Doc. 78-15085 Filed 5-30-78; 8:45 am]

[1610-01]

GENERAL ACCOUNTING OFFICE

REGULATORY REPORTS REVIEW.

Receipt of Report Proposals

The following requests for clearance of reports intended for use in collecting information from the public were received by the Regulatory Reports Review Staff, GAO, on May 22, 1978 (FMC), and May 23, 1978 (ICC). See 44 U.S.C. 3512 (c) and (d). The purpose of publishing this notice in the FEDERAL REGISTER is to inform the public of such receipts.

The notice includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; and the frequency with which the information is proposed to be collected.

Written comments on the proposed FMC and ICC requests are invited from all interested persons, organizations, public interest groups, and affected businesses. Because of the limited amount of time GAO has to review the proposed requests, comments (in triplicate) must be received on or before June 19, 1978, and should be addressed to Mr. John M. Lovelady, Assistant Director, Regulatory Reports Review, United States General Accounting Office, Room 5106, 441 G Street NW., Washington, D.C. 20548.

Further information may be obtained from Patsy J. Stuart of the Regulatory Reports Review Staff, 202-275-3532.

FEDERAL MARITIME COMMISSION

The FMC requests an extension without change of Part 510 of Chapter IV, Title 46, CFR, General Order 4, and Form FMC-18, Application for a License as an Independent Ocean Freight Forwarder. The rule in section 510.3(c) requires that the application

be submitted to provide the information necessary for the FMC to determine an applicant's eligibility to be licensed as an independent ocean freight forwarder pursuant to section 44 of the Shipping Act, 1916, as amended. This is a one-time application. The rules also require in sections 510.23(k) and 510.25 that each licensee maintain records and books on accounts correctly and orderly for five years and make such records available upon request of any authorized representative of the FMC, and that copies of special arrangements or contracts be maintained and made available upon request of any authorized representative of FMC and bona fide shippers upon reasonable request.

Section 510.26(a) requires that agreements subject to section 15 of the Shipping Act of 1916, be filed with the FMC for approval. Section 510.24(e) requires a certification which business must incorporate on one copy of the shipping papers and endorse. The FMC estimates that there is a universe of approximately 600 respondents per year filing for a license and that burden for respondents averages one-half hour for each respondent.

INTERSTATE COMMERCE COMMISSION

The ICC requests clearance of revisions to Form Ex Parte No. 305, require to be filed by Class I line-haul railroads by order of the Interstate Commerce Commission dated July 22, 1974, in Ex Parte No. 305, Nationwide Increase of Ten Percent in Freight Rates and Charges, 1974, and subsequent orders. By order of December 28, 1977, the increase granted in Ex Parte No. 305 was made permanent. No substantial change is made in the data requirements; however, the revisions are that the items to be reported reflect changes in the Uniform System of Accounts for Railroads adopted by the Commission's order of June 13, 1977. The filing frequency is also revised from quarterly to semi-annual. Reports are used by the ICC to insure that respondents are properly expending the required funds to reduce deferred maintenance of plant and equipment, and capital improvements. Reports are mandatory and available for public use. The ICC estimates that respondents number approximately 42 and that reporting burden will average 520 hours per report.

NORMAN F. HEYL,
Regulatory Report
Review Officer.

[FR Doc. 78-15084 Filed 5-30-78; 8:45 am]

[4110-89]

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

Assistant Secretary for Education

COLLECTION OF INFORMATION AND DATA
ACQUISITION ACTIVITY

Request for Comments

Pursuant to Section 406(g)(2)(B), General Education Provisions Act, notice is hereby given as follows:

The U.S. Office of Education has proposed collections of information and data acquisition which will request information from educational agencies or institutions.

The purpose of publishing this notice in the FEDERAL REGISTER is to comply with paragraph (g)(2)(B) of the "Control of Paperwork" amendment which provides that each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a 30-day period before the transmittal of the request to the Director of the Office of Management and Budget, to comment to the Administrator of the National Center for Education Statistics on the collection of information and data acquisition activity.

These data acquisition activities are subject to review by the HEW Education Data Acquisition Council and the Office of Management and Budget.

Descriptions of the proposed collections of information and data acquisition activities follow below.

Written comments on the proposed activities are invited. Comments should refer to the specific sponsoring agency and form number and must be received on or before June 30, 1978, and should be addressed to Administrator, National Center for Education Statistics, ATTN: Manager, Information Acquisition, Planning, and Utilization, Room 3001, 400 Maryland Avenue SW., Washington, D.C. 20202. Further information may be obtained from Elizabeth M. Proctor of the National Center for Education Statistics, 202-245-1022.

Dated: May 24, 1978.

MARIE D. ELDRIDGE,
Administrator, National Center for
Education Statistics.

DESCRIPTION OF A PROPOSED COLLEC-
TION OF INFORMATION AND DATA AC-
QUISITION ACTIVITY

1. Title of proposed activity. Standard Application (Nonconstruction) for Library Research and Demonstration Program.

2. Agency/Bureau Office. U.S. Office of Education/Bureau of Elementary and Secondary Education/Office of Libraries and Learning Resources.

3. Agency Form Number. OE-336.

4. Legislative authority for this activity. "Section 223. (a). The Commissioner is authorized to make grants to institutions of higher education and other public or private agencies, institutions, and organizations, for research and demonstration projects relating to the improvement of libraries or the improvement of training in librarianship." (20 U.S.C. 1034) Pub. L. 89-329.

5. Voluntary/obligatory nature of response. Required to obtain or maintain benefits.

6. How information to be collected will be used. Information elicited will be used to determine institutional eligibility, the amount of the grant award, the length of the grant award, and adherence to published program funding criteria.

7. Data acquisition plan.

a. Method of collection: Mail.

b. Time of collection: Winter.

c. Frequency: Annually.

8. Respondents.

a. Institutions of higher education and other public or private agencies, institutions, or organizations.

b. Number: 300.

c. Estimated Average Man-Hours Per Respondent: 20.

9. Information to be collected. The standard application (nonconstruction) of OMB Circular No. A-102 will be used. In Part III, the budget, DHEW definition for the object class categories are used. For Part IV, the narrative, minor modifications have been made to incorporate statutory and regulatory needs.

DESCRIPTION OF A PROPOSED COLLEC-
TION OF INFORMATION AND DATA AC-
QUISITION ACTIVITY

1. Title of proposed activity. Financial Status and Performance Reports: Guidance and Counseling under Pub. L. 94-482, Section 342(b)(1).

2. Agency/Bureau/Office. Office of Education, Bureau of Elementary and Secondary Education, State and Local Educational Programs/Division of State Educational Assistance Programs.

3. Agency form number. OE Form 578-4.

4. Legislative authority for this activity. "Section 422(a). The Commissioner shall— . . . (3) collect data and information on applicable programs . . ." (20 U.S.C. 1231a).

5. Voluntary/obligatory nature of response. Required to obtain or maintain benefit.

6. How information collected will be used. The information to be collected is needed to determine the degree to which States have expended funds and the degree to which they meet the goals and objectives of the program as set forth in Application for Grants to Strengthen Guidance and Counseling Program."

7. Data acquisition plan.

a. Method of collection: Mail.

b. Time of collection: Fall.

c. Frequency: Annually.

8. Respondents.

a. Type: State Education Agencies.

b. Number: 57.

c. Estimated average man-hours per respondent: 8.

9. Information to be collected. For financial information, the standard OMB Financial Status Report form will be used. For Performance Report a narrative is requested to provide comparison of actual accomplishments to the proposed objectives in the application.

DESCRIPTION OF A PROPOSED COLLEC-
TION OF INFORMATION AND DATA AC-
QUISITION ACTIVITY

1. Title of Proposed Activity. Law School Clinical Experience Programs—Application.

2. Agency/Bureau/Office. U.S. Office of Education/Bureau of Higher and Continuing Education/Division of Training and Facilities.

3. Agency Form Number. OE 595.

4. Legislative Authority for This Activity. "The Commissioner is authorized to enter into grants or contracts with accredited law schools in the states for the purpose of paying not to exceed 90 per centum of the cost of establishing or expanding programs in such schools to provide clinical experience to students in the practice of law, with preference being given to programs providing such experience, to the extent practicable, in the preparation and trial of cases." (Pub. L. 90-575, as amended by Pub. L. 92-318 and Pub. L. 482, 20 U.S.C. 1136b.)

5. Voluntary/Obligatory Nature of Response. Required to obtain benefits.

6. How Information Collected Will Be Used. This information will be used in the evaluation of applications by a panel of consultants to determine which ones should be funded.

7. Data Acquisition Plan.

a. Method of Collection: Mail.

b. Time of Collection: Fall.

c. Frequency: Once a year.

8. Respondent.

a. Type: Accredited Law Schools.

b. Number: 160.

c. Estimated Average Man-Hours per Respondent: 30.

9. Information to be Collected.

a. Information required on Standard Form 424 (OE 595).

b. The application must show compliance with the Proposed funding Criteria which will be published in the FEDERAL REGISTER. This includes such items as:

1. Need for clinical program.

2. Nature and scope of clinical program.

3. Relevant faculty and institutional resources.

4. Legal skills to be developed.

5. Degree of clinical supervision.

6. Appropriate academic credit.

7. The law school's commitment to clinical legal education.

DESCRIPTION OF A PROPOSED COLLEC-
TION OF INFORMATION AND DATA AC-
QUISITION ACTIVITY

1. Title of Proposed Activity. Request for Certification for Participation in Programs Under Title IV of the Higher Education Act of 1965, As Amended.

2. Agency/Bureau/Office. U.S. Office of Education/Bureau of Student Financial Assistance/Division of Certification and Program Review.

3. Agency Form Number. OE Form 633.

4. Legislative Authority for This Activity. "Section 497A. (a) . . . The Commissioner is authorized to prescribe such regulations as may be necessary to provide for . . . (2) the establishment of reasonable standards of financial responsibility and appropriate institutional capability for the administration by an eligible institution of a program of student financial aid under this title; . . ." (20 U.S.C. 1088f-1) Pub. L. 94-482.

5. Voluntary/Obligatory Nature of Response. Obligatory.

6. How Information Collected Will Be Used. Information based upon standards and indices derived from the practice of the financial and educational communities and the experience of OE program managers will enable the Office of Education to make a determination regarding an institution's administrative capability and financial responsibility to successfully administer and participate in the following programs: Basic Educational Opportunity Grants, Guaranteed Student Loan, National Direct Student Loan, College Work-Study and Supplemental Educational Opportunity Grants. The determination of financial responsibility and administrative capability helps insure: (1) Protection of the Federal financial interest; (2) preservation of the statutory purpose of the Federal student assistance programs; and (3) protection of the rights of students to adequate consumer information and proper financial refunds.

7. Data Acquisition Plan.

a. Method of Collection: Mail.

b. Time of Collection: Fall.

c. Frequency: Annual.

8. Respondents.

a. Type: Colleges and Universities, Non-public Junior Colleges, Public Junior Colleges, Vocational/Technical Postsecondary Institutions.

b. Number: 3,000.

c. Estimated Average Man-Hours per Respondent: 5.

9. Information To Be Collected. Staffing (financial aid office and disbursing office), internal financial controls, student information verification,

student consumer information services, student withdrawals, Guaranteed Student Loan Program participation, institutional workload related to the administration of the Federal student assistance programs, financial statements, and bonding of certain institutional employees.

[FR Doc. 78-15069 Filed 5-30-78; 8:45 am]

[4110-02]

Office of Education

ADVISORY COMMITTEE ON ACCREDITATION
AND INSTITUTIONAL ELIGIBILITY

Amended Meeting

AGENCY: Department of Health, Education, and Welfare, Office of Education.

ACTION: Revision to notice.

SUMMARY: Notice is hereby given of the revision of schedule and proposed agenda of the June 21-23, 1978, meeting of the Advisory Committee on Accreditation and Institutional Eligibility to include the review of additional materials related to the petition of the Council of Legal Education and Admissions to the Bar, American Bar Association. Notice of the meeting of the Advisory Committee on Accreditation and Institutional Eligibility was published previously in the FEDERAL REGISTER on April 20, 1978, 43 FR 16810-16811. All written materials regarding this matter should be submitted to John R. Proffitt at the address below, and will be considered by the Committee.

DATES: June 21, 1978, 9:00 a.m. to 5:00 p.m., local time; June 22, 1978, 9:00 a.m. to 9:00 p.m., and June 23, 1978, 9:00 a.m. to 3:00 p.m.

ADDRESS: Shoreham Americana Hotel, 2500 Calvert Street NW., Washington, D.C. 20008.

FOR FURTHER INFORMATION CONTACT:

John R. Proffitt, Director, Division of Eligibility and Agency Evaluation, Office of Education, Room 3030, ROB 3, 400 Maryland Avenue SW., Washington, D.C. 20202, 202-245-9873.

Signed at Washington, D.C. on May 22, 1978.

JOHN R. PROFFITT,
Director, Division of Eligibility
and Agency Evaluation, Office
of Education.

[FR Doc. 78-15029 Filed 5-30-78; 8:45 am]

[4110-08]

National Institutes of Health

ADVISORY COMMITTEE TO THE DIRECTOR, NIH

Meeting

Pursuant to Pub. L. 92-463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, June 15-16, 1978, National Institutes of Health, Bethesda, Md., Building 31, Conference Room 10, C Wing. The meeting will take place from 9 a.m. to 5 p.m. on June 15, and from 9 a.m. to 1 p.m. on June 16. The entire meeting will be open to the public.

The purpose of the meeting will be to discuss possible strategies to develop appropriate principles for health research planning. The committee will consider the speech delivered by Secretary Califano before the annual meeting of the Federation for Clinical Research and develop themes and procedures for carrying out the goals outlined by the Secretary. The committee will review and comment on documents drafted for the purpose of implementing these goals.

In addition, the development of revised Recombinant DNA Research Guidelines and other policy issues of concern to the Director, NIH, will be discussed.

The Executive Secretary, Charles R. McCarthy, Ph.D., National Institutes of Health, Building 1, Room 201, Bethesda, Md. 20014, 301-496-1480, will furnish summaries of the meeting, rosters of committee members and guests, and substantive program information.

Dated: May 24, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-15176 Filed 5-30-78 8:45 am]

[4110-08]

CANCER CONTROL PREVENTION, DETECTION,
DIAGNOSIS AND PRETREATMENT EVALUA-
TION REVIEW COMMITTEE

Amended Notice of Meeting

Notice is hereby given of a change in meeting place of the Cancer Control Prevention, Detection, Diagnosis, and Pretreatment Evaluation Review Committee, National Cancer Institute, June 1-2, 1978, which was published in the FEDERAL REGISTER on May 16, 1978 (43 FR 21058). The meeting will be held in the Blair Building, Room 110, 8300 Colesville Road, Silver Spring, Md. 20014.

Dated: May 24, 1978.

SUZANNE L. FREMEAUX,
Committee Management Officer,
National Institutes of Health.

[FR Doc. 78-15177 Filed 5-30-78; 8:45 am]

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for captive self-sustaining population permits authorizing the purchase and sale in interstate commerce, for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street, NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications on or before June 30, 1978, by submitting written data, views, or arguments to the Director at the above address.

Applicant: Gladys Porter Zoo, 500 Ringgold Street, Brownsville, Tex. 78520; PRT 2-2483.

Applicant: Theron and Shelley Starns, Cougar Mtn. Breeding Cpd. & Sanctuary, P.O. Box 99542, Tacoma, Wash. 98499; PRT 2-2514.

Applicant: Raymond Evans, Box 1F, Bay City, Wis. 54723; PRT 2-2516.

Applicant: _____

PRT 2- _____
Applicant: _____

PRT 2- _____
Applicant: _____

PRT 2- _____

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: _____

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-15058 Filed 5-30-78; 8:45 am]

[4310-55]

THREATENED SPECIES PERMIT

Receipt of Application

The applicants listed below wish to apply for captive self-sustaining population permits authorizing the purchase and sale in interstate commerce,

for the purpose of propagation, those species of pheasants listed in 50 CFR 17.11 as [T(C/P)]. Humane shipment and care in transit is assured.

These applications and supporting documents are available to the public during normal business hours in Room 534, 1717 H Street, NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240. Interested persons may comment on these applications on or before June 30, 1978, by submitting written data, views, or arguments to the Director at the above address.

Applicant: Mary M. Krewson, Route No. 1, Toddville, Iowa 52341; PRT 2-2522.

Applicant: Carl Engstrom, Bosler Route, Wheatland, Wyo. 82201; PRT 2-2508.

Applicant: _____

PRT 2- _____
Applicant: _____

PRT 2- _____
Applicant: _____

PRT 2- _____
Applicant: _____

PRT 2- _____

Please refer to the individual applicant and the appropriately assigned PRT 2- file number when submitting comments.

Dated: May 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-15059 Filed 5-30-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant California Department of Fish and Game, 1416 Ninth Street, Sacramento, Calif. 95814.

The applicant requests a permit to take (capture) up to seven pairs of peregrine falcons (*Falco peregrinus*) as eggs or nestlings to augment a captive propagation program to produce birds for reintroduction to the wild.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2280. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address on or before June 30, 1978. Please refer to the file number when submitting comments.

Date: May 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-15060 Filed 5-30-78; 8:45 am]

[4310-55]

ENDANGERED SPECIES PERMIT

Receipt of Application

Applicant Woodland Park Zoological Gardens, 5500 Phinney Avenue North, Seattle, Wash. 98103.

The applicant requests a permit to import one pair of captive-bred white-eared pheasants (*Crossoptilon crossoptilon*) from the Jersey Wildlife Preservation Trust at the Channel Islands, for enhancement of propagation. Humane care and treatment during transport has been indicated by the applicant.

Documents and other information submitted with this application are available to the public during normal business hours in Room 534, 1717 H Street NW., Washington, D.C., or by writing to the Director, U.S. Fish and Wildlife Service (WPO), Washington, D.C. 20240.

This application has been assigned file number PRT 2-2503. Interested persons may comment on this application by submitting written data, views, or arguments to the Director at the above address within 30 days of the date of this publication. Please refer to the file number when submitting comments.

Dated: May 25, 1978.

DONALD G. DONAHOO,
Chief, Permit Branch,
Federal Wildlife Permit Office.
[FR Doc. 78-15061 Filed 5-30-78; 8:45 am]

[6820-27]

Bureau of Land Management

[R-1863]

CALIFORNIA

Opportunity for Public Hearing and Republishing of Notice of Proposed Withdrawal

Correction

In FR Doc. 77-27669 appearing at page 47884 of the issue of Thursday, September 22, 1977, on page 47884, in the second column, in the next to the

last paragraph of the document, the reference to October 20, 1961, in the fifteenth line should be October 20, 1991.

[4310-84]

[NM 33453 and 33454]

NEW MEXICO

Applications

MAY 22, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for two 4½-inch natural gas pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 26 N., R. 7 W.,
Sec. 3, lot 3, SE¼NW¼ and N¼SW¼.
T. 28 N., R. 11 W.,
Sec. 22, SE¼SW¼.

These pipelines will convey natural gas across 0.698 miles of public lands in Rio Arriba and San Juan Counties, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 6770, Albuquerque, N. Mex. 87107.

FRED E. PADILLA,
Chief Branch of Land
and Minerals Operations.
[FR Doc. 78-15098 Filed 5-30-78; 8:45 am]

[4310-84]

[NM 33460 and 33461]

NEW MEXICO

Notice of Applications

MAY 22, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Natural Gas Pipeline Co. has applied for two 4-inch natural pipeline rights-of-way across the following lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 24 E.,
Sec. 15, SE¼SW¼.

T. 25 S., R. 26 E.,
Sec. 10, E¼NE¼;
Sec. 11, N¼NW¼.

These pipelines will convey natural gas across 0.978 of a mile of public lands in Eddy County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the applications should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief Branch of Lands
and Minerals Operations.
[FR Doc. 78-15097 Filed 5-30-78; 8:45 am]

[4310-84]

[NM 33458]

NEW MEXICO

Notice of Application

MAY 22, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for three 4½-inch natural gas pipelines right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 19 S., R. 32 E.,
Sec. 10, SW¼NE¼ and SE¼NW¼.

These pipelines will convey natural gas across 0.492 miles of public land in Lea County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-15096 Filed 5-30-78; 8:45 am]

[4310-84]

[NM 32898]

NEW MEXICO

Notice of Application

MAY 22, 1978.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), El Paso Natural Gas Co. has applied for three 4½-inch natural gas pipelines right-of-way across the following land:

ing Act of 1920 (30 U.S.C. 185), as amended by the Act of November 16, 1973 (87 Stat. 576), Gas Co. of New Mexico has applied for one 4-inch natural gas pipeline and well pad site right-of-way across the following land:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 21 S., R. 32 E.,
Sec. 4, lots 3, 6 and 7.

The pipeline and site will occupy 2.87 acres of public land in Lea County, N. Mex.

The purpose of this notice is to inform the public that the Bureau will be proceeding with consideration of whether the application should be approved, and if so, under what terms and conditions.

Interested persons desiring to express their views should promptly send their name and address to the District Manager, Bureau of Land Management, P.O. Box 1397, Roswell, N. Mex. 88201.

FRED E. PADILLA,
Chief, Branch of Lands
and Minerals Operations.
[FR Doc. 78-15095 Filed 5-30-78; 8:45 am]

[4310-84]

RECEIPT OF CORAL APPLICATION

Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that an application to harvest pink coral in the Tanner Cortes Banks off the coast of Southern California is being considered. The regulations require public notice and invitation of comments on coral harvest applications.

DATE: Comment by June 30, 1978.

ADDRESS: Send comments to: Pacific OCS Office, 300 N. Los Angeles Street, Rm. 7127, Los Angeles, Calif. 90012.

FOR FURTHER INFORMATION CONTACT:

William E. Grant, 213-688-7234.

SUPPLEMENTARY INFORMATION: The principal author of this document is William E. Grant of the Pacific OCS Office, Bureau of Land Management.

Notice is hereby given that the following application for a permit has been received under 43 CFR 6224, Viable Coral Communities located on the Outer Continental Shelf.

APPLICANT: Robert A. Todd, 910 Joann Street, Costa Mesa, Calif. 92627.

AREAS OF PROPOSED OPERATIONS:

Area No. 1: Beginning at a point 32°27'36" N. latitude, 119°06'16" W. lon-

gitude; thence westerly along a line to a point 119°08'12" W. longitude; thence southerly along a line to a point 32°26'33" N. latitude; thence easterly along a line to a point 119°06'16" W. longitude; thence northerly along a line to the point of beginning.

Area No. 2: Beginning at a point 32°29'07" N. latitude, 119°11'50" W. longitude; thence westerly along a line to a point 119°13'09" W. longitude; thence southerly along a line to a point 32°28'14" N. latitude; thence easterly along a line to a point 119°11'50" W. longitude; thence northerly along a line to the point of beginning.

Area No. 3: Beginning at a point 32°42'42" N. latitude, 119°07'18" W. longitude; thence westerly along a line to a point 119°08'26" W. longitude; thence southerly along a line to a point 32°41'39" N. latitude; thence easterly along a line to a point 119°07'18" W. longitude; thence northerly along a line to the point of beginning.

DESCRIPTION OF PROPOSED OPERATIONS: Selective harvesting of the California hydrocoral, *Allopora californica* (aka red coral, purple coral, pink coral) by divers is proposed. Applicant has not proposed size restrictions on coral; however, most colonies will be between 6-14 inches in diameter. The coral will be used for commercial purposes.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Pacific Outer Continental Shelf Office, 300 N. Los Angeles St., Room 7127, Los Angeles, Calif. 90012.

Interested persons may comment on this application by submitting written data, views or arguments to the Manager, Pacific OCS Office at his address above. All relevant comments received on or before June 30, 1978, will be considered.

HAROLD R. MARTIN,
Acting Manager, Pacific Outer
Continental Shelf Office.

[FR Doc. 78-15030 Filed 5-30-78; 8:45 am]

[4310-84]

RECEIPT OF CORAL APPLICATION

Comment Period

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: This notice announces that an application to harvest pink coral in the Tanner Cortes Banks off the coast of southern California is being considered. The regulations require public notice and invitation of comments on coral harvest applications.

DATE: Comment by June 30, 1978.

ADDRESS: Send comments to: Pacific OCS Office, 300 N. Los Angeles Street, Rm. 7127, Los Angeles, Calif. 90012.

FOR FURTHER INFORMATION CONTACT:

William E. Grant, 213-688-7234.

SUPPLEMENTARY INFORMATION: The principal author of this document is William E. Grant of the Pacific OCS Office, Bureau of Land Management.

Notice is hereby given that the following application for a permit has been received under 43 CFR 6224, Viable Coral Communities located on the Outer Continental Shelf.

APPLICATION: Russell H. Armstrong, P.O. Box 1448, Avalon, Calif. 90704.

AREAS OF PROPOSED OPERATIONS

Area No. 1: Beginning at a point 32°42'30" N. latitude, 119°07'48" W. longitude; thence westerly along a line to a point 119°08'42" W. longitude; thence southerly along a line to a point 32°41'38" N. latitude; thence easterly along a line to a point 119°07'48" W. longitude; thence northerly along a line to the point of beginning.

Area No. 2: Beginning at a point 32°29'14" N. latitude, 119°12'40" W. longitude; thence westerly along a line to a point 119°13'18" W. longitude; thence southerly along a line to a point 32°28'23" N. latitude; thence easterly along a line to a point 119°12'40" W. longitude; thence northerly along a line to the point of beginning.

Area No. 3: Beginning at a point 32°27'42" N. latitude, 119°08' W. longitude; thence westerly along a line to a point 119°08'21" W. longitude; thence southerly along a line to a point 32°26'54" N. latitude; thence easterly along a line to a point 119°08' W. longitude; thence northerly along a line to the point of beginning.

DESCRIPTION OF PROPOSED OPERATIONS: Selective harvesting of the California hydrocoral, *Allopora californica* (a.k.a. red coral, purple coral, pink coral) by divers is proposed. Applicant has not proposed size restrictions on coral; however, most colonies will be between 6-14 inches in diameter. The coral will be used for commercial purposes.

Documents and other information submitted in connection with this application are available for public inspection during normal business hours at the Pacific Outer Continental Shelf Office, 300 N. Los Angeles St., Room 7127, Los Angeles, Calif. 90012.

Interested persons may comment on this application by submitting written data, views or arguments to the Manager, Pacific OCS Office at his address above. All relevant comments received

on or before June 30, 1978 will be considered.

HAROLD R. MARTIN,
Acting Manager, Pacific Outer
Continental Shelf Office.

[FR Doc. 78-15031 Filed 5-30-78; 8:45 am]

[1505-01]

QUALIFIED JOINT BIDDERS

Outer Continental Shelf (OCS)

Correction

In FR Doc 78-14589 appearing at page 22457 in the issue of Thursday, May 25, 1978, on page 22458 second column, the signature was inadvertently omitted and should be inserted to read, "George L. Turcott".

[4310-09]

Bureau of Reclamation

SAN JUAN NATIONAL FOREST

Order of Transfer of Administrative Jurisdiction of Land of Vallecito Reservoir, Pine River Project, Colo.

By virtue of the authority vested in the Secretary of the Interior by section 7(c) of the Act of July 9, 1965 (79 Stat. 216), and his delegation of authority to the Commissioner of Reclamation dated February 25, 1966, published March 4, 1966 (31 FR 3426), jurisdiction over the following-described lands, which lie within and adjacent to the San Juan National Forest, Colo., and which were acquired by the Bureau of Reclamation in the development of the Vallecito Reservoir, Pine River Project, is hereby transferred to the Secretary of Agriculture for recreational and other National Forest System purposes.

Pursuant to said section 7(c) of the aforesaid Act of July 9, 1965, the above lands shall become National Forest lands. This order shall be effective May 31, 1978.

All lands within the flow lines of the reservoir, or otherwise needed or used for the operation of the project or other purposes, shall continue to be administered by the Secretary of the Interior through the Bureau of Reclamation, to the extent he determines to be necessary for such operation.

Dated: May 23, 1978.

R. KEITH HIGGINSON,
Commissioner,
Bureau of Reclamation.

EXHIBIT A

OLD TIMER'S CAMPGROUND

Beginning at a point from which the West ¼ corner of section 16, T.36N., R.6W.,

N.M.P.M. bears North 52°27'16" East, 6,760.55 feet; thence South 46°25'01" West, 228.08 feet; thence South 16°28'51" West, 85.41 feet; thence South 61°50'12" East, 213.09 feet; thence North 0°18'00" East 339.72 feet to the point of beginning. The above described tract contains a total of 0.85 of an acre, more or less.

GRAHAM CREEK CAMPGROUND

Beginning at a point from which the West ¼ corner of section 18, T.36N., R.6W., N.M.P.M. bears South 21°41'32" West, 2,851.83 feet; thence North 89°56'00" East, 200.15 feet; thence North 0°12'33" West, 278.71 feet; thence South 35°31'21" West, 342.73 feet to the point of beginning. The above described tract contains a total of 0.64 acres, more or less.

PINE POINT CAMPGROUND

Beginning at a point from which the West ¼ corner of section 18, T.36N., R.6W., N.M.P.M. bears South 22°15' West, 4,291.20 feet; thence North 89°49'34" East, 814.19 feet; thence North 38°29'18" East, 224.86 feet; thence North 0°11'11" West, 452.92 feet; thence North 48°38'16" West, 252.61 feet; thence South 59°18'29" West, 261.00 feet; thence South 89°10'42" West, 285.18 feet; thence South 55°20'29" West, 150.28 feet; thence South 24°40'59" West, 206.71 feet; thence South 16°47'23" West, 197.71 feet; thence South 3°54'51" East, 198.92 feet to the point of beginning. The above described tract contains a total of 13.98 acres, more or less.

MIDDLE MOUNTAIN CAMPGROUND

Beginning at a point (Corner #1) from which the Center North 1/16 Corner, Section 9, T.36N., R.6W., N.M.P.M., bears East 512.60 feet; thence North 04°48'12" West, 1015.79 feet to Corner #2; thence North 25°04'48" West, 295.41 feet to Corner #3; thence North 17°58'31" West, 463.27 feet to Corner #4; thence North 86°03'47" West, 214.98 feet to Corner #5; thence South 39°31'48" West, 229.95 feet to Corner #6; thence South 08°39'57" West, 273.31 feet to Corner #7; thence South 30°49'46" East, 652.23 feet to Corner #8; thence South 11°07'04" East, 738.49 feet to Corner #9; thence South 89°23'36" East, 278.62 feet to Corner #1, the point of beginning. The above described tract contains a total of 15.66 acres, more or less.

[FR Doc. 78-15113 Filed 5-30-78; 8:45 am]

[4310-10]

Office of the Secretary

[Order No. 3015, Amdt. No. 1]

DELEGATIONS OF AUTHORITY TO ADMINISTER OATHS AND TAKE DEPOSITIONS

Section 4 of Secretary's Order No. 3015 dated November 25, 1977, is amended to read as follows:

Section 4, *Effective Date.* This order is effective immediately. Its provisions shall remain in effect until amended, superseded or revoked, whichever occurs first. However, in the absence of the foregoing actions the provisions of this order shall terminate and be considered obsolete on June 30, 1979.

Prepared for publication in the FEDERAL REGISTER.

Dated: May 19, 1978.

CECIL D. ANDRUS,
Secretary of the Interior.
[FR Doc. 78-15032 Filed 5-30-78; 8:45 am]

[4410-01]

DEPARTMENT OF JUSTICE

CF&I STEEL CORP.

Proposed Consent Decree in Action to Enjoin Discharge of Air Pollutants

In accordance with Departmental Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on May 3, 1978, a proposed consent decree in *United States of America v. CF&I Steel Corporation*, Civil Action No. 76-A-670, was lodged with the United States District Court for the District of Colorado. The proposed consent decree establishes emission limitations, performance standards, and testing and reporting procedures for various aspects of the operation of the defendant's coke plant at its iron and steel producing facility in Pueblo, Colo. The proposed consent decree also establishes a schedule of compliance for installation of a new pushing emission control system at the coke plant. The defendant is required to achieve compliance with Colorado Air Pollution Control Commission Regulation 1-I.A.1 by October 15, 1979. If compliance with the regulation is not achieved by that date, the defendant is required to pay to the United States the sum of \$5,000 for each day that compliance is delayed, unless the delay is caused by circumstances beyond the control of the defendant.

The proposed consent decree may be examined at the office of the United States Attorney, Civil Division, 6001 Federal Building, C-330 U.S. Court House, Drawer 3615, Denver, Colo. 80294; at the Region VIII office of the Environmental Protection Agency, Enforcement Division, 1860 Lincoln Street, Denver, Colo. 80295; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2625, Ninth and Pennsylvania Avenue, NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent decree for a period of thirty (30) days from the date of this notice. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America v. CF&I Steel*

Corporation, D. Colorado, Civil Action No. 76-A-670, D.J. Ref. 90-5-2-1-39.

JAMES W. MOORMAN,
Assistant Attorney General,
Land and Natural Resources
Division.

[FR Doc. 78-15033 Filed 5-30-78; 8:45 am]

[4410-01]

CONSOLIDATED PACKAGING CORP.

Proposed Consent Decree in Action to Enjoin Discharge of Water Pollutants

In accordance with Department Policy, 28 CFR § 50.7, 38 FR 19029, notice is hereby given that on May 15, 1978, a proposed consent decree in *United States of America v. Consolidated Packaging Corporation*, Civil No. 77-113-1, was lodged with the United States District Court for the Southern District of Iowa. The proposed decree provides for new interim and final effluent limitations with which the defendant must comply at its plant in Fort Madison, Iowa. These limitations will be incorporated into a revised NPDES permit.

The proposed decree sets forth a schedule for achieving compliance with the final effluent limitations by July 1, 1979, and provides for a basic penalty of \$100,000. Violation by the defendant of interim deadlines contained in the proposed decree will result in a penalty of \$1,000 per day, and failure to achieve the final limitations by July 1, 1979 will result in payment of a penalty of \$250,000 plus \$10,000 per day until compliance is achieved.

The proposed consent decree may be examined at the office of the United States Attorney, 122 U.S. Courthouse, Des Moines, Iowa 50309; at the Region VII office of the Environmental Protection Agency, Enforcement Division, 1735 Baltimore, Kansas City, Mo. 64108; and at the Pollution Control Section, Land and Natural Resources Division of the Department of Justice, Room 2630, Ninth and Pennsylvania Avenue NW., Washington, D.C. 20530. A copy of the proposed consent decree may be obtained in person or by mail from the Pollution Control Section, Land and Natural Resources Division of the Department of Justice.

The Department of Justice will receive written comments relating to the proposed consent on or before June 30, 1978. Comments should be addressed to the Assistant Attorney General, Land and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States of America v. Consolidated Packaging Corporation*, D. J. Ref. 90-5-1-1-838.

JAMES W. MOORMAN,
Assistant Attorney General,
Land and Natural Resources
Division.

[FR Doc. 78-15034 Filed 5-30-78; 8:45 am]

[4510-23]

NATIONAL COMMISSION ON EMPLOYMENT AND UNEMPLOYMENT STATISTICS

PUBLIC HEARING

Notice is hereby given that the National Commission on Employment and Unemployment Statistics will hold a public hearing on June 20, 1978, in Room 9022, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

The National Commission on Employment and Unemployment Statistics was established under section 13 of the Emergency Jobs Program Extension Act of 1976, Pub. L. 94-444. Its purpose is to advise the President and the Congress on reliable and comprehensive measurements of employment and unemployment by examining the procedures, concepts and methodology involved in employment and unemployment statistics, and suggesting ways and means of improving them.

Both producers and users of employment and unemployment statistics are invited to testify regarding the adequacy of current concepts and methods involved in producing these statistics for the nation, regions, states, and local areas. Testimony is invited on the usefulness of current statistics to policymaking and the specific needs of users.

The hearing will begin at 9:30 a.m. The public is invited to attend. Persons desiring to testify should submit a written request at least seven days before the hearing date. Written statements should be provided 24 hours in advance of the scheduled appearance. These materials and additional questions regarding the hearings or the National Commission on Employment and Unemployment Statistics may be addressed to:

Marc Rosenblum, Staff Economist, National Commission on Employment and Unemployment Statistics, 2000 K Street NW., Suite 550, Washington, D.C. 20006.

Signed at Washington, D.C. this 15th day of April, 1978.

SAR A. LEVITAN,
Chairman.

[FR Doc. 78-15100 Filed 5-30-78; 8:45 am]

[4510-23]

PUBLIC HEARING

Notice is hereby given that the National Commission on Employment and Unemployment Statistics will hold a public hearing on June 13, 1978, in Room 764, 230 South Dearborn Street, Chicago, Ill. 60604.

The National Commission on Employment and Unemployment Statistics was established under section 13

of the Emergency Jobs Program Extension Act of 1976, Pub. L. 94-444. Its purpose is to advise the President and the Congress on reliable and comprehensive measurements of employment and unemployment by examining the procedures, concepts and methodology involved in employment and unemployment statistics, and suggesting ways and means of improving them.

Both producers and users of employment and unemployment statistics are invited to testify regarding the adequacy of current concepts and methods involved in producing these statistics for the nation, regions, states, and local areas. Testimony is invited on the usefulness of current statistics to policymaking and the specific needs of users.

The hearing will begin at 9:30 a.m. The public is invited to attend. Persons desiring to testify should submit a written request at least seven days before the hearing date. Written statements should be provided 24 hours in advance of the scheduled appearance. These materials and additional questions regarding the hearings or the National Commission on Employment and Unemployment Statistics may be addressed to:

Marc Rosenblum, Staff Economist, National Commission on Employment and Unemployment Statistics, 2000 K Street NW., Suite 550, Washington, D.C. 20006.

Signed at Washington, D.C. this 15th of May, 1978.

SAR A. LEVITAN,
Chairman.

[FR Doc. 78-15099 Filed 5-30-78; 8:45 am]

[6820-49]

NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD, 1979

PRIVACY ACT OF 1974

Systems of Records

Pursuant to the provisions of the Privacy Act of 1974, Public Law 93-579, 5 U.S.C. 552a, the National Commission on the International Year of the Child, 1979, hereafter known as the Commission, hereby publishes for comment those systems of records subject to the Privacy Act of 1974 which are maintained by the Commission. Any person interested in commenting on the routine use portions of the system notices may do so by submitting comments in writing to the Administrative Officer, National Commission on the International Year of the Child, 1979, c/o GSA Liaison Division, Washington, D.C. 20405. Comments should be submitted on or before June 30, 1978. The Commission procedures for access to records in the

system are contained in 1 CFR, Part 465. Dated at Washington, D.C. on May 19, 1978.

JEAN C. YOUNG,
Chairperson, National Commission on the International Year of the Child, 1979.

IYC-1

System name:

Payroll Records National Commission on the International Year of the Child, 1979.

System location:

General Services Administration, Region 3 Office; copies held by the Commission. GSA holds records for the Commission under contract.

Categories of individuals covered by the system:

Employees and members of the Commission.

Categories of records maintained in the system:

Varied payroll records, including, among other documents, time and attendance cards; payment vouchers; comprehensive listing of employees; health benefits records; requests for deductions; tax forms; W2 forms; overtime requests; leave data; retirement records.

Records are used by Commission and GSA employees to maintain adequate payroll information for Commission employees, and otherwise by Commission and GSA employees who have a need for the record in the performance of their duties.

Authority for the system:

31 U.S.C. "Money and Finance," and Executive Order 12053.

Routine use of records:

See Appendix. Records are also disclosed to GAO for audits; to the Internal Revenue Service for investigation; and to private attorneys, pursuant to a power of attorney.

A copy of an employee's Department of the Treasury Form W-2, Wage and Tax Statement, also is disclosed to the State, city, or other local jurisdiction which is authorized to tax the employee's compensation. The record will be provided in accordance with a withholding agreement between the State, city, or other local jurisdiction and the Department of the Treasury pursuant to 5 U.S.C. 5516, 5517, or 5520, or, in the absence thereof, in response to a written request from an appropriate official of the taxing jurisdiction to the Administrative Officer, National Commission on the International Year of the Child, 1979, c/o GSA Liaison Division, Washington, D.C. 20405. The request must include a copy of the applicable statute or ordinance authorizing the taxation of compensation and should indicate whether the authority of the jurisdiction to tax the employee is based on place of residence, place of employment, or both.

Pursuant to a withholding agreement between a city and the Department of the Treasury (5 U.S.C. 5520), copies of executed city tax withholding certificates shall be furnished the city in response to a written request from an appropriate city official to the Administrative Officer, National Commission on the International Year of the Child, 1979, c/o GSA Liaison Division, Washington, D.C. 20405.

Policies and practices for storing and retrieving, accessing, retaining and disposing of records in the system:

Storage:

Paper and microfilm.

Retrievability and accessing:

Social Security Number.

Safeguards:

Stored in guarded building; released only to authorized personnel, including among others, GSA liaison staff and finance personnel; and Commission administrative staff.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition System (OAD P 1820.2).

System manager:

Mr. Benedict J. Latteri, Administrative Officer, National Commission on the International Year of the Child, 1979, c/o GSA Liaison Division, Washington, D.C. 20405.

Notification procedures:

Contact Mr. Benedict J. Latteri, Administrative Officer, or refer to Commission access regulations contained in 1 CFR, Part 465.

Record access procedures:

Contact Mr. Benedict J. Latteri, Administrative Officer, or refer to Commission access regulations contained in 1 CFR, Part 465.

Contesting records procedures:

Contact Mr. Benedict J. Latteri, Administrative Officer, or refer to Commission access regulations contained in 1 CFR, Part 465.

Categories of sources of records in the system:

The subject individual; the Commission.

IYC-2

System name:

General Financial Records—National Commission on the International Year of the Child, 1979.

System location:

General Services Administration, Central Office; copies held by the Commission. GSA holds records for the Commission under contract.

Categories of individuals covered by the system:

Employees and members of the Commission.

Categories of records maintained in the system:

SF-1038, application and account for advance of funds; vendor register and vendor payment tape. Information is used by accounting technicians to maintain adequate financial information and by other officers and employees of GSA and the Commission who have a need for the record in the performance of their duties.

Authority for the system:

31 U.S.C. "Money and Finance," and Executive order 12053.

Routine use of records:

See appendix. Records also are released to GAO for audits; to the IRS for investigation; and to private attorneys, pursuant to power of attorney.

Policies and practices for storing and retrieving, accessing, retaining and disposing of records in the system:

Storage:

Paper and tape.

Retrievability and accessing:

Manual and automated by name.

Safeguards:

Stored in guarded building; released only to authorized personnel including among others, GSA liaison staff and finance personnel; and Commission administrative staff.

Retention and disposal:

Disposition of records shall be in accordance with the HB GSA Records Maintenance and Disposition.

System manager:

Mr. Benedict J. Latteri, Administrative Officer, National Commission on the International Year of the Child 1979, c/o GSA Liaison Division, Washington, D.C. 20405.

Notification procedures:

Contact or refer to Commission access regulations contained in 1 CFR, Part 465.

Record access procedures:

Contact or refer to Commission access regulations contained in 1 CFR, Part 465.

Contesting records procedures:

Contact or refer to Commission access regulations contained in 1 CFR, Part 465.

Categories of sources of records in the system:

The subject individual; the National Commission on the International Year of the Child, 1979.

IYC-3

System name:

General Informal Personnel Files, National Commission on the International Year of the Child, 1979.

System location:

National Commission on the International Year of the Child, 1979.

Categories of individuals covered by the system:

Commission members, staff and consultants, past and present.

Categories of records maintained in the system:

Personnel qualifications statements, personnel action requests and notifications, consultant and/or expert certifications, delegations of authority, statements of employment and financial interests, training materials and correspondence with members of the Commission.

Authority for the system:

Title 5, U.S.C. "Government Organization and Employees," and Executive Order, 12053.

Routine use of records:

See Appendix.

Policies and Practices for storing and retrieving, accessing, retaining and disposing of records in the system:

Storage:

Paper.

Retrievability and accessing:

Manual.

Safeguards:

Stored in lockable file cabinets, released only to authorized personnel, including among others, GSA liaison staff and Commission administrative staff.

Retention and disposal:

Retained until no longer needed, then disregarded.

System manager:

Mr. Benedict J. Latteri, National Commission on the International Year of the Child 1979, c/o GSA Liaison Division, Washington, D.C. 20405.

Notification procedures:

Contact Mr. Benedict J. Latteri, Administrative Officer, or refer to Commission access regulations contained in 1 CFR, Part 465.

Record access procedures:

Contact Mr. Benedict J. Latteri, Administrative Officer, or refer to Commission access regulations contained in 1 CFR, Part 465.

Contesting records procedures:

Contact Mr. Benedict J. Latteri, Administrative Officer, or refer to Commission access regulations contained in 1 CFR, Part 465.

Categories of sources of records in the system:

The subject individual; the National Commission on the International Year of the Child.

APPENDIX—NATIONAL COMMISSION ON THE INTERNATIONAL YEAR OF THE CHILD

In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

A record from this system of records may be disclosed as a "routine use" to a Federal, State or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract or the issuance of a license, grant or other benefit.

A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investi-

gation of an employee, the letting of a contract, or the issuance of a license, grant or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter.

A record from this system of records may be disclosed to an authorized appeal grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Civil Service Commission in accordance with the agency's responsibility for evaluation and oversight of Federal personnel management.

A record from this system of records may be disclosed to officers and employees of a federal agency for purposes of audit.

The information contained in this system of records will be disclosed to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

A record from this system of records may be disclosed to officers and employees of the General Services Administration in connection with administrative services provided to this agency under agreement with GSA.

[FR Doc. 78-15074 Filed 5-30-78 8:45 am]

[7555-01]**NATIONAL SCIENCE FOUNDATION****ADVISORY COMMITTEE FOR MATHEMATICAL AND COMPUTER SCIENCES, SUBCOMMITTEE FOR MATHEMATICAL SCIENCES****Meeting**

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, as amended, the National Science Foundation announces the following meeting:

ADVISORY COMMITTEE FOR MATHEMATICAL AND COMPUTER SCIENCES, SUBCOMMITTEE FOR MATHEMATICAL SCIENCES

Date and time: June 15 and 16, 1978; 9 a.m. each day.

Place: Room 543, National Science Foundation, 1800 G Street NW., Washington, D.C. 20550.

Type of meeting: Part Open. June 15 (9 a.m. to 12 p.m.), June 16 (9 a.m. to 12 p.m.).

Open; June 15 (1:30 p.m. to 5 p.m.), Closed.

Contact person: Dr. William H. Pell, Head, Mathematical Sciences Section, Telephone 202-632-7377. Anyone planning to attend this meeting should notify Dr. William Pell no later than June 10, 1978.

Summary minutes: May be obtained from the Committee Management Coordinator, Division of Personnel and Management, Room 248, National Science Foundation, Washington, D.C. 20550.

Purpose of subcommittee: To provide advice and recommendations concerning support for research in Mathematical Sciences.

Agenda:**Thursday, June 15, 1978**

9 a.m.—Introductory Remarks by Dr. W. H. Pell.

9:30 a.m.—Briefing by Dr. John R. Pasta.

10:30 a.m.—Briefing by Mathematical Sciences Section Personnel.

12 p.m.—Lunch.

1:30 p.m.—Review of Geometry and Topology Programs by Dr. Ralph M. Krause and Subcommittee—Closed.

Friday, June 16, 1978

9 a.m.—Discussion of Plans for a Mathematical Sciences Research Institute.

12 p.m.—Adjourn.

Reason for closing: The Subcommittee will be reviewing grants and declination jackets which contain the names of applicant institutions and principal investigators and privileged information contained in declined proposals. This session will also include a review of the peer review documentation pertaining to applicants. These matters are within exemptions (4) and (6) of 5 U.S.C. 552(b)(c), Government in the Sunshine Act.

Authority to close meeting: This determination was made by the Director, NSF, pursuant to provisions of section 10(d) of Pub. L. 92-463.

M. REBECCA WINKLER,
Committee Management Coordinator.

MAY 25, 1978.

[FR Doc. 78-15088 Filed 5-30-78; 8:45 am]

[7590-01]**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50-255]

CONSUMERS POWER CO.**Issuance of Amendment to Provisional Operating License**

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 41 to Provisional Operating License No. DPR-20, issued to Consumers Power Co. (the licensee), which revised the Technical Specifications for operation of the Palisades Plant (the facility) located in Covert Township, Van Buren County, Mich. The amendment is effective as of its date of issuance.

The amendment changes the Palisades Technical Specifications relating to the limits on primary coolant pres-

sure and temperature for normal reactor operation, heatup and cooldown operations and tests.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this action was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated February 22, 1978 and supplement thereto dated March 7, 1978, (2) Amendment No. 41 to License No. DPR-20, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Kalamazoo Public Library, 315 South Rose Street, Kalamazoo, Mich. 49006. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 16th day of May, 1978.

For the Nuclear Regulatory Commission.

DENNIS L. ZIEMANN,
Chief, Operating Reactors
Branch No. 2, Division of Operating Reactors.

[FR Doc. 78-15038 Filed 5-30-78; 8:45 am]

[7590-01]

[Docket No. 50-334]

DUQUESNE LIGHT CO. ET AL.; BEAVER VALLEY POWER STATION, UNIT NO. 1**Order for Modification of License****I.**

The Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co. (the licensees), is the holder of Facility Operating License No. DPR-66 which authorizes the operation of the nuclear power reactor known as Beaver Valley Power Station, Unit No. 1 (the facility), at steady reactor

power levels not in excess of 2,652 megawatts thermal (rated power). The facility consists of a Westinghouse Electric Co. designed pressurized reactor (PWR) located at the licensees' site in Beaver County, Pa.

II.

In accordance with the requirements of the Commission's ECCS Acceptance Criteria 10 CFR § 50.46, the licensees submitted on November 30, 1976 an ECCS evaluation for proposed operation using 17 x 17 fuel manufactured by the Westinghouse Co. This evaluation included limits on the peaking factor. The ECCS performance evaluation submitted by the licensees was based upon an ECCS evaluation developed by the Westinghouse Electric Co. (Westinghouse), the designer of the Nuclear Steam Supply System for this facility. The Westinghouse ECCS Evaluation Model had been previously found to conform to the requirements of the Commission's ECCS Acceptance Criteria, 10 CFR Part § 50.46 and Appendix K. The evaluation indicated that with the peaking factor limited as set forth in the evaluation, and with other limits set forth in the facility's Technical Specifications, the ECCS cooling performance for the facility would conform with the criteria contained in 10 CFR § 50.46(b) which govern calculated peak clad temperature, maximum cladding oxidation, maximum hydrogen generation, coolable geometry and long-term cooling.

On March 23, 1978 Westinghouse informed the Nuclear Regulatory Commission (NRC) that an error had been discovered in the fuel rod heat balance equation involving the incorrect use of only half of the volumetric heat generation due to metal-water reaction in calculating the cladding temperature. Thus, the LOCA analyses previously submitted to the Commission by licensees of Westinghouse reactors were in error. The staff promptly determined that no immediate action was required to assure safe operation of these plants.

The error identified would result in an increase in calculated peak clad temperature, which, for some plants, could result in calculated temperatures in excess of 2,200° F unless the allowable peaking factor was reduced somewhat. Westinghouse identified a number of other areas in the approved model which Westinghouse indicated contained sufficient conservatism to offset the calculated increase in peak clad temperature resulting from the correction of the error noted above. Four of these areas were generic, applicable to all plants, and a number of others were plant specific. As outlined in the attached SER, the staff concurs that some of these modifications would be appropriate to offset to some extent the penalty resulting from cor-

rection of the error. The attached SER sets forth the value for each modification applicable to each facility.

Revised computer calculations correcting the error, noted above, and incorporating the modifications described in the SER have not been run for each plant. However, the various parametric studies that have been made for various aspects of the approved model over the course of time provide a reasonable basis for concluding that when final revised calculations for the facility are submitted using the revised and corrected model, they will demonstrate that with the peaking factors set forth in the SER operation will conform to the criteria of 10 CFR § 50.46(b). Such revised calculations fully conforming to 10 CFR § 50.46 are to be provided for the facility as soon as possible.

As discussed in this order and in the SER, operation of the Beaver Valley facility at the peaking factor limit specified in this order will assure that the ECCS will conform to the performance requirements of 10 CFR § 50.46(b). Accordingly, such limits provide reasonable assurance that the public health and safety will not be endangered. Upon notification by the NRC staff, the licensees committed to provide a reevaluation of ECCS performance as promptly as practicable and to limit operation to achieve a peaking factor not exceeding the value specified herein. Such commitments were confirmed by the licensees' letter of April 5, 1978. The staff believes that the licensees' action, under the circumstances, is appropriate and that this action should be confirmed by NRC Order.

IV.

Copies of the Safety Evaluation and the following documents are available for inspection at the Commission's Public Document Room at 1717 H Street, Washington, D.C. 20555, and are being placed in the Commission's local public document room at the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pa.:

(1) Letter from Westinghouse to NRC dated April 7, 1978.

(2) Letter from Duquesne Light Co., to Mr. A. Schwencer, Operating Reactors Branch No. 1, dated April 5, 1978.

Accordingly, pursuant to the Atomic Energy Act of 1954, as amended, and the Commission's Rules and Regulations in 10 CFR Parts 2 and 50, it is ordered, That Facility Operating License No. DPR-66 is hereby amended by adding the following new provisions:

(1) As soon possible, the licensees shall submit a reevaluation of ECCS cooling performance calculated in accordance with the Westinghouse Evaluation Model, approved by the NRC

staff and corrected for the errors described herein.

(2) Until further authorization by the Commission, the Technical Specification limit for total nuclear peaking factor (F_p) for the facility shall be limited to 2.31.

Dated at Bethesda, Md. this 21st day of April 1978.

For the Nuclear Regulatory Commission.

VICTOR STELLO, Jr.,

Director, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 78-15039 Filed 5-30-78; 8:45 am]

[7590-01]

[Docket No. 50-3341]

DUQUESNE LIGHT CO., ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 13 to Facility Operating License No. DPR-66, issued to Duquesne Light Co., Ohio Edison Co., and Pennsylvania Power Co. (the licensees), which revised the license and its appended Technical Specifications for operation of the Beaver Valley Power Station Unit No. 1 (the facility) located in Beaver County, Pa. The amendment is to be effective upon startup following the refueling outage scheduled to start about November 1978.

This amendment deletes satisfied License Condition 2.C.(4) and adds Technical Specifications relating to the automation of the Emergency Core Cooling System transfer from the injection mode to the recirculation mode.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4) an environmental impact statement, or negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for

amendment dated December 16, 1976, (2) Amendment No. 13 to License No. DPR-66, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Beaver Area Memorial Library, 100 College Avenue, Beaver, Pa. a copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 3d day of May 1978.

For the Nuclear Regulatory Commission.

A. SCHWENCER,
Chief, Operating Reactors
Branch No. 1, Division of Operating Reactors.

[FR Doc. 78-15041 Filed 5-30-78; 8:45 am]

[7590-01]

[Docket No. 50-2771]

PHILADELPHIA ELECTRIC COMPANY, ET AL.

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 42 to Facility Operating License No. DPR-44 issued to Philadelphia Electric Co., Public Service Electric and Gas Co., Delmarva Power and Light Co., and Atlantic City Electric Co., with revised technical Specifications for operation of the Peach Bottom Atomic Power Station, Unit No. 2. The amendment is effective as of its date of issuance.

The amendment consists of temporary changes to the Technical Specifications which will allow implementation of a testing program of reactor stability response. During the tests compensatory changes will be made that will assure that reactor safety margins will be the same as those established by transient and accident analyses for cycle 3 operation.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant

to 10 CFR § 51.5(d)(4) an environmental impact statement, negative declaration or environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) the application for amendment dated March 21, 1978, as supplemented by letter dated May 12, 1978, (2) Amendment No. 42 to License No. DPR-44, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. and at the Government Publications Section, State Library of Pennsylvania, Education Building, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 22d day of May 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-15043 Filed 5-30-78; 8:45 am]

[7590-01]

REGULATORY GUIDE

Issuance and Availability

The Nuclear Regulatory Commission has issued a new guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public methods acceptable to the NRC staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

Regulatory Guide 8.21, "Health Physics Surveys for Byproduct Material at NRC-Licensed Processing and Manufacturing Plants," identifies the types and frequencies of surveys acceptable to the NRC staff in plants licensed by the NRC for processing byproduct material or for manufacturing such material for distribution.

Comments and suggestions in connection with (1) items for inclusion in guides currently being developed or (2) improvements in all published guides are encouraged at any time. Public comments on Regulatory Guide 8.21 will, however, be particularly useful in evaluating the need for an early revision if received by July 28, 1978.

Comments should be sent to the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Branch.

Regulatory guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Technical Information and Document Control. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them.

(5 U.S.C. 552(a).)

Dated at Rockville, Md. this 22d day of May 1978.

For the Nuclear Regulatory Commission.

ROBERT B. MINOGUE,
Director,
Office of Standards Development.
[FR Doc. 78-15044 Filed 5-30-78; 8:45 am]

[7590-01]

[Docket No. 50-3201]

METROPOLITAN EDISON CO. ET AL.; (THREE MILE ISLAND NUCLEAR STATION, UNIT 2)

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment 4 to Facility Operating License No. DPR-73, issued to the Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co., for operation of the Three Mile Island Nuclear Station Unit 2 (the facility), located in Dauphin County, Pa. The amendment is effective as of its date of issuance.

The license is amended by revising certain Technical Specifications.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR § 51.5(d)(4), an environmental statement of negative declaration and environmental impact appraisal need not be prepared in connection with issuance of this amendment.

For further details with respect to this action, see (1) Amendment No. 4, to Facility Operating License No. DPR-73, and (2) the Commission's related safety evaluation supporting Amendment No. 4 to Facility Operating License No. DPR-73. These items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the State Library of Pennsylvania, Commonwealth and Walnut Streets, Harrisburg, Pa. 17126. A copy of items (1) and (2) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Project Management.

Dated At Bethesda, Md., this 19th day of May 1978.

For the Nuclear Regulatory Commission.

STEVEN A. VARGA,
Chief, Light Water Reactors
Branch No. 4, Division of Project Management.

[FR Doc. 78-15042 Filed 5-30-78; 8:45 am]

[7590-01]

AVAILABILITY OF STAFF TECHNICAL REPORT "SAFEGUARDING A DOMESTIC MIXED OXIDE INDUSTRY AGAINST A HYPOTHETICAL SUBNATIONAL THREAT" (REPORT NO. NUREG-0414)

On November 14, 1975, the Nuclear Regulatory Commission (NRC) published in the FEDERAL REGISTER (40 FR 53056) its conclusions regarding the scope, procedures, and schedule for the Generic Environmental Impact Statement on the Use of Recycle Plutonium in Mixed Oxide Fuel in Light Water Reactors (GESMO). This notice set forth a determination by the Commission that safeguards issues should be fully assessed before reaching a decision on the wide-scale use of mixed oxide fuel in the light water reactor fuel cycle. (Safeguards are measures employed to prevent the theft or diversion of special nuclear materials and to prevent the sabotage of nuclear facilities.)

On December 30, 1977, the NRC published in the FEDERAL REGISTER (42 FR 65334) its decision to terminate the GESMO proceedings and to publish the Draft Safeguards Supplement to the GESMO document as a staff technical report.

Notice is hereby given that the staff technical report entitled "Safeguarding a Domestic Mixed Oxide Industry Against a Hypothetical Subnational Threat" has been prepared by the Commission's Office of Nuclear Material Safety and Safeguards. On May 31, 1978, the report, designated NUREG-0414, will be available for inspection by the public at the NRC's

Public Document Room, 1717 H Street NW., Washington, D.C., and at the NRC's Local Public Document Rooms. The report is available for sale from the National Technical Information Service, Springfield, Va., 22161.

For the Nuclear Regulatory Commission.

Dated at Washington, D.C. this 24th day of May, 1978.

SAMUEL J. CHILK,
Secretary to the Commission.

[FR Doc. 78-15037 Filed 5-30-78; 8:45 am]

[7590-01]

[Docket No. 50-321]

GEORGIA POWER CO., ET AL

Issuance of Amendment to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has issued Amendment No. 55 to facility Operating License No. DPR-57 issued to Georgia Power Co., Oglethorpe Electric Membership Corp., Municipal Electric Association of Georgia and City of Dalton, Ga., which revised Technical Specifications for operation of the Edwin I. Hatch Nuclear Plant, Unit No. 1, located in Appling County, Ga. The amendment is effective as of its date of issuance.

The amendment revised the Technical Specifications to incorporate requirements for establishing and maintaining the drywell to suppression chamber differential pressure to maintain the margins of safety established in the NRC staff's "Mark I Containment Short Term Program Safety Evaluation," NUREG-0408. Operation in accordance with the conditions specified in NUREG-0408 has been previously authorized in 43 FR 13108, March 29, 1978.

The application for the amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment. Prior public notice of this amendment was not required since the amendment does not involve a significant hazards consideration.

The Commission has determined that the issuance of this amendment will not result in any significant environmental impact and that pursuant to 10 CFR section 51.5(d)(4), an environmental impact statement or negative declaration and environmental impact appraisal need not be prepared in connection with issue of this statement.

For further details with respect to this action, see (1) application for

amendment dated November 1, 1976, as supplemented April 15, 1977, (2) Amendment No. 55 to License No. DPR-57, and (3) the Commission's related Safety Evaluation. All of these items are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. and at the Appling County Public Library, Parker Street, Baxley, Ga. 31513. A single copy of items (2) and (3) may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Director, Division of Operating Reactors.

Dated at Bethesda, Md., this 24th day of May 1978.

For the Nuclear Regulatory Commission.

GEORGE LEAR,
Chief, Operating Reactors
Branch No. 3, Division of Operating Reactors.

[FR Doc. 78-15091 Filed: 5-30-78 8:45 am]

[7590-01]

[Docket Nos. 50-466, 50-467]

HOUSTON LIGHTING & POWER CO. (ALLENS CREEK NUCLEAR GENERATING STATION, UNITS 1 AND 2)

Intervention Procedures

On December 28, 1973, there was published at 38 FR 35521 a notice that Houston Lighting & Power Co. had filed an application with the Atomic Energy Commission for a permit to construct Allens Creek Nuclear Generating Station, Units 1 and 2 (Station) at a site in southern Austin County, Tex., west of the Brazos River and about 45 miles west of the center of Houston. The notice provided that petitions for leave to intervene in the proceeding could be filed by January 24, 1974. The only petition filed was by the Attorney General of the State of Texas.

A hearing was held on the application by an Atomic Safety and Licensing Board (Board) on March 11 and 12, 1975. Following that hearing the Applicant notified the Board that its plans for the construction of the Station were indefinitely deferred. The Board, notwithstanding, issued a decision in which certain findings of fact were made, and in which it was concluded that the findings "have demonstrated no reason why the (Station) site is not a suitable location for nuclear reactors of the general size and type proposed"

On August 19, 1977, the Applicant advised the Board that it wished to resume licensing of only one of the two units previously planned and that it had amended its Preliminary Safety Analysis Report to show only one unit at the same site. The amendments also

included (among others) changes in plant layout and orientation, changes in the circulating water intake and discharge structures, and a reduction in the size of the cooling lake from 8,250 to 5,120 acres. These new plans for the proposed Station may raise concerns that did not exist with respect to the former ones.

For the reasons set forth above, petitions for leave to intervene with respect to matters that have arisen because of the changes in the proposed plans for the Station may be filed on or before June 30, 1978.

Any person who wishes to intervene as a party to this proceeding must file a written petition for leave to intervene in accordance with the provisions of 10 CFR 2.714. A petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceedings, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition must be supplemented (by the time set forth in 10 CFR 2.714(b), as amended) by a list of the contentions arising from the proposed changes in the plant design, which the petitioner seeks to have litigated, with the bases set forth for each contention in reasonable specificity.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

Any petitions shall be filed by mail or telegram addressed to the Secretary of the Commission, United States Nuclear Regulatory Commission, Washington, D.C. 20555, Attention: Docketing and Service Section, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708, an original and twenty (20) conformed copies of each such paper with the Commission. A copy of any petition for intervention should also be sent to the Executive

¹This section, and other sections of 10 CFR Part 2, have been amended by changes effective May 26, 1978. See 43 FR 17796, April 26, 1978.

Legal Director, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555; to Counsel for Applicant, Robert Lowenstein, Esq., Lowenstein, Reis, Newman & Axelrad, 1025 Connecticut Avenue NW., Washington, D.C. 20037 and J. Gregory Copeland, Esq., Baker & Botts, One Shell Plaza, Houston, Tex. 77002; and to Troy Webb, Esq., Assistant Attorney General for the State of Texas, P.O. Box 12548, Capital Station, Austin, Tex. 78711.

Papers detailing the applications for a construction permit may be examined by the public at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Copies of those same documents are also available at the Sealy Public Library, Sealy, Tex. 77474.

It is so ordered.

Dated at Bethesda, Md., this 23d day of May 1978.

THE ATOMIC SAFETY AND
LICENSING BOARD,
GLENN O. BRIGHT,
Acting Chairman.

[FR Doc. 78-15036 Filed 5-30-78; 8:45 am]

[7905-01]

RAILROAD RETIREMENT BOARD

DETERMINATION OF QUARTERLY RATE OF EXCISE TAX FOR RAILROAD RETIREMENT SUPPLEMENTAL ANNUITY PROGRAM

In accordance with directions in section 3221(c) of the Railroad Retirement Tax Act (26 U.S.C. 3221(c)), the Railroad Retirement Board has determined that the excise tax imposed by such section 3221(c) on every employer, with respect to having individuals in his employ, for each man-hour for which compensation is paid by such employer for services rendered to him during the quarter beginning July 1, 1978, shall be at the rate of twelve cents.

In accordance with directions in section 15(a) of the Railroad Retirement Act of 1974, the Railroad Retirement Board has determined that for the quarter beginning July 1, 1978, 16.1 percent of the taxes collected under sections 3211(b) and 3221(c) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Account and 83.9 percent of the taxes collected under such sections 3211(b) and 3221(c) plus one hundred percent of the taxes collected under Section 3221(d) of the Railroad Retirement Tax Act shall be credited to the Railroad Retirement Supplemental Account.

By Authority of the Board.

Dated: May 22, 1978.

R. F. BUTLER,
Secretary of the Board.

[FR Doc. 78-15101 Filed 5-30-78; 8:45 am]

[8010-01]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-11]

CHICAGO MILWAUKEE CORP.

Corrected Notice of Suspension of Trading

MAY 23, 1978.

The Commission having determined to correct its notice of summarily suspending trading in the securities of Chicago Milwaukee Corp. for the period December 30, 1977 through January 8, 1978.

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of Chicago Milwaukee Corp. being traded on a national securities exchange or otherwise is suspended, for the period from 10 a.m. (EST) on December 30, 1977 through January 8, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15045 Filed 5-30-78; 8:45 am]

[8010-01]

[File No. 500-011]

ENVIRODYNE INDUSTRIES, INC.

Notice of Suspension of Trading

MAY 23, 1978.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the securities of Envirodyne Industries, Inc. being traded on a national securities exchange or otherwise is required in the public interest and for the protection of investors;

Therefore, pursuant to section 12(k) of the Securities Exchange Act of 1934, trading in such securities on a national securities exchange or otherwise is suspended, for the period from 10:30 a.m. (EDT) on May 23, 1978 through June 1, 1978.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 78-15046 Filed 5-30-78; 8:45 am]

[8025-01]

SMALL BUSINESS ADMINISTRATION

[License No. 08/13-00011]

SMALL BUSINESS IMPROVEMENT CO.

License Surrender

Notice is hereby given that Small Business Improvement Co., 711 Central Avenue, P.O. Box 30117, Billings, Mont. 59107 has surrendered its license to operate as a small business in-

vestment company under the Small Business Investment Act of 1958, as amended (the Act). Small Business Improvement Co. was licensed by the Small Business Administration on December 1, 1959.

Under the authority vested by the Act and pursuant to the regulations promulgated thereunder, the surrender of the license was accepted on May 2, 1978, and accordingly, all rights, privileges, and franchises derived therefrom have been terminated.

(Catalog of Federal Domestic Assistance Program No. 59.011, Small Business Investment Companies.)

Dated: May 22, 1978.

PETER F. MCNEISH,
Deputy Associate Administrator
for Investment.

[FR Doc. 78-14966 Filed 5-30-78; 8:45 am]

[8025-01]

[Declaration of Disaster Loan Area No. 1480]

TEXAS

Declaration of Disaster Loan Area

Bosque County and adjacent counties within the State of Texas constitute a disaster area as a result of damage caused by hail, windstorm and rain which occurred on May 1-3, 1978. Eligible persons, firms and organizations may file applications for loans for physical damage until the close of business on July 21, 1978, and for economic injury until the close of business on February 22, 1979 at:

Small Business Administration, District Office, 1110 Commerce Street, Dallas, Tex. 75242.

or other locally announced locations.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008.)

Dated: May 22, 1978.

A. VERNON WEAVER,
Administrator.

[FR Doc. 78-14967 Filed 5-30-78; 8:45 am]

[4710-07]

DEPARTMENT OF STATE

[CM-8/60]

SHIPPING COORDINATING COMMITTEE

Subcommittee on Safety of Life at Sea Meeting

The Working Group on Radiocommunications of the Shipping Coordinating Committee's Subcommittee on Safety of Life at Sea (SOLAS) will conduct an open meeting at 1:30 p.m. on Thursday, June 15, 1978 in Room 8442 of the Department of Transportation, 400 Seventh Street SW., Washington, D.C.

The purpose of the meeting is to prepare position documents for the

Nineteenth Session of the Subcommittee on Radiocommunications of the Intergovernmental Maritime Consultative Organization (IMCO), to be held September 4-8, 1978 in London. In particular, the SOLAS Working Group will discuss the following topics:

Code of safety requirements for mobile offshore drilling units;

Operational standards for shipboard radio equipment;

Revision of Resolution A.283(VIII) regarding the Maritime Distress System.

Requests for further information on the meeting should be directed to Lt. F. N. Wilder, U.S. Coast Guard (G-OTM/74), Washington, D.C. 20590, telephone 202-426-1345.

The chairman will entertain comments from the public as time permits.

RICHARD K. BANK,

Chairman,
Shipping Coordinating Committee.
MAY 18, 1978.

[FR Doc. 78-15047 Filed 5-30-78; 8:45 am]

[4710-07]

[CM-8/61]

ADVISORY COMMITTEE ON THE 1979 WORLD ADMINISTRATIVE RADIO CONFERENCE

Notice of Meeting

The Department of State announces that the Advisory Committee on the 1979 World Administrative Radio Conference (WARC) will meet on June 21, 1978 at 2:30 p.m. in the East Auditorium, Department of State, 21st and Virginia Avenue NW., Washington, D.C. This will be the first meeting of the Committee.

The committee will assist in the formulation of U.S. Government positions for the conference which will be held in Geneva in September 1979. It will report to its chairman, Mr. Glen Robinson, who also serves as chairman of the U.S. delegation to the WARC; on occasion it will consult with the delegation itself.

The main purpose of the meeting will be:

a. Review of the committee's purposes and duties.

b. Briefing on the WARC, and on U.S. Government preparations for the Conference.

c. Establishment of working subgroups within the committee.

Members of the general public may attend the meeting and join in the discussions subject to instructions of the chairman. Admittance of public members will be limited to the seating available. In that regard, entrance to the Department of State building is controlled and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that

prior to June 21, members of the general public who plan to attend the meeting inform their name and address to Mr. Wilson Dizard, Office of International Communications Policy, Department of State; the telephone number is area code 202-632-2631. All non-Government attendees must use the 21st and Virginia Avenue entrance to the building.

Dated: May 22, 1978.

GORDON L. HUFFCUTT,
Acting Executive Secretary,
Advisory Committee on the 1979
World Administrative Radio
Conference.

[FR Doc. 78-15048 Filed 5-30-78; 8:45 am]

[4710-01]

[CM-8/62]

SECRETARY OF STATE'S ADVISORY COMMITTEE ON PRIVATE INTERNATIONAL LAW; STUDY GROUP ON NEGOTIABLE INSTRUMENTS

Notice of Meeting

A meeting of the Study Group on Negotiable Instruments, a subgroup of the Secretary of State's Advisory Committee on Private International Law, will be held on Friday, June 30, 1978, at the United States Mission to the United Nations, 799 United Nations Plaza, New York. Members of the general public may attend up to the limits of the capacity of the meeting room and participate in the discussion subject to instructions of the chairman.

The meeting will review the product of the United Nations Commission on International Trade Law Working Group on Negotiable Instruments for Use in International Trade Transactions.

Entrance to the United States Mission building is controlled, and entry will be facilitated if arrangements are made in advance. It is requested that members of the general public who plan to attend the meeting provide their name, affiliation, and address to Ms. Dorothy Fagan, Office of the Legal Adviser, Department of State, prior to June 30, 1978. The telephone number is area code 202-632-8134.

Dated: May 19, 1978.

RICHARD D. KEARN,
Chairman.

[FR Doc. 78-15049 Filed 5-30-78; 8:45 am]

[4710-07]

[CM-8/63]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Meeting

The Department of State will hold meetings on June 15 for two of the working groups of the Advisory Com-

mittee on Transnational Enterprises. The Working Group on Transfer of Technology will meet from 9:30 a.m. until 12:30 p.m. in Room 1107 of the State Department, 2201 C Street NW., Washington, D.C. The Working Group on Restrictive Business Practices will meet from 2 p.m. until 5 p.m. in Room 1107. Both meetings will be open to the public.

The purpose of the meeting of the Technology Transfer Working Group will be to continue discussions of current efforts within the United Nations Conference on Trade and Development (UNCTAD) to negotiate a Code of Conduct on Transfer of Technology. In particular, the group will discuss preparations for U.S. participation in the June 26-July 7 meeting on this subject of the UNCTAD Intergovernmental Group of Experts. The first meeting of the Technology Transfer Working Group was held January 18, 1978.

The purpose of the meeting of the Restrictive Business Practices Working Group will be to discuss the present status of work in international fora on the subject of restrictive business practices (RBPs), particularly the UNCTAD negotiations by the Third Ad Hoc Group of Intergovernmental Experts aimed at multilateral agreement on a set of general REP "principles and rules". The group will review the June 7-9 discussions of RBPs by the Organization for Economic Cooperation and Development (OECD) Group of Experts and will also consider RBP aspects of the Code of Conduct on the Transfer of Technology. This will be the first meeting of the Advisory Committee's Working Group on Restrictive Business Practices.

Requests for further information on these meetings should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on area code 202-632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The chairman of each working group will, as time permits, entertain oral comments from members of the public attending the meetings.

Dated: May 23, 1978.

RICHARD D. KAUZLARICH,
Executive Secretary.

[FR Doc. 78-15050 Filed 5-30-78; 8:45 am]

[4710-07]

[CM-8/64]

ADVISORY COMMITTEE ON TRANSNATIONAL ENTERPRISES

Meeting

The Department of State will hold meetings on June 27 for two of the Working Groups of the Advisory Committee on Transnational Enterprises. The Working Group on Accounting Standards will meet from 9:30 a.m. until 12:30 p.m. and the Working Group on the UN/OECD Investment Undertakings will meet from 2 to 5 p.m. Both meetings will be held in Conference Room 1205 of the State Department, 2201 C Street, NW., Washington, D.C. The meetings will be open to the public.

The morning meeting on accounting standards will review developments on the standardization of accounting practices within the UN, OECD, and international and national professional groups.

The afternoon meeting on OECD/UN investment matters will review the results of the Fourth Session of the UN Commission on Transnational Corporations, and discuss preparations for the July 3-4 meeting of the OECD's Committee on International Investment and Multinational Enterprises.

Requests for further information on these meetings should be directed to Richard Kauzlarich, Department of State, Office of Investment Affairs, Bureau of Economic and Business Affairs, Washington, D.C. 20520. He may be reached by telephone on 202-632-2728.

Members of the public wishing to attend the meeting must contact Mr. Kauzlarich's office in order to arrange entrance to the State Department building.

The Chairman of each working group will, as time permits, entertain oral comments from members of the public attending the meetings.

Dated: May 23, 1978.

RICHARD D. KAUZLARICH,
Executive Secretary.

[FR Doc. 78-15051 Filed 5-30-78; 8:45 am]

[4810-35]

DEPARTMENT OF THE TREASURY

FISCAL SERVICE

[Dept. Circ. 570, 1977 Rev., Supp. No. 22]

INA UNDERWRITERS INSURANCE CO.

Surety Companies Acceptable on Federal Bonds; Name Change

Allied Insurance Company, a California corporation, has formally changed its name to INA Underwriters Insurance Company, effective Decem-

ber 13, 1977. The company was last listed as an acceptable surety on Federal bonds at 42 FR 34068, July 1, 1977.

A certificate of authority as an acceptable surety on Federal bonds, dated December 13, 1977, is hereby issued under Sections 6 to 13 of Title 6 of the United States Code, to INA Underwriters Insurance Company, Los Angeles, California. This new certificate replaces the certificate of authority issued to the company under its former name, Allied Insurance Company. The underwriting limitation of \$602,000 established for the company as of July 1, 1977 remains unchanged.

Certificates of authority expire on June 30, each year, unless sooner revoked and new certificate are issued on July 1, so long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: May 8, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of
Government Financial Operations.
[FR Doc. 78-15064 Filed 5-30-78; 8:45 am]

[4810-35]

[Dept. Circ. 570, 1977 Rev., Supp. No. 23]

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

Change in State of Incorporation

On August 31, 1977, The National Reinsurance Corporation, New York, New York changed its State of incorporation from New York to Delaware. The company was listed as an acceptable surety on Federal bonds at 42 FR 34075, July 1, 1977.

A certificate of authority as an acceptable surety on Federal bonds is hereby issued under Sections 6 to 13 of Title 6 to 13 of Title 6 of the United States Code, to The National Reinsurance Corporation, incorporated in the State of Delaware. This new certificate replaces the company's former Treasury certificate, effective August 31, 1977. An underwriting limitation of \$4,444,000 has been established for the company. The underwriting limitation is the same as was established as of July 1, 1977, under the certificate issued to the company in its previous State of incorporation.

Certificates of authority expire on June 30, each year, unless sooner revoked, and new certificates are issued

on July 1, as long as the companies remain qualified (31 CFR, Part 223). A list of qualified companies is published annually as of July 1, in Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information. Copies of the circular, when issued, may be obtained from the Audit Staff, Bureau of Government Financial Operations, Department of the Treasury, Washington, D.C. 20226.

Dated: May 19, 1978.

D. A. PAGLIAI,
Commissioner, Bureau of
Government Financial Operations.
[FR Doc. 78-15065 Filed 5-30-78; 8:45 am]

[4810-40]

Office of the Secretary

Supplement to Department Circular

PUBLIC DEBT SERIES—NO. 12-78

MAY 24, 1978.

The Secretary of the Treasury announced on May 23, 1978, that the interest rate on the notes designated Series P-1980, described in Department Circular—Public Debt Series—No. 12-78, dated May 18, 1978, will be 8 percent. Interest on the notes will be payable at the rate of 8 percent per annum.

PAUL H. TAYLOR,
Acting Fiscal
Assistant Secretary.
[FR Doc. 78-15052 Filed 5-30-78; 8:45 am]

[4810-22]

GREAT LAKES "TRIGGER PRICES" FOR IMPORTED STEEL MILL PRODUCTS

Adjustment of Handling Charges and Hearing

Notice is hereby given that the handling charges used to calculate trigger prices of steel mill products entering through west coast ports will be increased to \$7 per metric ton, effective for shipments exported on or after May 31, 1978. It has been determined that this adjustment is necessary to

reflect more accurately actual Japanese handling costs.

The Treasury Department is also hereby inviting public comment on its program for monitoring imports of steel mill products as it affects the Great Lakes region. A hearing will be held to consider allegations that a secondary effect of the trigger price mechanism has been or will be to divert steel imports from Great Lakes to east, west, and gulf coast ports. As a result of its preliminary review of these claims, the Treasury Department is considering an adjustment in the Great Lakes freight rates used to calculate trigger prices for steel plate and cold and hot rolled sheets to reflect more closely actual Japanese freight costs. The hearing will consider these proposed adjustments, together with other proposals to correct this claimed diversionary effect.

Background: Under the trigger price mechanism, import specialists at every port of entry monitor the prices of all imported steel mill products to gather information on possible sales at "less than fair value" within the meaning of the Antidumping Act. As guidelines for the gathering of such information, trigger prices have been calculated from data on the costs of production of the Japanese basic steel industry. Information on sales below trigger prices is forwarded to customs headquarters in Washington where it is tabulated and compared to other available data to determine whether an antidumping proceeding should be initiated. If, as a result of such an investigation, sales at less than fair value are found by the Treasury Department and injury is found by the International Trade Commission, a dumping finding will be made.

Trigger prices reflect the Japanese cost of producing steel mill products plus the cost of transporting such products to each of the four major importing regions: The west coast, gulf coast, east coast, and Great Lakes. As freight costs increase, trigger prices increase. For example, the current trigger prices for cold rolled sheet¹ for each of the four regions are:

¹For the third quarter, trigger prices on this product will be increased by 5.5 percent. (43 FR 20070)

	Charges to CIF				
	Base price	Freight	Handling	Interest	Total
West coast.....	\$297	\$23	\$3	\$7	\$330
Gulf coast.....	297	23	5	8	333
East coast.....	297	27	4	9	337
Great Lakes.....	297	35	4	11	347

¹Subject to the increase announced in this notice.

It is asserted that both the absolute and relative level of the trigger prices for the Great Lakes region will lead to the diversion of steel from the Great Lakes to west, gulf, and east coast ports. Serious economic dislocations for the Great Lakes region would allegedly follow from such a diversion, particularly for those longshoremen, stevedores, warehousemen, and terminal operators whose work depends on imported steel. Moreover, backhaul cargo, such as grain, would allegedly be diverted to other coasts. Finally, it is claimed that the Saint Lawrence Seaway Development Corp., whose annual revenues are dependent on steel imports, will suffer substantial losses.

A number of proposals have been offered to correct this alleged anomaly:

1. Equalize the Great Lakes importation charges with those of the east coast.

2. Adjust the trigger price importation charges to reflect more closely actual freight differentials for Japanese steel imports as recorded in official U.S. Census tabulations.

3. Adjust the Great Lakes importation charges to reflect the least cost route for the Japanese, even where that involves an inland route such as the Mississippi River.

Those who contest the need for any change in the current Great Lakes trigger prices point out that the trigger prices were based upon both the production costs and the transportation costs for the Japanese. As such, they provide appropriate guidelines for the Treasury Department to gather information on sales which warrant further scrutiny in light of the fair value standard in the Antidumping Act. The Antidumping Act does not permit equalizing the different freight costs associated with shipping merchandise from the country of export to various parts of the United States. For example, if the west coast trigger prices were applied across the board, the trigger prices would provide a standard for identifying sales at potentially less than fair value only at West Coast ports. On the other hand, if the Great Lakes trigger prices were applied to nation-wide entries, the trigger prices would identify far too many sales as potentially at less than fair value. Under the Antidumping Act Japanese sales to the west coast can properly be made at a lower price than sales to the Great Lakes.

It has also been pointed out that the actual evidence of diversion may be difficult to document. However, if the diversion has occurred, or will occur, it should be evident from a variety of sources. For example, Great Lakes

grain trade offsets freight costs for imported steel into the Great Lakes by providing shippers with a backhaul cargo. Has this trade been affected? Have seaway tolls declined? Since the St. Lawrence Seaway opened in mid-April, clear evidence of a significant diversionary effect has not been presented to the Treasury Department.

The Treasury Department, in cooperation with officials of the Saint Lawrence Seaway Development Corporation, has reviewed the trigger price freight rates in light of Bureau of the Census data concerning actual shipments to the Great Lakes in 1977. From this review, it appears that adjustments in some of the freight rates may be appropriate as follows:

	(Per metric ton)	
	Great Lakes	Adjusted Great Lakes
Steel plates.....	\$40	\$30 to \$32.
Hot rolled sheets.....	35	\$31 to \$33.
Cold rolled sheets.....	35	\$29 to \$31.

*Trigger price freight rate.

Subject to comments received from the public, it is the intention of the Treasury Department to adjust the Great Lakes freight rates within the ranges indicated above and to apply the adjusted rates to trigger prices for all shipments to the Great Lakes exported on or after July 1, 1978.

Public comment. The public is invited to comment on the issues outlined above. In particular, the Department is interested in any factual data which would affirm or disaffirm any of the contentions made. In considering the possible diversion of steel shipments from Great Lakes ports of entry, the department will be interested in receiving factual evidence concerning steel and related shipments, such as:

1. The experience of common and charter carriers since the TPM became effective with respect to (a) orders for shipping space to Great Lakes ports as compared to east or gulf coast ports for the balance of the current year, (b) number of cancellations of prior orders to Great Lakes ports, (c) number of diversions from the Great Lakes to east or gulf coast ports requested, and (d) volume of traffic now on order compared to prior years.

2. The extent of the infrastructure at Great Lakes ports for handling return or onward cargo by vessels delivering steel and the effect, if any, of the availability of such cargo on inward freight rates and on outbound shipping space at Great Lakes ports.

3. The experience of infrastructure facilities (e.g. grain elevators, marine

terminals) since the TPM became effective with respect to (a) cancellations of space or services; (b) level of orders or volume of transactions; and (c) communications to customers concerning possible shipping space that will be available at Great Lakes ports for the balance of the year.

Procedures. 1. Written submissions: Written submissions which are received before the close of business on Thursday, June 12, 1978, will be considered. To be included in the record, written submissions must be submitted in five copies. Each submission should designate clearly the name and address of the party making the submission.

2. Requests to present oral testimony: All requests to present oral testimony, and an outline of the proposed testimony, must be received in writing not later than the close of business, Thursday, June 8, 1978.

Requests to present oral testimony should include the following information: (a) The name, address, telephone number, and official position (if applicable) of the party submitting the request, and the person or persons who will present the oral testimony (if different from the party submitting the request);

(b) The position to be taken by the party; and

(c) The amount of time requested for the presentation of oral testimony, and, if more than 10 minutes is requested, the reasons therefore.

Treasury might find it useful to organize oral testimony into panels of witnesses so that specific issues can be explored in depth among persons who bring to the discussion varying experience and points of view.

3. Oral Testimony: If sufficient interest is expressed, oral testimony will be heard on Monday, June 12, 1978. Each person scheduled to testify will be notified of the date and the amount of time allotted for his presentation.

4. Communications: All communications with regard to written submissions or oral testimony should be addressed to: Peter D. Ehrenhaft, Deputy Assistant Secretary for Tariff Affairs, Room 3424, Department of the Treasury, Washington, D.C. 20220. Telephone: 202-566-2806.

Dated: May 25, 1978.

ROBERT MUNDHEIM,
General Counsel.

(FR Doc. 78-15076 Filed 5-30-78; 8:45 am)

Office of the Secretary

STEEL WIRE STRAND FOR PRESTRESSED
CONCRETE FROM JAPAN

Antidumping; Withholding of Appraisement

AGENCY: U.S. Treasury Department.

ACTION: Withholding of Appraisement.

SUMMARY: This notice is to advise the public that there are reasonable grounds to believe or suspect that there are or are likely to be sales of steel wire strand for prestressed concrete from Japan at less than fair value within the meaning of the Antidumping Act of 1921. (Sales at less than fair value generally occur when the price of merchandise sold for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries). Appraisement for the purpose of determining the proper duties applicable to entries of this merchandise will be suspended for 6 months. Interested persons are invited to comment on this action.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION
CONTACT:

David R. Chapman, Operations Officer, Duty Assessment Division, United States Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, telephone 202-566-5492.

SUPPLEMENTARY INFORMATION: On October 17, 1977, information was received in proper form pursuant to sections 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), from counsel acting on behalf of domestic producers alleging that steel wire strand from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). The concerned domestic producers of the subject merchandise are: Armco Steel Corp., Middletown, Ohio; Bethlehem Steel Corp., Bethlehem, Pa.; the American Spring Wire Corp., Bedford Heights, Ohio; C.F. & I. Steel Corp., Pueblo, Colo.; and Florida Wire & Cable Co., Jacksonville, Fla. An "Antidumping Proceeding Notice", indicating that there was evidence on record concerning injury to, or likelihood of injury to, an industry in the United States, was published in the FEDERAL REGISTER of November 23, 1977 (42 FR 60034). An amendment to that notice was published on December 8, 1977 (42 FR 62113) clarifying the description of the merchandise and correcting the TSUSA item number.

For purposes of this notice the term "steel wire strand" means steel wire

strand, other than alloy steel, stress-relieved and suitable for use in prestressed concrete, provided for in item number 642.1120 of the Tariff Schedules of the United States, Annotated (TSUSA).

TENTATIVE DETERMINATION OF SALES AT
LESS THAN FAIR VALUE

On the basis of the information developed in Customs' investigation and for the reasons noted below, pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), I hereby determine that there are reasonable grounds to believe or suspect that the purchase price of steel wire strand from Japan is less, or likely to be less, than the fair value, and thereby the foreign market value, of such or similar merchandise.

STATEMENT OF REASONS ON WHICH THIS
DETERMINATION IS BASED

a. *Scope of the investigation.* It appears that approximately 92 percent of the imports of the subject merchandise from Japan is sold for export to the United States by Shinko Wire Co., Ltd. (Shinko), Amagasaki; Sumitomo Electric Industries, Ltd., (Sumitomo), Osaka; Suzuki Metal Industry Co., Ltd. (Suzuki), Tokyo; Kawatetsu Wire Products Co., Ltd. (Kawatetsu), Tokyo; and Tokyo Rope Manufacturing Co., Ltd. (Tokyo Rope), Tokyo. The investigation therefore was limited to sales by these five manufacturers.

b. *Basis of comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison appears to be between the purchase price and the home market price or the sales price for exportation to countries other than the United States, of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162) was used since the great preponderance of export sales to the United States appears to be made to non-related customers.

Home market price, as defined in section 153.2, Customs Regulations (19 CFR 153.2), was used for four manufacturers since such or similar merchandise appears to have been sold by those manufacturers in the home market in sufficient quantities to provide a basis for fair value comparisons. In the case of Kawatetsu, sales for exportation to countries other than the United States were used in accordance with section 153.3, Customs Regulations (19 CFR 153.3), since such or similar merchandise does not appear to have been sold in the home market in sufficient quantities to form an adequate basis of comparison.

In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was

sought concerning imports, sale to countries other than the United States and home market sales during the period June 1, 1977, through November 30, 1977.

c. *Purchase price.* For purposes of this tentative determination of sales at less than fair value, purchase price has been calculated on the basis of the C&F price to United States customers or the price to unrelated trading companies for export to the United States. Deductions have been made for inland freight, shipping expenses and, where applicable, ocean freight. In the case of certain sales by Kawatetsu and sales by Sumitomo, a relationship to the importer within the meaning of section 207 of the Act may exist. Pending receipt and analysis of further information, purchase price will be used as the basis of value for these sales.

d. *Home market prices.* For the purpose of this tentative determination of sales at less than fair value, the home market prices have been calculated on the basis of the delivered prices in the home market to related and unrelated purchasers. Sales to related customers were used because the prices do not appear to be lower for related customers than the price for unrelated customers. Adjustments have been made for differences in inland freight, packing, and interest expenses between home market sales and export sales. Deductions have been made, where applicable, for rebates made on home market sales which are directly related to the sales under consideration.

A claim made by Shinko for an adjustment for warranty expenses was denied because the particular expenses were not incurred on the sales under consideration. A claim made by Shinko for an adjustment for technical service costs was not allowed because a direct relationship to the sales under consideration has not been shown. A claim made by Shinko for an adjustment for interest expenses on home market inventory has not been allowed because there is no evidence that such expenses were actually incurred relative to specific sales of merchandise. A claim by Suzuki for an adjustment for interest expenses based on the weighted-average cost for long term loans, short term loans, and discounted promissory notes has been partially denied because available evidence indicated that such costs directly related to sales were only incurred on discounted promissory notes. Claims by the manufacturers for adjustments due to differences in the costs of producing the merchandise sold in the home market and that sold in the United States have been denied because verification has not been allowed or sufficient documentation has not been furnished to permit proper analysis.

e. *Sales price for exportation to countries other than the United States.*

For the purposes of this tentative determination, the sales price for exportation to countries other than the United States has been calculated on the basis of the f.o.b. price to an unrelated trading company. Deductions have been made for inland freight and shipping expenses.

1. Result of fair value comparisons. Using the above criteria, comparisons were made on 98.9 percent of sales to the United States by the five manufacturers investigated. Margins were tentatively found ranging from 0.4 to 4 percent on sales by Kawatetsu on 70.1 percent of the sales compared, ranging from 1.4 to 20.4 percent on sales by Suzuki on 100.0 percent of the sales compared, ranging from 0.04 to 12.2 percent on sales by Tokyo Rope on 87.5 percent of the sales compared, ranging from 7.1 to 44.7 percent on sales by Sumitomo on 100 percent of the sales compared and from 1.7 to 36.5 percent on sales by Shinko on almost 100 percent of the sales compared. Weighted-average margins over the total sales compared for each firm were approximately 1.26 for Kawatetsu, 11.04 percent for Suzuki, 4.82 percent for Tokyo Rope, 30.0 percent for Sumitomo, and 22.94 percent for Shinko.

In accordance with section 153.40, Customs Regulations (19 CFR 153.40), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any request that the Secretary of the Treasury afford an opportunity to present oral views should be submitted to the Commissioner of Customs, 1301 Constitution Avenue NW., Washington, D.C. 20229, in time to be received by his office no later than June 15, 1978. Such requests must be accompanied by a statement outlining the issues wished to be discussed, which issues may be discussed in greater detail in a written brief.

All written views or arguments likewise should be submitted to the Commissioner of Customs in ten copies in time to be received in his office no later than (30 days after publication of this notice in the FEDERAL REGISTER). All persons submitting views or arguments should avoid repetitious and merely cumulative material. Counsel for the petitioner and the respondents are also requested to serve all written submissions on all other counsel, including nonconfidential summaries or approximated presentations of all confidential information.

This notice, which is published pursuant to section 153.35(b), Customs Regulations (19 CFR 153.35(b)), shall become effective on the date of publication in the FEDERAL REGISTER. It shall cease to be effective 6 months

from the date of publication, unless previously revoked.

MAY 23, 1978.

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.
[FR Doc. 78-15093 Filed 5-30-78; 8:45 am]

[4810-22]

STEEL WIRE STRAND FOR PRESTRESSED CONCRETE FROM INDIA

Antidumping; Withholding of Appraisalment Notice and Determination of Sales at Less Than Fair Value

AGENCY: United States Treasury Department.

ACTION: Withholding of Appraisalment and Determination of Sales at Less Than Fair Value.

SUMMARY: This notice is to advise the public that an antidumping investigation has resulted in a determination that steel wire strand for prestressed concrete from India is being sold at less than fair value under the Antidumping Act, 1921. Sales at less than fair value generally occur when the price of merchandise for exportation to the United States is less than the price of such or similar merchandise sold in the home market or to third countries. Appraisalment for the purpose of determining the proper duties applicable to entries of this merchandise will be suspended for 3 months. This case is being referred to the United States International Trade Commission for a determination concerning possible injury to an industry in the United States.

EFFECTIVE DATE: May 31, 1978.

FOR FURTHER INFORMATION CONTACT:

Leon McNeill, Duty Assessment Division, U.S. Customs Service, 1301 Constitution Avenue NW., Washington, D.C. 20229, 202-566-5492.

SUPPLEMENTARY INFORMATION: Information was received in proper form on October 17, 1977, from counsel acting on behalf of five domestic producers alleging that steel wire strand from India was being sold at less than fair value, thereby causing injury to, or the likelihood of injury to, an industry in the United States, within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). The five domestic producers are American Spring Wire Corp., Bedford Heights, Ohio; Armco Steel Corp., Middletown, Ohio; Bethlehem Steel Corp., Bethlehem, Pa.; CF & I Steel Corp., Pueblo, Colo.; and Florida Wire & Cable Co., Jacksonville, Fla. On the basis of this information and subsequent preliminary investigation by the Customs Service, an

"Antidumping Proceeding Notice" was published in the FEDERAL REGISTER on November 23, 1977 (42 FR 60034). An amendment to that notice was published on December 8, 1977 (42 FR 62113) clarifying the description of the merchandise and correcting the TSUSA item number.

For purposes of this notice the term "steel wire strand" means steel wire strand, other than alloy steel, stress-relieved and suitable for use in prestressed concrete, provided for in item number 642.1120 of the Tariff Schedules of the United States, Annotated (TSUSA).

DETERMINATION OF SALES AT LESS THAN FAIR VALUE

I hereby determine that, for the reasons stated below, steel wire strand from India is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

STATEMENT OF REASONS ON WHICH THIS DETERMINATION IS BASED

The reasons and bases for the above determination are as follows:

a. *Scope of the investigation.* It appears that 100 percent of the subject merchandise from India was manufactured by Special Steel Ltd., Bombay, India, and exported to the United States through its exclusive agent, New India Exports, Bombay, India. Therefore, the investigation was limited to sales by Special Steels Ltd.

b. *Basis of comparison.* For the purposes of considering whether the merchandise in question is being, or is likely to be, sold at less than fair value within the meaning of the Act, the proper basis of comparison is between the purchase price and the home market price of such or similar merchandise. Purchase price, as defined in section 203 of the Act (19 U.S.C. 162), was used since all export sales to the United States were made to a non-related importer. Home market price, as defined in section 153.2, Customs Regulations (19 CFR 153.2) was used since such or similar merchandise was sold in the home market in sufficient quantities to provide a basis for comparison.

In accordance with section 153.31(b), Customs Regulations (19 CFR 153.31(b)), pricing information was obtained concerning imports and home market sales during the period January 1 through June 30, 1977.

c. *Purchase price.* For the purposes of this determination, since all merchandise was purchased or agreed to be purchased prior to the time of exportation, by the persons by whom or for whose account it was imported, within the meaning of section 203 of the Act, the purchase price has been calculated on the basis of the C&F price to an unrelated U.S. purchaser. Deductions were made for ocean freight, inland freight, insurance/inspection charges, stamp duty, and a commission. Additions were made for duty drawback and a tax rebate (cash compensatory support) granted by reason of export to the United States, in accordance with section 203 of the Act.

The deductions for ocean freight, inland freight, insurance/inspection charges and stamp duty were based on charges, which were included in the price, from the point of

shipment to the point of delivery in accordance with section 203 of the Act. The deduction for the commission was made to reflect charges paid to the export agent. The additions for taxes which were refunded or not collected upon exportation, were related to various indirect taxes incurred in the production of the subject merchandise.

d. *Home market price.* For purposes of this determination, the home market price has been calculated on the basis of a weighted-average price to unrelated purchasers in India. No adjustments were made to the home market price. A claim for a credit cost adjustment was disallowed because it was inadequately documented during the investigation. Also, although there was a difference in certain merchandise sold to the United States relative to that sold in the home market, no adjustment was made because the difference was negligible.

e. *Results of fair value comparisons.* Using the above criteria, comparisons were made on 90 percent of steel wire strand which was sold to the United States during the representative period. Those comparisons indicate that the purchase price was less than the home market price of such or similar merchandise. Margins were found ranging from approximately 31 to 43 percent on 100 percent of the sales compared. The weighted-average margin of those sales on which comparisons were made amounted to approximately 35 percent.

The Secretary has provided an opportunity to known interested persons to present written and oral views pursuant to section 153.40, Customs Regulations (19 CFR 153.40). However, no parties have elected to present such views.

Based on the reasons noted above, Customs officers are being directed to withhold appraisalment of steel wire strand from India in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

This withholding of appraisalment notice, published pursuant to section 153.35(a), Customs Regulations (19 CFR 153.35(a)), shall become effective May 31, 1978. It shall cease to be effective at the expiration of 3 months from the date of this publication, unless previously revoked.

The United States International Trade Commission is being advised of this determination.

This determination is being published pursuant to section 201(d) of the Act (19 U.S.C. 160(d)).

ROBERT H. MUNDHEIM,
General Counsel of the Treasury.
MAY 23, 1978.

[FR Doc. 78-15092 Filed 5-30-78; 8:45 am]

[8320-01]

VETERANS ADMINISTRATION

STATION COMMITTEE ON EDUCATIONAL ALLOWANCES

Meeting

Notice is hereby given pursuant to section V, Review Procedure and Hear-

ing Rules, Station Committee on Educational Allowances that on Thursday, June 22, 1978 at 1:00 p.m. the Denver Regional Office Station Committee on Educational Allowances shall, in the Hearing Room of the Denver Veterans Administration Regional Office, conduct a hearing to determine whether Veterans Administration benefits to all eligible persons enrolled in Colorado School of Upholstery, 1424 Wazee, Denver, Colo. 80202 should be discontinued, as provided in 38 CFR 21.4134, because a requirement of law is not being met or a provision of the law has been violated. All interested persons shall be permitted to attend, appear before, or file statements with the Committee at that time and place.

Dated: May 22, 1978.

P. D. ISING,
Staff Assistant to the Director.
[FR Doc. 78-15102 Filed 5-30-78; 8:45 am]

[7035-01]

INTERSTATE COMMERCE COMMISSION

[Notice No. 670]

Assignment of Hearings

MAY 25, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

FD 28499 Sub 1, Norfolk & Western Railroad Co. and Baltimore & Ohio Railroad Co.—Control—Detroit, Toledo & Ironton Railroad Co. and FD 28676 Sub 1, Grand Trunk Western Railroad—Control—Detroit, Toledo & Ironton Railroad Co. and Detroit & Toledo Shore Line Railroad Co. now being assigned June 27, 1978 for prehearing conference at the Offices of the Interstate Commerce Commission in Washington, D.C.

No. MC 121568 (Sub-No. 10), Humboldt Express, Inc., now being assigned for hearing on September 18, 1978 (1 week), at the Hilton Airport Inn, International Plaza, Nashville, Tenn. and continued to September 25, 1978 (1 week), at the Ramada Inn, Intersection of I-40 and I-30, North Little Rock, Ark.

No. MC 144197, Keyboard Carriage, Inc., is now assigned for prehearing conference June 19, 1978 at the offices of the Inter-

state Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.
[FR Doc. 78-15123 Filed; 5-30-78 8:45 am]

[7035-01]

[Notice No. 671]

ASSIGNMENT OF HEARINGS

MAY 25, 1978.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction¹

No. MC 134922 (Sub-No. 181), B. J. McDams, Inc. and No. MC-C-9847, B. J. McDams, Inc., Eugene D. Anderson—Investigation—Shipper Support Misrepresentation and Coercion, (which was) assigned May 15, 1978 at Washington, DC, is postponed to June 27, 1978 at the Offices of the Interstate Commerce Commission, Washington, D.C.

H. G. HOMME, Jr.,
Acting Secretary.
[FR Doc. 78-15124 Filed 5-30-78; 8:45 am]

[7035-01]

[Notice No. 54]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 31, 1978.

Application filed for temporary authority under section 210(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77681. By application filed May 18, 1978, FREY MILLER TRUCKING, INC., P.O. Box 188, Shullsburg, WI 53586, seeks temporary authority to transfer the operating rights of JOHN TOWNROW, AN INDIVIDUAL, d.b.a. JOHN TOWNROW TRUCKING, 4290 Elton Street, Baldwin Park, CA 91706, under section 210a(b). The transfer to FREY MILLER TRUCKING, INC., of the operating rights of JOHN TOWNROW, AN INDIVIDUAL, d.b.a. JOHN

¹This correction notice corrects both the above case titles as they were erroneously published in the FEDERAL REGISTER of May 16, 1978, page 21088. Hearing information remains the same.

TOWNROW TRUCKING, is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15125 Filed 5-30-78; 8:45 am]

[7035-01]

[Notice No. 55]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 31, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77682. By application filed May 10, 1978, BRELAR, INC., 1600 Citizens Plaza, Louisville, KY 40202, seeks temporary authority to transfer a portion of the operating rights of BELS PRODUCE CO., INC., 1135 Vienna Road, Montrose, MI 48457, under section 210a(b). The transfer to BRELAR, INC., of a portion of the operating rights of BELS PRODUCE CO., INC., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15126 Filed 5-30-78; 8:45 am]

[7035-01]

[Notice No. 56]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 31, 1978.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC 77683. By application filed May 23, 1978, SUDS EXPRESS, INC., 7601 South 1st Street, Lincoln, NE 68512, seeks temporary authority to transfer the operating rights of DEBB TRUCKING CO., P.O. Box 334, Beatrice, NE 68310, under section 210a(b). The transfer to SUDS EXPRESS, INC., of the operating rights of DEBB TRUCKING CO., is presently pending.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 15127 Filed 5-30-78; 8:45 am]

[7035-01]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1978.

These applications for long-and-short-haul relief have been filed with

the I.C.C. protests are due at the I.C.C. within 15 days from the date of publication of this notice.

FSA No. 43548, Zim Israel Navigation Co., Ltd., No. 15, intermodal rates on general commodities, between rail carriers' terminals at U.S. Pacific Coast ports, on the one hand, and ports in Continental Europe, and Mediterranean Sea and Black Sea ports, on the other, by way of Savannah, Ga., in its tariff I.C.C. No. 14 and East-bound Joint Container Tariff No. 1, I.C.C. No. 1, to become effective June 29, 1978. Grounds for relief—water competition.

FSA No. 43549, Illinois Central Gulf Railroad Company's No. 78-1, rates on annual volume shipments of corn and soybeans, in carloads, from stations in Illinois and Iowa, to Chicago, Ill., its tariff 609, I.C.C. 91, to become effective June 21, 1978. Grounds for relief—motor carrier competition.

FSA No. 43550, Sea-Land Service, Inc., No. 100, intermodal rates on general commodities, from rail carrier's terminals at Los Angeles and Oakland, Calif., to ports in the United Kingdom, Ireland, Scandinavia, Continental Europe, and Mediterranean Sea ports, by way of Jacksonville, Fla., in its tariff 288, I.C.C. No. 121, to become effective June 22, 1978. Grounds for relief—water competition.

By the Commission.

H. G. HOMME, Jr.,
Acting Secretary.

[FR Doc. 78-15128 Filed 5-30-78; 8:45 am]

sunshine act meetings

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409), 5 U.S.C. 552b(e)(3).

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Commodity Futures Trading Commission	1, 2
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[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

TIME AND DATE: 11 a.m., June 2, 1978.

PLACE: 8th Floor Conference Room, 2033 K Street NW., Washington, D.C.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Market surveillance.

CONTACT PERSON FOR MORE INFORMATION:

Jane Stuckey, 254-6314.
[S-1119-78 Filed 5-26-78; 8:48 am]

[6351-01]

COMMODITY FUTURES TRADING COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT:

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: 10 a.m., May 31, 1978.

CHANGES IN THE MEETING: Add to open session:

Commission Discussion of Settlement Policy.

[S-1118-78 Filed 5-26-78; 8:48 am]

[6740-02]

FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: To be published May 30, 1978.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., May 31, 1978.

CHANGE IN THE MEETING: The following items have been added:

Item No., Docket No., and Company
CI-8.—CI75-45, et al., Tenneco Oil Co., et al.
CP-12.—CP78-123, et al., Northwest Alaskan Pipeline Co.
M-4.—RM75-25, Policy with respect to certification of pipeline transportation agreements.
ER-0.—EF78-342, Florida Power & Light Co.
ER-5.—EL78-15, Public Service Co. of New Hampshire.
ER-6.—ES78-24, El Paso Electric Co.
ER-7.—ES78-28, Gulf States Utilities Co.

KENNETH F. PLUMB,
Secretary.

[S-1120-78 Filed 5-26-78; 12:01 pm]

[7590-01]

NUCLEAR REGULATORY COMMISSION.

TIME AND DATE: Week of May 29, 1978 (changes).

PLACE: Commissioners' Conference Room, 1717 H Street NW., Washington, D.C.

STATUS: Open and closed.

MATTERS TO BE CONSIDERED:

WEDNESDAY, MAY 31; 11 A.M.
(APPROXIMATELY)

3. Discussion of OIA/OGC inquiry in testimony of the Executive Director for Operations (approximately 1 hour). (Closed—Exemption 6.) Additional Item: Continued from May 25, 1978.

THURSDAY, JUNE 1 (REVISED)—9:30 A.M.

1. Discussion of implementation of super-grade audit report. (Approximately 1 hour—Public meeting.)

2. Discussion of resource allocation (approximately 1 hour). (Public meeting—Tentative.)

1:30 P.M.

1. Briefing on waste management and spent fuel legislative modifications. (Approximately 1 hour—Public meeting.)

2. Discussion of international safeguards function. (Approximately 1 hour—Public meeting.)

3. Affirmation items. (Approximately 10 minutes—Public meeting.) (a) Protection of safeguards information and (b) Amendments to Part 73 on Misadministration of Byproduct Material.

NOTE.—New times and additional items.

CONTACT PERSON FOR MORE INFORMATION:

Walter Magee, 202-634-1410.

ROGER M. TWEED,
Office of the Secretary.

MAY 25, 1978.

[S-1121-78 Filed 5-26-78; 2:11 pm]

WEDNESDAY, MAY 31, 1978
PART II



IMPROVING GOVERNMENT REGULATIONS

Proposals for Implementing
Executive Order 12044

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PROPOSALS SCHEDULED FOR LATER PUBLICATION

Listed below are other Executive order implementation documents on file with the Office of the Federal Register which will be published later:

Agency	1978 Date of Issue
Transportation Department	June 1
Pennsylvania Avenue Development Corporation	June 2

REPORT ON OTHER AGENCIES

On June 2, the Office of Management and Budget will publish a listing of agencies that have determined their regulations are not covered by the provisions of the Executive Order.

ENVIRONMENTAL PROTECTION AGENCY

(FRL 897-4)

DRAFT REPORT ON IMPROVING ENVIRONMENTAL REGULATIONS

AGENCY: Environmental Protection Agency.

ACTION: Notice that the Environmental Protection Agency (EPA) will publish within two weeks a final Report on its proposed plan to improve its regulation development process.

SUMMARY: The document below is a draft Report which describes EPA's proposed plan to implement Executive Order 12044, "Improving Government Regulations." We are printing this draft for your information. We plan to publish the final report within two weeks.

The approach we have taken in preparing the Report on our proposed plan is very similar to the procedures we follow in developing regulations. The procedure emphasizes broad-based, agencywide participation and consensus building. During the final stages of the process the document under review is sent to our senior management, including the persons who run our ten regional offices around the country. We believe the extensive review process leads to better decisionmaking.

The draft Report is undergoing the final stages of review by EPA's senior managers. When the review is complete within about two weeks we plan to publish a final Report in the **FEDERAL REGISTER**. A sixty day public comment period will follow publication. At the time we publish the final Report we will also announce the location and time of public hearings in the proposed plan described in the Report.

FOR FURTHER INFORMATION CONTACT:

Henry E. Beal, Director, Standards and Regulations Evaluation Division (PM-223), Washington, D.C. 20460, 202-755-2265.

DOUGLAS COSTLE,
Administrator.

MAY 22, 1978.

ORGANIZATION OF THIS REPORT:

Preface.
A. Agency Administrator's Oversight.
B. Public Participation.
C. Analysis.
D. Reporting Burdens Reduction.
Appendices.

PREFACE

EPA is now using an efficient system for drafting and reviewing regulations, parts of which have served as models for the President's Order. This report presents ways in which that system is being updated and modified to comply with the Order. EPA's internal and external review procedures will ensure that new EPA regulations meet the Order's standards for quality of analysis of regulatory impacts, openness to participation by outside parties and avoidance of undue regulatory burdens.

Part A of this report describes EPA's internal procedures for writing regulations. Key features are the priority classification for all EPA regulations and the use of management controls that systematically focus attention on the most important regulations. Part B describes how EPA will involve interested citizens and outside groups (both private and public organizations and local, State and Federal agencies) in developing regulations, and announces EPA's plan to formulate a new agency-wide policy for external participation in regulation development. Part C sets out guidelines for economic analysis of regulations in each of three priority classes. It also proposes a 1-year project to screen all existing EPA regulations to identify those that require revision to reduce unnecessary burden and improve effectiveness. Part D describes how EPA will avoid unnecessary paperwork burdens on the public in the reporting and recordkeeping requirements of new and existing regulations.

The parts of this report describing EPA's mechanism for public participation are printed in *italic*.

EPA has arranged five public meetings on this Report. We will assess the results of these meetings and other

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comments submitted in June and July and prepare a final report for approval by the Office of Management and Budget. We will adopt a revised EPA Manual for our regulation development process that incorporates all changes and implements our response to the Order.

The process proposed in this report meets all requirements of the Order. Table 1 lists sections of the Order and shows where to find a description of our plan to implement it. As indicated in its Section 7, failure to comply with the terms of the Order does not provide new grounds for judicial review of EPA regulations. Procedures described in this report will not apply when they conflict with the requirements of environmental statutes.

TABLE 1.—Relationship of this report to executive order requirements

Executive order section	Corresponding section(s) of this report
12 Reform of the process:	
(a) Semiannual Agenda	B(2) Agency Participation Policy.
(b) Agency Head Oversight	A(2) Development Plan.
(c) Public Participation	B(2) Agency Participation Policy.
(d) Approval of Significant Regulations.	
(1) Necessity of the Regulation.	A(2) Development Plan; A(3) Decision Package.
(2) Consideration of Impacts.	A(3) Decision Package; C(1) Analysis of New Regulations.
(3) Evaluation of Alternatives.	Do.
(4) Response to Public Comment.	A(3) Decision Package; B(2) Agency Participation Policy.
(5) Use of Plain English	A(3) Decision Package; A(4) Internal Review; B(2) Agency Participation Policy.
(6) Reporting Burden Assessment.	A(3) Decision Package; D Reducing Burdens on the Public.
(7) Name of Responsible Official.	A(3) Decision Package; B(2) Agency Participation Policy.
(8) Evaluation Plan	A(3) Decision Package; C(2) Review of Existing Regulations.
(e) Criteria for Significant Regs	A(1) Initiation of Work; Chart 1.
13 Regulatory analysis:	
(a) Criteria	C(1) Analysis of New Regulations; Chart 4.
(b) Procedures	C(1) Analysis of New Regulations.
14 Review of existing regs:	
(a) Selection Criteria	C(2) Review of Existing Regulations.
(b) List of Possible Candidates	Do.

PART A: AGENCY ADMINISTRATOR'S OVERSIGHT

This part describes how EPA will strengthen top management oversight for the development of new regulations. It emphasizes EPA's internal processes and only touches on (see italicized parts) the way the Agency will involve outside parties in its decisions. Part B is entirely devoted to external participation in EPA regulation development.

In outlining the steps for EPA's process the following definitions may be useful:

- Lead Office:** The Assistant Administrator for the relevant program (the Office of Air and Waste Management, the Office of Enforcement, the Office of Toxic Substances, or the Office of Water and Hazardous Materials) has the lead responsibility for initiating and writing most new regulations.
- Work Group:** This is a group of specialists drawn from various offices within EPA to advise and assist the lead office in preparing each important regulation and its support materials.
- Steering Committee:** This is a continuing group representing the six Assistant Administrators and the Office Directors on the Administrator's staff. It oversees the mechanics of the process and conducts the first internal review of materials from the lead office.
- Red Border Review:** This is an internal review conducted by all Assistant Administrators along with chief Office Directors and the heads of EPA's ten regional offices (Regional Administrators). A full review takes three weeks.
- Senior Management:** This group includes the Administrator, Deputy Administrator, Assistant Administrators, Regional Administrators, the General Counsel, and Staff Office Directors.
- The Administrator:** As Agency head, the Administrator provides the final level of internal review.
- Interagency Regulatory Liaison Group (IRLG):** This includes: EPA, the Consumer Product Safety Commis-

sion, the Food and Drug Administration, and the Occupational Safety and Health Administration.

EPA produces regulations in a four stage process: (1) starting work on a regulation, (2) preparation of a development plan, (3) preparation of a decision package, and (4) conducting a three-part internal review prior to publication. Each regulation goes through the third and fourth stages twice, first as a proposal and again in final form. (See Figure 1.) The stages of the regulation drafting will be explained in detail below.

EPA plans to update this process in response to the President's Executive Order along two general principles. First the system will identify and attach priorities to all EPA regulations and the Agency will use management controls that reflect those priorities. Priorities, and different degrees of attention, are essential at EPA because of the large volume of regulations. More than 400 regulations are already in one stage or another of the drafting process.

EPA plans to use the label "Significant" (as recommended in the Executive Order) for its most important regulations. Those regulations will be subject to the formal EPA procedures outlined in this report. All other regulations (not subject to the Executive Order) EPA will classify as "Minor."

CHART I

CRITERIA FOR SIGNIFICANT REGULATIONS

EPA will classify all regulations as Significant except those which meet the criteria below. Those will be classified as Minor. Significant regulations will follow the uniform development process. Minor regulations will not.

1. Regulations that are administrative or procedural in nature and do not alter the stringency, burden of compliance or the environmental (health) benefits of a regulation.
2. Minor amendments to existing regulations when the amendment does not affect the stringency, burden of compliance, or the environmental (health) benefits of the regulation.
3. Approval or disapproval of revisions to State Implementation Plans under the Clean Air Act.* Although the approval of a SIP with national policy implications is not subject to full regulation development procedures, additional EPA review is required. All SIP revisions are subject to separate EPA review procedures that require public participation.
4. Water Quality Standards set by States.* These standards are subject to separate EPA review procedures that include public participation.
5. Pesticide registrations, tolerances, experimental use permits, emergency exemption and regulations to exempt pesticides from the provisions of the pesticide statute (FIFRA) under its section 25(b) because of a determination that (i) the pesticide is adequately regulated by another agency, or (ii) it is of a character which need not be subject to FIFRA in order to carry out the purposes of FIFRA.* These pesticide actions follow separate requirements for public notification and comment.
6. Regulatory actions resulting from direct Congressional mandates that are not subject to interpretation.
7. Regulations classified by a lead office Assistant Administrator in the Notification Form. Any Senior Manager may request a change in the classification.

*These Minor actions do not require the notification forms described in Part A(1). EPA will publish regular listings of Minor actions taken in these three categories.

Significant regulations will be further subdivided as "Routine" and "Major" for EPA purposes. Routine regulations will include most of the Significant actions in the drafting process. Major will mean those Significant regulations (from 40 to 60 per year) receiving special attention from Senior Management, allowing EPA and the public to focus their attention on the most important policy areas.

CHART 2

CRITERIA FOR "MAJOR" REGULATIONS

EPA will divide all Significant regulations into two classes, Major and Routine. Both types will follow the uniform regulation development process. However, Major regulations will receive special attention from senior Agency management. We will classify a regulation as Major if it is likely to:

1. Address a major health or ecological problem.
2. Result in a major health, ecological, or economic impact.
3. Cause severe urban impact.
4. Cause a substantial change in industry practice.
5. Initiate a substantial regulatory program or change in policy.
6. Cause a substantial impact on another EPA program or another Federal agency program.
7. Result in a substantial change in the scope of a State program or in the relationship between EPA and States.
8. Cause a disproportionate impact on a particular region of the United States.

The criteria we will use in classifying regulations appear in Charts 1 and 2. Figure 2 shows how the categories are related.

Some of EPA's Major regulations will require Regulatory Analyses as specified in Section 3 of the Executive Order. This requirement will be the only factor distinguishing these regulations from other Major regulations for purposes of management oversight.

The second general principle of the internal process is extensive and continuous participation by various EPA offices. Participatory decision-making will continue to be important at EPA because systematic review by other offices provides several types of valuable input. Scientists and economists will check data and analyses, lawyers will check procedures and clarity, and managers will know how proposed regulations would affect their programs. This process starts when the lead office invites Assistant Administrators, Regional Offices and Staff Offices to send representatives to a work group to participate in writing any Significant regulation. In addition, the lead office will seek consensus at each stage, in work groups, Steering Committee review and senior management review. The lead office retains primary responsibility for new regulations, and when consensus is not reached at a particular level, the disagreement is spelled out and the matter is taken to a higher level for review. Final decisions will remain with publicly responsible appointed officials at the top of the Agency. Under certain conditions and subject to the consent of the Administrator, the lead office may withdraw a regulation from parts of the formal process as long as the need is justified and it meets requirements of the Executive Order and legal requirements.

The four stages of regulation writing and review are as follows:

STAGE #1: STARTING WORK ON A REGULATION

When the Assistant Administrator for a lead office wants to start work on a new regulation he will send a *Notification Form* to senior management. This brief standard form requires no analysis.

The Notification Form will tell interested persons that a regulation is contemplated and allow them to plan accordingly.

FIGURE 1
DECISION POINTS IN THE DEVELOPMENT
OF SIGNIFICANT EPA REGULATIONS

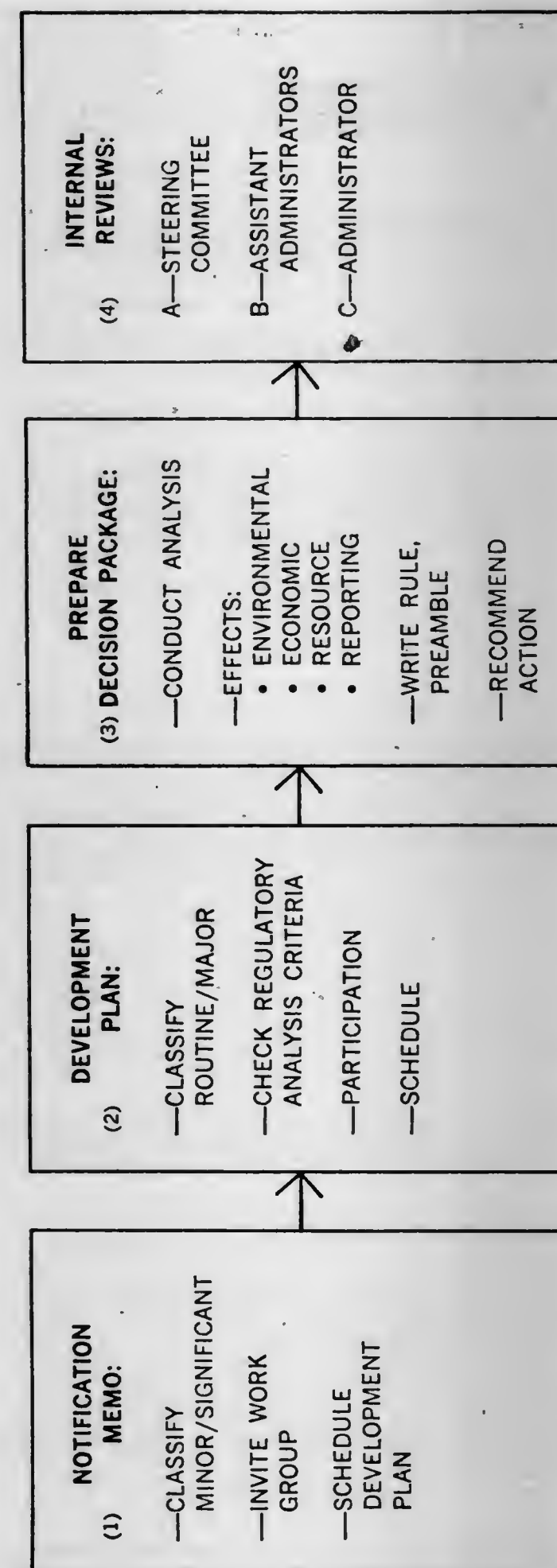
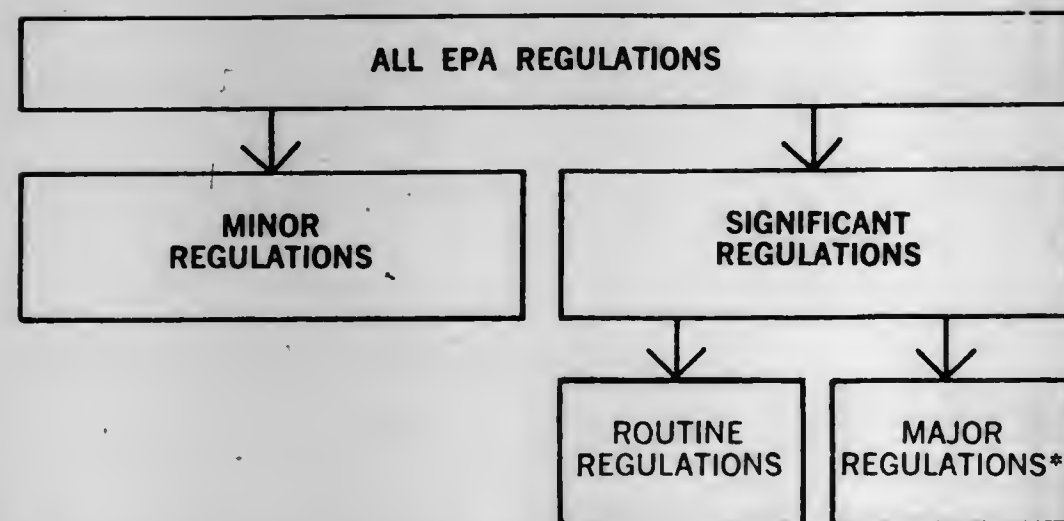


FIGURE 2

PRIORITY CLASSIFICATIONS FOR EPA REGULATIONS



*Some major regulations will meet economic criteria requiring preparation of a regulatory analysis.

The Notification Form classifies the new regulation as Minor or Significant (based on criteria in Chart 1). At the request of another office the Administrator may reclassify a Minor regulation as Significant. Submitting this form will place Significant regulations on EPA's Regulatory Agenda, which is printed semi-annually in the FEDERAL REGISTER and distributed to the public.

Note.—Minor regulations are not subject to the requirements described below for a development plan and a decision package. Minor regulations do not pass through Steering Committee review. When published in the FEDERAL REGISTER, these regulations will carry a disclaimer that they do not meet criteria for Significant EPA regulations.

Notification Forms will invite interested offices to assign appropriate personnel as work group members. (See Chart 3 for a list of EPA offices with formal responsibilities for regulation development. These offices will receive a Notification Form.)

Notification Forms will set a date for submitting a development plan for Significant regulations to the Steering Committee.

Actions initiated outside EPA, such as revisions in State Implementation Plans, State water quality designations and many pesticide actions, will not require Notification Forms.

STAGE #2: PREPARATION OF A DEVELOPMENT PLAN

The Assistant Administrator for the lead office appoints a chairperson for the work group assigned to a specific Significant regulation. In the event that special expertise exists in a Regional Office, the lead office Assistant Administrator should consider asking the Regional Administrator to serve as chairperson. With the advice and assistance of the work group, the lead office then starts putting together a development plan. The first step in this process is deciding whether the Significant regulation falls into the Routine or Major class (see Chart 2 for criteria).

Development plans for Routine regulations must be approved by the lead office and reviewed by the Steering Committee before work can proceed. These development plans are sent to senior management for their information.

Development plans for Major regulations are reviewed by the lead office and the Steering Committee but must be approved by the Assistant Administrators and Administrator before work can proceed.

The format for the development plan will vary according to the type of regulation and will include a discussion of the following items when they are applicable.

- Priority Classification:** This notes whether the Significant regulation is Routine or Major according to EPA criteria (Chart 2).
- Purpose:** This is a brief description of the possible need to regulate and the consequences of no regulation.
- Alternatives:** This is a summary of the major options to be evaluated, including a discussion of whether alternatives or supplements to direct regulation (such as economic incentives) are feasible.
- Issues:** This is a list of issues to be resolved including effects on other EPA, Federal and State programs, and analyses of environmental, economic, energy, urban and community impacts.
- External Participation:** This is a plan to involve those parties outside the Agency in the rulemaking process. It indicates how persons interested in and affected by the regulation will be identified, notified and brought into discussions. It notes any interest by the Interagency Regulatory Liaison Group members or other Federal agencies and lists contact persons. It lists actions planned for coordination with State and local governments.
- Internal Participation:** This is a list of offices within EPA whose expertise and assistance will be needed, and a plan for coordination with EPA Regional Offices.

CHART 3

WORK GROUP REPRESENTATION

EPA Regional Offices
Office of Air and Waste Management
Office of Enforcement
Office of Federal Activities
Office of General Counsel
Office of Legislation
Office of Planning and Management
Office of Public Awareness
Office of Regional and Intergovernmental Operations
Office of Research and Development
Office of Toxic Substances
Office of Water and Hazardous Materials

The Office of International Activities and Office of Civil Rights will serve on appropriate work groups.

- Public Notice:** This is the text of a Federal Register notice (usually an Advance Notice of Proposed Rule-making) that asks for public comment and for any information that is needed.
- Resources:** This is an estimate of EPA money and personnel needed to produce the regulation, with a specific estimate of resources coming from EPA offices in addition to the lead office.
- EIS:** This states whether an Environmental Impact Statement will be required.
- Regulatory Analysis:** This reports on the need for a Regulatory Analysis (criteria in Chart 4, Part C). If needed, this section will identify the alternatives to be evaluated in the Regulatory Analysis and the major costs and benefits to be analyzed. The Administrator may require a Regulatory Analysis even if the quantitative criteria are not met.
- Schedule:** This is a timetable with target dates for: completion of the initial draft, internal and external review of drafts, awarding and completing contracts, any required progress reports, Steering Committee review, publication of the proposed regulation, end of the public comment period, and promulgation of the final regulation.
- Exclusions:** This is a list of any normally required materials that the work group expects to omit from the decision package, with a brief explanation.

STAGE NO. 3: PREPARATION OF A DECISION PACKAGE

When the development plan is approved, the lead office with the advice and assistance of the work group begins analyzing alternatives, writing the regulation and collecting support materials. These make up the decision package.

Members of the work group may, in some cases, write portions of the document. They review drafts as they are prepared and keep in close touch with their offices' senior management and Steering Committee representatives.

The chairperson has overall responsibility for regulation drafting and for communicating with lead office superiors (Division Director, Deputy Assistant Administrator, and Assistant Administrator) and with the Steering Committee representative. Those superiors provide guidance on the substance, procedures and policy of the regulation.

The chairperson is responsible for resolving any issues or problems that may arise during the drafting process. This may be done through progress reports to senior management or by consultation with lead office superiors and other appropriate EPA managers. For Major regulations the lead office has an affirmative duty to keep EPA senior management periodically informed of issues which the work group has under consideration and to seek their policy guidance.

The Lead Office will actively seek the views of outside groups and consult with them prior to formal publication. These include those persons directly affected by the regulation, environmental and consumer groups, industry representatives, other Federal agencies and State and local governments. This last group, State and local governments, will have a major role in the process because they implement and enforce many EPA regulations and have special knowledge of local conditions and available program resources. Whenever possible, the lead office will provide an opportunity (and adequate time) for the outside parties to review draft regulations and support documents, including the Regulatory Analysis when one is required.

The decision package will contain the following items:

- Action Memorandum:** This is a brief summary of the regulation, including alternatives considered, environmental, economic, and resource impacts, unresolved issues and recommended action. The alternatives should include the realistic options that the lead office and work group have considered seriously. A summary of the incremental environmental and economic effects should accompany the analysis of each alternative.
- Federal Register Documents:** This will include a preamble describing the facts and rationale for the decision to regulate and how the regulation fits into the larger regulatory program. The regulation itself will be written in plain English, and comply with the FEDERAL REGISTER handbook. The name and address of an EPA contact will be included.

—**Analysis:** These are support documents that lay out the major issues and show how alternatives were analyzed. The analyses will identify and quantify (where possible) the regulation's environmental effects, economic (including incremental) impacts, energy impacts, technical feasibility, anticipated barriers to implementation, alternatives and supplements to direct regulation, and, for Major regulations, urban and community impacts. The analyses will show why the recommended option is the least burdensome of the acceptable alternatives and how unnecessary duplication with other EPA or Federal programs has been avoided. The Regulatory Analysis, when one is required, will include several of these analyses. The support documents will be available to the public.

—**EIS:** An Environmental Impact Statement will be included when required.

—**Resource Requirements Summary:** This is a summary of money and personnel that EPA, State and local governments will need to implement the regulation. (Affected officials will have an opportunity to review a draft of this assessment.) Where possible this will include (or refer to) portions of Agency program guidance and zero based budgeting documents that show necessary adjustments in EPA resources.

—**Reporting Impact Statements:** This will detail the impacts of reporting and record-keeping on those subject to the regulation, with manpower projections and required expertise. New EPA reporting and record-keeping requirements will have expiration schedules. (See Part D).

—**Public Participation Summary:** This is a summary of public comments, including comments from other Federal agencies, received during the process and the Agency's response to each major issue the comments addressed.

—**Evaluation Plan:** This is a plan for subsequent evaluation of the effects of the regulation with a timetable. (See Section C.2.)

STAGE NO. 4: CONDUCTING INTERNAL REVIEWS

When the work group completes a decision package, the lead office Assistant Administrator will submit it for pre-publication review. This process has three parts: Steering Committee review, Red Border review and final review by the Administrator.

The Steering Committee will review all Significant regulations to help resolve any differences on matters for which the work group does not reach consensus and to make sure the decision package meets standards of completeness, quality and comprehensibility. The Steering Committee will make sure all components of the decision package are prepared and that material to be published is clear and understandable. It is this Committee's responsibility to see that the regulation meets the eight specific requirements set forth in Section 2(d) of the Executive Order.

For Routine regulations, EPA's senior management will rely on the Steering Committee to see that decision packages are in order. They will be notified when the Steering Committee reviews Routine regulations. Unless a senior manager requests a full Red Border review period, any Routine decision package that has received a consensus approval from the Steering Committee will be scheduled for a ten calendar day Red Border review. At the end of the tenth day it will go to the Administrator for signature. If the Steering Committee does not reach a consensus the package will enter full Red Border review. In all cases a copy of the decision package (and the Steering Committee's summary review) will be sent to senior managers for their information.

The EPA senior management will review all Major regulations regardless of concurrence at lower levels. For Major regulations, the Steering Committee will check the completeness of decision packages and make sure any unresolved issues are clearly and fairly presented to senior management.

Red Border review of Major regulations will not exceed three weeks. The Lead Office will report to the senior management on how formal objections or comments by individual Assistant Administrators have been resolved.

When all top-level reviews are complete, the regulation

goes to the Administrator. When he has signed it, it will be published in the **FEDERAL REGISTER**.

Part B. Public Participation

I. OVERVIEW

Traditionally, EPA has placed a high priority on public participation in its decisionmaking processes. EPA managers realize that when knowledgeable and interested outside parties scrutinize Agency work, the result is more effective regulation.

EPA's current regulatory practices seek to give the public "an early and meaningful opportunity to participate" as requested in the President's Executive Order. EPA practice already includes the specific suggestions in the Order. These include: regular Federal Register publication of Regulatory Agendas, routine use of Advance Notices of Proposed Rulemaking, public participation plans for each regulation, 60-day public comment periods, frequent public meetings and hearings, and certification that public responses have been carefully considered in the development of each regulation.

EPA intends to write a comprehensive policy for public participation in regulation development. We have three primary goals. First, EPA will identify and notify the range of people and organizations who can contribute to regulations, including private citizens; consumer, environmental and minority associations; trade, industrial and labor organizations; public health, scientific and technical societies; and local, State and Federal officials. Second, EPA will encourage their involvement by removing, where possible, the obstacles to participation, such as lack of resources or time, and unfamiliarity with technical issues or EPA statutes. Finally, EPA will show how all the major points raised by the public have been given careful consideration in making policy decisions.

EPA has four major projects already underway: a high level task force, an office reorganization, an extensive review in the water office and a pilot project under the new toxic substance law. The results from each of these will be used in developing the new Agency-wide policy on public participation.

(1) Administrator's Special Assistant and Task Force: EPA Administrator Costle has appointed a new Special Assistant to the Administrator for Public Participation who chairs an Internal Task Force. This group will work with public representatives to evaluate current programs, develop new ways for the public (including grass-roots organizations) to take part in decisions, and investigate the use of staff training systems.

(2) Office of Public Awareness: This office, formerly the Office of Public Affairs, has been reorganized. It is preparing Public Awareness Plans to cover the next two years. These plans call for producing informational materials on all the laws EPA now administers, as well as new ways to help the public take part in hearings and meetings around the country.

(3) Water Program Review: Since late 1977 a work group led by the Office of Water and Hazardous Materials has been reviewing public participation requirements in the water quality, drinking water, and solid waste programs. The work group developed preliminary proposals for overall public participation requirements in water programs and specific requirements for the construction grants program. These preliminary proposals were widely circulated for public comment and were the subject of two public meetings in Washington, D.C. The work group is now revising the preliminary proposals for publication as proposed regulations in the Federal Register in June or July.

(4) Pilot Project in Reimbursing Participants: This project to help reimburse the expenses for certain participants in the toxic substances rulemaking process was announced late last year. EPA has started to develop regulations on phasing out polychlorinated biphenyls (PCB's) under the Toxic Substances Control Act, and people may apply for reimbursement of their reasonable expenses for taking part in the hearings. EPA will reimburse people who can "substantially contribute to a fair determination of the issues," whose economic stake in the issue is small, and who do not have sufficient resources to participate. The Agency will use the results of this pilot test to guide the expansion of the concept to their programs.

II. AGENCY PARTICIPATION POLICY

In accordance with the Executive Order, EPA plans to set up a standard policy for public participation in the regulation writing process. There will be variations as required by individual programs and statutes, but the basic ground rules will be the same for all Agency programs. We plan to work with interested groups and members of the public in formulating this policy.

Although it is too early to anticipate the details of the policy, the following elements are expected to be part of it.

The Administrator will continue to approve Regulatory Agendas and see that they are published twice a year (the most recent appeared April 6 in the Federal Register). Each Regulatory Agenda will list the title and status of all Significant regulations, cite the appropriate statutory authority, say whether a Regulatory Analysis is required and give the name and telephone number of a person to contact at EPA. The Agenda will show the status of regulations removed from the list since the last Agenda publication, it will indicate existing regulations picked for review (see Section C-2) and list reporting requirements that will reach their sunset date (see Section D). EPA will continue to supplement publication of this Agenda with direct distribution to interested parties.

For specific regulations, EPA work groups will take the following steps to further public involvement:

(1) Draw up a plan for external participation as part of the development plan that shows how interested parties will be identified and notified.

(2) Prepare the text of a Federal Register notice (usually an Advance Notice of Proposed Rulemaking) to inform the public before drafting begins.

(3) Schedule open conferences, hearings, meetings, and direct mailings, and keep a mailing list of those interested in draft regulations and other materials.

(4) Publish and distribute a draft of the Regulatory Analysis (when one is required) no later than publication of a Notice of Proposed Rulemaking. The Federal Register preamble will have a summary of the Regulatory Analysis and information on how the public can obtain it. (Note: EPA will make public a final Regulatory Analysis when it publishes the final rule.)

(5) Provide at least 60 days for public comment, measured from publication of proposals to postmarked date of replies, and ask commenters to supply only a single copy of their comments.

(6) Summarize outside comments, indicate EPA's response to major points and distribute both to interested individuals and groups.

(7) Consult with State and local governments, individually and through major national organizations of State and local officials along with associations of environmental policy officials. Summaries of this consultation will accompany publication of regulations having major intergovernmental importance.

(8) Write the regulation in plain English. To help lead offices write regulations that people can understand, EPA will develop a style book for regulation writers, select one or more regulations and develop them as models of good writing, and hire an editor to assist in the review of regulations before they are published.

(9) Track any Agency overlap or joint interest with other members of the Interagency Regulatory Liaison Group. The preamble for regulations of interest to other IRLG members will describe coordination efforts and how they have affected the substance and procedure of the regulation.

(10) Communicate with other Federal agencies affected by a planned regulatory action. EPA's lead office will contact another Federal agency when (a) it has a statutory mandate in the area to be regulated, (b) it has a program established or authorized in the area to be regulated, (c) EPA action will require additional resources for that agency, or (d) the agency has important expertise relevant to the matter to be regulated. (Note: Where possible, these interagency issues will be resolved at the staff level.)

PART C. ANALYSIS

The Executive Order calls for careful analysis of available regulatory alternatives. In this Part we propose criteria and procedures for EPA analysis of (1) the economic ef-

fects of new Significant regulations and (2) regulations the Agency has already issued.

(1) ECONOMIC ANALYSIS FOR NEW SIGNIFICANT REGULATIONS

Other parts of this report [see Part A(3)] describe the range of analyses that EPA will provide for all Significant regulations; EPA will assess the health, ecological, economic, urban, energy, and program resource impacts. This subpart provides further detail on EPA's economic analysis requirements. In each economic analysis the lead office will indicate by reference the parts of the decision package that analyze the benefits the regulation will generate. This will provide a clear comparison of the regulation's costs and benefits.

The extent of analysis of the economic impact of new Significant regulations will depend on whether the regulation is Routine, Major, or subject to the "Regulatory Analysis" Requirements of the Executive Order. Guidelines based on our current internal requirements are presented for each of these categories. The guidelines in section (a) apply to Major regulations that meet the criteria (Chart 4) that trigger a Regulatory Analysis. Not all regulations requiring a Regulatory Analysis will lend themselves to the analytic approach in the guidelines. In these cases, the lead office with the advice and assistance of the work group may amend the approach to suit the circumstances. For other Major regulations a less intensive analysis is sufficient, as described in section (b). For Routine regulations the basic guidelines in subpart (c) apply.

CHART 4

CRITERIA FOR REGULATORY ANALYSIS

The lead office will prepare a Regulatory Analysis of potential economic impacts for any regulation that triggers one of the following criteria:

1. Additional annualized costs of compliance, including capital charges (interest and depreciation), will total \$100 million (i) within any one of the first five years of implementation, or (ii), if applicable, within any calendar year up to the date by which the law requires attainment of the relevant pollution standard.
2. Total additional cost of production of any major industry product or service will exceed 5 percent of the selling price of the product.
3. Net national energy consumption will increase by the equivalent of 25,000 barrels of oil per day (equal to 50 quadrillion Btu per year, or 5 billion kilowatt hours per year).
4. Additional annual demand increase or annual supply decrease by more than 3 percent for any of the following materials by the attainment date, if applicable, or within five years of implementation: plate steel, tubular steel, stainless steel, scrap steel, aluminum, copper, manganese, magnesium, zinc, ethylene, ethylene glycol, liquified petroleum gases, ammonia, urea, plastics, synthetic rubber, or pulp.

(a) Guidelines for Regulatory Analysis

The lead office will base its Regulatory Analysis on the general approach described below. EPA now uses this approach in determining the costs of such regulations as effluent guidelines and new source performance standards. Some types of regulations may require a modified approach. For example, regulations such as the sewage treatment plant regulations and some solid waste regulations affect primarily other government agencies and do not require industry segmentation as part of the analysis. In such cases, the lead office may amend the approach as needed.

General Approach

1. Prepare an economic profile of the affected sectors (producers and/or consumers), including the industry structure (e.g., degree of concentration, the way prices are

determined), the mode of competition on the supply and demand sides of the affected sectors, and performance trends (e.g., financial rates, growth trends) of the affected sectors.

2. Segment the industry (or other affected groups) into categories of economic units that will be similarly impacted (e.g., according to size distribution, pollution control process, age).

3. Develop marginal (incremental) cost effectiveness curves for each process/strategy for each affected industry segment.

4. Determine the economic impact of proposed standards and of alternatives. A discussion of alternatives appears below. It may not be necessary to analyze all alternatives in the same level of detail. Moreover, for grant programs, some impact categories below are not applicable, although user charges (as an analogue to price), effects on communities (affordability, employment, growth), and energy effects may be applicable.

- (a) price effects
- (b) production effects
- (c) industry growth, profitability, capital availability effects
- (d) employment effects
- (e) community effects
- (f) balance of trade effects
- (g) energy effects

EPA has developed more detailed internal working guidance to assist program offices in conducting their economic analyses, which is available upon request from (insert name and address).

The analysis will cover important alternatives that EPA has considered. Such alternatives may include:

1. Alternative types of regulations
 - no additional regulatory action (e.g., reliance on market forces, if allowed by law).
 - an informational requirement where applicable (e.g., product labeling).
 - approaches that specify performance levels (e.g., an allowable level of emissions) but allow those regulated to achieve attainment by whatever means they prefer.
 - engineering design approaches that specify how a proposed outcome is to be achieved.
2. Alternative stringency levels
 - making the standard or regulation either more or less stringent.
 - specifically tailoring the degree of stringency to stages of processing, particular industries or other pertinent groups.
3. Alternative timing, as allowed by law
 - using different effective dates.
 - phasing in the requirement more or less gradually.
4. Alternative methods of ensuring compliance
 - use of economic incentives.
 - various enforcement options (e.g., on-site inspections vs. periodic reporting, sharing implementation responsibilities variously with the different levels of government).
 - use of different compliance methods for different industry segments or types of economic activity where costs of compliance vary sharply (e.g., treating small firms and large firms differently).

(b) Other Major Regulations

For Major regulations that do not require a Regulatory Analysis, the lead office will conduct an analysis for EPA purposes. This will follow the same general approach as outlined above, although it will not require the same level of detail as in a formal Regulatory Analysis.

(c) Routine Regulations

EPA will continue to analyze all Routine regulations for insights into the potential effects on the economy and on those who are subject to the regulation.

To minimize the burden on lead offices, this is expected to be a less sophisticated analysis. It will include the following estimates:

- the number of establishments that will be affected
- an estimate of the total costs that will be borne by each affected industry segment
- an estimate of the price increases under an assumption of full cost pass-through
- an estimate of lost revenues for each segment if costs are not passed through

- an estimate of job losses
- an estimate of total energy losses for each affected industry segment

This analysis will cover both the proposed regulation and, if applicable, the alternatives considered; however some alternatives may be analyzed in less detail.

(2) Review of Existing Regulations

Section 4 of the Executive Order calls for the review of existing regulations. To comply with Section 4, EPA must establish a set of criteria that will be used to select regulations for review, and identify a list of possible regulations for review. Section 2 of the Executive Order requires that each new Significant regulation include a plan for its future evaluation.

(a) Selection Criteria and Process

Many of EPA's most important regulations are already scheduled for review in response to statutory or judicial direction:

- Air Program—
 - Ambient Air Quality Standards (40 CFR Part 50)
 - New Source Performance Standards (40 CFR Part 60)
 - Approval of Implementation Plans.
 - Monitoring and Reporting (40 CFR Parts 51.7, 51.17)
- Water Program—
 - Best Available Technology for Primary Industries
 - Water Quality Management Regulations
 - NPDES Permit Regulations

These reviews will be the first scheduled. To make the review of existing regulations a comprehensive program, EPA proposes to screen all of its existing regulations for the purpose of selecting regulations for more detailed review. The screening will occur during the first year following the adoption of this report. The EPA program office responsible for each subchapter of Title 40 of the Code of Federal Regulations (which contains almost all of EPA's regulations) will form a work group to conduct the screening.

The lead office, with the advice and assistance of the work group, will rely on currently available data in its initial screening. The selection criteria are:

- Estimated high actual costs to the public of implementation and maintenance of the regulation;
- Estimated low actual benefits;
- Existence of overlap with other regulations (issued by EPA or another agency);
- Existence of preferable alternatives;
- Low degree of compliance;
- Low enforceability;
- High reporting burden;
- Lack of clear language;
- Length of time since the regulation became effective or was last substantively amended;
- Intensity of public sentiment in favor of changing the regulation;
- Availability of adequate data for analysis of the effectiveness and cost of the regulation.

The lead office will summarize its assessment of each regulation and designate appropriate regulations for formal review. It will prepare a plan to review all regulations selected within five years.

The review plan will include an estimate of the necessary dollar resources and identify data needed for the reviews. Where there is insufficient data for review, the plan will include provisions for acquiring it. The lead office will request any additional or reprogrammed resources necessary to carry out its review plan through the zero base budget process.

The lead office will submit designated regulations and review plans to the Steering Committee for review and to senior management for approval.

(b) Nature of the Review

Once it has selected a regulation for review, the lead office will form a work group to conduct the review at the time scheduled in the five year plan.

The review of existing regulations will follow the procedures for the development of new regulations.

(c) Development of Evaluation Plans

Section 2(d)(8) of the Executive Order requires that each Significant regulation have a plan for evaluation of its effectiveness. In compliance with this requirement, the lead office for each Significant regulation, in consultation

with EPA's Program Evaluation Division, will develop an evaluation plan. Evaluation plans will indicate the resource needs, data requirements, and a schedule for subsequent review and evaluation. Evaluation plans are intended to improve the relevance and adequacy of data collected over time to support the analysis of regulatory effectiveness.

D. REPORTING BURDENS REDUCTIONS

To carry out its statutory mandates, EPA must obtain a significant amount of data from the public, from industry and from State and local governments. We often request data on environmental (health) effects, economic costs, pollutant discharge and emission rates, and much more. EPA's permit and grant programs also require submission of applications that often contain detailed requests for information.

While this information remains essential, EPA is designing mechanisms to minimize paperwork and reporting burdens wherever possible. These devices will comply with Section 3(d) of the Executive Order, which requires an analysis of new reporting or recordkeeping burdens before Significant new regulations are adopted; and with Section 4 which requires a review of burdens imposed by existing regulations.

First, EPA will establish a "sunset" policy on reporting requirements contained in new regulations. This will terminate automatically those reports that cannot be justified after a set period, usually five years. If a lead office requests renewal of a reporting requirement, EPA will conduct an internal review of the burden, its costs and its benefits. The review process will include an early opportunity for public comment. Only after this review, and upon an order of the Administrator, will a reporting requirement be extended beyond its sunset date. (See the Appendix for details of this policy.)

Second, EPA will require a "reports impact analysis" for all new Significant regulations. This analysis will be part of the decision package as it moves through the stages of regulation development described in Part A. The analysis will describe the reason for the reports, evaluate major alternatives (including the use of existing sources of information), outline the information requested and the form of the report, and estimate the costs for the Agency and for those reporting to collect, prepare and use the data. EPA will consider public comments on the analysis prior to proposing the regulation.

Third, EPA will continue to include a request for public comment on reporting burdens in the FEDERAL REGISTER preambles or proposed new regulations. In the past, EPA has sent these comments to the Office of Management and Budget when seeking OMB clearance for the report. The lead office and work group will consider these comments drafting in the final regulation.

Fourth, as part of its review of all existing regulations (according to Part C(2) of this report) EPA will review the reporting and recordkeeping requirements. These reviews will follow the public participation measures used for new regulations.

APPENDIX

PROPOSED SUNSET POLICY FOR NEW REPORTING REQUIREMENTS

I. BACKGROUND

The Administrator has stated his intention to adopt a sunset policy for reporting requirements in new EPA regulations. Such a policy will force a cyclical review of the burdens and benefits of reporting requirements and will repeal automatically those that can not be justified.

II. COVERAGE

New regulations that impose a reporting requirement will contain a provision for repeal of that requirement on a specific date unless action is taken by EPA to renew or modify it.

We will establish a review process to place the burden of proving the regulation's desirability on those advocating its retention. The process will include participation by affected parties and the general public.

Each lead office proposing a new regulation that would

impose a reporting requirement must include a sunset provision.

The lead office will have three options:

(1) To set as a termination date the semiannual sunset date (April 1 or October 1) that falls at least 5 years after reporting begins (e.g., a reporting requirement taking effect on January 1, 1979 would expire on April 1, 1984).

(2) To set an earlier or later sunset date, depending on such factors as the lifespan of the program for which the information is being sought; the time needed to evaluate the usefulness of the report; or the burden that frequent changes in the reporting requirement might impose.

(3) To exempt the reporting requirement from the sunset process if the resources that would be needed for a sunset review are significantly greater than the burdens imposed by the report itself, or if the report is required by statute.

III. REVIEW

The review process will begin six months before the scheduled sunset date. At that time, EPA will publish in its Regulatory Agenda a list of reporting requirements due to expire on the next semiannual sunset date. This notice will invite public comment on the need to review, modify or terminate any of the requirements scheduled to expire. The EPA lead office administering the requirement and any

outside party affected by the program may request renewal of any item on the sunset list.

After 60 days, another public notice will list those reporting requirements for which renewal has been requested. It will invite further public comment to be included in a public docket for each requirement.

The program office that administers the requirement will evaluate it, inviting other interested EPA offices to participate on a work group. The evaluation will resemble the reports impact analysis for new regulations, but will reflect the actual costs, burdens, and usefulness of the reporting requirement. The program office and work group must either provide a justification for reviewing the requirement or recommend that it be modified or terminated. EPA's Program Reporting Division will review the assessment and make a recommendation.

The Steering Committee will review the assessment along with public comment and Agency responses to those comments and decide whether to retain, modify, or terminate the reporting requirement. Upon his approval the Administrator will sign an order implementing the decision.

On the sunset date, a FEDERAL REGISTER notice will list those regulations repealed and those retained. In the case of a regulation for which modification is proposed, EPA will announce its retention until a rulemaking procedure is completed to implement the modified regulation.

[FR Doc. 78-14734 Filed 5-22-78; 5:10 pm]

[7535-01]

NATIONAL CREDIT UNION ADMINISTRATION IMPROVING FEDERAL CREDIT UNION REGULATIONS

Response to Executive Order No. 12044: Improving Government Regulations

AGENCY: National Credit Union Administration (NCUA).
ACTION: Request for public comments.

SUMMARY: NCUA is issuing this draft report to obtain public comments on its proposed procedure for improving the development of significant regulations and for reviewing existing regulations in accordance with the policy and objectives of Executive Order No. 12044: Improving Government Regulations (43 FR 12661, March 24, 1978) (the "Executive Order").

DATE: Comments requested by July 31, 1978.

ADDRESS: Send comments to the office of General Counsel, National Credit Union Administration, 2025 M Street NW., Room 4202, Washington, D.C. 20456, telephone 202-632-4870.

FOR FURTHER INFORMATION CONTACT:

Beatrix Fields, Attorney-Advisor, at the above address and telephone number.

SUPPLEMENTARY INFORMATION: The President has indicated on many occasions his desire to insure that Federal regulations are effective, reasonable, and understandable, and to insure public participation in and agency head oversight of the development of significant regulations. In furtherance of these goals, the President has issued Executive Order No. 12044, requesting that agencies review and reform their process for rulemaking. Additionally, agencies are to review existing regulations and, where necessary, revise regulations to achieve the goals of the Executive Order. This publication comprises the National Credit Union Administration's draft plan for implementation of the Executive Order.

1. STATEMENT OF POLICY

Regulations issued by the National Credit Union Administration shall be in language which is as clear and simple as possible and understandable by those who are subject to the rules. Regulations should impose minimum burdens upon the credit unions or other parties subject to them, consistent with the effective and efficient achievement of legislative requirements.

2. DEFINITIONS

a. *Regulation*—Any rule or interpretation (including those Manuals incorporated by reference into the National Credit Union Administration rules and regulations) promulgated in accordance with 12 CFR 720.8: Promulgation of Rules and Regulations of the NCUA, with the force and effect of law.

b. *Significant regulations*—Every regulation will be identified as a significant regulation, unless its purpose is merely to update, clarify, simplify, or eliminate redundancies in provisions of existing regulations. Regulations not considered significant shall be accompanied by a statement to that effect at the time of proposal.

c. *Regulatory analysis*—An analytical statement related to certain significant regulations which sets forth the following:

- (i) A justification for the analysis, including identification of the staff's forecast of the potential consequences of the proposed regulation;
- (ii) An analysis of the alternatives available, and their economic and competitive effects; and
- (iii) An explanation of the reasons for choosing one alternative over another.

d. *Semiannual agenda*—Public notice setting forth and describing regulations, considered "significant" or of manifested public interest, under development or review. Existing regulations selected for review shall also be included. This agenda will be supplemented and updated as necessary. The Administrator shall approve the agenda before it is published.

3. INITIATION OF THE DEVELOPMENT OF A REGULATION

Initiation statement. The initiation, from the sources listed below, of issues felt to be in need of regulation or amendment should begin with a succinct statement outlin-

ing the issues involved, the views of the source regarding these issues, and any relevant data to support these views. This statement should be forwarded to the Office of General Counsel, Attention: Regulatory Development Coordinator (the "GC Coordinator"). The preparation of this statement will help facilitate the centralization and processing of issues in need of regulation or amendment and, subsequently, the evaluation and monitoring of a regulation's effectiveness.

GC Coordinator.—The GC Coordinator will review and record the issues raised by initiation statements. In addition, the GC Coordinator will be responsible for preparing the semiannual agenda and supplements thereto. Statements will be forwarded by the GC Coordinator to the appropriate intra-agency office for consideration of whether or not a regulation shall issue. The intra-agency office shall advise the GC Coordinator accordingly. If regulatory development evolves from a statement received from the public, the public initiator will be advised and, if appropriate, the initiator will be encouraged to participate in the development of that regulation.

Potential initiating sources.—Initiation statements usually will originate from the following sources:

(i) Intra-agency—Statements from the various offices or the National Credit Union Board ("Board") should be informally approved (initialed) by Assistant Administrators, Division Chiefs, Regional Administrators, or the Chairman of the Board.

(ii) Intergovernmental, interagency, Presidential requests or congressional legislation—These matters should be directed to the GC Coordinator who will, in cooperation with other interested intra-agency offices, determine the responsible office for evaluation of the initiation statement and appropriate action.

(iii) The public—Initiation statements from the public should also be directed to the GC Coordinator. In addition to the statement requirements outlined above, the person or group submitting the statement should indicate others in support of the statement's recommendations and the interest the person or group has in the action requested.

4. STAFF SCREENING

The Office of the General Counsel will coordinate, through the GC Coordinator, the rulemaking process. The office of General Counsel and other interested intra-agency offices shall jointly determine the intra-agency office responsible for developing a regulation or a group of related regulations. The designated staff member or intra-agency office shall be responsible for insuring that the tasks listed below have been incorporated into the rulemaking process.

a. *Administrator approval.* In the event the proposed regulation is considered significant in nature, informal approval by the Administrator or his designee is required prior to its development. The responsible intra-agency office shall provide for the review of the Administrator or his designee a summary of the issues to be considered, the alternative approaches to be explored, a tentative plan for obtaining public comment and the target dates for completion of the development of the regulation(s).

b. *Coordination with other NCUA offices.* If the implementation or enforcement of a regulation under consideration or development directly affects the operations of another intra-agency office (See 12 CFR 720.2, Central and Regional Organization, NCUA rules and regulations), the designated Staff member or intra-agency office shall assemble a work group composed of designated representative(s) of the office(s) involved. The purpose of the work group will be to respond to intra-agency comments and to develop a workable regulation.

c. *Solicitation of public participation.* The means by which public participation will be solicited will depend upon the issue, expressed interest and the specific public sector affected by the proposed issues. Some methods available for solicitation of public participation include: Advance notice of proposed rulemaking, dissemination of questionnaires, hearings, conferences, notices, or articles in trade magazines or the Administrator's Letter or direct contact with interested parties. Additionally, specific consultative procedures shall be arranged with State and local government officials concerning issues which have been identified by national organizations as having intergovernmental significance.

d. *Preparation of a draft regulatory analysis of significant regulations.* A regulatory analysis will be prepared when it is determined that the regulation will result in: (1) An annual effect on the economy of \$100 million or more, or (2) a major increase in costs or expenses for all or a significant portion of Federal or federally insured credit unions with assets under \$1 million (including those within a particular geographic area) or for other financial institutions. The draft regulatory analysis will be prepared by the appropriate intra-agency office(s). Although a regulatory analysis generally applies to significant regulations, the Administrator or his designee may request that a regulatory analysis be performed on any proposed regulation.

5. PROPOSED REGULATIONS

Administrative procedures. The approval of the GC Coordinator is required before a proposed regulation is published in the FEDERAL REGISTER. The GC Coordinator shall review all drafts of proposed regulations to determine compliance with administrative procedures prior to affixing his/her approval.

Advanced notice. Advance copies of proposed "significant" regulations shall be forwarded to persons identified on the NCUA regulatory mailing list. This mailing list consists of persons who have expressed an interest in the promulgation of NCUA regulations. To be included on the mailing list, persons should contact the Assistant Administrator for Administration.

Regulatory approach. The public notice of proposed significant regulations will include a brief discussion of the regulatory approach utilized and the alternatives considered. If a regulatory analysis has been prepared, it should be stated as well as indicating its availability for public comment.

Public comment. The public should be given at least 60 days to comment on a proposed significant regulation. If this comment period is less than or extended beyond 60 days, a statement of the reasons for the change will be published. Requests for an extension of the comment period will be considered.

Public hearing. If, at any time during the regulatory process, it appears that a regulatory action will be of major consequence to parties of significantly varying interests, the GC Coordinator or designated intra-agency office or staff member will consider recommending an informal public hearing on the matter. The final decision on such a recommendation shall be made by the Administrator.

6. FINAL REGULATIONS

Approval prior to publication. Final regulations must be approved by the General Counsel and the Administrator. The GC Coordinator shall review all final regulations to determine compliance with administrative procedures prior to approval by the General Counsel and the Administrator. Simultaneous with approval of any final significant regulation, the Administrator shall determine that the following have been considered:

- (i) The need for the regulation;
- (ii) Alternative approaches to achieve the purpose of the regulation;
- (iii) The least burdensome of the acceptable approaches was chosen;
- (iv) All potential effects of the regulation have been adequately assessed, including an estimate of the reporting burdens and recordkeeping requirements necessary for compliance;
- (v) Public comments were considered and adequately responded to;

(vi) The regulation is written in "plain English" and is understandable to those who must comply; and
(vii) The name, address, and telephone number of a knowledgeable staff person has been provided.

Submission of a final significant regulation to the Administrator shall be accompanied by a memorandum, set of comments or other explanation establishing the basis for the above determinations.

Acknowledgment of the Administrator's approval should be addressed in the preamble to the final regulation.

Plan of evaluation. Each final draft of a significant regulation submitted to the GC Coordinator should be accompanied by an outline for evaluating that regulation after its issuance. Additionally, the GC Coordinator will insure that all significant regulations are reviewed for clarity and efficiency every 3 years from the regulation's effective date.

Revised regulatory analysis. The revised regulatory analysis shall be prepared and made available to the public at the same time that the final regulation is published. The revised analysis will reflect the effect of and the Administration's response to public comments on the proposed regulation and the initial regulatory analysis.

7. COVERAGE

The procedure outlined above will not apply to the development of:

- (i) Significant regulations prepared in response to an emergency or governed by short-term statutory or judicial deadlines;
- (ii) Regulations in which the process outlined is unnecessary or contrary to the public interest;
- (iii) Matters relating to Administration management or personnel (including Federal Government procurement issues).

The publication of the above types of regulations will be accompanied by a statement of the reasons for not following the Administration's outlined regulatory development procedures. The name of the Administration official responsible for deciding that the regulation is not covered by this procedure shall be stated.

8. REVIEW OF EXISTING REGULATIONS

Purpose of review. NCUA's existing regulations will be reviewed and revised where necessary to insure that they are achieving the policy goals of the Executive Order. In addition, existing regulations shall be amended to update, clarify, simplify, and eliminate redundant provisions.

Initial plan for review. After the publication of its final report implementing the Executive Order, the GC Coordinator will establish staff teams to participate in a multi-phased review of its existing regulations.

The first review phase of the team effort will involve amending the manuals incorporated by reference into NCUA's rules and regulations in §701.14. These manuals were selected as a result of the number of their provisions which have been to date subjected to review and revisions. The second review phase will involve a review of rules related to organization, operation, and investments of Federal credit unions. The third review phase will involve a review of share insurance regulations.

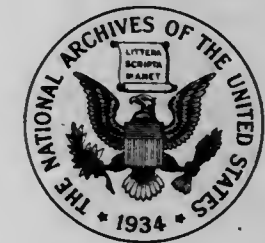
Future review. Following the initial review of existing regulations, these regulations will be reviewed for clarity and efficiency every 3 years. This continuous review process will be systematized by the GC Coordinator.

LORENA C. MATTHEWS,
Acting Administrator.

MAY 25, 1978.

[FR Doc. 78-15151 Filed 5-26-78; 9:39 am]

WEDNESDAY, MAY 31, 1978
PART III



**DEPARTMENT OF
HOUSING
AND URBAN
DEVELOPMENT**

**Office of the Assistant
Secretary for Community
Planning and
Development**

**URBAN HOMESTEADING
PROGRAM**

**Registered
Federal
Property**

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[4210-01]

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENTOffice of the Assistant Secretary for
Community Planning and Development

[24 CFR Part 590]

[Docket No. R-78-538]

URBAN HOMESTEADING PROGRAM

Proposed Rulemaking

AGENCY: Department of Housing
and Urban Development.

ACTION: Proposed rule.

SUMMARY: HUD is soliciting comments on this proposed regulation which prescribes the requirements for the Urban Homesteading Program authorized by Title VIII, section 810 of the Housing and Community Development Act of 1974, as amended.

DATE: Comments are due by June 30, 1978.

ADDRESS: Comments and suggestions should be addressed to the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT:

Hugh Allen, Community planning and Development, Department of Housing and Urban Development, 451 7th Street SW., Washington, D.C. 20410, telephone: 202-755-6330.

SUPPLEMENTARY INFORMATION:

I. GENERAL BACKGROUND

Urban homesteading is a simple concept: provide a vacant, unrepaid house to a homesteader who agrees to rehabilitate the house, maintain it, and occupy it for a designated period of time in exchange for legal title to the property.

Cities led the way in the late 1960's in applying homesteading to the growing phenomenon of housing abandonment in deteriorating urban areas. The increasing number of abandoned houses, gradually being acquired by local governments through tax foreclosures and by the Federal Government through foreclosures of its insured mortgages necessitated solutions.

II. FEDERAL GOVERNMENT'S ROLE IN
URBAN HOMESTEADING

The Federal Government's involvement in urban homesteading was officially established with the passing of the Housing and Community Development Act of 1974. Title VIII, Section 810 of this Act authorizes the Department of Housing and Urban Development (HUD) to transfer one- to four-

unit residential properties to States, units of general local government or their designated public agencies for use in urban homesteading programs approved by HUD. The localities receiving these properties are not required to pay for them. Instead, Section 810 authorizes the appropriation of funds to reimburse HUD's housing loan and Federal Housing Administration's mortgage insurance funds for the properties transferred.

URBAN HOMESTEADING DEMONSTRATION

In the Fall of 1975, HUD designed the Urban Homesteading Demonstration as a cooperative effort between the Department and units of general local government. Agreements were executed with 23 demonstration cities which were competitively selected from numerous applications. In May 1977, 16 additional demonstration cities were selected, again as a result of open competition.

To provide program flexibility, HUD developed administrative guidelines rather than program regulations for the demonstration. Most of the key decisions regarding program design and administration, therefore, were left to the Demonstration Cities.

The Urban Homesteading Demonstration permits local governments to test a number of approaches to homesteading and allows HUD to evaluate:

(1) The characteristics of neighborhoods that can be assisted with homesteading;

(2) The kinds of accompanying services, public and private, necessary to make the concept of homesteading workable;

(3) The socio-economic characteristics of recipients capable of becoming successful homesteaders; and

(4) The different administrative and financial techniques useful in a homesteading program and the conditions under which each of these mechanisms can best function.

In accordance with HUD guidelines, demonstration cities were to designate neighborhoods in which their urban homesteading programs would be carried out and to implement a coordinated neighborhood improvement plan to upgrade public services and facilities. The cities were also required to convey properties acquired under Section 810 of the 1974 Act to selected homesteaders "without any substantial consideration." In selecting homesteaders, due consideration was to be given to the "recipients' need for housing" and to his or her "capacity to make or cause to be made the repairs and improvements required . . ." The homesteaders would receive title to the property if they completed the needed repairs and lived in the property for three years.

Each of the Demonstration Cities selected to participate received a reser-

vation of funds under the Section 312 Rehabilitation Loan Program. These funds could be used to finance either the repair of urban homesteads or the rehabilitation of other properties in the urban homesteading neighborhoods.

As a result of the enthusiastic and favorable response to the Urban Homesteading Demonstration, HUD proposes to conduct an expanded, fully operational program of urban homesteading. The proposed regulations in this Part will govern the expanded program. The 39 Demonstration Cities, however, will continue to conduct their present programs under the Demonstration guidelines. To the extent that the provisions of any Demonstration Agreement signed with HUD is inconsistent with these regulations, the pertinent provision of the Agreement will take precedence.

The following paragraphs address the various sections of the proposed regulations for the expanded urban homesteading program.

PROGRAM PURPOSE

The purpose of the urban homesteading program is to provide another community development "tool" to communities that will assist them in upgrading deteriorating neighborhoods. In accomplishing this purpose, § 590.2 indicates that home ownership opportunities will be provided to individuals and families through the rehabilitation of existing, vacant houses in specified neighborhoods. Such action will encourage and stimulate public and private investment in these neighborhoods, thereby assisting in their preservation and revitalization.

In addition to providing unrepaid, unoccupied, one- to four-family HUD properties, the Department will encourage the use of locally-owned properties, including locally-owned multi-family units, in approved urban homesteading programs.

DEFINITIONS

An applicant, as defined in § 590.3(b) is a State or unit of general local government which may apply for the approval of a local homesteading program. A State or unit of general local government may designate, however, a public agency to undertake and carry out the local homesteading program.

Section 590.3(d) defines locally-owned properties as a one- to four-family residence or multifamily residence to which the participating community has title.

Throughout this proposed rule the term Local Urban Homesteading Agency is also used. In § 590.3(e) it is defined as a State or unit of general local government or their designated public agencies which must have authority to accept the transfer, without payment, of Secretary-owned property.

Secretary-owned properties defined in § 590.3(h) are limited to HUD's unoccupied one- to four-family residences. These properties have been acquired by the Department through foreclosure of insured mortgages by HUD/Federal Housing Administration.

PROGRAM REQUIREMENTS

Section 590.4 addresses the urban homesteading program requirements that States, or units of general local government must provide in order to be approved by HUD. These requirements will allow participating communities much of the same flexibility in local program design and operation that was experienced in the Urban Homesteading Demonstration. For example, local programs may be designed to attract low or middle income persons. They may emphasize self-help rehabilitation ("sweat equity") or contracted rehabilitation. Some programs may aid the homesteaders in obtaining rehabilitation financing or encourage homesteaders to obtain private financing.

The Department will encourage communities to incorporate their homesteading programs within the overall local Community Development Program being implemented with Community Development Block Grant funds authorized by Title I of the Housing and Community Development Act of 1974, as amended and thereby coordinate with other federally assisted programs that support the revitalization of deteriorating neighborhoods. In § 590.4(a), therefore, the Department is encouraging applicants to designate urban homesteading neighborhoods that are coterminous with Neighborhood Strategy Areas (NSA) as defined by the Community Development Block Grant regulations in the Code of Federal Regulations (CFR), Title 24, Chapter V, Part 570, Subpart D—Entitlement Grants, § 570.301(c), published March 1, 1978. An NSA is an area which is selected by a recipient of CDBG entitlement funds and designated in its Community Development and Housing Plan for a program of concentrated community development activities. The program is a comprehensive, coordinated strategy for stabilizing and upgrading the area which:

(1) Provides for a combination of physical improvements, necessary public facilities and services, housing programs, private investment and citizen self-help activities appropriate to the needs of the area;

(2) Coordinates public and private development efforts;

(3) Provides sufficient resources to produce substantial long-term improvements in the area within a reasonable period of time; in determining the size of the area the applicant shall take into account the severity of its

APPLICATIONS

Section 590.6(a) requests the applicant to provide information about its neighborhood improvement plan for the urban homesteading neighborhood(s). A community Development Block Grant entitlement applicant that is also designating NSA as the urban homesteading neighborhood meets the coordinated neighborhood improvement plan requirement and may cite the appropriate cross reference in its block grant application. Additional information is requested for the number of local and Secretary-owned property proposed for homesteading, the administrative and program management plan and a description of the rehabilitation financing plan. The Department encourages communities to use a variety of sources (Federal/State, local and private) for the financing of the rehabilitation work and not depend solely on the availability of Section 312 rehabilitation loans.

In § 590.6(b), the applicant will make certain assurances to the Department which include that it possesses legal authority to accept Secretary-owned property, without payment to HUD, convey this property to homesteaders without substantial consideration and assist in or provide the financing of the homesteading rehabilitation. These assurances are, in summary, requiring that a local urban homesteading program will be conducted in accordance with State and local law.

Other assurances in this subsection also relate to the management of a local urban homesteading program.

In § 590.6(c), applicants are required to comply with the procedures for OMB Circular A-95, Part II. Applications which may be submitted any time on or after the effective date of these regulations must include any A-95 clearinghouse comments or indicate that no comments were received.

URBAN HOMESTEADING AGREEMENT

Section 590.7 provides that HUD will approve an applicant's urban homesteading program if it complies with the requirements of this proposed rule and other applicable laws and regulations. In § 590.8 the appropriate HUD Area Office will sign an agreement with a community whose proposed urban homesteading program is approved. This agreement will set forth the terms for transferring Secretary-owned property. The agreement will be for one year and will generally be renewable on an annual basis if progress is satisfactory and the local program is being carried out as proposed and approved.

TRANSFER OF SECRETARY-OWNED
PROPERTIES

Section 590.9(a) sets forth the procedure that HUD will use to assist in

problems and the amount of resources to be provided so that this requirement can be met.

This comprehensive strategy implemented in NSA satisfies the Urban Homesteading Program requirement that an applicant develop and implement a coordinated neighborhood improvement plan. Other areas, however, may be designated if (1) the applicant meets the program requirements of § 590.4, but does not receive Community Development Block Grant entitlement funds, or (2) the neighborhood selected for urban homesteading does not require the concentrated treatment as defined by NSA or (3) the required neighborhood improvements will be funded by sources other than Community Development Block Grants. In these other areas, an applicant is required to describe its community development needs and its coordinated improvement plan for meeting these needs.

Applicants which also are applying for Community Development Block Grants should include in their housing assistance plans the number of units proposed to be assisted under the homesteading program if it is intended to meet the rehabilitated housing needs of low and moderate income households.

Section 590.4(b) outlines the minimum requirements for the development of a local urban homesteading program. A local homesteading program that could be approved by HUD must include: (1) An equitable procedure for selecting homesteaders which gives special consideration to their need for housing and their capacity to make or cause to be made housing repairs. The proposed rule does not define "need for housing" but leaves that responsibility to the locality; (2) the execution of an agreement between the homesteader and the local urban homesteading agency which addresses the repair, occupancy, and inspection of the homesteader property and the conditions for revocation of the agreement; (3) a conditional conveyance of the property title for no more than a nominal charge with fee simple title conveyance upon satisfactory completion of the homesteader agreement; and (4) a coordinated neighborhood improvement plan which provides for the upgrading of public services and facilities and encourages private investment in the homesteading neighborhood.

LIST OF SECRETARY-OWNED PROPERTIES

To facilitate the preliminary planning of a potential urban homesteading program applicant, § 590.5 requires HUD to provide, upon written request, a list of all Secretary-owned, unoccupied one- to four-family residences within the geographic jurisdiction of the applicant. This listing will include the street address of each property.

transferring Secretary-owned properties to the local urban homesteading agency. When an applicant's proposed homesteading program is approved, it may request HUD to suspend its property disposition activities up to 45 days in the designated urban homesteading neighborhood, giving the local agency an opportunity to select Secretary-owned properties. When future acquisitions of unoccupied, one- to four-family properties by HUD occur in an approved homesteading neighborhood, § 590.9 (a)(3) provides that HUD will notify the local homesteading agency and give it a maximum of 30 days to decide whether or not it wants to use the property for homesteading. These proposed procedures insure that HUD's property disposition activity in an approved urban homesteading neighborhood will be conducted in a manner to support the local homesteading program objectives.

In § 590.9(b), there are several conditions set forth that must be met, including a determination of property suitability by the HUD Area Office, before HUD will transfer its one- to four-family property to a local urban homesteading agency. Only those Secretary-owned properties which are unoccupied, unrepaid and for which there are no repair or sale contracts will be eligible for transfer. Section 590.9(b)(5) provides that any eligible Secretary-owned property requested by a local urban homesteading agency will be suitable for transfer if its "as-is condition" fair market value does not exceed \$15,000 for a one unit single family residence or an additional \$5,000 for each unit of two- to four-family residences and the estimated cost of repairs does not exceed \$27,000. The Manager of the HUD Area Office may waive the property value restrictions if the benefits to the community and the decrease in difficulties and delays such as vandalism to property that HUD encounters in the sale of property merit the transfer of the higher priced property. The Manager may also waive the costs in excess of \$27,000 if they are to be provided by the homesteader or local resources other than Section 312 rehabilitation loans.

Section 590.9(c) sets forth four (4) conditions under which a HUD Area Office can use a property otherwise eligible for transfer to a local urban homesteading agency for another purpose. These conditions include requiring a local urban homesteading agency to take title to a property within 30 days after HUD's notification of approval for transfer and meeting HUD's legal obligations for such demands as emergency housing.

IMPLEMENTING FUNDS

Title VIII, Section 810 of the Housing and Community Development Act

of 1974, as amended, authorizes funds to reimburse HUD's housing loan and mortgage insurance funds for the Secretary-owned properties transferred to a local homesteading agency and to provide technical assistance to local urban homestead agencies and to homesteaders. In order to make more housing available for homesteading purposes, the Department's policy, as stated in Section 590.10 will be to use the funds authorized by section 810 only to reimburse HUD's housing loan and mortgage insurance accounts for Secretary-owned properties transferred for use in approved local urban homesteading programs.

Available § 312 rehabilitation loan funds which have an interest payment of three percent on the principal, will also be provided to assist in the financing of the repairs of homesteaded properties and for the repair of other properties in the urban homesteading neighborhoods. As expressed in § 590.11, HUD may reduce its commitment for any of the housing reimbursement or rehabilitation funds for an approved urban homesteading program, if the local urban homesteading agency does not comply with the statutory and regulatory requirements of this Part or does not carry out the program as approved.

RETENTION OF RECORDS AND AUDITS

Section 590.3 requires retention for three years of all pertinent records, information and documents relating to the local urban homesteading program. Section 590.14 says that the Secretary and the Comptroller General of the United States shall have access to all of this information for the purpose of making audits, surveys, examinations and other relevant summaries.

APPLICABLE FEDERAL LAWS AND REGULATIONS

Section 590.15 cites the laws and regulations applicable to an urban homesteading program. These laws include nondiscrimination, environmental requirements, historic preservation, lead-based paint requirements and relocation assistance and real property acquisition policies.

The 1973 Rehabilitation Act, Section 504, which protects the rights of handicapped persons from discriminatory practices will apply to HUD approved local urban homesteading programs. Also, the Department's regulations in the Code of Federal Regulations, Title 24, Part 42, that govern relocation and real property acquisition will apply to any Secretary-owned property acquired by a local urban homesteading agency for use in its HUD approved homesteading program.

REVIEW OF LOCAL PERFORMANCE

Section 590.16 sets forth the criteria for an annual review by HUD of each

local urban homesteading program. These criteria include compliance with the program's statutory and regulatory requirements, implementing its homesteading program as approved and a continuing capacity to carry out the program in a timely manner. Based upon this review, if a local program deficiency is identified, § 590.17 lists the appropriate, corrective action that HUD will take. In each case, the Department will seek to (1) prevent the deficiency from continuing; (2) mitigate the adverse consequences resulting from the deficiency and (3) prevent the deficiency from recurring.

EVALUATION

In § 590.18, local urban homesteading programs are to provide necessary data that HUD may require to complete its annual evaluation of the national urban homesteading program.

SPECIAL INFORMATION

A Finding of Inapplicability with respect to Environmental Impact has been prepared in accordance with HUD Handbook 1390.1. Copies of the Finding are available for inspection and copying during business hours in the Office of the Rules Docket Clerk, Room 5218, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, D.C. 20410.

Accordingly, an amendment to 24 CFR is proposed by adding a new Part 590 which reads as follows:

PART 590-URBAN HOMESTEADING

- Sec.
- 590.1 Scope of regulation.
- 590.2 Purpose of program.
- 590.3 Definitions.
- 590.4 Program requirements.
- 590.5 Listing of secretary owned properties.
- 590.6 Applications.
- 590.7 HUD review and approval of application.
- 590.8 Urban homesteading agreement.
- 590.9 Transfer of Secretary owned properties.
- 590.10 Implementing funds.
- 590.11 Reduction of funds.
- 590.12 Program close out (Reserved)
- 590.13 Retention of records.
- 590.14 Audit.
- 590.15 Applicable Federal laws and regulations.
- 590.16 HUD review of local urban homesteading agency's performance.
- 590.17 Corrective and remedial action.
- 590.18 Evaluation by HUD.

§ 590.1 Scope of regulation.

(a) The policies and procedures in this regulation are applicable to the approval of urban homesteading programs authorized by Section 810 of the Housing and Community Development Act of 1974, as amended.

(b) This part includes the functions and responsibilities of HUD and units of general local government and States or a designated public agency of

a State or unit of general local government with regard to program requirements; application requirements; submission of applications; review and approval of applications; transfer of Secretary-owned properties; property disposition assistance; HUD program evaluation; performance review and other applicable Federal laws and regulations.

§ 590.2 Purpose of program.

The purpose of the urban homesteading program is to utilize existing housing stock to provide homeownership, thereby encouraging public and private investment in selected neighborhoods and assisting in their preservation and revitalization. The program will provide for the transfer without payment to States or units of general local government or their designated public agencies Secretary-owned, unoccupied one- to four-family residences requested by such unit, State or agency for use in an approved urban homesteading program. Reservations under the Section 312 Rehabilitation Loan Program are available to finance rehabilitation of single or multifamily properties, as well as other properties, within the urban homesteading neighborhoods.

§ 590.3 Definitions.

(a) "Act" means Title VIII, Section 810 of the Housing and Community Development Act of 1974, as amended.

(b) "Applicant" means any State or unit of general local government. The applicant may designate a public agency, including an existing local public agency, to carry out the homesteading program, but only the State or unit of general local government may be the applicant.

(c) "Homesteader" means an individual or family who participates in a local urban homesteading program by accepting a property pursuant to the requirements of § 590.4.

(d) "Locally-owned property" means any real property which is improved with a one- to four-family residence or a multifamily residence not obtained from the Department of Housing and Urban Development and to which the local urban homesteading agency holds title.

(e) "Local Urban Homesteading Agency" means a State, a unit of general local government, or a public agency designated by a unit of general local government or a State, which must have the authority to accept the transfer, without payment, of Secretary-owned property.

(f) "Local Urban Homesteading Program" means the operating procedures, and requirements developed by a local urban homesteading agency in accordance with the provisions of § 590.4.

(g) "Secretary" means the Secretary of Housing and Urban Development or

any person to whom the Secretary has delegated authority for the urban homesteading program.

(h) "Secretary-owned property" means any real property:

(1) Which is improved with a one- to four-family residence;

(2) To which the Secretary holds Title;

(3) Which is not occupied.

(i) "Section 312 Rehabilitation Loan Funds" means loan funds authorized by Section 312 of the Housing Act of 1964, as amended to finance the rehabilitation of urban homesteaded property, as well as other property within the designated urban homesteading.

(j) "Section 810 Funds" means the money authorized under Title VIII, Section 810 of the Housing and Community Development Act of 1974, as amended to reimburse the Department of Housing and Urban Development's housing loan and mortgage insurance funds for the fair market value of Secretary-owned properties transferred to local urban homesteading agencies.

(k) "State" means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico.

(l) "Unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; Guam, the Virgin Islands, and American Samoa, or in a general purpose political subdivision thereof: The District of Columbia; the Trust Territories of the Pacific Islands; and Indian tribes, bands, groups, and nations of the United States, including Alaska Indians, Aleuts, and Eskimos.

(m) "Urban homesteading neighborhood" means a geographic area(s) approved by HUD for conducting a local urban homesteading program that meets the requirements of § 590.4.

§ 590.4 Program requirements.

An applicant shall meet the following requirements to qualify for assistance under this Part:

(a) *Designation of Urban Homesteading Neighborhood.* It shall designate neighborhood(s) for carrying out urban homesteading. An urban homesteading neighborhood shall be:

(1) A Neighborhood Strategy Area designated pursuant to the Community Development Block Grant regulations published March 1, 1978, in the Code of Federal Regulations, Title 24, Chapter V, Part 570, Subpart D—Entitlement Grants, § 570.301(c); or

(2) Another area designated by the applicant, where:

(i) The applicant is not a recipient of community development block grant entitlement funds authorized by Title I of the Housing and Community Development Act of 1974;

(ii) The required public improvements and services will be provided from sources other than community development block grants; or

(iii) The neighborhood selected for urban homesteading does not require the concentrated treatment required for a neighborhood strategy area.

(b) *Development of Local Urban Homesteading Program.* It shall develop a program to convey unoccupied residential structures to qualified individuals or families. The program shall provide for the following:

(1) *Homesteader Selection.* It shall provide equitable procedures for homesteader selection giving special consideration to the homesteader's:

(i) Need for housing; and

(ii) Capacity to make or cause to be made necessary repairs and improvements.

(2) *Conditional conveyance.* It shall provide for the conditional conveyance of unoccupied, unrepaid residential property to homesteaders without substantial consideration.

(3) *Homesteader Agreement.* It shall provide for execution of a Homesteader Agreement between the local urban homesteading agency and the homesteader which shall require the homesteader:

(i) To make or cause to be made any repairs required to meet minimum local health and safety housing standards prior to occupying the property;

(ii) To make or cause to be made additional repairs and improvements necessary to meet the applicable local standards for decent, safe, and sanitary housing within 18 months after occupying the property and to comply with energy conservation measures designated by the local urban homesteading agency as part of the repairs;

(iii) To occupy the property as principal residence for not less than three consecutive years from a date determined by the local urban homesteading agency;

(iv) To permit reasonable inspections at reasonable times by employees of the local urban homesteading agency; and

(4) *Revocation Upon Breach of Agreement.* It shall provide for the revocation of the conditional conveyance upon any material breach of the agreement by the homesteader.

(5) *Fee Simple Title.* It shall provide for the conveyance of the property from the local urban homesteading agency to the homesteader in fee simple title upon full compliance with the terms of the agreement between the agency and the homesteader.

(6) *Coordinated Neighborhood Improvements Plan.* It shall provide a plan for needed public improvements and services, and community facilities in the Urban Homesteading Neighborhoods.

(i) If the Urban Homesteading Neighborhood is a Neighborhood

Strategy Area, then the coordinated neighborhood improvement plan for the area described in the applicant's Community Development Block Grant entitlement application, pursuant to 24 CFR 570.304(b)(1)(i) (Community Development and Housing Plan) will satisfy this requirement. Such an applicant will cite the appropriate cross reference in its applications.

(ii) For designated urban homesteading neighborhoods that are not Community Development Block Grant Neighborhood Strategy Areas, the coordinated neighborhood improvement plan shall include:

(A) A brief description of the area's need for revitalization, community facilities, public services and improvements and housing problems;

(B) A description of the plan that will be implemented to meet the identified needs for upgrading and improving the area; and

(C) A description of the actions to mitigate any adverse effects on low- and moderate-income persons that may result from implementing an urban homesteading program in the designated neighborhood.

§ 590.5 Listing of Secretary-owned properties.

(a) To facilitate the local planning and program development in accordance with the program requirements of § 590.4 a potential applicant may submit a written request to the Manager of the appropriate HUD field office for a listing of all Secretary-owned properties defined in § 590.3(h) within the applicant's jurisdiction.

(b) After receipt of such request HUD shall provide to the potential applicant a list of those Secretary-owned properties for which repair or sale contracts have not been executed.

§ 590.6 Applications.

(a) **Submission Requirements.** Applications shall be submitted to the HUD Area Office which has jurisdiction over the applicant and shall consist of the following:

(1) Standard Form 424, prescribed by OMB Circular No. A-102;

(2) A description of the coordinated neighborhood improvement plan as required by § 590.4(b)(6). An applicant that is applying for Community Development Block Grant entitlement (CDBG) funds may cite the appropriate cross reference in its community development plan pursuant to 24 CFR 570.304(b)(1)(i) (Community Development and Housing Plan).

(3) A map of each proposed urban homesteading neighborhood with geographic boundaries indicated, census tracts or enumeration lines shown. The map shall include:

(i) An estimate of the number and the location of locally-owned properties to be conveyed to homesteaders

during the program's first year and for the program's duration;

(ii) An estimate of the number and the location of the Secretary-owned properties requested for use in the proposed urban homesteading program during the program's first year and for the program's duration;

(4) A description of the rehabilitation financing plan to be used in the urban homesteading neighborhood(s) which shall include:

(i) An estimate of the Federal, State and/or local public funds and any private funding sources that are to be made available for interim and permanent financing or rehabilitation;

(ii) The total number of residential properties for rehabilitation;

(iii) An outline of the applicant's proposed schedule(s) and time periods for committing rehabilitation loan funds in its urban homesteading program.

(5) An implementation plan which includes:

(i) The description of the entity that will carry out the program;

(ii) A timetable and methods to accomplish the program which includes:

(A) Transferring properties from HUD to local urban homesteading agency;

(B) Advertising residential properties for homesteading purposes;

(C) Conveying unoccupied, unrepaid residential property to homesteaders; and

(D) Implementing the coordinated neighborhood improvement plan.

(b) **Certifications.** The applicant shall submit certifications in such form as HUD may prescribe, providing assurances that:

(1) Its governing body has duly adopted or passed as an official act, resolution, motion, or similar action authorizing the filing of the application including all understandings and assurances contained in the application;

(2) It possesses the legal authority to:

(i) Accept the transfer without payment of Secretary-owned property;

(ii) Convey residential property to homesteaders without any substantial consideration, and

(iii) Assist in or undertake the financing of the rehabilitation for residential property conveyed to homesteaders.

(3) It has:

(i) A form for conditional conveyance as required by § 590.4(b)(2);

(ii) Equitable procedures for selecting homesteaders as required by § 590.4(b)(1); and

(iii) An urban homesteader agreement required by § 590.4(b)(3).

(4) It will convey the residential property in fee simple title without consideration to the homesteader upon full compliance with the terms

of the agreement required in § 590.4(b)(3).

(5) It has, prior to submission of its application:

(i) Provided citizens an adequate opportunity to express preferences about the proposed location of urban homesteading neighborhoods; and

(iii) Provided citizens with adequate information regarding the amount of rehabilitation loan funds, and the number of existing houses requested and the neighborhood improvement plan required by § 590.4(b)(6).

(6) It will submit any environmental information that may be requested by HUD in meeting the Department's environmental responsibilities under the National Environmental Policy Act of 1969.

(7) It will: (i) Not discriminate upon the basis of race, creed, color, handicap, sex, or national origin in the sale, lease, or rental or in the use or occupancy of the property conveyed in accordance with this Part;

(ii) Comply with the requirements of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968; and

(iii) Comply with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination against the handicapped in any program or activity receiving Federal financial assistance.

(8) It will comply with the lead-based paint procedures set forth in 24 CFR Part 35 agreeing to:

(i) Assure the elimination of the lead-based paint hazards for which HUD will not expend funds in residential structures transferred under this Part; and

(ii) Make notification to potential homesteaders of the hazards of lead-based paint poisoning in residential units constructed prior to 1950.

(9) It will submit any information that may be requested by HUD meeting the Department's Responsibilities under the National Historic Preservation Act of 1966 (Pub. L. 89-665) and the Preservation of Historic and Archaeological Data Act of 1974 (Pub. L. 93-291), including the procedures prescribed by the Advisory Council on Historic Preservation in 36 CFR Part 800, and Executive Order 11593 on Protection and Enhancement of the Cultural Environment.

(10) It will, upon conveyance of Title from HUD assume liability for injury and damage to persons or property by reason of a defect in the dwelling, its equipment, its appurtenances, or any other reason.

(11) It will give HUD and the Comptroller General through any authorized representatives access to and the right to examine all records, books, papers, or documents related to the urban homesteading program.

(12) It will maintain in writing and on file a description of its approved

local urban homesteading program for the purposes of public information and review.

(c) **OMB Circular A-95, Part II.** (1) In order to provide early advance notice for coordination purposes, at least sixty (60) days prior to the submission of an application to HUD, the applicant shall transmit a notice of intent to file an application to the appropriate State and areawide clearinghouses. Standard Form 424 may be used for the following information unless clearinghouses have developed specific instructions:

(i) Identity of the applicant community;

(ii) The geographic location of the project to be assisted. A map shall be provided if appropriate;

(iii) A brief description of the project by purposes, general size or scope, estimated cost, beneficiaries or other characteristics which will enable the clearinghouses to identify agencies of State or local government having plans, programs or projects that might be affected by the proposed project; and

(iv) The estimated date by which the applicant expects to formally file an application.

(2) Unless the requirement is waived by a clearinghouse, the applicant shall provide the clearinghouse a period of thirty (30) days to review the completed application and transmit to the applicant any comments or recommendations.

(3) Clearinghouses will be of assistance to the applicant and to HUD if their reviews address the impact of the proposal in revitalizing the designated urban homesteading neighborhood, the relationships of the proposal to community and areawide planning and any other considerations not reflected in the application which would bear on the viability of the proposal as well as the "subject matter of comments and recommendations" in Part I, Attachment A of OMB Circular No. A-95, Item 5, with emphasis on consistency among State, areawide, and local plans and compliance with environmental and civil rights laws.

(4) The applicant shall transmit all comments to HUD with the application. If comments are not received by the applicant within the thirty-day period, the applicant shall include a statement indicating that the State and areawide clearinghouses were notified and no comments were received.

(5) If the A-95 review comments contain any findings of inconsistency with State, areawide, or local plans or non-compliance with environmental or civil rights laws, the applicant must state how it proposes to resolve the finding or state its justification for proposing to proceed with the project despite the findings developed through the A-95 review process.

(6) HUD shall notify the clearinghouses of actions taken on all applications reviewed within seven working days by use of Standard Form 424. When HUD makes approval following clearinghouse recommendations against approval or approval only with specific and major substantive changes, the clearinghouse will be provided an explanation for such approval with the HUD submittal of SF 424.

(d) **Application Submission.** Applications shall be submitted, at anytime, to the HUD Area Office which has jurisdiction over the applicant.

§ 590.7 HUD review and approval of application.

The appropriate HUD Area Office will review the application and will approve the proposed local urban homesteading program, unless the HUD Area Office determines that it does not comply with the requirements of this Part and other applicable regulations and laws. Approval of the application does not, however, obligate HUD to transfer a specific number of properties or particular properties identified in the application. If the application is disapproved, the applicant shall be informed in writing of the specific reasons for the disapproval.

§ 590.8 Urban homesteading agreement.

(a) Upon approval of the proposed local urban homesteading program, the appropriate HUD Area Office will sign an urban homesteading agreement with the local urban homesteading agency. The regulations of this part become a part of the agreement.

(b) The agreement is renewable on an annual basis: *Provided, That:*

(1) The local urban homesteading agency has carried out its program substantially as proposed and approved; and

(2) The local urban homesteading agency has a continuing capacity to carry out the approved program in a timely manner including the selection of homesteaders, the conveyance of residential property to homesteaders, the implementation of its interim and permanent financial plan(s), the completion and quality of the housing rehabilitation and the implementation of its neighborhood improvements plan.

§ 590.9 Transfer of Secretary-owned properties.

(a) **Property Disposition Assistance.** HUD's property disposition activity shall support the urban homesteading program as follows:

(1) Upon the signing of the urban homesteading agreement as required in § 590.8 but prior to the selection of any Secretary-owned property, a local urban homesteading agency may request HUD to suspend its routine property disposition activity for 45

days or less in the designated urban homesteading neighborhood(s). Based upon this request, HUD shall state in writing the starting and closing dates of the suspension of property disposition activity for all Secretary-owned properties except those for which there are repair or sales contracts.

(2) The HUD Area Offices shall develop and implement a property disposition plan for Secretary-owned and other HUD-owned properties in the designated urban homesteading neighborhood which is consistent with the local urban homesteading program. This plan shall include the following procedure:

(i) As soon as feasible, but in any event not later than ten days, after receipt of notice of property transfer and application for insurance benefits to HUD for an unoccupied, one- to four-family residence in an approved urban homesteading neighborhood, the HUD Area Office shall notify the local urban homesteading agency of the potential availability of the property for homesteading. The notification shall be in writing and shall include the street address and zip code and shall inform the local urban homesteading agency that it has thirty days from the date of the notice to inform the Area Office if it wishes to use the property for homesteading.

(ii) The Area Office shall not approve a property disposition program for that property until the local urban homesteading agency has informed that Area Office, in writing, whether or not it intends to use the property in the urban homesteading program or until 30 days have expired from the date of HUD's notice to such agency, whichever comes first. Any property requested in accordance with this procedure shall be transferred to a local urban homesteading agency if such property meets the conditions for transferring Secretary-owned properties listed in § 590.9(b).

(b) **Conditions for Transferring Secretary-Owned Properties.** Except as provided in § 590.9(c) below, HUD shall transfer Secretary-owned properties to a local urban homesteading agency, without receiving payment from such agency, if the following conditions are met:

(1) The local urban homesteading program has been approved by HUD;

(2) The properties requested by the local urban homesteading agency are in a designated urban homesteading neighborhood(s);

(3) The HUD Area Office has reserved the necessary Section 810 funds to reimburse HUD's housing loan mortgage and insurance accounts for the residential property to be transferred;

(4) The requested property is unoccupied, unrepaid and a repair or sale contract has not been signed;

(5) The requested property is determined to be suitable for the approved local urban homesteading program by the Area Office. In making this determination the Area Office will take into account the following factors:

(i) The value of the property. The value of the property shall not exceed \$15,000 for a one unit single family residence or an additional \$5,000 for each unit of two- to four-family residences. To compute this value, HUD shall estimate and deduct from the appraised as is fair market value of the property the cost of continued care and handling for the average length of time for that area that such property might remain in HUD's inventory if it were not transferred to a local urban homesteading agency;

(ii) The estimated cost of housing repairs required. The cost of required repairs shall not exceed \$27,000 per unit;

(iii) The Area Office Manager may authorize on a property by property or program by program basis the transfer of Secretary-owned property:

(A) Whose value exceeds the limitations, cited in paragraph (b)(5)(i) of this section, if the benefit to the community, expected from the expedited occupancy of the property and the reduction of difficulties and delays (such as vandalism to property) that HUD typically encounters in the disposition and sale of property, warrant the additional cost to the Federal Government;

(B) For which the value of housing repairs exceeds the limitation, cited in paragraph (b)(5)(ii) of this section, when the value of such repairs in excess of \$27,000 per unit will be provided by the homesteader or through other local resources other than Section 312 rehabilitation loan funds.

(c) *Exceptions.* (1) If within thirty (30) days of notification by HUD that a property meets the requirements of § 590.9(b)(1)-(5) and is available for transfer, the local urban homesteading agency does not take title of the offered property, the Area Office may approve an alternative disposition plan for the property.

(2) Property otherwise eligible for transfer to a local homesteading agency may be used for other legally authorized purposes if so requested by the local urban homesteading agency and approved by the Area Office Manager.

(3) A property otherwise eligible for transfer to a local urban homesteading agency may be used to meet higher priority needs if the Area Office Manager makes a determination in writing that such property is essential to meet an existing legal obligation such as the following:

(i) Settlement of Sales Warranty claims;

(ii) Settlement of section 518 claims for critical structural defects in one- to

four-family dwellings with certain mortgages insured by HUD;

(iii) Emergency housing needs: (disaster housing and urgent public housing needs);

(iv) Reconveyance for noncompliance with regulation 203.363;

(v) Reconveyance pursuant to Civil Frauds Act settlement; and

(vi) Reconveyance where the mortgage was never insured.

(4) A property otherwise eligible for transfer to a local urban homesteading agency may be made available to a neighborhood nonprofit organization if the Area Office Manager determines in writing that such transfer will serve the community's best interest and is consistent with the goals of the local urban homesteading program. Such transfer does not require concurrence of the local urban homesteading agency or the local government.

§ 590.10 Implementing Funds.

HUD will reserve or otherwise provide available Section 810 funds and Section 312 rehabilitation loan funds necessary to assist in implementing an approved local urban homesteading program. The Section 810 funds may not be used to reimburse local homesteading agencies for administrative costs nor may they be used to acquire local residential property.

§ 590.11 Reduction of Funds.

The Secretary reserves the right to reduce any Section 810 Secretary-owned property acquisition allocation or Section 312 rehabilitation loan funds earmarked, reserved or targeted for a local urban homesteading agency should such agency not meet the schedules for use of such funds required in §§ 590.6(a)(4)(iii) and 590.9(a)(6)(ii)(A), (C), and does not comply with the statutory and regulatory requirements of this part or fails to carry out its program as approved.

§ 590.12 Program Close Out [Reserved]

§ 590.13 Retention of Records.

Financial records, property disposition documents, supporting documents, statistical records, and all other records pertinent to the urban homesteading program shall be retained by the local urban homesteading agency for a period of three years from the date of the program closeout.

§ 590.14 Audit.

The Secretary, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to all books, accounts, records, reports, files, and other papers or property of local urban homesteading agencies pertaining to funding assistance related to this part and Secretary-owned property transferred under this part for the

purpose of making surveys, audits, examinations, excerpts, and transcripts.

§ 590.15 Applicable Federal Laws and Regulations.

(a) *Nondiscrimination.* Every phase of an approved local urban homesteading program is to be implemented in accordance with the requirements of title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968. Approved local urban homesteading programs shall also comply with Section 504 of the Rehabilitation Act of 1973 which prohibits discrimination against the handicapped.

(b) *National Environmental Policy Act.* In implementing and administering the Urban Homesteading Program, HUD shall comply with the National Environmental Policy Act of 1969 and all rules, regulations, and requirements issued pursuant thereto.

(c) *National Historic Preservation Act.* In implementing and administering the Urban Homesteading Program, HUD shall comply with the National Historic Preservation Act (Pub. L. 89-665), the Preservation of Historic and Archeological Data Act of 1974 (Pub. L. 93-291), including the procedures prescribed by the Advisory Council on Historic Preservation in 36 CFR Part 800, and Executive Order 11593 on Protection and Enhancement of the Cultural Environment.

(d) *Lead-Based Paint Poisoning Prevention Act.* Local urban homesteading agencies shall comply with the Department's Lead-Based Paint Regulations (24 CFR Part 35) issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. 4831 et seq.) requiring prohibition of the use of lead-based paint; elimination of immediate lead-based paint hazards in any residential structure transferred under this part; and notification of the hazards of lead-based paint poisoning to potential homesteaders in residential units constructed prior to 1950 and assisted under this part.

(e) *Acquisition and Relocation.* If a local urban homesteading agency acquires real property for an urban homesteading program approved under the regulations in this part, it shall comply with HUD relocation and acquisition regulations at 24 CFR Part 42.

§ 590.16 HUD Review of Local Urban Homesteading Agency's Performance.

(a) HUD will review each local urban homesteading agency's performance at least annually to determine whether:

(1) The program complied with the requirements of Title VIII Section 810, of the 1974 Act, as amended, the implementing regulations, and other applicable laws and regulations;

(2) The local urban homesteading agency has carried out its program substantially as proposed and approved; and

(3) The local urban homesteading agency has a continuing capacity to carry out the approved program in a timely manner.

(b) In reviewing a local urban homesteading agency's performance, HUD will consider all available evidence which may include, but need not be limited to the following:

(1) Records maintained by the local urban homesteading agency;

(2) Results of HUD's monitoring of local urban homesteading agency's performance;

(3) Audit reports whether conducted by the local urban homesteading agency or by HUD auditors;

(4) Records of comments and complaints by citizens and organizations, or litigation.

§ 590.17 Corrective and Remedial Action.

(a) When HUD determines on the basis of its review that there is a defi-

ciency in the local urban homesteading agency's performance, the HUD Area office shall take one or more of the following corrective or remedial actions that are appropriate for the circumstances:

(1) Issue a letter of warning that advises the local urban homesteading agency of the deficiency and put it on notice that more serious corrective and remedial actions will be taken if the deficiency is not corrected or is repeated;

(2) Advise the local urban homesteading agency to suspend, discontinue or not incur costs for the defective aspect(s) of the local program;

(3) Condition the renewal of the urban homesteading if there is substantial evidence of a lack of progress, noncompliance, or a lack of a continuing capacity. In such cases, the reasons for the conditional renewal and the ac-

tions necessary to remove the condition shall be specified;

(4) Cancel the urban homesteading agreement and explain the reasons for such action.

§ 590.18 Evaluation by HUD.

Local urban homesteading agencies shall supply data or make available such records as are necessary for the completion of HUD's annual evaluation of the Urban Homesteading Program.

Issued at Washington, D.C., May 23, 1978.

ROBERT C. EMBRY,
Assistant Secretary for Community
Planning and Development,
and

LAWRENCE B. SIMONS,
Assistant Secretary for Housing,
Federal Housing Commissioner.

[FR Doc. 78-15140 Filed 5-30-78; 8:45 am]

[4210-01]

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**Office of the Assistant Secretary for
Community Planning and Development
[Docket No. D-78-500]**REGIONAL ADMINISTRATORS AND AREA
MANAGERS**Urban Homesteading Redlegation of
AuthorityAGENCY: Department of Housing
and Urban Development.

ACTION: Redlegation of Authority.

SUMMARY: The Assistant Secretary
for Community Planning and Develop-
ment is redelegating to Regional Ad-
ministrators and Area Managers cer-
tain authority and responsibility with
respect to the Urban Homesteading
Program pursuant to the provisions of
title VIII, Section 810(b), of the Hous-
ing and Community Development Act
of 1974.

EFFECTIVE DATE: May 15, 1978.

**FOR FURTHER INFORMATION
CONTACT:**Betsy B. Tibbs or William Tatum,
Administrative Support Division,
Office of Management, CPD, U.S.,
Department of Housing and Urban
Development, Room 7232, Washing-
ton, D.C. 20410, area code, 202 472-
3947.SUPPLEMENTAL INFORMATION:
A delegation of authority was pub-

lished in the **FEDERAL REGISTER** Febru-
ary 13, 1978 (at 43 FR 6166), which
conferred upon the appropriate Assist-
ant Secretaries of the Department of
Housing and Urban Development the
power and authority of the Secretary
with respect to the Urban Homestead-
ing Program pursuant to title VIII,
section 810 of the Housing and Com-
munity Development Act of 1974 (42
USC 5301). By section A of that dele-
gation, the Assistant Secretary for
Community Planning and Develop-
ment was delegated the power and au-
thority of the Secretary with respect
to the Urban Homesteading Program,
pursuant to section 810 (b), (c), (d),
and (e) (12 U.S.C. 1706e) of the Hous-
ing and Community Development Act
of 1974. The Assistant Secretary for
Housing was delegated the power and
authority of the Secretary with re-
spect to the Urban Homesteading Pro-
gram, pursuant to section 810 (a), (f),
and (g) (12 U.S.C. 1706e) of the Hous-
ing and Community Development Act
of 1974. Pursuant to this delegation,
the Assistant Secretary for Communi-
ty Planning and Development is rede-
legating certain authority and respon-
sibility to the Regional Administrators
and Area Managers with respect to
section 810(b). The power and authori-
ty under section 810 (c), (d), and (e)
are being reserved in the Assistant
Secretary for Community Planning
and Development. Accordingly, the As-
sistant Secretary for Community Plan-
ning and Development redelegates au-
thority as follows:

Section A. Authority Redelegated.
Each Regional Administrator and each
Area Manager is authorized to exer-
cise the power and authority of the
Assistant Secretary for Community
Planning and Development with re-
spect to the Urban Homesteading Pro-
gram, pursuant to section 810(b), of
title VIII, of the Housing and Commu-
nity Development Act of 1974, except
as provided in section B of this redele-
gation. Each Regional Administrator
is further authorized to suspend the
power and authority specified in the
preceding sentence, of any Area Man-
ager in his/her region through execu-
tion and publication of an appropriate
suspension notice.

Section B. Authority Excepted.
There is excepted from the authority
redelegated under Section A, the
power to:

1. Sue and be sued.
2. Issue Rules and Regulations.
3. Waive any requirement of the
Urban Homesteading Regulations.
4. Redelegate any authority under
Section A of this redelegation. Sec.
7(d) of the Department of Housing
and Urban Development Act, 42 USC
3535 (d); Delegation of authority 43
FR 6166, February 13, 1978.

Issued at Washington, D.C., May 18,
1978.

ROBERT C. EMBRY, Jr.
Assistant Secretary for Commu-
nity Planning and Develop-
ment.

[FR Doc. 78-15141 Filed 5-30-78; 8:45 am]

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